



Mass Limits and the Chain of Responsibility

The HVNL (Chapter 4) imposes obligations on parties in the chain of responsibility (CoR) to take all reasonable steps to ensure that a driver does not commit a mass offence.

Compliance with prescribed mass limits is a critical issue for road safety and asset protection. Total mass limits and axle masses are prescribed by the *Heavy Vehicle National Law* (HVNL) and the National Regulation.

The information contained here is aimed at assisting you to identify relevant CoR obligations and assist in developing measures to meet those obligations.

Who are the parties in the supply chain?

The CoR provisions are aimed at persons who can influence and/or control driver behaviour. Parties in the chain of responsibility include:

- **The prime contractor of a driver**
- **The operator of a vehicle**
- **The scheduler of goods or passengers for transport in or on a vehicle, and the scheduler of its driver**
- **Consignors/consignees of goods for transport**
- **Loaders of goods.**

Taking reasonable steps to prevent mass offences

The HVNL provides a way for parties in the chain of responsibility to establish that they have taken all reasonable steps in relation to **mass offences**. For a mass offence the court will consider:

- (a) The circumstances of the offence
- (b) The measures available and measures taken by the person:
 - (i) To accurately and safely weigh the heavy vehicle or its load
 - (ii) To provide and obtain sufficient and reliable evidence from which the weight of the heavy vehicle or its load might be calculated
 - (iii) To manage, reduce or eliminate a potential contravention arising from the location of the heavy vehicle, or from the location of the load in the heavy vehicle, or from the location of goods in the load
 - (iv) To manage, reduce or eliminate a potential contravention arising from weather and climatic conditions, or from potential weather and climatic conditions, affecting or potentially affecting the weight of the load
 - (v) To exercise supervision or control over other persons involved in activities leading to the contravention
- (c) The measures available and measures taken by the person:
 - (i) To include compliance assurance conditions in relevant commercial arrangements with other responsible persons for heavy vehicles
 - (ii) To provide information, instruction, training and supervision to employees to enable compliance with the HVNL
 - (iii) To maintain equipment and work systems to enable compliance with the HVNL
 - (iv) To address and remedy similar compliance problems that may have happened in the past
- (d) Whether the person had, either personally or through an employee or agent, custody or control of the heavy vehicle, its load, or any goods included or to be included in the load
- (e) The personal expertise and experience that the person had or ought reasonably to have had or that an employee or agent of the person had or ought reasonably to have had.

For a party in the chain of responsibility, collaboration with your drivers, staff, service providers and with other (external) parties in the supply chain is essential. Understanding your obligations under the law and ensuring that the arrangements you have in place and the arrangements other parties have in place will contribute to a safer road environment for heavy vehicle drivers and all other road users.

More information about the chain of responsibility is available from:

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

Promoting road safety and protecting yourself, your business and your reputation

The law imposes strict obligations on CoR parties but it also gives clear guidance on how to meet those obligations. When considering whether you have met your mass requirements obligations asking yourself the following sorts of questions may be of assistance:

- What have we done to ensure that we have the ongoing capacity to comply with relevant mass requirements? How do we know what these are?
- How do we determine if an overmass load can be lawfully moved? Have we established a process for determining whether a Notice applies in respect of the load? Have we established a process for identifying when a specific Permit is required?
- Have we communicated our needs with respect to mass limits to the people to whom we provide services? How have we done this? What assurances as to *their* compliance with these obligations have we received? Have we done enough to protect our position?
- How much consultation have we held with drivers about our mass limits obligations? Do our drivers know what to do if they attend a pick up point and the load is overmass? Will we support our driver if they refuse to carry a non-compliant load? Do our supervisors understand and promote a safe and compliant approach?
- How much training and support do we provide to drivers (and to packers, loaders and supervisors) about, specifically, mass limits and, more broadly, about safe and compliant heavy vehicle operations?
- Have we considered the use of Onboard Mass and other weighing equipment? What technology is available for this purpose? How much would it cost to implement in our fleet? What is considered good practice in our industry sector?
- In respect of consultation, training and support, and mass limits compliance – how do we respond to what we are hearing from our drivers and other staff? Are the training and support we provide effective? If we have monitoring systems what do we do when we detect non-compliance?
- What form of record keeping do we maintain in respect of each of these factors? Do we retain those records for at least three years? Who has responsibility for the ongoing review of our practices and the measures we use to ensure compliance? How do we establish that we responded appropriately and effectively to gaps in our compliance systems?