

# Speed Compliance Policy



This template policy is designed to draw your attention to some of the important issues under the Heavy Vehicle National Law and its associated regulations (HNVL) that may be relevant to you. To create your own speed compliance policy you need to consider all of the issues listed in this template and whether, and to what extent, they are relevant to your business.

## 1.0 APPLICATION

This policy applies to all Chain of Responsibility Participants. This policy should be read in conjunction with our chain of responsibility policy and

## 2.0 PURPOSE AND OBJECTIVES

is committed to providing a safe working environment where the safety of Drivers, other road users and members of the public is not affected by Speeding.

recognises that Speed can be a contributing factor in Heavy Vehicle accidents.

## 3.0 DEFINITIONS

\*Note: if your chain of responsibility policy defines all of the parties in the chain of responsibility, you may be able to delete many of the definitions in this section

The meanings of the terms used in this policy are set out below.

means

**Chain of Responsibility Legislation** means the Heavy Vehicle National Law Act, the Heavy Vehicle (Fatigue Management) National Regulation, the Heavy Vehicle (General) National Regulation, the Heavy Vehicle (Mass, Dimension and Loading) National Regulation, the Heavy Vehicle (Vehicle Standards) National Regulation as enacted in any Australian state or territory.

**Chain of Responsibility Participant** means the Consignee, Consignor, Prime Contractor, the Operator, Driver's Employer, Loader, Unloader, Loading Manager, Packer and Scheduler (or any one of them) undertaking activities associated with the use of a Heavy Vehicle.

**Consignee** means a person who arranges for goods to be delivered to it or who accepts goods for delivery.

**Consignor** means a person who dispatches goods for delivery.

**Contractor** means a person who carries out Work for providing transport services under a contract for services, either as an individual or employee of a company or firm, other than

**Driver** means a person who drives a Heavy Vehicle under a contract of service or contract for services

**Driver's Employer** means a person who employs a Driver under a contract of service.

**Executive** means:

- (a) a director or person who is concerned or takes part in the management of a corporation (where the corporation is a Chain of Responsibility Participant);
- (b) a partner of an unincorporated partnership (where the partnership is a Chain of Responsibility Participant); or
- (c) a management member of an unincorporated body (where the unincorporated body is a Chain of Responsibility Participant).

**Heavy Vehicle** means a vehicle with a GVM or ATM of more than 4.5 tonnes or a combination that includes a vehicle with a GVM or ATM of more than 4.5 tonnes.

**Infringement Notice** means any penalty notice, infringement notice, summons, court attendance notice or similar document imposing a fine or penalty or requiring a party to attend court in relation to Speeding.

**Loader** means a person who loads goods into a Heavy Vehicle or loads a Heavy Vehicle with a freight container.

**Loading Manager** means a person who:

- (a) manages or is responsible for the operation of regular loading or unloading premises at which goods are loaded onto or unloaded from Heavy Vehicles; or
- (b) has been assigned by a person mentioned in (a) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a Loader or Unloader of goods at regular loading or unloading premises for Heavy Vehicles

**Mechanical Staff** means Workers employed to maintain Heavy Vehicles used by

**Operator** means a person who is responsible for controlling or directing the use of a Heavy Vehicle.

**Packer** means a person who:

- (a) puts goods into packaging, even if that packaging is already on a Heavy Vehicle;
- (b) assembles goods as packaged goods in an outer packaging, even if that packaging is already on a Heavy Vehicle;
- (c) supervises an activity mentioned in (a) or (b); or
- (d) manages or controls an activity mentioned in (a) or (b).

**Prime Contractor** means a person who engages a Driver to drive a Heavy Vehicle under a contract for services.

**Scheduler** means a person who schedules the transport of goods by road on a Heavy Vehicle.

**Speed and Speeding** means where a Heavy Vehicle travels faster than the posted speed limit for the Heavy Vehicle; or where a Heavy Vehicle travels within the posted speed limit determined by the relevant national or state authority but at a speed that is inappropriate to the driving conditions having regard to factors such as the road surface, the visibility, the weather, traffic volume, traffic flow or other conditions such as pedestrian activity.

**Unloader** means a person who unloads goods from a Heavy Vehicle or unloads a freight container from a Heavy Vehicle.

**Work** means work performed or required to be performed for or at the direction of in the course of any employment or engagement of a Worker with

**Work Diary** means the work diary required to be kept under the Chain of Responsibility Legislation.

**Worker** means an employee, Contractor, volunteer or agent of

**Working Hours** means the period of time required to be spent by a Worker performing Work in connection with the Worker's employment or engagement.

## 4.0

## VEHICLES - MEASURES TO PREVENT SPEEDING

Heavy Vehicles are fitted with:

1. Heavy Vehicles are fitted with speed limiters? If so, the speed limiters are checked, as part of the Heavy Vehicle's maintenance to ensure that they operate properly.
2. Heavy Vehicles are fitted with GPS tracking devices? If so, regular checks are undertaken to ensure they are in good working order?
3. Heavy Vehicles are fitted with dashboard cameras or other on-board monitoring systems. If so, regular checks are undertaken to ensure they are in good working order

Consider the following issues as applicable to your business and add any additional on-board monitoring systems and devices used by the Company in the field provided below:

## 5.0

## RESPONSIBILITIES OF DRIVERS

Drivers are responsible for:

1. Drivers are responsible for ensuring that they do not Speed while driving a Heavy Vehicle
2. Drivers are required to report the receipt of:
  - (a) any complaints of Speeding made by a Chain of Responsibility Participant or any member of the public
  - (b) any Infringement NoticeDrivers are required to report this to  
Drivers are required to provide a copy of any Infringement Notice
3. Drivers are required to report any request made to the Driver by a Chain of Responsibility Participant or an officer or employee of a Chain of Responsibility Participant that, if followed, would or might result in the Driver Speeding or being required to Speed. Drivers are required to report this to
4. Drivers are required to log onto any on-board monitoring system fitted to a Heavy Vehicle prior to commencing driving
5. Drivers are required to cooperate with any requests to enable \_\_\_\_\_ to access driver licence records, demerit point records and Infringement Notice records
6. Drivers are required to report any speed limiter, GPS tracking device, dashboard camera or other on-board monitoring system that is not functioning correctly. Drivers are required to report this to

Consider the following issues as applicable to your business and add any additional Drivers' responsibilities in the field provided below:

**6.0****RESPONSIBILITIES OF EXECUTIVES**

Executives are responsible for:

1. Executive are required to communicate this policy to Workers and ensuring that Workers are educated about ways Speeding contributes to incidents
2. Executive are required to ensure that appropriate training is provided to Workers to allow them to understand their obligations under this policy
3. Executive are required to monitor compliance with this policy
4. Executive are responsible for taking appropriate action in the event of a breach of this policy

Consider the following issues as applicable to your business and add any additional Executives' responsibilities in the field provided below:

**7.0****RESPONSIBILITIES OF PARTIES IN THE CHAIN OF RESPONSIBILITY**

Loading Managers are responsible for:

1. Loading Managers are required to monitor queuing systems at the depot for which they are responsible and take steps to alleviate any congestion or delays
2. Loading Managers are required to identify and remedy loading or unloading bottlenecks in consultation with Drivers and Chain of Responsibility Participants
3. Loading Managers are required to ensure that any allocated timeslots for loading and unloading are reasonable
4. Loading Managers are required to have contingency plans, such as rostered alternative Drivers, to ensure that any unexpected delays can be managed without the need for Drivers to Speed
5. Loading Managers are required to consult with Drivers as to whether any schedules or practices are, or are likely to, result in Speeding

Consider the following issues as applicable to your business and add any additional Loading Managers' responsibilities in the field provided below:

**7.0****RESPONSIBILITIES OF PARTIES IN THE CHAIN OF RESPONSIBILITY** (continued)

---

Schedulers are responsible for:

1. Schedulers must take into account the following when setting schedules (speed limits, distances that must be travelled, maximum permitted work hours and minimum required rest breaks, weather, potential traffic delays, traffic conditions, road works).
2. Schedulers are required to consult with Drivers and Chain of Responsibility Participants when setting schedules
3. Schedulers are required to consult with other Chain of Responsibility Participants if any schedule or time limit requested for the delivery of goods is, or is likely to be unable to be achieved without Speeding
4. Schedulers are required to have contingency plans for unexpected delays

Consider the following issues as applicable to your business and add any additional Schedulers' responsibilities in the field provided below:

---

Mechanical Staff are responsible for:

1. Mechanical Staff are required to check speed limiters and on-board monitoring systems are functioning correctly
2. Mechanical Staff are required to report any speed limiter or on-board monitoring system that is not functioning correctly. They must report to

Consider the following issues as applicable to your business and add any additional Mechanical Staff's responsibilities in the field provided below:

---

Consignors and Consignees are responsible for:

1. Consignors and Consignees are required to ensure that delivery requirements do not require or encourage Drivers to Speed?

Consider the following issues as applicable to your business and add any additional Consignors and Consignees' responsibilities in the field provided below:

---

## 8.0

### SANCTIONS IN THE EVENT OF BREACH OF THIS POLICY

\_\_\_\_\_ may take disciplinary action against any Worker who breaches this policy. The disciplinary action taken will be determined in the sole discretion of \_\_\_\_\_ and may include:

1. Further training in this policy
2. Suspension, including suspension without payment
3. Termination of the employment or engagement of the Worker with notice or immediately
4. Where the driver is not an employee of \_\_\_\_\_, requires the employer to cease using the Worker to provide any services to \_\_\_\_\_

Consider the following issues as applicable to your business and add any additional disciplinary action options in the field provided below:

## 9.0

### NOTIFICATION TO

\*Every Chain of Responsibility Participant is encouraged to notify \_\_\_\_\_ of:

- (a) any work system, situation or practice that the Worker considers may have the consequence of a Driver having an incentive to, or being expected to Speed; or
- (b) any other Worker or Chain of Responsibility Participant who is, or may be, in breach of this policy.

\_\_\_\_\_ will treat any notification made under this clause seriously. Following such a notification \_\_\_\_\_ may make inquiries or may make changes to a work system, situation or practice.

The Heavy Vehicle National Law (HVNL) and regulations imposes a primary duty in the chain of responsibility. Businesses are required to comply by identifying their risks, and develop and implement control measures tailored to their circumstances. This Form is a **guide only** and does not contain a definitive list of Heavy Vehicle National Law and regulatory requirements. To meet your obligations under the HVNL and regulations you are required to seek independent advice to assess your circumstances

National Transport Insurance is a joint venture of the insurers Insurance Australia Limited trading as CGU Insurance ABN 11 000 016 722 AFSL 227681 and AAI Limited trading as Vero Insurance ABN 48 005 297 807 AFSL 230859 each holding a 50% share. National Transport Insurance is administered on behalf of the insurers by its manager NTI Limited ABN 84 000 746 109 AFSL 237246.