

Schedulers, loaders, consignors, consignees

Heavy vehicle speeding is a serious road safety 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 *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. The laws apply to all vehicles (including buses) with a gross vehicle mass of more than 4.5 tonnes.

Who is responsible?

The national laws place greater responsibility on all parties in the chain of responsibility (CoR) including:

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

What are the national requirements?

To prevent a driver from speeding all parties in the CoR must:

- ensure their 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 they 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 CoR that may cause or encourage a driver to speed.

While you may already have policies and procedures in place, these existing work practices should be monitored and reviewed regularly to ensure they continue to be effective.

Protect yourself by taking all reasonable steps

If a driver commits a speeding offence, you will have to show that you took all reasonable steps to prevent the driver from speeding.

You will have the benefit of 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.

Schedulers

Must ensure that schedules for drivers will not cause or contribute to a driver speeding. As a scheduler you must:

- take into account all lawful speed limits, distances of travel and required rest breaks to allow drivers to comply with speed limits
- take into account any potential traffic delays such as road works and detours
- ensure schedules are safe and achievable for drivers and do not put pressure on them to speed
- consult with drivers when developing schedules and ensure they report any scheduling problems
- have a contingency plan for all schedules (i.e. allow for unexpected delays such as flat tyres and load checking)
- monitor and review trip times and vehicle speed, and benchmark speed/time for regular routes.

Loading managers

Must ensure that the arrangements for loading and unloading a driver's vehicle will not cause, or contribute to causing a driver to speed.

As a loading manager you must:

- ensure loading and unloading arrangements facilitate compliance (e.g. consider opening times, queuing systems and safety)
- review loading and unloading times and delays at loading/unloading facilities
- identify and remedy potential loading/unloading bottlenecks in consultation with drivers and other parties in the chain of responsibility
- ensure allocated timeslots for loading/unloading are reasonable and reliable.

Consignors and consignees

Must ensure that terms of consignment will not result in, or encourage a driver to speed and that it will not result in, or encourage an employer, prime contractor or operator to cause or encourage a driver to speed.

As consignor or consignee you must:

- ensure schedules and deadlines enable driver compliance and do not put pressure on drivers to speed
- ensure loading and unloading arrangements facilitate compliance
- ensure contractual arrangements include speed compliance and monitoring
- have contingency plans for schedules and deadlines
- regularly consult with other parties in the supply chain to review policies and address any compliance issues.

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 .

The National Transport Commission (NTC) also has information and guidelines in the safety and compliance section on their website at www.ntc.gov.au.