Dimension Requirements
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 dimension offence.

Dimension requirements for heavy vehicles are set out in the *Heavy Vehicle National Law* (HVNL) and the National Regulation. Compliance with dimension requirements is a critical road safety and asset protection issue.

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.**

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Taking reasonable steps to prevent dimension 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 **dimension offences**. For a dimension 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 measure the heavy vehicle or its load

   (ii) To provide and obtain sufficient and reliable evidence from which the measurement 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 measurement 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.
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> 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 dimension requirements obligations, consider asking yourself the following:

• What have we done to ensure that we have the ongoing capacity to comply with relevant dimension requirements? How do we know what these are?

• How do we determine if an oversize 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 dimension requirements to the people to whom we provide services? What assurances as to *their* compliance with these obligations have we received? Have we done enough to protect our position?

• Do we have a system for ensuring that loads are placed on a vehicle that avoid the risk of a breach of the dimension requirements?

• How much consultation have we held with drivers about our dimension requirements obligations? Do our drivers know what to do if they attend a pick up point and the load is overdimension? 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 relevant staff about dimension requirements and, more broadly, safe and compliant heavy vehicle operations?

• Have we considered the need for relevant staff to be supplied with measuring 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 dimension 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? 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?