



**Asia-Pacific
Economic Cooperation**

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Chain of Responsibility

Submitted by: Australia



**Workshop on Regulating High Mass Heavy Road
Vehicles for Safety, Productivity and Infrastructure
Outcomes
Brisbane, Australia
3-6 April 2017**

Chain of Responsibility

APEC Overloading Conference

Marcus Burke, Project Director, Heavy Vehicle Compliance
and Technology

National Transport Commission

April 2017

Today

1. National Transport Commission – who we are
2. What is Chain of Responsibility?
3. Chain of Responsibility reform

National Transport Commission (NTC)

The NTC is an independent statutory body.

“To champion and facilitate changes that improve productivity, safety and environmental outcomes.”

“To develop national regulatory and operational reform and implementation strategies for road, rail and intermodal transport.”

How we work

- We work with our stakeholders on building **business cases for future reforms**
- We **research and consult** extensively with industry, governments, regulators and enforcement agencies.
- We publish issues papers and discussion papers for **public consultation**.
- We make **recommendations** to ministers.

Chain of Responsibility (CoR)

*CoR is fundamentally about safety:
safety of drivers, safety of the community*

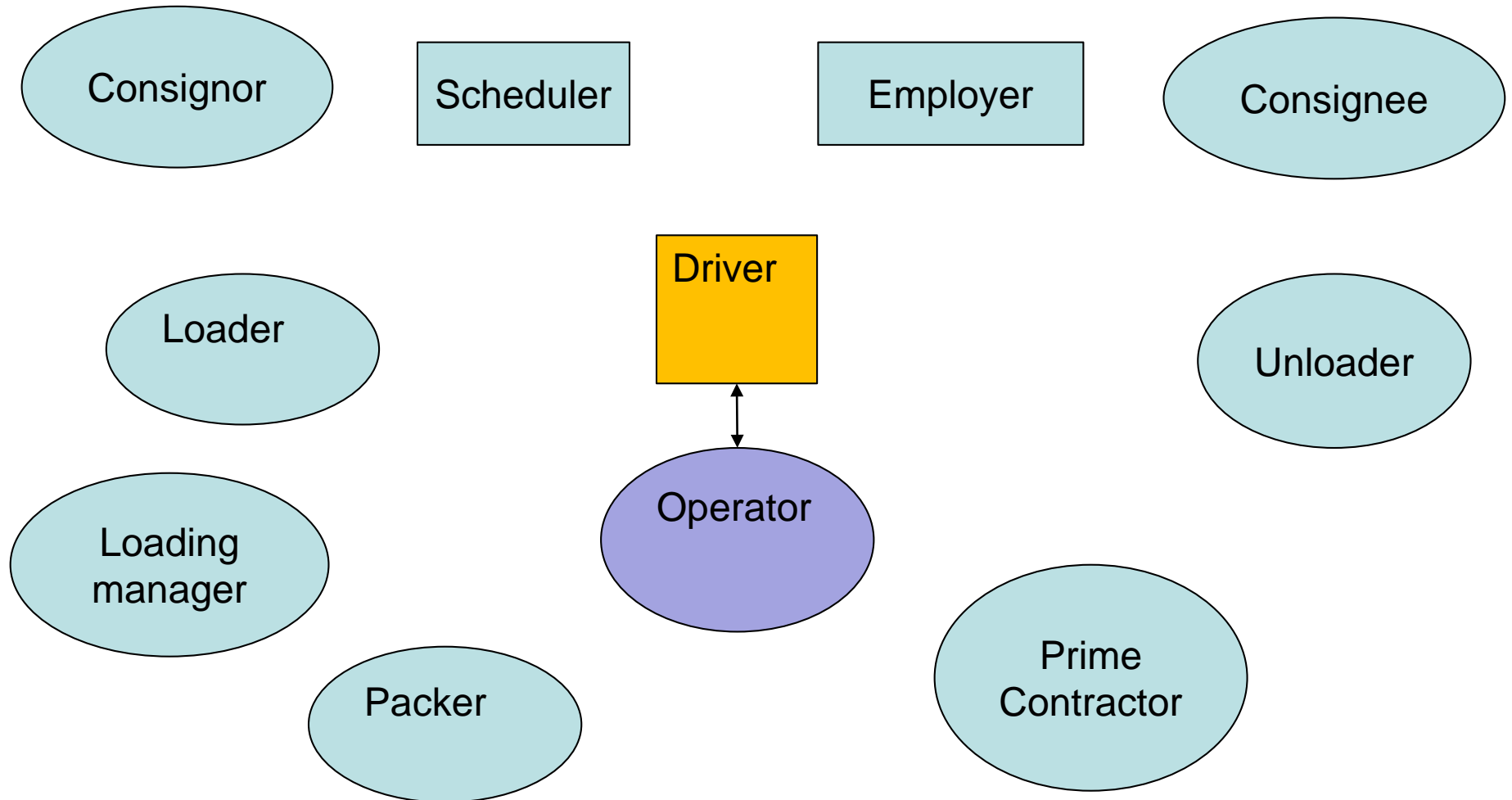
What is the role of the whole supply chain in ensuring road safety?

What is chain of responsibility?

Chain of responsibility ensures off-road parties in a position to control and influence heavy vehicle on-road safety can be identified and held legally accountable



Who are parties in the chain?



Who are parties in the chain?

- Operators, prime contractors and employers
- Schedulers
- Consignors
- Consignees
- Loading Managers
- Loaders
- Unloaders
- Packers

Chain of Responsibility

Why is it important?

It is not just the heavy vehicle driver who has a role in ensuring road safety.

Chain of Responsibility

What does it cover?

Key areas include:

- Speed
- Fatigue
- Mass, dimension and loading
- Vehicle standards.

Chain of Responsibility

Why is it important?

We hear from drivers that chain of responsibility helps them do their job safely.

It's not all down to the driver.

Chain of Responsibility

Why is it important?

"There were, however, some tangible outcomes of the extension of liability across the supply chain, including companies and drivers having more power to say 'no' to customers; and feeling less pressure from customers to meet unrealistic deadlines, operate in an unsafe manner, or breach obligations."

2012 NTC Survey

Chain of Responsibility

Why is it important?

"The Chain of Responsibility is a great idea, and it has achieved responsibility in the office here. Overloading is now less of an issue and there is proper measurement of weight.

It used to be the driver that wore the fine for being overloaded, but now there is the owner of the truck, the acceptor of load, and the farmer who loaded the truck."

Driver, NTC Survey 2012

Further reform

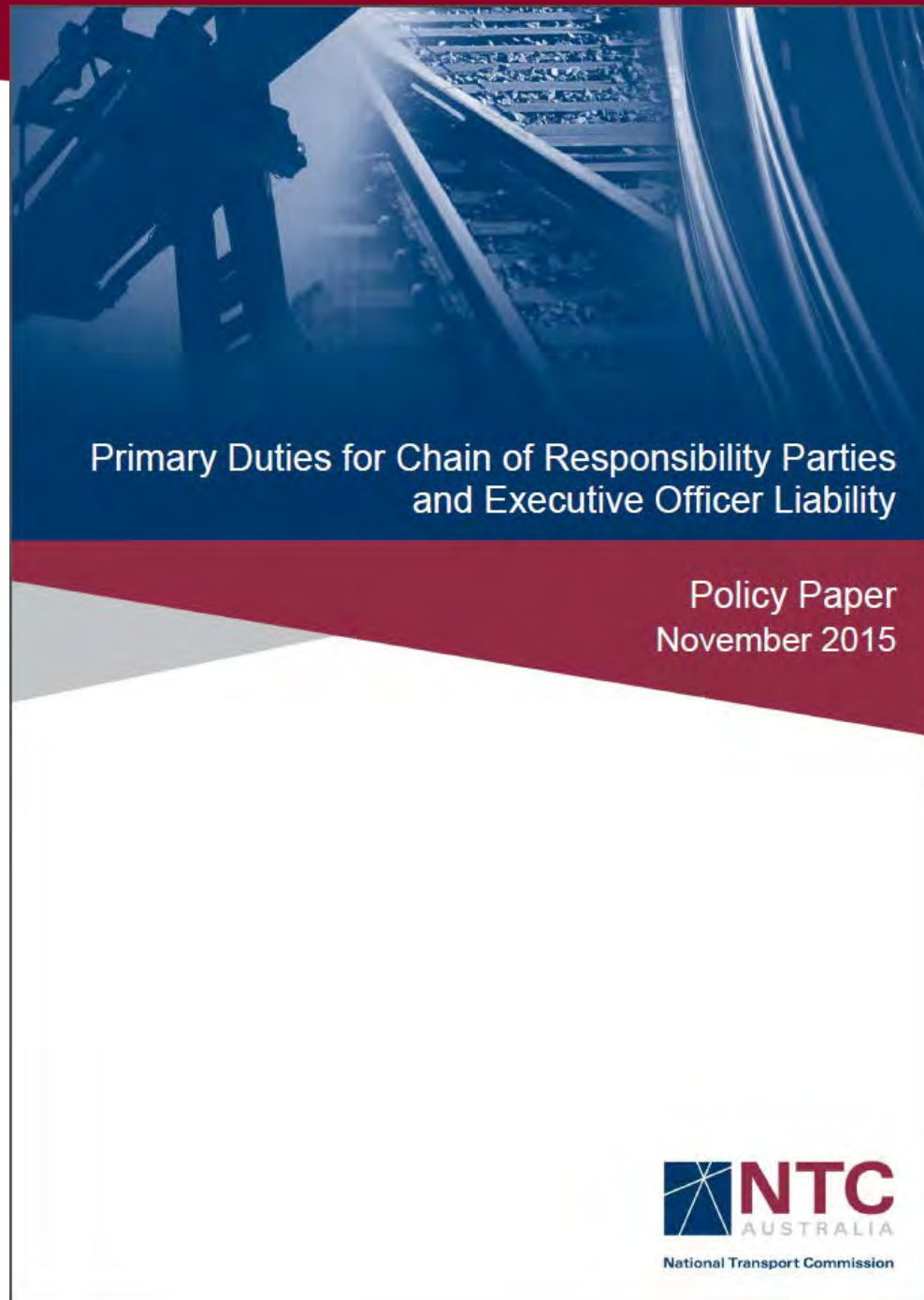
Industry and governments have told us that chain of responsibility is important, but requires further reform.

Key issues with the current CoR regime include:

- Inconsistencies
- Legislation too prescriptive and complex
- Cost and burden to industry of complying
- Reliance on individual offences and incidents to prosecute
- Insufficient focus on safety

2015 Policy Paper

- Sets out 26 recommendations implementing a primary duties approach to CoR
- All recommendations endorsed by Transport and Infrastructure Ministers.



Primary Duties for Chain of Responsibility Parties
and Executive Officer Liability

Policy Paper
November 2015

Chain of Responsibility Primary Duties

Recommendation 1 (extract)

... each party in the chain of responsibility has a primary duty of care to ensure, so far as is reasonably practicable, the safety of road transport operations...

What is the duty?

Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.

Heavy Vehicle National Law Amendment Act 2016

What is the duty?

Each party must, so far as is reasonably practicable—

- eliminate public risks and,
- to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
- ensure the party's conduct does not directly or indirectly cause or encourage— the driver of the heavy vehicle to contravene this Law;

Heavy Vehicle National Law Amendment Act 2016

Penalties and principles

- Increased penalties for breaches
- Principles for application of the duties
- Investigative powers

Heavy Vehicle Roadworthiness Review

- Primary duty on operators, prime contractors and employers should include maintenance and vehicle standards
- Introduction of enforceable undertakings
- Changes to the HVNL to broaden the circumstances under which formal warnings may be issued

What about executive officers?

- What is the role of senior management?
- Due diligence obligation on executive officers to ensure that their organisations meet primary duties

Implementation

Substantial implementation period required in order to ensure:

- Guidance material
- Communication
- Training for authorised officers

Benefits of change

- Clarify and simplify
- Focus on safety
- Assist Chain of Responsibility parties and regulators to better understand and apply the law
- Simplify enforcement
- Better align with Australia's national safety laws

Further work

- Changes to commence in 2018
- Review of investigative and enforcement powers

Ongoing challenges

- Education
- Intelligence
- Information about how well the law is working?

Further information

Marcus Burke

Project Director, Heavy Vehicle Compliance & Technology

Email mburke@ntc.gov.au

Website:

www.ntc.gov.au

Thank you

For the latest NTC news and project updates, register to receive our e-newsletter and alerts at www.ntc.gov.au

