

## Chain of Responsibility Legislation – Road Transport Reform Bill

### What is it?

**Control = Responsibility =  
Legal Liability**

National Road Transport reform that extends the liability for compliance with road transport laws to all parties in the transport chain.

### Who does it affect?

Every link in the transport chain ie: Consignor, Packer, Loader, Operator, Driver and Consignee.

### Why is it being enacted?

Australia is one of the most freight intensive countries in the world and there is continued community concern over the high usage of Heavy Vehicles and the impact on safety, road quality and the environment.

### How does it affect our customers?

Whereas, traditionally, the driver has borne the brunt of responsibility for compliance with road transport laws, this legislation recognises that others in the transport chain also have a responsibility.

Now all parties will share the responsibility and therefore the liability.

If our client sends goods by road they are legally bound by the legislation.

### What affect will it have?

Some examples:

- If an organisation or individual imposes unrealistic deadlines on transport companies they will be liable for accidents resulting from the actions a driver may take to meet the deadline eg: speeding or driving under the influence of drugs to stay awake.
- If a transport operator hires an unqualified driver to save money and the driver causes an accident through lack of experience, the operator will be liable.
- If a packer or loader breaches load restraint requirements, exceeds the stipulated weight or incorrectly labels goods they will be liable.

### The main defence is 'reasonable steps' but this is not available in Victoria:

A party may not be liable if it can demonstrate:

- they did not know about the breach; and
- they could not be expected to know about the breach; and either
- they took all reasonable steps to prevent a breach; or
- there were no steps that could be taken.

This means they have to show that they have made reasonable enquiries and taken action to review all potential exposures.



### What do clients need to do?

- Review the requirements of the legislation and ensure that they have appropriate Compliance Strategies and Implementation Plans in place.
- Educate and train staff.
- Ensure that their liability policy includes coverage for liability under this legislation and that limits are adequate.
- Ensure Consignment Notes and other documentation comply with the legislation and reflect the correct legal liability situation.
- Seek their own legal advice.

### When is it?

The legislation is due to be implemented in:

- NSW** – 1 September 2005
- Victoria** – 30 September 2005
- South Australia and Western Australia** – Late 2005
- Queensland** – Autumn 2006

### Are your clients ready?

### The Team at Vero National Marine