



## Chain of Responsibility – Overview

- The introduction of 'Chain of Responsibility' provisions into road transport law will be a milestone moment for road safety in Western Australia.
- The laws were passed by State Parliament in May 2012 and are expected to be introduced in March 2014 following the drafting of the supporting regulations.
- A comprehensive communications campaign is being undertaken to ensure all stakeholders and industry members are informed of the changes to existing legislation and the potential impacts on their businesses leading up to implementation.
- The Council of Commonwealth, State and Territory Transport Ministers, now known as the Standing Council on Transport and Infrastructure, approved the national model Road Transport Reform (Compliance and Enforcement) Bill for implementation in jurisdictions in November 2003. The Bill introduced the concept of 'Chain of Responsibility', to recognise all parties that have a role in the transportation of goods by road.
- The general objectives of the national regulatory model are to improve compliance outcomes for road safety, infrastructure and the environment, while minimising the adverse impacts of heavy vehicles on the community and reducing unfair competitive advantage within the transport industry.
- The particular objectives include:
  - providing an effective, efficient and equitable scheme for encouraging compliance with the requirements of the road transport law and for the enforcement of those requirements;
  - making a demonstrable, positive change in the on-road behaviour of those involved in the transport industry;
  - recognising a Chain of Responsibility of parties who affect road transport compliance and making those parties answerable for their acts and omissions; and
  - creating an environment of accountability and fair competition that offers no incentives for non-compliance and promotes a level playing field.

- The aim of the legislation is to ensure a nationally uniform approach to compliance and enforcement of road transport laws and, in particular, laws specific to mass, dimension and load restraint. Specific provisions include:
  - expanded enforcement powers;
  - 'Chain of Responsibility' provisions extending liability for road law offences to all parties whose actions, inactions or demands influence conduct on the road; and
  - uniform evidentiary laws, penalties and an expanded range of sanctions to ensure nationally consistent enforcement and prosecution of offences.
  
- Consultation was conducted with WA industry between 2008 and 2011 and some industry driven changes were made to the proposed legislation. The legislation was passed by the WA Parliament in May 2012 and work continues to finalise the drafting of the supporting regulations.
  
- The Chain of Responsibility legislation is contained in the *Road Traffic (Vehicles) Act 2012* and the *Road Traffic (Administration) Act 2008* and is accessible on the State Law Publisher's website:
   
[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrttitle\\_4471\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrttitle_4471_homepage.html)
  
[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrttitle\\_12926\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrttitle_12926_homepage.html)
  
- The Chain of Responsibility laws recognise the responsibilities of others in the road transport chain, more than just the driver and operator. The legislation introduces legal accountability throughout the whole transport chain, general liability to all involved in the transport chain and increased penalties.
  
- In the event of a breach, all persons within the Chain of Responsibility will need to demonstrate that they had (within their own respective roles) taken all reasonable steps to prevent the breach, and/or that there were no reasonable steps that they could have been expected to have taken to prevent the breach or that there was no way that they could reasonably be expected to know about the breach.
  
- Main Roads WA will be responsible for enforcing the Chain of Responsibility legislation and for communicating the changes to existing laws aimed at preparing the WA transport and logistics industry, Main Roads regulatory partners and the wider community for a seamless transition to the new legislation.

- Statewide briefing sessions are planned to commence in September 2013. Information will also be freely available from multiple locations and in formats that will help clearly explain the reform.
- More information on the progress of the Chain of Responsibility legislation implementation is available on the Main Roads WA website <http://www.mainroads.wa.gov.au/UsingRoads/HeavyVehicles> or by contacting the Heavy Vehicle Operations Help Desk on 138 HVO (138486).