

1 Context

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 5km/h increase over the limit travelled in a 60km/h speed zone, the risk of involvement in a casualty crash doubles.

2 Scope

This procedure applies to all Clenton's Transport's operations, transport activities and associated persons and contractors, including:

- Employees involved in the Chain of Responsibility (CoR);
- Contractors and supply chain partners whose activities are directed by, or may impact upon Clenton's Transport's operations and employees; and
- Contracted drivers of heavy vehicles driving for, or on behalf of Clenton's Transport.

3 Primary Duty

The primary duty of all relevant duty holders in the CoR is to ensure that all heavy vehicle journeys are able to be completed within legal speed limits at all times. Clenton's Transport, with respect to speed management, will aim to:

- eliminate public risks and, where it is not reasonably practicable to do so, minimise those public risks; and
- ensure our conduct, and those of our supply chain partners, does not directly or indirectly cause or encourage:
 - the driver of the heavy vehicle to contravene HVNL; or
 - the driver of the heavy vehicle to exceed a speed limit that applies to the driver; or
 - another person, including another party in the Chain of Responsibility, to contravene the HVNL.

4 Specific HVNL CoR Duties

No driver can drive, and no person can request a driver to drive in a manner that, if to do so, would result in the driver breaking the applicable speed limits.

It is an offence for any person to offer any encouragement, incentive, or reward for a driver to drive in breach of the applicable speed limits. Business practices not must, by act or omission, induce a risk of speeding.

Speed regulated heavy vehicles must be fitted with properly calibrated and functioning speed limiters in compliance with ADR 65/00.

5 Acronyms, Definitions and References

ADR: The Australian Design Rules (ADRs) are national standards for vehicle safety, anti-theft and emissions. The ADRs are generally performance based and cover issues such as occupant protection, structures, lighting, noise, engine exhaust emissions, braking and a range of miscellaneous items.

Contractor - as referred to in this procedure is any person not directly employed by Clenton's Transport undertaking transport activities on behalf of Clenton's Transport.

CoR: Chain of Responsibility.

CoR Parties are described in the Transport Safety Policy of our Safety Management System and include Registered Operator, Prime Contractor, Transport Operator, Consignor/Consignee, Loading Manager, Loader and Unloader, Scheduler, Packer, and responsible persons.

ECM: Engine Control Module.

Executive Officer of a corporation means a director of the corporation or any person, by whatever name called, (director or not), who is concerned, or takes part, in the management of the corporation. This includes for example owners, directors, managers, and operators.

Heavy Vehicle – a vehicle with a Gross Vehicle Mass over 4.5 tonnes.

HVNL: Heavy Vehicle National Law.

SDP: Safe Driving Plan.

Speed-regulated heavy vehicle – A heavy vehicle that must have a device that limits its maximum speed, which are:

- A truck having a Gross Vehicle Mass (GVM) exceeding 15 tonnes;
- A bus used to provide a public passenger service and with a GVM exceeding 14.5 tonnes;
- A heavy vehicle or bus manufactured on or after 1 January 1991 being either a:
 - Truck having a GVM exceeding 12 tonnes;
 - Bus used to provide a public passenger service and with a GVM exceeding 5 tonnes.

Transport activities under HVNL means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road.

REFERENCES for this procedure include:

[Heavy Vehicle National Law \(NSW\) No 42a \(In particular, Section 26C Primary Duty that specifically relates to speeding\)](#)

6 Procedure

Clenton's Transport and its contractors, as required under HVNL, will ensure the following measures are implemented throughout the supply chain relating to the management of speed compliance.

6.1 Scheduling

6.1.1 Clenton's Transport utilises U-Track program to manage and record Speed and Scheduling.

Driver speed may be adversely affected by set:

- pick up times or windows;
- journey times or windows;
- delivery times or windows.

Ideally, pick up, journey and delivery times or windows would not be fixed.

However, where any one or more are fixed, the following requirements of this section concerning scheduling applies.

6.1.1 When scheduling heavy vehicle times, or booking slots for loading or unloading, that a driver can reasonably rely on the bookings to happen at the agreed time, so as not to adversely cause or induce the driver to speed. **This should be done in consultation with the driver wherever possible.**

6.1.2 Any person scheduling a heavy vehicle's journey or setting any time for pick up, journey or delivery time ensures its business practices permit the scheduling of journeys so they can be completed in time and at all times in accordance with any legal road speed limit, including:

- allowing reasonable time for any necessary site induction, completion of all processes required by any Transport Safety Management Plan or equivalent, loading, driving, rest time and waiting; or
- having procedures implemented to respond to any journey delays (including weather, traffic, mechanical breakdown or fault or site delays).

For any scheduled heavy vehicle movement, an estimated trip time should be calculated, considering the above allowances, for the heavy vehicle to:

- reach its pick-up location;
- complete its journey; and
- reach its delivery destination.

6.1.3 The terms of engagement with any person or subcontractor (at any level) do not directly or indirectly force, encourage, induce or reward any driver to or for exceeding any legal or safe speed limit.

This includes **scheduling and payments** tied in whole or part to meeting schedules or work times.

6.1.4 Systems and processes are implemented so no demand is placed on any driver in relation to any pick-up, delivery or transit time which would directly or indirectly force, encourage, induce or reward any driver to or for exceeding any legal or safe speed limit.

6.1.5 Systems and processes are implemented at any loading or unloading sites operated by Clenton's Transport to inform drivers or transport operators, as far in advance as possible, of any delays or queues at the site which would likely result in a driver waiting for more than 30 minutes.

Where delays of more than 30 minutes are likely:

- queuing will be avoided so far as reasonably practicable;
- truck and driver waiting, and resting areas will be provided for use; and
- a system used for drivers to be notified by the site when the site is ready to load or unload their heavy vehicle. This system will not require the driver to have to periodically or continually check in with the site which may lead to interrupted rest.

6.2 Speed Breaches

6.2.1 A speed breach is deemed to have occurred where:

- a driver exceeds a posted speed limit or drives at a speed inappropriate for the conditions; and
- the breach occurs on a road; and
- the breach occurs while conducting transport activities for or on behalf of Clenton's Transport or in a Clenton's Transport badged vehicle.

6.2.2 A speed breach may be externally identified (e.g., through a speed camera or on-the-spot infringement) or internally identified through vehicle monitoring.

6.2.3 More than one speed breach may be incurred on a single journey. The earliest of these breaches will be considered the first offence.

6.2.4 Where a driver is issued an on-the-spot administrative penalty, or the penalty is posted or otherwise transmitted to the driver's private address/post box, the driver must advise Clenton's Transport at the beginning of their next shift.

6.2.5 Where a speed breach is identified it will be formally investigated and appropriate actions taken based on the outcome of the investigation. The findings of the investigation and the action taken are to be recorded in our and our Contractor's CoR incident reporting system.

6.2.6 A driver will be deemed at fault where:

- The driver is confirmed as having been in control of the vehicle at the time of the breach, and
- The speed limiter is operating in accordance with the required standard (for speeds exceeding 100km/hr), and
- Monitoring devices capturing GPS and ECM (where fitted and monitored) are fully functional, or
- Where the breach is externally identified, the driver incurs an administrative penalty as a result of the breach, or
- The driver is found guilty of the breach by a court.

6.2.7 A driver will not be deemed at fault, even where the above points are confirmed, where:

- The driver breached speed requirements in order to preserve life, prevent injury and/or avert damage to property or the environment or otherwise avoid or mitigate significant risk to public safety; and/or
- the driver was driving a vehicle with faulty brakes, odometer or other component related to speed.

6.2.8 The **CEO/MD** will be the ultimate arbiter of fault where the issues above are in question/dispute.

- 6.2.9 Any penalty imposed by an external authority on an individual/s is payable by the individual/s. Clenton's Transport will not pay infringements or court fines on behalf of drivers or other parties in the supply chain except where the individual/s are not considered at fault in line with the above criteria.
- 6.2.10 Where a speed breach is confirmed to be the fault of the driver, consequences are to be applied as per **Table 1** for breaches ≥ 100 km/hr, or as per **Table 2** for breaches < 100 km/hr.

6.3 Speed Management Equipment

- 6.3.1 All speed regulated heavy vehicles used in our operations are to be fitted with properly calibrated and functioning speed limiters.
- 6.3.2 Proper calibration and functioning of speed limiters will be certified, including using the compliance monitoring measures outlined in Section 6.5.3 of this procedure.
- 6.3.3 All heavy vehicles, but at least all speed regulated heavy vehicles are to be equipped with on-board telematics including real-time monitoring GPS or other speed/location monitoring system which is monitored and creates records in real time.
- 6.3.4 A system is implemented to ensure that heavy vehicle drivers:
- obey all applicable speed limits (including monitoring and recording any speeding breach); and
 - drive at a safe speed for the prevailing conditions.

6.4 Speed Limiter Tampering

- 6.4.1 Speed limiter tampering means altering, damaging, removing, overriding or otherwise interfering with the speed limiter and other equipment/components on a vehicle in a way that:
- enables the vehicle to be driven at a speed higher than permitted in an applicable vehicle standard, and/or
 - alters, or is designed to alter, information recorded by the speed limiter, and/or
 - results, or may result, in the speed limiter recording inaccurate information.
- 6.4.2 Speed limiter tampering may be externally identified (e.g., through a vehicle inspection) or internally identified (e.g., through routine maintenance).
- 6.4.3 Where speed limiter tampering is identified it will be formally investigated and appropriate actions taken based on the outcome of the investigation. The findings of the investigation and the action taken are to be recorded in our and our Contractor's CoR incident reporting system.
- 6.4.4 The investigation will be managed by appropriately nominated persons as determined under our Investigation Procedure.
- 6.4.5 Any penalty imposed by an external authority on an individual/s is payable by the individual/s. Clenton's Transport will not pay speed tampering fines on behalf of individual/s.
- 6.4.6 Where an individual is found to have knowingly engaged in speed tampering on a vehicle used to conduct Clenton's Transport's transport activities, the result will be termination of employment on first offence.

6.5 Compliance Monitoring

- 6.5.1 A system is implemented to ensure any GPS or other speed/location monitoring system is calibrated to produce a real-time notification to the driver and their supervisor if the heavy vehicle exceeds:
- its maximum applicable speed limit; and/or
 - any applicable legal posted road speed limit.

- 6.5.2 Clenton's Transport and its contractors will conduct random and/or risk-targeted inspections of a reasonable sample of journeys to ensure compliance with applicable speed requirements.

Records of such inspection must, and will be retained, and may include:

- Verification of actual departure, journey or delivery times against those recorded in the load or route planning documentation;
- Comparisons of actual journey time with estimated journey time checking for any discrepancy where the actual journey time is materially less than the estimated journey time; and/or
- Comparisons of recorded departure, journey or delivery times as against GPS or other speed/location monitoring system for the journey.

- 6.5.3 Clenton's Transport and its contractors will conduct random or risk-targeted inspections of a reasonable sample of heavy vehicles to ensure:

- compliance with applicable speed limiter requirements; and
- the proper calibration and functioning of speed limiter and monitoring equipment.

Records of such inspection must, and will be retained, and may include:

- Engine Control Module checks;
 - 'Roadside' testing that involves hooking a computer up to the heavy vehicle and accessing the controlling computer program (usually required to be conducted by a trained mechanic or authorised person);
 - GPS matching analysing GPS location/heavy vehicle tracking vs speedo readings to detect any inconsistencies;

- 6.5.4 The following occurrences must and will be reported in our and our Contractor's CoR incident reporting system:

- Where any of the above compliance monitoring processes identify any scheduling discrepancy or speeding breach; or
- Where any scheduling discrepancy or speeding incident is otherwise notified or becomes known to Clenton's Transport and its contractors or any Subcontractors.

7 Consequence Management

The following two tables represent the consequences for an individual deemed at fault of a speed breach/es following a formal investigation process.

Table 1: Consequences for Speed Breaches $\geq 100\text{km/hr}$

Rating of speed breach	Parameters of speed breach	First Offence	Second Offence	Third Offence	Fourth Offence
Critical	$\geq 15\text{km/hr}$ over the speed limit	Termination of employment.	N/A	N/A	N/A
Major	$\geq 10\text{km/hr}$ – $< 15\text{km/hr}$ over the speed limit	First and final formal written warning stating a further breach will result in termination of employment.	Termination of employment.	N/A	N/A
Moderate	$< 10\text{km/hr}$ over the speed limit or Failure to drive to the conditions	Training in speed management policies & other training as required.	First formal written warning issued stating that two (2) further breaches will result in termination of employment.	Formal written warning stating a further breach will result in termination.	Termination of employment.

Table 2: Consequences for speeding events <100km/hr

Rating of speed breach	Parameters of speed breach	First Offence	Second Offence	Third Offence	Fourth Offence
Critical	≥15km/hr over the speed limit	First and final formal written warning stating a further breach will result in termination of employment.	Termination of employment.	N/A	N/A
Major	≥10km/hr – <15km/hr over the speed limit	Training in speed management policies & other training as required + as per first offence for a moderate breach.	First formal written warning issued stating that two (2) further breaches will result in termination.	Formal written warning stating a further breach will result in termination.	Termination of employment.
Moderate	< 10km/hr over the speed limit or Failure to drive to the conditions	Review and refresh of the road conditions / signage where the breach occurred with road transport / HSE staff. Where conditions changed, details to be included in SDP / Journey Management Plans / communications as appropriate.	First formal written warning issued stating that two (2) further breaches will result in termination.	Formal written warning stating a further breach will result in termination.	Termination of employment.

Tables 1 and 2 assume that a driver's second and subsequent offences are in the same category as the first. Appendix A provides guidance where this is not the case.

8 General Responsibilities

Owner/Employer/Prime Contractor

The Owner, Employer or Prime Contractor is responsible for exercising 'due diligence' by providing the information, resources and expertise necessary for implementing, undertaking, monitoring and maintaining risk management activities associated with speed management requirements under the HVNL.

In meeting 'due diligence' requirements, they are required to familiarise themselves with the speed related hazards and risks associated with the business and its transport activities, the selected controls and monitor the effectiveness of the process.

Managers and Supervisors

Managers and supervisors are responsible for implementing this procedure in the areas and operations over which they have control. Managers are required to ensure the organisation's risk assessments are conducted, record keeping requirements are met, systems are monitored in real time, warnings and alerts are actioned, and the information obtained is reviewed and acted upon. Managers are also required to monitor the effectiveness of the processes in place.

Employees

All persons and contractors operating for or engaged in Clenton's Transport's transport activities are required to adhere to this procedure.

Contractors

Contractors, as well as complying with their HVNL duties, are also responsible for undertaking their own risk management activities. They are to comply with speed management requirements and duties, in accordance with legislative requirements of the HVNL. How they will achieve this is to be described in their Transport Safety Management Plan, Safe Work Method Statements or equivalent.

Compliance reporting and relevant information is to be provided to Clenton's Transport as part of their contractual arrangements.

All speed management issues identified by the management system and assessment process, are to be provided to Clenton's Transport's contact point. Contractors must also comply with Clenton's Transport's procedures. Any concerns are to be reported to Clenton's Transport's contact at the earliest opportunity for review.

9 CoR Role Responsibilities – Speed Management

Scheduler Responsibilities

The scheduler must ensure that:

- Driver rosters or pick-up and delivery schedules do not require drivers to exceed the speed limit to meet the agreed timeslot;
- Contingency plans are developed to deal with scheduling issues and problems with meeting deadlines;
- Drivers can report delays or other problems;
- Consignors and/or Consignees are advised of any concerns about requested delivery times; and
- They resolve or appropriately escalate speed-related issues promptly.

Loading/Unloading Manager Responsibilities

The loading/unloading manager must ensure that:

- Practices do not unnecessarily delay a driver which would create a need to speed to complete any further scheduled activities;

Transport Safety Management System

Procedure 02 Speed Management



- Requests are not made of a driver that may result in, encourage, or provide an incentive to cause the driver to speed; and
- They notify the driver and/or scheduler immediately of any loading delays or potential missed timeslots.

Packer Responsibilities

The packer must ensure the load is:

- Packed in a timely manner, without unnecessary delays that may cause the driver to speed;
- Packed and ready to be loaded at the agreed loading time.

Loader/Unloader Responsibilities

The loader/unloader must ensure the load is:

- Loaded/unloaded at the agreed loading time;
- Loaded/unloaded in a timely manner, without unnecessary delays that may cause the driver to speed.

Consignor/Consignee Responsibilities

The consignor/consignee must ensure that:

- No additional payments or incentives are offered or paid to any driver or other person to breach the law;
- No pressure directly or indirectly is put on the driver to exceed the speed limit;
- Appropriate time is factored into deliveries so they can be completed without requiring the driver to speed; and
- Contracts include speed compliance and monitoring equipment and systems requirements.

Driver Responsibilities

The Driver must always:

- Comply with speed limits;
- Demonstrate safe and responsible driving behaviour;
- Communicate any concerns about the scheduling or journey or any other potential or actual issues or delays to their scheduler promptly; and
- Inform Clenton's Transport if they believe the vehicle's speed limiter is not functioning properly.

10 Related Policies and Procedures

This procedure has been developed in conjunction Clenton's Transport's Speed Management Policy and overarching Transport Safety Policy. It is consistent with the requirements of HVNL legislation.

11 Supporting Forms/Record Keeping

Forms generated by this procedure and other related records are listed below.

Title or group of documents	Location	Responsible Party or Role	Minimum Retention Period
Run Sheet - Daily			
Speed risk assessment			3 years
Hazard Reports			Ongoing
Incident Alerts, Reporting and Intervention			

12 Procedure Quality Control

Policy:	Policy 03 Speed Management Policy
Compiled By:	
Groups Consulted:	
Approved By:	
Date:	MM/YY
Review:	MM/YY
Filename:	TSMS Procedure 02 Speed Management Operator.docx

Appendix A

Table 3 below provides guidance on how consequences are to be applied where second and subsequent breaches are different in nature to the first.

Table 3: Consequences where second and subsequent breaches are different in nature

First offence	Second offence						Third offence						Fourth offence					
	≥ 100 km/hr			<100 km/hr			≥ 100 km/hr			<100 km/hr			≥ 100 km/hr			<100 km/hr		
	Critical	Major	Moderate	Critical	Major	Moderate	Critical	Major	Moderate	Critical	Major	Moderate	Critical	Major	Moderate	Critical	Major	Moderate
≥ 100 km/hr																		
Critical	ToE																	
Major	F(1)	ToE	ToE	ToE	ToE	F(1)	F(1)					ToE	ToE	ToE				
Moderate	TR(1)	ToE	F(1)	F(2)	F(1)	F(2)	F(2)	ToE	ToE	F(1)	F(1)	F(1)	F(1)	ToE	ToE	ToE	ToE	ToE
<100 Km/hr																		
Critical	F(1)	ToE	ToE	ToE	ToE	ToE	F(1)	ToE	ToE	ToE		ToE	ToE					
Major	TR(2)	ToE	ToE	F(1)	F(1)	F(2)	F(2)	ToE	ToE	ToE	ToE	F(1)	F(1)	ToE	ToE	ToE	ToE	ToE
Moderate	TR(3)	ToE	F(1)	F(2)	F(1)	F(2)	F(2)	ToE	ToE	F(1)	F(1)	F(1)	F(1)	ToE	ToE	ToE	ToE	ToE

Key

Termination of employment.	ToE
Formal written warning stating a further breach of comparable or greater seriousness may result in termination of employment.	F(1)
Formal written warning issued stating that two (2) further breaches of comparable seriousness may result in termination of employment. One subsequent breach of greater seriousness may result in termination.	F(2)
Training in Clenton's Transport's Speed Management Policies & other training as required.	TR(1)
Training in Clenton's Transport Speed Management Policies & other training as required. Review & refresh of the road conditions / signage where the event occurred with road transport / HSE staff. Where conditions changed, details to be included in SDP / Journey management Plans / communications as appropriate	TR(2)
Review & refresh of the road conditions / signage where the event occurred with road transport / HSE staff. Where conditions changed, details to be included in SDP / Journey management Plans / communications as appropriate	TR(3)