

Article Information

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Sender beware - Are you responsible for supply chain transport safety?

The National Heavy Vehicle Regulator has commenced its first prosecution of a consignor, N Godfrey Haulage Pty Ltd and its director under the 2018 *Heavy Vehicle National Law* chain of responsibility (COR) laws as a result of an anonymous tip-off to the HVCRL reporting line.

The charges relate to five alleged breaches by the company of fatigue management accreditation conditions (s467) and alleged breaches by the director of the safety duty (s26D) and a failure to provide documents (s569).

As a result of the 2018 amendments, COR laws now impose obligations across the supply chain, from loaders and drivers, to those who receive goods, where heavy vehicles are used.

Each party in the supply chain must ensure, so far as is reasonably practicable, the safety of transport activities relating to heavy vehicles. This includes not setting deadlines that would require the driver to exceed speed or load limits in order to meet contractual obligations.

Obligations under COR laws apply whether the use of heavy vehicles is as part of an ongoing business or for a one off delivery.

The N Godfrey Haulage matter is back before the Dandenong Magistrates Court in June.

This prosecution serves as a timely reminder for businesses to consider whether their service and construction contracts adequately address obligations under COR laws.