

Factsheet

Chain of Responsibility Legislation

Operator / Manager

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 an operator or manager of a business involved in road transport, you need to ensure all loads are properly restrained and do not exceed mass and dimension limits.

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.

Examples of steps you could take include:

- Having documented compliance systems and programs in place, including information, instruction, training and supervision for all employees involved in the transport chain under your control.
- Conducting regular reviews of procedures and processes to ensure they remain relevant to the business and address any shortcomings.
- Monitoring and reviewing work practices to ensure employees are following procedures and appropriately skilled to the tasks, and equipment is being kept in good order.
- 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.

Reasonable defence for an owner or operator

Under the Chain of Responsibility legislation, an owner or operator has the benefit of a reasonable steps defence.

An owner or operator will not be held liable for a chain of responsibility offence, if the owner or operator can establish that the vehicle was being used at the time by:

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

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

