

Road Safety Bulletin



Chain of Responsibility - Comes into Effect this Month

'Chain of Responsibility' legislation will be introduced into WA law on **27 April 2015**.

The national model Road Transport Reform (Compliance and Enforcement) Bill introduces the concept of 'Chain of Responsibility', and recognises the responsibilities that others have in the transportation of goods by road, beyond that of just the driver and operator. The general objectives of the national model bill are to:

- Improve road safety
- Reduce infrastructure damage
- Improve deterrence and enforcement;
- Promote a level playing field for industry; and
- Improve business efficiency and compliance.

There is no real change for drivers but now there are more people responsible along the 'chain'. If you are involved in any of the following 'road transport activities', you are a party in the 'chain of responsibility' and may be deemed liable in the event of a breach of the road laws:

- Consigning – a person or company commissioning the carrying of goods
- Packing – placing goods in packages, containers or pallet.
- Loading – placing or restraining the load of the vehicle
- Driving – the physical act of driving a vehicle
- Operating/Managing – operating a business which controls the use of a vehicle
- Receiving – paying for the goods/taking possession of the load

The law also extends to company directors, employers, unincorporated associations and partners in a managed partnership. This means that anyone who has control in the transport chain can be held legally accountable if by action, inaction or demand, they cause or contribute to road safety breaches.

All persons within the Chain of Responsibility need to demonstrate (within their own roles):

- They had taken all reasonable steps to prevent a breach;
- There were no reasonable steps they could have taken to prevent the breach; and
- There was no way they could reasonably be expected to know about the breach.

Source: <https://www.mainroads.wa.gov.au/UsingRoads/HeavyVehicles/Compliance/Pages/CoR.aspx>

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