



Chain of Responsibility – driver

Under the legislation, anyone who has influence in the transport chain – including the driver – 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.

What are my responsibilities?

As a truck driver, your responsibilities include making sure that:

- your vehicle does not exceed mass limits
- your vehicle and load do not exceed dimension limits
- your load is appropriately restrained.

What do I need to do?

As a driver:

- you need to make sure that your conduct does not compromise road safety or involve breaking the law
- you should know your vehicle's mass. For example; keep weighbridge docketts, use on-board scales to check your weights, and keep any loading documentation that shows the weight of your load
- you must make sure that your vehicle does not exceed legal dimensions
- your load must be checked to ensure it is properly restrained, even if you are not the person who loaded the vehicle. You should check the adequacy and condition of restraining equipment (chains, ropes, straps etc).



Special defence for drivers

Under the Compliance and Enforcement legislation, a driver has the benefit of a reasonable steps defence for all breaches categorised as minor risk (*see fact sheet 5*). Additionally, if someone else is responsible for maintaining the vehicle or its equipment, you won't be liable for a breach of vehicle standards maintenance provided you:

- did not cause or contribute to the condition of the vehicle
- did not know (or could not reasonably be expected to have known) of the condition of the vehicle
- could not reasonably be expected to have checked whether there were (or were likely to be) defects in 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 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.austrroads.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.