



# Chain of Responsibility – loader/packer

Under the legislation, anyone who has influence in the transport chain – including the loader and packer – can be held legally accountable if, by their actions, inactions or demands, they cause or contribute to road safety breaches.

## What is the chain of responsibility?

If you use road transport as part of your business, you share the responsibility of preventing breaches under the new Compliance and Enforcement legislation.

Put simply: Influence = Responsibility = Legal liability.

## New legislation

The model legislation will be introduced into Queensland through amendments to the *Transport Operations (Road Use Management) Act 1995* and subordinate legislation.

The above legislation can be accessed at: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

## What are my responsibilities?

Under the new laws, loaders have the responsibility for making sure a vehicle's load:

- does not exceed dimension limits
- does not exceed vehicle mass limits
- is placed in a way so it does not become unstable, move or fall off the vehicle.

Packers have responsibility for ensuring:

- documentation about the vehicle's load is not false or misleading
- any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

## What do I need to do?

You need to demonstrate you took all reasonable steps to prevent a breach in the road laws occurring. What constitutes reasonable steps will vary according to each individual circumstance. Basically, 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 the 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.



### Examples of steps you could take include:

- using a loading diagram for different types of loads to ensure axle weight limits are not exceeded
- if the vehicle's weight cannot be accurately assessed at the time of loading, under-load for the first trip and verify the weight at some stage of the journey. Subsequent loads can be adjusted accordingly
- fit scales to loading equipment and keep a "running" total of the weight of the load for each trip
- use a pre-printed form which requires the person in control of packing or loading the goods to verify the accuracy of any records.

### Industry Codes of Practice

Compliance with an Industry Code of Practice will assist in demonstrating that you have taken reasonable steps to avoid a potential breach of road law. It is expected that individual industries will develop Codes of Practice to suit their needs. These Codes could cover contractual arrangements, equipment, due diligence and quality management systems.

You can access the national *Guidelines for Developing and Registering Industry Codes of Practice* at [www.austroads.com.au](http://www.austroads.com.au).

### Further information

#### Queensland Transport

Email: [qtceproject@transport.qld.gov.au](mailto:qtceproject@transport.qld.gov.au)

Web: [www.transport.qld.gov.au](http://www.transport.qld.gov.au)

From 24 April 2008, parts of the Compliance and Enforcement legislation will apply to current fatigue management laws. Under the new legislation increased penalties and sanctions will apply and authorised officers will have the same powers to investigate potential breaches of the current fatigue management legislation.

Changes to fatigue management laws will occur during 2008. Information kits will be available and information sessions will be held on these reforms later in 2008.