

## ~~Transhandy Container~~ Transport Chain of Responsibility Compliance Policy and Business Rules

It is a term and condition of Transhandy Container Transport conducting business with you that you read and agree to the following Chain of Responsibility Policy and Business Rules (**CoR Policy**), which will prevail to the extent of any inconsistency with any other agreed terms (whether before or after these terms).

The Chain of Responsibility (**CoR**) laws (Heavy Vehicle National Law and Regulations (or any replacement or modification thereof)) encompass heavy vehicle:

- mass, dimension and load restraint requirements; and
- speeding, fatigue management and vehicle maintenance.

The CoR laws apply to the movement of any cargo, including empty containers, by heavy vehicle on the road.

This document sets out Transhandy Container Transport expectations of its business partners in relation to compliance with the CoR laws and the action that Transhandy Container Transport will take in the event of non-compliance.

### General statement of expectation

Compliance with the CoR laws is the responsibility of every party in the chain. Transhandy Container Transport takes compliance with the CoR laws very seriously, requires its business partners to comply and will not condone, endorse or reward non-compliance. See the **attached link of expected compliance behaviour extracted from the National Heavy Vehicle Regulator's website.** (<https://www.nhvr.gov.au/files/201811-0952-national-compliance-and-enforcement-policy.pdf>)

### Mass, Dimension and Load Restraint

All parties to the CoR must comply with all mass, dimension and load restraint laws.

*Mass* requirements may relate to the:

- tare mass of heavy vehicles;
- mass of heavy vehicles together with their loads;   ▪ mass on tyres, axles or axle groups of heavy vehicles;   ▪ axle spacing on any heavy vehicle or trailer; or   ▪ weight of any freight container and its goods.

*Dimension* requirements may relate to the dimensions of a:

- heavy vehicle (together with its equipment);
- component of a heavy vehicle; or
- heavy vehicle's load.

*Load restraint* requirements may relate to the restraint or positioning of a load or any part of a load on a vehicle or trailer, including the restraint or positioning of a load within a freight container. Transhandy Container Transport refers to and incorporates the terms of the NTC '*Guidelines and performance standards for the safe carriage of loads on road vehicles*' (**Load Restraint Guide**) (and any replacement or modification thereof) in this regard.

All transport and documentation must be accurate and not be false or misleading in a material particular so far as it relates to the mass, dimension or loading of any or all of the goods.

The primary responsibility to monitor all mass, dimensions and load restraint laws with respect to any heavy vehicle rests with the driver. It is the responsibility of the driver to check compliance with all mass, dimensions and load restraint requirements before driving any load. In the event that any load exceeds any mass, dimension or load restraint requirements, it is the responsibility of the driver to liaise with the driver's employer, heavy vehicle operator and/or the loader, packer, consignor or consignee in order to take corrective action and ensure that all mass, dimension or load restraint requirements are met before driving.

Ports and terminals may have their own policies, for instance, requiring over mass/dimension or unrestrained goods to be opened and repacked before they are permitted to be placed on the road. It is the responsibility of all business partners to ensure that they are aware of and comply with such policies. Any compliance costs are the responsibility of our business partners and will not be borne by Transhandy Container Transport.

### **Container Weight Declaration (CWD)**

The responsible entity for a freight container is:

- (a) The person in Australia who consigned the container for road transport using a heavy vehicle; or
- (b) If there is no person as described in paragraph (a), the person in Australia who arranged for the container's road transport using a heavy vehicle; or
- (c) If there is no person as described in paragraph (a) or (b), the person in Australia who physically offered the container for road transport using a heavy vehicle (e.g. freight forwarder, importer, and customs broker)

The *responsible entity* for the freight container must not permit an operator or driver of a heavy vehicle to transport the freight container by road using the vehicle unless the operator or driver has been provided with a complying CWD for the freight container. A *heavy vehicle operator* must not permit the vehicle's driver to transport a freight container unless the driver is provided with a CWD. A *driver* must not drive a vehicle loaded with a freight container unless in possession of a CWD.

A CWD must be written and easily legible and contain:

- Information about the weight of the freight container and its contents;
- the number and other particulars of the freight container necessary to identify the container;
- the name and residential address or business address in Australia of the responsible entity for the freight container; and
- The date the CWD is made.

The CWD should ideally include details of the cargo weight, freight container tare weight and gross weight of the goods and freight container. It is therefore essential that any person packing or consigning goods includes such details in any packing list, bill of lading or other similar document. A CWD cannot be false or misleading in any material particular.

The responsible entity, heavy vehicle operator and driver should, before offering any freight container for road transport and/or driving, check that the figures in CWD match up with any other weight figures available (e.g. packing list, bill of lading). If there is any discrepancy, the responsible entity, heavy vehicle operator or driver must seek clarification before proceeding.

The responsible entity, heavy vehicle operator and driver must ensure that the method of weight verification for inclusion in the CWD or any other transport document complies with all relevant laws and regulations that are in force.

## **Fatigue and Speed**

Transhandy Container Transport does not intend for the terms of any of its consignments to and no employer, prime contractor, heavy vehicle operator or heavy vehicle scheduler should put in place any requirement or practice which could result in, encourage or provide an incentive to the vehicle's driver to and no driver should:

- drive while impaired by fatigue;
- drive while in breach of the driver's work and rest hours option;
- drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option; or
- would have the effect of causing the driver to exceed any applicable speed limit.

If any person thinks that any consignment, requirement or practice could result in any of the above, it is their responsibility to make investigations, seek clarification from the person(s) immediately up the chain from them and not permit a driver to drive until they are satisfied that no such breach will occur.

Transhandy Container Transport will not pay any higher amount for the transport of any goods which breach any fatigue or speed requirement. There is therefore no benefit to be obtained whatsoever by transporting goods in breach of any fatigue or speed requirement. In any circumstances of urgency or transport deadline, our business partners should be extra vigilant and seek express confirmation that any such arrangements will not cause a driver to breach the above fatigue/speed requirements.

## **Corrective Actions**

Upon becoming aware of any breach of any mass, dimension, load restraint, fatigue or speed requirement, Transhandy Container Transport may report the breach to the relevant authority (e.g. RMS in NSW) and retain records of the breach.

In relation to any breach of any mass, dimension, load restraint, fatigue or speed requirement, Transhandy Container Transport will issue the breaching parties with a notice of breach.

For any subsequent identical, similar or other breach of any mass, dimension, load restraint, fatigue or speed requirement, Transhandy Container Transport reserves the right, in its sole and absolute discretion:

- not to pay for the provision of any goods or services in circumstances of breach;
- to require that the person(s) responsible for the breach(es) are not used or engaged to provide goods or services to Transhandy Container Transport in future;
- not purchase any further goods or services from any person(s) responsible for the breach(es); and
- to terminate or suspend any ongoing contract for the provision of goods or services.

## **Compliance Audit**

At the time of returning this signed document to Transhandy Container Transport, you undertake to provide copies of any/all:

- CoR Policy;
- Mass, dimension or load restraint policy;
- Speed management policy; and
- Fatigue management policy, in place in respect of your business.

You undertake to notify Transhandy Container Transport in writing immediately in the event that you or any person in your employ or for whom you are responsible is issued with any warning, request for information or production of documents, notice or fine in respect of any breach of any mass, dimension, load restraint, fatigue or speed requirement in respect of any goods or services you provide to or on behalf of Transhandy Container Transport. You undertake to provide Transhandy Container Transport with a copy of any such warning, request, notice or fine and any response or submissions made by you in relation to the same.

## **Further Information**

Further information regarding CoR responsibilities is available on the National Heavy Vehicle Regulator's website at: <https://www.nhvr.gov.au>

**Transhandy Container Transport Chain of Responsibility Compliance Policy and Business Rules**

I acknowledge that I have read and agree to be bound by Transhandy Container Transport Chain of Responsibility Compliance Policy and Business Rules.

I acknowledge that the Chain of Responsibility laws apply to my involvement in the movement of goods by heavy vehicle.

I acknowledge that I am responsible for my compliance with the Chain of Responsibility Laws.

I warrant that I have in place work practices and/or policies which are intended to identify the risk of and manage, reduce or eliminate potential contraventions; exercise supervision or control over others involved in the Chain; provide information, instruction, training and supervision to my employees; address and remedy any compliance problems.

I warrant that, by signing, I have authority to act on behalf of and bind the company or organisation named below.

Dated: \_\_\_\_\_

Company/organisation name .....

Signature .....

Name .....

Capacity .....

## **Chain of Responsibility: Roles and responsibilities of parties in the supply chain**

### **Operator/manager/scheduler**

As an operator, manager or scheduler of a business involved in road transport, your responsibilities also include ensuring that:

- rosters and schedules do not require drivers to exceed driving hour's regulations or speed limits • you keep records of your drivers' activities, including work and rest times
- you take all reasonable steps to ensure drivers do not work while impaired by fatigue or drive in breach of their work or rest options
- vehicles are regularly maintained, and if speed limiters are fitted, they are functioning properly • vehicles are no loaded in a way which exceeds mass or dimension limits
- drivers moving freight containers have a valid Container Weight Declaration
- loads are appropriately restrained with appropriate restraint equipment.

### **Consignor/consignee**

As a consignor or consignee, your responsibilities include ensuring that:

- loads do not exceed vehicle mass or dimension limits
- goods carried on your behalf are able to be appropriately secured
- operators carrying freight containers have a valid Container Weight Declaration • your delivery requirements do not require or encourage drivers to:
  - exceed the speed limits
  - exceed regulated driving hours
  - fail to meet the minimum rest requirements
  - drive while impaired by fatigue.

### **Loading manager/loader/packer**

Loading managers, loaders and packers must ensure that loading a fatigue-regulated heavy vehicle will not cause or contribute to the driver driving while impaired by fatigue or in contravention of road transport laws. Loading manager responsibilities include:

- working with other off-road parties to make reasonable arrangements to manage loading/unloading time slots • ensuring vehicles are loaded/unloaded as quickly and efficiently as possible
  - putting systems in place for unexpected jobs – for example, where there have been unexpected road delays.
- Loader responsibilities include ensuring a vehicle's load:

- does not exceed vehicle mass or dimension limits
  - does not cause the vehicle to exceed mass limits
  - is placed in a way so it does not become unstable, move or fall off the vehicle.
- Unreliable weight information makes it difficult for drivers to comply with the law.

Packer responsibilities include ensuring:

- documentation about the vehicle's load is not false or misleading
- any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded).

### **Driver/owner-driver**

As a driver your responsibilities include making sure that you:

- comply with the relevant fatigue management work and rest laws and procedures to implement them • make sure you make the most of your rest breaks by sleeping in dark, quiet and comfortable places
- respond to changes in circumstances (such as delays) and report these to your base (if possible) to implement short-term fatigue management measures
- ensure your vehicle does not exceed mass or dimension limits • ensure your load is appropriately restrained.

Additional responsibilities for owner-drivers include:

- making sure your drivers are medically fit to drive
- making sure your vehicles are roadworthy and well maintained
- keeping full and accurate records as required by law.