



Chain of Responsibility

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

Safety and fairness in the road freight industry

Traditionally, drivers and operators have been the targets for breaches of road laws. But other people – like customers, loaders and packers – also have a significant influence on road safety. And businesses often try to gain an unfair commercial advantage over their competitors by compromising road safety standards.

So, the aim of the Compliance and Enforcement legislation is, firstly, to encourage good behaviour and, secondly, to penalise those who breach the law.

The Chain of Responsibility

If you use road transport for any part of your business, you are part of the 'Chain of Responsibility'. Under the Compliance and Enforcement legislation, you can be held legally accountable if, by your actions, inactions or demands, you cause or contribute to road safety breaches. This means you'll need to exercise due care and take reasonable steps to prevent breaches of road safety law.

Example

Juanita Doe is a food broker contracting with Fab-Mart Supermarkets for delivery of various dairy products. To deliver her goods to Fab-Mart's receiving depot, she hires Clockwork Transport Pty Ltd. The goods are packed on pallets by Milk-Fresh Co-op, the dairy farmer's co-operative company. The pallets are then loaded on Clockwork's trucks by forklift operators employed by Milk-Fresh.

- Juanita is the consignor of the goods
- Fab-Mart is the receiver
- Clockwork is the operator and employs the drivers
- Milk-Fresh is the packer and loader.

Who is liable?

If you are involved in any of the following activities you may be liable for safety breaches:

- **Consignors** – those who commission the carriage of a load by road
- **Packers** – those who place goods in packages, containers or on pallets
- **Loaders** – those who place or restrain the load on a vehicle
- **Drivers** – those who physically drive a vehicle
- **Operators** – those who operate the business that controls the use of a vehicle
- **Receivers** – those who pay for the goods or take possession of the load
- **Employers or managers** of a business may also be personally liable for breaches by an employee.



Your responsibilities are not new

The *Transport Operations (Road Use Management) Act 1995* already requires you to take responsibility for actions that may influence unsafe conduct on the road. For example:

- if you cause or allow a road law offence, you may be liable
- if you are a consignor or employer and your actions have caused a breach of the driving hours by the driver, you may be liable.

Similar safety obligations already exist under occupational health, safety and welfare, and environmental legislation.

What do you have to do?

Whichever activity you perform in the 'chain', it is important that you take reasonable steps to ensure road safety is not compromised. That doesn't mean you need to take all the steps – just reasonable steps. In other words, the things you have control over. For example: if you are a packer, make sure you comply with safety standards when you are packing goods; if you are a consignor or receiver, ensure the demands you make of your operator can be performed safely and within the legal requirements.

Further information

Queensland Transport

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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.