

# Direct Couriers - Chain of Responsibility Policy

## What is Chain of Responsibility (CoR)?

The aim of the CoR laws is to ensure that heavy vehicles, their load, and drivers are safe and do not pose a risk to themselves, other road users, the public, public infrastructure, or the environment.

The “Chain” of Responsibility extends legal responsibility and liability for certain road safety issues to all parties in the road transport supply chain who by their actions, inactions or demands exercise control or influence over regulated transport activities.

Amendments to the CoR laws in October 2018 mean that if you are a party in the Chain, in respect of any transport activities that you perform, control or influence, you must:

- Ensure, so far as reasonably practicable, the safety of your transport activities relating to the use of a heavy vehicle on a road.
- Ensure that your actions/inactions, requests, requirements, or business practices do not result in, encourage, reward, or provide an incentive for any other party in the Chain to breach the Chain of Responsibility laws.

Relevant to Direct Couriers, the CoR law is currently in force in Queensland, New South Wales, Victoria, Tasmania, and South Australia. Although the HVNL has not commenced in Western Australia, the law applies equally to vehicles from this jurisdiction when they cross into a regulated region.

WA have their own heavy vehicle legislation. In Western Australia, the Road Traffic (Administration) Act 2008 (WA) and the Road Traffic (Vehicle) Act 2012 (WA) impose obligations on chain of responsibility parties like those found under the HVNL.

Generally, the law applies to the operation and use of heavy vehicles for road transport. A heavy vehicle is any vehicle or combination with a gross vehicle mass (that is, maximum loaded mass) of 4.5 tonne or more.

**Direct Couriers will not knowingly ask or expect any party in the chain to do anything unlawful or that would create a dangerous or potentially dangerous event or situation.**

## Scope:

This policy is designed to form part of Direct Couriers compliance and safety strategy.

This policy applies to all parties that have responsibility for or involvement in activities that fall within the scope of the CoR laws.

The purpose of this document is to provide Direct Couriers employees, suppliers, contractors, subcontractors, and customers a guidance on Chain of Responsibility (CoR).


## Chain of Responsibility Elements:

This section lists the key elements of the CoR with a brief explanation of the main responsibilities each element imposes.

**Mass:** Heavy vehicles must not be loaded more than their gross (total) or axle mass limits.

**Dimension:** Heavy vehicles (whether loaded or unloaded) must be within their applicable width, height, length, and rear overhang limits.

**Load Restraint:** A load on a heavy vehicle must be placed and secured so that it will not shift in a way that adversely affects the handling or stability of the heavy vehicle or fall or dislodge from the heavy vehicle. Any method of restraint used must comply (at a minimum) with the National Transport Commission’s Load Restraint Guide specifically, it must be designed to secure a load subject to the expected on-road forces set

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out in the Load Restraint Guide.

**Speed:** All planned journeys must be performed without speeding. Drivers must not exceed signposted speed limits or the maximum permitted speed limits for the class of their vehicle. A person must not ask, directly or indirectly, the driver of a heavy vehicle to do or not do something that would have the effect of causing the driver to speed. No person can make a request or put in place any contract which would cause, encourage, or provide an incentive for a driver to speed. Heavy vehicles over 12 tonne GVM must be fitted with speed limiters.

The maximum speed limit for a vehicle more than 4.5 tonne Gross Vehicle Mass (GVM) is **100 km/h**. For certain road conditions, special speed limit signs may be posted for trucks, road trains and buses.

**Driver Fatigue:** All planned journeys must be performed without drivers driving while they are adversely affected by fatigue. No driver can drive, and no person can request a driver to drive if this would result in the driver driving whilst adversely affected by fatigue and/or more than their applicable work/rest hours limits.

All drivers of fatigue regulated heavy vehicles who drive more than 100km from their base under standard hours are required to maintain a work diary to record their work/rest hours. Fatigue related heavy vehicles are 12 tonne GVM and above.

No person can make a request or put in place any contract which would cause, encourage, or provide an incentive for a driver to drive whilst adversely affected by fatigue and/or more than their applicable work/rest hours limits.

**Heavy Vehicle Standards:** Any heavy vehicle must meet HVS and be maintained in a roadworthy state.

\*Note: The CoR laws in Western Australia do not extend to speed, fatigue, or heavy vehicle standards/roadworthiness risks. That is, parties up and down the Chain in Western Australia are not responsible for these risks.

## Who are parties in the supply chain?


The parties in the Chain of Responsibility for a heavy vehicle are:

- An employer of a driver
- A prime contractor for the driver – if the vehicle's driver is self-employed
- An operator of the vehicle
- A scheduler (allocator) for the vehicle
- A loading manager for any goods in the vehicle
- A loader and/or unloader of a vehicle
- A consignor of any goods for transport by the vehicle
- A consignee of any goods in the vehicle
- A loader and/or unloader of any goods in the vehicle.

## Chain of Responsibility Party Responsibilities:

As a party in the supply chain, the best way to fulfil your obligations under the Heavy Vehicle National Law and CoR is to have safety management systems and controls in place, such as business practices, training, procedures, and review processes that:

- Identify, assess, evaluate, and control risk
- Manage compliance with speed, fatigue, mass, dimension, loading and vehicle standards requirements

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- through identified best practice
- Involve regular reporting, including to executive officers
- Document or record actions taken to manage safety.

Chain of Responsibility parties should consider all their actions in respect of road transport activities to ensure they are safe, appropriate, and legal.

\*Refer to the Direct Couriers CoR Management Plan for detailed responsibility descriptions

**Working and Rest Breaks for all Direct Couriers Drivers and Subcontractor Drivers:**

Direct Couriers operates under the Fatigue Management Standard Working and Rest Hours for all of our drivers (no matter the size of the vehicle). The National Heavy Vehicle Law states that a rest break for all heavy vehicle drivers must be taken after **5 1/4 continuous driving hours**.

Drivers stopped at a site for pick up or delivery are considered resting only if they are **NOT** loading or unloading or supervising the load of their vehicle for 15 minutes or longer. To be considered as a rest break, drivers resting inside their vehicle must have their engine switched off and they must be sitting in the passenger seat.

The standard working and rest hours are as follows:

## Standard hours

Work and rest hour requirements under standard hours. Standard hours apply to all drivers who do not have accreditation for fatigue management.

### Solo drivers

| TIME                | WORK  | REST   |
|---------------------|---|--|
| In any period of... | A driver must not work for more than a <b>maximum</b> of... | And must have the rest of that period off work with at least a <b>minimum</b> rest break of... |
| 5 ½ hours           | 5 ¼ hours work time   | 15 continuous minutes rest time  |
| 8 hours             | 7 ½ hours work time   | 30 minutes rest time in blocks of 15 continuous minutes  |
| 11 hours            | 10 hours work time  | 60 minutes rest time in blocks of 15 continuous minutes  |
| 24 hours            | 12 hours work time  | 7 continuous hours stationary rest time*   |
| 7 days              | 72 hours work time  | 24 continuous hours stationary rest time   |
| 14 days             | 144 hours work time   | 2 x night rest breaks# <b>and</b> 2 x night rest breaks taken on consecutive day               |

\*Stationary rest time is the time a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary heavy vehicle. #Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

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## Two-up drivers

| TIME                | WORK  | REST   |
|---------------------|---|--|
| In any period of... | A driver must not work for more than a <b>maximum</b> of... | And must have the rest of that period off work with at least a <b>minimum</b> rest break of...   |
| 5 1/2 hours         | 5 1/4 hours work time                                       | 15 continuous minutes rest time  |
| 8 hours             | 7 1/2 hours work time                                       | 30 minutes rest time in blocks of 15 continuous minutes  |
| 11 hours            | 10 hours work time  | 60 minutes rest time in blocks of 15 continuous minutes  |
| 24 hours            | 12 hours work time  | 5 continuous hours stationary rest time* or 5 hours continuous rest time in an approved sleeper berth while the vehicle is moving                  |
| 52 hours            |   | 10 continuous hours stationary rest time   |
| 7 days              | 60 hours work time  | 24 continuous hours stationary rest time <b>and</b> 24 hours stationary rest time in blocks of at least 7 continuous hours of stationary rest time |
| 14 days             | 120 hours work time   | 2 x night rest breaks# <b>and</b> 2 x night rest breaks taken on consecutive days  |

\*Stationary rest time is the time a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary heavy vehicle. #Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

### Corporate and Organisational Liability

Under the laws a party (corporation, partnership, unincorporated association or other body corporate) is also liable for any offences committed by its employees, directors, and any other relevant party in the chain who are all responsible to eliminate or reduce a safety risk so far as is reasonably practicable.

### Policy Breach and Corrective Actions

This policy sets standards of behaviour expected from all parties in the supply chain performing work for or on behalf of Direct Couriers.

Any breaches of the CoR laws or this policy by any party in the chain may result in the performance management in accordance with our usual performance management practices and/or suspension or termination of their Contractual Agreement with Direct Couriers.

Penalties escalate sharply for offences which pose a serious road safety risk; including court-imposed fines of up to \$3 million (for corporations) per offence and up to \$300,000 and or up to 5 years imprisonment (per person) per offence.