

Factsheet

Chain of Responsibility Legislation

Consignor / Receiver

The introduction of 'Chain of Responsibility' (CoR) into road transport law on 27 April 2015 marked a milestone for road safety in Western Australia. This legislative change recognises the responsibilities that others have in the transportation of goods by road, beyond that of just the driver and operator.

What is the chain of responsibility?

If you use road transport as part of your business, you share the responsibility of managing the risk.

This means anyone who has control in the transport chain can be held legally accountable if, by their actions, inactions or decisions, they cause or contribute to a breach of the road laws.

What are my responsibilities?

As a consignor or receiver, you have a responsibility for ensuring goods carried on your behalf:

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

What do I need to do?

Whichever activity you perform in the 'chain', it is important that you take reasonable steps to manage the risk and ensure road safety is not compromised.

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.

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

- you have taken all reasonable steps to prevent a breach; or
- there were no reasonable steps that you could have been expected to have taken to prevent the breach;

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

You may be called upon to demonstrate that you have compliance systems and programs in place to manage the risks associated with the use of heavy vehicle transport.

Examples of steps you could take include:

- Regularly reviewing business processes and documenting risk management practices and training.
- Ensuring compliance assurance conditions are included in relevant commercial arrangements with other responsible persons.
- Requesting information about what systems and controls have been put in place by other parties in the chain to ensure compliance.
- Avoiding arrangements that could potentially encourage or reward non-compliance.

Codes of practice

Various industries have formal codes of practice that document procedures aimed at maintaining consistency and quality control.

In the event of an alleged road transport offence, businesses and individuals may be able to defend their actions on the basis that they were complying with an industry code of practice.

Further Information

For more information about the Chain of Responsibility call Main Roads Heavy Vehicle Services Helpdesk on 138 486 or visit www.mainroads.wa.gov.au

