



# chain of responsibility

Understanding your obligations as a customer in Western Australia

**TOLL**

# All parties in the supply chain are responsible for safe on-road behaviour.

## why chain of responsibility is *your* core business

Freight transport is an essential part of the Australian economy. It delivers goods to the consumers that want them and provides employment for hundreds of thousands of people.

However, transport and logistics is one of the most dangerous Australian occupations. Incorrectly loaded vehicles can lead to rollovers, injury, lost or damaged loads and even death. Speeding and fatigue are major contributors to road safety accidents. For these reasons, everyone involved in the supply chain must be vigilant about safety and ensure their actions (or inactions) don't cause other people to do the wrong thing.

This is at the heart of chain of responsibility: that all parties in the supply chain work to ensure safe on-road behaviours.

This is Toll's responsibility. This is *your* responsibility.

It is essential that you understand how chain of responsibility works and what your obligations are. Failure to understand and comply with these requirements could have serious safety and legal consequences.

## what is chain of responsibility?

Chain of responsibility (or CoR) is a legal concept used in Australian road transport law. Chain of responsibility recognises that what happens on the road can sometimes be influenced by off-road parties in the supply chain. These parties include people who dispatch and receive goods, people who load and pack goods, employers, operators and people who schedule drivers.

On-road safety requires all parties in the chain to behave in ways that ensure that safe vehicles with safe drivers and safe loads are on the roads at all times. This is a collective responsibility that requires everyone to do their part.

For most states and territories, chain of responsibility is given effect through the heavy vehicle national law (HVNL) which became operational in Australia from February 2014. (However, chain of responsibility is not new – it has been in force in several Australian states in various forms since the late 1980s).

Western Australia is introducing chain of responsibility laws for the first time from 27<sup>th</sup> April 2015. WA's laws apply chain of responsibility provisions to mass, dimension and load restraint and also introduce a new compliance and enforcement framework. WA's laws are largely consistent with the mass, dimension and load restraint provisions in the HVNL, however there are some important differences.

## why is chain of responsibility important to Toll Group?

Toll Group considers chain of responsibility a fundamental part of looking after the safety of our workers, road users and the people we work with, whether customers or contractors.

Chain of responsibility compliance is also one of the ways Toll seeks to differentiate itself from its competitors and to be recognised as a market leader. Toll seeks to partner with supply chain parties who are fully committed to fulfilling their chain of responsibility obligations.

## what is the purpose of this guide?

This guide has been produced to help inform Toll's Western Australia customers and clients about chain of responsibility.

The guide explains:

- how chain of responsibility works in the state of Western Australia (a separate brochure is available on CoR in the rest of Australia)
- why chain of responsibility is important
- what obligations are imposed on clients and customers by chain of responsibility, and
- how Toll fulfils its obligations and provides peace of mind to its supply chain partners.

## why are off-road parties considered important?

Before the introduction of chain of responsibility, drivers and sometimes operators were the focus of enforcement. This approach penalised drivers while overlooking or downplaying the role of off-road parties in influencing on-road behaviour.

Off-road parties can influence or direct on-road behaviour in many ways. They can directly or indirectly encourage unsafe behaviour by, for example:

- Incentivising speeding through imposing penalties for late deliveries
- Developing schedules that don't provide sufficient time for restorative rest
- Accepting delivery of over-mass loads without taking corrective action
- Using out-dated or inappropriate methods of load restraint

Off-road parties can also influence on-road behaviour by omitting or neglecting to do important safety-related things, for example:

- Maintaining vehicles to a roadworthy standard
- Checking that operators have the relevant accreditation and access approvals
- Investigating 'near misses' and taking steps to ensure they don't recur
- Assessing available hours to ensure drivers do not breach work and rest limits.

## how does CoR ‘capture’ off-road parties in the chain?

Chain of responsibility works by imposing specific duties or obligations on parties in the chain. It also stipulates parties who, by virtue of their influence over the vehicle and its load, can be considered in breach of the law where the vehicle and/or its load is non compliant.

The parties identified in the WA law include:

- The driver and co-driver
- The vehicle licensee (the person or organisation in whose name the vehicle is registered; generally the operator)
- The consignor (dispatcher or freight forwarder)
- The consignee (the receiver)
- The loader
- The packer

Sometimes the law simply names a ‘person’ as having responsibilities or legal accountability. For example, ‘a person must not urge another person to commit an MDLR offence’. (MDLR stands for mass, dimension and load restraint).

When specific duties are imposed, those parties are required to do (or not do) certain things.

For example, did you know that:

- If you are the consignor of a freight container for transportation by road you must ensure a complying container weight declaration is provided to the operator before the journey commences.
- If you are a packer or loader of goods you can be held liable if the transport documentation for the goods is false or misleading in regards to the load’s mass, dimension and load restraint.
- If you accept overloaded or poorly restrained vehicles at your site without taking steps to prevent its recurrence, you may be considered to have encouraged or incentivised the offence.
- If you are involved in any way in the transport task and you pass on information, whether in writing or verbally, that is false or misleading in regards to mass, dimension and load restraint, you may have committed an offence.

A table of CoR duties and offences is included in this brochure. However, complying with CoR isn’t about avoiding legal penalties. It is a way of keeping drivers and other road users safe.

## where does chain of responsibility apply?

Western Australia is introducing CoR provisions for mass, dimension and load restraint. It is also introducing a couple of CoR provisions for vehicle permits and vehicle safety. Western Australia is **not** introducing CoR for speeding, nor is it changing the way it manages fatigue.

Importantly, the CoR provisions being applied to mass, dimension and load restraint cover **all** vehicles, i.e. heavy and light vehicles that travel on Western Australian roads. This is a significant difference to the HVNL which only applies to heavy vehicles.

Obligations are placed on parties in the chain in relation to:

- mass requirements
- load restraint requirements
- dimension requirements
- vehicle permits/access, and
- vehicle safety.

## how do I know if I’m a party in the chain?

The parties in the supply chain and the areas where specific duties are assigned or offences apply are shown in the table below. Toll’s customers and clients would generally fall into the category of consignors, packers, loaders, consignees and responsible entities. Anyone involved in the road transport task is captured by provisions that apply to ‘a person’.

It is important to understand that a person becomes a party in the chain by virtue of the function they fulfil, not by their job title. For example, a job title doesn’t have to include the word ‘loader’. If someone is involved in loading goods into a vehicle including giving instructions to people that load a vehicle then they perform at least some of the functions of a loader. Therefore, they have CoR responsibilities.

It is possible for one person to act as more than one party in the chain at any one time. For example, a person might perform both loader and consignor functions and have obligations under the law for both functions.

In addition to the parties named above, executive officer liability applies in the Western Australian law. This means that officers of body corporates, employers, partners and directors can be held liable if a person employed by their organisation is alleged to have committed an offence.

Party	Mass	Dimension	Load restraint	Vehicle permit	Vehicle Safety
Driver	x	x	x	x	
Co-driver	x	x	x	x	
Operator <sup>1</sup>	x	x	x	x	
Consignor	x	x	x	x	
Loader	x	x	x	x	
Packer	x	x	x	x	
Responsible entity for a freight container <sup>2</sup>	x				
Consignee	x	x	x		
Receiver of goods in Australia <sup>3</sup>	x	x	x		
A person	x	x	x		x

<sup>1</sup> The Road Traffic (Administration) Act 2008 refers to ‘a responsible person for the vehicle’ as a licence holder or owner of the vehicle or the person entitled to immediate possession of the vehicle. This is equivalent to the HVNL concept of “operator”.

<sup>2</sup> Generally the consignor or the person in Australia who offers the container for road transport.

<sup>3</sup> Receiver of goods in Australia means the first person to receive the goods in Australia (but not someone who simply unloads them).

## CoR provisions for mass, dimension and load restraint

Vehicles that are overloaded, poorly or improperly restrained and over-dimension can have serious consequences including:

- Harm to public safety and the environment
- Unfair commercial advantage
- Damage to roads and other public infrastructure
- Traffic congestion, and
- Diminished public amenity

To prevent these outcomes, parties involved in the transport of goods on Western Australian roads must take steps to ensure that:

- The gross mass of the loaded vehicle is compliant with the manufacturer's specification and any law applicable to the vehicle (including design rules, vehicle standards, orders and permits). In other words, the vehicle must not be overloaded.
- The axles are loaded within the mass tolerance for that axle or axle grouping. (A vehicle and its load can be within gross mass limits but still be overloaded and in breach of the law if an individual axle is loaded beyond its statutory limit).
- The load is securely and appropriately restrained and will not shift or be displaced during the journey. (Even if the load does not shift during transport it may still be in breach of the law if it is not restrained according to the National Transport Commission's *Load Restraint Guide*).
- The load is evenly distributed so as to minimise the risk of a rollover.
- Loads and their restraints do not project from the vehicle beyond set limits, pose no danger to other road users and are clearly visible, including through the use of flags and warning lights where required.

## Container weight declaration

The new law introduces a requirement for a complying container weight declaration (CWD) for all containers transported by road, even where only part of the freight transport occurs via road. The CWD states the weight of the container and its contents and may be paper-based or electronic. The law does not specify a format for a CWD, but it must contain:

- The weight of the freight container and its contents
- The number and other particulars of the freight container necessary to identify it
- The name and address (home or business) in Australia of the responsible entity
- The date of the declaration

Documents such as a bill of lading/delivery order for imports and a pre-receival advice (PRA) for exports is a CWD if it contains all of the above information. Typically, a consignor would prepare a CWD and provide it to the road transport operator. It is an offence for a driver to commence a journey without a CWD.

Serious penalties apply if the CWD understates the actual weight of the container so all parties in the chain, including consignors (for example importers, shipping agents and freight forwarders), stevedores, drivers, operators and consignees must take steps to ensure the accuracy of the CWD.

## vehicle permits and access

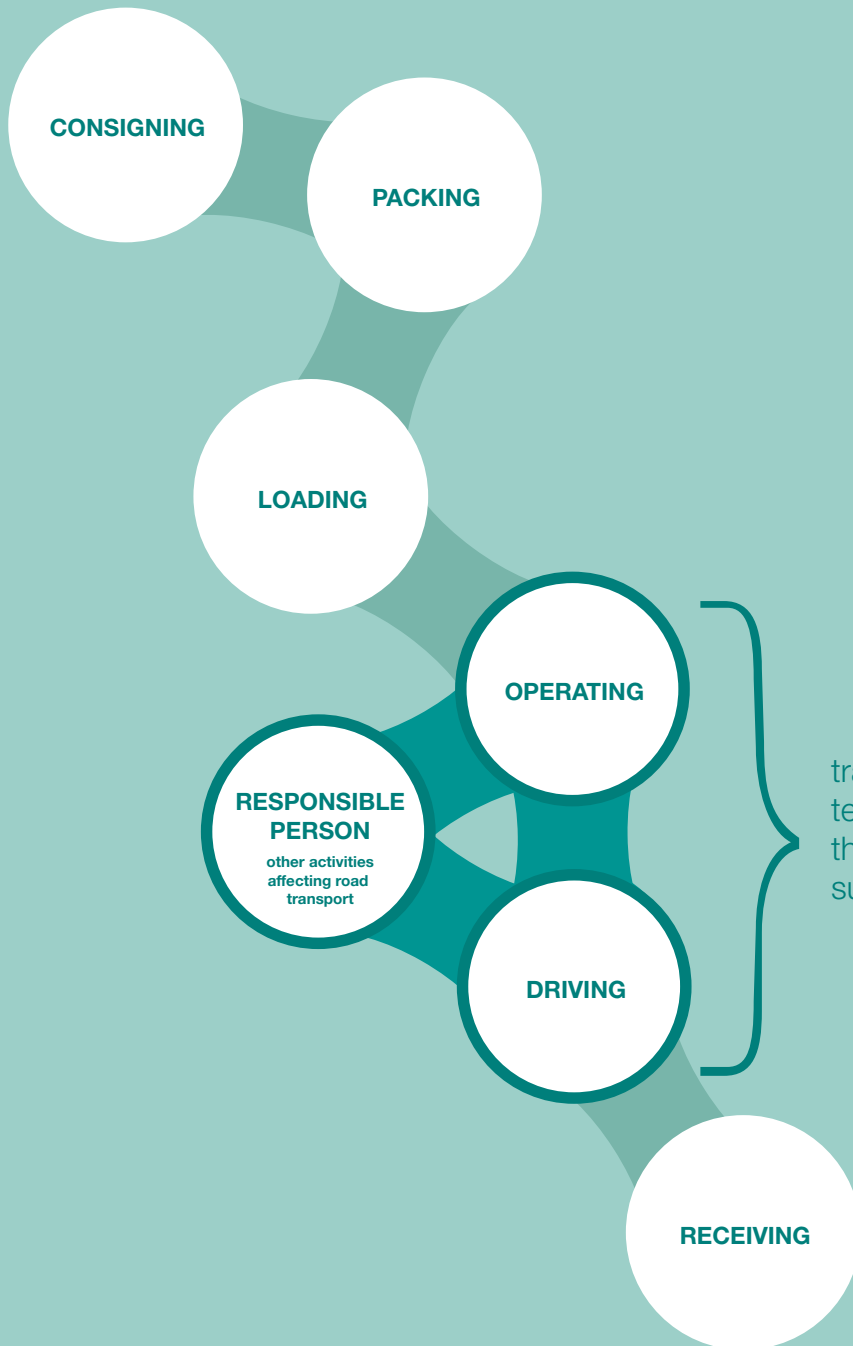
Western Australian law requires that operators be accredited by Main Roads Western Australia (MRWA) before they can legally operate a restricted access vehicle (RAV). RAVs include b-doubles and road trains and must not be on a public road without access approval.

This approval may take the form of a specific permit for the vehicle or an order (called a "notice" in the HVNL), which applies to a class of vehicle. Permits or orders can also specify routes, times of travel and particular requirements by which the vehicle and driver must abide. These permissions are important to ensure that vehicles travel on appropriate roads in a manner that does not compromise public safety, amenity and infrastructure.

If a RAV is on a road without approval, then parties such as drivers, consignors, loaders, packers and operators can be held accountable. It is therefore important that parties satisfy themselves that their freight transporters hold the appropriate accreditation and approvals.

## vehicle safety

All vehicles, trailers and combinations are subject to standards to ensure they are safe and roadworthy. A person who permits a sub-standard vehicle to be on the road can be held legally accountable. It is therefore important that parties satisfy themselves that the fleets that transport their freight are well maintained, including that speed limiters are correctly calibrated.



## we've never had any problems, so why do we need chain of responsibility?

At the heart of chain of responsibility is a refusal to be complacent. It recognises that we cannot afford to assume that 'the way we've always done things' is good enough. Our beliefs and attitudes, however genuinely held, could be mistaken and lead us to overlook important safety considerations.

Such beliefs and attitudes might include:

- 'The driver tells me where to put the load. I just do what she says'
- 'My job is to pack the goods. What happens on the road is nothing to do with me'
- 'I don't know when it was last tested but I'm pretty sure that the weighbridge is accurate'
- 'How was I to know that the permit had expired?'
- 'I just go by the weight on the docket'

CoR requires that we actively review our practices and beliefs, and that we learn from our past incidents and near-misses.

If we develop this mindset we are living and breathing chain of responsibility.

## how can I make sure other people do the right thing?

Being a party in the supply chain, you are in a position to influence other people to do the right thing.

However, there are practical limits to the influence of even the most diligent individual. Despite best endeavours, mistakes can still happen and other parties may remain ignorant of their responsibilities or deliberately break the law.

We cannot always control other people's actions. What we can do is take the reasonable steps available through our own power and influence to promote the safety and wellbeing of others.

As far as the law is concerned, even if an accident or a breach occurs, if you can show that you took all reasonable steps to prevent it, then you have fulfilled your responsibilities.

As a defence, reasonable steps only applies where:

You did not know, and could not reasonably have been expected to know, of the contravention concerned; **and**

### Either

You took all reasonable steps to prevent the contravention; **or**

There were no steps you could reasonably have been expected to take to prevent the contravention.

The law requires all reasonable steps to be taken. Not some, but *all* reasonable steps.

## how does Toll take reasonable steps?

The way in which Toll takes reasonable steps to ensure the safety of its workers, clients, customers and other road users varies depending on the nature of the transport task.

Some of the ways in which Toll may take reasonable steps in regards to mass, dimension and load restraint include:

- Use of weighbridges, on-board mass technology and scales to accurately and safely weigh loads
- In-truck and outward-facing cameras to measure G-force events to enable incident investigation and customised driver training
- Load-specific restraint guides and training in load restraint approaches and equipment
- Purpose built load plans to ensure loads are matched to the appropriate vehicle combination
- An inhouse standard for maintenance and repairs that ensures Toll vehicles are roadworthy
- Strict compliance standards for speed limiters
- Pre-qualification and ongoing auditing of subcontractors to ensure they meet Toll standards
- Ongoing consultation with industry associations, regulators, enforcement agencies and unions to ensure best practice and continuous improvement.

If you are a consignor or consignee, you need to satisfy yourself that the terms on which goods are transported won't lead to breaches of the law. In other words, **you need to know the reasonable steps that your transport partners are taking.**

## what are the consequences of non compliance?

Non compliance with chain of responsibility provisions could mean injury or even death for a driver, customer, client or fellow road-user. This is the primary reason for compliance with chain of responsibility provisions.

Beyond safety and reputational consequences, non compliance can also have serious legal consequences. The diagram on next page represents the enforcement options possible under the Western Australian law.

At the bottom of the pyramid are educative interventions such as improvement notices and formal warnings which require corrective action but don't incur fines or other sanctions if the corrective action is taken. Infringement notices are fines that may be contested in court. Monetary penalties are expressed in terms of 'penalty units' with one penalty unit currently equivalent to \$50. Driver and vehicle sanctions can include the suspension or cancellation of a vehicle registration or a driver licence.

Courts may impose fines of up to \$15,000 for a single, serious mass offence. Company fines are five times that for individuals. In addition to fines, courts can impose other serious sanctions. A commercial benefit penalty allows the court to impose a fine up to three times the amount the defendant would have profited if the offence had gone undetected. Compensation orders require the guilty party to compensate the state for damage to infrastructure such as roads or bridges. (A recent compensation order in NSW was in excess of one million dollars). Supervisory intervention orders can require companies to improve their compliance through, for example, appointing or removing staff, installing telematics devices and implementing practices and procedures as dictated by the court. Where a prohibition order is issued the person named is prohibited from having any role or responsibility associated with road transport for up to one year.

## what if I'm involved in the transport of freight between WA and the Eastern States?

You must comply with the law of the jurisdiction in which you're operating. The relevant legislation for Western Australia is listed below:

- Road Traffic Act 1974
- Road Traffic (Administration) Act 2008
- Road Traffic (Administration) Regulations 2014
- Road Traffic (Authorisation to Drive) Act 2008
- Road Traffic (Authorisation to Drive) Regulations 2014
- Road Traffic (Vehicles) Act 2012
- Road Traffic (Vehicles) Regulations 2014

The following table summarises the major differences and similarities between the CoR approaches in WA and the states that operate under the heavy vehicle national law (HVNL):

Feature of CoR Law	WA Law	HVNL
Applies to vehicles below 4.5 tonne GVM/GCM, i.e. light vehicles	✓	✗
Applies to vehicles 4.5 tonne GVM/GCM and above	✓	✓
Applies to mass, dimension and load restraint	✓	✓
Applies to speed management	✗	✓
Applies to fatigue management	✗	✓
Applies to access for heavy vehicles	✓	✗
Container weight declarations are required	✓	✓
Executive officer liability applies	✓	✓

Operators accredited under the National Heavy Vehicle Accreditation Scheme for fatigue continue to be bound by the HVNL rules for fatigue for a period of seven days. If operating within WA for longer than seven days, operators must comply with WA fatigue rules. Mutual recognition for fatigue does not, however, apply to operators crossing the border from WA into the HVNL states.

The WA Road Traffic (Administration) Regulation 2014 s.9 lists provisions in the HVNL that are taken to have the same meaning as provisions in the WA laws. They include directions around stopping, moving and leaving vehicles, requirements to produce documents and to give information.

Any court sanction under the HVNL remains in effect in WA. Therefore, an operator convicted under the HVNL does not receive a 'clean slate' if they commence operations in WA.

The WA law is explicit that a conviction for mass, dimension and load restraint under the HVNL is considered a conviction under the WA law.

## further information

The National Transport Commission's Load Restraint Guide is available here: <http://www.ntc.gov.au/heavy-vehicles/safety/load-restraint-guide/>

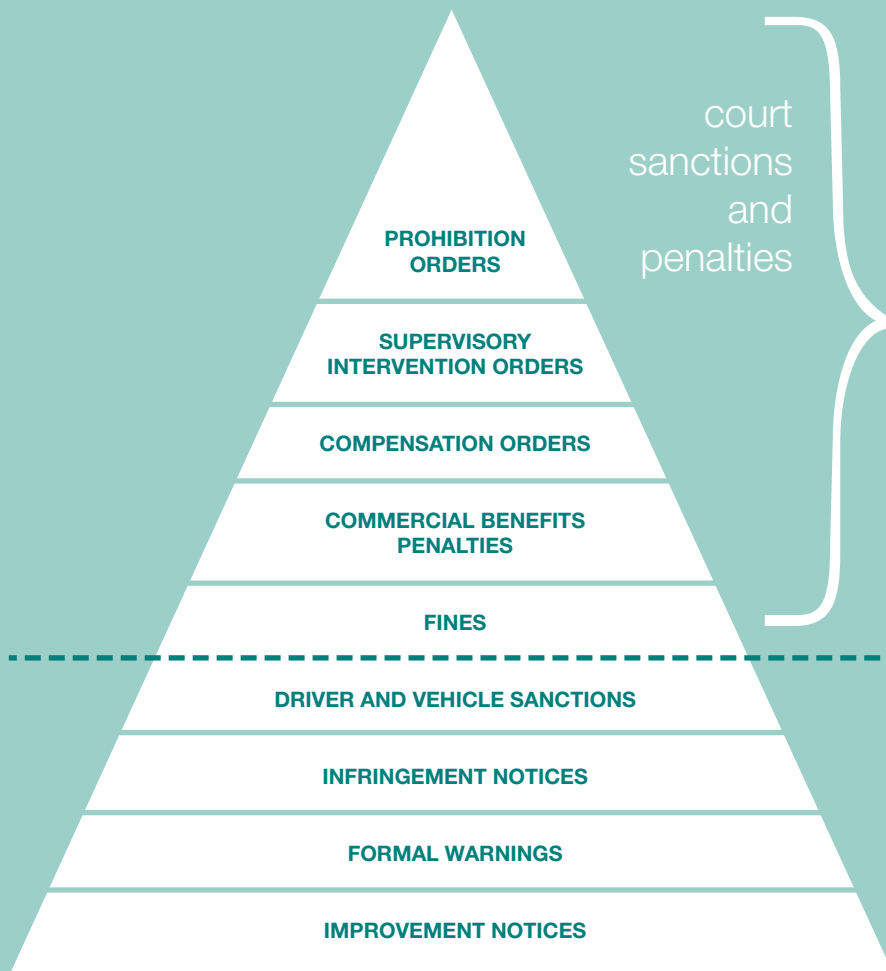
Main Roads Western Australia's fact sheets on CoR are available here: <https://www.mainroads.wa.gov.au/UsingRoads/HeavyVehicles/Compliance/Pages/CoR.aspx>

The Australian Logistics Council makes guidance material in relation to load restraint available here: <http://alcsafety.com.au/guidance-tools>

Fremantle Ports has a guide to container weight declarations available here: <https://www.mainroads.wa.gov.au/Documents/A%20Guide%20to%20Container%20Weight%20Declarations.RCN-D14%5E23338689.PDF>

The National Institute of Measurement has a list of licensed weighbridges available here: <http://www.measurement.gov.au/TradeMeasurement/Licensees/Pages/PublicWeighbridgeLicensees.aspx>

# the enforcement pyramid





# 1. Mass, dimension and loading – obligations and offences

PU = penalty unit. Currently 1 PU = \$50

In some instances the law specifies a minimum penalty. These minimums are not shown on the tables.

## 1.1 specific obligations

Obligation/Duty	Reference	Party	Penalty
A responsible entity who offers a consigned freight container for transport must ensure that, before the start of the transport of the container in this State (a) the responsible person is provided with a complying container weight declaration relating to the container; or (b) the driver or a co-driver of the vehicle is provided with a complying container weight declaration relating to the container	Road Traffic (Vehicles) Act 2012, s. 86 (1)	Consignor, or person who in Australia offers the container for transport	50 PU
A responsible person for a vehicle who arranges for a consigned freight container to be transported must ensure that, before the start of the journey the driver or a co-driver of the vehicle is provided with a complying container weight declaration	Road Traffic (Vehicles) Act 2012, s. 87 (1)	Vehicle licensee	50 PU
A responsible person for a vehicle who arranges for a consigned freight container to be transported by the vehicle and another road or rail carrier must ensure that, by the time the other carrier receives the container, the other carrier is provided with a complying container weight declaration	Road Traffic (Vehicles) Act 2012, s. 87 (2)	Vehicle licensee	50 PU (5 PU if dealt with by infringement notice – Road Traffic (Administration) Regulations 2014 r 22)
A person must not drive, or be a co-driver of, a vehicle loaded with a consigned freight container without ensuring that the driver or a co-driver has been provided with a complying container weight declaration	Road Traffic (Vehicles) Act 2012, s. 88 (1)	Driver	50 PU (5 PU if dealt with by infringement notice – Road Traffic (Administration) Regulations 2014 r 22)
The driver or a co-driver of a vehicle who has been provided with a complying container weight declaration must, during the course of a journey in this State, keep the declaration in or about the vehicle or in a form that enables the declaration to be readily accessed from the vehicle	Road Traffic (Vehicles) Act 2012, s. 88 (2)	Driver Co-driver	50 PU (5 PU if dealt with by infringement notice – Road Traffic (Administration) Regulations 2014 r 22)
A person must not urge another person to commit a MDLR <sup>4</sup> offence	Road Traffic (Vehicles) Act 2012, s. 106 (2)	All parties in the chain	200 PU
An involved person must not provide to another involved person information in oral or written form that is false or misleading in a material particular if (a) the person providing the information either knows that, or is reckless as to whether, the information is false or misleading in a material particular; and (b) the material particular relates to an MDLR offence that is or could be committed by any other involved person if that person were to rely on the material particular; and (c) the person receiving the information does not know and could not reasonably be expected to know or ascertain that the information is false or misleading in that particular	Road Traffic (Vehicles) Act 2012, s. 107	Anyone involved in the transport of the goods by road	200 PU

<sup>4</sup> MDLR = mass, dimension, load restraint

## 1.2 offences

Offence	Reference	Party	Penalty for heavy vehicles
<p>A person connected with a vehicle commits an offence if</p> <ul style="list-style-type: none"> <li>(a) the vehicle is on a road; and</li> <li>(b) a mass, dimension or loading requirement that applies to the vehicle or its load or to the vehicle and its load is not being complied with</li> </ul>	Road Traffic (Vehicles) Act 2012, s. 29 (1)	Driver Co-driver Vehicle licensee Consignor Loader Packer	Mass offence – varies between 20 and 300 PU depending on the extent of the overload  Loading (minor) – up to 4 PU Dimension (minor) – up to 20 PU Loading or dimension (substantial) – up to 40 PU Loading or dimension (severe) – up to 100 PU
<p>A consignee commits an offence if</p> <ul style="list-style-type: none"> <li>(a) the person engages in conduct that results, or is likely to result, in inducing or rewarding the commission of a breach of a mass, dimension or loading requirement; and</li> <li>(b) the person either               <ul style="list-style-type: none"> <li>(i) intends the result mentioned in paragraph (a); or</li> <li>(ii) is negligent or reckless as to whether the result mentioned in paragraph (a) occurs</li> </ul> </li> </ul> <p>A consignee is to be taken to have intended the result mentioned above if</p> <ul style="list-style-type: none"> <li>(a) the conduct concerned relates to a freight container consigned for road transport, or for transport partly by road and partly by some other means; and</li> <li>(b) the person knew or ought reasonably to have known that               <ul style="list-style-type: none"> <li>(i) a container weight declaration for the freight container was not provided; or</li> <li>(ii) a container weight declaration provided for the container contained information about the weight of the container and its contents that was false or misleading in a material particular</li> </ul> </li> </ul>	Road Traffic (Vehicles) Act 2012, s. 31	Consignee	200 PU
<p>A consignor commits an offence if the transport documentation relating to the consignment is false or misleading in a material particular relating to a mass, dimension or loading requirement that is applicable to any or all of the goods</p>	Road Traffic (Vehicles) Act 2012, s. 95	Consignor	200 PU
<p>A packer commits an offence if</p> <ul style="list-style-type: none"> <li>(a) the goods are packed in Australia in a freight container or other container or in a package or on a pallet for road transport; and</li> <li>(b) the transport documentation relating to the consignment of the goods is false or misleading in a material particular relating to a mass, dimension or loading requirement that is applicable to any or all of the goods</li> </ul>	Road Traffic (Vehicles) Act 2012, s. 96	Packer	200 PU

## 1.2 offences

Offence	Reference	Party	Penalty for heavy vehicles
A loader commits an offence if (a) goods are loaded on the vehicle for road transport; and (b) the transport documentation relating to the consignment of the goods is false or misleading in a material particular relating to a mass, dimension or loading requirement that is applicable to any or all of the goods	Road Traffic (Vehicles) Act 2012, s. 97	Loader	200 PU
A receiver of goods in Australia commits an offence if (a) the goods are packed outside Australia in a freight container or other container or in a package or on a pallet for road transport; and (b) the transport documentation relating to the consignment of the goods for road transport in the State is false or misleading in a material particular relating to a mass, dimension or loading requirement that is applicable to any or all of the goods	Road Traffic (Vehicles) Act 2012, s. 98	The first person in Australia to receive the goods, other than the person who merely unloads them <sup>5</sup>	200 PU
A responsible entity commits an offence if the container weight declaration contains information that is false or misleading in a material particular	Road Traffic (Vehicles) Act 2012, s. 99	Consignor in Australia, or person who in Australia on behalf of the consignor, arranges for the transport of the container or offers the container for transport	200 PU
A responsible person for a vehicle commits an offence if the container weight declaration is false or misleading in a material particular	Road Traffic (Vehicles) Act 2012, s. 100	Vehicle licensee	200 PU
A consignor of any of the goods in a freight container commits an offence if the weight of the freight container exceeds the maximum gross weight as marked on the container or on the container's safety approval plate	Road Traffic (Vehicles) Act 2012, s. 103	Consignor	100 PU (10 PU if dealt with by infringement notice – Road Traffic (Administration) Regulations 2014 r 22)
A packer of any goods in a freight container commits an offence if the weight of the freight container exceeds the maximum gross weight as marked on the container or on the container's safety approval plate	Road Traffic (Vehicles) Act 2012, s. 104	Packer	100 PU (10 PU if dealt with by infringement notice – Road Traffic (Administration) Regulations 2014 r 22)

<sup>5</sup> Customs officials are excluded from the definition



## 2. Vehicle permits – obligations and offences

### 2.1 specific obligations/duties

Obligation/Duty	Reference	Party	Penalty
A person connected with a complying restricted access vehicle must comply with an order or permit relating to the vehicle	Road Traffic (Vehicles) Act 2012, s. 39 (3)	Driver Co-driver Vehicle licensee Consignor Loader Packer	100 PU
The driver of a vehicle in respect of which, or in respect of the load of which, a mass or dimension requirement has been modified under a permit (a) must carry in the vehicle a copy of the permit; and (b) must produce a copy of the permit if directed by a police officer to do so	Road Traffic (Vehicles) Act 2012, s. 34 (2)	Driver	20 PU
A person connected with a vehicle in respect of which, or in respect of the load of which, a mass or dimension requirement has been modified under an order or permit must comply with each provision of the order or permit	Road Traffic (Vehicles) Act 2012, s. 36 (1)	Driver Co-driver Vehicle licensee Consignor Loader Packer	Mass offence – varies between 20 and 300 PU depending on the extent of the overload  Dimension (minor) – up to 20 PU; (substantial) – up to 40 PU; (severe) – up to 100PU  For failure to comply with any other provision of an order or permit, up to 100 PU

### 2.2 offences

Offence	Reference	Party	Penalty
A person connected with a complying restricted access vehicle commits an offence if the vehicle is on a road without an access approval for the vehicle to be on the road	Road Traffic (Vehicles) Act 2012, s. 39 (1)	Driver Co-driver Vehicle licensee Consignor Loader Packer	100 PU

## 3. Vehicle safety – obligations and offences

### 3.1 specific obligations/duties

Obligation/Duty	Reference	Party	Penalty
A person must not permit a vehicle to be driven or used unless there is compliance with each provision in this Part* that applies to the vehicle or a combination of which the vehicle is a part  *Standards and requirements for motor vehicles, trailers and combinations	Road Traffic (Vehicles) Regulations 2014, r 232(2)	A person	16 PU (modified penalty 2 PU)
If under regulation 363 a vehicle is required to be fitted with a speed limiting device, a person must not tamper with or modify the device so as to cause the vehicle to be capable of being driven at a speed that exceeds 100 km/h	Road Traffic (Vehicles) Regulations 2014, r 234	A person	20 PU (modified penalty 5PU)



# contact us

Toll is the logistics partner of choice for thousands of businesses around the world.

We are committed to building on our 125 year history of providing outstanding transport and logistics solutions to our customers – to connect people and products – and we continue to strive to achieve our goal of being recognised as the Asia Pacific region's most successful logistics provider.

For more information on chain of responsibility speak to your sales manager about how we can support you or contact us via [www.tollgroup.com/contactus](http://www.tollgroup.com/contactus)

[www.tollgroup.com](http://www.tollgroup.com)

This guide is provided as general information only and should not be used as a substitute for legal advice. The information is current as at March 2015. For the most current Chain of Responsibility information for Western Australia please refer to Main Roads Western Australia.

[www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)