

**Chain of responsibility -  
A Victorian enforcement perspective**

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# CHAIN OF RESPONSIBILITY

**Control > Responsibility > Legal Liability**

**Manufacturer → Loader → Transport Company ↘**

**Driver → Receiver**



**LIVES DEPEND ON IT**

**Driver → Storage ↘**

**↙ Consignor ← Consignee**



# Loader/Packer

Fact Sheet 3

June 2005

## What is the chain of responsibility?

The chain of responsibility means that anybody - not just the driver - who has control in a transport operation is held responsible for any breach of the law and may be made liable. In other words, if you use a vehicle in your business, you are responsible for ensuring breach of the law does not occur.

If a breach of the law occurs, you may be held responsible for it.

- There was nothing that you could reasonably have been expected to do to prevent the breach,
- You can't be liable for an offence under the law if you can demonstrate that you have taken all reasonable steps to prevent a breach of the law.

## What do you need to do?

You should know your vehicle and the rules of ways you can do it. You should know the weight of your load and use weighbridge dockets and road scales to check it.

responsibility

# Operator / Manager Scheduler

June 2005

Sheet 5

## What is the chain of responsibility?



A system for your drivers so that regulated hours of work and any speed limits, and it opportunity for...  
...in place  
...are kept in  
...properly

# Driver

You should know your vehicle and the rules of ways you can do it. You should know the weight of your load and use weighbridge dockets and road scales to check it.

## What is the chain of responsibility?

The chain of responsibility means that anybody - not just the driver - who has control in a transport operation is held responsible for any breach of the law and may be made liable. In other words, if you use a vehicle in your business, you are responsible for ensuring breach of the law does not occur.

Fact Sheet 2

# Consignor / Receiver

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If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:  
○ You have taken all reasonable steps to prevent the breach, or  
○ There was nothing that you could reasonably have been expected to do to prevent the breach,  
you won't be liable for an offence under the law if you can demonstrate that you have taken all reasonable steps to prevent a breach of the law.

## What do you need to do?

You should know your vehicle and the rules of ways you can do it. You should know the weight of your load and use weighbridge dockets and road scales to check it.

# Overview

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## What is the chain of responsibility?

The chain of responsibility means that anybody - not just the driver - who has control in a transport operation is held responsible for any breach of the law and may be made liable. In other words, if you use a vehicle in your business, you are responsible for ensuring breach of the law does not occur.

- Further information on the responsibilities of specific parties in the transport chain is provided in the following fact sheets:
- Consignor/Receiver - Fact Sheet 2
  - Loader/Packer - Fact Sheet 3
  - Driver - Fact Sheet 4
  - Operator/Manager/Scheduler - Fact Sheet 5

## Corporate and management liability

Under the legislation, a corporation, partnership or other body corporate can be found guilty of an offence under the chain of responsibility.

- Corporate liability applies to a corporation, partnership or other body corporate.
- The organisation is a corporation, partnership or other body corporate.
- An employee or agent of the corporation, partnership or other body corporate.

# Legislation



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A person must not ask, direct or require, directly or indirectly, a driver to do something if the person knows, or reasonably ought to know, that by so complying the driver, or would be likely to, commit –

- a core driving hours offence;
- a driving record offence; or
- a speeding offence.



# Legislation



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A consignor must not engage someone to transport goods by road if the consignor knows, or reasonably ought to know, that by complying with an express or implied condition the driver of a heavy truck would or would likely to, commit –

- a core driving hours, a driving record or a speeding offence.



# Legislation



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An employer must not permit an employed driver to drive a heavy truck if the employer knows, or reasonably ought to know, that by driving the vehicle the driver would, or would be likely to commit a core driving hours offence.





# Investigation powers



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- **Vehicle:**
  - inspect, search & seize
- **Premises:**
  - Enter, inspect, search, copy, seize, give directions



# Penalties



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- Natural person – 15 penalty units
- Body corporate – 75 penalty units

Penalty unit = \$104.81

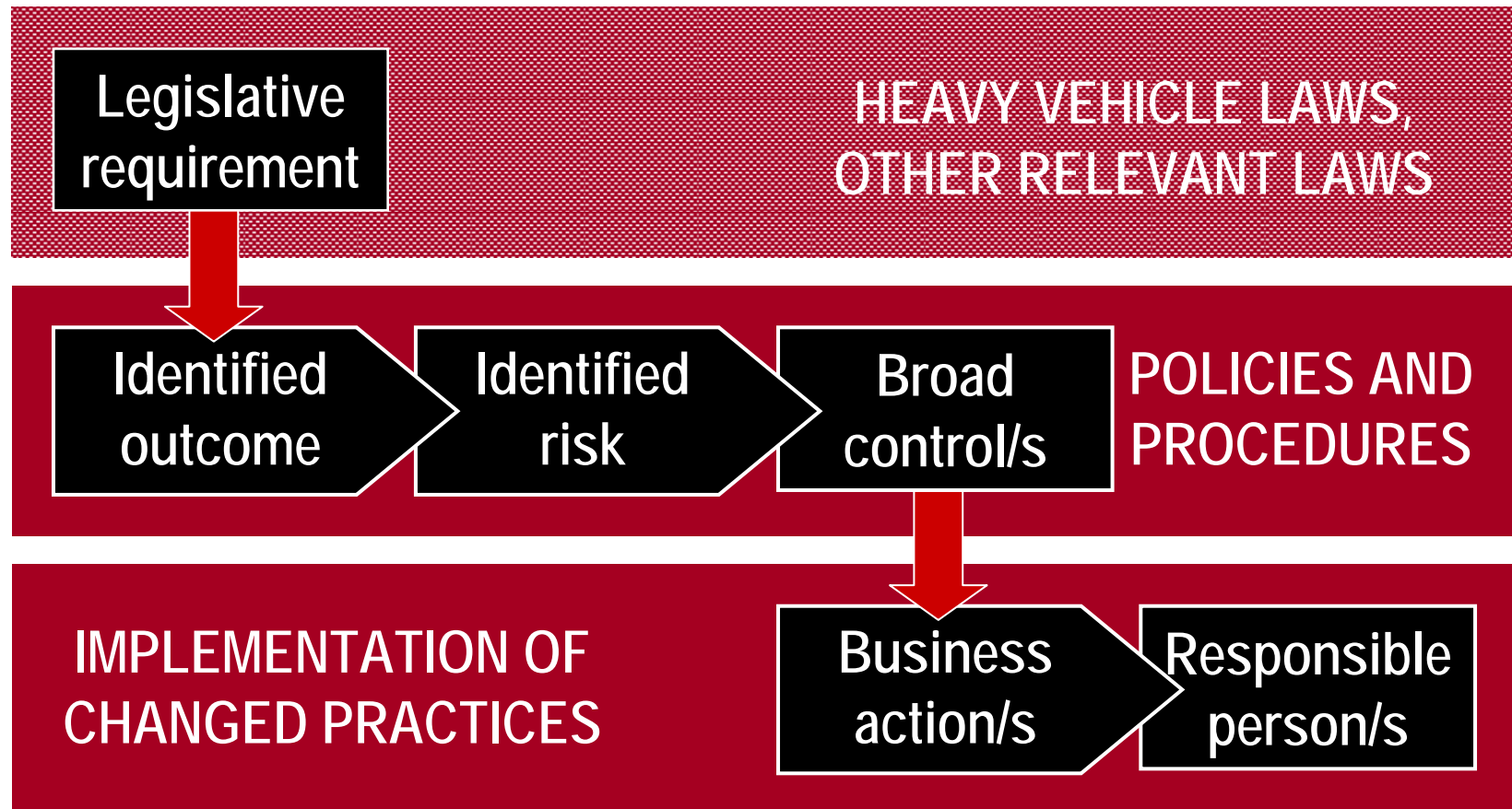




# What can industry do?



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# Changing industry culture



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SAFETY



LEGAL  
PROTECTION



COMPETITIVE EDGE

PRODUCTIVITY





# Enforcement Liaison Committee



# THE FUTURE



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- continue investigations & prosecutions
- work closer with other agencies
- use of technology to examine evidence
- use of technology to remotely identify breaches
- further promote self policing amongst industry and others in the chain
- change the culture
- examine ways of police issued penalties – quicker outcome & avoid court

