

Heavy Vehicle Speeding Compliance



Transport
Roads & Maritime
Services

CHAIN OF RESPONSIBILITY

DECEMBER 2011

NSW road transport laws include 'chain of responsibility' provisions which require all parties in the supply chain to take all reasonable steps to prevent a breach of the heavy vehicle speeding compliance laws.

Which vehicles does the speed compliance provision apply to?

The speed compliance provision applies to heavy vehicles with a gross vehicle mass of more than 4.5 tonnes.

Who is covered by the Chain of Responsibility provision?

Each of the following people or functions is included in the chain of responsibility for speeding compliance:

- Employer
- Prime contractor
- Operator
- Scheduler of goods or passengers, or scheduler of a driver
- Loading manager who manages premises and supervises loading or unloading
- Consignor of goods
- Consignee of goods.

The chain of responsibility provisions recognise that many people are in a position to cause or contribute to a situation where a driver acts in breach of the NSW speeding compliance laws. Rather than focusing solely on drivers and operators, authorities can investigate along the supply chain and up and down the corporate chain of command.

NOTE

It is performing any of these functions – rather than a job title or contractual description – that determines whether a person falls within any of these definitions.

What are my responsibilities?

- Parties in the chain of responsibility must ensure that a heavy vehicle driver does not drive in excess of any speed limit that applies to the vehicle. Contracts with a driver or party in the chain which would encourage or cause the driver to speed are expressly prohibited.
- The law requires you to take all reasonable steps to ensure that:
 - the driver does not exceed speed limits; and
 - the driver's schedule does not require the driver to exceed speed limits.
- The speed compliance law does not impose any obligations on employed drivers. However, drivers of heavy vehicles are still required to obey speed limits. Penalties for failing to comply include fines, demerit points, licence cancellation and disqualification from driving.

What do I need to do?

You should be able to demonstrate that all reasonable steps have been taken to ensure that your activities or functions will not cause, contribute to causing or encourage a driver to speed. There is a range of ways in which you can do this: checking speed limiters, liaising with customers about unreasonable deadlines, getting drivers to report speeding issues, factoring traffic delays into schedules, etc.

Where do I find more information?

Further information on fatigue is available from the [RMS](http://www.rms.nsw.gov.au) at www.rms.nsw.gov.au and from the NTC website www.ntc.gov.au. The Road Transport (General) Regulation 2005 containing driver fatigue regulations can be found at www.legislation.nsw.gov.au