



It is a term and condition of Ozwide Freight conducting business with you that you read and agree to the following Chain of Responsibility Policy and Rules CoR Policy

This document sets out Ozwide Freight's expectations of its business partners in relation to compliance with the CoR laws and the action that Ozwide Freight will take in the event of non-compliance.

Compliance with the CoR laws is the responsibility of every party in the chain. Ozwide Freight takes compliance with the CoR laws very seriously, requires its business partners to comply and will not condone, endorse or reward non-compliance.

### **Statement of expectation**

If you consign, pack, load or receive goods as part of your business, you could be held legally liable for breaches of the [Heavy Vehicle National Law \(HVNL\)](#) even though you have no direct role in driving or operating a heavy vehicle. In addition, corporate entities, directors, partners and managers are accountable for the actions of people under their control. This is the 'chain of responsibility' (COR).

The aim of COR is to make sure everyone in the supply chain shares equal responsibility for ensuring breaches of the HVNL do not occur. Under COR laws if you exercise (or have the capability of exercising) control or influence over any transport task, you are part of the supply chain and therefore have a responsibility to ensure the HVNL is complied with.

The law recognises that multiple parties may be responsible for offences committed by the drivers and operators of heavy vehicles. A person may be a party in the supply chain in more than one way. For example they may have duties as the employer, the operator and the consigner of goods.

Legal liability applies to all parties for their actions or inactions.

### **Who are the parties in the supply chain?**

Any person with an influence and/or control in the transport chain is a 'party' and includes, but is not limited to: corporations, partnerships, unincorporated associations or other bodies corporate

- employers and company directors
- exporters/importers
- primary producers
- drivers (including a bus driver and an owner-driver)
- prime contractors of drivers
- the operator of a vehicle
- schedulers of goods or passengers for transport in or on a vehicle, and the scheduler of its driver
- consignors/consignees/receivers of the goods for transport
- loaders/unloaders of goods
- loading managers (the person who supervises loading/unloading, or manages the premises where this occurs).



Load restraint requirements may relate to the restraint or positioning of a load or any part of a load on a vehicle or trailer, including the restraint or positioning of a load within a freight container. Ozwide Freight refers to and incorporates the terms of the NTC 'Guidelines and performance standards for the safe carriage of loads on road vehicles' (Load Restraint Guide).

All transport and shipping documentation must be accurate and not be false or misleading.

### **Role Responsibilities**

#### **Owner / Manager**

As an operator or manager of a business involved in road transport, you need to ensure all loads are properly restrained and do not exceed mass and dimension limits

- You need to take reasonable steps to demonstrate that you are managing the risk to ensure road safety is not compromised. Examples of steps you could take include:
- Having documented compliance systems and programs in place, including information, instruction, training and supervision for all employees involved in the transport chain under your control.
- Conducting regular reviews of procedures and processes to ensure they remain relevant to the business and address any shortcomings.
- Monitoring and reviewing work practices to ensure employees are following procedures and appropriately skilled to the tasks, and equipment is being kept in good order.
- Ensuring compliance assurance conditions are included in relevant commercial arrangements with other responsible persons.
- Requesting information about what systems and controls have been put in place by other parties in the chain to ensure compliance.
- Avoiding arrangements that could potentially encourage or reward non-compliance

#### **Scheduler**

As an operator, manager or scheduler of a business involved in road transport, your responsibilities include ensuring that:

- Rosters and schedules do not require drivers to exceed driving hour's regulations or speed limits ☐
- Vehicle speed limiters are functioning
- Vehicles do not exceed mass or dimension limits
- Appropriate restraint equipment is provided and loads are appropriately restrained
- You keep records of your drivers' activities, including driving, work and rest times



### Driver

As a driver, you are responsible to ensure that:

- Your vehicle does not exceed mass limits
- Your vehicle and load do not exceed dimension limits
- Your load is appropriately restrained

You need to take reasonable steps to demonstrate that you are managing the risk to ensure road safety is not compromised.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps you could take include:

- Knowing the mass ratings and dimension limits of the vehicle and complying with a load management system, which may include a loading diagram for different types of loads.
- Having the vehicle weighed, or its weights assessed by other means, and dimensions measured before departing.
- Using on-board scales to cover situations where there are no weighing facilities.
- Checking for any movement of the load while in transit and carrying loading documentation (e.g. weighbridge dockets) in the vehicle

### Loader / Packer

As a loader/packer, you will have a responsibility for ensuring that the vehicle's load:

- Does not exceed vehicle or permitted dimension limits
- Does not cause vehicle or permitted mass limits to be exceeded
- Is placed/secured in a way that it does not become unstable, move or fall off the vehicle
- Is accurately recorded in any manifest and other documentation relating to the load
- When packed in a freight container, does not cause the container's gross weight or safety approval rating to be exceeded

Whichever activity you perform in the 'chain', it is important that you take reasonable steps to manage the risk and ensure road safety is not compromised.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps that could be taken include:

- Ensuring the processes and practices that manage the risk are documented, including the methods used to control the loading of product and training.
- Having a loading diagram for different types of loads.



### Consignor / Consignee

As a consignor or receiver, you have a responsibility for ensuring goods carried on your behalf:

- Do not exceed vehicle or permitted dimension limits
- Do not cause vehicle or permitted mass limits to be exceeded
- Are appropriately secured

Whichever activity you perform in the 'chain', it is important that you take reasonable steps to manage the risk and ensure road safety is not compromised.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps you could take include:

- Regularly reviewing business processes and documenting risk management practices and training.
- Ensuring compliance assurance conditions are included in relevant commercial arrangements with other responsible persons.
- Requesting information about what systems and controls have been put in place by other parties in the chain to ensure compliance

Ozwide Freight will not pay any higher amount for the packing or transport of any goods which breach any mass, dimension or load restraint requirement. There is therefore no benefit to be obtained whatsoever by transporting over-mass, over-dimension or unrestrained goods.

Ports and terminals may have their own policies, for instance, requiring over mass/dimension or unrestrained goods to be opened and repacked before they are permitted to be placed on the road. It is the responsibility of all business partners to ensure that they are aware of and comply with such policies. Any compliance costs are the responsibility of our business partners and will not be borne by Oz Wide Freight

### Container Weight Declaration (CWD)

The responsible entity for a freight container is:

- the person in Australia who consigned the container for road transport using a heavy vehicle.

The responsible entity for the freight container must not permit an operator or driver of a heavy vehicle to transport the freight container by road using the vehicle unless the operator or driver has been provided with a complying CWD for the freight container.

A CWD must be written and easily legible and contain:

- information about the weight of the freight container and its contents; the number and other particulars of the freight container necessary to identify the container;
- the name and residential address or business address in Australia of the responsible entity for the freight container; and the date the CWD is made.

The CWD should ideally include details of the cargo weight, freight container tare weight and gross weight of the goods and freight container. It is therefore essential that any person packing or consigning goods includes such details in any packing list, bill of lading or other similar document. A CWD cannot be false or misleading in any material particular.



The responsible entity, heavy vehicle operator and driver should, before offering any freight container for road transport and/or driving, check that the figures in CWD match up with any other weight figures available (e.g. packing list, bill of lading). If there is any discrepancy, the responsible entity, heavy vehicle operator or driver must seek clarification before proceeding.

The responsible entity, heavy vehicle operator and driver must ensure that the method of weight verification for inclusion in the CWD or any other transport document complies with all relevant laws and regulations that are in force.

### **Fatigue and Speed**

Ozwide Freight does not intend for the terms of any of its consignments to and no employer, prime contractor, heavy vehicle operator or heavy vehicle scheduler should put in place any requirement or practice which could result in, encourage or provide an incentive to the vehicle's driver to and no driver should:

- drive while impaired by fatigue;
- drive while in breach of the driver's work and rest hours option;
- drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option; or
- would have the effect of causing the driver to exceed any applicable speed limit.

If any person thinks that any consignment, requirement or practice could result in any of the above, it is their responsibility to make investigations, seek clarification from the person(s) immediately up the chain from them and not permit a driver to drive until they are satisfied that no such breach will occur.

Ozwide Freight will not pay any higher amount for the transport of any goods which breach any fatigue or speed requirement. There is therefore no benefit to be obtained whatsoever by transporting goods in breach of any fatigue or speed requirement. In any circumstances of urgency or transport deadline, our business partners should be extra vigilant and seek express confirmation that any such arrangements will not cause a driver to breach the above fatigue/speed requirements.

Upon becoming aware of any breach of any mass, dimension, load restraint, fatigue or speed requirement, Ozwide Freight will report the breach to the relevant authority and will also issue the breaching party(s) with a notice of breach.

For any subsequent identical, similar or other breach of any mass, dimension, load restraint, fatigue or speed requirement, Ozwide Freight reserves the right, in its sole and absolute discretion:

- not to pay for the provision of any goods or services in circumstances of breach;
- to require that the person(s) responsible for the breach(s) are not used or engaged to provide goods or services to Ozwide Freight in future;
- not purchase any further goods or services from any person(s) responsible for the breach(s); and
- to terminate or suspend any ongoing contract for the provision of goods or services.



**Compliance Audit**

At the time of returning this signed document to Ozwide Freight, you undertake to provide copies of any/all:

- CoR Policy;
- Mass, dimension or load restraint policy, training;
- Speed management policy; and
- Fatigue management policy,

You undertake to notify Ozwide Freight in writing immediately in the event that you or any person in your employ or for whom you are responsible is issued with any warning, request for information or production of documents, notice or fine in respect of any breach of any mass, dimension, load restraint, fatigue or speed requirement in respect of any goods or services you provide to or on behalf of Ozwide Freight. You undertake to provide Ozwide Freight with a copy of any such warning, request, notice or fine and any response or submissions made by you in relation to the same.

**Further Information**

Further information regarding CoR responsibilities is available on the National Heavy Vehicle Regulator’s website at: [www.nhvr.gov.au](http://www.nhvr.gov.au)

I acknowledge that I have read and agree to be bound by Oz Wide Freight’s Chain of Responsibility Compliance Policy and Rules. I acknowledge that I am responsible for my compliance with the Chain of Responsibility Laws.

I warrant that, by signing, I have authority to act on behalf of and bind the company or organisation named below.

Company	
Name	
Date	