



Chain of Responsibility in the age of AI

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Introduction



Sport has long recognised the importance of teamwork in achieving success. Of course, working as a team, means holding individual players accountable for their performance, as one player's mistake can impact the entire team.

The same principles apply to workplace safety, especially in transport activities. Safely packing, loading, distributing, and receiving goods has always required a collective effort, though not always formally acknowledged by law. Only recently has a legal framework been established to incentivise everyone in the supply chain to take reasonable measures to ensure the safety of transport activities.

If you are involved in the transportation of goods, you likely have well-established operational processes. However, with the introduction of the new Chain of Responsibility framework and the rapid advancements in technology, there's a prime opportunity to reassess and enhance them.

In this guide we provide a recap of what CoR is, its evolution over time, the key stakeholders involved, and the compliance obligations. We also explore the impact that artificial intelligence is having on CoR and provide an actionable checklist to keep your transport activities safe.

If you find this guide helpful, please feel free to share it with your co-workers and supply chain partners. The more people who understand CoR, the safer work environment for everyone.

Understanding Chain of Responsibility (CoR)

Chain of Responsibility (CoR) is a legal framework in Australia that places shared responsibility for safety and compliance with road transport laws on all parties involved in the supply chain. It primarily applies to the transportation and logistics industries, where various stakeholders collaborate to transport goods.

At the heart of CoR is the concept that road safety is a shared responsibility that extends beyond just the driver of a vehicle. It encompasses all parties involved in the transportation process, from executives and contractors to transport operators and packers, it holds everyone in the chain accountable for safety, whether or not their actions or inactions result in an offence.



The evolution of Chain of Responsibility

Early 2000s

The Chain of Responsibility (CoR) concept emerged in Australia in response to road safety concerns and the influence of supply chain parties on driver behavior and safety outcomes.

2013

The National Heavy Vehicle Regulator (NHVR) was established, marking a significant development in CoR. NHVR administers and enforces the HVNL's CoR provisions.

2014

The Heavy Vehicle National Law (HVNL) commenced in the ACT, NSW, QLD, SA, TAS and VIC, regulating the use of heavy vehicles that have a gross vehicle mass of more than 4.5 tonnes.

2018

The HVNL underwent a comprehensive review and reform process to strengthen and simplify CoR laws. These reforms aimed to improve the effectiveness of CoR in promoting road safety and compliance.

2019

The reforms introduced a broader focus on safety. The primary duty was reinforced, emphasising that all parties must take steps to prevent safety breaches.

2021

Further amendments to the HVNL came into effect, expanding CoR's scope to include a wider range of parties within the supply chain. This extended responsibility to executive officers of corporations, reinforcing the importance of due diligence.

The legal framework for CoR

Chain of Responsibility (CoR) in Australia is primarily governed by the Heavy Vehicle National Law (HVNL) and associated regulations.

Heavy Vehicle National Law (HVNL)

HVNL is a comprehensive legal framework in Australia that governs the operation and regulation of heavy vehicles, including trucks, buses, and other large commercial vehicles, used for road transport.

National Heavy Vehicle Regulator (NHVR)

The NHVR is the regulatory authority responsible for administering and enforcing the HVNL. It monitors compliance, conducts audits, and oversees CoR-related matters.



NHVR compliance audits help verify that the operator's management system adheres to the relevant accreditation standards and is fully implemented within the company's operations.

Heavy Vehicle National Regulations (HVN Regs)

The five sets of HVN Regs complement the HVNL by providing specific details and requirements related to heavy vehicle operations, including safety, permits, and licensing.

Work Health & Safety Legislation

CoR laws are one component to broader WHS legislation so if there is conflict between the HVNL and WHS laws, the WHS law takes precedence over HVNL law.

State and Territory Transport Legislation

While state laws may align with the national framework, it's essential for businesses to be aware of any state-specific requirements as each state and territory covered by the HVNL has passed legislation that modifies some aspects of the HVNL for that state or territory.

Penalties and consequences for non-compliance

The penalties for breaching CoR laws may include fines, legal actions, and, in severe cases, imprisonment. Enforcement agencies, such as the NHVR, are responsible for monitoring and enforcing these penalties.

Key stakeholders

Employer

This is the company or individual responsible for employing a heavy vehicle driver. They have a duty to ensure that the vehicle is well-maintained, that drivers are properly trained, and that schedules and routes are in compliance with regulations.

Prime contractor

The prime contractor engages someone to drive a heavy vehicle under a contract for services. They must ensure that their requests and practices do not require or encourage drivers to exceed speed limits, exceed regular driving hours, fail minimum rest requirements, or drive while impaired by fatigue.

Operator

Operators play a crucial role in managing and overseeing the day-to-day operations of a transportation business. Their responsibilities can include route planning, fleet management, dispatching and driver training.

Scheduler

Schedulers are responsible for planning routes and schedules for vehicles. They need to ensure that these plans don't put undue pressure on drivers, potentially leading to breaches of safety regulations.

Consignor

The consignor is the entity responsible for sending goods via road transport. They have a duty to ensure that the goods are properly packed, labeled, and that relevant documentation is in order.

Consignee

The consignee is the recipient of the goods. They have a responsibility to receive the goods safely and to ensure that their actions do not contribute to breaches of road transport laws.

Packer

The packer is responsible for packaging the goods. They need to ensure that the packaging is appropriate and that it doesn't pose a risk during transport.

Loader/Unloader

The loader is responsible for loading/unloading goods onto and off the vehicle. They must ensure that the work is done in a way that doesn't compromise safety and that the load is properly secured.

As a driver, how do I comply with CoR?

Drivers are not a party in the CoR. However, drivers do have other duties and HVNL obligations. It's important to note that when a driver is performing another CoR function – such as loading a heavy vehicle – then the driver (and their employer) are 'loaders' and therefore are parties in the CoR.

CoR compliance obligations

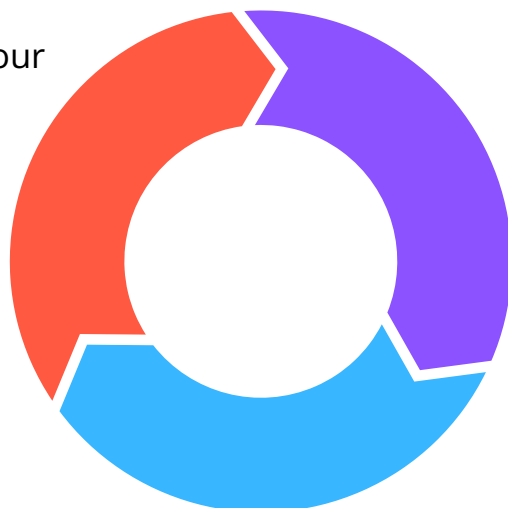
In order to meet CoR safety requirements and comply with HVNL laws, these are your safety duties:

Meet your primary duty

Your primary duty is the obligation to ensure so far as is reasonably practicable, the safety of your transport activities. This means doing everything you can to make your transport work actions safe.

This law is very similar to the obligations that your business has under work health and safety laws, so in summary you must:

Identify the risks in your transport activities



Eliminate those risks or minimise them as much as possible

Periodically review and update your risk assessments

Document operating policies and procedures

Operating policies and procedures describe the way your business operates and how the safety of your transport activities is managed. They help everyone understand their duties and responsibilities in the chain, ensuring consistent adherence to safety protocols.

Clear, written guidelines also reduce the likelihood of accidents and other safety hazards, by clearly outlining best practices and safety measures in place. In case of emergencies, having documented procedures readily accessible enables swift and well-coordinated responses, further enhancing overall safety.

This is not a set and forget exercise. Make sure to routinely scrutinise your processes, involving all relevant stakeholders, in order to collect feedback and drive improvements. Whenever possible, organise drills to test your preparedness.

Train and educate people

Parties in the supply chain often have obligations to provide appropriate training and education to their staff and drivers. This includes:

- Driver training on safe driving practices, load restraint, and fatigue management.
- Training on the company's safety policies and procedures.
- Ongoing education to keep personnel informed about changes in regulations or safety best practices.

CoR compliance is not static. Mechanisms to verify compliance both within and outside of the organisation should be established, to ensure guidelines are being followed.

Keep accurate records

Being compliant requires keeping detailed records of transport activities such as:

- Vehicle inspection and maintenance records
- Driver logs and work/rest hours
- Load restraint records
- Documentation related to training and education
- Records of any incidents or breaches of safety obligations

These records should be accurate and readily accessible for regulatory authorities and auditors.

Manage your contractors

Selecting and contracting with other parties in the Chain of Responsibility (CoR) presents a significant opportunity to exert control over transport activities.

Choose reliable and safe contractors, and include CoR compliance pre-qualification screenings into your contractor and subcontractor engagement processes, and safety and compliance conditions in contracts.

All suppliers and subcontractors should be screened to ensure that they are aware of and have in place systems to manage their respective CoR obligations.

Consequences of not complying with the laws

Non-compliance with the CoR laws in Australia can have significant consequences for individuals and businesses. Some of the consequences include:

Legal penalties

Violators of CoR laws may be subject to legal consequences, such as fines and imprisonment. Penalties can vary based on the nature of the violation, with different fines for individuals and corporations.

Loss of license

Individuals directly responsible for non-compliance, like drivers and company executives, may lose their licenses and be disqualified from transport-related activities.

Corporate liability

Transport companies can be legally responsible for not following the regulations. This can lead to large fines.

Civil liability

Parties in the supply chain who don't meet CoR obligations may face civil lawsuits and claims for damages due to accidents or incidents caused by non-compliance. This can result in significant financial liability for the responsible parties.

Increased regulatory scrutiny

Non-compliant companies and individuals may face increased regulatory scrutiny and monitoring, making it more challenging to operate in the transport industry.

Reputational damage

Non-compliance can lead to damage to the reputation of companies and individuals, making it more difficult to secure contracts and business partnerships.

Increased insurance costs

Non-compliant parties may experience higher insurance premiums or difficulty obtaining insurance coverage, which can significantly impact operating costs.

Loss of business opportunities

Companies may lose business opportunities as clients and partners increasingly demand compliance with CoR laws as a condition for engaging in transport-related contracts.

Training and compliance costs

Non-compliance often necessitates additional training and compliance measures, which can be costly for companies.

CoR compliance checklist

Here are some practical steps each party in the chain can do to meet CoR compliance obligations:

Employers, operators and prime contractors

- Understand the CoR legislation applicable in your state. [Learn more](#)
- Determine all parties in the supply chain and clearly define their responsibilities.
- Review and document the activities involved in the transportation of goods.
- Conduct a risk assessment to identify potential risks at each stage of the supply chain.
- Develop and implement mitigation strategies to address the identified risks and hazards.
- Ensure compliance conditions are included in relevant commercial arrangements.
- Document operating procedures and policies, including instruction and training.

- Continuously monitor and review the effectiveness of your risk mitigation strategies.
- Have a process where parties in the chain can report incidents and/or near misses easily.
- Ensure that heavy vehicles used on a road comply with heavy vehicle standards.
- Keep records of all safety-related activities, including training, inspections, and incidents.

Schedulers

- Regularly review that driver schedules won't cause drivers to exceed the speed limit.
- Make sure journeys and routes are carefully planned and take into consideration potential traffic delays.
- Accurately record driver activity including work and rest times.

Consignor and consignee

- Regularly review consignment arrangements and delivery times and adjust if required.
- Monitor drivers for fatigue management and report any incidents. Accurately record driver activity including work and rest times.

- Ensure vehicles are loaded according to requirements.
- Ensure that loads are restrained in a way that meets the loading performance standards.
- Record and report non-compliant loads received.

Packers

- Ensure goods packed are marked correctly and that documentation is accurate.
- Ensure packed goods are properly secured to prevent movement during travel.
- Minimise delays by meeting packing deadlines.

Loaders and unloaders

- Ensure all loaders and unloaders are compliant to perform the job.
- Ensure all vehicles are immobilised before loading and unloading.
- Ensure vehicles don't exceed vehicle mass or dimension limits.
- Inspect the load restraint to ensure cargo does not shift or fall off during transport.

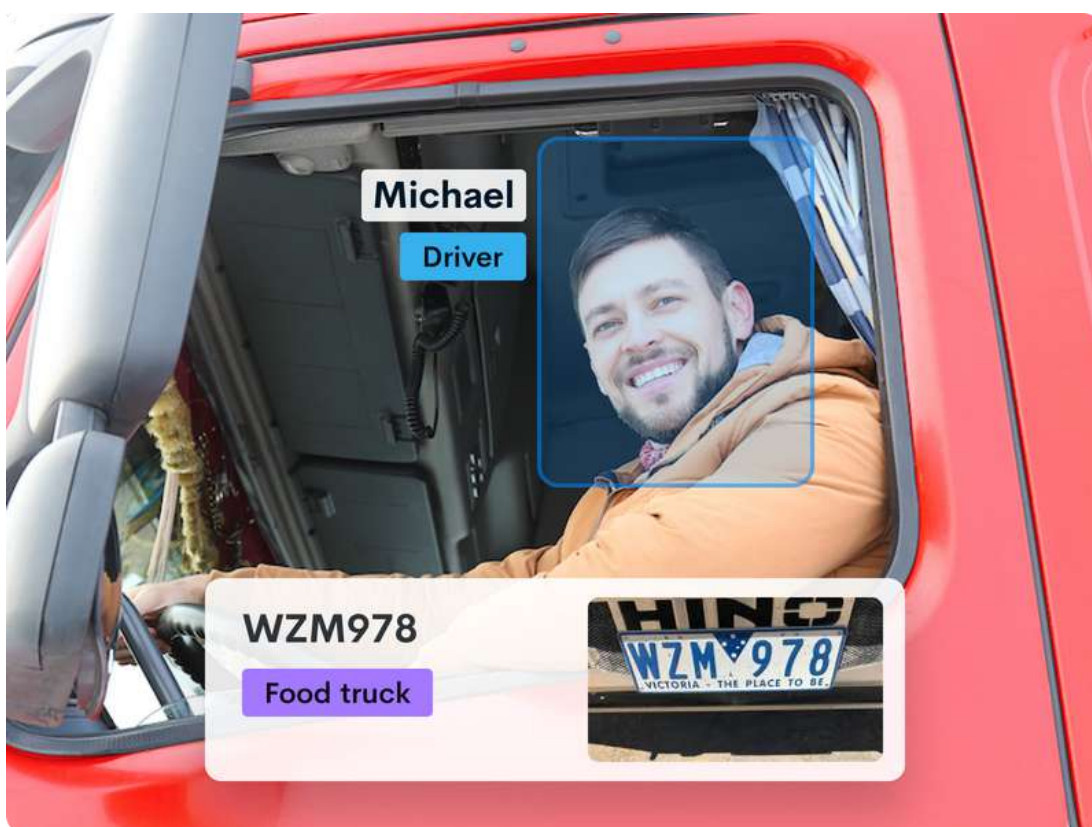
- Alert drivers if loading will take more than 30mins so they can manage their rest times.
- Ensure compliance with applicable gross and axle weights.
- Review actual loading and unloading times against the time allocated for different vehicles and adjust if required.
- Report drivers showing signs of fatigue.
- Notify managers and drivers of any known any delays in loading / unloading.
- Report and take corrective actions to remedy any safety breaches.



How can AI help manage CoR?

Enforcing compliance on site

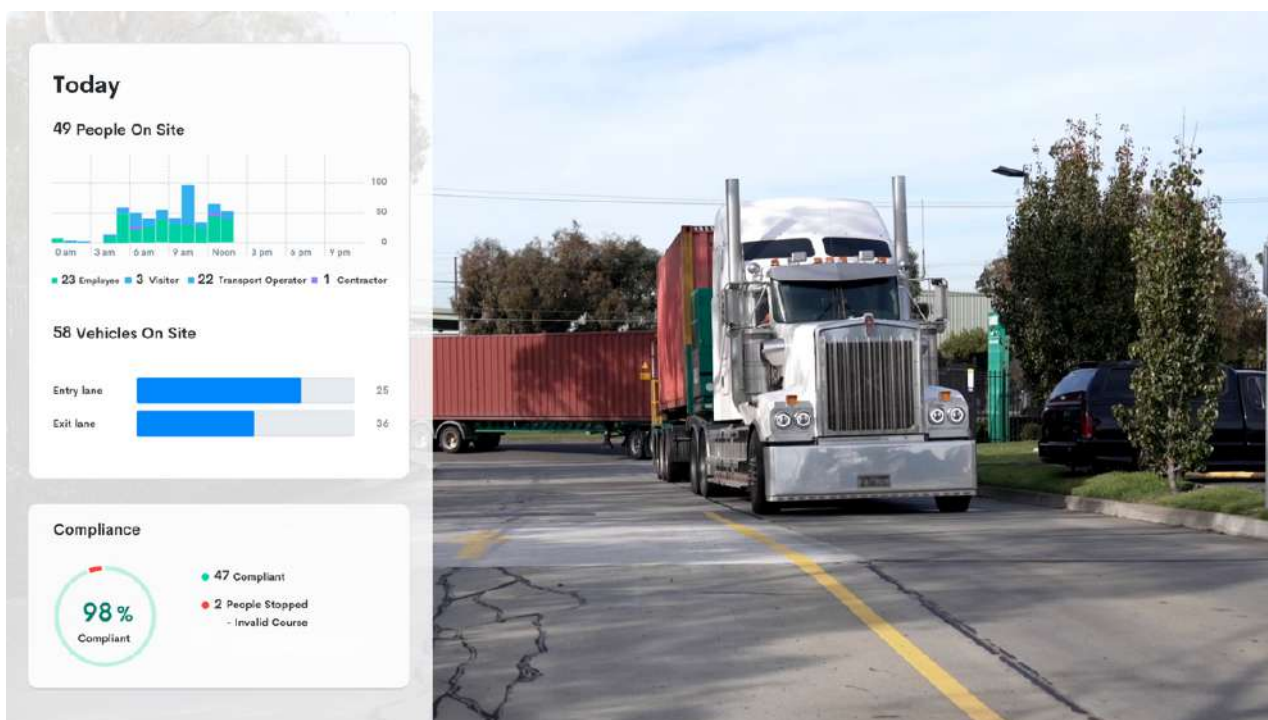
Even with the best procedures in place, safety ultimately depends on individuals making the right decisions in the heat of the moment. To achieve this, it is critical that everyone is properly trained and authorised to perform their duties. This is where AI Checkpoints can provide assistance.



With AI Checkpoints, a workplace can identify drivers and pedestrians with face authentication at the gate, check their compliance and automatically grant access if authorised. This means only compliant people and vehicles are allowed on site which can go a long way to minimising incidents. [Learn more.](#)

Capturing vehicle dwell times

With automatic license plate recognition and identity checks at the gate, AI can help workplaces easily track vehicle dwell times to get a better idea of how long it takes to load and unload different vehicles. These insights can be reviewed and compared against the time allocated, helping schedulers and loaders plan better.



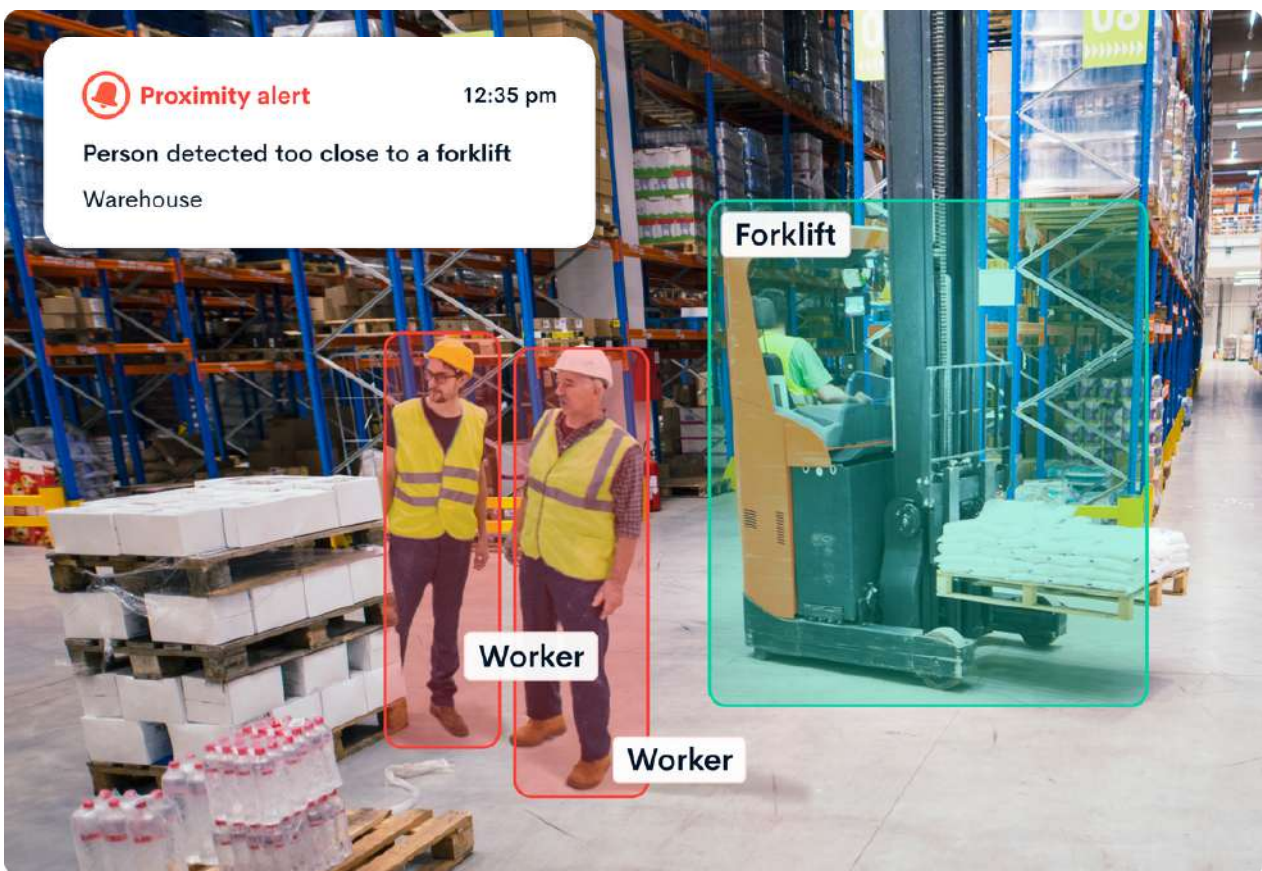
An example of the insights you can capture with AI Checkpoints

Faster vehicle throughput

When multiple vehicles are trying to access your site, seconds count. By automating vehicle identification and compliance checks at the gate, you can avoid congestion on surrounding public roads.

Identification of safety issues

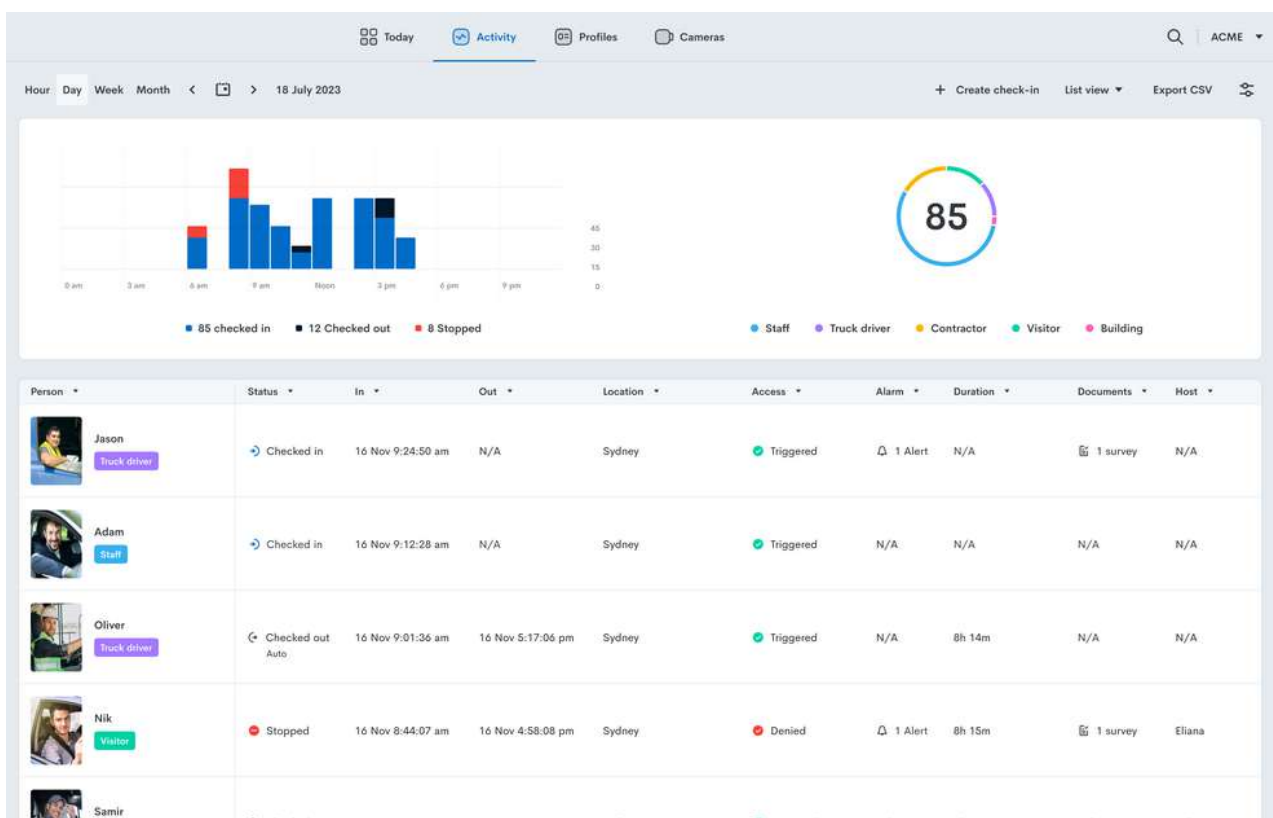
Having exclusion zones for pedestrians and a mandate to wear personal protective equipment (PPE) can play an important role in keeping ground staff safe. However, it's impossible to monitor and enforce such things 24/7. That is, until now.



With AI Monitoring, a workplace can be alerted if someone is seen without PPE, walks too close to a forklift or is seen inside an exclusion zone. This enables managers to proactively take action in real time to prevent incidents and improve site safety.

Accuracy of record keeping

AI can provide an accurate record of who and what vehicles were on site at any given time. In addition, you can view a digital log of sign in / out activity, see vehicle dwell times and a list of safety issues along with security camera footage.



Automation of access and restrictions

AI can allow or restrict access to areas of your site without a user needing to present a credential. This enhances the security of your premises while eliminating the cost and time of maintaining employee and contractor ID cards, keys and fobs to manage access. This can also prevent access to restricted areas, and give you real time notifications for breaches.

BAC checks

Ensuring drivers are alcohol-free can help with site safety. The same applies to packers, loaders and others in the supply chain. By integrating Blood Alcohol Breath tests with AI, individuals are instructed to undergo breath tests upon check-in, and the results are automatically logged. A further integration to access control can help ensure that workers with unacceptable BAC levels cannot gain access.



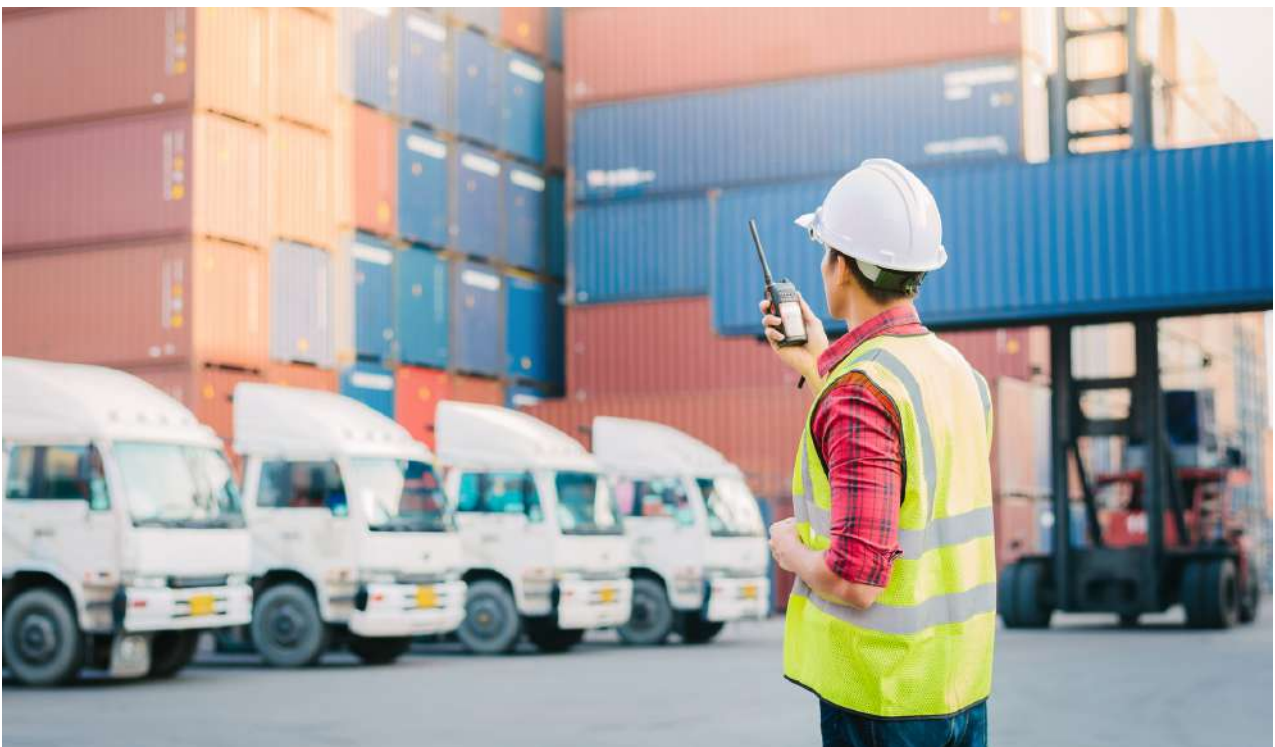
Conclusion

We encourage everyone in the transport industry to remain steadfast in their commitment to CoR. As we've seen throughout this guide, Chain of Responsibility has evolved over time, and involves various stakeholders and compliance obligations. Because of the consequences for non-compliance, we strongly recommend staying abreast of the laws and any changes.

We also encourage you to explore and embrace new technologies such as AI that can help automate certain CoR tasks, increase productivity and enhance site safety. A regular review of processes and procedures can be helpful to uncover inefficiencies and find better ways of doing things.

Guide sources:

National Heavy Vehicle Regulator
<https://www.nhvr.gov.au/>



About Rapid Global

Leading global companies continue to choose Rapid to manage their compliance, safety and risk management processes with their staff, contractors, and site visitors. Our fully integrated and modular workforce management software supports a culture of safety and compliance.

Schedule an obligation free demonstration with our experts.



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