



Source: Queensland Government

Chain of Responsibility (CoR)

If you consign, pack, load or receive goods as part of your business, you could be held legally liable for breaches of road transport laws even though you have no direct role in driving or operating a heavy vehicle.

In addition, corporate entities, directors, partners and managers are accountable for the actions of people under their control.

This is the 'Chain of Responsibility' (CoR)

The aim of Chain of Responsibility (CoR) is to make sure everyone in the supply chain shares the responsibility for ensuring breaches of road transport laws do not occur. Under CoR laws if you exercise (or have the capability of exercising) control or influence over any transport task, you are part of the supply chain and therefore have a responsibility to ensure road transport laws are complied with. The Law recognises that multiple parties may be responsible for offences committed by the drivers and operators of heavy vehicles. A person may be a party in the supply chain in more than one way. For example they may have duties as the employer, the operator and the consigner of goods. Legal liability applies to all parties for their actions or inactions.

Who are the parties in the supply chain?

Any person with an influence and/or control in the transport chain is a 'party' & includes, but is not limited to:

- corporations, partnerships, unincorporated associations or other bodies corporate
- employers and company directors
- exporters / importers
- primary producers
- drivers (including a bus driver and an owner-driver)
- prime contractor of a driver
- operator of a vehicle
- schedulers of goods or passengers for transport in or on a vehicle, and the scheduler of its driver
- consignors/consignees/receivers of the goods for transport
- loaders / unloaders of goods
- loading manager (the person who supervises loading/unloading, or manages the premises where this occurs).

When could Chain of Responsibility apply?

Some examples include:

- heavy vehicle driver breaches of fatigue requirements or speed limits
- heavy vehicle driver breaches of mass, dimension, or loading requirements
- where any instructions, actions or demands parties in the supply chain make cause or contribute to an offence under a road transport law. That includes anything done, or not done (directly or indirectly) that has an impact
- schedulers whose business practices place unrealistic time frames on drivers which cause them to exceed their work rest options
- operators who do not provide drivers with a sleep environment which allows for quality sleep if their work
- requires them to sleep away from home (approved sleeper cab, access to rest stops)



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Persons in the supply chain must also make sure the terms of consignment or work/employment contracts will not result in, encourage, reward or provide an incentive for the driver or other party in the supply chain (e.g. a scheduler) to break any road transport laws. Contracts that require a driver to break the law are illegal.

In a prosecution, the courts would consider the actions of each party in the supply chain. This includes what measures those parties have in place to prevent breaches of road transport laws occurring. Each person in the supply chain must take all reasonable steps to ensure a heavy vehicle driver can perform their duties without breaching road transport laws.

What are reasonable steps?

Reasonable steps are the actions persons can take to ensure that heavy vehicle drivers do not drive in contravention of road transport laws. A person in the supply chain can claim a 'reasonable steps' defence if they can show they did not know or could not reasonably have been expected to know that a breach had occurred.

In making a 'reasonable steps' claim a person would have to prove:

- they took all reasonable steps to prevent the breach, or
- there were no reasonable steps they could have taken to prevent the breach

For the defence to be successful ALL reasonable steps must have been taken – not just some.

How can I show I have taken reasonable steps?

There are no restrictions on the ways in which a person can demonstrate that they took reasonable steps; reasonable steps will vary depending on circumstances.

Some examples of reasonable steps include:

- conducting regular audits of time sheets and work diaries
- regularly reviewing business activities, processes, policies and written instructions and identifying how best to
- manage outcomes and prevent offences
- implementing processes to be used after unexpected delays, or times when things just go wrong
- planning for driver rest breaks with some consideration for unexpected traffic delays when creating trip timetables
- providing accurate weights of containers and ensuring loads will not exceed vehicle mass or dimension limits
- positioning and securing loads to ensure they remain stable for the entire journey
- if a breach occurs putting procedures in place to prevent similar breaches or issues from happening again
- establishing a risk management plan which links relevant codes of practice to your specific business
- conducting training to develop staff awareness of business policies and procedures and their obligations; such as fatigue management, speed compliance, loading and unloading requirements and workplace health and safety
- ensuring staff are not just aware of their obligations, but are actively engaged in implementing practices



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Persons in the supply chain may also be found not liable for a heavy vehicle offence if they can establish that at the time of the offence the vehicle was being used by:

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

Industry accreditation schemes

There are a number of audited accreditation schemes in the transport industry which may assist parties in the supply chain to address their risk exposures.

Industry Codes of Practice

Compliance with the laws may also be shown through the application of registered industry codes of practice.

Industries that have common transport activities such as livestock movement, logging and bulk liquid products may develop codes of practice that work to benefit that industry. Development of a code of practice for individual industries which satisfies a range of specific criteria including quality management systems may assist in proving you have taken reasonable steps to ensure breaches of road transport laws do not occur.

All codes of practice must be viable and supported by the majority of key industry stakeholders.

