

Operator/Manager Scheduler

Fact Sheet 5

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.

So 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 an operator, manager or scheduler of a business involved in road transport, your responsibilities include ensuring that:

- Rosters and schedules do not require drivers to exceed driving hours regulations or speed limits
- Vehicle speed limiters are functioning
- Vehicles do not exceed mass or dimension limits
- Appropriate restraint equipment is provided and loads are appropriately restrained
- You keep records of your drivers' activities, including driving, work and rest times

What do I need to do?

As an operator or an employee of an operator, you need to make sure that your conduct does not compromise road safety or involve breaking the law.

You should implement systems to ensure that the mass of each vehicle is assessed and recorded for each trip.

You should have an auditable system for rostering and scheduling your drivers so that they do not exceed the regulated hours of driving and work, or exceed any speed limits, and that they have sufficient opportunity for rest and sleep to avoid fatigue.

You need to have work practices in place so that vehicles and equipment are kept in good condition and all loads are properly restrained.

If speed limiters are fitted to the vehicles, they must be operating properly.

You should keep records of drivers' activities including driving, working and resting, and check that they are complying with the regulations.

Compliance assurance conditions should be included in relevant commercial arrangements with other responsible persons.

Employees should have the necessary information, instruction, training and supervision to enable compliance with relevant laws.

Special defence for an owner or operator

From 30 September 2005, an owner or operator will not be held liable for a relevant alleged heavy vehicle offence, if the owner or operator charged can establish that the vehicle was being used at the time by:

- An employee was acting outside the scope of his or her employment; or
- An agent (in any capacity) of the owner or operator was acting outside the scope of the agency; or
- Any other person who was not entitled to use the vehicle

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