



Driver

Fact Sheet 4

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 can be held responsible for breaches of road laws and may be made legally liable. In other words, those who use road transport as part of their business, share responsibility for ensuring breaches of road laws do not occur.

If a breach of road transport law occurs due to someone's action, inaction or demands, they may be legally accountable.

Put simply this means:

Control = responsibility = legal liability

New laws

The chain of responsibility currently applies under driving hours and dangerous goods regulations. New provisions in the Road Safety Act 1986 mean that from 30 September 2005 the chain of responsibility also applies to mass and dimension limits, and load restraint requirements.

What are my responsibilities?

As a truck driver, your responsibilities include making sure that:

- You adhere to the driving hours regulations (time spent driving and working)
- You take the required rest breaks
- You record your driving hours as required
- Your vehicle does not exceed mass limits
- Your vehicle and load do not exceed dimension limits
- Your load is appropriately restrained
- You do not exceed the speed limit
- You do not tamper with any equipment required to be fitted to the vehicle

What do I need to do?

As a driver, you need to make sure that your conduct does not compromise road safety or involve breaking the law.

You should know your vehicle's mass.

Examples of ways you can do this include:

- Keeping weighbridge docketts issued to the vehicle you are driving
- Using on-board scales to check your weights
- Keeping any loading documentation that shows the weight of your load

You must not exceed the regulated hours for driving and working. Remember that these are **maximum** hours. You should always rest when tired and have adequate sleep to prevent fatigue.

You should make sure that your vehicle does not exceed legal dimensions.

Your load should be checked to ensure it is properly restrained, even if you are not the person who loaded the vehicle. You should check the adequacy and condition of restraining equipment (chains, ropes, straps etc).

You should make sure you observe the speed limit at all times.

Special defence for drivers

From 30 September 2005, if someone else is responsible for maintaining the vehicle you drive, or its equipment, you won't be liable for any deficiencies provided that you:

- Did not cause or contribute to the deficiency;
- Did not know or could not reasonably be expected to have known of the deficiency; and
- Could not reasonably be expected to have checked whether there were or were likely to be deficiencies.

Further Information

For more information about the chain of responsibility call VicRoads on 13 11 71, or check VicRoads website: www.vicroads.vic.gov.au