

Managing speed compliance

An outline of the responsibilities of an employer, prime contractor, operator, scheduler, consignor, consignee or loading manager under the new speeding heavy vehicle laws

Introduction

New national laws to address heavy vehicle speeding have been developed in consultation with the transport industry, and aim to establish a culture where speeding is not encouraged. It is important that all road users share the road responsibly.

The laws apply to vehicles with a gross vehicle mass (GVM) of more than 4.5 tonnes, which includes trucks, and buses used to carry passengers for reward or in the course of a business.

Parties in the chain need to ensure the road transport task is carried out in a way that does not encourage or require a driver to speed. Authorities can investigate along the chain, and up and down the corporate chain of command.

This fact sheet outlines the responsibilities of off-road parties to ensure the road transport task does not encourage or require a driver to speed.

The fact sheet also provides information on how these parties can take reasonable steps to ensure heavy vehicle speed compliance. It should be remembered that under the new laws owner-drivers may be treated as either a driver or an operator, but not both.

General duties

In addition to the specific duties for each of the parties in the transport chain, there are general duties that apply to all those who can influence whether or not speeding occurs.

You must not encourage or require a driver to undertake tasks that you know, or should know, would require a driver to speed.

You must not enter into contracts or agreements that encourage, require or provide an incentive for a driver to speed.



Ensure that you have established a culture of speed compliance, and that a mechanism exists for drivers to provide input into their schedules. Drivers should be encouraged to report scheduling and delivery difficulties.

Remember, under the chain of responsibility you may have multiple duties, e.g. as a scheduler and as a consignor, and may therefore be liable in more than one capacity.

Taking reasonable steps

As a party in the chain, the law requires you to take all reasonable steps to ensure your activities do not cause or contribute to a breach of speed limits. Compliance should not be viewed as something extra, but integrated into your everyday business practices.

If you are an employer, prime contractor or operator, not only will you be subject to court penalties for breaches of duties for speed compliance, you will also be subject to a range of court penalties based on offences committed by your driver. The level of the penalty will be dependant on the circumstances and nature of the offence committed by the driver.

Reasonable steps: things to consider

There are no limits to the ways in which you can show you took reasonable steps. The following table shows the parties to the chain and may assist you when thinking about the reasonable steps you can take.



HEAVY VEHICLE SPEEDING REFORM

Duties	Reasonable steps:
<p>Employer, prime contractor and operator</p> <p>Business practices relevant to reasonable steps include your operating policies and procedures, human resources and contract management arrangements, and arrangements for managing safety. While you may already have policies for managing heavy vehicle speed compliance, you need to monitor and regularly review the effectiveness of these practices.</p>	<ul style="list-style-type: none">regular verification that your vehicle's speed limiter complies with the vehicle standards;reviewing driving, work and trip records;informing your customers of the effect unreasonable scheduling or deadlines can have on the driver's ability to comply with the speed limit;ensuring delivery deadlines do not put pressures on your drivers to speed;ensuring schedules enable your driver to comply with the speed limits and take into account traffic conditions;informing and requiring your drivers to report speeding issues. This can include things such as reminder stickers in the cab, posters on notice boards;monitoring the speed of your trucks to ensure speed compliance using GPS tracking or engine data;undertaking regular maintenance of vehicle components that impact on speed compliance such as speedometer, engine management system and speed limiter;benchmarking speed/time for regular routes and contracts; building speed compliance into contracts;regular consultation with other parties in the chain, unions and industry associations to address speed compliance issues; andcounselling and training of drivers as appropriate.
<p>Scheduler</p> <p>Scheduling should take into account all relevant speed limits, required rest breaks and expected delays, such as traffic conditions.</p>	<ul style="list-style-type: none">ensuring your schedules do not put pressure on your drivers to speed by taking into account traffic delays, average lawful speed on the scheduled route and delays at distribution centres;establishing a mechanism for drivers to report scheduling problems;benchmarking speed/time for regular routes for contracts;consulting drivers about their schedules and work requirements; anddeveloping contingency plans to deal with scheduling problems.
<p>Consignor and consignee</p> <p>Terms of consignment such as pick and delivery times must not require or encourage the driver to speed. Your contracts must not encourage or provide an incentive to an employer, prime contractor or operator to require or encourage a driver to speed.</p>	<ul style="list-style-type: none">ensuring your schedules do not put pressures on drivers to speed;ensuring loading and unloading arrangements do not put pressure on the driver to speed;ensuring that your contracts include speed compliance and provide for monitoring of speed compliance;benchmarking speed/time for regular routes for your contracts;regular consultation with other parties in the chain, unions and industry associations to address compliance issues; anddeveloping contingency plans to deal with scheduling issues and problems with meeting deadlines.
<p>Loading managers</p> <p>Responsible for the operation of a site at which at least five vehicles are loaded or unloaded with goods on a business day. Also applies to those who manage, supervise or control sites, but excludes loaders and unloaders.</p>	<ul style="list-style-type: none">ensuring loading and unloading arrangements such as, opening times and queuing systems do not require the driver to speed;regularly reviewing loading and unloading times, and delays at loading and unloading places;identifying potential loading and unloading bottlenecks in consultation with drivers and other parties in the chain; andensuring that timeslots for loading or unloading can be relied upon.

More information

For details about the major changes under the speeding heavy vehicle reform and obligations of the parties in the transport chain under the new laws refer to VicRoads' fact sheet: *Heavy Vehicle Speed Compliance: Overview*.

For further information please phone **1300 360 745** or visit **vicroads.vic.gov.au**

