

Tab 3: Due diligence checklist

*The actions for compliance are general guidance only. This needs to be tailored to your organisation.

Due diligence element	Actions for compliance*	Your actions
<p>(a) to acquire, and keep up to date, knowledge about the safe conduct of transport activities;</p>	<ul style="list-style-type: none"> • Be active in ensuring that you are aware of the content of your organisation’s practices and procedures concerning complying with the HVNL and risk management to prevent public risks in transport activities . • Regularly meet with Safety/Risk/Compliance Managers to discuss developing safety/risk/compliance issues. • Meet with direct reports regarding any safety/risk/compliance concerns they have. • Read and consider Internal and External communications/publications concerning safety/risk/compliance. • Undertake training in understanding the HVNL law; stay up to date with changes in legislation, Australian standards and Codes. • Personally participate in safety and risk management initiatives. • Develop a personal commitment plan. 	

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	<ul style="list-style-type: none"> • Be notified and personally involved in responding (if physically possible) to any serious incidents • Present on safety/risk/compliance topics at an industry event. 	
<p>(b) to gain an understanding of—</p> <p>(i) the nature of the legal entity's transport activities; and</p> <p>(ii) the hazards and risks, including the public risk, associated with those activities</p>	<ul style="list-style-type: none"> • Make sure that you are regularly briefed on, both in writing and verbally, your organisation's transport activities and the hazards and risks associated with those activities. This needs to be a systematic and recorded process, informed by people with expertise in the business. 	
<p>(c) to ensure the legal entity has, and uses, appropriate resources to eliminate or minimise those hazards and risks</p>	<ul style="list-style-type: none"> • Ensure there is an appropriate planning and resourcing process in place in relation to public risk management. This should be based on a thorough and continued review of the transport activities. • Understanding of the public risks, legal requirements and best industry practice. • Ensure that all supply chain members receive training in and are aware of compliance requirements. 	

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	<ul style="list-style-type: none"> • Ensure that supply chain members are appropriately qualified for the work they perform, including workers in safety management roles. • Undertake monitoring and auditing to ensure that adequate resources are in place to address public risk requirements. • Review system performance results to identify areas of risk and common hazards 	
<p>(d) to ensure the legal entity has, and implements, processes –</p> <p>(i) to eliminate or minimise those hazards and risks; and</p> <p>(ii) for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and</p> <p>(iii) for complying with the legal entity's primary safety duty under section 26C;</p>	<ul style="list-style-type: none"> • Make sure you understand and are satisfied with the processes that are in place for receiving, considering and responding to information regarding incidents, hazards and risks. These must be written processes, and they must provide for both internal and external communication of incidents. • Ensure that the board and senior management know what to do in response to a public risk incident. There needs to be a written public risk incident response flow-chart which clearly sets out each key person's role. • Ensure that information about incidents is quickly shared across the business (taking into account legal privilege). 	

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	<ul style="list-style-type: none"> • Consider how information is shared between the senior leadership team and other personnel. • Consider whether there are any trends in the incidents that occur, e.g. type of incidents, plant involved, particular supply chain members 	
<p>(e) to verify the resources and processes mentioned in elements (c) and (d) above are being provided, used and implemented.</p>	<ul style="list-style-type: none"> • Develop audit and assurance systems to verify the processes in elements (c) and (d) are being implemented • Receive reports showing evidence (through training records) that supply chain members are being provided with written procedures and training regarding elements (c) and (d) above. • Safety, risk and legal managers in your organisation provide ongoing confirmation (such as through written reporting) of satisfaction of the processes mentioned in elements (c) and (d) above. • Periodic legal compliance review of your resources and processes mentioned in elements (c) and (d). 	