

Chain of responsibility Loader/Packer



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?

Under C&E legislation loaders have a responsibility for ensuring:

- The vehicle load does not exceed dimension limits.
- The vehicle load does not cause vehicle mass limits to be exceeded.
- The vehicle load is placed in a way that it does not become unstable, unsafe, move or fall off the vehicle.
- The driver does not drive in breach of his or her work or rest options.
- The driver does not drive while impaired by fatigue.

Packers will have a responsibility for ensuring that documentation about the vehicle's load is not false or misleading.

Packers will also need to make sure that any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

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 reasonable have been expected to do to prevent the breach

Then you may be given the opportunity to prove 'reasonable doubt' on your defence.

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:

- Having a loading diagram for different types of loads to ensure axle weight limits are not exceeded.
- If the vehicle's weight cannot be accurately assessed at the time of loading, under-load for the first trip and verify the weight at some stage of the journey. Subsequent loads can be adjusted accordingly.
- Fitting scales to loading equipment and keeping a 'running' total of the weight of the load for each trip.
- Using a pre-printed form which requires the person in control of packing or loading the goods to verify the accuracy of any records.

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, 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