



Australia's Chain of Responsibility Legislation

IRTEENZ CONFERENCE

Rotorua

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Overview

- Chain of responsibility
 - what is it and why is it needed?
 - how will it work?
- Case studies
 - tampering with a speed limiter
 - overloaded truck carrying a freight container

Current regulation in Australia

- enforcement rather than compliance focused
- drivers and vehicle owners/operators are the sole, 'soft', targets
- role of other responsible parties not addressed
- directors, secretaries and senior managers not personally accountable



The problems with this ...

- not effective in producing long-term improvements in compliance
- no incentive for other responsible parties to prevent breaches
- unfair commercial advantage gained by all who cause or contribute to breaches
- company managers can hide behind the corporate veil

Case study 1 - tampering with a speed limiter

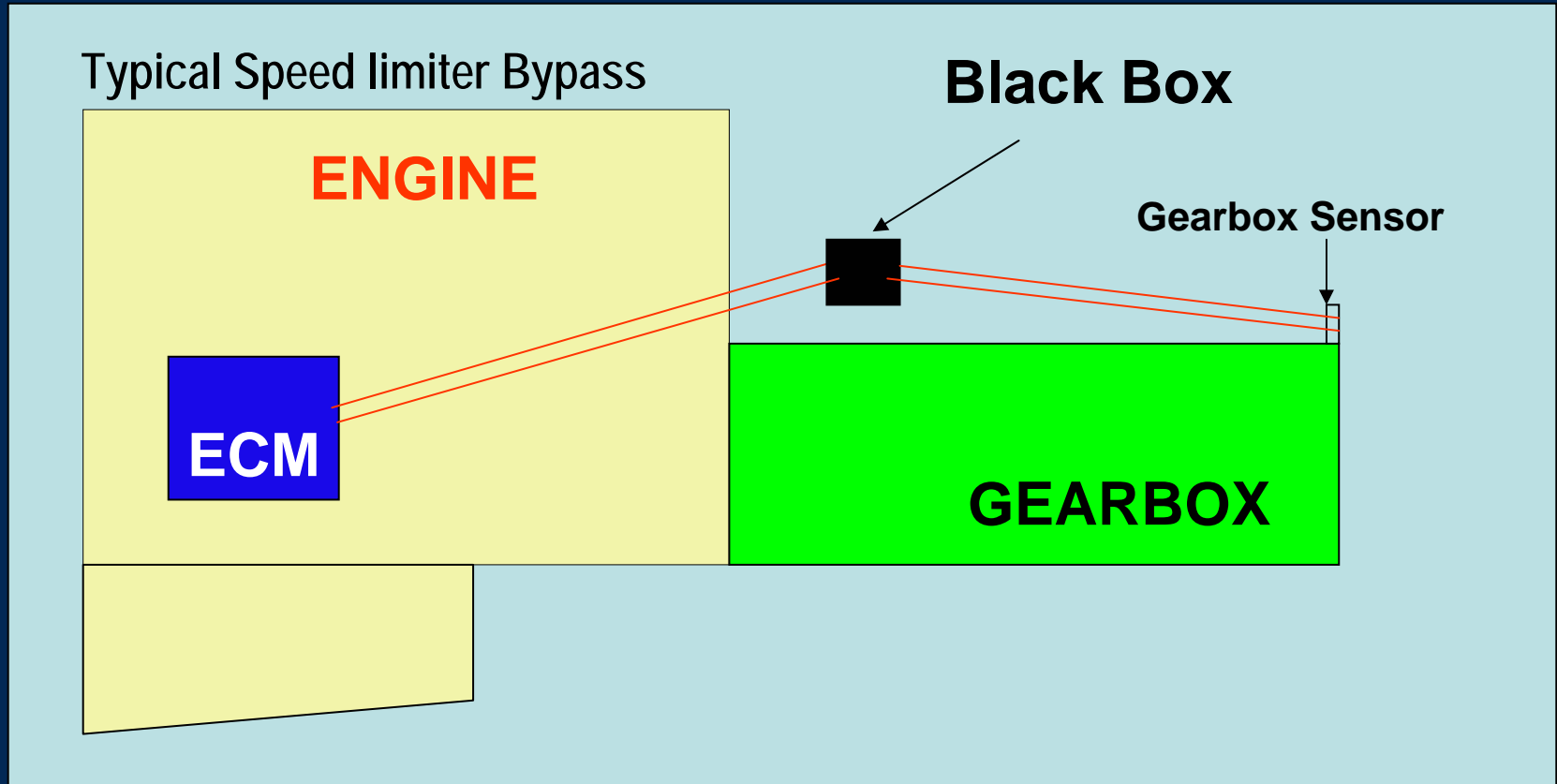


Diagram courtesy SA Police



Case study 2 - overloaded truck carrying a freight container



Chain of responsibility - the concept

Control

→ responsibility

→ legal liability

Giving the concept 'teeth'

- new compliance and enforcement legislation, plus:
 - enforcement guidelines
 - endorsed competency standards and training of officers
 - national communications
 - industry codes of practice



How it will work – general chain of responsibility provisions

- some examples:
 - corporate, partnership and employer liability for acts of employees and subcontractors
 - duties on each person concerned in the management of a corporation



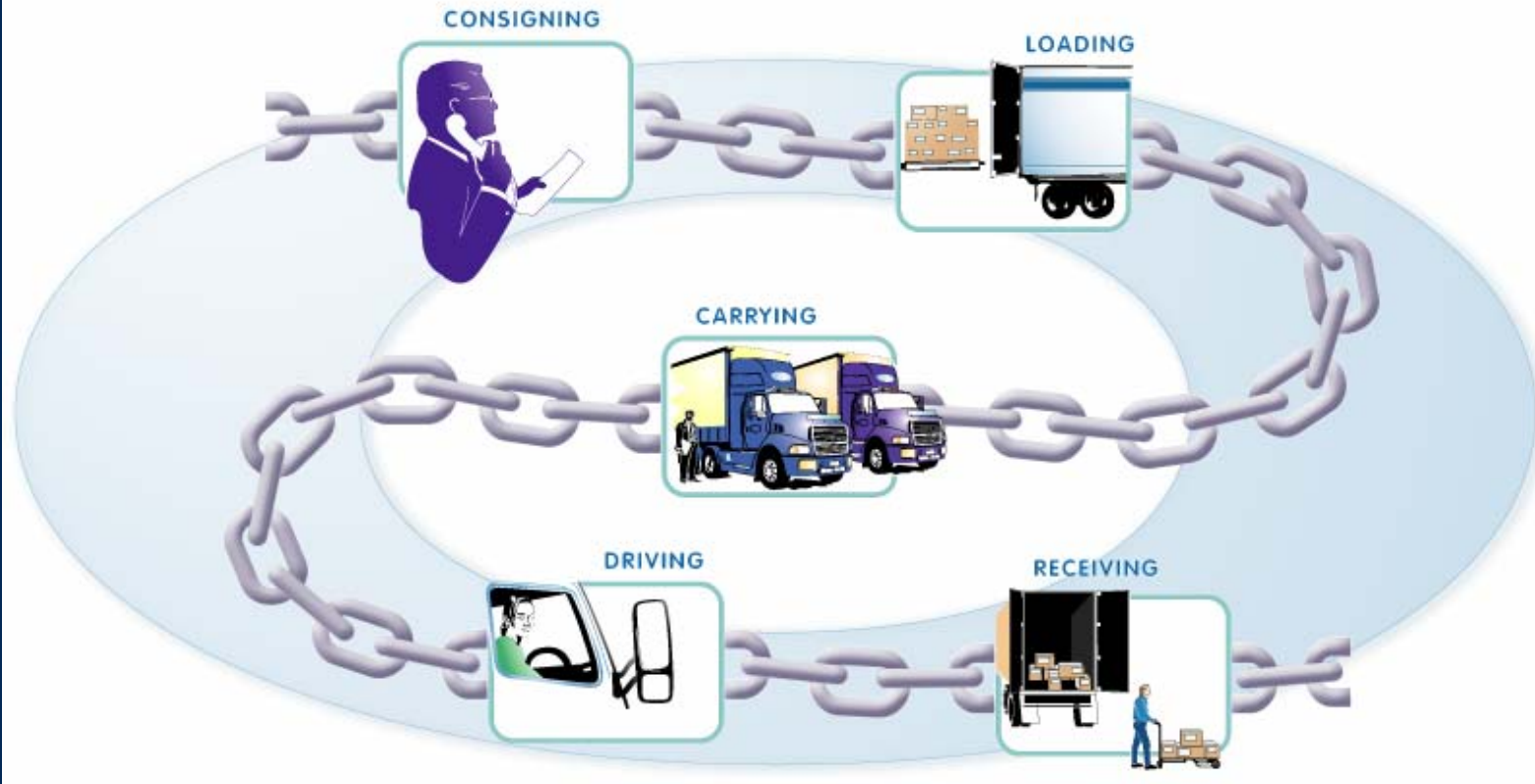
How it will work – general chain of responsibility provisions (cont.)

- no contracting out of duties
- offence of discriminating against a person who raises compliance concerns
- offence of 'urging' another to commit an offence
- 'urging' defined as threatening, intimidating, coercing, inducing or offering an incentive



How it will work – special mass and loading provisions

CHAIN OF RESPONSIBILITY



How it will work – risk-based offences

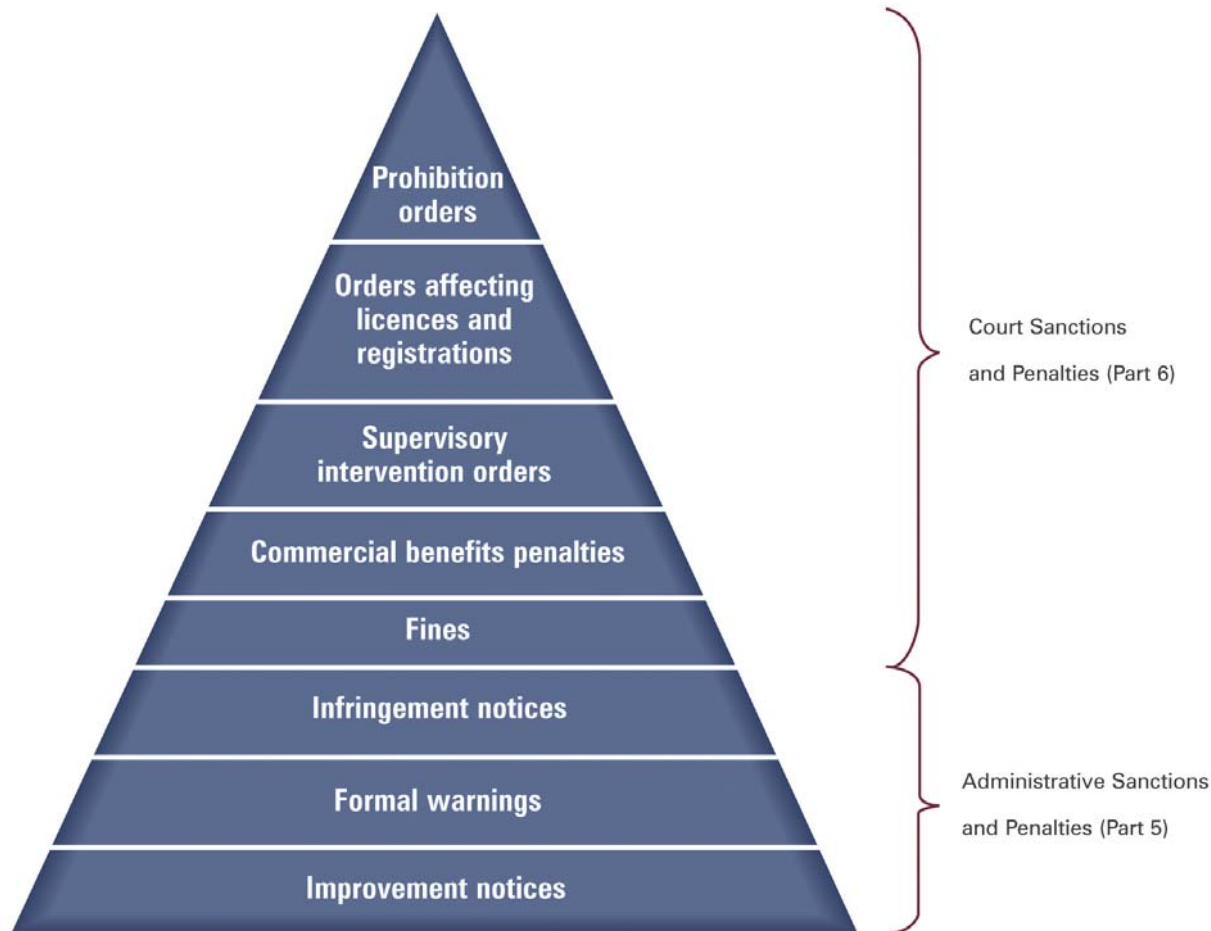


How it will work – enforcement powers

- powers directed at ‘responsible persons’, eg, to inspect and search at premises of responsible persons
- powers to compel the production of documentation and things, including:
 - relevant wage slips
 - maintenance records
 - petrol receipts
 - manifests
 - equipment and devices
 - weighbridge dockets

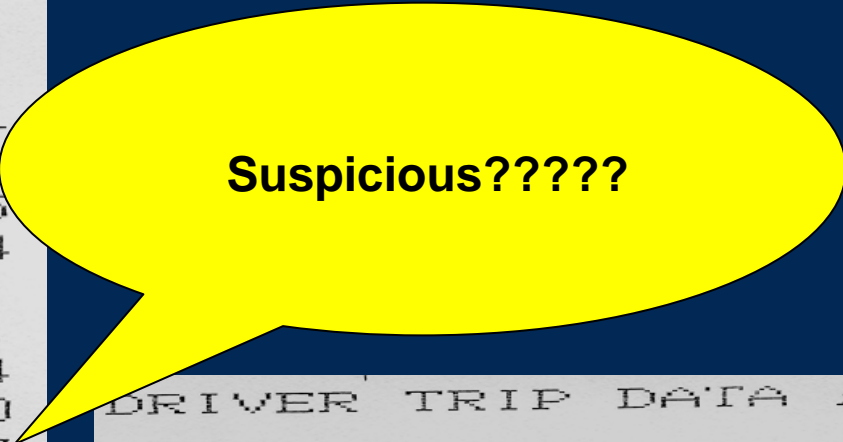


How it will work - sanctions



Case study 1 revisited

KPH HISTOGRAM		
KMH	PERCENT	TIME
0	1%	1:33
8	0%	0:45
16	0%	0:24
24	0%	0:21
32	0%	0:21
40	0%	0:24
48	26%	61:00
56	15%	34:57
64	53%	123:36
72	0%	0:33
81	0%	0:18
89	0%	0:33
97	3%	6:00
105	0%	0:00
113	0%	0:00
121	0%	0:00



DRIVER TRIP DATA £1	
TIME	0:39
DRV TIME	0:15
DISTANCE	9.8KM
FUEL	5.2L
FUEL ECON	1.88KML
DRV FUEL ECON	2.7KML
IDLE TIME	0:24
IDLE FUEL	0.9L
% IDLE TIME	61%
PTO TIME	0:00
PTO FUEL	0.0L
% PTO TIME	0%
AVG LOAD FACTOR	18%
AVG VEH SPD	15.1KMH
AVG DRV SPD	39.2KMH
MAX VEH SPD	100KMH
MAX ENG SPD	1746RPM
START TIME	3907:45
END TIME	3908:24
START ODOM	260531.9KM
END ODOM	260541.7KM

Case study 2 revisited

- 'responsible entity' will be liable for container weight declaration offences
- driver and operator have special defence if truck overloaded as a result of an understated declaration
- driver has duty not to take container onto road network without declaration
- operator has duty to ensure driver has weight declaration before journey commences

Will it work?



- consensus of consultation
- commitment of Ministers
- commitment of agencies
- responsible members of the industry are already taking steps, including developing codes

Will it work?

- chain of responsibility means improved co-operation and accountability of all parties
- the new Compliance and Enforcement package will make it work



The screenshot shows the NTC Australia website homepage. At the top left is the NTC Australia logo. To its right are four small images: a truck, a container, a railway track, and a wheel. Below the logo is a navigation menu with links: SEARCH, HOME, ABOUT US, SITE MAP, CONTACT US, LINKS, GROUPS, HELP, REGISTER. A secondary menu highlights 'ALL MODES' (with sub-links for Safety, Environment, Compliance, Efficiency, Pricing, All) and 'ROAD' (with sub-links for News, Reforms, Publications). A 'RAIL' tab is also visible. On the left side, there is a 'QUICK LINKS' section with four items: 'Get the most out of your visit', 'Register to receive updates on the pages that interest you', 'National Vehicle Standards', and 'Australian Road Rules'. The main content area features 'The News Desk' with a list of seven news items. Below this, there are sections for 'Our Vision - the best transport outcomes for Australia' and 'Intelligent Access Program (IAP)'. On the right side, there are links for 'Job Opportunities with the NTC' and 'Intelligent Access Program (IAP)'. The footer contains the NTC Australia logo.

NTC AUSTRALIA
National Transport Commission

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ALL MODES ROAD RAIL

Safety Environment Compliance Efficiency Pricing All

News Reforms Publications

QUICK LINKS

- Get the most out of your visit
View our online site guide
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- National Vehicle Standards**
Click Here
- Australian Road Rules**
Click Here

The News Desk

- Heavy Vehicle Accreditation Schemes Update
- Rail health decision
- National Standard for Health Assessment of Rail Safety Workers
- Rail safety a key focus for NTC
- Improving the Regulatory Framework for Rail Safety in Australia
- Load Restraint Guide - Launch of 2nd Edition 2004
- How to obtain Dangerous Goods Publications
- Who to Contact about Dangerous Goods

Our Vision - the best transport outcomes for Australia

The National Transport Commission (NTC) commenced operations in January 2004 after all governments - Commonwealth, States and Territories - agreed to build on significant road reforms achieved in recent years, and to extend the approach to include rail and intermodal transport.

[Job Opportunities with the NTC](#)

[Intelligent Access Program \(IAP\)](#)

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