Factsheet
Chain of Responsibility Legislation
Breach Categories

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 can be held legally accountable if, by their actions, inactions or decisions, they cause or contribute to a breach of the road laws.

To maximise consistency of enforcement actions throughout Australia and to reflect more accurately the impact of breaches on road safety, damage to infrastructure and unfair competition, categories of risk have been developed –

- Minor
- Substantial
- Severe

Breakpoints for mass and dimension

Breach category breakpoints for each of the mass and dimension requirements are –

	Minor	**Substantial**	**Severe**
Mass	Less than 105% of maximum permitted mass	Equal to or greater than 105% and less than 120% of the maximum permitted mass	Equal to or greater than 120% of the maximum permitted mass
Length	Less than 350mm over the maximum permitted length	Equal to or greater than 350mm and less than 600mm over the maximum permitted length	Equal to or greater than 600mm over the maximum permitted length
Width	Less than 100mm over the maximum permitted width	Equal to or greater than 100mm and less than 150mm over the maximum permitted width	Equal to or greater than 150mm over the maximum permitted width
Height	Less than 150mm over the maximum permitted height	Equal to or greater than 150mm and less than 300mm over the maximum permitted height	Equal to or greater than 300mm over the maximum permitted height

Categorisation of load restraint breaches

Under the Chain of Responsibility legislation, the risk category in which a load restraint breach falls is based on the opinion of the enforcement officer (or court) concerned.

Assessing the severity of load restraint offences is centred upon the protection of public safety, the environment, road infrastructure or public amenity.

In determining whether or not a breach of a loading requirement gives rise to an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity, the following factors are to be considered –

(a) the nature and extent of the breach; and
(b) the consequences or potential consequences of the breach; and
(c) any other relevant factors.

Minor	• The load has **not** become displaced or unsecured; • The load becoming displaced or unsecured is **not** imminent; and • No serious risk of harm to public safety, the environment, road infrastructure or public amenity.
Substantial	• The load has become displaced or unsecured <u>or</u> the load becoming displaced or unsecured is imminent; and No serious risk of harm to public safety, the environment, road infrastructure or public amenity.
	• The load concerned has **not** become displaced or unsecured <u>or</u> the load's becoming displaced or unsecured is **not** imminent; and • The load is likely to become displaced or unsecured; and • There would be a serious risk of harm to public safety, the environment, road infrastructure or public amenity if it did become displaced.
Severe	• The load has become displaced or unsecured <u>or</u> the load becoming displaced or unsecured is imminent; and • There would be a serious risk of harm to public safety, the environment, road infrastructure or public amenity if it did become displaced.

In determining whether the displacement of a load is imminent, an enforcement officer will have regard to –

(a) the nature and condition of the vehicle; and
(b) the nature, condition, placement and securing of the load; and
(c) the length of the journey; and
(d) the nature and condition of the route of the journey; and
(e) any other relevant factors.

Further Information

For more information about the Chain of Responsibility call Main Roads Heavy Vehicle Services Helpdesk on 138 486 or visit www.mainroads.wa.gov.au