

Examples of business practices you can use

- ensure all vehicles equipped with speed limiters comply with vehicle standards
- ensure regular maintenance occurs on vehicle components such as speedometers, engine management systems and speed limiters (i.e. make sure they work correctly)
- review customer contracts and agreements and inform customers of the effect unreasonable scheduling or deadlines can have on a driver's speed
- build speed compliance into regular contracts
- ensure schedules enable driver compliance by consulting with them about schedules and confirm they can be met without speeding
- provide training to drivers, schedulers and loading managers
- develop policies and procedures for drivers detected of speeding (e.g. provide drivers with counselling)
- monitor trip times and vehicle's speed.

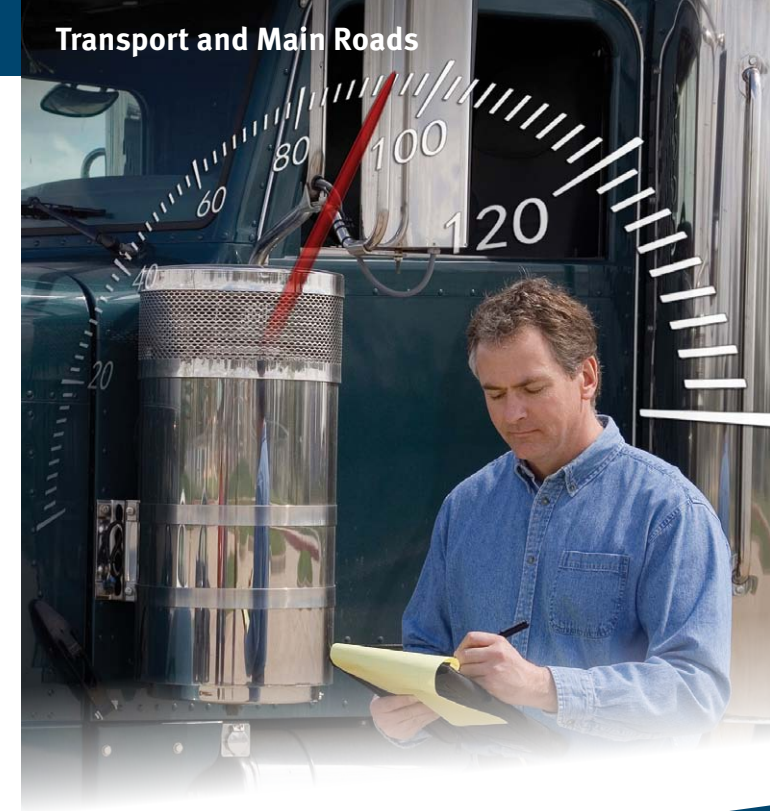
Further information

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Heavy vehicle speed compliance legislation

A guide for operators,
prime contractors
and employers

Tomorrow's Queensland:
strong, green, smart, healthy and fair

Heavy vehicle speeding is a serious problem on our roads, with roughly one in five heavy vehicle crashes due to speeding or excessive speed. Reducing heavy vehicle speeding will make Queensland roads safer.

From 1 July 2010, Queensland is implementing new nationally consistent laws to help reduce crashes involving speeding heavy vehicles.

The new laws make off-road parties in the chain of responsibility more accountable for ensuring heavy vehicles do not speed.

Heavy Vehicle Speed Compliance legislation is the third component of the national Compliance and Enforcement road safety reform.

Who does it apply to?

The new legislation applies to all vehicles (including buses) with a gross vehicle mass of more than 4.5 tonnes.

Who is responsible?

The new laws place greater responsibility on specific parties in the chain of responsibility including:

- employers
- prime contractors
- operators
- schedulers
- loading managers
- certain consignors and consignees.

What are the legislation changes?

To prevent a driver from speeding you are legally required to:

- take all reasonable steps to ensure your actions (or inactions) do not encourage, support or influence heavy vehicle drivers to speed
- ensure a driver is not asked or expected to do something you know (or reasonably ought to know) will (or would likely) result in a driver breaching speed limits
- refuse contracts or agreements with any party in the chain of responsibility that may cause or encourage a driver to speed.

Existing work practices should be reviewed to ensure you comply with the new laws.

Protect yourself by taking all reasonable steps

If a driver commits a speeding offence, you will have a shared legal liability for the offence but will have the benefit of pleading a reasonable steps defence if you can show that you weren't aware of the driver speeding and that you took all reasonable steps to prevent the driver from speeding.

One of the most effective ways you can show you've taken all reasonable steps is to carry out a risk assessment that includes the following actions:

- identify and assess the risks of anything that impacts on a driver
- take steps to eliminate, manage or prevent the risk
- monitor and review risk management processes.

This allows you to develop a contingency plan and introduce new measures to compensate for any risks identified and removing unnecessary pressure put on drivers to breach speed limits.

Penalties

A penalty infringement notice of between \$300 to \$600 can be issued for breaching your chain of responsibility obligations if an offence occurs. The greater the speeding offence that occurs, the higher the penalty that is issued. The maximum court imposed fine is \$8,000 per offence.