



Chain of Responsibility Guidelines for Dealerships

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Federal Chamber of Automotive Industries

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1. WHAT IS THE CHAIN OF RESPONSIBILITY?

Under new transport laws, the chain of responsibility means that anybody – not just the driver – who has control in a transport operation can be held responsible for breaches of road laws and may be made legally liable. In other words, because you use road transport as part of your dealership operations, you are deemed to share responsibility for ensuring breaches of road laws do not occur.

If a breach of road law occurs due to your action, inaction or demands, you may be legally accountable.

Put simply this means:

Control = responsibility = legal liability

Regardless of where your dealership is located, having an understanding of your legal responsibilities in each State is important when you consign goods that will be transported across State borders.

1.1 What are the new transport laws?

New laws became active in Victoria and New South Wales in September 2005 which extend the chain of responsibility to include mass and dimension limits, and load restraint requirements, for vehicles with a gross mass of greater than 4.5 tonnes. These laws recognise the effects of the actions, inactions and demands of off-road parties in the transport chain. Other States will be introducing equivalent laws in 2006. There will be some variation in the detail of the laws in each State. You will need to contact the road transport authority in your State to find out how the law will specifically affect you. This will enable your business to be compliant with the new laws and to be ready as the laws in other States are introduced.

1.2 What about existing laws?

The chain of responsibility has applied for some time with regard to regulated driving hours and fatigue management of drivers, and the transport of dangerous goods, in each State of Australia. The new laws will sit side by side with these existing laws and are in addition to occupational health and safety laws.

1.3 What about occupational health and safety laws?

OHS requirements including recent changes in Victoria and New South Wales are separate from and in addition to the Road transport laws. This Chain of Responsibility Guideline addresses and highlights some of the issues to assist you in the process of complying to not only the Chain of responsibility legislation but also OHS obligations that become part of the overall compliance process.

For example, from March 2006 the Occupational Health and Safety Act in New South Wales requires companies that use heavy vehicles, to provide a fatigue management plan to a driver who will travel in excess of 500 kilometres in a 24 hour period. As a dealer, you will need to provide this to an employee or to an owner driver who is delivering your consigned goods (motor vehicles or motor vehicle components). If you engage the services of a transport operator when consigning goods, you will still need to ensure that the transport operator has developed a fatigue management plan for the driver.

1.4 Who is covered by the chain of responsibility?

If a dealership commits a road law offence, each director of the dealership, and each person concerned in the management of the dealership will be taken to have committed the offence and is liable accordingly.

Many dealers will have one or more responsibilities in the transport chain. If you are involved in any of the following road transport activities you will need to ensure that you are compliant with road laws:

Consigning	a person or company commissioning the carrying of goods
Packing	placing goods in packages, containers or pallets
Loading	placing or restraining the goods on a goods carrying vehicle
Driving	the physical act of driving a heavy vehicle
Operating	operating a business which controls the use of a heavy vehicle
Receiving	paying for the goods/taking possession of the load

You also have obligations not to coerce, induce or encourage a breach of road transport laws.

In addition to ensuring compliance with road laws, you have to take reasonable steps to make sure that you do not pass on to other parties any false or misleading information about a goods carrying vehicle or its load.

If you victimise an employee or contractor who raises concerns about actual or possible breaches of road transport laws, you may also be deemed to have committed an offence.

1.5 Enforcement Powers

You need to be aware that search, seize and inspect powers in New South Wales and Victoria support the enforcement of the chain of responsibility. These laws allow authorised officers and police officers to:

- Inspect and search heavy vehicles and premises associated with road transport
- Direct a person associated with road transport to provide documentation and items relating to heavy vehicle compliance
- Require a driver or other responsible person to provide reasonable assistance to an inspector or police officer and to state the person’s name, home address and business address
- Require a person to provide details regarding any other person who is associated with a heavy vehicle or its load, and to give information to help identify the driver

Triggers that road transport authorities may use to initiate a chain of responsibility investigation include, but are not limited to:

- Evidence of systemic and habitual breaches of the road transport law
- Evidence of continued unfair commercial advantage as a result of breaches
- Road accidents that:
 - damage or could have potentially damaged infrastructure
 - cause or could have potentially caused injury
- Evidence of unreasonable demands and pressures on other parties in the supply chain resulting in a breach of the law.

1.5.1 What might happen if I am found liable for a chain of responsibility offence?

The reforms have introduced new penalties within the heavy vehicle mass, dimension and load restraint regulations. The reforms include penalties which aim to encourage a culture of compliance within the heavy vehicle industry, and to act as a better deterrent to those who have in the past been willing to break road transport laws to gain a commercial advantage.

For instance, in New South Wales, under the Road Transport (General) Act 2005, penalties will be both administrative and court imposed and can be tailored to address specific types of offences. For example, this law distinguishes between first time offenders and systemic offences with more serious actions for those who persistently break the law. Examples of administrative penalties the NSW RTA may issue include:

Improvement notices – which identify improvements a business can make to its systems to ensure compliance

Formal warnings – where it is a minor breach and the person had taken all reasonable steps to prevent the breach and was unaware of the breach

Infringement notices – can be an alternative to court proceedings for a less serious offence.

In NSW the Courts will still issue fines as well as having the ability to impose:

- Supervisory intervention orders
- Licensing and registration sanctions
- Prohibition orders
- Commercial benefits penalties.

In addition corporations may have a five times multiplier imposed on their fine.

Check out the situation in your State by contacting your road transport authority.

You should also be mindful that a serious breach of these laws could result in negative publicity for your dealership and damage to the vehicle brand.

1.6 How can I be sure that my dealership practices are compliant with these laws?

Every business in a transport chain should assess their responsibilities under the chain of responsibility laws and undertake the appropriate steps towards compliance. We suggest that you:

- Seek expert advice
- When appropriate, communicate with customers and colleagues regarding the new laws
- Train your staff in their responsibilities under the new laws
- Implement and document appropriate policies, procedures and workplace practices
- Consider becoming a signatory to the Federal Chamber of Automotive Industries Code of Practice (see Section 6 of this booklet).

The following pages of this booklet provide guidance on the lawful carrying out of transport related activities that are part and parcel to the operations of a dealership.

2. WHAT ARE MY RESPONSIBILITIES IF I AM THE OWNER OR MANAGER OF A DEALERSHIP?

Under the chain of responsibility legislation, provision is made for a special type of liability for corporations and organisations (corporate liability) and for directors and senior management (managerial liability). Corporate liability will apply to a corporation, partnership or other body corporate if the organisation is a party in the chain of responsibility or if an employee of the organisation is a party in the chain of responsibility. Corporate liability will also apply if occupational health and safety requirements are not met. Managerial liability arises where a corporation has been found guilty of an offence.

2.1 Directors and Managers

If a dealership commits an offence, each director of the dealership, and each person concerned in the management of the dealership will be taken to have committed the offence and is punishable accordingly.

As director or manager of a dealership, you may have a defence to this type of charge if you can establish that:

- you were not in a position to influence the conduct of the dealership in relation to the actual offence; or
- you took reasonable precautions and exercised due diligence to prevent the commission of the actual offence.

2.2 Partnerships

Similarly, if a person who is a partner in a partnership commits an offence in the course of the activities of the partnership, each other person who is a partner in the partnership, and each other person concerned in the management of the partnership, is taken to have committed the offence and is punishable accordingly.

You may have a defence to this type of charge if you can establish that:

- you were not in a position to influence the conduct of the person who actually committed the offence; or
- being in such a position, you took reasonable precautions and exercised due diligence to prevent the commission of the actual offence.

2.3 Employees

If an employee commits an offence, the employer is taken to have committed the offence. This will not affect the liability of the person who actually committed the offence.

You may have a defence to this type of charge if you can establish that:

- you had no knowledge of the actual offence; and
- you took reasonable precautions and exercised due diligence to prevent commission of the actual offence.

3. WHEN THE DEALERSHIP IS CONSIGNING OR RECEIVING MOTOR VEHICLES OR MOTOR VEHICLE COMPONENTS, WHAT ARE MY RESPONSIBILITIES?

If you have organised the transport of motor vehicles or motor vehicle components, or even if you are simply receiving these goods, you have a responsibility for ensuring that any demands you make do not require a heavy vehicle driver to:

- Exceed permitted driving hours
- Fail to have minimum rest periods
- Exceed the speed limit
- Carry goods that exceed vehicle dimension limits
- Carry goods that cause vehicle mass limits to be exceeded
- Inappropriately carry goods on your behalf that are not appropriately secured
- Unsafely load/unload the goods carrying vehicle.

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- You have taken all reasonable steps to prevent the breach, or
- There was nothing that you could reasonably have been expected to do to prevent the breach,

you may not be liable for an offence under the chain of responsibility.

If you did know a breach was occurring but you were not in a position to influence the actions of the parties involved then reasonable steps would include communicating your awareness of the breach to the parties who have responsibility for the breach.

3.1 What do I need to do?

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring. There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Here are some steps you can consider.

- Include compliance assurance conditions in relevant commercial arrangements with other parties in your transport chain
- Request information from parties in your transport chain about what systems and controls are in place to ensure compliance
- Avoid arrangements which encourage or reward non-compliance
- Implement active risk management systems

- Ensure your road transport operator is aware of the vehicle transport specification charts made available by your motor vehicle manufacturer or distributor in Australia. These charts contain the accurate mass and dimensions of all makes and models of vehicles. This information will assist road transport operators to choose the appropriate goods carrying vehicle for a journey
- Provide your road transport operator with details of the make and model of motor vehicles to be transported, prior to the requested loading time
- Where a motor vehicle is non-standard (for example, modified or damaged), provide your road transport operator with accurate information regarding the vehicle (including dimensions, mass and any other relevant information)¹
- Cooperate with your road transport operator if it is deemed that a trial loading is required.
- Where a local authority allows access for a goods carrying vehicle to deliver to a nominated delivery point, liaise with local authorities to ensure that all trees, power lines and signs in the vicinity of the delivery point are of the appropriate height
- Provide off-street parking for loading/unloading. If this cannot be provided, develop an appropriate traffic management plan that applies the standards and methods set out in AS 1742.3-2002, the Code of Practice and the Field Guides available from Standards Australia. The principles of the traffic management plan include:
 - Advance warning to potential affected parties
 - Sufficient and suitable signage
 - High visibility clothing in good, clean condition worn correctly
 - Pathways and work zone delineation to assist motorists, pedestrians and other road users
 - Work zone separation from passing traffic.
- If you wish to specify an alternative restraining method to your road transport operator, develop the restraining procedure and communicate the procedure along with advice to the road transport operator. The specific restraining method should at least meet the standards contained in the National Transport Commission (NTC) Load Restraint Guide.

3.1.1 What are container weight declarations and do I need one?

A container weight declaration accurately states the weight and contents of a freight container. If you have consigned motor vehicles or motor vehicle components that are to be transported on road in a container, you will need to have one.

¹ A vehicle is considered non-standard if it varies by more than 10% from the weight and dimensions of the standard vehicle specifications contained in the vehicle transport specification chart.

The new laws mandate that accurate container weight declarations must be provided by the person defined as the responsible entity, namely the person in Australia who engages the road transport operator or offers the container for transport by road in Australia. Without a container weight declaration, a driver is not to transport the container. The law is designed to ensure that drivers and road transport operators receive the correct information to enable the selection of the appropriate heavy vehicle to transport the container within the relevant legal mass limits.

To comply with this responsibility we suggest the following:

- Pass on the declared weight of a container to the next party in the transport chain
- Advise principle suppliers and agents of the requirements of the law in relation to the declaration of, carriage and relay of accurate container weights
- Stipulate that tare and gross weights of containers are to be shown on all documentation as part of the contract to buy
- If you have issued a container weight declaration, maintain an electronic or faxed copy of it, and provide this to other parties in the chain when requested to do so
- Ensure that each consignment note is forwarded to the road transport operator prior to the requested loading time.

4. WHEN THE DEALERSHIP IS LOADING MOTOR VEHICLES OR PACKING MOTOR VEHICLE COMPONENTS, WHAT ARE MY RESPONSIBILITIES?

If you are loading motor vehicles onto goods carrying vehicles or packing motor vehicle component parts for road transport, you have a responsibility for ensuring the goods carrying vehicle's load:

- Does not exceed dimensions limits
- Does not cause the goods carrying vehicle's mass limits to be exceeded
- Is placed in a way that it does not become unstable, move or fall off the goods carrying vehicle
- Is not loaded/unloaded in an unsafe manner.

Packers have a responsibility for ensuring that documentation about the goods carrying vehicle's load is not false, misleading or incomplete. Packers also need to make sure that any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- You have taken all reasonable steps to prevent the breach, or
- There was nothing that you could reasonably have been expected to do to prevent the breach,

you will not be liable for an offence under the chain of responsibility.

If you did know a breach was occurring but you were not in a position to influence the actions of the parties involved then reasonable steps would include communicating your awareness of the breach to the parties who have responsibility for the breach.

4.1 What do I need to do?

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring. There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Here are some steps you can consider.

- Have a loading diagram for different types of loads to ensure axle weight limits are not exceeded
- If the goods carrying vehicle's weight cannot be accurately assessed at the time of loading, under-load for the first trip and verify the weight at some stage of the journey. Subsequent loads can be adjusted accordingly
- Use a pre-printed form which requires the person in control of packing or loading the components to verify the accuracy of any records

- Wherever practicable the person responsible at the point of dispatch should make a visual check of the goods carrying vehicle to ensure that the load is restrained in accordance with the NTC load restraint guide
- Wherever possible, consignment notes and documentation you prepare should include notation of mass of parcel and if required the mass of associated packaging
- Wherever practicable, provide an off- street loading/unloading area
- Conduct a risk assessment prior to loading/unloading to ensure that the work can be conducted safely²
- If the loading/unloading cannot take place off- street, ensure it is conducted out of the main traffic flow with an appropriate traffic management plan in place that applies the standards and methods set out in AS 1742.3-2002, the Code of Practice and the Field Guides available from Standards Australia. The principles of the traffic management plan include:
 - Advance warning to potential affected parties
 - Sufficient and suitable signage
 - High visibility clothing in good, clean condition worn correctly
 - Pathways and work zone delineation to assist motorists, pedestrians and other road users
 - Work zone separation from passing traffic.
- Provide trade plates for the movement of vehicles on road

² Generic risk assessments can be done to cover multiple similar or recurring situations. For example, one risk assessment could cover 'unloading in Metro areas under 60kmh in daylight hours while parked beside the kerb'.

5. WHAT IF I OWN A HEAVY VEHICLE FOR TRANSPORTING MOTOR VEHICLES AND MOTOR VEHICLE COMPONENTS?

As an operator, manager or scheduler of a business involved in road transport, you need to make sure that your conduct does not compromise road safety or involve breaking the law.

- You should implement systems to ensure that the mass and dimensions of your goods carrying vehicle is assessed and recorded for each trip.
- You should have an auditable system of rostering and scheduling your drivers so that they do not exceed the regulated hours of driving and work, or exceed any speed limits, and that they have sufficient opportunity for rest and sleep to avoid fatigue.
- You should keep records of drivers' activities including driving, working and resting, and check that they are complying with the regulations.
- You need to have work practices in place so that vehicles and equipment are kept in good condition and all loads are properly restrained.
- If speed limiters are fitted to the goods carrying vehicle, they must be operating properly.
- Compliance assurance conditions should be included in relevant commercial arrangements with other responsible persons.
- Employees should have the necessary information, instruction, training and supervision to enable compliance with relevant laws.
- You should provide a safe loading/unloading area.

5.1 What are drivers' responsibilities?

If you are driving a heavy vehicle loaded with motor vehicles or motor vehicle components, to a required destination, your responsibilities include making sure that:

- Your vehicle does not exceed mass limits. You should know your heavy vehicle mass. Examples of ways you can do this include:
 - Referring to the vehicle transport specification chart provided by your vehicle manufacturer or distributor in Australia
 - Deciding whether a trial loading is required for new vehicle models or for non standard (modified or damaged) vehicles³
 - Considering axle and gross loading within relevant limits
 - Keeping weighbridge docketts issued to the vehicle you are driving
 - Using on-board scales to check your gross weight
 - Keeping any loading documentation that shows the weight of your load.
- Your vehicle and load do not exceed dimension limits

³ A vehicle is considered non-standard if it varies by more than 10% from the weight and dimensions of the standard vehicle specifications contained in the vehicle transport specification chart.

- Your load is appropriately restrained
 - Your load should be checked to ensure it is properly restrained, even if you are not the person who loaded the vehicle. You should check the adequacy and condition of restraining equipment (chains, ropes, straps etc)
 - As a minimum, apply the National Transport Commission’s Load Restraint Guide when securing motor vehicles to Transporters. Section E of the Guide refers to ‘Vehicles and Mobile Equipment’. When transporting motor vehicle components or crated motorcycles, refer to Sections E and G of the Guide
- You do not tamper with any equipment required to be fitted to the heavy vehicle
- When carrying containers to and from facilities as either consigned or consignee freight, you produce the weight documentation for each container including gross and tare weights
- If you are suspicious of the declared weight of a container you clarify the weight and any ambiguity with the consignor by weighing before carriage
- For non containerised freight (motor vehicle components and/or crated motorcycles) you load the goods carrying vehicle using the information contained on each consignment note and in accordance with mass restrictions imposed by the legislation
- You do not load motor vehicle components or semi knocked down vehicles without appropriate documentation
- You comply with the relevant traffic management plan where appropriate.
- You do not exceed the speed limit
- You adhere to the driving hours regulations (time spent driving and working). Remember that these are **maximum** hours. You should always rest when tired and have adequate sleep to prevent fatigue.
 - Take required rest breaks
 - Record your driving hours as required

5.2 Will I have access to a reasonable steps defence?

Legal defences for operators and drivers will differ from State to State. You will need to contact the road transport authority in the State that your dealership is located, to clarify the defences that are available to you. At the time of publication of these Guidelines, the legal defence available for drivers and operators for breaches occurring in Victoria and New South Wales was active. These defences are explained below.

5.2.1 Legal defences in Victoria

If someone else is responsible for maintaining the heavy vehicle or its equipment that you drive (or operate), you will not be liable for any deficiencies provided that you:

- Did not cause or contribute to the deficiency;
- Did not know or could not reasonably be expected to have known of the deficiency; and

- Could not reasonably be expected to have checked whether there were or were likely to be deficiencies.

You also will not be liable if you did not know or could not have reasonably been expected to know, that a container weight declaration was inaccurate.

You will not have access to a reasonable steps defence for dimension and load restraint breaches.

5.2.2 Legal defences in New South Wales

Drivers and operators will have access to a limited defence for mass overloads. This is only if they weighed the vehicle before the journey or they are in possession of sufficient and reliable evidence from which the weight could be calculated. Drivers and operators will need to demonstrate that they did not know or could not have reasonably been expected to know, that a container weight declaration was inaccurate.

Drivers and operators will have access to a reasonable steps defence for dimension and load restraint breaches in NSW.

5.3 Occupational Health and Safety Responsibilities

Road transport and OHS law address different aspects of the same issue: the safety of road transport operations. In fact, the enforcement and liability principles in Road transport law have borrowed from OHS law. This is why the obligations contained in Road transport law represent an extension of the duty of care of responsible parties in the workplace as spelled out in the OH&S Act. The new obligations sit alongside the *safe system of work* and *safe workplace* duties contained in the OH&S Act.

Recent judgements handed down in legal cases regarding OHS breaches of transport operations have been based on the definition that, the driver of a heavy vehicle that is engaged for commercial purposes, travelling on a public road, is carrying out his duties at the employer's workplace. This definition of the 'place of work' means that both the employer and employee are responsible for ensuring that road transport activities are carried out in a safe manner, at the Dealership as well as on the road.

A commitment to cooperate has been expressed between police, road authorities and Worksafe, to ensure that the new Road transport laws are effectively enforced. It therefore makes sense to examine your road transport and OHS responsibilities at the same time.

For this reason it is expected that you are also conversant with the relevant occupational health and safety laws in all States in which you operate. We advise that your risk management and OH&S compliance programs address transport obligations and that you identify safety and compliance risks associated with your consigning activities.

6. THE FCAI INDUSTRY CODE OF PRACTICE

The Federal Chamber of Automotive industries (FCAI) has developed an industry code of practice in response to the transport laws relating to the mass and dimension limits, and load restraint requirements, for goods carrying vehicles with a gross mass of greater than 4.5 tonnes.

The purpose of the industry code of practice (the code) is to provide mitigation strategies to parties in the chain of responsibility who are responsible for the road transport of motor vehicles and motor vehicle components. This may help them to comply with the chain of responsibility laws in each State and Territory. The code sets out the framework for compliance and provides a foundation for responsible entities who subscribe to the code to make a reasonable steps defence should circumstances require it. Code signatories who can demonstrate compliance with all relevant standards and procedures included in the code and with the spirit of the code may have access to the reasonable steps defence contained in the law.

Although becoming a signatory is voluntary, the ability to rely on making a statutory declaration stating compliance with all relevant standards within the industry, and with the spirit of the code, may be significant in establishing a reasonable steps defence, in the event of any prosecution involving goods carrying vehicles. While there are other legal defences available to all parties (e.g. sudden and extraordinary emergency, duress etc) in many instances, the party that is held liable for a breach of the law will need to rely on the defence that it took reasonable steps to prevent a breach. Complying with the code is one way of demonstrating a reasonable steps' defence.

By complying with the code, signatories may:

- Minimise the risk of breaches occurring under the relevant legislation
- Be more confident of demonstrating the 'reasonable steps' defence to a court in the event of an unintentional heavy vehicle breach, and
- Have more favourable access to a reduced penalty in the event that the 'reasonable steps' defence is not established

Dealerships are legitimate and important parties in the transport chain and as such can become signatories to the code. The code can be accessed through the FCAI website (www.fcai.com.au). If you wish to become a signatory or have any questions regarding the code, contact The Motor Traders Association of your State.

7. COMPLIANCE CHECKLIST

The Guidelines for Dealerships has recommended that one way of achieving compliance is to include compliance assurance conditions in relevant commercial arrangements with other parties in your transport chain. The Victorian Transport Association provides guidance on identifying risks in your transport operators' processes that may leave them or you exposed under the chain of responsibility laws. The following risk checklist can form the basis of compliance assurance conditions with your transport operator.

If your transport operator is a signatory to the FCAI code of practice, disregard sections A and B of the checklist. A current list of signatories can be viewed on the FCAI website at www.fcai.com.au.

A. Vehicle Mass and Dimension		
Are procedures in place to ensure the appropriate vehicle is selected for each task?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have drivers and sub-contractors been informed regarding mass and dimension requirements?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have drivers and contractors been provided with information on appropriate route selection?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Where applicable, have drivers and contractors been provided with container weight declarations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Company Drivers and Contractors		
Are systems in place to assist contractors and drivers to assess the mass of the vehicle for each trip?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are systems in place to assist drivers and contractors to assess the dimensions of the vehicle e.g. height, and width for each trip?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are procedures in place for monitoring compliance and addressing non-conformance in relation to mass and dimension?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

B. Load Restraint	
Does your transport operator have procedures and guidelines in place to ensure loads are appropriately restrained?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has your transport operator been informed about the company's load restraint procedures?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are procedures in place to monitor driver and contractor compliance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Drivers/Contractor Equipment	
Are drivers and contractors provided with appropriate load restraint equipment?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are procedures in place to check load restraint equipment is maintained in a serviceable condition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is a system in place to regularly maintain load restraint equipment?	Yes <input type="checkbox"/> No <input type="checkbox"/>
C. Driving Hours and Fatigue Management	
Have drivers and sub-contractors been informed of their responsibility in:	
▪ Regulated Driving Hours; and	Yes <input type="checkbox"/> No <input type="checkbox"/>
▪ Fatigue Management	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does your transport operator ensure an auditable system for rostering and scheduling, designed to ensure drivers are provided with adequate opportunity for rest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does your transport operator keep records of their driver's activities including driving, working and rest breaks?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are procedures in place to monitor driver compliance with the requirements for driving, working and rest?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Are procedures in place to address driver non-conformances with the requirements for driving and working?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does your transport operator address non-conformances in regulated driving hours?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have contractors submitted a plan to address non-conformances in regulated driving hours to the transport operator and you the customer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
D. Speed Management		
Have drivers and contractors been informed on company policies and procedures relating to vehicle speed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are rosters and work schedules designed to ensure drivers and contractors are provided with adequate time to reach their destination?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Company Drivers/Vehicles		
Are maintenance schedules in place to ensure vehicle speed limiters, where fitted, are maintained and functioning?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are procedures in place to manage non-conformances?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Contractors		
Have contractors provided plans to monitor vehicle compliance with speed limits and address non-conformances?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have contractors provided a maintenance schedule to ensure the vehicle speed limiters are functioning and operating?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

E. Pick-up and Delivery Points		
Has a loading/unloading risk assessment been completed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If loading/unloading off-site (eg on road) have you developed a traffic management plan?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you made trade plates available for the movement of vehicles on road?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you communicated your assessments and plans to all transport and goods carrying vehicles accessing your site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

8. HOW CAN I FIND OUT MORE ABOUT MY RESPONSIBILITIES UNDER THE CHAIN OF RESPONSIBILITY?

- For information regarding your responsibilities that relate to driving hours, driver fatigue management, the transport of dangerous goods and safe loading/unloading practices, contact the Workcover authority in the States in which you operate.
- For information regarding your responsibilities that relate to the mass, dimension and load restraint of goods carrying vehicles and their loads, used at your dealership, contact the road transport authority in your State. Your road transport authority will also provide you with information relating to the mass and dimension limits of heavy vehicles in your State.
- The National Transport Commission (NTC) can provide you with the approved National Load Restraint Guide. The NTC can also provide details of the National Heavy Vehicle Mass Accreditation Scheme (www.ntc.gov.au).