

“Chain of Responsibility” Legislation Fact Sheet 5 – Operator / Manager Responsibilities



WHAT IS 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 – including the consignor, loader and receiver – can be held legally accountable if, by their actions, inactions or decisions, they cause or contribute to a breach of the road laws.

Put Simply This Means:
Control = Responsibility
= Legal Liability

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?

You need to take reasonable steps to demonstrate that you are managing the risk to ensure road safety is not compromised.

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 Operations on 138 HVO (138 486), or visit www.mainroads.wa.gov.au

