



# CoR and Safety Management Systems

NPSFMC 2019



# Agenda

1. Safety Duties and CoR under the HVNL
2. Safety Management Systems
3. Guides, Templates and Worked Examples
4. Industry Codes of Practice, NHVAS and other support

# Safety Duties and CoR under the HVNL

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# Safety duties

The safety of transport activities relating to a heavy vehicle is the shared responsibility of each party in the Chain of Responsibility for the vehicle.

The responsibility depends on the function the person performs, the nature of the risk and the person's capacity to control, eliminate or minimise the risk.





## Primary duty

Each party in the Chain of Responsibility (CoR) must ensure, so far as is reasonably practicable, the safety of their transport activities.

Employer

Prime Contractor

Operator

Scheduler

Consignor

Consignee

Packer

Loading Manager

Loader

Unloader

# Primary duty

Each party must, so far as is reasonably practicable:

- eliminate or minimise public risks
- not cause or encourage a driver of a heavy vehicle or another person to contravene this Law



# Primary Duty - So far as is reasonably practicable

Reasonably practicable means something that is, or was at the time, reasonably able to be done to ensure health and safety.

What is the likelihood of the risk occurring?



**Likelihood**

What is the degree of harm that could be caused?



**Harm**

What should you know about the risk?



**Knowledge**

What are the ways to remove the risk?



**Solutions**

Are the costs proportionate to the risk?



**Cost**



# Duty of executive of legal entity

Executives of legal entities must exercise due diligence to ensure the safety of the legal entity's transport activities.

An executive means:

- For a corporation – an **executive officer**
- For an unincorporated partnership – a **partner**
- For an unincorporated body – a **management member**





# Due Diligence for executives

Gain and maintain knowledge about safe conduct of your transport activities

Understand the hazards and risks associated with your transport activities

Have appropriate resources to implement processes to eliminate or minimise your hazards and risks

Respond to information received about your hazards and risks in a timely manner

Verify that your resources and processes are provided, used and implemented





## Prohibited requests and contracts

A person must not enter into contracts or arrangements that encourage, reward or give incentives to the driver or other parties in the supply chain to breach the law.

# Alignment of HVNL with WHS laws

## Benefits of alignment

**Common Systems** - Manage safety risks across the entire business with same systems/practices

**Integration** - Create safety synergies across parties in the CoR with common approaches and strategies

**Economy** - Reduce costs by using the same processes and similar practices

# Common breaches of CoR obligations

- X Applying business practices or demands that cause a driver to breach fatigue management requirements, or speed limits
- X Failing to weigh, measure or secure loads
- X Setting schedules with unrealistic timeframes
- X Causing unreasonable delays in loading and unloading
- X Packing goods incorrectly
- X Entering terms in contracts and arrangements that encourage, reward or give incentives to the driver or other parties in the CoR to breach the law

**Safety  
Management  
Systems**

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# SMS

**SAFETY  
MANAGEMENT  
SYSTEMS**

Adopting and actively using an SMS has proven to help reduce safety-related incidents in other transport industries, such as maritime, rail and aviation.

One of the most effective ways of meeting your safety obligations under the Heavy Vehicle National Law (HVNL).





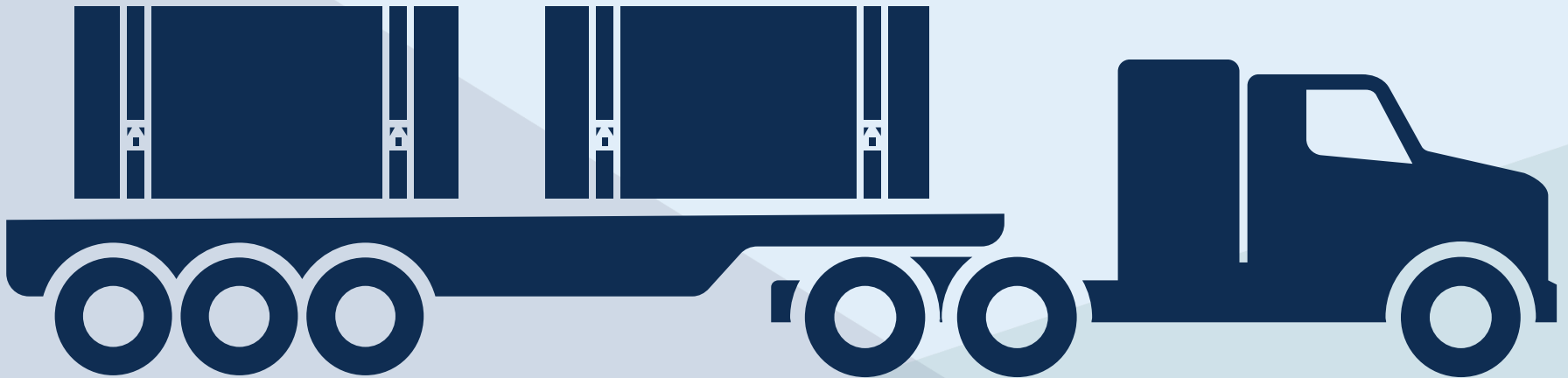
# What is a Safety Management System (SMS)?

An SMS is a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures – integrated throughout the business.



# Why have an SMS?

- 🚛 Manage your safety responsibilities under the HVNL
- 🚛 Demonstrate your ability to manage risk and ensure safety
- 🚛 Reduce costs associated with incidents and accidents
- 🚛 Become an employer of choice and preferred supplier



# Components of an SMS



# Components and Elements of an SMS

- Management commitment
- Safety responsibilities
- Key safety personnel
- Documentation
- Third party interactions

- Hazard identification
- Risk assessment and mitigation/treatment
- Risk monitoring and review
- Incident reporting



- Safety training and education
- Safety communication
- Positive safety culture

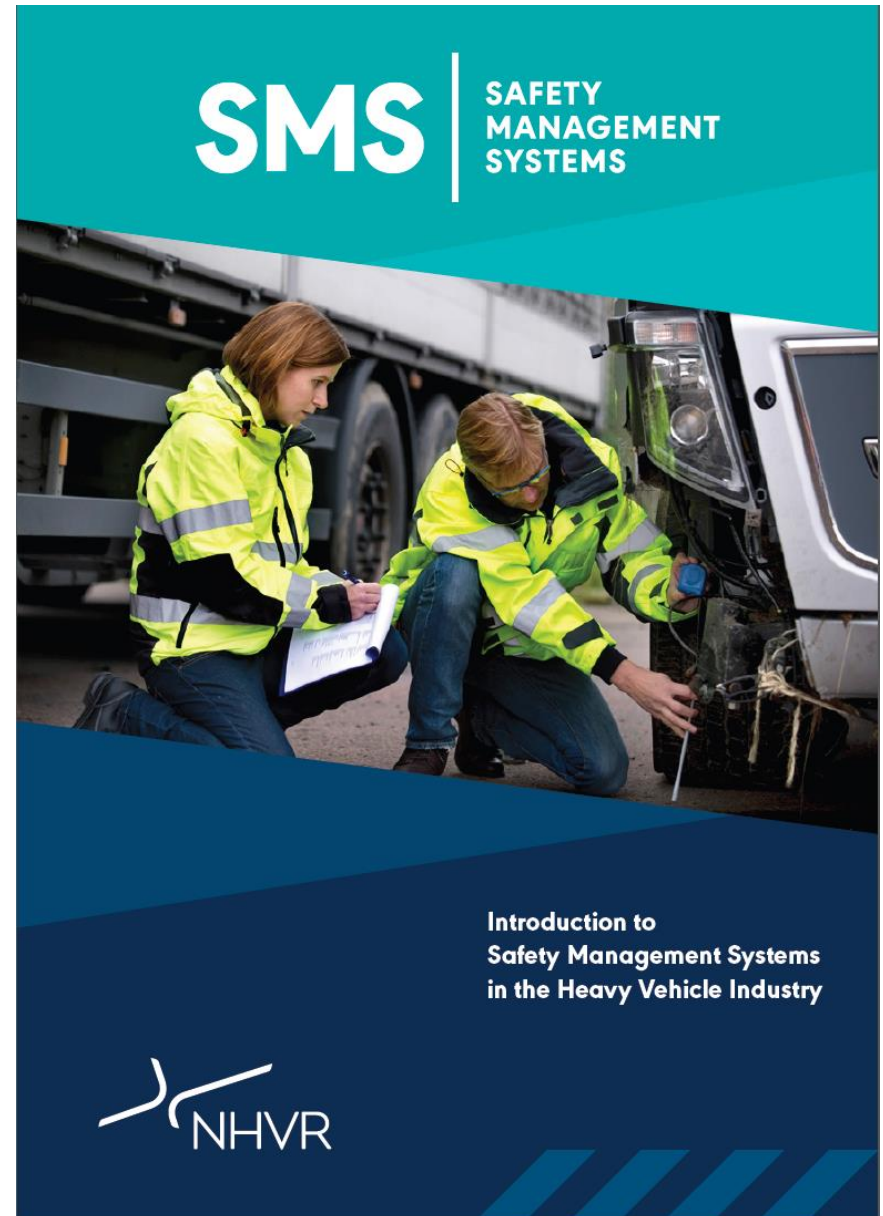
- Internal safety investigations
- Safety performance monitoring and measurement
- Change management
- Continuous improvement

# Tools, Templates and Support

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**Visit**  
**[www.nhvr.gov.au/sms](http://www.nhvr.gov.au/sms)**

- ✓ **Checklist**
- ✓ **Quick Guides**
- ✓ **Templates**
- ✓ **Worked Examples**





# SMS Checklist

Helps you identify any safety management system elements you may already have in place and enable you to focus on those SMS elements you need to develop.

## SMS Checklist

Use this checklist to help you identify which SMS elements you may already have in place. When you're completing the checklist, it's important to keep in mind the size and complexity of your business. Some of the items may not be applicable to your operations. Additionally, some items may already be partially in place or carried out informally.

- Yes – This item is implemented in the business
- Partially – Only parts of this item are implemented in the business (perhaps as an informal process)
- No – This item is not implemented in the business
- Not applicable (N/A) – Not appropriate given the size and complexity of the business

SMS components and elements	Yes	Partially	No	N/A
<b>Safety policy and documentation</b>				
<b>Management commitment</b>				
Does your business have a safety policy that documents the commitment to safety and is supported and signed by the accountable executive officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the safety policy readily visible to all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there a statement in the policy regarding 'just culture' which discourages the business from blaming an individual following an incident and states that disciplinary action is only considered when there is deliberate violation, intentional recklessness, negligent behaviour or wilful misconduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your business have sufficient resources (financial, human, material) to support the SMS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your business identified and documented safety objectives which support the safety policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the safety objectives measurable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the safety objectives periodically reviewed to ensure ongoing relevance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Safety responsibilities</b>				
Are the roles and responsibilities of managers relating to the SMS documented (e.g. safety manager, transport manager, training manager)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are roles and responsibilities relating to the SMS for all employees in the business clearly documented in position descriptions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is everyone in your business clear about their safety duty obligations as a party in the Chain of Responsibility (CoR) under the Heavy Vehicle National Law (HVNL)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Quick Guides

Short, easy to read format,  
answering:

- What?
- Why?
- How?

Topics include risk registers,  
hazard and incident reporting

## Step 1. Identify hazards

Identify anything that could potentially cause harm or loss.

### What is a hazard?

A hazard is anything with the potential to cause harm or loss.

### How do I identify hazards?

An effective way to identify hazards is to look for them continually, and to get people both inside and outside your business to tell you when they come across one.

Hazards can include a wide range of things, such as:

- physical objects that are clearly visible, like bald tyres
- behaviours, like rushing to load a vehicle
- a management practice, such as not providing employees with proper training.

### Record in the risk register

Every time you identify a hazard, record it in the **Identify hazards** column of your risk register.

## Step 2. Assess risk

Consider how the hazard or risk could cause harm or loss.

### What is risk?

Risk is the possibility that harm or loss might occur when someone or something is exposed to a hazard. When you assess a risk, you're trying to determine how the hazard could create harm or loss.

### How do I assess risks?

Think about the following questions:

- Who could be harmed by the hazard?
- What situation could the hazard cause harm or loss in?
- Where could the hazard cause harm or loss?
- When could the hazard cause harm or loss?
- Why would the hazard cause harm or loss?

The worked examples in the *Risk Register - Worked Examples (Basic)* illustrate how various hazards could cause harm or loss.

### Record in the risk register

Record the risk(s) created by the hazard in the **Assess risk** column of your risk register. You can also comment on how much of a risk you think the hazard presents.

# Templates



- Editable Microsoft Word documents
- Insert your own logo
- Modify to meet your business needs

Step 1. Identify hazards	Step 2. Assess risk
Identify anything that could potentially cause harm or loss.	Consider how the hazard or risk could cause harm or loss.
< Identify hazards and record them in this column. >	< Record the risk(s) created by the hazard in this column. You can also make notes of how much of a risk you think something is. >
<b>Transport activities</b>	
Fatigue	
Speed	
Mass	
Dimension	
Loading	

# Worked examples

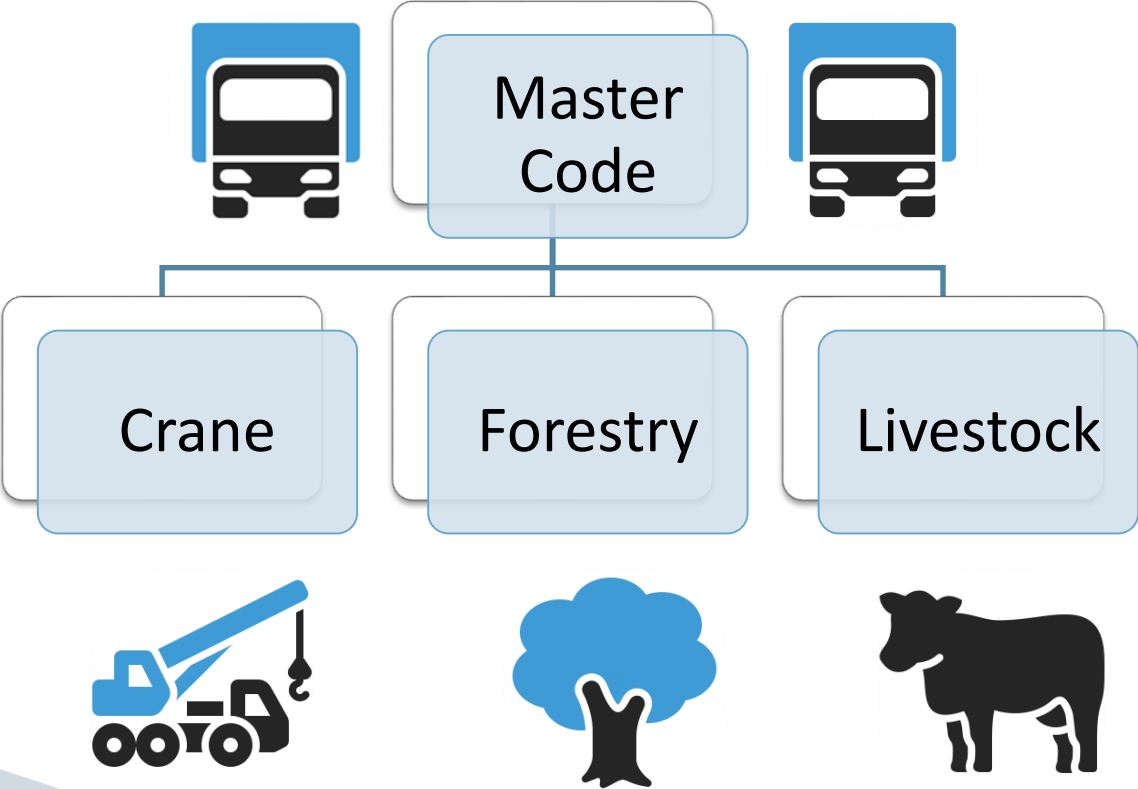
Step 1. Identify hazards	Step 2. Assess risk	Step 3. Identify existing controls	Step 4. Treat risk	Step 5. Monitor and review
Identify anything that could potentially cause <b>harm</b> or <b>loss</b> .	Consider how the hazard or risk could cause <b>harm</b> or <b>loss</b> .	Look at your existing controls to <b>eliminate</b> or <b>minimise</b> the risk so far as is reasonably practicable.	Try to eliminate the risk first but, if that's not possible, put <b>additional controls</b> in place to minimise the risk so far as is reasonably practicable.	<b>Regularly</b> monitor and review the controls you've put in place to make sure they're working as planned.
<b>Dimension</b>				
Vehicle load is over dimension.	<ul style="list-style-type: none"> <li>The load could hit another road user, pedestrian or piece of infrastructure (e.g. bridge, street sign or building).</li> </ul>	<ul style="list-style-type: none"> <li>Loads are carried on appropriate vehicles with necessary permits.</li> <li>Load dimension is inspected before journey departure.</li> </ul>	<ul style="list-style-type: none"> <li>Drivers and loaders are trained in dimension limits.</li> </ul>	<ul style="list-style-type: none"> <li>Check annually that all driver and loader inductions and training are up-to-date.</li> <li>Investigate any instances where a vehicle or load is over dimension.</li> </ul>
<b>Loading</b>				
Incorrect load restraint	<ul style="list-style-type: none"> <li>The load could fall from the vehicle and hit another road user or pedestrian or fall on the driver or person unloading.</li> </ul>	<ul style="list-style-type: none"> <li>The load restraint procedure reflects standards in the <i>Load Restraint Guide</i>.</li> <li>Drivers and loaders are trained in correct load restraint procedure at induction and at regular toolbox talks.</li> </ul>	<ul style="list-style-type: none"> <li>Load restraint is checked prior to departure and during the journey.</li> </ul>	<ul style="list-style-type: none"> <li>Check annually that all driver and loader inductions and training are up-to-date.</li> <li>Check a sample of loads once a fortnight to make sure they are properly restrained.</li> </ul>
<b>Vehicle standards</b>				
Operating an unroadworthy vehicle	<ul style="list-style-type: none"> <li>The vehicle could cause an accident or be unable to avoid an accident.</li> </ul>	<ul style="list-style-type: none"> <li>Vehicles are serviced and components replaced within manufacturer specifications, or sooner if a fault is found.</li> </ul>	<ul style="list-style-type: none"> <li>Drivers complete a daily check on their vehicle before starting a journey.</li> <li>Drivers report identified faults on their vehicle before starting or during a journey.</li> </ul>	<ul style="list-style-type: none"> <li>Check records every week to make sure all daily checks are being completed.</li> <li>Check vehicle maintenance records every quarter to make sure all vehicle servicing is up-to-date.</li> </ul>

**Industry Codes of  
Practice, NHVAS  
and other support**

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# Industry Codes of Practice

Establishes standards and procedures for parties in the chain of responsibility to identify, analyse, evaluate and mitigate general risks associated with meeting obligations under the Heavy Vehicle National Law (HVNL).





# Benefits of adopting an Industry Code of Practice

- ✓ You can freely adopt a Code to develop a compliance and safety risk management process that addresses your HVNL obligations
- ✓ A Code can be used to tailor your risk management process to suit the specific needs of your operating environment
- ✓ Industry codes of practice provide useful guidance about known risks and reasonably practicable ways to remove or reduce those risks

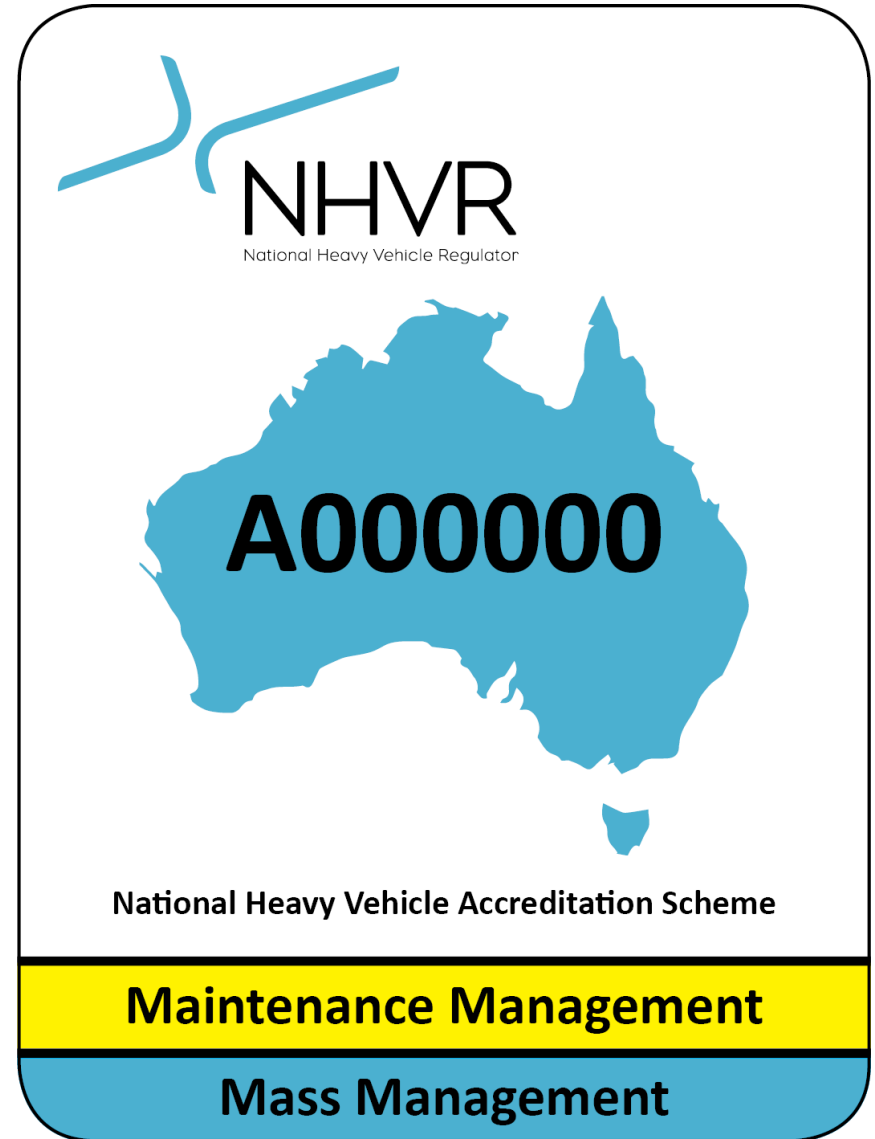
# NHVAS

NHVAS standards address risks associated with:

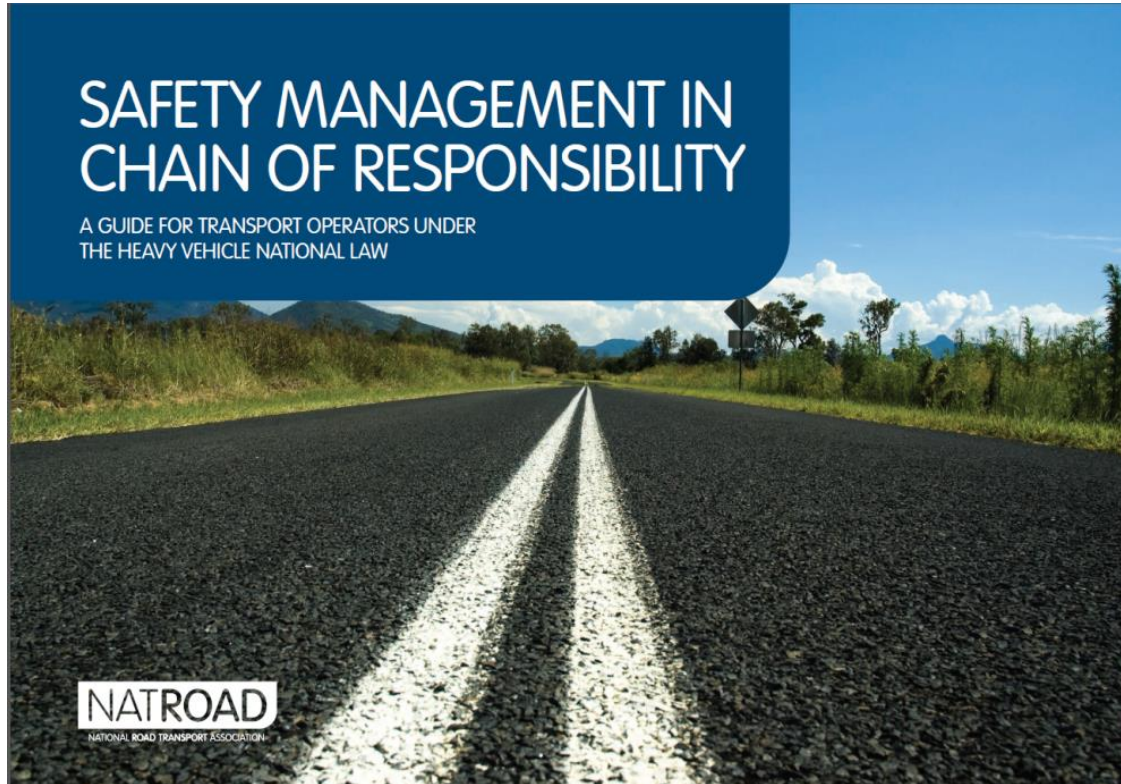
- mass management
- maintenance management
- fatigue management

Plus components found in an SMS, such as:

- documenting policies and procedures
- training employees
- detailing responsibilities



# Other sources of information and support



# 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](http://www.nhvr.gov.au/cor)

For information and tools to help you develop a Safety Management System for your business, visit [www.nhvr.gov.au/sms](http://www.nhvr.gov.au/sms)



# QUESTIONS?

