

Chain of Responsibility Requirements for Road Transport Providers and Contractors

Background

Under Chain of Responsibility (**CoR**) laws a person can be held legally liable for a breach of the law even if they have no direct role in driving or operating a vehicle, including if the person consigns, packs, loads or receives goods as part of its business.

In many States (QLD, NSW, ACT, VIC, SA and TAS), CoR is regulated under the Heavy Vehicle National Law (HVNL). The Northern Territory does not have specific CoR provisions in transport law. Many offences are the sole responsibility of the driver. However some offences in relation to the loading, mass and dimensions of cargo on a heavy vehicle are the responsibility of the driver, and/or a person (including a corporation) which caused or permitted an offence to occur. In Western Australia, CoR laws apply to all commercial vehicles not just heavy vehicles.

BAE Systems relies primarily on road transport of cargo to and from its sites, contractor sites and customer sites. BAE Systems also engages numerous contractors who bring their own vehicles on to BAE Systems' sites to perform a range of services daily. Therefore, the company has a responsibility to ensure that all cargo transported to and from any of these sites by its road transport providers and that all contractor vehicles entering and moving across BAE Systems' sites meets all legal requirements including CoR laws.

BAE Systems takes a strong proactive stance on CoR and is committed to a safe workplace for all workers, suppliers, customers and the general public. BAE Systems in turn expects that all parties that it engages in road transport activities and all other contractors abide by all applicable laws and all associated policies and procedures put into place by BAE Systems and notified by BAE Systems in writing from time to time.

How this affects BAE Systems' road transport providers

From 2 July 2018, BAE Systems will be taking steps to ensure that parties engaged by BAE Systems in road transport activities and other contractors bringing vehicles onto BAE Systems' sites comply with all applicable laws relating to CoR regardless of the jurisdiction in which the road transport or other activities apply. This includes where the following activities are involved:

- Consigning cargo on behalf of BAE Systems
- Packing cargo in packages, containers or pallets
- Placing or restraining the load of a vehicle
- Driving a vehicle
- Operating a business which controls the use of vehicles
- Receiving cargo (taking possession of a load)

Specific Requirements

From 2 July 2018, in addition to any legal requirements and the terms of any contract between the road transport provider or other contractor and BAE Systems, the provider must comply with the following specific requirements:

Drugs and Alcohol

Road transport provider and contractor personnel may be subjected to random drug and alcohol testing (**D&A Testing**) or D&A Testing based for cause or reasonable suspicion based on performance, behaviours or conduct.

Testing will be undertaken in accordance with BAE Systems' Drug and Alcohol Policy which will be provided to the road transport provider.

BAE Systems may require personnel to be suspended and/or removed from BAE Systems' sites in certain circumstances.

Fatigue Management

Inbound and outbound drivers may be checked for fatigue symptoms, for either technical fatigue and actual fatigue.

In the case of technical fatigue, BAE Systems personnel may check if a driver is working under a fatigue scheme including: standard hours; Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM). This may involve driver's being asked to present documented proof (e.g. of necessary rest breaks etc).

If a driver presents various signs or symptoms of actual fatigue BAE Systems personnel may be required to undertake a fatigue checklist to make a determination as to how to proceed.

CoR Safety Checklist

Inbound and outbound vehicles from BAE Systems' sites will be subject to random safety checks. BAE Systems staff will use a CoR Safety Declaration checklist for both random safety checks or if they have any concerns about the nature of a load.

The safety check process and checklist will cover checks of the following:

- Load restraint – e.g. check load correctly restrained; correct type and number of restraints; restraints in good order
- Mass and dimensions – e.g. check evidence of load mass and dimensions; vehicles exceeding legal GVM will be unloaded for safety; oversized goods will not be loaded without permits
- Vehicle maintenance and suitability – e.g. roadworthy and suitability checks; check evidence of maintenance standards; no obvious issues such as flat tyres, broken lights, leaking fluids
- Dangerous goods - e.g. goods appropriately loaded and restrained; driver has appropriate permits

In the event of incident or noncompliance, BAE Systems staff will complete **CoR Notification of Infringement form** and a copy will provided to the driver and their employer.

In some cases, BAE Systems may contact road transport providers or contractors immediately and may prevent vehicles from leaving site.

Reporting incidents

Road transport providers must promptly report any incidents affecting BAE Systems' cargo including any loss or damage to cargo and accidents involving vehicles transporting BAE Systems cargo.

Any costs associated with circumstances such as turning a vehicle away, denying site access, prohibiting loading, unloading or reloading, or preventing a vehicle from leaving site (including the costs of engaging another road transport provider) will be borne by the road transport provider.