

Road Safety Bulletin



A New South Wales truck company has pleaded guilty to more than 150 charges of drivers working dangerously long hours

Wollongong-based McCabe Transport was originally charged with 235 offences related to drivers not properly recording their work times in November and December 2011.

Company director Anthony McCabe pleaded guilty to 159 of the charges.

Going through each of the charges in detail, prosecutor Gabrielle Bashir told Downing Centre Local Court one driver on a long-haul trip between Dubbo, Broken Hill and Port Pirie in South Australia did not have an adequate break or keep a work diary.

She said the number of charges suggested the company had "a culture of non-compliance which at the very least was tolerated".

The court also heard allegations that some trip documents were falsified.

Magistrate William Pierce noted some of the offences were serious but is yet to hand down a sentence.

McCabe and his company could face hefty fines after the court heard each of the offences carried maximum penalties of thousands of dollars.

None of the McCabe Transport drivers have been prosecuted because they were offered immunity for helping investigators from Roads and Maritime Services.

The court heard under NSW regulations, truck drivers working on their own were allowed to drive for a maximum of 12 hours in a 24-hour period.

Recently, another trucking company, Cootes, was fined \$500,000 in NSW and \$50,000 in Victoria after pleading guilty to hundreds of road safety breaches.

Cootes was involved in a fatal tanker crash on Sydney's northern beaches last year. The truck was carrying 20,000 litres of fuel and some of it ran into nearby waterways.

In June, a NSW court fined Scott's Transport and two senior staff \$1.25 million for speeding and speed limit tampering.

Source: <http://www.abc.net.au/news/2014-10-14/truck-company-admits-drivers-worked-dangerously-long-hours/5812990>

Author Notes: This article highlights how within the COR doctrine the regulator may chose whether to prosecute a company as an entity or the directors of the company personally for systemic management issues irrespective of whether the drivers have been charged or not.

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