



Chain of Responsibility – Infrastructure Projects

There is a significant transport task related to infrastructure projects including the movement of equipment, the removal of site materials (spoil) and the delivery of construction materials.

The use of heavy vehicles brings with it obligations on **all parties in the chain of responsibility** to ensure their safe and compliant operation on NSW roads.

Road transport operations involving heavy vehicles are subject to many provisions of the law directed at ensuring that these operations are conducted safely for all road users, and without causing damage to assets or infrastructure or having significant adverse effects on the environment or community amenity.

Chain of responsibility – the link to safer roads

Many breaches of the compliance obligations relating to speeding compliance, fatigue management, mass and dimension limits, access restrictions, and load restraint are detected on the side of the road by Roads and Maritime Inspectors, NSW Police or local council officers. In such cases the driver is the first target for enforcement action but it is often the case that the driver's conduct is a symptom of wider compliance failures by the operator, employer, prime contractor or others in the supply chain such as schedulers, loaders and loading managers, packers, consignors and consignees.

Chain of responsibility (CoR) laws form part of the *Heavy Vehicle National Law (HVNL)* to address the underlying causes of non compliance.



Image supplied by Barangaroo Delivery Authority.

The CoR provisions are intended to ensure that road transport compliance obligations are understood and fully discharged by those in a position to influence the driver's conduct.

The aim of CoR is to make sure everyone in the supply chain shares equal responsibility for ensuring breaches of road transport law do not occur. Under CoR if you exercise (or have the capability of exercising) control or influence over any transport task, you are part of the supply chain and therefore have a responsibility to ensure compliance with road transport laws.



Reasonable steps – CoR and civil contractors

The chain of responsibility provisions of the HVNL apply to people engaged in infrastructure projects in the same manner as any other industry sector involving heavy vehicle transport – regardless of whether the project is publicly funded, privately funded or both.

Civil contractors have obligations under the CoR provisions and can even have several different CoR obligations where the person operates in a number of different capacities. It is important to identify under which capacities you have CoR obligations.

A civil contractor could have a number of capacities, including as:

- **A consignor of goods**
- **A consignee of goods**
- **An employer or prime contractor of drivers**
- **An operator of heavy vehicles**
- **A loader or unloader of goods**
- **A scheduler of goods or drivers.**

It is very important to note that CoR obligations apply regardless of how you may classify the functions and responsibilities of the company/organisation and its staff. For example, calling the person who decides when and in what order heavy vehicles enter a worksite the "Operations Manager" will not preclude that person from being treated as a *scheduler* for the purposes of the CoR provisions. Similarly, having the firm consider itself to be, and present itself to the outside world as a construction company will not mean that it can avoid CoR responsibilities that arise as a consignor, consignee, employer or prime contractor.

The safe management of heavy vehicle transport is an integral part of a company's risk management for an infrastructure project.

Roads and Maritime Services has produced a series of fact sheets that identify specific CoR obligations that civil contractors are required to manage as part of their business operations. Information is also included on how a court may view whether or not all reasonable steps have been taken by the relevant parties in the supply chain.

A shared objective

Roads and Maritime works closely with the civil construction sector to jointly ensure safe operations, protection of assets and the environment, and minimal disruption to community amenity.

More information about the chain of responsibility is available from:

rms.nsw.gov.au/business-industry/heavy-vehicles/safety-compliance/chain-of-responsibility