



New Road Transport National Compliance and Enforcement Laws

Information Sheet 6 - General Liability

Directors, partners, management and employers have always been held responsible for their actions. The new legislation merely formalises their liability by prescribing the exact nature of their obligations and liability.

Body Corporate

If a body corporate commits a road law offence, each director of the body corporate, and each person concerned in the management of the body corporate, are taken to have committed the offence and can be punished accordingly.

Partnership

If a partner in a partnership commits a road law offence in the course of the partnership activities, then each other partner and each other person concerned in the management of the partnership, are also taken to have committed the offence and can be punished accordingly.

Unincorporated Association

If a person who is concerned in the management of an unincorporated association commits a road law offence in the course of the association's activities, then each other person concerned in the management of the association is taken to have committed the offence and can be punished accordingly.

Employer

If an employee commits a road law offence, then the employer is taken to have committed the offence and can be punished accordingly.

Legal Defences

Legal defences are available to each of the above parties and are outlined in Information Sheet 5.

Culpable Actions

The legislation is framed in such a way that it creates a default position of liability on every party detailed above. Therefore, it is important that directors, managers, partners, employers and others involved in the management process, have a clear understanding of their obligations and act accordingly.

It is advisable to be proactive in the approach to legal compliance issues because the legislation places a positive obligation on these parties.

Further information

The model legislation is available on:

The National Transport Commission web site at:

www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf

The Department for Planning and Infrastructure web site at:

www.transport.wa.gov.au

If you have further questions, you may e-mail us on: cande@transport.wa.gov.au