Chain of Responsibility: Broadening the Net

Submitted by: Australia
Chain of Responsibility

Broadening the net

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Overview

- The Regulatory Challenge
- Evolution of Chain of Responsibility (CoR)
- Purpose of CoR
- Investigation Case Study – affecting change
- CoR as a tool for managing overloading
The Regulatory Challenge

<table>
<thead>
<tr>
<th>Productivity</th>
<th>Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.5% of GDP</td>
<td>20% of Injury &amp; Fatal incidents</td>
</tr>
<tr>
<td>$150b per year</td>
<td>213 deaths involved a H/V (2016)</td>
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<tr>
<td>1 million jobs – 165,000 companies</td>
<td>Economic triggers</td>
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<tr>
<td>Freight task predicted to double by 2030</td>
<td>Increasing drug use</td>
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In 2016, fatal road crashes accounted for 1300 lives lost on Australian roads – equivalent to 2 x A380 aircraft.
Safety Matters

16 October 1996
Safety Matters
PAUL ALAN RILEY
DIED TRAGICALLY 16-10-96
AGED 27 YRS. 7 MTHS.
LOVING HUSBAND OF AMANDA
AND
FATHER OF LIAM AND GEORGIA.
IN GOD'S CARE
BUT FOREVER IN OUR HEARTS.
1995  
Small beginnings (Qld)

1999  
Executive Officers & Representatives

2008  
Extended Liability (Parties) Reasonable Steps

2014  
Heavy Vehicle National Law

2018  
Primary Duty
Philosophy of CoR

*Chain of Responsibility (CoR) means that anyone who has influence over the transport activity is responsible for safety on the road.*
Chain of Responsibility

- Extends liability for offending (Parties)
- Targets those who can control/influence safe practice
- Reduces incentives for offending
- Supports investigation of safety risks
- Encourages supervision & management
- Proactive focus upon managing risk
- Level the playing field (fair competition)
Chain of Responsibility

• Liable parties:
  • Executive Officers
  • Operators
  • Prime Contractors
  • Employers
  • Consignors (Sender)
  • Consignees (Receiver)
  • Schedulers
  • Loaders/Unloaders
  • Packers
  • Loading Managers
Chain of Responsibility

**Powers**
Formal investigative processes that utilise legislative powers to require improvement

**Consult**

**Litigation**
Prosecutions and court orders to punish, restore, and force adherence to the law.

**Education**
Providing tools, guidance and advice to assist industry to support compliance

**Negotiate**
Negotiated agreement to address system gaps and ensure compliant, safe practice.
How does CoR Work?

- Influence
- Encourage
- Require
- Ask
CASE STUDY - Infrastructure Project

An investigation revealed extreme mass breaches by operators sub-contracted transporting rock spoil (some in excess of 160% overloaded).

**Investigations included:**
- Prime Contractor
- Operators
- Loaders
- Loading Managers
- Consignees (Receivers)

**Remedies – Ten (10) Improvement Notices**
- On-board mass monitoring
- Signage on trucks/trailers (mass limits)
- Scales on loading equipment
- Feedback/reporting systems
- Training/supervision

<table>
<thead>
<tr>
<th>Combination</th>
<th>Gross Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi</td>
<td>Legal (42.5t) – 57.5t</td>
</tr>
<tr>
<td>Truck &amp; Tri</td>
<td>Legal (45t) – 58.32t</td>
</tr>
<tr>
<td>Truck &amp; Quad</td>
<td>Legal (47.5t) – 57.76t</td>
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</tbody>
</table>
Managing with Chain of Responsibility

System to address overloading:

- The Parties
- The Load
- The Driver
- The Vehicle
- The Road Conditions
Managing Overloading

• The Parties
  • Governance  (Contractual arrangements)
  • Assurance    (System check)
  • Engagement   (Consultation)
  • Review       (Continual improvement)
The Load
The Load
Managing Overloading

• **The Load**
  • Weight (Mass Limits)
  • Packaging (Properly packed)
  • Position (Weight distribution)
  • Restraint (Secured)
The Driver
Managing Overloading

• The Driver
  • Recruitment
  • Training
  • Consultation
  • Supervision
  • Direction
The Vehicle
The Vehicle
Managing Overloading

• **The Vehicle**
  • Right vehicle
  • Right combination
The Road
Managing Overloading

• **The Road Conditions**
  • Suitable for the vehicle
  • Suitable for the load
  • Weather
Why have Chain of Responsibility?

• Places responsibility on those who can control/influence safe practice
• Encourages supervision & management
• Preventative – focus upon managing risk
• Reduce incentives and commercial benefits
• Treats the causes of offending
• Improves safety and productivity
Questions?

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