



Chain of Responsibility

Primary Producers and the Heavy Vehicle National Law

At the National Heavy Vehicle Regulator (NHVR) we recognise the important role growers, farmers and fishermen play in feeding Australians and providing quality produce to overseas markets. We also know how important safe, reliable road transport is to all road users. We want to help make our roads safe by ensuring that everyone in the road transport supply chain understands—and follows—the Heavy Vehicle National Law (HVNL).

Primary producers, as parties in the road transport supply chain, have specific obligations under the HVNL to ensure safety by preventing a breach of the law; this is called the Chain of Responsibility (CoR). It requires each party with the ability to control or influence the transport activity to take positive steps to prevent mass, load restraint, dimension, fatigue and speed offences.

As a primary producer, any time you send or receive goods using a vehicle that can carry more than 4.5 tonnes—regardless of whether the vehicle is yours or someone else’s—you become part of the supply chain. You therefore have a shared responsibility to prevent breaches of the law.

What are my responsibilities?

The most relevant areas of responsibility for you as a primary producer are:

- what and how much is loaded onto the vehicle and how the load is restrained
- to be aware that certain requests, instructions, requirements or demands and any influence placed upon transporters, including causing a driver to speed, may be unlawful—whether written in a contract or made verbally
- that the vehicle is fit for purpose, mechanically safe and legally able to be used on a road
- that the driver, who may be you, is not tired or sleepy and doesn't work longer than they are allowed by the law
- that you understand the safety risks that your activities pose to the transport task—including packing goods for transport, scheduling travel and delivery times, and the impacts of delays in loading and unloading trucks

- from mid-2018, new CoR laws will require that you ensure safety across the transport activities that you control or influence, including packing, loading, consigning etc.

What steps should I take to avoid breaches?

You should:

- work with your transporters so that you and they fully understand the requirements of the law and how your activities may affect the freight operation
- avoid making demands of transporters that may lead to speeding, driving while tired or overloading
- ensure all loads are within legal limits and properly restrained
- if you're using your own truck, make sure it's maintained to a roadworthy standard.

What happens if I breach the law?

If you're the driver of the vehicle, you could be penalised for breaches relating to fatigue, speed, mass, dimension, loading (including restraint of loads) and vehicle standards.

If one of your employees or a transport contractor is moving your goods, you may be investigated under CoR for your part in any heavy vehicle offence they commit.

At the NHVR we take compliance very seriously and investigate alleged breaches of the law. Not knowing the law and the obligations it places on you is not an excuse. You may face significant penalties for non-compliance.

Where can I get more information?

The NHVR is continuously developing guidance and tools to help transporters and the supply chain to build safety management systems. These tools will be a guide to help industry meet the CoR needs within their business.

For more information on the HVNL and CoR, visit www.nhvr.gov.au/cor.