



# 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](http://www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf)

The Department of Transport web site at:

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

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