

Chain of Responsibility (COR)

February 2020



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What is Chain of Responsibility?

Drivers and operators have traditionally been the focus of road laws. However, breaches are often caused by the actions of others. Under [Chain of Responsibility](#) (COR), complying with transport law is a shared responsibility and all parties in the road transport supply chain are responsible for preventing breaches. This approach recognises the effects of the actions, inactions and demands of off-the-road parties in the transport chain.

The aim of COR is to make sure everyone in the supply chain shares responsibility for ensuring breaches of the HVNL do not occur. Under COR laws if you are named as a party in the chain of responsibility and you exercise (or have the capability of exercising) control or influence over any transport task, you have a responsibility to ensure the HVNL is complied with.

Anybody who has control over the transport task can be held responsible for breaches of road laws and may be legally liable. COR is similar to the legal concept of 'duty of care' that underpins Occupational Health & Safety (OH&S) law. This approach has long been used by the courts to impose liability in negligence and damages claims.

How can this apply to the Recreational Vehicle Industry?

If your business sends or receives goods using a heavy vehicle (GVM > 4.5t) - whether that be Caravans, Camper Trailers, Motorhomes or components then you become part of the supply chain and COR applies to you. All parties in the supply chain – consignor/dispatcher, packer, loader, scheduler, consignee/receiver, manager, as well as the driver and operator – must take all reasonable steps to prevent breaches of the road transport mass, dimension, loading, speed compliance and work hours laws.

Penalties and sanctions range from formal warnings to court imposed fines and penalties relating to the commercial benefit derived from offences. Supervisory intervention orders and prohibition orders banning individuals from the industry can be applied to 'persistent or systematic' offenders.

The law recognises that multiple parties may be responsible for offences committed by the drivers and operators of heavy vehicles. A person may be a party in the supply chain in more than one way. For example, they may have duties as the employer, the operator and the consigner of goods.

Who are parties in the supply chain?

The parties in the Chain of Responsibility for a heavy vehicle are:

- an employer of a driver
- a prime contractor for the driver – if the vehicle's driver is self-employed
- an operator of the vehicle
- a scheduler for the vehicle
- a loading manager for any goods in the vehicle
- a loader and/or unloader of a vehicle
- a consignor of any goods for transport by the vehicle
- a consignee of any goods in the vehicle
- a loader and/or unloader of any goods in the vehicle.

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When could COR apply?

Some examples include:

- when a party has control or influence over a transport activity and fails to manage, so far as reasonably practicable, the risk it creates
- when a party's business practices cause or encourage the driver of a heavy vehicle to exceed the speed limits
- when a party's business practices cause or encourage the driver of a heavy vehicle to breach mass, dimension, or loading requirements
- where instructions, actions or demands to parties in the supply chain cause or contribute to an offence under the HVNL. This includes any direction, requirement or demand that is given directly or indirectly to a driver of a heavy vehicle or a party in the chain of responsibility that has an impact on compliance, for example:
 - a consignor or consignee has unrealistic contractual arrangements which causes or encourages the driver to exceed regulated driving hours or drive whilst fatigued
 - a scheduler's business practices, requests or demands, cause or encourage the driver to exceed the speed limit.
 - Contracts that cause or encourage a driver of a heavy vehicle or a party in the chain of responsibility to break the law are illegal.
 - In a prosecution, the courts may consider the actions of each party in the supply chain. This includes what measures each party had in place to ensure safe practices and prevent breaches of the HVNL occurring. Prosecution will need to demonstrate to the court that a party in the chain of responsibility did not do all that was reasonably practicable to ensure the safety of the party's transport activities.

Where can I get more information?

For information and tools to help you understand your responsibilities in the Chain of Responsibility visit www.nhvr.gov.au/cor.

Resources include information sheets, podcasts and videos to help you understand your obligations, a checklist for the tasks you undertake in your role and a Gap Assessment Tool so you can examine your business practices and systems controls against known risks and best practice.

SOURCE: National Heavy Vehicle Regulator (NHVR) - www.nhvr.gov.au/cor



Working collaboratively with member State Associations on matters that affect the Caravan and Camping Industry



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