



Loader/Packer

Fact Sheet 3

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?

From 30 September 2005, loaders will have a responsibility for ensuring the vehicle's load:

- Does not exceed dimension limits
- Does not cause vehicle mass limits to be exceeded
- Is placed in a way that it does not become unstable, move or fall off the vehicle

Packers will have a responsibility for ensuring that documentation about the vehicle's load is not false or misleading.

Packers will also need to make sure that any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

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:

- Having a loading diagram for different types of loads to ensure axle weight limits are not exceeded
- If the vehicle's weight cannot be accurately assessed at the time of loading, under-load for the first trip and verify the weight at some stage of the journey. Subsequent loads can be adjusted accordingly
- Fit scales to loading equipment and keep a "running" total of the weight of the load for each trip
- Use a pre-printed form which requires the person in control of packing or loading the goods to verify the accuracy of any records

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