

Factsheet

Chain of Responsibility Legislation

Loader / Packer

The introduction of 'Chain of Responsibility' (CoR) into road transport law on 27 April 2015 marked a milestone for road safety in Western Australia. This legislative change recognises the responsibilities that others have in the transportation of goods by road, beyond that of just the driver and operator.

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.

What are my responsibilities?

As a loader/packer, you will have a responsibility for ensuring that the vehicle's load:

- Does not exceed vehicle or permitted dimension limits
- Does not cause vehicle or permitted mass limits to be exceeded
- Is placed/secured in a way that it does not become unstable, move or fall off the vehicle
- Is accurately recorded in any manifest and other documentation relating to the load
- When packed in a freight container, does not cause the container's gross weight or safety approval rating to be exceeded.

What do I need to do?

Whichever 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.

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:

- Ensuring the processes and practices that manage the risk are documented, including the methods used to control the loading of product and training.
- Having a loading diagram for different types of loads.

- Loading in accordance with the NTC *Load Restraint Guide 2004*.
- Operating a weighbridge or loading equipment fitted with scales and keeping a 'running' total of the weight of the load for each trip.
- Using a pre-printed form that requires the person in control of the packing or loading of goods to verify the accuracy of any records.

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.

You may be called upon to demonstrate that you have compliance systems and programs in place to manage the risks associated with the loading and packing of heavy vehicles.

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.

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

