

Chain of responsibility



COMPLIANCE AND ENFORCEMENT IN THE TRANSPORT INDUSTRY
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What is the chain of responsibility (COR)?

For the first time, all parties in the road transport supply chain – including the consignor, consignee, packer, loader and receiver, as well as the driver and operator – must take positive steps to prevent a breach of the road transport, fatigue, speed, mass, dimension and load restraint laws.

If a driver receives a minor breach will the RTA pursue a COR investigation?

All those with responsibility for activities that affect compliance with road transport laws may be held legally accountable if they do not meet their obligations. Chain of responsibility legislation recognises the effects of the actions, inactions and demands of off-the-road parties in the transport chain.

For specific information on how the chain of responsibility relates to fatigue management see the Compliance & Enforcement general information fact sheet.

What would the RTA look for to trigger a COR investigation?

Triggers the RTA may use to initiate a COR investigations include, but are not limited to:

- Evidence of systemic and habitual breaches.
- Evidence of continued unfair commercial advantage as a result of breaches.
- Road accidents with risks or damage to safety and infrastructure.
- Evidence of unreasonable demands and pressures on other parties in the supply chain to breach.

The Compliance and Enforcement (C&E) legislation does not absolve any party of their obligations to comply with the law, rather it acknowledges the potential contribution of others in the supply chain. Drivers and operators still maintain their current responsibilities to ensure compliance.

Will the RTA pursue parties up the chain?

Chain of responsibility investigations will be a strategic tool used only when appropriate. They will supplement the RTA's current enforcement practices, not replace them. For example, the RTA may target a particular industry sector if evidence suggests that their compliance to mass and dimension or load restraint requirements is poor.

What might be involved in a COR investigation?

A specialist audit and investigations unit will lead COR investigations.

Detailed procedures on how the RTA will carry out a COR investigation have been developed. However, a COR investigation may involve any of the following elements:

- Inspecting and searching appropriate business premises or vehicles.
- Requesting compliance related information, documentation records, and names and contact details of other responsible people in the logistics chain.
- Requiring reasonable assistance of relevant parties including for example the interpretation of data and other information.
- Seizing of relevant electronic equipment.

It is not the intention of the C&E legislation to make each offence an automatic COR investigation. COR investigations will be pursued when it is considered appropriate.

Will the implementation of new powers of investigation mean longer delays for drivers if pulled over by an RTA officer?

The implementation of the C&E reforms should not change the interactions between drivers and RTA inspectors on the side of the road. Inspectors will generally carry out normal on-road inspections to monitor compliance with road laws.

However, under the C&E legislation inspectors may, with reasonable grounds, decide that a vehicle should be searched. In these circumstances, the amount of time a driver will be stopped may be longer.

Which premises can the RTA search and when?

The RTA will only be able to search premises with a warrant or with consent.

Whether a warrant would be granted by an officer of the Court (or whether the RTA would apply for one) would be dependent on the facts and evidence of each case.

Where can I find out more information about C&E?

Visit the RTA website www.rta.nsw.gov.au (including information on heavy vehicle driver fatigue reforms.)

Visit the National Transport Commission website www.ntc.gov.au

Email the RTA on compliance_and_enforcement@rta.nsw.gov.au