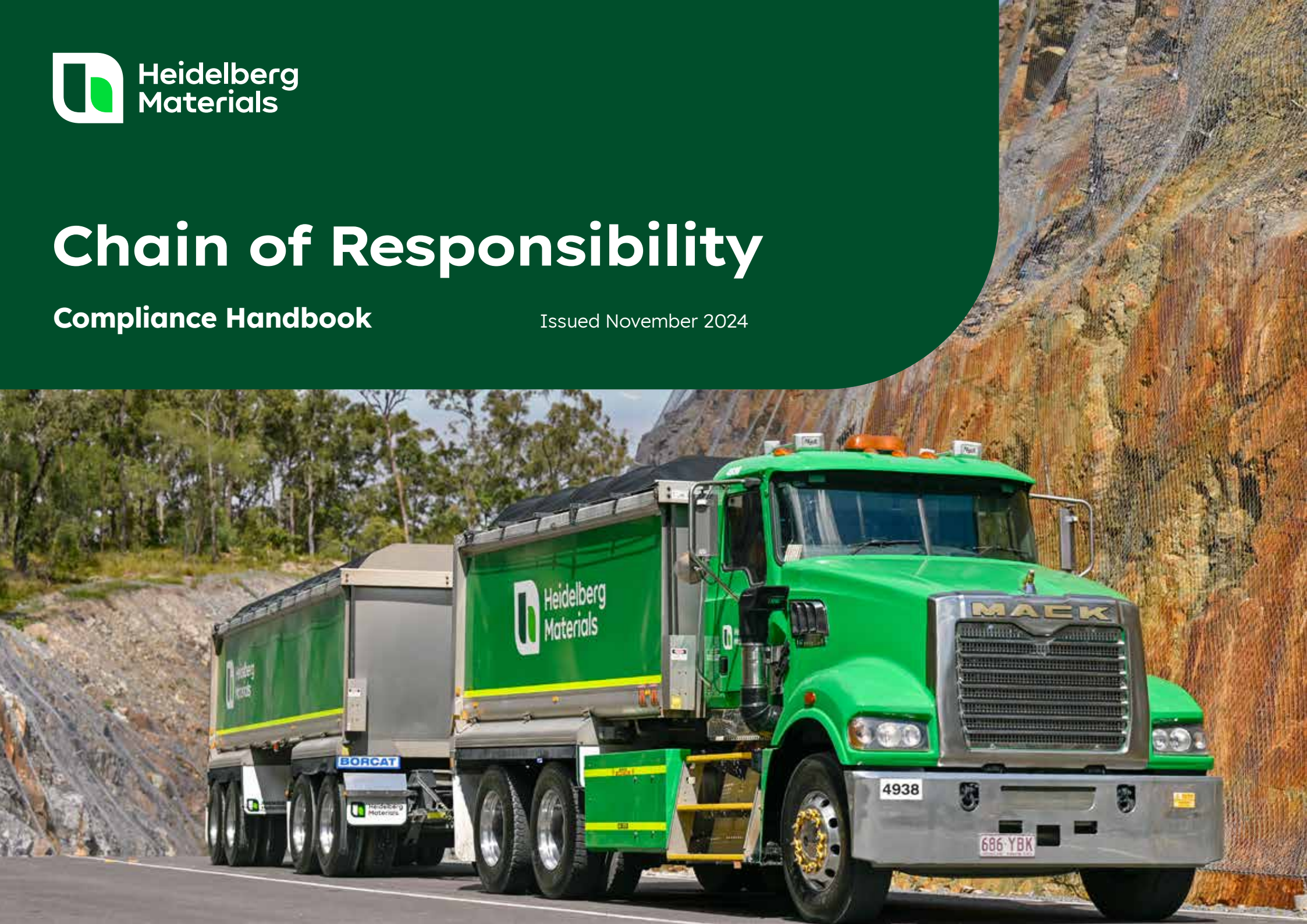
Heidelberg Materials

Chain of Responsibility

Compliance Handbook

Issued November 2024



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There is no job we undertake
that is so important, we
cannot take the time to
find a safe way to do it.

“All parties in the supply chain have a responsibility to proactively manage risk and ensure safety, rather than only reacting after something happens.”

NHVR, Introduction to risk management,
A heavy vehicle industry guide,
September 2017.

Purpose and introduction

This booklet sets out Heidelberg Materials commitment and approach to compliance with the Chain of Responsibility (CoR) laws contained in the Heavy Vehicle National Law (HVNL) (East Coast) and Road Traffic (Administration) Act 2008 (WA) and Road Traffic (Vehicles) Act 2012 (WA).

All parties in the heavy vehicle supply chain have a shared responsibility to proactively manage risk and ensure safety along the Chain. This booklet therefore sets out details of Heidelberg Materials expectations of the compliance of other parties in the Chain with whom it deals and the action that Heidelberg Materials may be obliged to take in the event of non-compliance with that shared duty.

This booklet forms part of Heidelberg Materials operating policies. This booklet is in addition to and does not limit any other specific policies, procedures or contractual terms that may be applicable to any particular supply chain party.

The CoR laws apply to the movement of any goods by heavy vehicle on the road and any heavy vehicle journey, loaded or not loaded (in the case of speed, fatigue and maintenance – see below). A heavy vehicle is any vehicle over 4.5t Gross Vehicle Mass (maximum gross loaded mass). In Western Australia, the CoR laws also apply to the movement of any goods by light vehicle. Reference to any 'heavy vehicle' throughout this booklet should be taken also to refer to 'light vehicles' in WA.

The CoR laws are intended to promote public safety; manage the impact of heavy vehicles on the environment, road infrastructure and public amenity; promote industry productivity and efficiency and encourage and promote productive, efficient, innovative and safe business practices.

Contributing to the achievement of the objects of the CoR laws will not only ensure compliance with the CoR laws, but will positively contribute to the safety and efficiency of the road transport supply chain that is an integral part of the business, performance and productivity of Heidelberg Materials and its partners in the supply chain.

Contents

Chain of Responsibility

Compliance with Chain of Responsibility laws

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


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Orientation

Scope

This compliance booklet applies to all heavy vehicle use within the Heidelberg Materials supply chain, including any supply to or the conduct of any Heidelberg Materials project and covers all heavy vehicle movements in and out.

This booklet and the CoR laws cover the operations and conduct of all parties to the road transport supply chain (see further ‘Roles and Responsibilities’ on page 14).

However, this booklet is not exhaustive and all persons remain responsible for ensuring their own compliance with the CoR laws. To this end, all parties must familiarise themselves with the laws and obligations which apply to them and their operations.

The matters set out in this booklet relate to compliance with the CoR laws only. To some extent, they may run in parallel or overlap with work health and safety laws or laws relating to the transport of dangerous goods. The matters set out in this booklet are not intended to cover those other laws and further steps may be required to comply with them.

CoR laws

The aim of the CoR laws is to make sure everyone in the road transport supply chain shares responsibility for ensuring breaches of the CoR laws do not occur, whether by act or omission. If you exercise (or have the capability of exercising) direct or indirect control or influence over any transport task, you are part of the CoR and have a responsibility to ensure the CoR laws are complied with in the performance of such transport tasks. This could also include the need to engage with other parties in the CoR in respect of jointly performed transport tasks or shared safety duties.

The CoR laws are also intended to ensure that no party obtains an unfair commercial advantage over other parties e.g. by conducting its operations in breach of relevant laws and avoiding the time and cost associated with required compliance.

(a) Require every party in the CoR to ensure, so far as is reasonably practicable, the safety of the party's transport activities

(b) Prohibit any party in the CoR from asking, directing or requiring (directly or indirectly) or entering into a contract with the driver of a heavy vehicle or a party in the CoR to do or not do something the person knows, or ought reasonably to know, would have the effect of causing another party to:

- Breach the CoR Laws; or
- Cause the driver to:
  - Exceed a speed limit applying to the driver.
  - Drive a fatigue regulated heavy vehicle while impaired by fatigue.
  - Drive a fatigue regulated heavy vehicle while in breach of the driver's work and rest hours option.
  - Drive a fatigue regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.

Breach of the CoR laws is a safety risk, potentially causing injury or damage to workers, the public, the environment and road infrastructure. Having regard to the seriousness of such consequences, compliance with the CoR laws is essential.

Breach of the CoR laws can result in infringement notices, fines, criminal prosecutions, commercial benefits penalties, compensation orders, prohibition orders and supervisory intervention orders.


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Roles and responsibilities

The CoR laws apply to every person in the road transport supply chain.

Consignor

A person named as 'consignor' on transport documentation, or if there is no such person identified, the person who engages a heavy vehicle's operator (directly or indirectly) or has possession of or control over the goods immediately before they are transported by road, or the person who loads or imports goods.

Prime contractor

A person who engages someone to drive a heavy vehicle under a contract.

Transport operator

A person who is responsible for controlling or directing the use of a heavy vehicle, for example a manager of the business that is dispatching goods by heavy vehicle.

Driver

A driver of a heavy vehicle. Includes a person who is sharing the task of driving during the journey, a person driving under instruction and a person instructing a driver who is under instruction. Although not included as a party under the CoR laws, drivers have the same duties under general road laws.

Registered operator	Scheduler	Packer	Loader	Loading manager	Unloader	Consignee
The registered operator in relation to a heavy vehicle is the person recorded in the NSW registrable heavy vehicles register as the person responsible for the heavy vehicle.	Any person who schedules transport of any goods or passengers by heavy vehicle, or the work and rest times of drivers. This may extend to include any person who dictates the scheduling (e.g. pick-up, delivery or transit time).	A person who puts goods into packaging, or assembles packaged goods into outer packaging (even if the packaging is already on a heavy vehicle), or supervises/ manages/controls such an activity.	A person who loads goods into a heavy vehicle or container, or loads a container onto a heavy vehicle.	A person who controls, manages or supervises (directly or indirectly) the loading or unloading of heavy vehicles at a regular loading/ unloading premises, or is responsible for the operations of such premises, or has been assigned such responsibilities.	A person who unloads goods out of a heavy vehicle or container, or unloads a container from a heavy vehicle.	A person named as ‘consignee’ on transport documentation, or who actually receives the goods after their road transport (but does not include a person who merely unloads the goods).

Our road transport chain

In the Heidelberg Materials road transport supply chain, the following parties are likely to fall within the CoR (non-exhaustive):

- Heidelberg Materials and its employees
- Haulage company, road transport operator, owner driver, crane operator
- 3PL, warehousing/distribution/staging services provider, logistics provider, freight forwarder
- Supplier/importer of plant/equipment/materials
- Quarry operator
- Soil spill or other construction waste/by-product receival, recycling or disposal facility
- Customers

All parties are liable for the conduct of their employees, subcontractors (at any level) and agents.

Executives (Directors and persons concerned in the management of a corporation; partners in a partnership; management of an unincorporated body) may be held liable for any breaches committed by their business (see further ‘Executive Duties’).

Compliance components

There are risks associated with the core components of CoR, regulated under HVNL. All CoR parties, have responsibility to ensure they implement controls so they can take steps to eliminate or, where not possible, minimise those risks within their business.

Mass, dimensions and load

The main intent of mass, dimension and loading requirements within HVNL, is to decrease risks from vehicles being excessively loaded or vehicles exceeding their allowed dimensions whilst accessing road networks or public localities.

Incorrectly restrained or positioned loads, or a heavy vehicle that is overloaded, can affect the stability, steering and braking performance of a heavy vehicle. This can result in the driver losing control of the vehicle.

See pages 36–42.

Speed management

Speeding is a high-risk behaviour. Speeding is more than just driving faster than the sign-posted speed limit.

It is also driving too fast for the weather, light, traffic and road conditions based on vehicle condition, driver skills and experience.

Speeding heavy vehicles are at a greater risk of being involved in an incident. As speed increases, so does the distance and time required to stop a heavy vehicle, increasing the risks.

See pages 43-45.

Fatigue management

The main intent of fatigue management requirements within HVNL, is to prevent drivers from operating a heavy vehicle whilst being impaired by fatigue and/or exceeding mandated work/rest requirements.

If a driver breaches their work or rest hours option, there is an increased risk of a driver becoming fatigued and subsequently operating the vehicle whilst fatigued. Fatigue is when you feel sleepy, physically or mentally tired, weary or drowsy, exhausted and/or lacking in energy.

See pages 46-50.

Vehicle maintenance and standards

The main intent of vehicle maintenance in the HVNL is to ensure that heavy vehicles used on the roads are safe to operate and of a condition and standard that prevents or minimises safety risks.

Unsafe or defective heavy vehicles, e.g. a heavy vehicle with faulty brakes, may cause serious injuries and fatalities to drivers and other road users if involved in an incident, or damage to road infrastructure and the environment.

See pages 51-52.

All CoR parties, need to ensure that their behaviours, actions and business practices do not cause or contribute to a driver feeling pressure to drive a vehicle in breach of any CoR component. Pressure, perceived or otherwise, increases the risks on a driver to feel pressure to complete a task, that may at that time not be safe to do so.


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ULTRA LITE
AT 60KM/H
THIS TRUCK REQUIRES
100m
TO STOP SAFELY
Please allow sufficient
distance to stop
after passing
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SEE MY MIRRORS
I CAN'T SEE YOU
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Duties and actions

Hazard identification and risk management

The CoR laws require all parties in the Chain to:

- Identify hazards associated with the use of any heavy vehicle i.e. things that could cause harm or damage or result in breach of the CoR laws
- Assess the risks of those hazards arising i.e. the likelihood and potential degree of harm or damage resulting
- Identify, develop and implement risk control measures i.e. measures to avoid or mitigate those risks
- Monitor the effectiveness of the implementation and operation of those controls and review as necessary i.e. whether they are being properly implement and effective in controlling identified risks and, if not, what needs to be changed to rectify the situation.

Every party in the Chain must ensure that it has in place a system to ensure that the above hazard and risk identification and control duties are complied with.

Every party in the Chain must be reasonably satisfied that the other parties in the Chain with whom it deals also have in place such a system, or are subject to that party's own system and that heavy vehicle operations are monitored to ensure that the system appears to be working.

Driver health and well-being

Driver physical and mental health

The sedentary nature of their occupation, combined with a poor diet and lack of exercise, puts drivers at risk of obesity and developing chronic diseases such as diabetes, mental ill-health, and cardiovascular health issues. Truck drivers represent the second highest occupational group, after construction workers, at risk of suicide. The health and wellbeing of heavy vehicle drivers is everyone's business. Drivers' health affects not only the individual and their family and community; there is a direct correlation between chronic diseases, injuries, ill-health, and fatigue with road safety. A driver's physical and mental health can lead to fatigue.

The health and well-being of heavy vehicle drivers is everyone's responsibility. A worker's fitness for duty is fundamental to safety and is a critical component in a business ensuring the safety of its transport activities.

In addition to ensuring that regular fitness for duty assessments are undertaken, all parties need to ensure that support is available from parties within the supply chain and individuals are encouraged to maintain a good level of health through education, encouragement and providing opportunities for open communication regarding a driver's physical or mental wellbeing.

References

- EAP Provider
- Fitness for Duty Policy
- Fitness for Duty Programs

The use of alcohol and other drugs

Operating a heavy vehicle under the influence of alcohol or drugs (this includes some prescription and over-the-counter medications) poses a danger to the individual along with work colleagues, other road users and the public. Even in low doses, drugs can significantly reduce an individual's driving skills, ability to work safely and pose safety risks to others. It is even more dangerous to take drugs whilst drinking alcohol or to combine drugs.

Allowed BAC (Blood Alcohol Concentration) reading for operating a heavy vehicle varies between states. An individual must not drive when under the influence of alcohol or if you believe they might have illegal drugs in their system or be under the influence of any other drug that is impacting upon their ability to drive.

Effective management of alcohol and other drugs is a foundation of any fitness for duty program. Heidelberg Materials undertakes random drug and alcohol checks at all its premises. Any individual who enters a Heidelberg Materials or subsidiary site, can be required to undertake testing.

References

- Drug and Alcohol Policy
- Fitness for Duty Policy
- Fitness for Duty Programs

Transport activities and business practices

The CoR laws require that every party in the CoR:

- (a) Conducts themselves in a compliant manner when they are performing any 'transport activity', which includes:
  - (i) consigning, packing, loading, unloading, managing the loading/unloading or receiving goods transported by road
  - (ii) scheduling transport
  - (iii) engaging a person to drive, maintain or repair a vehicle; and
- (b) Has in place compliant 'business practices'.

That is, **both your actions and business practices have to be compliant with the CoR laws**. If you do not have compliant business practices in place, you will not be complying.

Required 'business practices' include:

- CoR **hazard identification** and **risk analysis** for your supply chain, which must be conducted at least annually and/or after any event which indicates that the way that any transport activities are being carried out has led, or may lead, to a relevant contravention
- Development of CoR **hazard/risk control measures**
- CoR compliance **policies** and **working procedures**
- CoR compliance **induction** and ongoing **education processes**, including CoR training (national Unit of Competency recommended) for personnel performing CoR functions and information, education and awareness to contractors and subcontractors
- **Contractor/subcontractor pre-qualification screening**, which, depending on the nature of the transport tasks being performed by contractors/subcontractors, may include undertaking compliance assurance assessment as to their competency, capacity, qualifications, training, expertise and systems and processes in place to ensure compliance with the CoR laws, this booklet and their compliance performance and/or relevant compliance history
- CoR **compliance terms** in every supply chain contract
- CoR **compliance assurance systems** (i.e. verification of the design, implementation and functioning of the above), including an incident reporting and response/remedy register for all CoR near-misses, incidents, accidents and infringements and periodic internal or external compliance performance auditing
- CoR **compliance performance reporting**
- CoR **compliance record retention**.

Where a business does not have in place the above compliant 'business practices', it can be charged, prosecuted, found guilty and fined for a breach of the CoR laws – even if no heavy vehicle incident/accident has occurred.

The National Heavy Vehicle Regulator's 'Chain of Responsibility Gap Assessment Tool' (https://www.nhvr.gov.au) may be a useful resource to help you to assess whether your business practices and systems controls meet the standard required for compliance with the CoR laws.

Influencing driver behaviours

Driver distraction

Driving distracted can increase the risk of a serious crash. This is where a driver's attention is not fully focussed on the safe operation of their heavy vehicle. All parties in the supply chain need to be educating drivers on the dangers of driving distracted.

Distracted driving events are more prevalent than fatigue events. Those in the supply chain need to ensure that they are identifying and understanding the hazards and risks that may lead to a driver being distracted whilst driving. The effective use of Fatigue and Distraction Detection Technologies (FDDT) assists in reducing the frequency of fatigue and distraction events whilst driving

Never use a handheld mobile phone or device while in control of a vehicle.

References

- Life Saving Rule - Driving Behaviours

Failing to drive to conditions

Driving involves Risk. The speed limit is not always the safest speed. Road conditions can change due to a variety of factors from weather, traffic, roadworks and even animals. Likewise, load conditions may mean that a safe speed is less than the maximum permitted speed. Driving to the conditions is about being aware of how these factors can effect an individual's ability to drive safely.

It is important to always drive to the prevailing conditions to help reduce some of that risk. A road's speed limit does not mean it is safe to always drive at that speed for the whole length of the road. All parties in the supply chain need to ensure their actions encourage drivers to understand they must always drive to the prevailing conditions. Safety driving to conditions is not just a consideration, but a prerequisite.

Drivers must reduce speed to allow for changing road, weather and traffic conditions

References

- Life Saving Rule - Driving Behaviours

Traffic congestion outside loading premises

One of the most common problems encountered by heavy vehicles is traffic congestion. This can lead to fuel waste, loss of time and place pressure upon drivers to adhere to what may become an unrealistic schedule.

Those who are a part of the supply chain should consider proactive approaches before a known event will occur and take steps where possible to minimise the impact of the risk of traffic or site congestion upon the heavy vehicle. Making changes to the scheduling of deliveries can assist in improving productivity and reducing pressures placed upon drivers to breach
CoR components.

Drivers experiencing traffic or site congestion on a customer's project should contact allocations / CSC. This will assist them to make changes to the scheduling of deliveries and prevent/reduce further congestion.

Section 5 of this handbook contains detailed guidance (non-exhaustive) on the requirements of each CoR compliance component and suitable (but not exhaustive) control measures. The guidance and control measures identify key parties usually associated with particular functions or activities. However, this should not be taken as precluding or discouraging other parties in the CoR with any control or influence over those functions or activities also taking an active part in compliance – the CoR laws in fact require you to do so in such circumstances.

Heidelberg Materials has implemented a system of routine compliance monitoring and assurance, including non-invasive spot checks for third party vehicles visiting Heidelberg Materials sites. Vehicles visiting Heidelberg Materials sites should be prepared to undergo a short spot check to identify any breaches or potential issues relating to CoR compliance of the driver, vehicle and/or load. It is a condition of access to Heidelberg Materials sites that the drivers and operators of any vehicles will cooperate in relation to any such checks and will rectify or otherwise engage with Heidelberg Materials to understand any query or non-conformance arising from any such check.

Where compliance information or documentation is generated, consideration should be given to sharing that information/documentation between parties in the CoR responsible for the particular transport activity, to enable them to perform compliance monitoring activities. This is particularly relevant where you/they would not otherwise have such information and could not perform compliance monitoring cross-checking (and see further ‘A Shared Responsibility’ on page 24).

A shared responsibility

Responsibility for compliance with the CoR laws is shared amongst all parties in the Chain.

The actions, inactions, conduct or operations of or information provided by one party in the Chain can affect the compliance of another or other parties in the Chain, for better or worse.

As such parties in the Chain should actively consult and cooperate with one another on how best to manage compliance with the CoR laws and coordinate their activities and/or the exchange of information to ensure that this occurs in respect of any shared or overlapping transport tasks or safety duties.

Executive duties

Under the CoR the Executive (Directors and persons concerned in the management of a corporation; partners in a partnership; management of an unincorporated body) have a duty to exercise due diligence to ensure that their business complies with the CoR laws.

In order to discharge this duty, the Executive must ensure that their business has in place the 'business practices' referred to above and that they are properly implemented and effective in managing the hazards and risks arising from any heavy vehicle operations.

Any Executives who do not discharge this duty may be charged, prosecuted, found guilty and fined of a breach of the CoR laws – even if no heavy vehicle incident/ accident has occurred.


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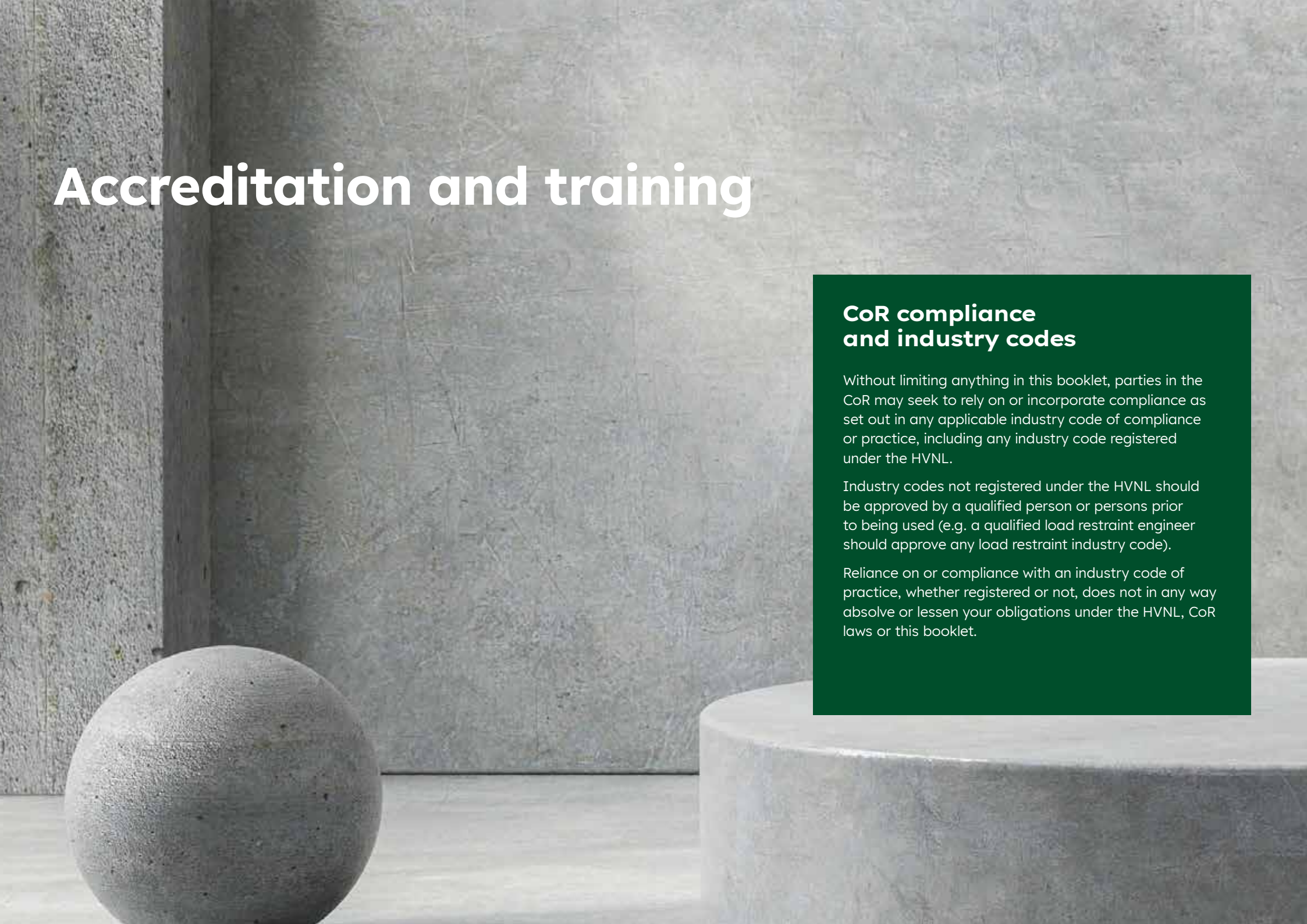
Accreditation and training



CoR compliance and industry codes

Without limiting anything in this booklet, parties in the CoR may seek to rely on or incorporate compliance as set out in any applicable industry code of compliance or practice, including any industry code registered under the HVNL.

Industry codes not registered under the HVNL should be approved by a qualified person or persons prior to being used (e.g. a qualified load restraint engineer should approve any load restraint industry code).

Reliance on or compliance with an industry code of practice, whether registered or not, does not in any way absolve or lessen your obligations under the HVNL, CoR laws or this booklet.

Heavy vehicle operator accreditation

Greater assurance of CoR compliance may be provided through recognised accreditation programs or additional roadworthiness inspections. As part of its assurance of compliance by any heavy vehicle operator engaged by or subcontracted to Heidelberg Materials, Heidelberg Materials may require any such operator to obtain accreditation, for example, under:

National Heavy Vehicle Accreditation Scheme (**NHVAS**) - Heavy vehicle operations can apply for accreditation under the following NHVAS modules:

- Mass Management
- Maintenance Management
- Fatigue Management: Basic Fatigue Management (**BFM**)
- Fatigue Management: Advance Fatigue Management (**AFM**)

Western Australian Heavy Vehicle Accreditation (WAHVA) scheme – Heavy vehicle operators in Western Australian can apply for accreditation under the following modules:

- Maintenance management
- Fatigue management
- Loading and dimension management
- Mass management

TruckSafe – An independent industry accreditation program and heavy vehicle operator risk management system significantly aimed at compliance with the CoR laws RMS Safety, Productivity and Environment Construction Transport Scheme (**SPECTS**) and any equivalent in other States/Territories

RMS accredited Heavy Vehicle Authorised Inspection Station (**HVAIS**) Safety Check Inspections, which verifies ongoing heavy vehicle roadworthiness, safety and compliance with applicable Standards in between periods of registration renewal.

In addition, certain heavy vehicle operators may require accreditation if they operate certain classes of vehicles or as a condition of certain permits or exemptions.

Finally and in any event, heavy vehicle operators and the supply chain parties who engage them should consider adopting or mandating accreditation in order to provide a framework for compliant operations and obtain greater assurance of compliance along the Chain.

Training

CoR compliance training must form an integral and ongoing part of any compliance management system.

CoR compliance training should operate at a number of levels, including:

- Induction training
- Routine refresher training
- Regular toolbox talk-type training
- Ad-hoc 'lessons-learned' or 'incident alert' notifications
- Additional skills-based training or refresher/ development training for personnel who are identified as needing further intervention, as required.

Personnel performing CoR functions or administering CoR compliance should be identified and consideration given to requiring them to obtain accredited CoR compliance training qualifications, including:

- TLIF0009 Ensure the Safety of Transport Activities
- TLIF0014 Monitor the Safety of Transport Activities
- TLIF0005 Apply a Fatigue Risk Management System (replaces unit TLIF2010)
- TLIF0006 Administer a Fatigue Risk Management System (replaces unit TLIF3063)
- TLIF0007 - Manage a Fatigue Risk Management System.

Heidelberg Materials requires all drivers and contractors to undergo comprehensive CoR induction training prior to engagement. It is a condition of working with Heidelberg Materials that all drivers can demonstrate an awareness of and compliance with their and Heidelberg Materials CoR compliance obligations. Heidelberg Materials also conducts regular scheduled and ad-hoc training initiatives as outlined above.

Inadequate training or competence

All drivers must have and maintain a current driver licence for the class of vehicle they are driving.

Having a licence is not enough, on its own. All drivers should undergo minimum training content when commencing in a role (this includes both commencement as a driver and a change in role to driving different vehicles or vehicles in materially different conditions). The less experienced the individual is in the heavy vehicle industry or a particular role, the greater range of tasks an individual will require training in. Individuals should be able to demonstrate and explain competency in safe heavy vehicle driving skills before being able to perform work without supervision. Regular reassessments of an individual's competence and adherence to standards expected of them should be ongoing.

Risk assessments should be undertaken and include an assessment of the knowledge, experience, skills and competency an individual requires to perform tasks. A review of the individual then needs to be conducted to assist in identifying an individual's current skill levels and what additional skills they may require to safely carry out these tasks considered a part of their role.

References

- Life Saving Rule - Inducted and Competent
- Training and Assessment Work Method
- Staff Performance Review Work Method
- Risk Training Needs Analysis (TNA)

Contracting and subcontracting

Where any party in the Heidelberg Materials CoR contracts out or subcontracts any activity or function, in whole or part:

- that party remains fully responsible for compliance with the CoR laws and this booklet, including by any subcontractor, regardless of any attempt to purport to exclude, limit or modify any compliance obligation covered by the CoR laws or this booklet
- in addition to any other conditions that may apply, that party must first ensure that any such contractor/subcontractor has in place a system and work practices to ensure its compliance with the CoR laws and this booklet and their compliance performance and/or relevant compliance history.

Contractor/subcontractor pre-qualification and screening activities should include undertaking compliance assurance assessment of contractors/subcontractors as to their competency, capacity, qualifications, training, expertise and systems and processes in place to ensure compliance with the CoR laws and this booklet and their compliance performance and/or relevant compliance history.

Any contractor's/subcontractor's activities must meet or exceed the compliance standards provided by your own CoR law compliance systems and processes. Where your CoR law compliance systems and processes do not specifically cover the activities of a contractor/subcontractor, a contractor/subcontractor may be permitted to operate in accordance with its own CoR law compliance systems and processes, subject:

- at all times to the above bullet points in this section
- to the contractor's/subcontractor's CoR law compliance systems and processes or equivalent being adequately defined and documented
- to the development of an appropriate level of scheduling and frequency of monitoring, surveillance and audit activities of the contractor's/subcontractor's compliance performance.

This section applies to contractors/subcontractors at any level (e.g. subcontractors of subcontractors). Where contractors/subcontractors are permitted to further subcontract, your CoR law compliance systems and processes must provide a system to ensure that the same level of pre-qualification compliance assurance and assessment applies to any such further subcontracting.

Audits and breaches

Audit and review

In addition to being subject to routine monitoring, the CoR compliance performance of all parties in the Chain and any contractors/subcontractors should be periodically audited.

Audit and review activities and resulting management of corrective actions should be undertaken **proactively**, and **in the absence of any near miss, accident, incident or infringement**.

Audit and review activities may involve a mix of documentary review and in-field monitoring and surveillance.

Any near miss, accident, incident or infringement identified should be investigated to determine the cause and any necessary corrective or preventative actions, including amendment to policies/working procedures etc., recorded.

Audit and review of contractor/subcontractor activities and performance is especially important where they are engaged to perform works or services which have a direct impact on safety or compliance with CoR laws.

External qualified/accredited auditing can provide greater assurance of CoR compliance. Periodic external auditing should be considered where appropriate.

Heidelberg Materials has implemented a detailed pre-qualification screening and audit process for its contractors. Participating in and obtaining a satisfactory audit outcome, including continued performance, is a requirement of working with Heidelberg Materials.

Record keeping

All parties in the Chain must ensure that processes are implemented for the management of records related to CoR awareness and compliance. These processes must address records generated as a result of activities, including but not limited to:

- Hazard reports and safety risk management activities related to CoR
- CoR processes (including checklists and surveillance methodology)
- Audit findings and reports
- Formal compliance correspondence.

All such records must be kept for a minimum of 3 years, or as otherwise specified in any contract with Heidelberg Materials.

Default, breach and consequences

In addition to any other rights or entitlements of Heidelberg Materials, in the event of any breach or suspected breach of the CoR laws by any other party in the CoR or any failure of any party in the CoR to respond to implement any of the measures contained in this booklet, Heidelberg Materials may be obliged and may elect to,
in its sole and absolute discretion:

- withhold payment for the provision of any goods or services
- require that the person(s) responsible, including any contractor(s) or subcontractor(s), are not used or engaged to provide goods or services to or on behalf of Heidelberg Materials in future
- not purchase any further goods or services from any person(s) responsible
- suspend the provision of goods or services by Heidelberg Materials and/or any contract or arrangement with any person(s) responsible, including without further payment, until such time as the matter is remedied to Heidelberg Materials reasonable satisfaction
- terminate any contract or arrangement between Heidelberg Materials and any person(s) responsible.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Compliance requirements

Specific compliance requirements and control measures

The compliance requirements and suggested control measures contained in Section 5 are provided by way of guidance (non-exhaustive) on the requirements of each CoR compliance component and suitable (but not exhaustive) control measures.

They represent the base level of compliance considerations and control measures implemented and/or expected by Heidelberg Materials. They are provided in addition and subject to and do not limit any other specific policies, procedures or contractual terms that may be applicable to any particular supply chain party.

The guidance and control measures identify key parties usually associated with particular functions or activities. However, this should not be taken as precluding or discouraging other parties in the CoR with any control or influence over those functions or activities also taking an active part in compliance – the CoR laws in fact require you to do so in such circumstances.

Mass

1. Scope

Mass requirements cover the:

- gross mass of heavy vehicle or combination together with their loads
- mass on axles or axle groups of heavy vehicle or combination
- weight of any freight container and its goods.

Mass limits are set according to the following mass management options:

- General Mass Limits
- NHVAS Concessional Mass Limits (CML)
- NHVAS Higher Mass Limits (HML).

2. Primary obligation

Any load placed on a heavy vehicle or combination must not exceed the relevant mass limits (gross, axle or freight container limits) for that heavy vehicle.

3. Secondary/specific obligations

No heavy vehicle may be loaded in excess of its gross or axle mass limits.

General Mass Limits apply to all heavy vehicles, unless accreditation or concessional mass limits are in place to permit increased mass limits.

Heavy vehicle access permits may impose additional mass requirements.

4. Control measure guidance and requirements

Parties in the CoR must be aware of or ensure that there are systems in place to verify the mass limits applicable to every heavy vehicle used in their transport activities, including those applicable to any route which the heavy vehicle is scheduled to take and whether approved under any access permit or notice.

Drivers, operators and any person responsible for planning a heavy vehicle route must be aware of any mass limits that apply throughout the planned route, including any route approved under any access permit or notice.

Before qualifying any heavy vehicle for use, its GVM, tare weight, mass and axle limits must be ascertained, verified and recorded, along with any access permit or notice applicable to the mass limits of the vehicle and which are intended to be relied upon in its use.

Where automatic electronic systems which match mass limits and load masses are not in place, ideally every heavy vehicle should be marked or bear approved signage indicating its maximum mass limits (gross and axle/axle groups).

Before loading, the driver and any person responsible for loading must exchange and record information on the maximum applicable mass limits for the heavy vehicle, including those applicable to any route which the heavy vehicle is scheduled to take and whether approved under any access permit or notice.

Before loading the driver and any person responsible for loading the heavy vehicle must exchange and record information on the mass of the planned load, including the mass of each component of the load (e.g. the mass of the load as marked on any equipment or packaging or as advised by the supplier/manufacturer).

Before loading, the driver and any person responsible for loading the heavy vehicle must ensure a loading plan is prepared and implemented, including the mass of the load and location and maximum applicable mass limits for all components of the load and heavy vehicle.

If the planned load cannot be loaded onto the heavy vehicle presented in compliance with the maximum applicable mass limits, it must not be loaded, or only loaded to the extent in compliance with the maximum applicable mass limits.

Mass continued

Before any loaded journey is commenced:

- The mass of the loaded heavy vehicle must be weighed OR
- The mass of the loaded vehicle must be calculated,

to ensure that it is within the maximum applicable mass limits for the heavy vehicle (GVM and axle limits).

For non-standard or non-controlled loads (e.g. controlled loading of concrete with known/verified volume and mass characteristics into an agitator), weighing the loaded heavy vehicle provides greater assurance than calculating mass. Greater care and quality assurance (i.e. compliance checks) are required when relying on calculated mass.

Where the mass of the loaded heavy vehicle is weighed, the following methods are acceptable, in descending order of preference:

- On-site weighbridges
- Heavy vehicle telematics, including on-board mass measurement/air bag scales etc.
- Mobile axle pad scales or similar.

Where the mass of the loaded heavy vehicle is calculated, the method and manner of calculation must be:

- Accurate
- Reliable
- Reproducible
- Documented
- Capable of taking into account weather and climatic conditions, or potential weather and climatic conditions which may affect or potentially affect the weight or measurement of the load from load to load (e.g. loads with a higher moisture content due to weather or climatic conditions will weigh more)
- Capable of taking into account physical variations in load make-up from load to load which may affect or potentially affect the weight or measurement of the load (e.g. altered load mixtures; non-homogeneous loads with a higher proportion of dense materials will weigh more)
- Physically verified until it is reasonably proven to be accurate, reliable and reproducible (e.g. through the use of actual physical weighing as outlined above until verification of the accuracy of the method of calculation is obtained)
- Periodically verified through check-weighing (e.g. actual physical weighing as outlined above or actual physical weighing at a public weighbridge en route or at destination) and any discrepancy must be recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

Any equipment used to measure the mass of any loaded heavy vehicle or component of any load must at all times be properly functioning and calibrated in accordance with any manufacturer's recommendations and applicable standards (including under the National Measurement Act 1960 (Cth) and/or National Measurement Institute Standards) and the operator of any such equipment must obtain and retain a valid and current certificate of calibration for such equipment before it is permitted to be used as the method for weight verification for any particular load.

Any heavy vehicle which is loaded in excess of its maximum permitted mass limits must be:

- Unloaded or tipped or
- Have its load redistributed,

so that it is compliant, before it is permitted to depart any site.

For containerised loads, in addition to the above methods of weight verification of the container load, prior to any loaded journey being commenced, the weight of the load must be verified as being below the maximum rated load mass for the container.

A complying Container Weight Declaration must be provided to the driver in respect of any containerised load, before the heavy vehicle departs.

Whether verifying mass compliance by weighing or calculation, a record of the axle/axle group, gross heavy vehicle mass of every heavy vehicle and container load mass (including complying Container Weight Declaration) before leaving any site and entering the road must be securely retained.

Before any loaded heavy vehicle departs, the driver and any person responsible for loading the heavy vehicle must inspect the load and confirm that the load was loaded as planned and within all applicable maximum mass limits. If not already forming part of an electronic mass monitoring system, this confirmation should be recorded in a signed load plan or load declaration or similar, which should be securely retained.

Mass continued

Heavy vehicles must stay within mass limits on the roads and routes approved for those heavy vehicles and masses, including routes approved under any access permit or notice.

A random or risk-targeted inspection of a reasonable sample of loads must be conducted to ensure compliance with applicable mass limits. Records must be retained of such inspections which may include:

- Inspecting and verifying load planning and mass measurement documentation for the load, ensuring that mass measurement records coincide with declared mass in all load plan and journey documentation
- Inspecting calibration certificates for any mass measurement equipment
- Spot check load mass measurement as part of the unloading or receival/ processing process, comparing stated mass measurement figures with that mass measurement.

Where such inspection identifies any mass discrepancy (**either over or under and regardless whether the load and heavy vehicle are within maximum applicable mass limits**) or where any mass discrepancy is otherwise notified or becomes known, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

Concrete vehicles in Heidelberg Materials owned and contracted fleet are entered into Heidelberg Materials SAP system, which includes vehicle details, tare weight and maximum allowable loaded weights. Those weights and limits are reconfirmed regularly and contractors are required to advise Heidelberg Materials of any circumstance which may result in any change to them. The SAP system prevents a load from being allocated to any vehicle which is not able to carry that load mass legally (adjusting the load size before any batch command is sent to the concrete batching computer). Vehicles are required to be weighed on a weighbridge after loading. The SAP system prevents a weight docket from being issued for any load which is overmass. No vehicle may leave a Heidelberg Materials site without a weight docket.

If a supplier or third party sends an overloaded vehicle to a Heidelberg Materials site, Heidelberg Materials has adopted a policy of not turning that overloaded vehicle away – as to do so would potentially result in putting an unsafe vehicle back out on the road. Instead, Heidelberg Materials policy is to:

- Unload the vehicle and then reload it with the overmass materials for return, or
- Accept the load but only pay for the proportion of the load which is within the vehicle's mass limits.

In both cases, the incident will be logged by Heidelberg Materials and Heidelberg Materials will engage with the supplier or third party in an effort to ensure that a similar breach does not occur again.

Dimension

1. Scope

Dimension requirements may relate to the dimensions (width, height, length, overhang) of a:

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

2. Primary obligation

To ensure that heavy vehicles, equipment and loads remain within prescribed width, height, length and overhang limits.

3. Secondary/specific obligations

No heavy vehicle/combination (whether loaded or unloaded) may exceed legal width, height, length and rear overhang limits, whether for the heavy vehicle or any route travelled by the heavy vehicle.

4. Control measure guidance and requirements

Parties in the CoR must be aware of or ensure that there are systems in place to verify the dimension limits applicable to every heavy vehicle used in their transport activities, including those applicable to any route which the heavy vehicle is scheduled to take and whether approved under any access permit or notice.

Drivers, operators and any person responsible for planning a heavy vehicle route must be aware of any dimension limits that apply throughout the planned route, including any route approved under any access permit or notice.

Before qualifying any heavy vehicle for use, its maximum dimension limits must be ascertained, verified and recorded, along with any access permit or notice applicable to the mass limits of the vehicle and which are intended to be relied upon in its use.

Where automatic electronic systems which match vehicle dimension limits to load dimensions are not in place, ideally every heavy vehicle should be marked or bear approved signage indicating its maximum dimensions (width, height, length and overhang).

Before loading, the driver and any person responsible for loading must exchange and record information on the maximum applicable dimension limits for the heavy vehicle, including those applicable to any route which the heavy vehicle is scheduled to take and whether approved under any access permit or notice.

Before loading, the driver and any person responsible for loading must exchange and record information on the dimensions of the planned load, including the dimensions of each component of the load (e.g. including the dimensions of the load as marked on any equipment or packaging or as advised by the supplier/manufacturer).

Before loading, the driver and any person responsible for loading the heavy vehicle must ensure a loading plan is prepared and implemented, including the dimensions of the load and location and maximum applicable dimension limits for all components of the load and heavy vehicle. This load plan must be securely retained.

If the planned load cannot be loaded onto the heavy vehicle in compliance with the maximum applicable dimension limits, it must not be loaded, or it may only be loaded to the extent in compliance with the maximum applicable dimension limits.

Before departing on any journey every loaded heavy vehicle should be inspected to ensure that the load:

- does not exceed the dimension limits of the heavy vehicle or applicable on the planned route and
- is not likely in the ordinary and foreseeable course of transport to move or shift so as to become in excess of the dimension limits of the heavy vehicle or applicable on the planned route.
- Records of such verification must be retained.

For any load which extends beyond the height, width or length of a heavy vehicle and for any loads which are not fully contained on all sides/bottom/top by a heavy vehicle, the acceptable forms of dimension verification are, in descending order of preference:

- measurement and recording of the dimensions of the load in each direction (e.g. through the use of measuring tapes or yardsticks)
- driving the heavy vehicle under height bars (e.g. a constructed framework with a horizontal bar fixed or suspended overhead at a predetermined and measured height at or below the maximum applicable dimension limit for the heavy vehicle)

Dimension continued

- visual inspection without a measurement device, but such visual inspection must be made on the plane and at the level of each relevant dimension (e.g. at the height of the top of the lip of the heavy vehicle, not from ground level looking up).

Any:

- over-height heavy vehicle (but still within legal limits)
- heavy vehicle carrying any load which protrudes (in whole or part) above the heavy vehicle (but still within legal limits)

should be directed not to travel:

- under any bridge
- under any overpass
- through any tunnels,

and route planned accordingly, to the fullest extent possible.

Heavy vehicles and their loads must stay within dimension limits on the roads and routes approved for those heavy vehicles and dimensions, including routes approved under any access permit or notice.

A random or risk-targeted inspection of a reasonable sample of loads must be conducted to ensure compliance with applicable dimension limits. Records must be retained of such inspections which may include:

- Measurement of dimensions of the heavy vehicle and load (using the methods set out above) and verification that these fall within the dimension limits applicable throughout the route, including under any route approved under any permit or notice
- Measurement of dimensions of the heavy vehicle and load (using the methods set out above) and verification that they match the dimensions included in any load and route plan
- Inspecting and verifying load planning and dimension measurement documentation for the load.

Where such inspection identifies any dimension discrepancy (**either over or under and regardless whether the load and heavy vehicle are within maximum applicable dimension limits**) or where any dimension discrepancy is otherwise notified or becomes known, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

Load restraint

1. Scope

Load restraint relates to:

- The restraint of any load, including its components, in or on a heavy vehicle
- The restraint of any load, including its components, **within a freight container**
- The restraint of any freight container in or on a heavy vehicle.

2. Primary obligation

To ensure that all loads are restrained legally to avoid making the heavy vehicle unstable and to stop a load or part thereof falling out.

3. Secondary/specific obligations

A load on a heavy vehicle must not be placed in a way that makes the heavy vehicle unstable or unsafe and must be secured so it is unlikely to fall or dislodge from the heavy vehicle.

Any method of restraint used must comply (at a minimum) with the National Transport Commission's Load Restraint Guide (latest edition), specifically, it must be designed to secure a load subject to the expected on-road forces and Performance Standards set out in the Load Restraint Guide.

4. Control measure guidance and requirements

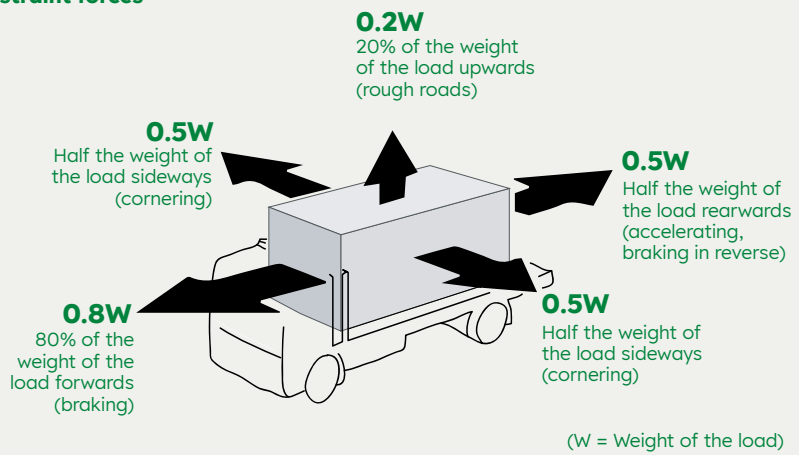
The load restraint system employed in/on a heavy vehicle or inside a freight container must meet or exceed the minimum regulatory Performance Standards contained in the National Transport Commission's Load Restraint Guide, so that any load movement is limited, such that any shift does not:

- contribute to instability of the heavy vehicle or
- cause the load to become dislodged from the heavy vehicle,

when exposed to the forces shown in the diagram.

Note that these forces, and the forces that any load restraint system must be designed to meet or exceed, are equivalent to a low-speed collision between a heavy and light vehicle. That is, **any load restraint system for goods in/on a heavy vehicle or in a freight container must be capable of sustaining a low-speed collision between a heavy and light vehicle**.

Load restraint forces



Guidelines for load restraint can be found in the National Transport Commission's Load Restraint Guide (available at www.ntc.gov.au) which (including any replacement or modification) is incorporated into this booklet as if set out in full.

A load restraint system must be designed and implemented for the load, which meets or exceeds the Performance Standards in the Load Restraint Guide, including details of what restraint methods and/or equipment is to be used, the required capacity of any restraint equipment to be used, how it is to be used and the required physical condition of any such restraint equipment.

Ideally and in particular for any common or standardised loads or for the transport of any materials or equipment which will be transported multiple times in their life, such load restraint system should be documented and approved by a qualified load restraint engineer and that approval (including the name and qualification(s) of the person providing it) should be noted on the face of the load restraint system documentation.

The consignor, driver, transport operator, loader, loading manager, unloader and consignee must all be provided with a copy of any approved load restraint system documentation.

Load restraint continued

Before loading:

- A heavy vehicle, the driver, consignor and any person responsible for loading the heavy vehicle
- A freight container, the consignor/consignee and any person responsible for loading the freight container,

must exchange and record information on the load restraint requirements of the planned load, including the mass and dimensions of each component of the load.

Before loading:

- A heavy vehicle, the driver, consignor and any person responsible for loading the heavy vehicle
- A freight container, the consignor/consignee and any person responsible for loading the freight container,

must ensure a loading plan is prepared and implemented, including the details of any approved load restraint system to be used. This load plan must be securely retained.

If the planned load cannot be loaded onto the heavy vehicle or into a freight container in compliance with the Load Restraint Guide and approved load restraint system, it must not be loaded, or only be loaded to the extent in compliance with the Load Restraint Guide and any approved load restraint system.

Before:

- Any heavy vehicle departs on any journey, every loaded heavy vehicle
- Any loaded freight container is sealed, every load of any freight container,

should be inspected to verify that the load restraints applied to any load conform to the requirements of the Load Restraint Guide and any approved load restraint system. Records of such verification must be retained.

Verification inspections of all observable load restraint should be made during any break in a journey before recommencing the journey, during any transhipment of the load from one freight container to another and at any other time where road or journey conditions might reasonably be expected to have resulted in a risk of load shift or compromise of any load restraint system or equipment or where any other observation reasonably suggests that it would be prudent to conduct a verification inspection.

Either a random or risk-targeted inspection of a reasonable sample of loads must be conducted to ensure compliance with applicable load restraint requirements. Records must be retained of such inspections, which may include:

- Visual inspection that a load does not appear to have shifted during transport (e.g. observations of collapsed load stacks/stows, signs of scraping on heavy vehicle beds or trays or container floors, loose or slack or broken or deformed or deflated restraints)
- Visual inspection of the manner of application, capacity and condition of any restraint equipment required under any approved load restraint system and verification of compliance with the applicable approved load restraint system
- Inspecting and verifying load planning and restraint documentation for the load.

Where such inspection identifies any load restraint discrepancy or where any load restraint discrepancy is otherwise notified or becomes known, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

Speed management

1. Scope

Speed may relate to:

- The maximum speed limit applicable to a heavy vehicle
- The maximum speed limit for any road
- The safe speed for any particular vehicle, including having regard to the characteristics of its load.

2. Primary obligation

To ensure that all heavy vehicle journeys can be completed at all times within legal speed limits.

3. Secondary/specific obligations

No driver can drive and no person can request a driver to drive if to do so would result in the driver breaking the applicable speed limits.

It is an offence for any person to offer any encouragement, incentive or reward for a driver to drive in breach of the applicable speed limits.

Speed regulated heavy vehicles must be fitted with properly calibrated and functioning speed limiters.

4. Control measure guidance and requirements

Scheduling

Driver speed may be adversely affected by set:

- pick up times or windows
- journey times or windows
- delivery times or windows.

Ideally, pick up, journey and delivery times or windows would not be fixed. However, where any one or more are fixed, the balance of this section as concerns scheduling applies.

Any person scheduling a heavy vehicle journey or setting any time for pick up, journey or delivery time must ensure that its schedule can be completed in time and at all times in accordance with any legal road speed limit, including:

- allowing reasonable time for any necessary site induction, completion of all processes required by any CoR management plan, loading, driving, rest time and waiting
- having in place procedures to respond to any journey delays (including weather, traffic, queuing, mechanical breakdown or fault or site delays).

For any journey subject to a specified pick up, journey or delivery time, an estimated trip time should be calculated for the heavy vehicle to reach its pick up location, complete its journey or reach its delivery destination, taking into account the above allowances. Where heavy vehicle journeys are repeated, estimated trip times can be calculated for a class of journeys. Estimated trip time and times of departure and arrival should be recorded in the load or route planning documentation described elsewhere in this booklet.

There must be a system in place to permit notification of any interruptions or delays to any scheduled heavy vehicle movement and for making appropriate scheduling adjustments or alternative arrangements.

Ideally, parties in the CoR should maintain a dedicated point of contact (telephone preferred) for such notifications and ensure that all contractors/subcontractors are aware of those details.

The terms of engagement with any contractor/subcontractor (at any level) (including as to scheduling and payments tied in whole or part to meeting schedules) must not force, encourage, induce or reward any driver to or for exceeding any legal or safe speed limit.

Every party in the CoR must ensure that no demand is placed on any driver in relation to any pick-up, delivery or transit time which would force, encourage, induce or reward any driver to or for exceeding any legal or safe speed limit.

Speed management continued

At any loading or unloading sites, a system must be in place to inform drivers or transport operators as far in advance as possible of any delays or queues which would likely result in a driver waiting for more than 30 minutes. Where:

- delays of more than 30 minutes to any directly or indirectly advised start or finish time for any loading or unloading activities are likely
- a loading/unloading site is unable to advise drivers when loading/unloading is likely to start or finish,
- the operator of the loading/unloading site must take all reasonably practicable steps to ensure that drivers are able to rest whilst waiting.

In such circumstances:

- queuing should be avoided so far as reasonably practicable
- truck and driver waiting and resting areas should be provided so far as reasonably practicable
- a system must be in place for drivers to be notified by the site (not requiring the driver to be awake or to have to continually check in with the site) when the site is ready to load or unload the heavy vehicle.

Records should be kept and countersigned by drivers and any person responsible for operating any loading/unloading site of the load start and finish time and any significant periods of interruption.

Speed management equipment

All speed regulated heavy vehicles must be fitted with properly calibrated and functioning speed limiters. Proper calibration and functioning of speed limiters must be verified, including through the use of the compliance monitoring measures outlined below.

Before qualifying any heavy vehicle for use a current calibration certificate for any telematics system, including any on-board GPS and speed limiter fitted to the heavy vehicle, must be obtained, verified, recorded and retained.

Ideally, all heavy vehicles, but at least all speed regulated heavy vehicles, should be equipped with on-board telematics, including real-time GPS or other speed/location monitoring system.

Parties in the CoR should ensure that systems are in place to ensure that heavy vehicle drivers not only obey applicable speed limits (including monitoring and recording any speeding incident) but drive at a safe speed for the prevailing conditions, including the characteristics of their load (e.g. heavy loads with a high centre of gravity may be more likely to cause a roll-over even when travelling below maximum legal speed limits).

Compliance monitoring

Any real-time GPS or other speed/location monitoring system should be calibrated to produce an instant notification to any driver and Operator in the event that the heavy vehicle exceeds:

- its maximum applicable speed limit
- any applicable legal road speed limit.

Where real-time GPS alerts do not form party of a party's speed management system, either a random or risk-targeted inspection of a reasonable sample of journeys must be conducted to ensure compliance with applicable speed requirements. Records of such inspection must be retained, which may include:

- Verifying actual departure, journey or delivery times as against those recorded in the load or route planning documentation
- Comparing actual journey time with estimated journey time for any discrepancy where the actual journey time is materially less than the estimated journey time
- Comparing recorded departure, journey or delivery times as against GPS or other speed/location monitoring system for the journey
- At a minimum documentary evidence in the form of a certificate issued by a manufacturer of the speed limiting mechanism or authorised person certifying that, at the time of certification, the manner of limiting the speed of the vehicle complied with the requirements prescribed prior to the heavy vehicle being employed for any work should be obtained and retained.

Speed management continued

Either a random or risk-targeted inspection of a reasonable sample of heavy vehicles must be conducted to ensure compliance with applicable speed limiter requirements and the proper calibration and functioning of speed limiter equipment. Records of such inspection must be retained, which may include:

- Engine Control Module checks
- 'Roadside' testing – involves hooking a computer up to the heavy vehicle and accessing the controlling computer program (usually required to be conducted by a trained mechanic or authorised person)
- GPS matching – analysing GPS location/heavy vehicle tracking vs speedo readings to detect any inconsistencies
- Data download – download the heavy vehicle's speed records and review for instances of speeding, including permitted speeding over the speed limited range,

and may include using more than one method to cross-verify results.

Where any of the above compliance monitoring processes identify any scheduling discrepancy or speeding incident or where any scheduling discrepancy or speeding incident is otherwise notified or becomes known, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/ remedy implemented, itself verified and documented.

Where Heidelberg Materials sets any pick up, journey or delivery time, these are expected or target times only. Heidelberg Materials does not expect, nor will it condone any speeding in order to meet any such time. If any such expected time cannot be met, drivers or operators should contact Heidelberg Materials to discuss any alternative scheduling arrangements that may be required.

Fatigue management

1. Scope

Fatigue may relate to:

- Maximum permitted work and rest hours for drivers
- Drivers being adversely impacted by fatigue, regardless of falling within their Maximum permitted work and rest hours.

2. Primary obligation

To ensure that heavy vehicle drivers are able to complete all heavy vehicle journeys at all times within legal working hours requirements and are at all times 'fit for duty', including not being adversely affected by fatigue.

3. Secondary/specific obligations

No driver can drive and no person can request a driver to drive if to do so would result in the driver breaching their applicable work/rest hours limits. Work and rest requirements set out the maximum work period and minimum rest periods that must be observed.

Certain drivers are required to maintain work diaries and records of their work/rest hours.

It is an offence for any person to offer any encouragement, incentive or reward for a driver to drive in breach of their relevant applicable work/rest hours limits.

The employer of a driver, prime contractor of a driver, operator of a heavy vehicle, scheduler, consignor, loading manager, loader, unloader and consignee must ensure that the terms of their business practices, consignment, driver's schedule or loading arrangements will not cause a driver to drive whilst fatigued.

4. Control measure guidance and requirements

Fatigue-regulated vehicles

A fatigue-regulated heavy vehicle is a heavy vehicle or combination of more than 12t Gross Vehicle Mass (maximum loaded mass), but does not include vehicles that:

- are built, or have been modified, to operate primarily as a machine or implement off-road, on a road-related area, or on an area of road that is under construction and
- are not capable of carrying goods or passengers by road,

e.g. agricultural machine, backhoe, bulldozer, excavator, forklift, front-end loader, grader, motor vehicle registered under an Australian road law as a special purpose vehicle (type p).

Work/rest hours

The CoR laws provide for three work and rest hours options (more details can be found here - https://www.nhvr.gov.au):

- **Standard hours** - Standard hours are the work and rest hours allowed in the HVNL for all drivers who are not operating under National Heavy Vehicle Accreditation Scheme (NHVAS) accreditation or an exemption. They are the maximum amount of work and minimum amount of rest possible that can be performed safely without additional safety countermeasures.
- **Basic Fatigue Management (BFM)** - Those operating under NHVAS with Basic Fatigue Management (BFM) accreditation can operate under more flexible work and rest hours, allowing for (among other things) work of up to 14 hours in a 24-hour period. BFM gives operators a greater say in when drivers can work and rest, as long as the risks of driver fatigue are properly managed.
- **Advanced Fatigue Management (AFM)** - Those operating under NHVAS with Advanced Fatigue Management (AFM) accreditation adopt a genuine risk management approach to managing heavy vehicle driver fatigue. Rather than prescribing work and rest hours, AFM offers more flexibility than standard hours or BFM in return for the operator demonstrating greater accountability for managing their drivers' fatigue risks.

Fatigue management continued

Work diaries

National driver work diary - A work diary is evidence that a driver's work and rest hours are compliant with the law and that their fatigue is being managed. All drivers of fatigue regulated heavy vehicles who drive more than 100km from their home base or operate under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM) must complete a work diary to record their work and rest times unless they have a work diary exemption (either through a notice or permit). When approved, drivers may and should be encouraged to use electronic work diaries.

Counting time - Work time and rest time must be counted in a certain way. Understanding the rules for counting time will help drivers manage work and rest times and assist other responsible parties in the supply chain comply with their duties to manage work and rest time and prevent driver fatigue.

What is work and rest time?

Work time includes all tasks to do with the operation of the fatigue-regulated heavy vehicle. Driving is obviously work time, but work time also includes tasks such as:

- loading and unloading the heavy vehicle
- inspecting, servicing or repair work
- attending to the load
- cleaning or refuelling the heavy vehicle
- instructing or supervising another person including learning to drive a heavy vehicle, learning a new route, making deliveries etc.
- recording information or completing a document (for example a work diary).

It doesn't matter if the tasks occur on private property or on a road or road related area, they are still classified as work.

Rest time is all time that is not work time.

Record keeping requirements

Record keepers must keep a record of specific information for drivers of fatigue regulated heavy vehicles. A record keeper may be the:

- employer, if the driver is employed
- accredited operator, if the driver is working under Basic Fatigue Management or Advanced Fatigue Management accreditation
- driver (as a self-employed or owner driver).

Record keeper must keep records of:

- the driver's name, licence number and contact details
- the dates fatigue regulated heavy vehicles were driven
- the registration number of the heavy vehicle(s) driven
- the total of each driver's work and rest times for each day and each week
- copies of duplicate work diary daily sheets (if applicable)
- driver's rosters and trip schedules (including changeovers)
- driver timesheets and pay records
- any other information as required as a condition of an accreditation or exemption (such as driver training and health assessments).

Drivers must provide their record keeper with their relevant work and rest hours totals and any other relevant heavy vehicle information the record keeper may not reasonably have access to (registration numbers, dates the driver worked, etc.).

The record location is determined by the record keeper and notified to the driver. The record location is usually the driver's base.

All records must be:

- kept for three years after they are created
- kept at a location accessible to an authorised officer for audit or investigation purposes
- in a format that is readable and reasonably assumed it will be readable in at least three years from the date of its creation.

Fatigue management continued

Scheduling

Driver fatigue may be adversely affected by set:

- pick up times or windows
- journey times or windows
- delivery times or windows.

Ideally, pick up, journey and delivery times or windows would not be fixed. However, where any one or more are fixed, the balance of this section as concerns scheduling applies.

Any person scheduling a heavy vehicle journey or setting any time for pick up, journey or delivery time must ensure that its schedule can be completed in time and at all times in accordance with any applicable driver work/rest hours, including:

- allowing reasonable time for any necessary site induction, completion of all processes required by any CoR management plan, loading, driving, rest time and waiting
- having in place procedures to respond to any journey delays (including weather, traffic, queuing, mechanical breakdown or fault or site delays).

For any journey subject to a specified pick up, journey or delivery time, an estimated trip time should be calculated for the heavy vehicle to reach its pick up location, complete its journey or reach its delivery destination, taking into account the above allowances. Where heavy vehicle journeys are repeated, estimated trip times can be calculated for a class of journeys. Estimated trip time and times of departure and arrival should be recorded in the load or route planning documentation described elsewhere in this booklet.

There must be a system in place to permit notification of any interruptions or delays to any scheduled heavy vehicle movement and for making appropriate scheduling adjustments or alternative arrangements.

Ideally, parties in the CoR should maintain a dedicated point of contact (telephone preferred) for such notifications and ensure that all Subcontractors are aware of those details.

'Fatigue' is not merely driving in excess of applicable work/rest hours. Drivers can be adversely affected by fatigue even when well within their work/rest hours limits. Systems and processes must be in place to ensure that parties in the CoR are aware of the visible or 'soft' signs of fatigue and report any instance where they reasonably suspect that driver fatigue may adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public.

The terms of engagement with any contractor/subcontractor (at any level) (including as to scheduling and payments tied in whole or part to meeting schedules) must not force, encourage, induce or reward any driver to or for exceeding their applicable work/rest hours or to drive whilst affected by fatigue that may adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public.

Every party in the CoR must ensure that no demand is placed on any driver in relation to any pick-up, delivery or transit time which would force, encourage, induce or reward any driver to or for exceeding their applicable work/rest hours or to drive whilst affected by fatigue that may adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public.

At any loading or unloading sites, a system must be in place to inform drivers or transport operators as far in advance as possible of any delays or queues which would likely result in a driver waiting for more than 30 minutes. Where:

- delays of more than 30 minutes to any directly or indirectly advised start or finish time for any loading or unloading activities are likely
- a loading/unloading site is unable to advise drivers when loading/unloading is likely to start or finish,

the operator of the loading/unloading site must take all reasonably practicable steps to ensure that drivers are able to rest whilst waiting.

In such circumstances:

- queuing should be avoided so far as reasonably practicable
- truck and driver waiting and resting areas should be provided so far as reasonably practicable
- a system must be in place for drivers to be notified by the site (not requiring the driver to be awake or to have to continually check in with the site) when the site is ready to load or unload the heavy vehicle.

Fatigue management continued

Fatigue management qualifications

Ideally, any person responsible for compliance with any fatigue laws should be competency certified in TLIF0005 – 'Apply a fatigue risk management system' and TLIF0006 – 'Administer a fatigue risk management system', or equivalent qualification.

Fatigue management equipment

Before qualifying any heavy vehicle for use a current calibration certificate for any telematics system, including any on-board GPS fitted to the heavy vehicle, must be obtained, verified, recorded and retained.

Ideally, all heavy vehicles, but at least all fatigue-regulated heavy vehicles, should be equipped with on-board telematics, including real-time GPS or other activity/usage monitoring system.

Parties in the CoR should ensure that systems are in place to ensure that heavy vehicle drivers not only obey applicable work/rest hours limits but do not drive when adversely affected by fatigue – even if technically still within their permitted work/rest hours limits.

Driver fitness for duty

Driver fitness for duty covers:

- Licencing
- Fatigue compliance
- Being drug free and not exceeding any applicable alcohol limits
- Medical fitness.

As part of the load or route planning mentioned elsewhere in this booklet, drivers should be required to identify what work/rest hours system they operate under.

If BFM or AFM, evidence of the driver's enrolment in that scheme should be obtained prior to permitting a driver to depart on a journey, in the absence of which the driver should be deemed to be operating under 'standard hours'.

In all instances, drivers should declare on the load or route planning documentation the number of available working hours that they have remaining. In the event that the number of working hours is

- less than or
- not greater than 2 hours more than,

the estimated journey time, the driver should be instructed to ensure that any required rest time is taken and this additional time should be factored into the journey time and any necessary resulting scheduling adjustments or alternative arrangements made.

Evidence of valid and current driver licencing (including for the class of vehicle to be driven) should be obtained prior to any driver being permitted to transport any load or conduct any journey.

All drivers should be bound by a drug and alcohol policy.

Drivers should be required to declare on the load or route planning documentation that they are medically fit to drive and otherwise reasonably fit to drive in all other material respects (including being drug free and not in excess of any applicable alcohol limits – although ideally drivers should be required to also be alcohol free).

Controlling Vehicle Emissions

Parties are to take the appropriate steps to ensure that heavy diesel road vehicles mitigate the impact of noxious emissions as a harmful source of emissions. Proper maintenance of vehicles and the use of additives as recommended can reduce a heavy vehicle's emissions.

Vehicle standards require operating vehicles to comply to the requirements of ADR80, appropriate to the vehicle's age profile. Consideration should be given to vehicles with advanced emission standards, when acquiring new vehicles.

Fatigue management continued

Note: Drivers may be exposed to increased emissions:

- From other vehicles e.g. concrete pumps and paving machines
- Working in confined areas or limited ventilation e.g. tunnel projects, bottom of excavations.

Drivers engaged in such conditions may require a higher standard of control to mitigate/reduce exposure.

Compliance monitoring

Either a random or risk-targeted inspection of a reasonable sample of drivers and journeys is conducted to ensure compliance with applicable fatigue and work/rest hours requirements. Records of such inspection must be retained, which may include:

- Verifying actual departure, journey or delivery times as against those recorded in the load or route planning documentation
- Comparing actual journey time with estimated journey time for any discrepancy where the actual journey time is materially less than the estimated journey time (which should have been set having regard to necessary rest periods)
- Comparing recorded departure, journey, delivery and work/rest times (as recorded in load or route planning documentation and/or driver work diaries) as against GPS or other location and heavy vehicle activity/usage monitoring system for the journey, both to verify that the records/data match and that the driver is within relevant applicable work/rest hours limits
- Verifying the currency of a driver's or transport operators' enrolment in BFM or AFM
- Verifying the currency of a driver's licence, both generally and for the particular class of heavy vehicle being driven (both by confirming this as against the licence details already obtained and a visual inspection of the driver's licence)
- Conducting visual inspections for 'soft' signs of fatigue and drug or alcohol usage where reasonably suspected to adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public
- Conducting random drug and alcohol testing of drivers, performed by independent NATA accredited testers.

Where any of the above compliance monitoring processes identify any scheduling discrepancy or fatigue incident or where any scheduling discrepancy or fatigue incident is otherwise notified or becomes known to the Contractor or any Subcontractor, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

Heidelberg Materials requires all drivers to submit daily log sheets and routinely reviews these records to ensure that work/rest hours are complied with. Heidelberg Materials takes any breach of fatigue rules very seriously. Heidelberg Materials will never penalise any driver or operator for interrupting any journey in order to comply with any fatigue requirement or required rest break. Any driver or operator who becomes aware of any fatigue issue should contact Heidelberg Materials to discuss any alternative scheduling arrangements that may be required.

Maintenance, roadworthiness and heavy vehicle standards

1. Scope

Heavy vehicle maintenance and roadworthiness refers to:

- Compliance with manufacturer's recommendations and standards
- Compliance with heavy vehicle standards
- Compliance with Australian Design Rules
- The conduct of scheduled and unplanned routine maintenance
- Roadworthiness and fitness for duty of all equipment.

2. Primary obligation

To ensure that all transport equipment is properly maintained, roadworthy and 'fit for service'.

3. Secondary/specific obligations

Any heavy vehicle/combination must meet all relevant heavy vehicle standards and Australian design rules and be maintained in a roadworthy state.

Those responsible for a heavy vehicle must ensure that proper and routine inspections are carried out and any necessary maintenance and repairs are conducted.

4. Control measure guidance and requirements

Before qualifying any heavy vehicle or driver for use, valid and current heavy vehicle registration and driver licence details must be obtained, verified, recorded and retained.

At all times all heavy vehicles must be equipped and operated in accordance with any design and licensing requirements, conditions and standards.

At all times all heavy vehicles must meet the standards of inspection set out in the National Heavy Vehicle Inspection Manual.

Any heavy vehicle used must be registered and maintained in a roadworthy condition and subject to appropriate pre-trip roadworthiness and safety inspections.

The driver and operator of a heavy vehicle must ensure that it undergoes and successfully passes any mandatory roadworthiness inspection as part of re-registration.

Any heavy vehicle not in accordance with the foregoing should not be operated, for any purpose.

In addition and ideally, heavy vehicles should be subject to 6 monthly or at least annual roadworthiness inspection conducted by an authorised examiner/inspector.

All records and copies of all such inspections must be retained and available for audit.

Any person involved in the provision of any services using a heavy vehicle should be trained in and comply with the maintenance management program applicable to that heavy vehicle.

The implementation of any maintenance management program in respect of any heavy vehicle must be routinely monitored and any non-conformance events investigated and remedied. Any responsible person for a heavy vehicle must conduct an ongoing assessment of the risks of non-compliance with maintenance management requirements and the control measures implemented as part of the maintenance management program applicable to a heavy vehicle.

Any heavy vehicle must have auditable records of:

- heavy vehicle identification (registration number or fleet number)
- all scheduled maintenance carried out
- any internal or external repairer carrying out maintenance
- the date of any maintenance carried out
- daily roadworthiness inspections
- annual and more frequent roadworthiness compliance inspections
- suspension maintenance
- speed limiter fitting, calibration, correct operation and certification.

Maintenance, roadworthiness and heavy vehicle standards continued

Compliance monitoring

Either a random or risk-targeted inspection of a reasonable sample of heavy vehicles must be conducted to ensure compliance with applicable maintenance, roadworthiness and heavy vehicle standards requirements. Records of such inspections must be retained, which may include:

- Verifying the currency of a heavy vehicle's registration (both by confirming this as against the registration details already obtained and a visual inspection of the registration record for the heavy vehicle)
- Visual inspection of heavy vehicles for roadworthiness and heavy vehicle standards compliance and general condition
- Requiring heavy vehicles to undergo roadworthiness inspections periodically and in between periods of registration renewal
- Inspection of heavy vehicles for roadworthiness in accordance with the National Heavy Vehicle Inspection Manual, including engaging independent accredited auditors/examiners to conduct such inspections
- Reviewing any transport operator accreditation documentation (e.g. NHVAS) (including audit/compliance reports and reviews) to ensure its currency and compliance.

Heavy vehicles or drivers identified as failing any inspection or which are otherwise found to be non-compliant should be immediately stood down from operations until the non-compliance is remedied and, in the case of roadworthiness issues, approved by a qualified person (e.g. authorised examiner/inspector).

Where any of the above compliance monitoring processes identify any discrepancy or maintenance, roadworthiness or heavy vehicle standards incident or where any discrepancy or maintenance, roadworthiness or heavy vehicle standards incident is otherwise notified or becomes known, this must be reported to all parties in the CoR concerned with the load, recorded, investigated and any necessary response/remedy implemented, itself verified and documented.

All Heidelberg Materials vehicles are enrolled in the NHVAS Maintenance Management module and subject to daily pre-trip tests and comprehensive routine and unscheduled maintenance monitoring and compliance requirements.

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