



Chain of Responsibility – operator/manager/scheduler

Under the legislation, anyone who has influence in the transport chain – including the operator, manager and scheduler – 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 of road law 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.

What are my responsibilities?

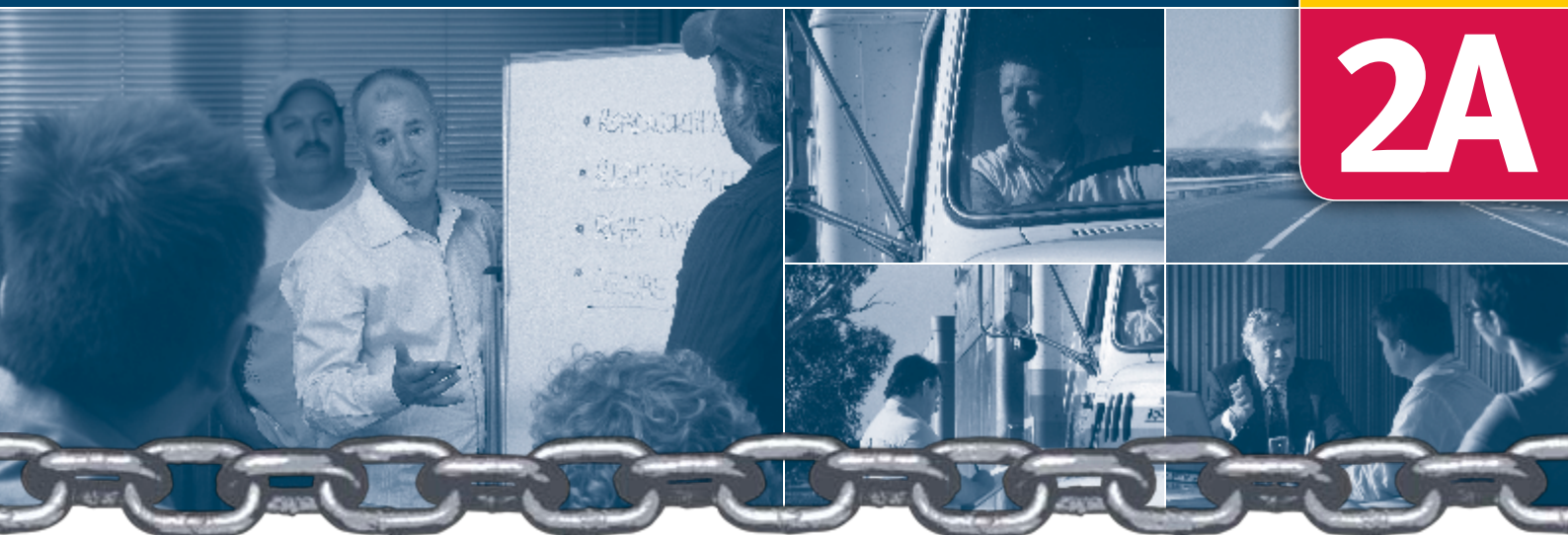
As an operator, manager or scheduler of a business involved in road transport, your responsibilities include ensuring that:

- vehicles do not exceed mass or dimension limits
- appropriate restraint equipment is provided and loads are appropriately restrained.

What do I need to do?

As an operator or an employee of an operator, you need to make sure that your conduct does not compromise road safety or involve breaking the law:

- you should implement systems and procedures to ensure that the mass of each vehicle is assessed and recorded for each trip
- you need to have work practices in place so that vehicles and equipment are kept in good condition and all loads are properly restrained
- Operating conditions that comply with the law should be included in relevant commercial arrangements with other responsible persons
- employees should have the necessary information, instruction, training and supervision to allow compliance with relevant laws.



Special defence for an owner or operator

Under the Compliance and Enforcement legislation, owners or operators will not be held liable for a heavy vehicle offence if you can establish that the vehicle was being used at the time by:

- an employee who was acting outside the scope of his or her employment
- an agent (in any capacity) acted outside the scope of the agency
- another person who was not entitled to use the vehicle.

Industry Codes of Practice

Compliance with an Industry Code of Practice will assist in demonstrating that you have taken reasonable steps to avoid breaking the 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 *Guideline for Developing and Registering Industry Codes of Practice* at www.austroads.com.au.

Further information

Queensland Transport

Email: qtceproject@transport.qld.gov.au

Web: 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.