

# Overview

October 2003

## What is the chain of responsibility?

The chain of responsibility means that anybody - not just the driver - who has control in a transport operation can be held responsible for breaches of road laws and may be made 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.

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

Put simply this means:

Control = responsibility = legal liability

The chain of responsibility currently applies under driving hours and dangerous goods regulations. Under planned new legislation, the chain of responsibility will also apply to mass and dimension limits, and load restraint requirements.

## Who is covered by the chain of responsibility?

If you are involved in any of the following road transport activities you may be held responsible for breaches of road laws:

- Consigning – a person or company commissioning the carrying of goods
- Packing – placing goods in packages, containers or pallets
- Loading – placing or restraining the load on a vehicle
- Driving – the physical act of driving a heavy vehicle
- Operating – operating a business which controls the use of a heavy vehicle
- Receiving – paying for the goods/taking possession of the load

You will also have obligations not to coerce, induce or encourage a breach of road transport laws.

In addition to ensuring compliance with road laws, you will have to take reasonable steps to make sure that you do not pass on to other parties any false or misleading information about a vehicle or its load.

If you victimise an employee or contractor who raises concerns about actual or possible breaches of road transport laws, you will commit an offence.

Further information on the responsibilities of specific parties in the transport chain is provided in the following fact sheets:

- Consignor/Receiver - Fact Sheet 2
- Loader/Packer - Fact Sheet 3
- Driver - Fact Sheet 4
- Operator/Manager/Scheduler - Fact Sheet 5

## Corporate and management liability

Under the planned new legislation, a corporation, partnership or other body corporate can be found guilty of an offence under the chain of responsibility.

Corporate liability will apply to a corporation, partnership or other body corporate if:

- The organisation is a party in the chain of responsibility eg, consignor; or
- An employee of the organisation is a party in the chain of responsibility eg, packer or loader.

Where a corporation, partnership or other corporate body has been found guilty of an offence, anyone who is involved in the management of the organisation may also be personally liable for the same offence.

## Enforcement powers

On 1 July 2003, new inspection and search powers were introduced in Victoria to support the enforcement of the chain of responsibility. The new laws allow inspectors and police officers to:

- Inspect and search heavy vehicles and premises associated with road transport
- Direct a person associated with road transport to provide documentation and items relating to heavy vehicle compliance
- Require a driver or other responsible person to provide reasonable assistance to an inspector or police officer and to state the person's name, home address and business address
- Require a person to provide details regarding any other person who is associated with a heavy vehicle or its load, and to give information to help identify the driver

## Further Information

For more information about the chain of responsibility call VicRoads on 13 11 71