



Speeding Compliance and the Chain of Responsibility

Parties in the chain of responsibility (CoR) have a legal obligation under the *Heavy Vehicle National Law* (Chapter 5) to take all reasonable steps to ensure that a driver of a heavy vehicle does not commit a speeding offence.

Heavy vehicles are limited to a maximum speed of 100 km/h if no lower limit applies. Specified heavy vehicles are required to be fitted with a speed limiter.

The information contained here aims to assist you in identifying relevant CoR obligations and assist in developing measures to ensure you are taking reasonable steps to meet your obligations.

Who are the parties in the supply chain?

The CoR provisions are aimed at persons who can influence and/or control driver behaviour. Parties in the chain of responsibility include:

- **The prime contractor of a driver**
- **The operator of a vehicle**
- **The scheduler of the driver or of goods or passengers for transport**
- **Consignors and consignees of goods for transport**
- **Loaders of goods.**



Promoting road safety and managing risk

The law imposes strict obligations on CoR parties but it also gives clear guidance on how to meet those obligations. When considering whether you have met your speeding compliance obligations asking yourself the following sorts of questions may be of assistance:

- How do my activities impact on the time available to drivers to do an appropriate pre-trip check of the vehicle, travel to a pick-up or delivery point, ensure correct loading, take all prescribed fatigue breaks, cope with likely traffic contingencies, and meet the customer deadline?
- How have we identified appropriate travel times from depot to pick-up to delivery?
- What contingency plans do we have in place to respond to a driver being delayed (by traffic or breakdown or queuing or loading time or other foreseeable cause)?
- What arrangements do we have with our customers in relation to scheduling of pick-up and/or delivery? How likely is it that drivers will be held up in queues or will be subject to delays caused by the loading or unloading process? What is our response to a situation where loading or unloading delays leave our driver with insufficient time to undertake the onward journey?
- What facilities do our customers have if our driver needs to rest while the vehicle is being loaded/unloaded?
- How much consultation have we held with drivers about driving times, causes of delay and contingency planning?
- How much training and support do we provide to drivers (and to schedulers, packers, loaders and supervisors) about, specifically, speeding compliance and, more broadly, about safe and compliant heavy vehicle operations?
- Have we considered the need for speed monitoring? What technology is available for this purpose? How much would it cost to implement in our fleet? What is considered good practice in our industry sector?
- If we have monitoring systems – what do we do when we detect non-compliance? How are we managing our drivers if speeding is detected?
- In respect of consultation, training and support – how do we respond to what we are hearing from our drivers and other staff? Is the training and support we provide effective?
- How do we know the speed limiter has not been tampered with?
- What form of record keeping do we maintain in respect of each of these factors? Do we retain those records for at least three years? Who has responsibility for the ongoing review of our practices and the measures we use to ensure speeding compliance? How do we establish that we responded appropriately and effectively to gaps in our compliance systems?

Taking reasonable steps to prevent speeding offences

The HVNL provides a way for parties in the chain of responsibility to establish that they have taken all reasonable steps in relation to **speeding compliance offences**. A CoR party for a speeding offence is to be regarded as having taken all reasonable steps if the party did all of the following things:

- (a) Identified and assessed those aspects of CoR party's activities, and the activities of relevant drivers, that may lead to a commission of a speeding offence
- (b) For each such activity, the CoR party identified and assessed:
 - (i) The risk of an offence occurring
 - (ii) If there is a substantial risk of an offence occurring, the measures available to eliminate the risk or, if it is not reasonably possible to eliminate the risk, to minimise the risk
- (c) Carried out the risk identification and risk assessment mentioned above:
 - (i) At least once each year
 - (ii) Where the CoR party's activities may have led to an offence occurring or the risk of an offence occurring took the measures identified and assessed above
- (d) Kept for at least three years a record of the risk identification and the risk assessment and of the action taken to eliminate or minimise those risks.

For a party in the chain of responsibility, collaboration with your drivers, staff, service providers and with other (external) parties in the supply chain is essential. Understanding your obligations under the law and ensuring that the arrangements you have in place and the arrangements other parties have in place will contribute to a safer road environment for heavy vehicle drivers and all other road users.

More information about the chain of responsibility is available from:

rms.nsw.gov.au/business-industry/heavy-vehicles/safety-compliance/chain-of-responsibility