

Heavy Vehicle National Law – Chain of Responsibility Compliance

Head of Power

Heavy Vehicle National Law Act 2012 (Qld) (which includes the *Heavy Vehicle National Law*)
Heavy Vehicle National Law Regulation 2014 (Qld)
Heavy Vehicle (Fatigue Management) National Regulation (Qld)
Heavy Vehicle (General) National Regulation (Qld)
Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)
Heavy Vehicle (Vehicle Standards) National Regulation (Qld)
Associated National Notices, State HVNL Notices and Australian Standards

Objective

To establish a framework to ensure that Council, its workers and other parties in the chain of responsibility for Council's transport activities and those that interact with Council's transport activities cooperate to ensure that compliance with the HVNL is met.

Definitions

ATM means aggregate trailer mass.

Council means the Moreton Bay Regional Council.

GVM means gross vehicle mass.

Heavy vehicle means:

- (a) a vehicle that has a GVM or ATM of more than 4.5 t; and
- (b) a combination that includes a heavy vehicle with a GVM or ATM of more than 4.5 t.

HVNL the *Heavy Vehicle National Law Act 2012 (Qld)* (which includes the *Heavy Vehicle National Law*) and each of the regulations to that Act.

Public Risk means:

- (a) a safety risk; or
- (b) a risk of damage to road infrastructure.

Public safety means the safety of persons or property, including the safety of:

- (a) the drivers of, and passengers and other persons in, vehicles and combinations; and
- (b) persons or property in or in the vicinity of, or likely to be in or in the vicinity of, road infrastructure and public places; and
- (c) vehicles and combinations and any loads in them.

Safety risk means a risk:

- (a) to public safety; or
- (b) of harm to the environment.

Transport activities means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road, including, for example:

- (a) contracting, directing or employing a person:
 - (i) to drive the vehicle; or
 - (ii) to carry out another activity associated with the use of the vehicle (such as maintaining or repairing the vehicle); or

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- (b) consigning a load for transport using the vehicle; or
- (c) scheduling the operation of a heavy vehicle; or
- (d) managing the loading of goods onto or unloading of goods from the vehicle; or
- (e) loading goods onto or unloading goods from the vehicle; or
- (f) receiving goods unloaded from the vehicle.

Worker means a person who carries out work in any capacity for Council.

Application

This Policy applies to all Council workers.

What activities are covered under this Policy?

- **Consigning** – anyone involved in commissioning a load for road transport by heavy vehicle;
- **Driving** – anyone involved in the physical act of driving/operating a heavy vehicle on a road;
- **Loading** – anyone involved in loading or restraining the load on a heavy vehicle for road transport;
- **Loading managers** – anyone who manages, or is responsible for the operation of, regular loading or unloading of heavy vehicles at premises;
- **Receiving** – anyone involved in taking possession of deliveries delivered by road transport on a heavy vehicle;
- **Scheduling** – anyone responsible for the scheduling, rostering and vehicle allocation process associated with the use of heavy vehicles operated on roads; and
- **Maintaining** – anyone involved in maintaining Council owned heavy vehicles and equipment used in conjunction with heavy vehicles.

Policy Statement

Responsibilities of Council

Council values the safety of its workers and the public. Council is committed to ensuring, so far as is reasonably practicable, the safety of Council's transport activities relating to heavy vehicles. In doing so, Council has developed a chain of responsibility safety management system the aim of which is to eliminate or minimise public risks. The system also assists Council to achieve compliance with the HVNL and its associated regulations, as well as relevant notices and Australian Standards.

Council's safety procedures and processes are risk management based with the aim of eliminating or minimising known risks. This is achieved by identifying and assessing public risks, implementing control measures and monitoring and reviewing these for effectiveness.

Council integrates the chain of responsibility safety management system into the planning and operation of its operations. The system is reviewed through a continual improvement program, internal and external audits, hazard inspection program, monitoring program and scheduled reviews of relevant documentation. Council:

- provides regular compulsory HVNL training and information sessions for all workers;
- has a safety committee which incorporates chain of responsibility that allows the setting of a strategic direction for safety, consultation processes and resolution of relevant public risks and communication;
- provides adequate resources to regularly review, manage and continuously improve chain of responsibility safety systems and processes;
- implements proactive control measures and initiatives where appropriate;
- ensures that an annual compliance report is provided to Council that identifies any breach of the HVNL, and steps taken to remedy those breaches, and includes relevant reporting measures; and
- undertakes regular maintenance and repairs on Council owned heavy vehicles and associated equipment to ensure that those vehicles comply with heavy vehicle standards.

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Council is committed to continually improving its chain of responsibility safety performance in all transport activities and associated tasks undertaken across the organisation. It seeks to eliminate or minimise public risk through its consultative and active safety and wellbeing culture.

Council is committed, so far as is reasonably practicable, to allocating adequate financial resources within its budget to ensure its obligations under the HVNL can be met.

Responsibilities of workers

Workers are required to:

- follow the systems, policies, procedures and directives implemented by Council in relation to the HVNL;
- follow all reasonable directions from Council regarding compliance with the HVNL;
- report any incident or breach of the HVNL or the systems, policies, procedures and directives implemented by Council;
- ensure they do not breach the general duty in the HVNL by their actions, inactions or demands;
- ensure they do not coerce, induce or encourage a breach of the HVNL;
- ensure they do not provide false or misleading information that could cause a breach of the HVNL; and
- ensure that all visitors to Council workplaces follow all relevant Council policies, procedures and directives and all non-conformances are appropriately recorded.

Responsibilities of Directors and Managers

In addition to complying with the obligations that apply to workers generally, Council requires all Directors and Managers to lead by example and actively encourage a culture which supports compliance with the HVNL.

Directors and Managers are required to:

- ensure that the people they supervise understand their responsibilities under this Policy and the HVNL;
- take opportunities to discuss this Policy and reinforce the importance of safety and compliance;
- create an environment where workers and contractors feel comfortable raising concerns relating to transport activities;
- work with workers and/or contractors to address concerns in way that ensures, so far as is reasonably practicable, HVNL compliance;
- at no time encourage or direct a worker or contractor to achieve business results at the expense of ethical conduct or compliance with any policy or the HVNL;
- document all relevant processes, audit and training information appropriately; and
- understand and communicate appropriate controls to ensure that members of the public remain compliant with the HVNL when on any Council site.

Related Documents

This policy complements and is to be implemented in conjunction with other Council policies and directives but not limited to:

Corporate Directive 2180-047 - Heavy Vehicle National Law – Chain of Responsibility Compliance

Review Triggers

This Policy will be reviewed for applicability, continuing effect and consistency with related documents and the Law when any of the following occurs:

- (1) The related documents are amended.
- (2) The related documents are replaced by new documents.
- (3) Amendments affecting the scope and effect of a Policy of this nature are made to the Law.

Otherwise, this Policy is to be reviewed at least once every two years for relevance and effectiveness.

Responsibility

This Policy is to be:

- (1) implemented by Directors and Managers; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Chief Executive Officer.

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