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Measuring up to the new Chain of Responsibility Laws.

Chain of Responsibility is Everyone's Responsibility

Far too many road transport supply chains are rife with safety and operational risks, with heavy goods vehicle overloading chief among these risks.

It is a criminal offence to exceed the mass limit of a heavy goods vehicle. Overloaded heavy vehicles affect the safety of drivers and all road users, and are a major cause of accidents, injuries and fatalities. In addition, overloaded vehicles escalate a company's operating costs by increasing wear and tear on vehicles, causing breakdowns, and upping fuel and maintenance costs.

Consequently, the updated Heavy Vehicle National Law (HVNL) and its associated Chain of Responsibility (CoR) legislation will include strict regulations on heavy goods vehicle load limits. These vehicle load limits will be heavily policed, with advanced weigh-in-motion (WIM) sensors and automatic numberplate recognition systems already being installed in main roads across the country to identify overloaded heavy goods vehicles.

Fortunately, it is easy to address the strict new HVNL and CoR legislation, while simultaneously improving the safety, efficiency, effectiveness and profitability of your operations. All you need is state-of-the-art weighing systems at critical control points within your road transport supply chain.

The New Heavy Vehicle National Law

On 1 October 2018, the new HVNL will come into effect. This will have far-reaching implications for organisations with road transport supply chains, as well as the entire logistics industry.

The new HVNL will apply to all heavy vehicles across Australia. Under the law, a heavy vehicle is defined as having a gross vehicle mass (or a maximum permitted loaded mass) of 4.5 tonnes or more.

CoR provisions underpin the HVNL. These provisions recognise that the responsibility for road safety does not lie solely with the vehicle driver or transport operator; the operations and activities of all parties within a supply chain can contribute just as much to safe (or dangerous) practices. As such, if all parties within the supply chain can contribute equally to safety outcomes, the HVNL states that all parties should be as equally legally responsible.

The overarching aim of CoR legislation is to ensure that everyone in the supply chain shares responsibility for ensuring that breaches of the HVNL do not occur.

What is the Chain of Responsibility?

CoR legislation states that all parties within a heavy vehicle transport supply chain—from consignor to consignee—have a legal duty to ensure the safety of their transport activities.

This means that anyone controlling or influencing heavy vehicle operations, including the mass of a vehicle or its load, must comply with the new HVNL.

As such, everyone from consignors, drivers, loaders and packers, through to weighbridge staff, managers, and senior executives are now responsible for overloading, whether they directly influence the mass of the vehicle or its load - or not.

To avoid penalties (and in serious cases, jail time) all parties within the supply chain must ensure that safety management systems—which can include vehicle weighing devices —are in place and ready to ensure heavy vehicle safety.

Practical Implementation of the Chain of Responsibility

Under the HVNL, all parties within the supply chain will be required to undertake a broader, more targeted risk assessment benchmarked against new industry codes of practice (ICPs). Every member of the supply chain will be expected to develop and implement tailored mitigating and remedial measures to discharge their primary duty of care. Compliance with an ICP will require significant evidence of safety regimes and targeted risk management procedures and programs.

In practical terms, this primary duty of care represents an obligation to eliminate or minimise potential harm or loss (risk) by doing all that is reasonably practicable to ensure safety.

As a party in the road transport supply chain, the best way to do this is to have safety management systems and controls in place, such as business practices, training, procedures, review processes and technologies that:

- Identify, assess, evaluate, and control risk
- Manage compliance with speed, fatigue, mass, dimension, loading and vehicle standards requirements through identified best practice
- Involve regular reporting, including to executive officers
- Document or record actions taken to manage safety

According to the National Heavy Vehicle Regulator (NHVR), “The new guidelines will be exacting, robust and demanding to assure the Regulator and all road-users that regulatory compliance and safety risks are being appropriately addressed.”

What If Your Business Isn't Chain of Responsibility Ready?

Under the new HVNL, maximum penalties have been dramatically increased.

For instance, the maximum penalty for a corporation is $3 million, while for individuals (such as company executives), it is $300,000 and up to five years in jail.

Courts will also have discretionary rights. They will be able to disqualify an individual from owning or operating a business that is in any way related to transport or logistics and place an entire company under NHVR-facilitated performance management.

Breach Category	Amount of Overload	Maximum Penalty
Minor Risk	Less than 0.5MT or 105% of the maximum permitted mass (whichever is higher)	$4,260
Substantial Risk	Between 105% and 120% of the maximum permitted mass	$6,400
Severe Risk	120% or more of the maximum permitted mass	$10,650 plus an additional maximum $530 for every additional 1% over a 120% overload (but so that the additional maximum penalty does not exceed $21,320) A Corporation can be fined up to $157,450
Severe Risk	120% or more of the maximum permitted mass	As of mid-2018, penalties for breaches of primary duty are similar to those under workplace health and safety laws, set at: **A maximum fine of $3 million for a corporation** **$300,000 or five years imprisonment, or both, for a person**

In March 2018, a reputable Sydney construction services company and a director were fined $1.5 million and ordered to pay $50,000 in costs in the Local Court after pleading guilty to overload breaches of the Heavy Vehicle National Law under the Chain of Responsibility provisions.

Vehicle Overloading Under the Heavy Vehicle National Law

Given the sheer number of heavy goods vehicles on Australian roads, identifying overloaded vehicles had always been like looking for a needle in a haystack—road compliance officers found it almost impossible to pinpoint which vehicle to pull over for an inspection.

Now, regulatory authorities around the country are implementing a raft of measures to help them enforce the new HVNL. Advanced weigh-in-motion (WIM) sensors are being installed in main roads, combined with automatic numberplate recognition systems.

These new systems will enable compliance officers to detect more overloaded and incorrectly loaded vehicles than ever before. When an overloaded heavy goods vehicle passes over one of the newly-installed WIM sensors, this will automatically trigger an inspection by compliance officers.

Regulatory authorities will clearly be ready for CoR crackdowns come 1 October 2018. Will you?

Ensure Your Road Transport Operations Measure Up

With CoR legislation looming, now is the time to review your safety management systems and mass management processes. It is imperative that you implement controls to prevent breaches of CoR provisions before the new HVNL takes effect on 1 October.

AccuWeigh—and our sister company AccuOnboard—can help you take the guesswork out of safe, legal vehicle loading. We offer a state-of-the-art range of both static and dynamic vehicle weighing systems, including:

- Weighbridges
- WIM systems
- Onboard weighing systems
- Wheel pad weighers
- And so much more

By integrating vehicle weighing systems into your safety management system, not only can we help improve the safety of your transport and logistics operations, we can also help you realise a host of other benefits. In fact, our sophisticated vehicle weighing systems enable you to:

- Meet compliance requirements
- Boost operating efficiencies
- Ensure optimum allocation of resources,
- Share information with supply chain partners

Achieve Your Compliance, Operational and Commercial Goals

Anyone involved in logistics, or at any point in the supply chain, will appreciate the important role that weight, dimensional measurement and automation technologies play at critical control points.

Modern vehicle weighing systems do so much more than provide an isolated reading of weight data; rather weight data can be integrated in real-time into operational processes and used to improve the efficiency, productivity, quality and safety of any road transport operation.

With efficient data transfer and wireless technology that enables unmanned weighbridges, improved control systems and multiple sensor, WIM and axle weighing systems, vehicle weighing technology has advanced rapidly over the years.

This rapid advancement has enabled the collection of data on: vehicle volumes (on an hourly, daily or weekly basis); vehicle turnaround times; vehicle gross and axle weight; revenues (by customer and sector); and profitability and resourcing. All this weight data can be quickly and easily transformed into knowledge that informs vital management decisions.

Furthermore, a weighbridge or WIM system—coupled with accessories such as an automatic numberplate recognition system—can function as: a comprehensive vehicle management system; a traffic management system capable of reducing bottlenecks and increasing throughput; and an onsite security system capable of controlling security cameras and entry and exit barriers.

You can leverage our state-of-the-art weighing technologies to not only realise your safety, HVNL and CoR compliance goals, but also to attain a whole host of commercial benefits; maximise your payloads, streamline your operations and increase your throughputs, increase your order accuracy, and recover your revenue.