

# CHAIN OF RESPONSIBILITY

## STATEMENT OF EXPECTATION

Compliance with the CoR laws is the responsibility of every party in the chain. AST takes compliance with the CoR laws very seriously, requires its business partners to comply and will not condone, endorse or reward non-compliance.

## BUSINESS PARTNER POLICY

It is a term and condition of AST conducting business with you that you read and agree to the following Chain of Responsibility Business Partner Policy (**CoR Policy**), which will prevail to the extent of any inconsistency with any other agreed terms (whether before or after these terms).

The Chain of Responsibility (**CoR**) laws (National Heavy Vehicle National Law and Regulations and All State *Road Traffic Acts that* (or any replacement or modification thereof)) encompass heavy vehicles: Also compliance with each Australian State Work Health and Safety Laws and Federal laws in relation to the Work Health and Safety Act 2011:

- mass, dimension, and load restraint requirements; and
- speed and fatigue management, and (expected shortly) vehicle maintenance.
- safety management systems (SMS)

The CoR laws apply to the movement of any cargo, including empty containers, by heavy vehicle on the road.

This document sets out AST's expectations of its business partners in relation to compliance with the CoR laws and the action that AST will take in the event of non-compliance.

## MASS, DIMENSION AND LOAD RESTRAINT

All parties to the CoR must comply with all mass, dimension and load restraint laws.

Mass requirements may relate to the:

- tare mass of heavy vehicles;

- mass of heavy vehicles together with their loads;
- mass on tyres, axles or axle groups of heavy vehicles;
- axle spacing on any heavy vehicle or trailer; or
- weight of any freight container and its goods.

*Dimension* requirements may relate to the dimensions of a:

- heavy vehicle (together with its equipment);
- component of a heavy vehicle; or
- heavy vehicle's load.

*Load restraint* requirements may relate to the restraint or positioning of a load or any part of a load on a vehicle or trailer, including the restraint or positioning of a load within a freight container. AST refers to and incorporates the terms of the NTC '*Guidelines and performance standards for the safe carriage of loads on road vehicles*' (**Load Restraint Guide**) (and any replacement or modification thereof) in this regard.

All transport and shipping documentation must be accurate and not be false or misleading in a material particular so far as it relates to the mass, dimension or loading of any or all of the goods.

The primary responsibility to monitor all mass, dimension and load restraint laws with respect to any heavy vehicle rests with the driver. It is the responsibility of the driver to check compliance with all mass, dimension and load restraint requirements before driving any load. In the event that any load exceeds any mass, dimension or load restraint requirements, it is the responsibility of the driver to liaise with the driver's employer, heavy vehicle operator and/or the loader, packer, consignor or consignee in order to take corrective action and ensure that all mass, dimension or load restraint requirements are met before driving.

AST will not pay any higher amount for the packing or transport of any goods which breach any mass, dimension or load restraint requirement. There is therefore no benefit to be obtained whatsoever by transporting over-mass, over-dimension or unrestrained goods.

Ports and terminals may have their own policies, for instance, requiring overmass/dimension or unrestrained goods to be opened and repacked before they are permitted to be placed on the road. It is the responsibility of all business partners to ensure that they are aware of and comply with such policies. Any compliance costs are the responsibility of our business partners and will not be borne by AST.

## **CONTAINER WEIGHT DECLARATION (CWD)**

The 'responsible entity' for a freight container is:

- a) the person in Australia who consigned the container for road transport using a heavy vehicle; or
- b) if there is no person as described in paragraph (a), the person in Australia who arranged for the container's road transport using a heavy vehicle; or
- c) if there is no person as described in paragraph (a) or (b), the person in Australia who physically offered the container for road transport using a heavy vehicle (e.g. freight forwarder, importer, customs broker).

The *responsible entity* for the freight container must not permit an operator or driver of a heavy vehicle to transport the freight container by road using the vehicle unless the operator or driver has been provided with a complying CWD for the freight container. A *heavy vehicle operator* must not permit the vehicle's driver to transport a freight container unless the driver is provided with a complying CWD. A *driver* must not drive a vehicle loaded with a freight container unless in possession of a complying CWD.

A complying CWD must be written and easily legible and contain:

- information about the gross weight of the freight container and its contents;
- the number and other particulars of the freight container necessary to identify the container;
- the name and residential address or business address in Australia of the responsible entity for the freight container; and
- the date the CWD is made.

The CWD should ideally include details of the cargo weight, freight container tare weight and gross weight of the goods and freight container. It is therefore essential that any person packing or consigning goods includes such details in any packing list, bill of lading or other similar document. A CWD cannot be false or misleading in any material particular.

The responsible entity, heavy vehicle operator and driver should, before offering any freight container for road transport and/or driving, check that the figures in CWD match up with any other weight figures available (e.g. packing list, bill of lading). If there is any discrepancy, the responsible entity, heavy vehicle operator or driver must seek clarification before proceeding. The responsible entity, heavy vehicle operator and driver must ensure that the method of weight verification for inclusion in the CWD or any other

transport document complies with all relevant laws and regulations that are in force, including, without limitation, Marine Order 42.

### **FATIGUE AND SPEED**

AST does not intend for the terms of any of its consignments to and no employer, prime contractor, heavy vehicle operator or heavy vehicle scheduler should put in place any requirement or practice which could result in, encourage or provide an incentive to the vehicle's driver to and no driver should:

- drive while impaired by fatigue;
- drive while in breach of the driver's work and rest hours option;
- drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option; or
- would have the effect of causing the driver to exceed any applicable speed limit.

If any person thinks that the terms of any consignment, requirement or practice could result in any of the above, it is their responsibility to make investigations, seek clarification from the person(s) immediately up the chain from them and not permit a driver to drive until they are satisfied that no such breach will occur. AST emphasises the importance of fatigue and speed management particularly for long distance/rural transport.

AST will not pay any higher amount for the transport of any goods which breach any fatigue or speed requirement. There is therefore no benefit to be obtained whatsoever by transporting goods in breach of any fatigue or speed requirement. In any circumstances of urgency or transport deadline, our business partners should be extra vigilant and seek express confirmation that any such arrangements will not cause a driver to breach the above fatigue/speed requirements. If not, the road transport should not be undertaken.

### **MAINTAINENCE**

All owners and operators of any heavy vehicle or other handling equipment are responsible for ensuring that the vehicle/equipment is equipped and operated in accordance with any design and licensing requirements, conditions and standards. Any vehicle used for the transport of goods by road must be maintained in a roadworthy condition and be subject to appropriate pre-trip roadworthiness and safety inspections. Any heavy vehicle not in accordance with the foregoing should not be used to transport any goods for or on behalf of AST or used on the road at all.

### **CORRECTIVE ACTIONS**

Upon becoming aware of any breach of any mass, dimension, load restraint, fatigue, speed or maintenance requirement, AST may report the breach to the relevant authority (e.g. RMS in NSW) and retain records of the breach. The escalation process should be sent in the first instance to [shipping@astraders.com.au](mailto:shipping@astraders.com.au) and then to [carolina@astraders.com.au](mailto:carolina@astraders.com.au)

In relation to any breach of any mass, dimension, load restraint, fatigue, speed or maintenance requirement, AST will issue the breaching party(ies) with a notice of breach. The breaching party(ies) must cooperate and provide relevant information to assist with any investigation carried out by AST in relation to a breach.

For any subsequent identical, similar or other breach of any mass, dimension, load restraint, fatigue, speed or maintenance requirement, AST reserves the right, in its sole and absolute discretion:

- not to pay for the provision of any goods or services in circumstances of breach;
- to require that the person(s) responsible for the breach(es) are not used or engaged to provide goods or services to AST in future;
- not purchase any further goods or services from any person(s) responsible for the breach(es); and
- to terminate or suspend any ongoing contract for the provision of goods or services.

## **Training**

All owners and operators of any heavy vehicle or other handling equipment are responsible for ensuring all staff are fully trained in the operating of the vehicle/equipment and operated in accordance with any design and licensing requirements, conditions and standards.

That all staff are fully trained in Work Health and Safety requirements to safely handle AST products and that Risk Assessments are completed on all procedures before the work is commenced.

## **COMPLIANCE AUDIT**

At the time of returning this signed document to AST, you undertake to provide copies of any/all CoR policy(ies) in place in respect of your business.

You undertake to notify AST in writing immediately in the event that you or any person in your employ or for whom you are responsible is issued with any warning, request for information or production of documents, notice or fine in respect of any breach of any mass, dimension, load restraint, fatigue, speed or maintenance requirement in respect of any goods or services you provide



to or on behalf of AST. You undertake to provide AST with a copy of any such warning, request, notice or fine and any response or submissions made by you in relation to the same.

#### FURTHER INFORMATION

Further information regarding CoR responsibilities is available on the National Heavy Vehicle Regulator's website at: <https://www.nhvr.gov.au>

### **CHAIN OF RESPONSIBILITY BUSINESS PARTNER POLICY**

I acknowledge that I have read and agree to be bound by AST's Chain of Responsibility Business Partner Policy.

I acknowledge that the Chain of Responsibility laws apply to my involvement in the movement of goods by heavy vehicle.

I acknowledge that I am responsible for my compliance with the Federal and State Chain of Responsibility and Work Health and Safety Laws.

I warrant that I have in place work practices and/or policies which are intended to identify the risk of and manage, reduce or eliminate potential contraventions; exercise supervision or control over others involved in the Chain; provide information, instruction, training and supervision to my employees and address and remedy any compliance problems.

I warrant that, by signing, I have authority to act on behalf of and bind the company or organisation named below.

Dated: \_\_\_\_\_

Company/organisation: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Capacity: \_\_\_\_\_