

# Chain of Responsibility and SOLAS Policy

## Introduction

Chain of Responsibility laws and regulations (**CoR Laws**) are in force in each of the Australian states in which DP World Australia Ltd and its wholly-owned subsidiaries (the **Company**) operate. The CoR Laws, which are based on part of the model *Heavy Vehicle National Law*, set out the legal requirements for anyone who has influence over heavy vehicles (gross vehicle mass in excess of 4.5t) in the road transport supply chain.

Persons with responsibilities under the CoR Laws include a Driver or Operator of a heavy vehicle, an Employer or Prime Contractor of the Driver, a Shipper of goods for road transport using a heavy vehicle, a Loading Manager for any goods in the vehicle, and a Loader of any goods in the vehicle (together, **CoR Parties**). The CoR Laws impose certain obligations on CoR Parties with respect to, among other things, fatigue management, maximum permissible mass and dimensions of vehicles, vehicle maintenance obligations and load securing.

Every party in the chain of responsibility will be under a primary obligation to ensure, so far as is reasonably practicable, the safety of that party's transport activities relating to the heavy vehicle.

Certain CoR Parties, such as Shippers and Loading Managers, and the Shipping Lines (together, **SOLAS Parties**), also have responsibilities to ensure the safety of lives at sea including, for example, pursuant to laws or regulations implementing the International Convention for the Safety of Life at Sea (**SOLAS Laws**).

## Purpose

The Company takes its responsibilities under the CoR and SOLAS Laws seriously, and expects each of the CoR Parties and SOLAS Parties with whom it does business to do the same.

The purpose of this Policy is to:

- a) set out an overview of the Company's obligations under the CoR Laws and the SOLAS Laws; and
- b) assist the Company's "Business Partners" to understand their own respective obligations, to the extent those obligations are relevant to any dealings with the Company.

## Scope

This Policy applies to all parties in the supply chain with whom the Company does business, including shipping lines, road carriers, vendors, service providers and their respective employees and contractors (together, **Business Partners**).

- a) Part A sets out an overview of the CoR obligations of the Company and its Business Partners in so far as they relate to the loading and unloading of vehicles at the Company's sites.
- a) Part B sets out an overview of the obligations of the Company and its Business Partners under the SOLAS Laws in so far as they relate to the loading of vessels at the Company's terminals.

## Policy: Part A - Road carriage

### Primary duty

Every party in the chain of responsibility for a heavy vehicle has a non-transferrable duty to ensure, so far as is reasonably practicable, the safety of its transport activities related to the vehicle. Each party must also ensure, so far as is reasonably practicable, that its conduct does not cause or encourage the Driver or any other party to breach any CoR Laws.

In determining what is "reasonably practicable" a number of factors are to be weighed up, including the likelihood of a safety risk, the harm that could arise from the risk, what a person knows or ought reasonably know about the risk and ways to remove or minimise it, the availability of means to remove or minimise the risk and the costs associated with those ways.

The executives of each party in the chain of responsibility must exercise due diligence to ensure their business complies with the primary duty.

### Fatigue-related obligations

#### Company

Consistent with the Primary Duty, the Company is obliged to ensure that loading a fatigue-regulated heavy vehicle will not cause or encourage the Driver driving while impaired by fatigue. In compliance with this requirement, the Company is committed to the following:

- Loading/ unloading goods onto and from vehicles as quickly and efficiently as possible at agreed times;
- Providing notifications via relevant systems/ communication channels such as 1-Stop, Container Chain and the Company's Customer Portal of any excessive delays at the sites; and
- In circumstances where the Company believes, acting reasonably, that activity within one of its sites may cause or contribute to a breach of the CoR Laws through excessive delays, reserving the right to cancel time slots.

#### Business Partners

However, the primary responsibility for managing fatigue-related obligations under the CoR Laws rests with Drivers and their Employers or Contractors. The Company expects its Business Partners to comply with those obligations, which may include the following:

- Not driving while fatigued;
- Taking all necessary rest breaks;
- Overseeing (and amending, where necessary) schedules and rosters to ensure they are not requiring Drivers to exceed regulated driving hours or speed limits;
- Keeping records of Drivers' activities, including work and rest times; and
- Responding to changes in circumstances (such as delays) and reporting these to the Drivers' base to implement short-term fatigue management measures.

### Mass, Dimension and Load Restraint (MDLR) obligations

#### Company

Consistent with the *Primary Duty*, the Company must ensure that it does not cause or encourage a person to drive a heavy vehicle that (together with its load) does not comply with the MDLR requirements applicable to the vehicle. The Company must also ensure a vehicle's load is placed so that it does not become unstable, move or fall. In connection with these obligations, the Company is committed to the following:

- Providing ongoing training to its employees and contractors with respect to the MDLR obligations;
- Conducting regular spot checks of vehicles to verify compliance with this Policy; and

- Where equipped at some sites providing weigh-in-motion facilities for all import full containers.

### **Business Partners**

Compliance with the MDLR obligations is a key responsibility of Shippers, Drivers and their Employers and Contractors. The Company expects its Business Partners to comply with those obligations, which may include the following:

- Ensuring that all documentation relating to the mass, dimension or loading of any goods transported by heavy vehicle is correct and not misleading;
- Providing a complying Container Weight Declaration;
- Ensuring that any goods packed in freight containers do not exceed a container's gross weight or safety approval rating;
- Ensuring that individual axle group weights and gross mass of vehicles are within the legal limits required for the transport of goods by road;
- Ensuring that loads do not exceed vehicle mass or dimension limits;
- Ensuring that loads are placed/ secured in a way that will not become unstable, move or fall off the vehicle;
- Ensuring that Drivers carry the relevant permits/ certification in relation to vehicle mass limits, including valid Container Weight Declarations; and
- Before driving, checking compliance with MDLR requirements and taking any necessary corrective action.

### **Vehicle Maintenance obligations**

#### **Company**

Heavy vehicle operators are required to ensure that their fleets are free of defects, mechanically safe and in proper working order before a vehicle enters the road network. Consistent with the Primary Duty, the Company will be vigilant to observe, report and record any vehicle that does not appear to meet the requirements. While the Company is not obliged to carry out maintenance and roadworthiness checks of vehicles at its premises, any observed or suspected deficiency will be recorded, reported internally and advised to the vehicle owner/operator and, if appropriate, any regulator or enforcement agency.

#### **Business Partners**

Vehicle maintenance and safety is a key compliance obligation of heavy vehicle owners, operators, drivers and their employers and contractors. The Company expects its Business Partners to comply with those obligations, which may include the following:

- Establishing systems to ensure all necessary preventative and corrective maintenance is undertaken as and when required;
- Maintaining vehicles and ensuring properly functioning speed limiters are fitted; and
- Checking and reporting on, and taking action to rectify, all maintenance issues.

### **Policy: Part B - Sea Carriage**

Among other important maritime safety measures, the SOLAS Laws require the shipper of a packed container to provide verification of the gross mass of the container to the carrier and the terminal representative sufficiently in advance of loading to be used in the preparation of the ship stowage plan.

Consistent with the SOLAS Laws, the Company's policy is as follows:

- The Shipper is responsible for obtaining and documenting the verified gross mass of a packed container, regardless of who packed the container.

- To the extent that the SOLAS Laws (as amended from time to time) specify the equipment and/or methods to be used in determining the verified gross mass of a container, the Shipper must comply with those requirements.
- Within the timeframe specified by the Shipping Line (after consultation with the Company), the Shipper must provide to the Shipping Line and to the Company's terminal representative a document (confirmed by the Shipper) setting out the verified gross mass of a packed container to enable a suitable vessel stowage plan to be prepared.
- Neither the Shipping Line nor the Company's terminal representative must load a packed container onto a vessel for export unless they have received, in advance of loading, the relevant documentation setting out the verified gross mass of the container (e.g. a Bill of Lading).
- The Company and the Shipping Line will rely on the Shipper's gross mass verification being accurate and are not responsible for verifying the Shipper's gross mass verification.
- Neither the Company nor the Shipping Line may load an overweight packed container onto a vessel.

## Compliance

The Company has taken the following steps to ensure compliance with this Policy:

- The Company's site Landside Manager or equivalent role will monitor their site's compliance with this Policy;
- The Company will ensure that compliance reports will be tabled at board meetings, which will identify any breaches of this Policy and the steps taken to remedy those breaches;
- The Company will provide information, instruction, training and supervision to its employees and contractors to enable compliance with CoR Laws and the SOLAS Laws;
- The Company may conduct spot checks of vehicles to verify compliance with the MDLR requirements; and
- The Company may require its Business Partners to provide information and documents relating to the Business Partners' compliance with this Policy, and to the CoR Laws and SOLAS Laws.

## Sanctions for breaching this Policy

The Company takes its obligations under the CoR Laws and the SOLAS Laws seriously. If the Company believes that a Business Partner has breached either the CoR Laws or the SOLAS Laws, the Company may take the following action:

- Cease or suspend the provision of services until the Business Partner has demonstrated to the Company that the breach or potential breach has been remedied; and
- Notify the relevant authority of the alleged breach.

Further information on this Policy can be obtained from the Compliance Officer.

Version Control			
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