

Chain of responsibility Consignor/Receiver



COMPLIANCE AND ENFORCEMENT IN THE TRANSPORT INDUSTRY
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Compliance & Enforcement (C&E)

The C&E reforms are a framework for the regulation of the heavy vehicle industry and other participants in road transport. Their general objectives are to improve compliance outcomes for road safety, infrastructure and the environment, while minimising the adverse impacts of road transport on the community. They also help create a level playing field for industry by making it more difficult for those that operate outside of the law to gain a competitive advantage.

What is the chain of responsibility?

The chain of responsibility means that anybody, not just the driver and operator, who has control in a transport operation can be held responsible for breaches of road laws and may be legally liable. In other words, if you use road transport as part of your business, you share responsibility for ensuring breaches of road laws do not occur.

If a breach of road transport law occurs due to your action, inaction or demands, you could be legally accountable.

Put simply this means: Control = responsibility = legal liability

What are my responsibilities?

As a consignor or receiver under C&E you have a responsibility for ensuring that any demands you make do not require a truck driver to:

- Exceed permitted driving hours.
- Fail to have minimum rest periods.
- Exceed the speed limit.
- Carry goods that exceed vehicle dimension limits.
- Carry goods that cause vehicle mass limits to be exceeded.
- Inappropriately carry any goods on your behalf that are not appropriately secured.
- Drive in breach of his or her work hours and rest options.
- Drive while impaired by fatigue.

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- You have taken all reasonable steps to prevent the breach, or
- There was nothing that you could reasonably have been expected to do to prevent the breach,

You won't be liable for an offence under the chain of responsibility.

What do I need to do?

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring. There are no limits to the way 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:

- Implement compliance assurance conditions in relevant commercial arrangements with other responsible persons.
- Request information about what systems and controls are in place to ensure compliance.
- Ensure that there are no award arrangements which encourage or reward non-compliance.
- Implement active risk management systems.

Individual business or industry sectors may choose to develop industry codes of practice to suit their needs and assist in achieving compliance. The codes could cover contractual arrangements, equipment, staff training and due diligence and quality management systems.

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

The RTA would like to acknowledge information provided by VicRoads.