

## 1. Context

Risk management is the process where potential hazards in association with our transport activities are identified, the level of risk is assessed, and hazard and risk are eliminated or, if not practical to eliminate, are minimised as far as reasonably practicable. Clenton's Transport is committed to ensuring systematic risk management, where risks to public safety, employees, contractors, supply chain partners, road infrastructure and public amenity in our transport activities are identified, assessed, and eliminated or controlled, in accordance with the requirements of HVNL legislation and Standards for Risk Management.

**Consultation** with employees, contractors, other duty holders, including supply chain partners, and relevant others will form an important and integral part of all risk management. Employees and key stakeholders including supply chain partners, will be consulted when CoR related risks are assessed and when decisions are made about the measures taken to eliminate or control those risks. To ensure effective participation in the process, sufficient information and instruction in risk management will be provided.

Clenton's Transport will achieve the objectives of our CoR Risk Management Policy by implementing a CoR risk management program that identifies hazards, assesses the risks, and implements suitable controls in relation to the CoR management areas of mass, dimension, load restraint, fatigue, speed, heavy vehicle safety and road worthiness.

## 2. Scope

This procedure applies to all Clenton's Transport's operations, transport activities and associated persons and contractors, including:

- Direct employees involved in the CoR;
- Contractors and supply chain partners whose activities are directed by, or may impact upon our operations and employees, including risk management processes; and
- Drivers and contracted drivers of heavy vehicles driving for, or on behalf, of us.

## 3. Primary Duty

HVNL requires as a primary duty that, as far as reasonably practicable, each party in the CoR for a heavy vehicle, including Clenton's Transport, will:

- ensure the safety of the party's transport activities relating to the vehicle;
- eliminate public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
- ensure the party's conduct does not directly or indirectly cause or encourage a party of the CoR and drivers:
  - to contravene the HVNL;
  - exceed any speed limit applying to the driver; or
  - induce or cause another person and party in the CoR to contravene the HVNL.

## 4. Specific HVNL CoR Duties

In meeting our duties, we will always ensure in what we control or influence, that we:

- Do all that is reasonably practicable to ensure safety within our transport activities;
- Ensure our transport activities by act or omission do not create a risk to transport safety;
- Establish and implement the risk management framework;
- Provide information on hazards and risks to all relevant parties;
- Provide training and instruction to employees and relevant others on hazard control;
- Provide approved control methods to control the risks identified; and
- Monitor CoR related hazards and risks and the effectiveness of the selected controls

Clenton's Transport and CoR related parties will meet obligations under HVNL, as described in our CoR Policy, by managing risk associated with:

- Mass and Dimension Management
- Load Restraint Management
- Speed and Fatigue Management
- Maintenance Roadworthiness and Heavy Vehicle Standards Management

to ensure potential risks are minimised as far as reasonably practicable.

## 5. Acronyms, Definitions and References

**CoR:** Chain of Responsibility

**CoR Parties** are described in the CoR Policy of our CoR Management System (CoRMS) and include Registered Operator, Prime Contractor, Transport Operator, Consignor/Consignee, Loading Manager, Loader and Unloader, Scheduler, Packer and responsible persons.

**Contractor** - as referred to in this procedure is any person not directly employed by Clenton's Transport undertaking transport activities on behalf of Clenton's Transport.

**Executive Officer** of a corporation means a director of the corporation or any person, by whatever name called, (director or not), who is concerned, or takes part, in the management of the corporation. This includes for example owners, directors, managers and operators.

**HVNL:** Heavy Vehicle National Law

**NHVAS:** National Heavy Vehicle Accreditation Scheme

**Transport activities** under HVNL means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road

**BFM:** Basic fatigue management

**AFM:** Advanced fatigue management

**National Driver Work Diary** The diary is a record a driver's work and rest hours, providing evidence they are compliant with HVNL and that their fatigue is being managed.

**A hazard** is something that has the potential to cause harm to people, property or the environment.

**Risk** is the likelihood and the possible consequences of exposure to the hazard.

**A load** includes all the goods, passengers, drivers and other persons in the vehicle along with all fuel, water, lubricants and readily removable equipment that are carried, personal items necessary for normal use of the vehicle, and anything normally removed from the vehicle when not in use.

# Transport Safety Management System

## Procedure 06 TSMS Risk Management



**Risk Management:** The process where potential hazards arising from our transport activities are identified, the level of risk is assessed, and the hazard and risk is eliminated or where this is not reasonably practicable, minimised.

**Risk Assessment:** The determination of the level of risk posed by a hazard resulting in a risk rating such as low, medium, high or extreme taking into account a variety of factors e.g. employee characteristics, severity of consequences, likelihood, level of exposure etc.

**CoR Risk Register:** The CoR Risk Register records CoR related hazards that exist in relation to our transport activities and the use of heavy vehicles, the risk rating, the prescribed and chosen risk controls and other relevant information e.g. review date

**REFERENCES** for this procedure include:

[Heavy Vehicle National Law \(NSW\) No 42a](#)

[Heavy Vehicle \(Fatigue Management\) National Regulation \(NSW\)](#)

[Heavy Vehicle \(General\) National Regulation \(NSW\)](#)

[Heavy Vehicle \(Mass, Dimension and Loading\) National Regulation](#)

[Heavy Vehicle \(Registration\) National Regulation](#)

[Heavy Vehicle \(Vehicle Standards\) National Regulation](#)

[AS ISO 31000:2018 Risk Management - Guidelines](#)

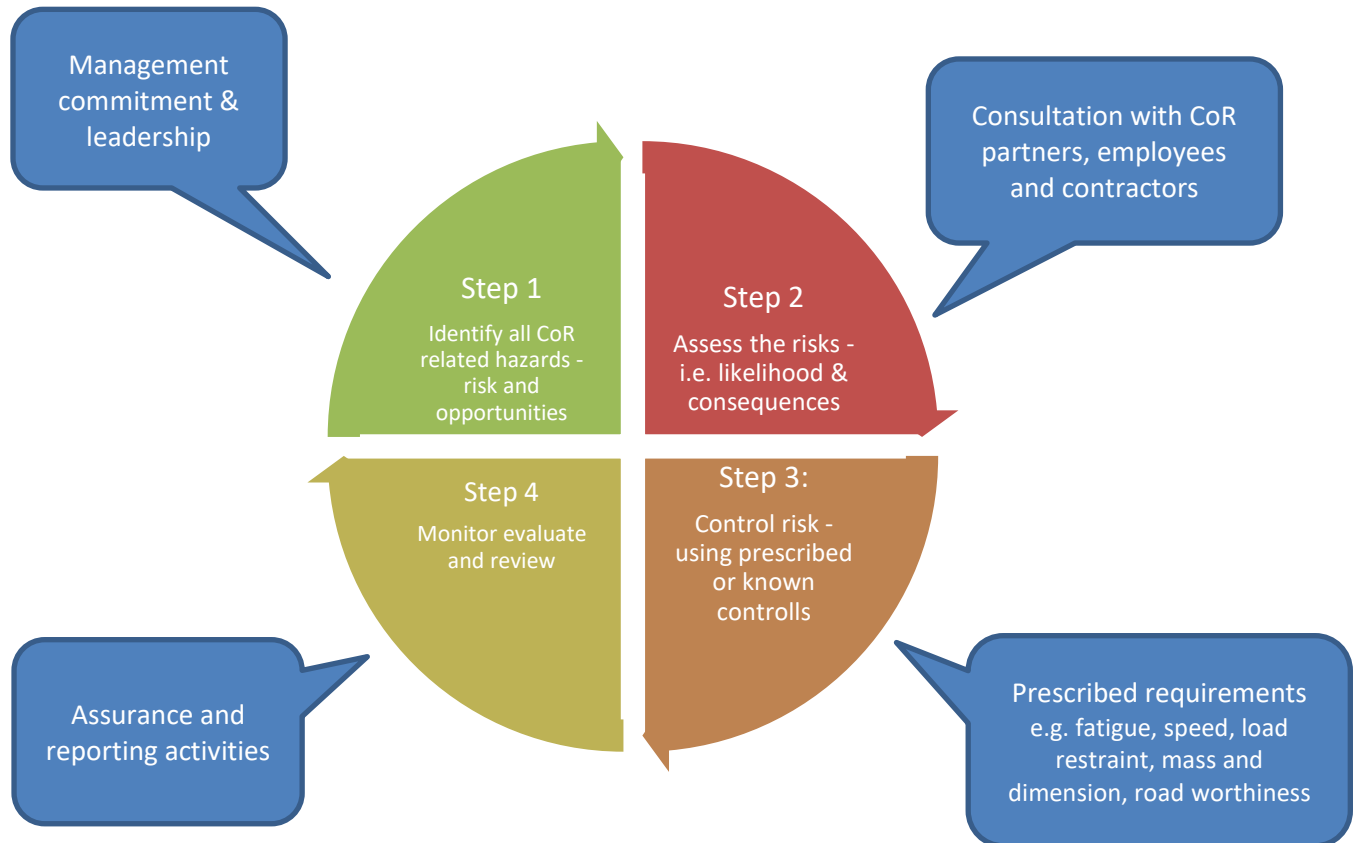
## 6. Procedures

All parties identified as supply chain partners for each of the transport activities that Clenton's Transport undertakes are required to identify the CoR related hazards, assess the risks and implement controls for those activities that impact the transport activities. This information is to be shared with all other parties in supply chain. Clenton's Transport will provide its supply chain partners with all relevant information on its risk management activities the supply chain partner requires to ensure its duties are met under legislation.

All supply chain partners are required to resolve or appropriately escalate hazards and identified risk promptly.

## 6.1 Procedure for managing risks

6.1.1 The risk management process can be applied to transport activities and the HVNL requirements and involves the following key steps:



## 6.2 Hazard Identification, Risk Assessment & Control

6.2.1 Clenton's Transport will conduct a risk assessment of its obligations under the HVNL based on the nature and scope of its transport activities. Hazard identification and risk assessment activities will be conducted in accordance with *AS/NZS ISO 31000 Risk Management – Principles and Guidelines*. The identified hazards and risks as well as the control measures will be documented in the relevant business and site risk registers – [link to Risk Register].

6.2.2 Clenton's Transport requires Supply Chain Partners to conduct their own risk assessment applicable to the nature of scope of their work as part of Clenton's Transport's transport activities. Clenton's Transport will require a copy of this risk assessment be provided as part of its pre-qualification process and may request a current version be provided for time to time. Clenton's Transport requires its Supply Chain Partner's risk assessment will, as a minimum, the following foreseeable hazards as well as the subsequent risk and the controls implemented:

- The planning of journeys and routes;
- Ensuring trucks are not overloaded;
- Ensuring loads are appropriately secured;

- Monitoring and managing heavy vehicle speed in real time;
- Monitoring and managing driver fatigue in real time;
- Monitoring work time and the taking required rest breaks in real time;
- Monitoring and assessing driver fitness for work / duty;
- Meeting heavy vehicle standards, safety and roadworthiness;
- Managing and controlling operations, modifications, service and maintenance;
- Providing required transport safety and CoR accredited training;
- Monitoring and addressing inappropriate driver behaviour;
- Effectively addressing public complaints;
- Maintaining required HVNL detailed compliance reporting and records; and
- Providing Clenton's Transport with monthly compliance reporting.

6.2.3 Clenton's Transport will conduct formal CoR risk workshops to identify hazards and assess the risk of CoR issues. The CoR risk workshops may be combined with a WHS risk workshop. Hazard identification and risk assessment must be conducted in accordance with *AS/NZS ISO 31000 Risk Management – Principles and Guidelines*.

### 6.3 Risk Assessment

- 6.3.1 CoR risks are embedded within Clenton's Transport's WHS Risk Register. It is a dynamic document that is reviewed periodically and / or when changes occur.
- 6.3.2 Clenton's Transport will ensure Supply Chain Partners have developed and maintain their own Risk Register including transport safety and CoR risks relevant to their scope of works as well as that of their Supply Chain.
- 6.3.3 Clenton's Transport will assess transport safety and CoR risks in accordance with [Risk Assessment Document Name]. Supply Chain Partners may use a compatible Risk Assessment template.
- 6.3.4 All transport related hazards and risks must be reported immediately and acted upon where appropriate and safe to do so. Transport hazards will be added to Risk Register.
- 6.3.5 Hazards are to be identified prior to, during and at other times e.g. trip planning, scheduling, during inspections, incident investigations arising from:
- All transport related activities;
  - Purchasing and contractor's transport activities;
  - CoR related activities and decisions;
  - Information provided by contractors and supply chain partners; and
  - Breaches or interventions
- 6.3.6 Transport activities and CoR hazards will be assessed for the associated level of risk if required and allocated a risk rating through consultation with employees and relevant others including contractors and supply chain partners.
- 6.3.7 RISK is the likelihood and consequences of exposure to a hazard.
- 6.3.8 A risk assessment at times as prescribed under HVNL should also be done when:
- there is uncertainty about how a transport related hazard could result in harm or damage;
  - the transport activity involves several different hazards, or potential interactions (e.g. with supply chain partners), and there is a lack of understanding about how

the transport hazards may interact with each other to produce new or increased risks; or

- changes in the transport process occur that may impact on the effectiveness of control measures e. g. changes in business and/ transport activities or processes, delays in a scheduled transport activity, changes in the supply chain partners.

6.3.9 Risk Assessment Matrix

**RISK ASSESSMENT MATRIX**

CONSEQUENCES What are the likely consequences?	LIKELIHOOD How likely is the incident to occur?			
	VERY LIKELY	LIKELY	UNLIKELY	VERY UNLIKELY
	Fatalities, ill health or permanent disability &/or substantial property loss	Extreme	Extreme	High
Serious injury or long-term illness, and/or serious property damage	Extreme	High	Medium	Medium
Medical treatment and several days off work- and/or moderate property damage	High	Medium	Medium	Low
Minor injury, illness or damage to property	Medium	Medium	Low	Low

## 6.4 Control of Hazards / Risks

The following table provides a guide as to the required action and time frame for implementation of the actions.

Assessed Risk Level	Description of Risk Level	Actions	Time Frame
<b>Low</b>	If an incident were to occur, there would be: <ul style="list-style-type: none"> <li>▪ Little likelihood of an injury;</li> <li>▪ Minor damage to property or goods - up to \$50,000;</li> <li>▪ An infringement penalty or improvement notice issued by the regulator;</li> <li>▪ A compliant from a member of the community; or</li> <li>▪ None or minor effect on the business or brand.</li> </ul>	Undertake the activity with the existing controls in place.	Manage risk at all times with existing controls.
<b>Medium</b>	If an incident were to occur, there would be: <ul style="list-style-type: none"> <li>▪ Some chance that an injury requiring First Aid;</li> <li>▪ Moderate damage to property or goods - between than \$50,001 and \$100,000;</li> <li>▪ A Category 3 offence issued by the regulator or court (Individual max \$50,000, corporation max \$500,000);</li> <li>▪ A news story in the local media; or</li> <li>▪ Moderate effect on the business or company brand.</li> </ul>	Additional controls may be needed.	Manage at all times with interim controls. Implement additional controls within 3-6 months.
<b>High</b>	If an incident were to occur, there would be: <ul style="list-style-type: none"> <li>▪ A likelihood of an injury requiring medical treatment;</li> <li>▪ Major damage to property or goods - between than \$100,001 - \$250,000;</li> <li>▪ A Category 2 offence issued by the regulator or court (Individual max \$150,000, corporation max \$1,500,000);</li> <li>▪ A news story in the national media; or</li> <li>▪ Major effect on the business or company brand.</li> </ul>	Controls will need to be in place before the activity is undertaken.	Manage at all times with interim controls. Implement additional controls within 1-3 months.
<b>Extreme</b>	If an incident were to occur, there would be: <ul style="list-style-type: none"> <li>▪ A likelihood of a permanent, debilitating injury or death;</li> <li>▪ Severe damage to property or goods - greater than \$250,000;</li> <li>▪ A Category 1 offence issued by the regulator or court (Individual Max \$300,000, or 5 years in prison or both, corporation Max \$3,000,000);</li> <li>▪ A major news story in the national media; or</li> <li>▪ Severe effect on the company brand that would result in the significant loss of business.</li> </ul>	Consider alternatives to doing the activity.  Significant control measures will need to be implemented to ensure safety.	Manage at all times with interim controls. Implement additional controls within 1 month.

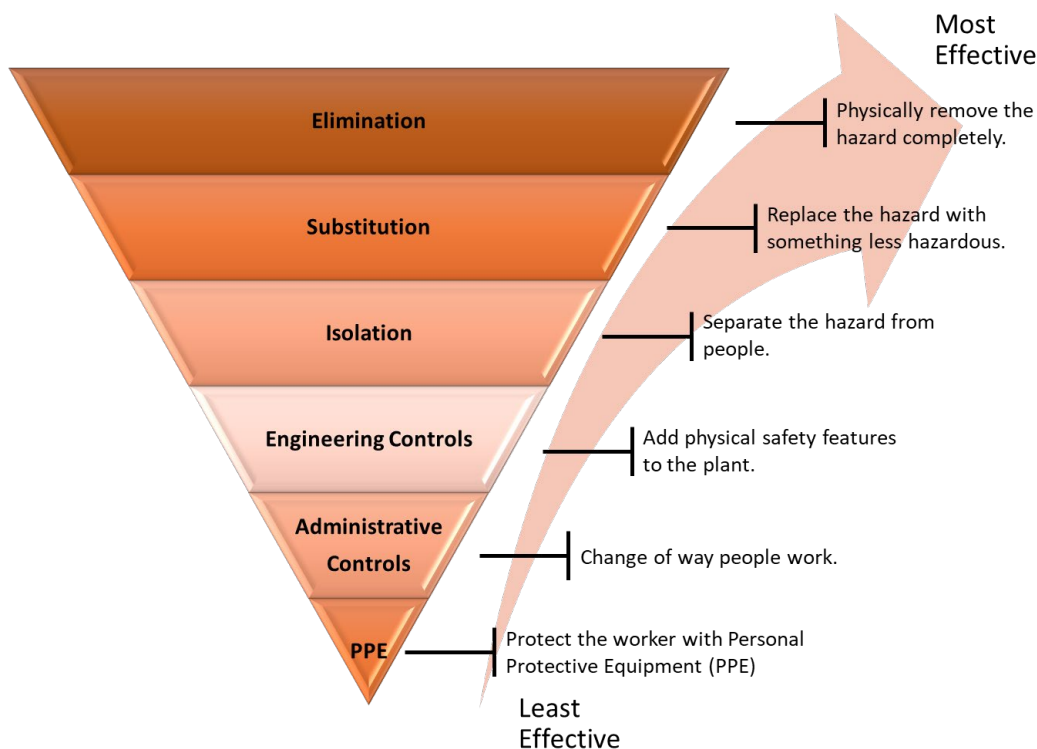
6.4.1 Clenton's Transport and its Supply Chain Partners will ensure, so far as is reasonably practicable, the safety of their and their Subcontractors' transport activities as well as complying with or exceeding the requirements of legislation, codes and standards.

6.4.2 *Reasonably practicable*, in relation to the HVNL, means that which is, or was at a particular time, reasonably able to be done, weighing up all relevant matters, including—

- the likelihood of a safety risk, or damage to road infrastructure, happening; and
- the degree of harm that could result from the risk or damage; and
- what the person knows, or ought reasonably to know, about the risk or damage; and
- what the person knows, or ought reasonably to know, about the ways of—
  - removing or minimising the risk; or
  - preventing or minimising the damage; and
- the availability and suitability of those ways; and
- the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage.

6.4.3 In the development and reviews of the Risk Assessment and / or Risk Register, controls will be selected according to the Hierarchy of Control. Once implemented these control measures will be subject to continual and regular monitoring and review.

## Hierarchy of Control



## 7. Continuous improvement

- 7.1.1 Our proactive approach to risk management aims to eliminate or reduce hazards to the lowest level and ensure a safety in our transport activities. Risk management activities will be regularly monitored, evaluated & reviewed.
- 7.1.2 All control measures require monitoring, review and evaluation. This will ensure the ongoing relevance of any risk assessment and program. Change is inevitable and the hazards and the risks they pose will also change.
- 7.1.3 Review must occur when any changes occur in the transport activities, CoR or legislation and industry codes. Appropriate information is to be made available to relevant parties.
- 7.1.4 Monitoring and review of risk management can be achieved through:
- Consultation with employees, contractors and key stakeholders and supply chain partners;
  - Self-checking by managers and employees i.e. driver wellbeing, fatigue management, vehicle checks and maintenance programs;
  - Supervision – observation and checks by supervisors to ensure compliance;
  - Inspection and checking undertaken by supervisors, HSRs, Compliance Officers and employees; and
  - Independent inspections and audits - carried out by competent persons e.g. managers, technicians, compliance and safety representatives, external auditors.

## 8. Record keeping requirements

- 8.1.1 Apart from the records a record keeper must keep under S319 of the HVNL, the relevant record keeper also keeps records of is relevant:
- Risk assessment for transport activities
  - Vehicle inspections and checks
  - Driver records e.g. work diary daily sheets, licensing details, medical assessments
  - Scheduling assessments
  - Monitoring equipment information e.g. checks, calibration, faults
  - Any other information as required as a condition of an accreditation or exemption (such as driver training and health assessments).
  - Incidents, breaches and intercepts and their corresponding investigations and/or review.
- 8.1.2 All records must be unless otherwise specified under HVNL requirements:
- kept for three years after they are created
  - kept at an accessible location
  - in a format that is readable and reasonably assumed it will be readable in at least three years from the date of its creation.

## 9. General Responsibilities

### Owner/Employer

The Executive Officer is primarily responsible for exercising 'due diligence' in establishing, implementing and maintaining CoR risk management programs in their transport activities. The Executive Officer will allocate suitable resources and ensure that, appropriate systems are implemented, monitored and, where required, the necessary changes made.

The Owner/Employer is responsible for exercising 'due diligence' in providing the information, resources and expertise necessary for risk management activities associated with fatigue management requirements under the HVNL to be implemented, undertaken and monitored and maintained.

In meeting 'due diligence' requirements, they are required to familiarise themselves with the fatigue related hazards and risks associated with the business and its transport activities, the selected controls and monitor the effectiveness of the process.

In doing this they must:

- Establish and implement the Risk Management Framework
- Allocate resources (personnel and financial) to implement the Risk Management Framework
- Define and communicate risk management responsibilities and accountabilities to managers and supervisors and other relevant personnel
- Manage risks identified as 'extreme or high-risk levels' and other escalated risks
- Monitor risk-related information and data on an ongoing basis and review periodically (i.e. as part of annual or more frequent audits)
- Ensure compliance with the Risk Management Framework

### Managers and Supervisors (also Executive Officer under HVNL)

Managers and supervisors are responsible for ensuring the implementation of CoR risk management practices into the day-to-day operations of the organisation. Managers will ensure that:

# Transport Safety Management System

## Procedure 06 TSMS Risk Management



- Ensure the Risk Management Policy, Procedure and Framework are effectively implemented and followed within their area of control;
- All relevant persons are instructed in risk management procedures;
- All CoR related transport hazards and risks are assessed and breaches and incidents investigated, with relevant information made available and communicated;
- Employees, contractors and CoR parties are consulted in relation to managing CoR Related hazards and risks;
- An appropriate response to CoR related incidents including review of controls; and
- Any recommended and accepted improvements are implemented, monitored and evaluated to ensure effectiveness and to prevent a recurrence.

### Employees, Contractors and Supply Chain Partners

Employees, contractors and supply chain partners will be informed of Clenton's Transport's CoR risk management policy and procedures and are expected to comply, assist and contribute to our CoR risk management activities, duties and programs. Relevant persons will be provided with applicable training, and adequate supervision to assist in meeting our HVNL and CoR compliance and risk management requirements.

In doing this they must:

- Comply with the Risk Management Policy, Procedure and other Risk Management Framework measures at all times;
- Implement all risk treatment measures relevant to their role;
- Report any risks in the workplace promptly.

### Contractors

Contractors, as well as complying with their HVNL duties, are also responsible for undertaking their own risk management activities. They are to comply with risk management requirements and duties, in accordance with legislative requirements of the HVNL and related regulations. How they will achieve this is to be described in their CoR Management Plan or Safe Work Method Statements.

Compliance reporting and relevant information is to be provided to Clenton's Transport as part of their contractual arrangements.

All risk management issues that are identified by the CoRMS activities and, in the assessment process, are to be provided to the <insert company name> contact point. Any concerns are to be reported to <insert company name> contact at the earliest opportunity for review.

## 10. Related Policies

This procedure has been developed in conjunction with our Risk Management Policy and the overarching Transport Safety Policy. It is consistent with the requirements of HVNL legislation.

## 11. Supporting Forms/Record Keeping

Forms generated by this procedure and other related records are listed below.

Title or group of documents	Location	Responsible Party or Role	Minimum Retention Period
CoR Risk Assessment			
Risk Register			
Hazard Report			
WHS Risk Assessment Form			
Fatigue risk assessment			3 years
Speed Risk assessment			
Trip or Journey Plan			
Incident alert and action report			
Position duties and responsibilities			

## 12. Procedure Quality Control

<b>Policy:</b>	Policy 01 Transport Safety Policy
<b>Compiled By:</b>	
<b>Groups Consulted:</b>	
<b>Approved By:</b>	
<b>Date:</b>	12/20
<b>Review:</b>	12/21
<b>Filename:</b>	TSMS Procedure 06 TSMS Risk Management.docx