

Consignor/Receiver

Fact Sheet 2

June 2005

Chain of Responsibility

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What is the chain of responsibility?

The chain of responsibility means that anybody - not just the driver - who has control in a transport operation can be held responsible for breaches of road laws and may be made legally liable. In other words, if you use road transport as part of your business, you share responsibility for ensuring breaches of road laws do not occur.

If a breach of road transport law occurs due to your action, inaction or demands, you may be legally accountable.

Put simply this means:

Control = responsibility = legal liability

New laws

The chain of responsibility currently applies under driving hours and dangerous goods regulations. New provisions in the Road Safety Act 1986 mean that from 30 September 2005 the chain of responsibility also applies to mass and dimension limits, and load restraint requirements.

What are my responsibilities?

As a consignor or receiver, you have a responsibility for ensuring that any demands you make do not require a truck driver to:

- Exceed permitted driving hours
- Fail to have minimum rest periods
- Exceed the speed limit

From 30 September 2005, you will also have a responsibility for ensuring goods carried on your behalf:

- Do not exceed vehicle dimension limits
- Do not cause vehicle mass limits to be exceeded
- Are appropriately secured

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- You have taken all reasonable steps to prevent the breach, or
- There was nothing that you could reasonably have been expected to do to prevent the breach,

you won't be liable for an offence under the chain of responsibility.

What do I need to do?

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps you could take include:

- Compliance assurance conditions in relevant commercial arrangements with other responsible persons
- Request information about what systems and controls are in place to ensure compliance
- Avoid arrangements which encourage or reward non-compliance

Compliance with an industry Code of Practice will demonstrate that you have taken all reasonable steps. It is expected that individual industries will develop Codes of Practice to suit their needs. These Codes could cover contractual arrangements, equipment, due diligence and quality management systems.

Further Information

For more information about the chain of responsibility call VicRoads on 13 11 71, or check VicRoads website: www.vicroads.vic.gov.au