



# Overview

Heavy vehicle speeding is a serious problem on our roads. Reducing heavy vehicle speeding will make Queensland roads safer for all road users.

National Compliance and Enforcement reforms to deal with heavy vehicle speeding, mass dimension and load restraint and fatigue management have been implemented through legislation in Queensland. The reforms apply to all vehicles (including buses) with a gross vehicle mass of more than 4.5 tonnes.

In Queensland the *Transport Operations (Road Use Management) Act 1995*, chapter 5D sets out the obligations for persons whose business activities influence the conduct of drivers of heavy vehicles.

These laws focus on Chain of Responsibility (CoR) provisions to ensure everyone in the supply chain – not just the driver or operator – shares responsibility for road safety.

## Why have Chain of Responsibility?

Under CoR obligations all parties within the transport chain must ensure their actions or inactions will not cause the driver of a heavy vehicle to exceed any speed limit or breach other road transport laws.

For example, scheduling, loading or consigning activities must be conducted in a way which assists drivers to comply with speed limits and not encourage or require a driver to speed to meet delivery deadlines.

## Who are the 'parties' in the supply chain?

Any person with influence and/or control in the transport chain is a 'party' and includes, but is not limited to:

- drivers (including an owner driver and a bus driver)
- prime contractors of a driver
- operators of a vehicle
- schedulers of goods or passengers for transport in or on a vehicle, and the scheduler of its driver
- consignors/consignees of the goods for transport
- loaders / unloaders of goods
- loading managers (persons who supervise loading or unloading, or manage where this occurs)
- corporations, partnerships, unincorporated associations or other bodies corporate
- employers and company directors
- exporters / importers
- primary producers.

## General duty

In addition to specific duties for each of the parties in the supply chain, there are general duties that apply.

For example,

- your business should have practices in place which include methods to identify, assess, control, monitor and review compliance with occupational health & safety and road transport laws
- drivers and off road parties should also advise their employer of any delays, scheduling, loading or delivery issues so they can be addressed
- you must not enter into contracts or agreements that require or provide an incentive for a driver to speed

## Taking reasonable steps

Reasonable steps are the actions persons can take to ensure that heavy vehicle drivers do not breach road transport laws.

The reasonable steps defence requires drivers and off-road parties to show they took all reasonable steps to prevent a speeding breach from occurring.

They must also be able to show they did not know or could not reasonably have been expected to know that a breach had occurred.

There is no limit to the ways you can do this. Some examples which may assist include:

- training and informing drivers and off road parties of their legal liability to take all reasonable steps to prevent breaches of road transport laws
- implementing appropriate speed management policies and practices, including monitoring trip times and vehicle speed
- developing contingency plans and introducing new controls for any identified risks and removing any pressures put on drivers to breach a speed limit

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- regularly monitoring and reviewing risk management processes and taking steps to eliminate, manage or prevent the risk
- liaising with customers about the affects placing unreasonable deadlines on deliveries can have on driver's ability to comply with speed limits
- ensuring contractual arrangements include speed compliance and monitoring
- ensuring drivers report speeding issues
- taking into account potential traffic delays and planned road works when developing schedules
- ensuring regular maintenance occurs on vehicle components such as speedometers, engine management systems and speed limiters
- ensuring all speed limiters equipped to vehicles comply with vehicle standards and that they are working correctly.

One very effective way to ensure you have taken reasonable steps is through risk assessments that include:

- identifying and assessing the risks of anything that impacts on a driver's speed
- taking steps to eliminate, manage or prevent the risk
- monitoring and reviewing risk management processes.

New measures and contingency plans can then be developed and introduced to compensate for the risks identified and removing unnecessary pressure put on drivers to breach speed limits.

#### **When could Chain of Responsibility apply?**

Some interceptions or enforcement action may lead to other parties in the supply chain also being investigated.

Any other party whose instructions, actions or demands have an impact on, cause or contribute to the offence (including anything *done*, or *not done* - directly or indirectly) may be charged under CoR provisions. Investigations may include assessing the measures those parties have in place to ensure a heavy vehicle driver can perform their duties without breaching road transport laws.

#### **What might be investigated?**

- employers, prime contractors and operators business policies and procedures and contract management arrangements
- schedules which place unrealistic timeframes on drivers and do not allow for traffic or other delays in scheduling
- inflexible delivery times imposed by consignors or consignees which cause drivers to speed to meet deadlines
- vehicle operation, compliance and maintenance, including testing any speed limiting device which may be installed.

Persons in the supply chain must also make sure the terms of consignment or work/employment contracts will not result in, encourage, reward or provide an incentive for the driver or other party in the supply chain to break any road transport laws.

#### **Penalties**

Drivers are responsible to drive within posted speed limits. However, court imposed fines may also be issued to any CoR party when their actions, inactions or instructions contributed to a breach in road transport laws.

Penalties are proportionate to the severity of the offence. Therefore the faster the speed, the greater the risk - resulting in a higher penalty.

#### **Further information**

More information is available on the Department of Transport and Main Roads' website [www.tmr.qld.gov.au/Business-industry/Heavy-vehicles/Compliance-and-enforcement](http://www.tmr.qld.gov.au/Business-industry/Heavy-vehicles/Compliance-and-enforcement) .

The National Transport Commission (NTC) also has developed information and guidelines about heavy vehicle compliance and enforcement. The guidelines are designed for drivers, employers, operators and schedulers, as well as users and customers of road transport. They are available in the safety and compliance section on their website at [www.ntc.gov.au](http://www.ntc.gov.au).