

Regulatory benefits of knowing mass and the use of mass data for chain of responsibility

TCA WIM Forum

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Today

1. National Transport Commission – who we are
2. What is Chain of Responsibility?
3. Chain of Responsibility reform
4. Role of mass data



National Transport Commission (NTC)

The NTC is an independent statutory body.

“To champion and facilitate changes that improve productivity, safety and environmental outcomes.”

“To develop national regulatory and operational reform and implementation strategies for road, rail and intermodal transport.”



How we work

- We work with our stakeholders on building **business cases for future reforms**
- We **research and consult** extensively with industry, governments, regulators and enforcement agencies.
- We publish issues papers and discussion papers for **public consultation**.
- We make **recommendations** to ministers.



Chain of Responsibility (CoR)

*CoR is fundamentally about safety:
safety of drivers, safety of the community*

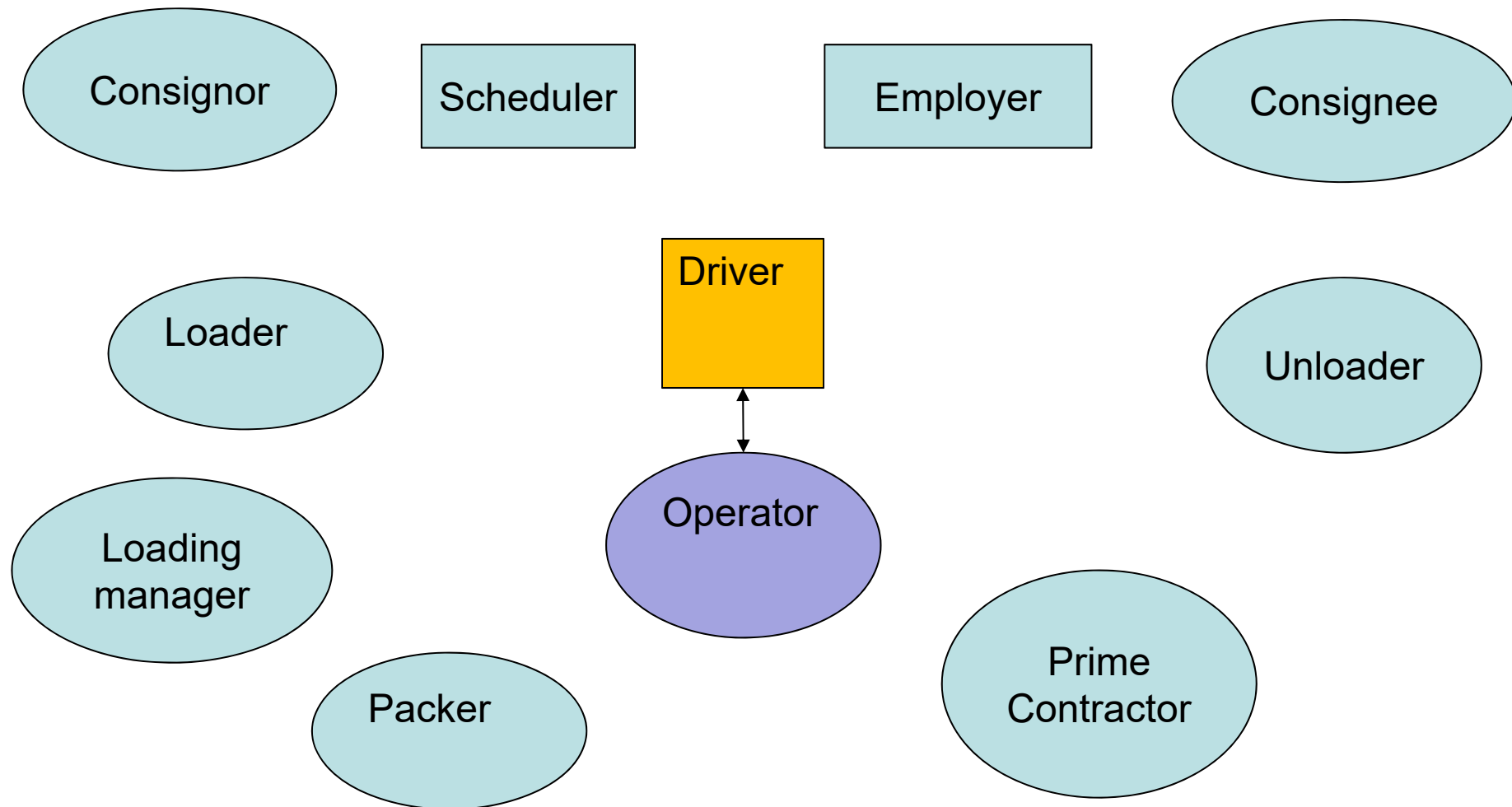
What is the role of the whole supply chain in ensuring road safety?

What is chain of responsibility?

Chain of responsibility ensures off-road parties in a position to control and influence heavy vehicle on-road safety can be identified and held legally accountable



Who are parties in the chain?





Who are parties in the chain?

- Operators, prime contractors and employers
- Schedulers
- Consignors
- Consignees
- Loading Managers
- Loaders
- Unloaders
- Packers



Chain of Responsibility

What does it cover?

Key areas include:

- Speed
- Fatigue
- Mass, dimension and loading
- Vehicle standards.



Chain of Responsibility

Why is it important?

We hear from drivers that chain of responsibility helps them do their job safely.

It's not all down to the driver.



Chain of Responsibility

Why is it important?

"The Chain of Responsibility is a great idea, and it has achieved responsibility in the office here. Overloading is now less of an issue and there is proper measurement of weight.

It used to be the driver that wore the fine for being overloaded, but now there is the owner of the truck, the acceptor of load, and the farmer who loaded the truck."

Driver, NTC Survey 2012



Further reform

Industry and governments have told us that chain of responsibility is important, but requires further reform.

Key issues with the current CoR regime include:

- Inconsistencies
- Legislation too prescriptive and complex
- Cost and burden to industry of complying
- Reliance on individual offences and incidents to prosecute
- Insufficient focus on safety



What is the duty?

Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.

Heavy Vehicle National Law Amendment Act 2016



What is the duty?

Each party must, so far as is reasonably practicable—

- eliminate public risks and,
- to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
- ensure the party's conduct does not directly or indirectly cause or encourage— the driver of the heavy vehicle to contravene this Law;

Heavy Vehicle National Law Amendment Act 2016



Penalties and principles

- Increased penalties for breaches
- Principles for application of the duties
- Investigative powers



What about executive officers?

What is the role of senior management?

- Due diligence obligation on executive officers to ensure that their organisations meet primary duties



Implementation

Substantial implementation period required in order to ensure:

- Guidance material
- Communication
- Training for authorised officers

The NHVR are leading the implementation.



Ongoing challenges

- Education
- Intelligence
- Information about how well the law is working?



Technology and COR

- What must companies do to comply with chain of responsibility laws?



“So far as is reasonably practicable” means

“in relation to a duty, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters, including –

- (a) the likelihood of a safety risk, or damage to road infrastructure, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the ways of –
 - (i) Removing or minimising the risk; or
 - (ii) Preventing or minimising the damage; and



So far as is reasonably practicable

- (d) What the person knows, or ought reasonably to know, about the ways of –
 - (i) Removing or minimising the risk; or
 - (ii) Preventing or minimising the damage; and
- (e) The availability and suitability of those ways; and
- (f) The cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage.



How do companies manage their risk of mass breaches?

Policies and monitoring

- What do operators need?
- What do consignors and consignees need?
- What do company directors need?
- What data is needed to demonstrate compliance?



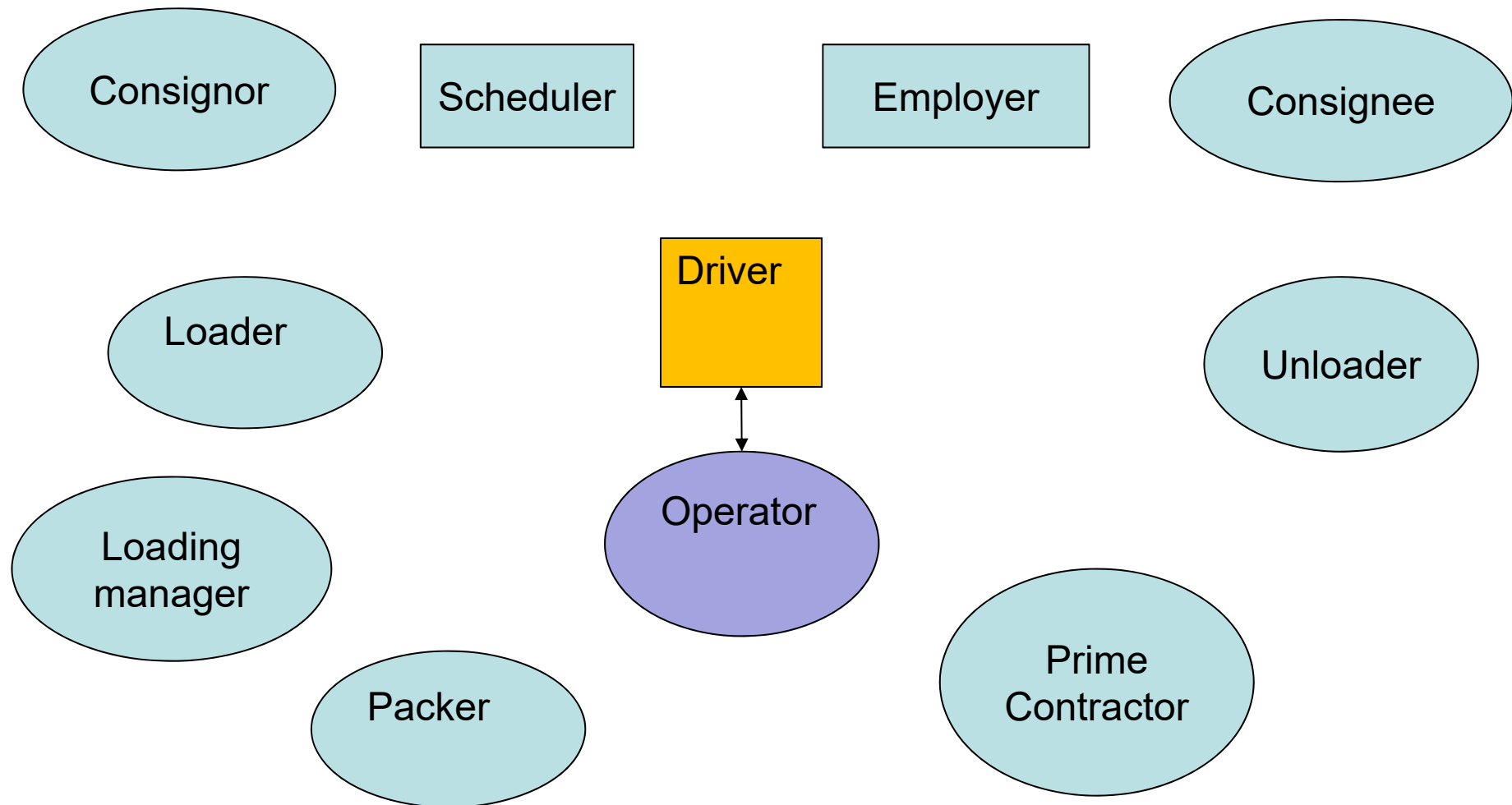
Technology

Can we move from policies to actively monitoring compliance and safety?

Are there opportunities for standardisation of safety and compliance data?

Would this allow greater sharing of data across the supply chain?

Who are parties in the chain?





Mass measuring technology

How do I manage the risk of mass breaches?

Parties in the chain must assess what is reasonably practicable in terms of managing the risk.

What data do they need to manage this risk and do they share it?

May be different solutions for different organisations

Ultimately up to a court to determine.



Further information

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Thank you

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