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“Chain of Responsibility” Legislation Fact Sheet 4 - Driver 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 a driver, you are responsible to ensure that:

- Your vehicle does not exceed mass limits
- Your vehicle and load do not exceed dimension limits
- Your load is appropriately restrained.

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.

There are no limits to the ways 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:

- Knowing the mass ratings and dimension limits of the vehicle and complying with a load management system, which may include a loading diagram for different types of loads.
- Having the vehicle weighed, or its weights assessed by other means, and dimensions measured before departing.
- Using on-board scales to cover situations where there are no weighing facilities.
- Checking for any movement of the load while in transit and carrying loading documentation (e.g. weighbridge dockets) in the vehicle.

- Checking that the load is restrained in accordance with the performance standards contained within *the Load Restraint Guide 2004*, along with the adequacy and condition of restraining equipment (straps, chains, ropes, twist locks, etc.)

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

- you have taken all reasonable steps to prevent a breach; or
- there were no reasonable steps that you could have been expected to have taken to prevent the breach;

Then - you won't be liable for an offence under the chain of responsibility.

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.

To which vehicle types does the new legislation apply?

To gain maximum road safety benefits, it is essential that the legislation apply to all vehicles regardless of their size.

Therefore, in Western Australia the legislation will also apply to light vehicles so that all parties in the transport chain can be held accountable for their actions.

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

