



Aussie Excavators Plant Hire Pty Ltd

**Chain of Responsibility (CoR)
&
National Heavy Vehicle Laws (NHVL)**

POLICY & PROCEDURES

**Employees / Contractors
2019**

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Document Amendment Register

Reason for Amendment	Pages Affected	Incorporated by (sign)	Date

NOTE: This page must be up dated each time an amendment to the document is made. The contents page will also need to be amended. Pen amendments are fine providing each amendment is initialled

Document Amendment Procedures:

The Manager is responsible for ensuring that the amendments to this document are developed, produced, approved and incorporated in the following manner:

- (a) Amendments will show the new date of issue and issue number of each page.
- (b) Each individual document will be referred and able to be identified by its reference

Reference information shown at the base of each page will be as follows:

<i>Version:</i>	<i>01</i>
<i>Date of issue.</i>	<i>01/02/2019</i>

- (b) A list of amendments will identify who incorporated the amendment, the date of the amendment, the pages and/or section affected, and the reason for amendment
- (c) The contents page will be updated to show the current status of this document. This will be identified by the date of issue for each section.
- (d) Consecutive version numbers will identify when the total document is replaced.
- (e) All amended pages and/or superseded versions of the Document must be kept for a minimum of three years.

Distribution

The Aussie Excavators Plant Hire Pty Ltd

- Fatigue Management System & Chain of responsibility documentation may be changed & therefore is deemed to be a "live" document any changes and or revisions are to be approved by the owner and or authorised manager for the company prior to the documents release.
- All staff are permitted to view the Chain of Responsibility Management Documents at any time upon request.
- This is the only controlled copy of this document. If other controlled copies are introduced at a later date, the manager is to ensure that all future copies are kept up to date with each amendment.
- If more than one copy of the document is used, a record is to be made on a register as to the details of whom the document is issued to, the date of issue, and the copy number of the document.

Business Structure

Aussie Excavators Plant Hire Pty Ltd will be referred to as AEPH throughout this document. AEPH is a business providing Plant and Machinery Wet Hire and Truck Hire and is a part of the Heavy Vehicle industry. The Owner Operators are responsible for ensuring that all areas of the Chain of Responsibility Management Policy are implemented and inducted with the dissemination to all relevant parties identified in the Chain and as defined in relevant legislation and regulations of the National Heavy Vehicle Laws (NHVL).

Business Name:	Aussie Excavators Plant Hire Pty Ltd
Type of Business	Earthmoving
ABN:	18 164 004 148
ACN:	164 004 148
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INTRODUCTION

Objective/Principle:

The participation of AEPH in the Chain of Responsibility Code of Practice confirms the safe practices which already exist between the management of AEPH and any employees and contractors.

In order to satisfy the requirements of relevant accreditation schemes, CoR management will ensure that the policies, procedures, and statements endorsed by the company, and ensure as far as is reasonably practicable incorporated within the appropriate documented format, are maintained, reviewed, and updated as required. AEPH has developed systems and processes to ensure compliance with the relevant obligations, with respect to managing heavy vehicle driver fatigue, speed management, mass and dimension, maintenance and roadworthiness and load restraint as set out in the regulation/s.

Safety for all workers & employees is critical and demonstrates professionalism and aspires to provide an incident free working environment. With this in mind, AEPH's CoR Policy is a document, an outline and an inducted document designed to inform for and on behalf of the company owners and management to mitigate risk and or exposure to any party in the chain from causing or contributing to a breach under the laws and regulation of the National Heavy Vehicle Regulator (NHVR). It is to disseminate the required information, training and supervision of the concept known as the **Chain of Responsibility (CoR)** wherever possible. All reasonable steps are to be taken by the company to ensure that the CoR obligations are fulfilled by anyone associated with the road transport task working in or with AEPH. Management are ensuring that all reasonable steps are taken or there are no steps which could be taken to prevent a CoR breach occurring.

Date of Commencement: - 20/01/2019

Definitions/Interpretations

Throughout this Document, the following words and expressions used are to be interpreted as follows:

- The "Company" or business is AEPH
- The "Business Owners" is noted in this document as "The Manager" or by name
- The Manager is the responsible persons for **Chain of Responsibility**
- The Manager - will maintain Scheduling and Rostering activities
- The Health & Safety and Compliance Officer - will maintain compliance to the **Chain of Responsibility** Standards
- The Health & Safety and Compliance Officer – monitor compliant agreements
- The "Drivers" are named in the register currently as contractors
- The Office & Depot Address is named as Head Office at Capalaba Brisbane Queensland

It is recognised that: - AEPH is a business providing the construction industry with plant and equipment observing requirements and obligations relating to road transport tasks. AEPH provides services by way of scheduling, allocating and controlling packing unloading and operating and controlling - utilising contracted and owned heavy vehicles (GVM 4.5T +) and is associated within the definitions as a responsible party or entity under the NHVL, and the concept known as the "Chain of responsibility" (COR) It is acknowledge that AEPH may be a party in the Chain of Responsibility in more than one capacity.

CoR Management Policy Statement

The implementation of this CoR Management System assists in.

- ✓ Compliant COR & NHVL policy and procedures
- ✓ Implementation and inductions specific to the obligations under COR
- ✓ Training, information and supervision ensuring compliance assurance of COR
- ✓ A provision for the business to demonstrate “All Reasonable Steps” were taken if a COR breach occurs.

Note Standard for implementation

All vehicles of 4.5T GVM

1. All areas for the business are to be addressed in terms of CoR compliance
2. Identifies all that have an element of responsibility in this chain? (Referred to as ‘Responsible Entities’)
3. Note consignors commission the carriage of loads by road.
4. Note loaders are those who place or restrain the load or passengers on a heavy vehicle.
5. Note a load manager is one who normally loads or unloads 5 or more fatigue regulated heavy vehicles per day
6. Note drivers are those who physically drive a heavy vehicle.
7. Note operators and schedulers - those who operate the business that controls the use of a heavy vehicle.
8. Note receivers are those who pay for the goods or take possession of loads.
9. All employers or managers of a business.
10. Any Sub-contractors and Owner Drivers
11. Directors of the company
12. Administration of the company
13. Financial managers of the business
14. Any other Key Stakeholders where a traceable connection can be made under the COR concept

This Management System incorporates:

1. Assessing – (site specific)
2. Writing – (site specific)
3. Producing – (site specific)
4. Implementing the Chain of Responsibility Management System
5. Documentation
6. Document Handbooks Guidelines
7. Policy & procedures
8. Induction programme
9. Comprehensive dissemination and implementation.

Chain of Responsibility:

Proposed outcomes

1. To improve compliance and road safety of transportation - consigning - and receiving of freight or goods
2. Safety of all workers and the general public and safety and care of loads carried
3. Minimise the risk and or severity of heavy vehicle incidents & accidents, reducing and managing risk of damage to infrastructure and loads as prescribed in various codes and legislative instruments, regarding all relevant codes, standards, and best practices applicable within the provisions of heavy vehicle road transport laws
4. Establish a CoR reasonable steps defence for implementation should a CoR breach occur.

Reviewing AEPH business practices:

AEPH will approach and review their business practices to ensure that the steps being taken are compliant and reasonable. AEPH developed, and are currently implement CoR Transport Safety Systems which affects all services, products and delivery from consignor to consignee. By applying regulated standards AEPH will deliver compliantly and take all reasonable steps to enable the compliance of all heavy vehicles directed or used by AEPH for receiving, and for loading for a road transport service.

AEPH will ensure the following steps are complied with:

- ✓ Ensuring work practices do not contribute to or cause breaches of the road laws.
- ✓ Training for staff to ensure an understanding and commitment to obligations under chain of responsibility concept and NHVL
- ✓ Complete regular audits or “spot checks” to ensure compliance (example, monitoring consigning, load restraint, fitness for duty, speed management, manual handling, fatigue management and mass and dimension as per CoR and the NHVL.
- ✓ Place contingency plans as required to manage operational issues within the CoR laws ensuring continual improvements.

Reviewing your Commercial Arrangements:

The management must ensure commercial relationships do not cause the business to breach chain of responsibility laws by:

- ✓ Including best work practices (safety accreditation) in relevant commercial arrangements with other responsible entities or parties in the transport chain. Requesting information about what systems and controls are in place to ensure compliance (policies on drug/alcohol or fatigue management).
- ✓ Avoiding arrangements which encourage or reward speeding and non-compliance of any regulation NHVL or CoR is to be adhered to at all times.
- ✓ Requesting information about what systems and controls are in place to ensure compliance (policies on drug/alcohol - speed management and fatigue management and load restraint).

AEPH Management will as is reasonably practicable take all reasonable steps to avoid any commercial arrangements which encourage or reward speeding and or non-compliance of the COR concept and or obligations imposed by the NHVL.

To manage the CoR risks this programme assist in

- ✓ Legal, management, operational management, corporate teamwork identifying a “champion” (train and develop key authority to drive the project through (See CoR Register).
- ✓ Identify an ongoing project manager to monitor and maintain.
- ✓ Identify a CoR Management team
- ✓ CoR operations team (logistics, sales, maintenance, scheduling, WH&S).

The program, with continuous application manages and controls your organisations’ current state and maps the codes of practice to the business model.

- ✓ Who has interaction with the code?
- ✓ Who is identified as a ‘responsible entity’?
- ✓ Identify internal roles (i.e. consignee, consignor, loader, receiver, etc.).
- ✓ Identify your transport/freight forward partners.
- ✓ Identify which of your suppliers are likely to transport your goods that are heavy enough to have the possibility of being overweight and work with them closely. (Risk management strategy)
- ✓ Identify your expected outcomes of plans implemented
- ✓ Compliance with the code, loading and balance control, accurate CWD, compliant vehicles arriving and departing from your premises)

Implement any changes required

Ensuring WH&S procedures, & ongoing training programs, etc.

- Training – needed to ensure all staff understands compliance.
- Document all training.
- Start with management first, then functional managers
- Use scenarios from site specific e.g. Work Site vs. Office ‘real life’
- Communicate areas of further information
- Ensure your policies and procedures conform.
- Ensure full process information is included in job instruction documents.
- Empowerment/decision making make sure your staff are comfortable to question what they see, (i.e. a potential breach and to take action to correct this)
- Implement processes for what to do if “something goes wrong” e.g. “if you see it tell us” (support from project champion aids this).
- Management support is crucial.

Review your suppliers

- Show how to communicate with your suppliers; are your vendors reliable?
- What are the policies of your transport providers?
- Pass on your requirements to your suppliers (and document).
- This is also part of the ‘reasonable steps’ process.

- A policy package for your suppliers to ensure they know of your compliance. This should be part of your company's risk mitigation process.
- Make a demonstration of adherence to the Chain of Responsibility specifically and ensure this is outlined in commercial agreements.

Control & Monitor

- Part of the ongoing operations.
- Speed Management Plan
- Speeding Policy
- Randomly check work practices and weight declarations.
- Conduct regular refresher training.
- Observe ongoing behaviours to develop a broader awareness.
- Monitor your supplier's commitment to Chain of Responsibility.
- The legislation is looking for synchronisation within the supply chain.
- Ensure you have compliant procedures for 'reasonable steps defence.'
- Standard information is required (outlined below). This does not have to be on the one piece of paper, can be from multiple documents from paperwork already in place.

SUPPLY CHAIN – General Obligations

- Ensure your information is correct – don't guess!
- Make sure all your kept records are accurate.
- Have a process to check/confirm documents to identify the source of information if required. This should be easy if you have good relationships with your suppliers/importers.
- If a discrepancy is found, you need to show reasonable steps taken to resolve the issue.
- Information flow should be smooth and transparent.

RISK MANAGEMENT

Implementation of background and understanding within the AEPH includes:

- Transport companies use information to choose appropriate vehicle for plant and machinery carrying & load requirements.
- Inconsistencies in information cause confusion and delays.
- It is a breach to give false or misleading information about any aspects of the load or journey.
- If applicable load over weigh bridges on random basis to check weight declarations for accuracy.
- Ensures load plans are accurate and provided for every load where appropriate.
- Overloading on a single axle is against regulation and can cause major accidents.
- Unsecured loads create dangerous situations with load movement this also applies to luggage.
- Ensures all on road parties are trained in load restraint as per the Load Restraint Guide 2004 Second Edition
- If there is an issue of non-conformance to the regulations, document (photo) and demonstrate corrective action to be taken.
- Non-compliant loads add delays and costs to the supply chain
- All participate in improvements to industry safety outcomes
- AEPH compliance requires verifying all carriers' credentials

AEPH Chain of Responsibility Policy Declaration

AEPH management and owners are committed to ensuring compliance to all regulations and laws pertaining to the obligations and laws imposed under the concept of "The chain of Responsibility" likewise the owners and management are also committed to providing a safe and healthy work environment for any persons defined under the regulations as workers, or employees, and are obligated to the continual safety of other road users.

We believe that all work related injuries and property losses are preventable and that safety and the prevention of injury or ill health is socially responsible and good business. The aims of this Policy Statement will be achieved through documented procedures and policies relating to CoR specific obligations and National Heavy Vehicle Laws administered and enforced by the National Heavy Vehicle Regulator (NHVR). AEPH adheres to, and implements the relevant Chain of Responsibility Management Plan for each jurisdiction.

The COR management system is continually improving assessed and monitored as per the requirements and introduction of the laws and obligations. All AEPH management are aware of and implement relevant requirements concerning fatigue issues, speed management planning, mass and dimension obligations, load restraint requirements, vehicle road worthiness and maintenance. Management take all reasonable steps to ensure everyone complies with the national legislation and imposes according to jurisdiction.

Chain of Responsibility:

- a. As the person in control of the **Chain of Responsibility** I accept that the work practices be adopted.
- b. AEPH will operate in accordance with the procedures put in place to maintain the standard of workplace practices intended by this policy, and to achieve this end I, and all other drivers, employed or working for the business, will voluntarily and periodically monitor their own individual personal compliance duties and their fitness for duty prior to commencement of any work.
- c. Should a person be found to have breached this **Chain of Responsibility** system and it is found that the said breach is deemed to be serious the person may be given a written warning.
- d. A second written warning will mean standing that person down pending an investigation.
- e. A third re-occurrence may mean dismissal immediately,

The procedures outlined in this document are understood by the undersigned and the contractor / worker / manager / or owner and an awareness by all responsible and influencing parties within the company AEPH. It is the responsibility of all relevant parties and requirements imposed by law to be adhered to, the aforementioned obligations known as the "Chain of responsibility" and as far as is reasonably practicable adhere to and comply with the National heavy vehicle laws. It is also recognised senior management executives and board also bare the responsibility to adhere to the National Heavy Vehicle Laws and is aware of the obligations as a party in the chain of responsibility.

Name: Leanne Sullivan

Position: Director

Signed:



Dated 01/02/2019

SECTION 1

How does this Chain of Responsibility Management system work?

1. Checking that the business practices comply with safe limits set by legislation.
2. Checking that the business addresses, all areas such as load weight, weight declarations and,
3. Adequate load restraint and compliance with safe limits set by legislation.
4. Educating all members of the companies supply chain of the legal requirements for road transport, and
5. Obligations, responsibilities for ensuring observance of the regulations shared by all supply chain levels.

Who has an element of responsibility in this chain? (Referred to as 'Responsible Entities')

1. Consignors those who commission the carriage of a load by road.
2. Loaders those who place or restrain the load on a heavy vehicle.
3. Drivers those who physically drive a heavy vehicle.
4. Operators and schedulers - those who operate the business that controls the use of a heavy vehicle.
5. Receivers those who pay for the goods or take possession of the load.
6. Employers or managers of a business.
7. Sub-contractors and Owner Drivers

Everyone involved and or associated with road transport must operate within the legal guidelines; you cannot assume your suppliers and customers are. You need to demonstrate you are took ALL reasonable steps to prevent an infringement from occurring or demonstrate there were no reasonable steps that could have been taken to prevent a breach from occurring.

Procedure for Relief and Casual Drivers

- Casual and relief drivers will receive the same training as permanent drivers
- If casual drivers are used that have not received training or undergone medicals they will only be permitted to use standard hours.
- Contingency Plans
- Where there are delays, breakdowns, accidents, sickness in transit or drivers arriving not fit for duty will require alternatives measure such as stand in drivers or alternative vehicles being used.

Notes for Consigners & Receivers

- Need to ensure the load is secure and complies with weight and dimension regulations.
- Get information from your customers and suppliers about their systems in place to ensure compliance to regulations.

Notes for Loaders & Packers

- Need to ensure the dimensions and weights comply with road laws
- Need to ensure the load is secure. Loaders and packers have direct 'on road' part in the Chain of Responsibility.

Notes for Drivers / Transport Contractors

- The same duties as ever apply, however the introduction of Chain of Responsibility legislation has not diminished enforcement in fact it has strengthened enforcement.
- Check the load is secure and weight/dimension requirements are adhered to.
- Responsible for all or part of the maintenance of the vehicle.
- Must be aware of current enforcement powers under the Chain of Responsibility
- Drivers must be aware that Authorised Officers and Inspectors have more power with respect to stopping vehicles inspections enter and search, and to obtain information and request reasonable assistance should a breach occur.

SECTION 1A

Speed Policy

All statutory speed limits must be observed.

An absolute speed limit for all heavy vehicles (except road trains) is 100 kph as allowed for by the Australian Design Rules (**80KPH max or as signed road trains**) the legal speed limits are the maximum allowable in good conditions. Drivers shall further govern the vehicle speed in prudent observation of traffic, weather and surface conditions, visibility, grade, the type and condition of the road, temporary posted speed limits, equipment limitations and other factors. Only under ideal conditions, with all these factors permitting, should the legal maximum speed limits be reached. The vehicle must be operated at a sensible and safe manner. Coasting downhill is strictly prohibited and may lead to dismissal.

A driver must **never** ask permission to exceed the limit, regardless whether permission was given to them by their Supervisor (i.e. running late). The driver would be breaching company policy and will be treated in the same manner as if they had not asked or been given permission.

No one in the company has the authority to give a driver permission to exceed the legal speed limits.

Each vehicle may be fitted with an on board computer that will be monitored by Management on a regular basis. Improper behaviour or improper use of the vehicle will be brought to the attention of the driver with immediate rectification of the behaviour expected.

Repeated over runs creating an over speed limit breach, will result in the driver being notified and given a written warning. Repeated offences may result in dismissal or remedial action after an appropriate investigation, as this is considered by the company to be **gross/wilful misconduct**.

Payment of speeding and all other traffic related fines or penalties, is the driver's responsibility.

Note:

The Qld and RMS in NSW now has 'Safe-T-Cam' cameras set up on highways to track the speed of vehicles for everybody's safety. If the company receives a letter from the authorities notifying that a vehicle exceeded the speed limit, there will be disciplinary action taken which may lead to dismissal of the driver. Transport and other states may follow the NSW lead in time, and the same conditions will apply if and when this happens.

Drivers must remember to always be cautious of what is happening around them and on the road.
Drivers must remain alert and:

- reduce speed where driving conditions are uncertain;
- treat pedestrians and cyclists with caution;
- approach pedestrians crossings with extreme caution; and
- approach all road accidents with extreme caution.

AEPH will ensure that all complaints from the public will be fully investigated and where necessary the driver will be given appropriate training and counselling.

Speed Management Plan

Speed Management and Chain of Responsibility Management procedures

The Queensland Transport Operations (Road Use Management) Act 1995 has been amended by the Heavy Vehicle Speed Compliance Act with the insertion of a new Chapter 5D in the Act.

(2) In outline, this Act –

- (a) requires those who are most directly responsible for the operation of a heavy vehicle to take reasonable steps to ensure that their activities do not cause the driver to exceed speed limits; and
- (b) requires that anyone who schedules the activities of a heavy vehicle, or its driver, to take reasonable steps to ensure that the schedule of the vehicle and the driver does not cause the driver to exceed speed limits; and
- (c) requires heavy vehicle loading managers to take reasonable steps to ensure that the loading or unloading arrangements for a vehicle do not cause the driver of the vehicle to exceed speed limits; and
- (d) requires certain people who consign goods for transport by heavy vehicle, or who receive such goods, to take reasonable steps ***to ensure that the terms of consignment of those goods do not cause heavy vehicle drivers to exceed speed limits;*** and
- (e) forbids anyone from asking a heavy vehicle driver to exceed speed limits and from entering into any agreement that causes a heavy vehicle driver to exceed speed limits.

Note:

This Act does not impose any obligations on employed drivers. Drivers of heavy vehicles are required to obey speed limits imposed under the Australian Road Rules, or as a condition of a permit or exemption that applies to a vehicle. Penalties on drivers for failing to comply with speed limits include demerit points, licence suspension, cancellation or disqualification, and fines.

Purpose and outline

- (1) The main purpose of this Act is to improve road safety and compliance with road safety laws by imposing responsibility in relation to speeding by heavy vehicles on those whose business activities influence the conduct of the drivers of those vehicles. The new speed management planning provisions are effective from 1 July 2010 and adopt national reforms in this area, which have been developed after extensive consultation with various transport industry stakeholders.

The section 163AA states that: The main purpose of this chapter is to improve road safety and compliance with road safety laws by imposing responsibility for speeding by heavy vehicles on persons whose business activities influence the conduct of the drivers of heavy vehicles. The legislation, while encouraging drivers to remain speed compliant, acknowledges that drivers are not the only ones responsible for this issue. The new law targets those in the chain of responsibility including employers, operators, and prime contractors, schedulers, loading managers, consignors and consignees. The main prohibition introduced is to ensure drivers are not asked to speed or enter into an agreement which has the effect of causing the driver to speed. Further, all the parties in the chain of responsibility are required to take "reasonable steps" to ensure that their actions or processes do not end up causing the driver to speed.

This reference to "reasonable steps" ties back to section s 57D of the Act which remains unchanged by the new laws.

Section 57D provides the defence of "reasonable steps" will not be available to a person seeking to avoid liability if the relevant person had knowledge of the contravention by the driver or ought to have known about it and did not take reasonable steps to prevent the contravention, unless no steps could have been taken.

The Act only provides guidance as to what constitutes "reasonable steps" without being prescriptive. Essentially authorities will look at the business practices and culture in place at the time.

In terms of business practices, authorities will be assessing if there has been implementation of suitable risk assessment procedures regarding:

- realistic planning of trips (including contingency planning)
- training
- document systems
- contracts/agreements
- ways of monitoring and identifying risks.

The penalty for breach of the new law, by the chain of responsibility parties, ranges from a \$300 penalty infringement notice to a maximum of an \$ 8,000.00 fine. Drivers remain independently liable for the usual demerit points and penalty infringement notices that apply.

There are other amendments for certain post-1987 vehicles regarding speed limiting devices, that introduce a penalty for the driver and/or the person who permits the driver, to use a heavy vehicle where the

equipment does not comply with Australian Design Rule 65 or Part 11 of the *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulations 1999*.

According to *Part 11*, these requirements concerning speed limiter device compliance apply to:

- a bus (not a passenger bus or emergency or police vehicle) of gross vehicle mass over 14.5 tonne
- a prime mover (not 2-axle pre-July 1991 used for agricultural, horticultural or other primary production purposes) of gross vehicle mass over 15 tonne.

A defect notice will issue against the owner of the vehicle where the driver has been convicted of an offence which involves a driver exceeding 110km/hr. Relevant fact sheets are available on:

www.transport.qld.gov.au/speedcompliance

If a driver of a relevant heavy vehicle speeds, the driver will not be the only one liable for a penalty, but so too anyone else in the chain of responsibility or any other party who has influenced the conduct of the driver as outlined in the legislation. This may require reviewing agreements and trip scheduling, risk management and other workplace practices and policies. It is essential to ensure that all reasonable steps are being taken to discourage the driver to speed.

SECTION 02

Driver Fitness / Readiness for Duty

- (a) Drivers present and remain in a fit state for duty, including not being impaired by fatigue, alcohol, or drug use, whether prescribed or otherwise
- (b) The Fatigue Management Policy Statement will be displayed in a prominent place within the workplace
- (c) Fitness for duty of drivers is diligently supervised as far as is reasonably practicable
- (d) If a driver is suspected of being under the influence of fatigue, alcohol or drugs, prescribed or otherwise, the driver will not be given control of a vehicle until such time as the Manager deems it safe to do so
- (e) Drivers are trained in the requirements of the Fatigue Management Policy Statement with respect to off-duty social activities prior to presenting for work on the next working day
- (f) Drivers are to confirm their “fitness for duty” as part of the daily pre-start inspection process.
- (g) If a driver considers themselves unfit for duty they provide as much notice as possible to their supervisor to enable alternative arrangements to be made for casual or relief drivers to be allocated.
- (h) Drivers are to undergo medical examinations in accordance with the requirements of relative accreditation schemes.
- (i) Results and recommendations of medical examinations are to be taken into account when developing schedules and rosters.
- (j) A reminder system is to be implemented to ensure currency of medical examinations.

The following checklist must be observed to meet the criteria of the NHVAS Fatigue Management

Objective:

To ensure that drivers present themselves daily in a fit state to safely perform driving and non-driving duties, the Management Team must ensure that:

- Present yourself in a fit state for duty taking into account any other work you have done;
- Not impaired by alcohol or drug use;
- May be required to have a current medical assessment by a suitably qualified medical practitioner which includes consideration of sleep disorders and other fatigue-related conditions;
- Schedules provide for 7 hours of continuous sleep in 24 hrs preferably at night;
- Minimise night work when you have returned from extended leave;
- Schedules provide for no more than a daily average working time of no more than 12 hours;
- Rosters advise gives 24 hours' notice of work periods of 12 hours;
- Schedules provide for 10 hours of non-work per 24 hours;
- Schedules provide for 4 nights rest between 10pm & 8am;
- Schedules provide for no more than 140 hours of work in 14 days;
- Schedules provide for 15 minutes rest after 6 hrs, 30 minutes after 9hrs & 60 minutes after 12hrs
- Minimal night work between midnight and 6am (Risk of fatigue is greatest between these times.);

SECTION 02A

Drug & Alcohol Policy

Aim

It is recognised that the inappropriate use of drugs and alcohol by a driver or any other employee, contractor or visitors can lead to major deficiencies in an individual's work performance and is a contributing factor in industrial accidents, driving accidents and road fatalities.

The aims of this policy are to:

- Eliminate hazards associated with drivers affected by drugs or alcohol while working for this company. The policy attempts to achieve this without resorting to disciplinary actions or dismissal.
- Ensure that this organisation meets its obligation to provide a safe working environment for its employees and the community.
- Provide proactive assistance to employees so that they can overcome problems associated with the inappropriate use of drugs and alcohol.

Procedure

- This organisation regards an individual's dependence on alcohol or other drugs as a potentially treatable condition, and so allowances for treatment will be made as for any other illness.
- The decision to take drugs or alcohol is the choice of the individual. This organisation becomes concerned when effects of these interfere with job performance, customer relations and/or the safety of employees and other road users.
- Drivers who feel they are developing or already have a problem with drug or alcohol dependence are encouraged to report their concerns to management for referral to appropriate treatment. These discussions and information will remain confidential.
- Where management detects a deterioration of a driver's performance it should be remembered there may be a medical reason for this. Following an interview with the driver about performance, the driver may be asked to seek medical advice through the company doctor.
- The decision to undertake treatment is the responsibility of the individual. Assistance and treatment should be arranged through the company doctor.
- If a driver refuses to accept assistance where drug and alcohol abuse has been proved and the driver experiences a subsequent recurrence of such abuse while working for the company, this will result in a termination of employment.
- If a driver refuses to seek treatment to deal with the problem, and his or her performance has deteriorated, or if after a reasonable time following treatment there is no clear and consistent improvement in performance, the driver will be classed as not meeting acceptable driving standards and this may result in termination of employment.
- During treatment, employees are entitled to normal sickness benefit.
- Where medical advice indicates that a driver is unlikely to be able to return to their position, termination of employment may be necessary.

- This drug and alcohol policy does not exist to protect or exempt drivers from statutory or legal requirements, which apply regardless.
- A driver who presents for work under the influence of drugs or alcohol such that he or she is unfit for duties will be subject to disciplinary action.

NB. The above criteria are adopted and apply for drivers who abuse drugs or alcohol during the course of any working period. The company retains the right to conduct random drug & alcohol testing

SECTION 03

Training and Education Practices / Fatigue Knowledge and Awareness

Objective:

To ensure that all personnel involved in the day-to-day running of the business have the knowledge and skills to practice effective fatigue management, by ensuring that regular training is carried out, including induction training, general training, and training specific to a particular area of operations.

The Manager is responsible for ensuring that:

All drivers and appropriate staff are adequately trained/education or assessed as competent for the function, including

The following, as appropriate:

1. What Chain of Responsibility is?
2. The consequences of Chain of Responsibility
3. Identifying causes of Chain of Responsibility breaches
4. Recognising Chain of Responsibility non-compliance
5. Strategies to better manage Chain of Responsibility
6. How to make changes to comply with Chain of Responsibility
7. How to apply control measures
8. Company procedures and practices regarding Chain of Responsibility
9. Company procedures and policies with regard to fatigue, drugs, alcohol, rehabilitation and workplace health and safety
10. The necessity of drivers to ensure that they present for duty understanding their responsibilities under Chain of Responsibility legislation.

Additional or replacement staff (where and if used) are given induction training on the policies, procedures, work, health, and occupational health and safety practices of the operation which apply to Chain of Responsibility, to be recorded on the Employee Training Record form. By provide training, either internally or externally, based on the organisations' needs or on the individual needs of the driver/s a record of the training needs analysis will be indicated in the scheduling section of the Employee Training Record form. Internal education and participation in industry workshops, conferences and programmes will also be recorded in the appropriate staff member's Employee Training Record form and counts as professional development. Drivers participating in Basic Fatigue Management option must be trained and assessed in fatigue management practices and can demonstrate competence with TLIF1007C – Apply fatigue management strategies.

The company for whom they operate must be registered for the relevant fatigue management scheme under the National Heavy Vehicle Accreditation Scheme (NHVAS) before a driver can be compliant under the basic or advanced fatigue management regime. When operating under Chain of Responsibility and applying NHVAS Basis Fatigue Management, personnel involved in scheduling trips and managing or supervising drivers are required also to obtain a Statement of Attainment in TLIF3063A – Administer the implementation of fatigue management strategies.

Employee Records are maintained and remain updated for each staff member Records should include:

- Training provided (When, by who, and what type)
- A Training needs matrix
- Induction Training must be provided before commencement of employment and should include the items outlined above
- General training should be undertaken regularly to enforce the issues outlined in above, whilst training specific to a particular area of operations should be identified and organised by the Manager/s from time to time
- A timely review of the operation needs of the business is conducted to identify the training required in the various areas of the operation

SECTION 04

Responsibilities

Objective:

To ensure all personnel understand their responsibility in relation to the hazards and risks associated with Chain of Responsibility fatigue and how these hazards and risks may be managed and controlled and to ensure vehicles are maintained at a high level of roadworthiness.

The Manager is responsible for the overall quality policy and the provision of human, material and financial resources to ensure an effective Quality Management System, in particular the following:

- a) Production and control of the Policy and Procedures of the Chain of Responsibility legislation and any other jurisdiction which may be affected.
- b) Effective training/education programmes as to the duties and obligations of all personnel in relation to Fatigue Management Accreditation
- c) Safe vehicle operations
- d) Driver health checks in accordance with the NTC Guidelines
- e) Identifying and addressing occupational health and safety concerns
- f) Keeping of accreditation records in an effective manner
- g) Provision of vehicles for timely maintenance so as to provide a safe working environment for drivers
- h) Actioning internal review and external audit corrective actions of anomalies found in the day-to-day working practices of the business as it affects fatigue
- i) Ensure that additional drivers are made aware of accreditation requirements
- j) Ensure that appropriate stickers are affixed to current accredited vehicles
- k) Ensure that stickers are removed from all accredited vehicles when disposed of

- l) Maintaining a register of injuries and incidents occurring within the workplace
- m) Keeping of records of investigation of all accidents and injuries to aid in the prevention of future incidents/accidents
- n) Ensuring that arrangements are in place for employee consultation and improvement of the overall Chain of Responsibility and Occupational Health and Safety issues

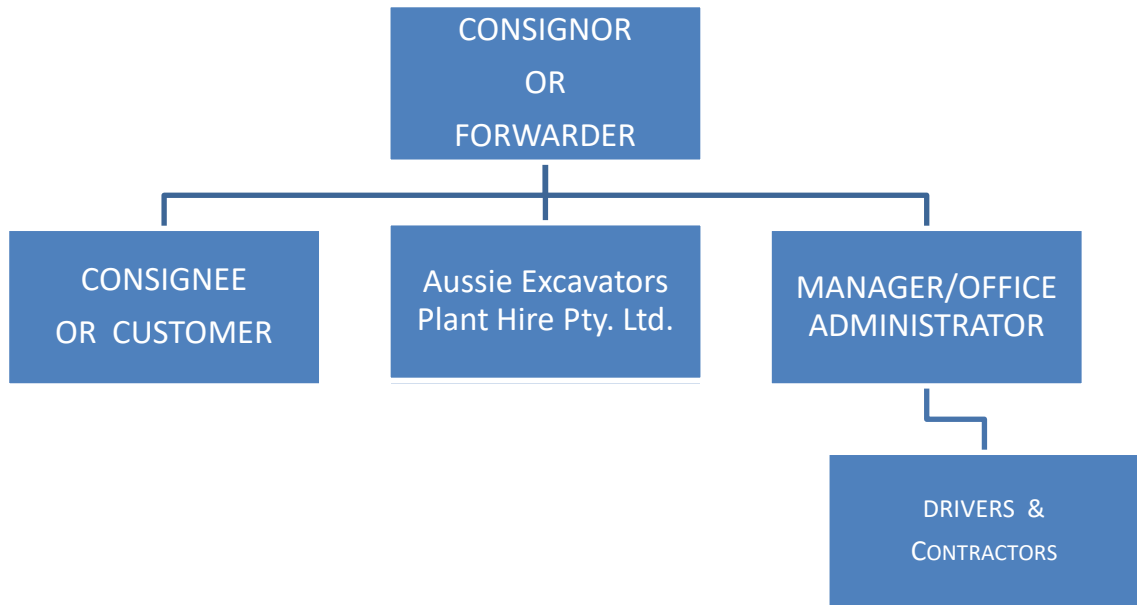
The Health & Safety & Compliance Officer is responsible for ensuring:

- a) That timely internal reviews of the procedures and systems contained in this document in relation to Fatigue Management and carried out in accordance with designated procedures in the Chain of Responsibility Policy and Procedure.
- b) That any areas of non-conformance are recorded and reported to The Managers for implementation of corrective action
- c) That assistance is provided for the administrative and recording functions of the operations
- d) That records required by this Policy and Procedures Document are collected, maintained and analysed to ensure that procedures are being correctly followed

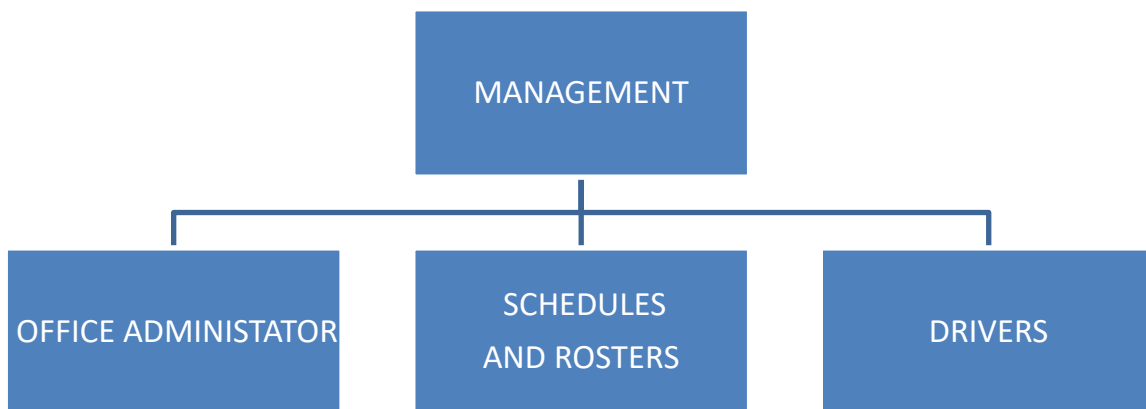
Drivers in relation to Chain of Responsibility are responsible to The Managers and are to:

- a. Abide by all documented Fatigue Management Policies and Procedures of AEPH.
- b. Ensure that the hours allowed by the Compliance Fatigue Standards are not exceeded
- c. Complete the Driver Trip schedule whilst travelling in accordance with Compliance Fatigue Standards, by maintaining accurate details of all driving, working, and non-working hours as directed by the Managers.
- d. A Trip Plan is to be completed for each driver scheduled to work, or alternatively a diary form of record maintained which gives a suitable auditable record of work/rest hours.
- e. Report for duty fit for the purpose for which he or she is employed and allowing sufficient time prior to reporting for duty to ensure he or she has had sufficient sleep beforehand
- f. Lead as healthy a lifestyle as possible during times of recreational activity prior to leaving on a trip
- g. Advise the Managers in the event that the trip cannot be completed in the time stipulated due to fatigue issues
- h. Report any accident/incident to the Managers immediately participate in the occupation's health screening Programme
- i. Participate in training/education programmes as required in Section 3 herein
- j. Abide by occupational health and safety directives
- k. Operate in a safe and professional manner

Responsibilities' organisational chart below describes the responsibilities of all in the 'chain of responsibility' is listed below. The chart indicates, in some circumstances, one person may be involved in more than one role. The driver is no longer solely responsible for the delivery of freight.



The 'Training Organisational Chart describes the application of induction and fatigue training requirements.



SECTION 05

Internal Review

Objective:

To establish and implement documented procedures that includes audits to verify the performance of the CoR and Fatigue Management System.

The Internal Review where practicable, is to be conducted by an independent person. The Manager is responsible for the compliance of any accreditation system. The Manager or the Office Administrator will conduct the internal review in the case where an independent person is not available. The reviewing of the records is done in a diligent manner and a review of the records, procedures, and systems covered in this document on at least an annual basis. This review is to be conducted by using any one or more of the following:

- a) A copy of this document as a guide to ensure policies and procedures are followed;
- b) A checklist of the main items covered under the Standards of the Fatigue Management Module; &/or
- c) The Fatigue Management Audit Matrix

The **Internal Review** covers all areas of the operations relating to fatigue and maintenance management, and may cover all sections together or sections over a period. Appropriate records are retained to show that processes are being followed. The audit examines the relevance of procedures to the operation and serves as a performance review of the operation to be used to identify opportunities for improvement.

Any non-conformances with procedures found during the internal review are to be detailed on a Non-Conformance Report. A written report, together with any non-conformances detected and which may contain suggestions for improvement in procedures, will be produced by the person undertaking the audit to The Manager within fourteen (14) days of the audit. The Manager, in conjunction with the Office Administrator are to correct all non-conformances and maintain a record of action taken and corrective action requests identified during the internal review are closed out by the person undertaking the audit.

Non-Conformances/Improvement Action Requests:

Throughout the course of the day-to-day operations of the business, tasks which are immediately identified as not conforming to the policies and procedures herein are to be written up as non-conformances.

Non-conformances may arise in the event of:

- a. absence of maintenance records
- b. failure to follow procedures
- c. discrepancies identified during Internal audit

A non-conformance report is to be used as a request for improvement for any tasks which are identified by the Office Administrator / Manager as needing improvement, change, or are no longer applicable to the day-to-day operations of the business. Non-conformances are dealt with in accordance with the procedures outlined.

Quarterly Compliance Reviews:

A review is to be conducted quarterly to ascertain for the period:

- (a) the number of drivers with compliant log books
- (b) the number of drivers with non-compliant log books
- (c) the number of drivers fatigue training hours undertaken during the period
- (d) the number of medicals: undertaken, missed, failed, and/or with restrictions
- (e) the number of drivers covered in the accreditation
- (f) the number of incident reports investigated or missed

The information required above is transferred to a Quarterly Compliance Return at the end of each quarterly period. Statistics derived from the Quarterly Compliance Return are used as indicators of key performances, with a view to improve on those items which are not in accordance with the stated fatigue policies and procedures.

Managing Incidents:

Because fatigue leads to inattention and errors in judgement and may be involved in many minor incidents, all unsafe incidents and accidents are recorded. Sufficient information is collected to target unsafe practices and prevent future injuries and damage. Our Policy promotes and encourages all employees, sub-contractors and relief staff to report all unsafe incidents (including those that are potentially dangerous) on an Incident / Accident / Hazard Report Form,

A sample of this document is attached and a review is completed after each unsafe incident.

A comprehensive reporting mechanism for unsafe incidents includes, but is not limited to;

- Crashes
- Close calls
- Mechanical hazards

The procedures to be followed for the reporting and recording of unsafe incidences includes the incident, who was involved, what was the vehicle, where did it occur, when and what were the circumstances? The documentation demonstrates some follow up and remedial action for any incidences reported, the records include

- incident forms
- investigations
- witness statements and interviews
- police reports
- insurance forms
- customer complaints
- database

SECTION 06

Documentation and Records

Objective:

To ensure that a business has sufficient documentation to verify that a Chain of Responsibility system is in place and is working effectively.

The Manager, in conjunction with the Office Administrator should ensure that at a minimum the appropriate documentation must include:

For Fatigue:

- A record of all trips
- The start and finish times on Trip Sheets and details of any alterations
- A schedule of all trips (for example, from where, to where, and when)
- Rosters of who is the driver and when they are expected to start and finish
- Counter-measures that are used if standards are exceeded
- Medical certificates for each driver carried out by a qualified Medical Practitioner when required

For Vehicle Maintenance:

- a record of daily trips carried out for each trip for each vehicle
- a record of pre-start checks carried out on all vehicles (recorded in Assignar)
- a record of faults reported and documentation of repairs undertaken (recorded in Assignar)

Records will be kept in a manner considered appropriate:

- at the business address, and must provide an effective audit trail.
- as a minimum, all records will be kept for a period of three (3) years.
- the Office Administrator will keep as a record, a copy of any driver's relevant qualifications, training, and experience, etc. and record all necessary details on the Employee Training Record.
- The Manager, in conjunction with the Office Administrator will keep a record of drivers' working and driving hours to ensure that fatigue management factors are monitored and recorded for internal review purposes and training needs. Records must be retained for a minimum period of three years.
- These records will be checked as part of the quarterly compliance statement and Driver work diary records will be reviewed for BFM fatigue management working / driving hour's compliance (100%) under the Chain of Responsibility and associated legislations.



Aussie Excavators Plant Hire Pty Ltd

Chain of Responsibility

SAFE DRIVING PLANS

&

RISK ASSESSMENTS

Company Risk Assessment Tool

A risk assessment provides a useful tool to review and evaluate schedules and rosters, and the work and sleep environment of employees/sub-contractors to reduce as far as practicable any risks to health and safety of employees and others. This risk assessment process is used to evaluate heavy vehicle driver fatigue related hazards on each individual trip schedule planned. It may be used also with Chain of Responsibility and other generic OHS risk assessment forms and processes. This process is carried out by the scheduler when preparing driver daily schedules.

A risk assessment must occur:

Immediately prior to commencing a new Transport task;

Before changes to work practices and systems of work are introduced; and when new or additional information relevant to the health or safety of the employees of the employer becomes available.

Risk Analysis Key – Evaluating Priority Hazards			
Consequence	Likelihood of Occurring		
	Very Likely (V)	Likely (L)	Unlikely (U)
High (H) Falls asleep at the wheel resulting in total loss of control of the vehicle.	1	2	5
Moderate (M) Significant loss of concentration resulting in lane wandering and reduced reaction times.	3	4	7
Low (L) Minor concentration lapses	6	8	9

Risk Assessment Categories:

- Risk categories 1 – 3 require immediate attention with a likely need to significantly increase continuous long rest opportunities and address sleep quality issues;
- Risk categories 4 – 6 require attention with a need to address sleep quality issues and increase the length or frequency of long rest opportunities and / or discretionary rest periods;
- Risk categories 7 – 8 consider modification of schedules to allow for more discretionary rest periods and improved driving / sleep environment.

RISK ASSESSMENT FORM

Ref No: _____

Date:	Reference Name:	Assessment Completed By:			
Task Start Date:	Task Start Location and Route:				
Task Finish Date:					
		Final Risk Rating:			
Steps in Process	Anticipated Fatigue Hazards:	Fatigue Countermeasures	Consequence	Likelihood	Rating
<ul style="list-style-type: none"> • Arrive at work 	<ul style="list-style-type: none"> • Poor Fitness for work 				
<ul style="list-style-type: none"> • Loading / unloading of vehicle 	<ul style="list-style-type: none"> • Possibly manually intensive • Temperature • Queuing time or loading / unloading delays • Load planning • Load Restraint 				
<ul style="list-style-type: none"> • Driving 	<ul style="list-style-type: none"> • Distance to travel • Accidents / delays • Work environment • High concentration 				
<ul style="list-style-type: none"> • Resting 	<ul style="list-style-type: none"> • Continuity of rest from day to day • Length of break • Suitability of accommodation • Availability of rest stops 				

This task should not proceed if the risk rating after controls are implemented is less than 6 Months

Aussie Excavators Plant Hire Pty Ltd

SAFE DRIVING PLAN / TRIP SCHEDULE

Date:	Driver Name:		
Plan Developed By:			
Regn. Number/s:			
Truck / Trailer:	<input type="checkbox"/>	Load Plan Completed	<input type="checkbox"/>
		Correct Load Restraint	<input type="checkbox"/>
		Correct Weigh	<input type="checkbox"/>
Driving Hours Scheme:	Standard	<input type="checkbox"/>	BFM
		<input type="checkbox"/>	Trip:
		<input type="checkbox"/>	Return Trip
		<input type="checkbox"/>	One Way
			(Tick)

TRIP PLAN

From	To	Estimated Start Time	Estimated Trip Time	Driving Time	Non Driving Work Time. Hold ups etc.	Rest Time	Total Time

NOTE: The driver is to use discretion and rest where or when required provided that regulated driving hours are not exceeded.

1. Have you had a 24 hour break in the preceding 7 days	Y / N
2. If you have worked in the preceding 24 hours:	Y / N
	Y / N
• Does the shift keep a similar work pattern? (night / day work)	
• Has a minimum of 7 hours continuous rest been provided in the previous 24 hours?	
3. Does the driver have sufficient working hours to complete the task in the allocated? If NO . Risk assessment matrix must be completed	Y / N
4. Does the plan provide opportunity for the minimum required rest breaks?	Y / N
5. Driver informed of trip plan or changes by phone? Date: Time:	Y / N
6. Driver issued with load plan including weights	Y / N

Fitness for Duty / Fatigue Checklist/ Load Plan

NOTE: If you have answered **no** to any of the above, consult with management

DRIVER LOAD MANAGEMENT PLAN ISSUED BY: _____

LOAD POSITIONED AND SECURED IN ACCORDANCE NTC LOAD RETRAINT GUIDE 2004 second edition -----

DRIVERS MUST NOT DRIVE WHILE FATIGUED

Drivers may deviate from this **Safe Driving Plan** as long as regulatory working hour & rest requirements and loading/unloading times are met. An ETA is an estimated time of arrival and is not binding on the driver. If drivers cannot meet loading/unloading times or has a delay (including non-driving work) that will alter the ETA the driver is required to contact the Allocator ASAP

Driver Acknowledgement

I, the driver, agree with the work and rest times allowed for this trip and confirm that the above information is correct and I am medically fit to safely undertake this job.

Driver Signature: X _____

TRIP COMPLETED TO PLAN: YES NO

DETAILS of any significant variation from plan, significant events or hazards

**Aussie Excavators Plant Hire Pty Ltd
TRIP PLAN**

FINISH MILEAGE:		OIL ADDED:			DATE:	
START MILEAGE:		FUEL ADDED:			DRIVER:	
TOTAL MILEAGE:		WATER ADDED:			REG'N:	
MILEAGE	FROM	TO	CARRYING	\$	CHGE. TO	A/C SENT

Acts, Legislations and Codes of Practice

Heavy Vehicle National Law (HVNL) 744 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/H/HeavyVehNatLaw.pdf>

HVNL regulations;

Heavy Vehicle (Fatigue Management) National Regulation 57 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/H/HeavyVehFMNR.pdf>

Heavy Vehicle (General) National Regulation 52 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/H/HeavyVehGenNR.pdf>

Heavy Vehicle (Mass, Dimension and Loading) National Regulation 120 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/H/HeavyVehMDLNR.pdf>

Heavy Vehicle (Vehicle Standards) National Regulation 118 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/H/HeavyVehVSNR.pdf>

Work Health and Safety Act 2011 246 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf>

Work Health and Safety Regulation 2011 737 pages

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSR11.pdf>

Safe Work Australia <http://www.safeworkaustralia.gov.au/sites/SWA>