

# Chain of Responsibility

## Your role



New Chain of Responsibility laws are coming in mid 2018. Is your business ready? Are you ready?

These reforms are a significant step forward in recognising that everyone in the supply chain has a role to play in ensuring heavy vehicle safety.

The reforms aim to complement heavy vehicle and national workplace safety laws, and place a positive duty of care on all heavy vehicle supply chain parties.

The new laws make it clear the responsibility of duty holders to understand and assess their risks, and ensure they are complying with the law.

Through the replacement of existing prescriptive obligations, the heavy vehicle industry can benefit from a reduction of red tape and better apply risk management processes to focus on safety outcomes.

The National Heavy Vehicle Regulator is here to support your business with information and resources to assist you to prepare for the changes.

Whether you are a driver, or part of the supply chain, heavy vehicle safety is your business.

**Sal Petrocchio**  
CEO, NHVR



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# About the Chain of Responsibility

Our road laws generally address the actions of drivers and operators, but breaches of these laws are often caused by other parties in the transport supply chain.

Under chain of responsibility (CoR), all parties who have control or influence over the transport task are deemed responsible for complying with and for breaches of these laws. All parties must take reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws. In 2018 this will expand to include vehicle standards and maintenance.

Under the Heavy Vehicle National Law (HVNL), multiple parties may be responsible for offences committed in heavy vehicle operations. A person may be a party in the supply chain in more than one way and legal liability can apply to their actions, inactions and demands.

**Every load. Every vehicle. Every person. Every time!**

## CoR laws:

- improve safety
- improve compliance
- require parties to manage risk
- create a level playing field and increase productivity
- protect infrastructure
- protect against the demands of off-road parties that can lead to breaches of the law.

## Common breaches of CoR obligations

CoR obligations can be breached in many ways. Here are some examples:

- applying business practices or demands that cause a driver to breach fatigue management requirements, or speed limits
- failing to weigh, measure or secure loads
- setting schedules with unrealistic timeframes
- causing delays in loading and unloading
- packing goods incorrectly
- failing to consult or engage with other parties to ensure safe practices
- failing to assess driver fitness for duty

including terms in contracts and arrangements that encourage, reward or give incentives to the driver or other parties in the supply chain to breach the law.

## Parties in the supply chain

Under the HVNL, each party in the supply chain is obliged to ensure breaches of road transport laws do not occur. A party may include any person who can influence or control the transport chain, such as:

- corporations, partnerships, unincorporated associations or other bodies corporate
- employers and company directors
- consignors/senders and consignees/receivers of the goods for transport
- exporters and importers
- primary producers
- drivers (including a bus driver or an owner driver)
- prime contractors of drivers
- operators of a transport company
- schedulers of goods or passengers for transport, and the schedulers or allocators of drivers
- loaders and unloaders of goods
- loading managers (loading/unloading supervisors) or managers of the premises where this occurs.



## How CoR breaches are investigated

NHVR authorised officers and police can conduct CoR investigations into your business practices and systems to see how effectively your legal obligations are being managed. They may involve examination, review and assessment of your records, policies, procedures, business practices and documents to ensure your freight or supply chain operations comply with the law.

## What happens in a CoR investigation

A CoR investigation can start the moment intelligence data or information is received that indicates a party in the supply chain may be posing a safety or compliance risk. This could happen after an event like a crash, roadside intercept or to monitor operations.

## What are the penalties?

If you are in breach of CoR obligations a number of interventions are possible, depending on the severity of the breach. You may, for example, be subject to:

- warnings/education
- improvement notices
- infringement/expiation notices
- court imposed fines
- Supervisory Intervention Orders
- Road Compensation Orders
- Commercial Benefits Orders
- Prohibition Orders
- licensing and registration sanctions.

## Have you taken reasonable steps?

Currently under the HVNL, you have complied with your CoR obligations so long as you have taken all reasonable steps, or undertaken all that was reasonably practical to prevent a breach.

You must also show that you did not know or could not have known that a breach occurred. Courts will recognise that the duties of parties are personal responsibilities, which cannot be delegated to others. Every person in the chain must satisfy themselves that every vehicle, every load and every driver is compliant with the law on every journey.

For a defence to be successful, all reasonable steps must have been taken, not just some.

## Here are some reasonable steps that you can take.

### Build systems that identify, assess and control risks

- Assess and identify clearly the responsibilities of all parties in your supply chain under CoR
- Develop systems to manage fatigue
- Maintain your heavy vehicle
- Check your vehicle dimensions and weights
- Include compliance and assurance conditions in commercial arrangements
- Seek legal advice on CoR obligations
- Work with your supply chain partners to eliminate risks
- Question requests that may cause breaches of the law.

### Adopt better freight moving practices

- Establish and adhere to safe policies, procedures and workplace practices
- Ensure proper packing, placing and securing of loads
- Adopt safer loading and unloading procedures
- Ensure vehicles and drivers do not speed
- Train staff and partners on their CoR obligations.

## CoR changes ahead

Amendments to the CoR laws are coming in mid 2018 and are aligned more closely with workplace health and safety laws. We will keep you informed about what the changes will mean, though all parties in the supply chain will need to be more proactive in managing risks to ensure safe transport operations.

# Your responsibilities

Currently, under the HVNL, all parties who have control or influence over the transport task are deemed responsible for complying with CoR obligations.

All parties must take all reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws. Make sure your actions, inactions or demands do not contribute to, or encourage, breaches of the HVNL.

A party in the chain of responsibility includes any person who undertakes defined roles outlined in the HVNL, who can influence or control transport-related activities. This section sets out responsibilities for several parties in the supply chain, but it is not an exhaustive list.

The CoR applies to:

## Operator/manager/scheduler responsibilities

- Ensure rosters and schedules do not require drivers to breach driving hours or speed limits
- Assess whether a driver is fit for duty
- Record driver activities, work and rest times
- Ensure drivers do not work while impaired by fatigue or while in breach of their work or rest hours
- Maintain vehicles and ensure properly functioning speed limiters are fitted
- Ensure vehicles are not loaded to exceed mass or dimension limits and are appropriately restrained
- Ensure drivers moving freight containers have a valid container weight declaration
- Consult regularly with other parties in the supply chain to identify risks and issues that may contribute to breaches of the HVNL.

## Consignor/consignee responsibilities

- Ensure loads do not exceed mass or dimension limits and are appropriately restrained
- Check that operators carrying freight containers have a valid container weight declaration
- Your delivery requirements must not require or encourage drivers to:
  - exceed the speed limits
  - drive while impaired by fatigue
  - exceed regulated driving hours
  - fail the minimum rest requirements.
- Consult with other parties in the chain to identify risks and issues that may contribute to breaches of the HVNL.

## Loading manager/loader/packer responsibilities

- Ensure that loading a heavy vehicle will not cause or contribute to the driver driving while impaired by fatigue
- Work with other off-road parties to make reasonable arrangements to manage loading/unloading times
- Ensure vehicle loading/unloading does not cause delays and advise drivers of any delays of more than 30 minutes
- Ensure loads:
  - do not exceed vehicle mass or dimension limits
  - do not cause the vehicle to exceed mass limits
  - comply with the load restraint standard
  - are placed and secured in a way so they do not become unstable, move or fall off the vehicle
- Provide reliable weight information to drivers prior to the journey
- Ensure load documentation is accurate
- Ensure goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

## Driver/owner-driver responsibilities

- Comply with your relevant fatigue management work and rest requirements
- Keep an accurate work diary and records required by law
- Respond to changes in circumstances (such as delays) and report these to your base
- Ensure your vehicle does not exceed mass or dimension limits
- Ensure your load is properly restrained
- Check and report on all maintenance issues
- Obey all speed limits and road rules
- Subcontractors should also follow the lawful requirements of their prime contractors and be able to demonstrate compliance
- Identify and report hazards and risks associated with the transport task.

## What do I do if I notice a CoR issue?

- Stop the activity to ensure everyone is safe
- Immediately review the activity to assess the risk and install a control measure
- Record and report the issue
- Install systems or practices to detect and prevent potential breaches
- Consult with drivers and supply chain partners to design ways of ensuring safety and dealing with issues
- Implement a system to regularly identify, assess, and control all activities that may cause a HVNL breach
- Install a system that monitors or supervises requirements in real-time, where possible
- Test the effectiveness of those systems regularly to ensure they are working as designed
- Review contracts and agreements to ensure they do not demand or encourage unlawful behaviour
- Say 'no' to anything that is unsafe or may lead to a breach of the HVNL
- Only deal with companies able to demonstrate safe and compliant practices
- Install a record-keeping system, and retain documents and records for three years.



# Primary duties – from mid 2018

## New primary duty in 2018

Under current CoR, all parties who have control or influence over the transport task are responsible for complying with and for breaches of these laws.

In mid 2018, HVNL will be amended to make it clear every party in the supply chain has a “duty” to ensure safe practices, rather than being deemed liable for breaches detected.

CoR requirements and legal responsibilities will now also extend to heavy vehicle standards and maintenance, and the liability of executive officers will broaden to require due diligence for safety across the entire HVNL.

This approach is similar to that of workplace health and safety laws and will be a significant step towards improving safety in the transport industry. It will also help to minimise regulatory burden by applying the same regime to transport operations.

## Risk-based approach gives flexibility

Because the new CoR laws focus on managing risk, they will give you more flexibility to install measures tailored specifically to your business to prevent breaches of transport law.

This means, as a party in the chain, you can proactively reduce risks related to your transport tasks, rather than reacting when there’s a possible breach of the law.

It also means ensuring that your supply chain activities are considered through risk assessments and systems to manage safety.

## Primary duty – the new CoR principle

The basis for the new law is the establishment of a positive duty: *an obligation to eliminate and minimise public risks by doing everything reasonable to ensure transport-related activities are safe.*

This means that all parties must actively prevent breaches and eliminate any arrangement that may cause or encourage another to break the law.

Executive officers will have a “due diligence” obligation to ensure parties in the chain of responsibility comply with their requirements under the law.

The list of parties in the chain of responsibility remains the same, so if you are a party in the transport supply chain you will have a duty to ensure safety. Sometimes you may have more than one duty at the same time.

The change is that you will only be accountable for the activities that you manage and control.

A set of principles to guide application and interpretation of the duty of care will be included in the amendments to the law. It will also be broadened to include vehicle standards and maintenance.

## “So far as is reasonably practicable”

In order to align with national workplace health and safety law, the primary duty obligation will be assessed against the “so far as is reasonably practicable” test, rather than the “reasonable steps” standard.

The “so far as is reasonably practicable” test takes into account and weighs up relevant matters including:

- the likelihood of the risk occurring
- the degree of harm
- what the person knows about the risk
- ways to remove or reduce the risk and whether they are feasible
- whether the costs are proportionate to the risk.

If you are doing everything that is reasonably able to be done to identify, assess and remove any public risk as a party in the chain of responsibility, you are likely to be complying with the new law.

## Registered Industry Codes of Practice

Industry-developed registered codes of practice can help identify what is known about a hazard or risk, and the risk control or business systems that can assist achieving compliance with the new laws.

If you adopt a registered code of practice, a court may find you are effectively addressing your primary duty within the chain of responsibility, as known risks will have been identified and control measures will have been installed.



## New powers for authorised officers

The new law will change the types of evidence that must be presented to a court, which necessitates changes to the duties and obligations of authorised officers to gather evidence.

Authorised officers will have increased powers to obtain documents and information as evidence of potential breaches, particularly from third party providers outside the supply chain. This means they can investigate primary duties offences more effectively.

Authorised officers need to be able to make inquiries regarding safety and risk, based on the practices and systems a business has in place. The new duties mean that they will not need to link an investigation to an offence or roadside inspection allowing a much more proactive approach to intervening to address unsafe practices across the entire supply chain.

Any relevant information may be grounds to trigger an enquiry into the way a company and parties in the supply chain manage their safety responsibilities. Investigators may also do this as part of their monitoring responsibilities under the law.

## Undertakings and penalties

Penalties for breaches of a primary duty will be similar to those under workplace health and safety laws, set at:

- a maximum fine of \$3 million for a corporation
- \$300,000 or five-years imprisonment, or both, for a person.

Under the new CoR laws, penalties will be based on the severity of the risk posed by an offence.

The new law will also introduce enforceable undertakings as an intervention option. These are agreements signed by a party who has breached CoR requirements, stating they will take specific steps to ensure that their business complies with the law.

Authorised officers will be able to issue enforceable undertakings in writing, as an alternative to prosecution and improvement notices. This is similar to what occurs under workplace health and safety laws and the Rail Safety National Law.

## Tools and guidance

As part of the transition to primary duties, and to increase awareness of CoR requirements generally, the NHVR is developing tools and guidance materials for release in 2017. These tools and guidance materials are available at [www.nhvr.gov.au/cor](http://www.nhvr.gov.au/cor)

Our materials will help you:

- identify, assess and control risk
- manage speed, fatigue and mass, dimension and loading, and vehicle standards requirements through identified best practice
- report to executive officers
- document and record actions taken to manage safety
- review and monitor safety in your operations.



# Managing fatigue risks

Under the CoR, everyone in the supply chain has an obligation to prevent fatigue breaches.

CoR extends to identifying fatigue risks to prevent or reduce potential harm or loss, to yourself and others.

Responsible parties in the chain include: employers, prime contractors, schedulers, loaders/unloaders, loading managers, operators, consignors, and consignees.

## What is driver fatigue?

Driver fatigue is a common by-product of the 24-hour, seven day a week transport task. Driver fatigue impairment is a major risk for heavy vehicle operations.

Fatigue can be the result of long or arduous work, little or poor sleep and the time of day when the work is performed. It can also be influenced by health and emotional issues, or by several factors in combination. Fatigue can accumulate over an extended period of time.

Driver fatigue is often experienced as a combination of being tired, drained or exhausted and can lead to poor judgment, slower reactions to events, and decreased driving skills.

Importantly, fatigue also impairs a driver's judgment of his or her own state of fatigue, which means the effective management of fatigue should not be the responsibility of the driver alone. The most effective way to manage the risks associated with driver fatigue and meets your HVNL obligations is through effective fatigue risk management.

## Fatigue risk management

Fatigue risk management is the process of managing and reducing the risks relating to fatigue in road transport to as low as reasonably practicable. One way to do this is through a Fatigue Risk Management System (FRMS). A FRMS will enable you to identify, assess, control and review fatigue risks on a regular basis.

The CoR laws indicate that reasonable actions that include these sorts of systems and controls for managing driver fatigue should be in place for safe transport operations.

## Fatigue Risk Management System (FRMS)

A Fatigue Risk Management System, as the name suggests, is a system used by an operator to reduce driver fatigue-related safety risks. An FRMS integrates safety culture, management practices and procedures used to manage the risks of fatigue into one process.

All FRMSs are based on four components:

- **Management commitment** – allocating resources and giving staff responsibility for managing fatigue
- **Setting standards** – putting policies and procedures in place to reduce the risks of driver fatigue
- **Risk management** – identifying and understanding the fatigue risks in your operations, and making informed decisions on how to manage those risks
- **Risk assurance** – continually monitoring and reviewing the performance of your FRMS, including any potential new fatigue risks and continually improving.

*An FRMS is not a one-off process; it requires ongoing management and monitoring.*

## What's in it for me?

In addition to meeting your CoR obligations under the HVNL, there are several commercial benefits in having an effective FRMS in place. These include:

- improved safety performance, through greater awareness and participation
- better decision making based on risk and evidence
- costs savings and improved efficiency
- legal protection by having evidence of the steps you take to manage the risks of fatigue, and
- better safety/compliance reputation for your business.

## What is your fatigue-related risk?

In order to identify the degree of risk related to fatigue in your business you will need to conduct a fatigue risk assessment. This is the overall process of:

1. Identifying risks that are posed by driver fatigue
2. Analysing those risks to determine their cause and consequences
3. Evaluating those risks to determine the degree of risk related to fatigue that is acceptable to your business
4. Implementing countermeasures to minimise the impact of the risk or remove the risk altogether
5. Monitoring the effectiveness of the countermeasures you have put in place.

# Maintenance

## Identifying fatigue risks

In order to determine the fatigue-related risks in your business, common questions to consider include:

- when is the risk of fatigue increased for us?
- when the fatigue-related risk is increased, who is it impacting?
- is there a specific group of drivers that are at increased risk due to the nature of their work arrangements/schedules?
- how does the increased risk impact our operations?
- what specific tasks/jobs are susceptible to fatigue?

Once you have a list of possible fatigue-related risks for your business, ask yourself:

- how are we currently managing our fatigue risk?
- are we managing our fatigue risk effectively?
- what can we do that we are currently not doing?

The answers to these questions will guide you in selecting any additional countermeasures that reduce the risks of fatigue in your business.

## What are reasonable controls?

Reasonable controls can either prevent or minimise driver fatigue. Examples include:

- having a program for assessing fitness for duty
- a no blame system that encourages fatigued drivers to stop
- having a system for contingency planning in relation to fatigue and work/rest hours
- having a system of appropriate supervision and management of drivers
- having a system for sufficient notice of scheduling changes
- having a system to manage work/rest hours of drivers
- having a system to review driving or work schedules and work records
- a system that reviews loading and unloading times
- having a system that identifies and remedies problems related to fatigue and compliance
- avoiding incentives and demands in commercial arrangements that may cause fatigue or breaches of work/rest requirements
- having formalised processes to engage and consult with all other chain parties.

## Impacts of changing CoR laws

The safety of all road users hinges upon the proper maintenance of heavy vehicles.

Many of the more serious injury and fatality crashes of recent times have resulted from poor or ineffective maintenance regimes.

Recognising the role that all parties can play in highlighting and responding to defective or unsafe vehicles, the law will soon require positive action from any party that can influence or control vehicle standards.

All parties in the supply chain will have to either take direct action to properly manage vehicle standards under a documented maintenance regime, or be more watchful and consultative with their transport partners.

## Heavy Vehicle Operators

Under the current law, heavy vehicle operators are required to ensure that their fleet is free of defects, mechanically safe and in proper working order before a vehicle enters the road network.

Under the new law, this duty will not change. The maintenance systems in place may come under much closer scrutiny however.

To assure themselves of compliance, and safe operations generally, investigators will likely examine systems features such as: fault reporting, fault correction, maintenance programs and schedules, documentation and partner collaboration for supply chain reporting.

## Supply Chain parties

While it is recognised that non-transport supply chain parties may not be able to control the maintenance of heavy vehicles, it is acknowledged that they can influence the use of defective or unsafe vehicles on the road.

In this sense, the role of supply chain parties is one of observe, report and record. If a supply chain partner sees a defective, unsafe or potentially dangerous condition on a vehicle, then contact ought to be made with the responsible transport company to report the issue.

Vehicle examinations or inspections by supply chain parties are not necessary, but vigilance and a preparedness to report observations are a reasonable response.

Documenting or keeping a record of the observations made, the interaction with the company and the action taken are essential to ensure that supply chain parties are complying with their duties under the law.

# Loads in excess of legal limits

## Overloading puts everyone at risk

You may think that over-loading a heavy vehicle gives you an advantage, but it puts you and all road users at risk.

The impact of overloaded heavy vehicles can:

### *Affect the safety of your workers and all road users*

- Increases load restraint risk and the potential for load shift
- Even minimal overloading hinders heavy vehicle stability, so the vehicle takes longer to stop after braking
- Increases braking distance.

### *Add to your costs*

- They increase wear and tear on your vehicle, and cause equipment failure and breakdowns
- They use extra fuel and add to your maintenance costs
- They can affect your insurance costs and policies.

### *Add to public costs (which adds to your costs)*

- They increase wear and tear on roads, bridges and structures, leading to higher taxes and costs for all road users
- They can cause road congestion, which increases downtime, and reduces your profits.

## What the law says

### Who determines the limits?

Heavy vehicle loading and mass limits (including axles) are regulated under the HVNL and are detailed in the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

The HVNL states that a person must not drive a heavy vehicle on a road when its total weight exceeds its mass requirements.

Although you also cannot legally load the vehicle, combination, trailer or any of their components to more than the manufacturer's mass rating, the HVNL may set even more stringent limits.

Unless you are operating under a notice permit or specific scheme, the general mass limits apply.

## Chain of Responsibility requirements

The HVNL has CoR provisions that mean that anyone controlling or influencing heavy vehicle operations, not just drivers, have to comply with the law.

Under CoR, commercial contracts or work arrangements must not result in or encourage drivers or other parties in the supply chain to breach the HVNL.

Drivers, loaders, packers, weighbridge staff, consignors, managers, and senior executives are responsible for overloading, if they influence the mass of the vehicle or its load or do nothing to prevent breaches.

Everyone in the supply chain must ensure that systems are in place to address heavy vehicle safety. This can involve contractual arrangements that insist on all parties complying with CoR requirements and tools to monitor and prove that your operations are safe and comply with the law.

## Don't overload in the first place

Even with the best of intentions, mistakes can be made. You need to set up systems and adopt business practices that stop overloading in the first place. This applies to business owners and everyone else in the transport task.

Every business is different but here are things you can do to reduce the risk of overloading in your operations.

### Share information about load limits and restraints

- Management, staff and supply chain partners should share information about issues, and ways to improve current practices
- Understand information partners should know about weighing, loading, restraint and unloading
- Include information in training, policies and procedures provided to staff and contractors. Make it easy for them to find and understand
- Review information provided to staff and contractors regularly.

### Use the right equipment and maintain it

By using certified, reliable weighbridge or on-board mass monitoring you reduce both your risk of exceeding mass limits and going underweight.

Good equipment helps you to detect and prevent overloads at the earliest possible time.





If possible, use equipment that:

- weighs axles and combinations, such as weighbridges (split platforms)
- measures the weights of all goods such as pallets, boxes and containers and provides on-board mass monitoring.

If possible, use loading equipment fitted with electronic recording that reports to supervisors for monitoring.

Make sure the equipment you use to check load mass is accurate and well maintained.

Put in place a system that ensures regular maintenance and calibration of all weighing and loading equipment.

### **Plan your loads**

Have a process to manage and plan every load and its placement on the vehicle. Share the plans with all involved and ensure that drivers receive a copy.

Ensure all changes to the plan are approved by the loading manager before departure.

### **Plan your journey**

Thorough planning of the route to be taken will reduce the risk of mass breaches.

- Follow safe and approved routes particularly where mass restrictions for infrastructure (such as crossings, bridges and tunnels) apply
- Ensure the vehicle or journey is consistent with permit or scheme conditions.

### **Select the right vehicles and trailers**

Put in place a process that ensures trucks or trailers selected for a task are appropriate for the load that is to be delivered, and ensure loads are properly restrained.

### **Weigh before you drive**

Put processes in place to weigh and measure accurately all goods to be transported.

Have processes to:

- record total load and axle weights for each journey
- manage load variances, such as adjustment of over mass loads, awareness of wet loads (as opposed to dry loads such as gravel and sand), and weighing when the fuel tank is full
- display load weights on the vehicle to guide and inform loaders.

### **Something went wrong?**

#### **Talk about it and find out why**

The only way to improve your systems is to continuously learn.

- Have a system in place to record incidents or events when you failed to comply with legal load limits
- Ensure you discuss the incident, analyse what went wrong and introduce measures into your business operations to stop it happening again.

### **What if the vehicle is overloaded?**

If you do everything suggested above, it's unlikely the vehicle will exceed mass limits. If a load is not correct, however, and weighing equipment or a weighbridge detects that your load exceeds the legal limit, you may be breached under the HVNL.

#### **Your breach will be classified**

Mass breaches are classified as *minor*, *substantial* and *severe*, depending on how much the load exceeds the legal limit that applies to you.

When classifying the breach, the authorised officer (including transport inspectors and police officers) will also take into account the level of risk the breach poses to public safety and the potential damage to infrastructure.

#### **You may be issued a warning, notice or report**

The authorised officer may issue a formal warning, infringement notice or offence report depending on the circumstances and their assessment of the risk the overloading poses.

#### **What happens to the vehicle?**

Authorised officers who detect a breach must take action to correct the issue immediately or move the vehicle to a place where the breach can be rectified.

You may not be able to proceed on your journey until the load is rectified and no longer poses a risk.

You may need to contact a supervisor to send out another vehicle, or organise another way to rectify the load so that you can continue on your journey in compliance with the load limits.

# Managing speed

## Everyone is in the driver's seat

When it comes to managing speed of heavy vehicles, everyone is in the driver's seat.

Responsibility for speeding offences extends from the steering wheel to the boardroom.

The HVNL prohibits any person from asking, directing or requiring a driver or other party in the supply chain, to enter into any contract or agreement that would reward, encourage or provide incentive to a driver to exceed speed limits.

If you work anywhere in the supply chain, you must take practical steps within your area of responsibility to ensure that you do not cause or influence drivers to exceed speed limits.

This applies to:

- employers, operators and managers in relation to transport activities and business practices
- schedulers in relation to delivery requirements and schedules or rosters
- loading managers in relation to loading and unloading work practices and arrangements
- consignors and consignees in relation to business practices for orders or deliveries.

## Speed kills

Statistics show that speed is a causal factor in 40 per cent of fatal crashes, an aggravating factor in the severity of all crashes and, for every 5 km/h increase over the limit you travel in a 60 km/h speed zone, the risk of involvement in a casualty crash doubles.

The faster you drive:

- the less time you have to respond to hazards
- the harder it is to turn or take other evasive action
- the vehicle travels further and takes longer to stop once you hit the brakes.

It is particularly important for heavy vehicles to reduce their speeds in lower speed zones, including highways, due to risks such as roadwork sites and increased traffic at intersections.

## Heavy vehicles have additional rules

You need about 60 metres to safely stop a heavy vehicle being driven at 60 km per hour. Every extra touch on the accelerator adds metres to that distance.

For heavy vehicles in particular, speeding is not just an offence you could commit when you travel faster than the speed limit. Some states and territories apply limits to heavy vehicles that do not apply to other vehicles within the same speed zone.

Quite aside from exceeding legal speed limits, you are subject to dangerous driving offences if you travel at speeds that are unsafe for the load you are carrying or in certain road conditions, such as around corners, on steep descents, and in foggy, wet or icy conditions.

## Fined, and you weren't even driving!

Heavy vehicle drivers know and are constantly made aware of the safety risks of speeding. They also know about compliance costs: too many speeding offences puts them out of a livelihood because of the demerit points associated with speeding offences.

What transport and supply chain businesses need to understand is that speeding is not just a driver's problem. Under CoR provisions within the HVNL, an employer, prime contractor or operator may be liable for a driver's speeding offence unless they have done everything practical to prevent it from happening.

## Don't limit your speed limiters

The fitting of speed limiter devices to certain types of heavy vehicles is mandatory.

The HVNL requires that you maintain and operate these devices properly and makes it an offence for anyone to tamper with them.

Authorised officers conduct regular crackdowns on speed-limiter tampering and in some cases entire company fleets have been grounded.

## CoR investigations start from the ground up

Businesses that fail to manage speed may be subject to a CoR investigation.

The trigger for an investigation might be an event on the ground, such as a driver committing a speeding offence, or information that safety is being compromised, but a CoR investigation can still lead to those at the top of the business.

Authorised officers conducting an investigation will require you to produce files and records to check whether your business practices and systems address speeding issues effectively or whether they breach compliance obligations.

If you are found to have breached HVNL requirements, you may be subject to actions or penalties ranging from formal warnings to an infringement notice or court action, depending on the severity of the offence.

Under the HVNL, offences are categorised according to the risk they present to safety and to road infrastructure.

If your systems are not addressing these issues satisfactorily, investigators can work with you to understand the risks inherent in your business. They can suggest measures you could take to minimise those risks, such as installing and operating new technologies or adopting new work practices.

## Making time rather than beating the clock

Timeliness is core to the transport and supply chain industry based on tight production and delivery schedules.

Incentives to speed may exist if your business operates in a reactive way and you don't adopt systems and processes to create predictable and reliable journey times.

Consider logistics operations as a whole, not just the time the driver needs to spend on the road. Bottlenecks or events throughout a journey can also cause unnecessary delays.

It is impossible to predict or plan for every possible pitfall on the road, but you can prevent many delays if you:

- schedule realistic journey plans and allow for sufficient rest for drivers
- identify high traffic periods and locations and build journey plans to work around them
- have contingency plans to handle high traffic situations and other incidents
- are aware of and share information about events or incidents that may lead to delays
- use vehicle monitoring systems to alert drivers and supervisors when they are speeding
- improve the efficiency of loading or unloading operations
- keep vehicles well-maintained to reduce the chance of break-downs
- keep other parties advised of unscheduled delays.

## Survival trumps early arrival

It's in the interest of your business and all within the heavy vehicle chain of responsibility to make sure staff involved in transport operations know their responsibilities.

Delays are never good for business, but speeding isn't an option for overcoming them.

Once you factor in the risk of incidents, crashes, and speeding offences, everyone involved in heavy vehicle operations have sound reasons to set up systems and adopt business practices that ensure drivers have no need to speed.





### For more information

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