



mainroads
WESTERN AUSTRALIA

Factsheet Heavy Fines for CoR Prosecutions

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.

The introduction of the new law means that company directors, employers, unincorporated associations and partners in a managed partnership - anyone who has control in the transport chain - can be held legally accountable if they contribute to road safety breaches.

After a year of a comprehensive education campaign, Main Roads commenced prosecutions against several companies who were considered to be in breach of the new legislation. August 2016 saw the conclusion of a long running investigation into CoR breaches resulting in the Transport being fined \$15,000 after failing to take **reasonable steps** to prevent the ongoing spills of chicken offal on Great Eastern Hwy. Each spill represented substantial risk to public safety, public amenity, and the environment.

Main Roads was made aware of the first spill in November 2015, a Main Roads maintenance team was required to attend and remove a significant quantity of chicken offal that had fallen from the skip bin on to the roadway creating a hazard to other road users. The product included chicken heads, feet, feathers, internal organs and liquid. Clean up required the team to spread road base material over the spill to improve road surface traction for vehicles.

The spill covered an area of approximately 15 meters wide by 30 meters long. A sweeper was later required to recover the road base material from the roadway.

In the first prosecution in WA against a company director, resulted in the Director receiving a fine of \$4000.

In June this year, two heavy vehicles with trailers loaded with tanker trailers attempted to pass under a series of three railway bridges in North Fremantle. The upper structure of the tanker trailers, comprising an access ladder and railing, struck the first railway bridge. WA Police, the Department of Fire and Emergency Services, Main Roads WA, the Public Transport Authority, and private traffic management contractors all attended the scene to ensure potential structural damage to the bridges did not occur. Trans Perth commuter train services were also suspended for about 30 minutes.





The Director of the transport company advised the incidents of striking the bridge occurred as his client, without his knowledge, had changed the transport deck on which the tanker trailers were shipped, which increased the total load height by up to 400 millimetres.

In handing down the finding the Magistrate stated the fine would have been larger except for his early guilty plea and his clean record. She also noted that the incident could have been avoided if simple steps had been taken such as a route assessment, and providing appropriate equipment to drivers to measure the loads.

