

# TLIF0009

## Ensure the Safety of Transport

### Learner Guide Instructions

Who is this document for?

The learner.

What is in this document?

- Course information that matches the PowerPoint presentation.
- Review questions.
- Practical assessment instructions for learners.

What do you need to do before you use it for the first time?

1. Rebrand the document.
2. Review the document as part of your validation process.
3. Set the reading and test time limits that are highlighted in pink at the end of the document.

**See the 'Read Me First' document for a complete set of instructions on how to use these resources.**



# LEARNER GUIDE

## TLIF0009 Ensure the Safety of Transport Activities (Chain of Responsibility)

Learner Name:	
Learner ID:	
Learner Contact Number:	
Learner Email Address:	
Date Training Commenced:	

### This Book Contains:

- ☐ Course Information.
- ☐ Review Questions.
- ☐ Practical Assessment overview and Instructions.

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**Evaluation Copy Only**

# 1.1 Introduction

This training course is based on the national unit of competency **TLIF0009 Ensure the Safety of Transport Activities**.

This unit involves the skills and knowledge required to ensure the safety of transport activities. It includes identifying features and applying chain of responsibility obligation in the Heavy Vehicle National Law (HVNL) or applicable state/territory law and regulations. It also includes identifying and reporting chain of responsibility risks.



## 1.1.1 Terms and Definitions

The following table details some common terms and acronyms mentioned in the content of this learner guide.

Term / Acronym	Definition
<b>AFM</b>	The maximum hours of work and minimum hours of rest that apply to drivers operating under an AFM accreditation. The hours of work and rest are stated on the copy of the AFM certificate which the driver must carry in the vehicle.
<b>Audit</b>	A formal workplace inspection to check compliance with national, state or company-wide standards.
<b>BFM Hours</b>	The maximum hours of work and minimum hours of rest that apply to drivers operating under a BFM accreditation.
<b>Business Activities</b>	Any standard actions or procedures completed in a business (e.g. order processing, purchasing, distribution).
<b>Centre of Gravity</b>	In an object, this is where the weight is most evenly distributed. For example, the middle of a seesaw.
<b>ComCare</b>	The national authority for WHS, including workers compensation.
<b>CoR</b>	Chain of Responsibility.
<b>Due Diligence</b>	A responsibility to ensure that the PCBU is doing everything it should to ensure health and safety.
<b>Duty of Care</b>	Duty of Care is a legal obligation to adhere to a standard of reasonable care when performing acts that have the potential to harm others.
<b>Fatigue-regulated Heavy Vehicle</b>	A vehicle with a GVM of more than 12 tonnes (12,000 kg).
<b>GVM</b>	Gross Vehicle Mass.
<b>Heavy Vehicles</b>	Vehicles with a GVM of over 4.5 tonnes (4,500 kg).
<b>Lashings</b>	A restraint tool used to secure items onto a heavy vehicle. Can be a rope, chain, or strap.
<b>National Transport Commission</b>	A government authority which aims to support the state and federal governments to improve safety, productivity, environmental impacts, and overall efficiencies in the transport industry.
<b>NHVL</b>	National Heavy Vehicle Law.
<b>NHVR</b>	National Heavy Vehicle Regulator.

Term / Acronym	Definition
<b>Officer</b>	A person who makes, or participates in making, decisions that affect the whole or a substantial part of a corporation. This includes Health and Safety Representatives (HSR).
<b>PCBU</b>	'Person Conducting a Business or Undertaking' (PCBU). This replaces the term 'employer'. A PCBU includes all employers, sole traders, principal contractors, unincorporated associations, partnerships, and franchisees. Volunteer organisations that also employ people will be PCBUs.
<b>Reasonably Practicable</b>	Reasonably practicable is defined as action that is, or was at a particular time, reasonably able to be done to help ensure health and safety.
<b>Regulator</b>	Government authorities which administer legislation for each state and territory.
<b>WHS</b>	Work Health and Safety. Can also be referred to as Occupational Health and Safety (OHS).
<b>Work Health and Safety Management System (WHSMS)</b>	A strategic document that details an organisation's approach to health and safety management.
<b>Worker</b>	Employees, contractors, sub-contractors (and their employees), labour hire employees, outworkers, apprentices, trainees, work experience students and volunteers.

### 1.1.2 Chain of Responsibility

Chain of Responsibility (CoR) is a category of laws that apply to everyone involved in the transport and logistics industry.

Safety in the workplace is a shared responsibility, CoR was introduced as a way of recognising this. CoR aims to keep everyone in the supply chain accountable for their actions.

Everyone in the supply chain has a responsibility to minimise the potential for harm in the workplace so far as is reasonably practicable.

This concept is consistent with other Australian WHS legislation.



Actions are considered **reasonably practicable** when they are in alignment with what is or was at a time reasonable to take to eliminate or minimise the harm in the workplace.

The **supply chain** includes anyone involved in the sending and/or receiving of goods using a heavy vehicle.

For example, if it is found that a driver broke the law because poor scheduling put them under significant pressure, it is not just the driver who will be accountable, but also people involved in the scheduling of vehicles.



### 1.1.3 The Heavy Vehicle National Law (HVNL)

A law that applies to all those considered part of the supply chain is the HVNL. The law is intended to:



- ◆ Promote public safety.
- ◆ Manage the impact of heavy vehicles on the environment, road infrastructure and public amenity.
- ◆ Promote industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles.
- ◆ Encourage and promote productive, efficient, innovative, and safe business practices.

In summary, what this means is that the HVNL seeks to keep workers and the public safe, minimise harm to the natural and constructed environment and in doing this, improve industry performance.

The HVNL has been implemented in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania, and Victoria. Vehicles travelling within these states must abide by the law, even if they are from Western Australia, or the Northern Territory where the HVNL has not yet been adopted.

Although the HVNL intends to standardise the use of heavy vehicles on Australian roads, Australian roads are primarily managed by each individual state/territory. This is because road networks of different regions can be quite different in density, primary usage, and condition.



For this reason, the HVNL has been adapted to suit the context of each state and territory that has adopted it.

If you need to understand the specifics of the HVNL and how it applies within a state or territory you work in, then you should contact your state's relevant road authority.

#### 1.1.3.1 The National Heavy Vehicle Regulator (NHVR)

A regulator is an established body who are responsible for overseeing and enforcing the laws of a particular industry.

In the heavy vehicle sector this is the National Heavy Vehicle Regulator (NHVR).

This means that the HVNL is enforced by the NHVR.





NHVR does this by:

- ◆ Identifying the causes of unsafe work practices.
- ◆ Holding parties accountable for unsafe business practices.
- ◆ Consulting with drivers and other parties working in the supply chain.
- ◆ Promoting the HVNL.

For the most part, the NHVR investigates parties and procedures that put significant pressure on drivers. This is because it is known that most on-road offences are caused by off-road actions or attitudes.

## 1.1.4 General Legal Requirements

Laws (also known as Acts or legislation) form the basis of all requirements for safe and productive work practices.

Workplace laws can be managed by Federal or State/Territory Governments, sometimes a combination of both.

It is important that you know which laws apply to you, access your state or territories legislation by:

- ◆ Going to the Safe Work Australia, or ComCare website.
- ◆ Conducting an internet search for 'heavy vehicle legislation' and your state or territory, e.g. 'heavy vehicle legislation Queensland'.
- ◆ Asking your manager or supervisor.



### 1.1.4.1 WHS Legislation

WHS legislation aims to develop consistent, reasonable, and effective safety standards and protections for all Australian workers across all industries through uniform WHS laws, regulations, and codes of practice.

The following key elements of WHS legislation will impact the way you do your job, and the responsibilities of your workplace:

1

There is a primary duty of care requiring **persons conducting a business or undertaking (PCBU)** to ensure, so far as is **reasonably practicable**, the health and safety of **workers** and others who may be affected by the carrying out of work.

2

A requirement that **officers** of corporations and incorporated bodies exercise **due diligence** to ensure compliance.

3

**Workers** must exercise reasonable care that their acts or omissions do not adversely affect the health and safety of persons at a workplace.



Officers may exercise **due diligence** by implementing a WHSMS to ensure the workplace is safe and compliant with safety legislation. They must proactively enforce safe systems of work to protect the safety of others in the workplace and actively monitor these to ensure they are effective.

Safety measures are considered **reasonably practicable** when they are in alignment with what is or was at a time reasonable action to take to eliminate or minimise risk in the workplace.

When assessing what would be a reasonable safety measure, it is helpful to first consider what can be done to mitigate the risk, and then whether that is reasonable. Essentially, whatever can be done to make the workplace a safe place should be done unless it is unreasonable, and the implementation of a less involved process would be sufficient to reduce risk to an acceptable level within the workplace.



Many of these concepts are considered to be part of an organisations 'duty of care'. Duty of care is a legal obligation to adhere to a standard of reasonable care when performing acts that have the potential to harm others.

Everyone in the workplace has a legal responsibility under duty of care to do everything reasonably practicable to protect others from harm. This is done by complying with safe work practices, including activities that require licences, tickets or certificates of competency, or any other relevant state and territory WHS requirements.

The concept of **duty of care** is very similar to **the chain of responsibility** and both apply to workers in the transport and logistics industry.

It is important that you speak with your health and safety representative (HSR) or supervisor for more information on how these elements will affect your day-to-day operations, or if you have any concerns relating to health and safety.

### 1.1.5 Regulations

Regulations support legislation by providing more detailed information on how to apply the legal requirements set out in legislation.

They can cover many topics including hazard identification, dangerous goods storage and working conditions.



The NHVR has five sets of regulations which provide guidance to organisations on how to apply the HVNL in a way that effectively manages:

- ◆ Driver fatigue.
- ◆ Mass, dimension and loading capacity.
- ◆ Vehicle standards.
- ◆ Vehicle registration.
- ◆ Other general factors.



Regulations are similar to laws in that they can be adapted to meet the needs of the states and territories they apply to.

The regulations that accompany the HVNL have been modified by each of the states and territories that have adopted the law. This ensures the law is applied in a way that is practical and minimises the chance of harm to the people and environments in which heavy vehicles operate.

### 1.1.6 Codes of Practice

Codes of practice are a set of ethical and safety principles guiding the way the organisation operates. They are not mandatory, like laws, but are voluntary codes.

Some codes of practice are national and freely available for businesses to use. These include:

- ◆ How to Manage Work Health and Safety Risks Code of Practice 2015.
- ◆ Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2015.
- ◆ First Aid in the Workplace Code of Practice 2015.
- ◆ Hazardous Manual Tasks Code of Practice 2015.



These codes of practice are useful for helping businesses better understand the specifics of how to introduce procedures or write documents required under WHS legislation.

There is also a code of practice: **Industry Master Code**, which is relevant to all parties within the chain of responsibility. The Industry Master Code outlines safety requirements under the HVNL for those in the supply chain, including guidance on how to manage workplace risks.

The master code of practice translates a lot of the key concepts within the HVNL into uncomplicated, plain English. It details what known hazards exist in the supply chain, explains what the law says and then gives guidance on **how** you can minimise harm from these hazards.

You can access this code of practice from the NHVR website (listed earlier).

Although codes of practice are not legally binding, they do communicate what is considered 'best-practice' in the industry. Best practice is a term used to describe the 'best' or most effective way of doing something. For this reason, they are often used in legal proceedings to demonstrate **known** risks and hazards in the workplace.



Acts, regulations, and codes of practice work together, but are all their own individual document. The main difference between them is the level of detail provided:



- ◆ **Acts** are laws that outline what is required by an organisation or individual to work in a lawful way.
- ◆ **Regulations** provide specific detail to support the requirements outlined in laws.
- ◆ **Codes of Practice** give practical guidelines on how to meet the requirements detailed in the laws and regulations.

## 1.1.7 Industry Standards

There are national, international and industry standards covering many topics, including guidance on minimum requirements for work activities, environmental controls, energy and water use, manufacturing processes and workplace safety. They set out specifications and procedures designed to ensure products, services and systems are safe, reliable, and consistently perform the way they were intended to.

Like codes of practice, standards are not considered a legal requirement, they are voluntary. However, in some circumstances they are referred to **within** legislation. When this happens, the standards are then considered a legal requirement and become mandatory.



Some standards that may be relevant to your job role as a worker in the supply chain include:

Type	Examples
International	<ul style="list-style-type: none"><li>◆ ISO 18495-1:2016 Intelligent transport systems - Commercial freight - Automotive visibility in the distribution supply chain.</li><li>◆ ISO 23354:2020 Business requirements for end-to-end visibility of logistics flow.</li><li>◆ ISO/IEC 17365:2013 Supply chain applications of RFID - Transport units.</li></ul>
National	<ul style="list-style-type: none"><li>◆ AS 1678.0.0.001-2004 Emergency procedure guide - Transport - Vehicle fire.</li><li>◆ AS/NZS 4024.3614:2015 Safety of machinery, Part 3614: Conveyors - Mobile and transportable conveyors.</li></ul>

The NHVR has established a number of standards that are relevant to individuals and businesses that work closely with heavy vehicles.

These standards are developed in response to commonly asked questions or emerging industry trends. Each of the standards has a guide that provides further detail into the purpose of the standard and its relevance to chain of responsibility and the HVNL.



Some of the vehicle standards include:

- ◆ VSG19 - Vehicle warning signs.
- ◆ VSG7 - Modifications to new vehicles: Fitting bodies and tow couplings.
- ◆ VSG3 - Semitrailer rear bumpers.

The NHVR is responsible for applying and enforcing these standards in addition to the HVNL. Many of these standards relate to vehicle modifications so it is important to check the standards before making any changes to a heavy vehicle intended to be used on the road.



## 1.1.8 Locating Information

You will need to do some research to find information on the legal requirements and voluntary guidelines that apply to your job role and industry.

Nationally applicable guidance on transport and logistics and heavy vehicle usage can be located from the following sources:

Authority	Website
National Heavy Vehicle Regulator	<a href="http://nhvr.gov.au">nhvr.gov.au</a>
National Transport Commission	<a href="http://ntc.gov.au">ntc.gov.au</a>
Safe Work Australia	<a href="http://www.safeworkaustralia.gov.au">www.safeworkaustralia.gov.au</a>
Standards Australia	<a href="http://standards.org.au">standards.org.au</a>
The National Safety Council of Australia	<a href="http://www.nsca.org.au">www.nsca.org.au</a>



Many of these websites offer a free update service for changes that impact industry groups. The information obtained through regulatory authority websites and newsletters is useful for keeping updated on general industry news and high-level information.

If you obtain information using non-electronic sources such as printed books, journals and brochures or scientific and scholarly papers make sure they provide citations and credentials in order to ensure their reliability and validity.

When using information from printed sources also make sure you check how old the documents are, and whether more recent developments or progressions have been made.

Finding the appropriate information that is relevant to your needs can be challenging. Be clear about the type of information you are looking for. This will help you to sort through all the data available and make decisions about what is relevant.



## Review Questions

<b>1.</b>	Who has a responsibility to minimise the potential for harm in the workplace so far as is reasonably practicable?	<input type="checkbox"/>
<b>2.</b>	If a vehicle registered in Western Australia is travelling through New South Wales, is the driver required to follow HVNL?	<input type="checkbox"/>
<b>3.</b>	Whose duty is it to ensure the safety of workers so far as is reasonably practicable?	<input type="checkbox"/>



**4.**

What are the five (5) regulations that support the HVNL?

☐

1.

2.

3.

4.

5.

**5.**

Where can you access the code of practice: Industry Master Code?

☐

**6.**

Who is responsible for enforcing heavy vehicle standards?

☐

**7.**

What are two (2) authorities you may gather information on legal requirements and voluntary guidelines from?



1.

2.

## 1.2 Identify Activities, Parties and Duties in Chain of Responsibility Laws

The chain of responsibility extends significantly from being focused just on the driver of a heavy vehicle. The whole premise of CoR is to hold everyone accountable for the safety of heavy vehicles on the road.

This section will explain some key terminology within the HVNL as well as general responsibilities of common roles in the heavy vehicle industry.



### 1.2.1 Activities that Exist within a Chain of Responsibility



Under the HVNL all parties in the chain of responsibility need to ensure that transport activities are conducted safely, as far as is reasonably practicable.

Transport activities are any actions including decision making or workplace policies, procedures or work instructions that are connected to the usage of heavy vehicles on Australian roads.