



## Who enforces the chain of responsibility?

Main Roads WA is the key enforcement agency to conduct on-road inspections and investigations. WA will also have the authority to enforce chain of responsibility.

Legislation will provide investigators with broader powers to thoroughly investigate liability for road transport breaches.

## Where can I view the legislation?

The legislation is contained in the Road Traffic (Vehicles) Act 2012 and the Road Traffic (Administration) Act 2008. Both of these documents are accessible on the State Law Publishers website:

[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_4471\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_4471_homepage.html)

[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_12926\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12926_homepage.html)

For further information on the Chain of Responsibility Legislation in Western Australia please contact:

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Heavy Vehicle Operations

# Chain of Responsibility Legislation in Western Australia



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## What is the 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.

## What is the aim of the legislation?

The aim of the legislation is to ensure a uniform approach to compliance and enforcement of road transport laws and, in particular, laws specific to mass, dimension and load restraint.

Specific provisions include expanded enforcement powers and uniform evidentiary laws, increased penalties and a range of sanctions to ensure consistent enforcement and prosecution of offences.

Traditionally, drivers and operators have been the focus of enforcement activities. It is the purpose of the legislation to ensure that the responsibilities of other parties in the transport chain are also recognised and held accountable.



## Why has the Chain of Responsibility legislation been introduced?

The laws have been introduced in order to:

- improve road safety;
- reduce damage to infrastructure;
- promote a 'level playing field' for industry;
- improve deterrence and enforcement; and
- improve business efficiency and compliance

## Who is covered by the chain of responsibility?

The Chain of Responsibility laws recognise the responsibilities of others in the road transport chain, more than just the driver and operator. If you are involved in any of the following road transport activities, you are a party in the 'chain of responsibility' and may be deemed liable in the event of a breach of the road laws:

- Consigning – a person or company commissioning the carrying of goods
- Receiving – paying for the goods/taking possession of the load
- Loading – placing or restraining the load of the vehicle
- Packing – placing goods in packages, containers or pallets
- Driving – the physical act of driving a vehicle
- Operating – operating a business which controls the use of a vehicle
- The chain also extends to company secretaries, senior managers, chief executives, chairpersons and directors.



## What do I have to do?

Whatever activity you perform in the 'chain', it is important that you take reasonable steps to manage the risk and ensure road safety is not compromised.

You must regularly identify and assess the risks associated with your activities and take action to manage those risks. This may include creating and introducing work instructions and procedures for the tasks you carry out, or you may like to consider introducing safety measures such as audits or checklists to ensure everyone is maintaining required safety standards.

If a breach in the law is identified, it will be your responsibility as a part of the transport chain to prove that you did not know of the breach, you could not be reasonably expected to have known, and that you took all reasonable steps to prevent the breach.

Further information on the responsibilities of specific parties in the transport chain can be found in the following fact sheets:

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

**Control = Responsibility = Legal Liability**