

Your guide to Heavy Vehicle **Speed** Legislation



Government of South Australia
Department for Transport,
Energy and Infrastructure



Heavy vehicle speeding is a problem on our roads - 245 heavy vehicle drivers across Australia died in crashes while at the wheel in 2008. Reducing heavy vehicle speeding will save lives.

From **1 February 2010**, new nationally consistent Heavy Vehicle Speed laws come into effect in South Australia. They require better management of heavy vehicle speed and make specified off-road parties more responsible for the speed of heavy vehicles.

The aim of the new laws is to reduce heavy vehicle speeding, making the roads safer for everyone.

Heavy Vehicle Speed Compliance legislation is the third tier of the Compliance and Enforcement road safety reform and is another step in reducing road trauma by reducing heavy vehicle speeds.

What do the new laws cover?

They apply to all heavy vehicles (including buses) with a gross vehicle mass of more than 4.5 tonnes.

LET'S STAMP OUT HEAVY VEHICLE SPEEDING

FACT SHEET

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What are the key elements of the new laws?

1. Transport operators, employers and prime contractors must have business practices in place that specifically manage driver speed.
2. Chain of Responsibility provisions with specific duties for schedulers, loading managers, consignors and consignees
3. Penalties for parties in the Chain of Responsibility if drivers speed.

What are the major changes?

The new laws are aimed at stamping out heavy vehicle speeding. Operators who properly manage speed can maintain productivity levels safely. Simply plan trips and rest breaks, checking records and train staff to understand common sense responsibilities required to prevent heavy vehicle speeding in your business.

Who is responsible?

The new laws require the specified Chain of Responsibility parties to take reasonable steps to manage heavy vehicle speed. The parties are:

- the employer of the driver of the vehicle
- the prime contractor of the driver of the vehicle
- the operator of the vehicle



These parties must make sure their business practices do not cause the driver to exceed the speed limit.

- A scheduler of the driver of the vehicle, or the person who must ensure the schedule for the transport of goods or the work/rest times of the driver, does not cause the driver to exceed the speed limit.
- The consignor of goods transported, or to be transported, by the vehicle.
- The consignee of goods transported, or to be transported, by the vehicle.

These parties must make sure the terms of the consignment do not cause the driver to exceed the speed limit and do not encourage or provide an incentive to the employer, prime contractor or operator to cause the driver to exceed the speed limit.

- The Loading Manager of goods transported, or to be transported, by the vehicle who must make sure arrangements for loading and unloading do not cause the driver to exceed the speed limit.

Taking reasonable steps

When it comes to speeding, taking reasonable steps is more than just allowing enough time to get from A to B. It's about communicating with everyone in the supply chain and finding out what's involved with each job. Reasonable steps will vary according to individual circumstances and you may need to change the way you do your daily business to make sure you comply.



Business practices

As a transport operator, employer or prime contractor you now have a legal requirement to make sure that your business practices deal with speed management of heavy vehicles and drivers. You should regularly review your business practices to make sure the steps you are taking are reasonable at all times.

This means having documented policies and procedures in place describing what each individual is responsible for when it comes to preventing heavy vehicle speeding. Some of the steps include:

- ensuring your work policies and business practices do not contribute to or cause on-road speed breaches
- training staff to make sure they understand their obligations under the Chain of Responsibility
- audits/spot-checks to ensure compliance (for example, monitoring of on-board speed devices)
- reviewing contracts and commercial arrangements to make sure they do not encourage breaches of speed law
- having documented contingency plans to manage operational issues (like loading/unloading or traffic delays) within the law.





Speed risk management system

Ensuring your business is taking reasonable steps to prevent speeding requires you to identify, assess, control, monitor and review situations that may cause a driver to speed and put safety at risk. These include:

Risk Identification – What could happen?

Risk Assessment – What is the likelihood of it happening?

Risk Control – What can we do about it? Then do it.

Monitor and Review – What systems are in place? Document it.

Examples of how to identify and assess risks include:

- reviewing schedules, including the proposed route to ensure that the schedule allows the driver enough travel time to do it without speeding
- reviewing loading and unloading times and delays during loading and unloading
- reviewing contractual arrangements and documents relating to the consignment and delivery of the goods/passengers
- regularly checking on-board speed devices, including speed limiters, are working
- requiring drivers to report speeding incidents
- consulting with drivers, unions and industry associations.



Examples of how to control and monitor a risk include:

- allow for traffic or other delays in scheduling
- avoid any incentive and/or demand that might cause or encourage speeding
- provide a system for giving drivers sufficient notice of scheduled changes.

Further information

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