



NATIONAL ROAD TRANSPORT ASSOCIATION

Submission to the National Transport Commission

Issues Paper: Effective Enforcement

31 October 2019

Introduction

1. The National Road Transport Association (NatRoad) is pleased to make comments on the Issues Paper entitled *Effective Enforcement*¹ released by the National Transport Commission (NTC) in September 2019. The Issues Paper is part of a series that informs the current review of the Heavy Vehicle National Law (HVNL).²
2. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from owner-drivers to large fleet operators, general freight, road trains, livestock, tippers, car carriers, as well as tankers and refrigerated freight operators.
3. This submission responds to the questions posed in the Issues Paper. We note that to date we have given the NTC a great deal of feedback about enforcement in the current system because members view this area as deficient and in need of immediate reform. We thank the NTC for reproducing in the current Issues Paper the NatRoad case study relating to the issue of defect and infringement notices for a non-existent offence.³
4. From the outset of this inquiry, we have emphasised that the issues of compliance and enforcement are in urgent need of reform. We have stressed this concern in all written submissions to the NTC and at the workshops that the NTC has convened. This submission continues the lines of argument previously set out, emphasising the criticality of this subject.

Question 1: Which compliance obligations in the HVNL that do not link to safety and efficiency are most important for us to remedy as part of this review?

5. Fatigue offences are largely administratively based and do not connect to impairment because of fatigue. This is the area of the law crying out for reform of substance and how compliance and enforcement work.
6. In the relevant NatRoad submission to the review on fatigue management,⁴ NatRoad proposed a system where enforcement under the new HVNL should target the most significant threats and consequences associated with driving fatigued. Enforcement efforts and sanctions should align with these threats and consequences, rather than be focused on administrative matters that are removed from the problem they are purportedly designed to solve.
7. The offences should also be proportional to the severity of the risk, unlike the disproportionate fines currently applied for administrative errors. In that context, a first warning system for record keeping should be implemented with failure to improve within a time limit set as the point at which any sanction for administrative breaches is imposed, with a scale that increases based on levels of culpability.

¹ [https://www.ntc.gov.au/Media/Reports/\(E77C65EC-B4B1-5408-BA6E-4389F120295B\).pdf](https://www.ntc.gov.au/Media/Reports/(E77C65EC-B4B1-5408-BA6E-4389F120295B).pdf)

² <https://www.ntc.gov.au/heavy-vehicles/safety/review-of-the-heavy-vehicle-national-law/>

³ Above note 1 at p 35

⁴ <file:///C:/Users/Richard/Downloads/HVNL-risk-based-regulation-issues-paper-submission-natroad.pdf>

8. No restrictive fatigue related diary requirements should be in play. Instead, a provision which emulates the Western Australian requirement for record keeping should be introduced. This provides flexibility in record keeping with records rightly being required to be clear and systematic. If these criteria are met then the administrative requirements of the fatigue offence regime should be satisfied. Focusing on the substance of what the records reflect means the format of the record is able to be varied according to the type of workplace and the nature of the work.⁵
9. We have previously pointed out that fatigue is a work health and safety issue and all drivers should be covered by a system that views fatigue management from a health and safety point of view. Therefore, one of the main platforms of the NatRoad position on fatigue management offences is that reform based on the Western Australian approach (where fatigue is regulated via work health and safety law) should be introduced. This is a system where the government is responsible for identifying risks and setting commensurate performance standards for risk treatments; operators are responsible for specifying and implementing risk treatments that meet those performance standards.⁶
10. Accordingly, reform along these lines would provide an outcome that would assist regulators and the industry if adopted nationwide and would sit within the framework of enforcement created by the relevant work health and safety statutes. It would also mean that all vehicles were covered by fatigue requirements as opposed to the artificial distinction that is currently created between so-called fatigue-regulated heavy vehicles and other heavy vehicles with the former required to meet strict record keeping obligations, for example. Currently under the HVNL, a fatigue-regulated heavy vehicle is a vehicle or combination with a gross vehicle mass (GVM) of more than 12 tonnes or a bus of more than 4.5 tonnes fitted to carry more than 12 adults, including the driver.
11. Whilst speculative, anecdotal feedback is that the stand still in rigid truck fatality improvement often relates to fatigued drivers driving in congested conditions. Whilst fatalities in crashes involving prime movers decreased by approximately 40% between 2007 to 2013, since that time they have remained relatively constant. But fatalities in crashes involving rigid trucks have been relatively constant over the last 10 years. NatRoad is supportive of measures to reverse these trends, especially the encouragement of the take up of new vehicles.⁷ But it must be said that there is insufficient research as to why the rigid truck rate is constant and the extent to which fatigue related incidents have been responsible for this outcome. In other words, the NatRoad proposal about more specific cover by work health and safety laws would assist with the regulation of fatigue in the heavy rigid sector and the potential exists to improve safety because of that change. Having said that, this is an area that is in need of research to objectively establish the factors contributing to these trends.

⁵ Discussed at Id paras 27 and 28

⁶ See Issues Paper cited above note 2 at p23

⁷ Discussed in <https://www.natroad.com.au/news/time-review-stamp-duty-heavy-vehicle-registrations>

12. Within the work health and safety regime there is a National Compliance and Enforcement Policy,⁸ agreed to by the Workplace Relations Ministers' Council on 10 August 2011.⁹ Enforcement applied in line with this Policy would be appropriate to apply to fatigue management, particularly as it already applies to operators as persons conducting a business or undertaking (PCBUs) within the work health and safety jurisdiction, including in respect of non-fatigue regulated heavy vehicles used as a workplace.¹⁰
13. We also note that currently per s.18(1) HVNL if a person is able to comply with both the HVNL and the WHS law then they must do so. But the WHS law has primacy; per s. 18(1A): "to the extent it is not possible for the person to comply with both provisions, the person must comply with the provision of the primary WHS Law."
14. The other area where reform is urgent is in relation to the range of offences where there is no facility for permits or other documents to be made available electronically and it is an offence not to carry a physical copy of the permit: for example, per s83(1) for possession of a vehicle standards permit; per s133(1) for possession of a mass or dimension exemption permit. Requiring the retention and production of written permit documents goes against efficiency of operation in that offences of some magnitude apply for merely administrative matters, as with the problematic offences in the fatigue management area. All permits issued under the HVNL should be permitted to be accessible via an electronic link rather than being required to be physically available.

Question 2: How can the law better support a risk-based regulatory approach to enforcement? How can the law support consistency, predictability and proportionality in enforcement responses?

15. First, it is important for the law to eliminate or at least reduce the number and seriousness of administrative offences in the law. The above discussion speaks to that point. Continuing the example used, prescription about a work diary is not required. Records should be clear and systematic and if they are not then a warning before sanctions are applied should be the norm.
16. Secondly, there should be an accessible policy document which sets out the detail of the compliance and enforcement pathway which will be adopted by all agencies which enforce the law, inclusive of when the various offence levels are to be applied. The law should permit the regulator to publish a relevant document which is accepted by and binds all enforcement agencies. The current National Heavy Vehicle Regulator (NHVR) *National Enforcement and Compliance Policy*¹¹ (Enforcement Policy) is an excellent document. It promises that NHVR and partner agencies "will enforce the HVNL in a consistent and risk-based manner whereby

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https://www.safeworkaustralia.gov.au/system/files/documents/1702/national_compliance_and_enforcement_policy.pdf

⁹ Ibid

¹⁰ Discussed in this March 2019 guide

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/173072/vehicles-as-a-workplace-national-guide.pdf

¹¹ <https://www.nhvr.gov.au/files/201811-0952-national-compliance-and-enforcement-policy.pdf>

each intervention or enforcement response is proportionate to the safety risk and compliance behaviour identified in each circumstance.”¹²

17. But “between the idea and the reality...falls the shadow.”¹³ The HVNL is not a law where the substance of the law or the manifold inconsistent manner of its enforcement caters to the approach articulated in the prior paragraph. Certainly, the evidence presented via the NatRoad case studies during the course of this review show disproportionate responses, reactive enforcement “blitzes”, inconsistencies between Police and road authorities in the application of the law, particularly about technical standards, and inconsistencies in approaches to enforcement by NHVR’s “partner agencies” in particular between VicRoads in Victoria and Roads and Maritime Services in NSW (RMS).
18. We make mention of one current issue with the approach between the two agencies i.e. VicRoads and RMS. NatRoad emphasised a number of issues associated with the primary production registration and other concessions in the submission to the NTC made on vehicle standards.¹⁴ In our understanding, in Victoria in the words of an officer from VicRoads show that breach of the conditions relating to the concession is taken very seriously:

*(T)he actions we take if the vehicle is found to be operating contrary to the conditions of operation under the registration code then we issue an unregistered infringement roadside. This is based on the premise that they are in contravention with the conditions of operation the vehicle’s registration is invalid.*¹⁵
19. Our understanding is that RMS does not take the same approach but could require, for example, payment of the difference between concessional registration and full registration with the imposition of a small fine. The full extent of the difference is unclear, save that the RMS appears to be more lenient in enforcement, a matter that belies its reputation to the contrary.
20. Part of the issue with lack of consistency in enforcement arises from poor enforcement processes, a matter we emphasised in the submission on risk based regulation.
21. We now give a further example of the sorts of problems members complain about, emanating from perceived internal inefficiencies that discount member interests. Operators in NSW are sent a notification by Revenue NSW which indicates that a penalty notice has been sent to the operator seeking for the operator to nominate the driver responsible for the offence. But that notification does not say how the operator can obtain information about the offence nor does it link the penalty notice to that notification. We sought clarification of what the practice hoped to achieve, as operators are confused, especially where they might have a number of camera generated offences which they need to respond to via a notice to produce or where they are a large enterprise with multiple notifications. Recently, RMS has agreed to produce a

¹² Id at p 7

¹³ T S Eliot *The Hollow Men*

¹⁴ [file:///C:/Users/Richard/Downloads/HVNL-vehicle-standards-issues-paper-submission-NatRoads%20\(1\).pdf](file:///C:/Users/Richard/Downloads/HVNL-vehicle-standards-issues-paper-submission-NatRoads%20(1).pdf)

¹⁵ Private email communication

process map that shows the manner in which members are expected to interact with Revenue NSW and RMS when defect or other notices have been issued.

22. The bureaucratic density of the current processes is extraordinary. To compound the problem, members have been flummoxed by the actual nature of the offence expressed in the relevant notices given the often paucity of explanation which the notices contain and which means therefore they are often unable to link a “reminder” (which is in fact the first time they are aware of the offence) with a particular driver. In addition, the notice merely contains a code rather than a reference to a section of the law backed with details of the conduct comprising the offence which would invoke application of the relevant provision.
23. When this issue was initially explained to RMS the response from a senior RMS officer was “To identify the specific legislation and section for the penalty notice issued, it may assist to use the law part code search available on the Judicial Commission of NSW website.”¹⁶ It does assist but the point remains that the system appears to be set up for the efficiency of those enforcing the law rather than for the justice of those subject to the system and the code system is not readily understood by citizens.
24. The level of pedantry and density of the process is of itself a barrier to accessing the courts, inclusive of a need to reference a code which in turn references the relevant offence. This is a far cry from appropriate justice which is represented by clear factual and legal references in the originating documents.
25. The Enforcement Policy says that the NHVR’s role is:

*To lead and apply a nationally consistent, risk-based, proportionate and effective compliance and enforcement approach in relation to regulating the heavy vehicle industry, in order to encourage and facilitate a strong safety culture.*¹⁷
26. The engendering of the relevant safety culture is an ideal rather than a lived reality with perceptions that enforcement is centred on drivers and operators because they are easy to target. With no disrespect, the NHVR currently has no control over so-called roadside “blitzes” or procedures for issue and resolution of various offence regimes and so cannot live up to the narrative of the Enforcement Policy. That is certainly the experience in the context of NHVR enforcing the primary production concession abuse that we have referred to earlier and in other submissions. NHVR has no control over the Police and has insufficient influence over those jurisdictions which have yet to delegate their enforcement to the NHVR. Again, while a worthwhile document, the Enforcement Policy is miles away from the lived reality of members.
27. NatRoad is aware that creating a strong safety culture is a very important characteristic in achieving excellent results in safety. The findings of a number of studies indicate that a strong

¹⁶ <https://lawcodes.judcom.nsw.gov.au/>

¹⁷ Above note 10 at p 10

correlation exists between corporate culture and good safety performance.¹⁸ Yet in the current environment, member feedback is that prosecution up the chain of responsibility is inadequate to assist with the generation of an appropriate safety culture. This was a matter that was explored in detail in the NatRoad submission to the review on Safe People and Practices.¹⁹

28. Consistency, predictability and proportionality can only be obtained where the intervention is proportionate to the risk being targeted and officers act consistently through transparent, open and challengeable procedures. There must be greater levels of education not only about the law for stakeholders but on the part of those who enforce the law²⁰ so that they are appraised of the appropriate response, one that is replicable across all agencies that enforce the law. The law must be changed so that it is better able to show that the offence is targeted at the risk sought to be controlled rather than expressed through high fines (adjusted each year for CPI) for largely administrative matters.
29. Members have also expressed to NatRoad that they are often in a situation where they have been stopped on the highway and the attitude of the officer concerned is such that they report to us (in the words of one member) that: "I felt that no matter what I said or did, once I was parked up he would find something."
30. NatRoad therefore agrees with the statement in the Issues Paper that reflects current member views:

*Consistent and proportionate treatment can help drive compliance. In contrast, operators' goodwill is eroded when operators perceive enforcement is heavy-handed, unpredictable and disproportionate.*²¹

Question 3: Are all enforcement tools being used effectively? If not, why not? Could a different set of enforcement tools give us better compliance outcomes?

31. The short answer to the first question is "No." We refer to the discussion at paragraphs 81 to 87 of the NatRoad submission on vehicle standards to the HVNL review.²² That discussion shows the distance between the example of an obscured number plate offence being contemplated as suitable for a self-clearing defect notice, as expressed in the terms of the HVNL, with the reality that, in particular, RMS NSW issues penalties for driving whilst unregistered (even though the vehicle is clearly registered in another State or territory) which leads to fines of up to circa \$1400 and 4 demerit points being imposed. This approach

¹⁸ See for example Molenaar et al *Corporate Culture: a study of firms with outstanding construction safety* 2002 <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.170.2984&rep=rep1&type=pdf>

¹⁹ <file:///C:/Users/Richard/Downloads/HVNL-safe-people-issues-paper-submission-Natroad.pdf> at paras 4-26

²⁰ Discussed at above note 4 para 61

²¹ Above note 1 at p18

²² Above note 13

contrasts markedly with the stance taken in other States and Territories²³ and smacks of a “revenue raising” culture.

32. Many operators view the issue of penalties as a cost of doing business. This is often an unacceptable and unjustified cost, though, that is randomly applied given the nature of on road enforcement. But frankly there is a lack of data and reporting that informs the cost/benefit relationship of current enforcement activities. Research in this area would be welcomed by NatRoad, particularly the area discussed below, the impact of supported increase in enforcement of drug related driving offences.
33. In addition, the current approach does little to advance a safety culture, a matter that NatRoad proposed should be given primacy in the submission we made to this review on safe people and practices, discussed above. Chain of responsibility has become a law where there appears to be more interest in the conduct of large numbers of customer or principal audits of operators than in putting in steps up the chain that will change culture e.g. fairer contract terms about matters like time slots.
34. Advancement of a safety culture goes hand in hand with those who enforce the law also becoming involved with providing education and advice as well as sanctions. This educative action translates to the authorities being a trusted source about compliance rather than acting as and being seen as an enforcer of so-called black letter law. That latter proposition is generally able to be shown as inapplicable in many areas of current enforcement of the HVNL and related law, particularly the law relating to the technical requirements of such documents as VSB6.²⁴ These are prolix and complex.
35. Similarly, there is recently issued VSB12 which is National Code of Practice Rear Marking Plates for all motor vehicles over 12t GVM and for all trailers over 10t GVM. It identifies the types of plates that can be used, where they are placed on the vehicle and the methods for installing them. Recently a NatRoad member received a self-clearing defect notice issued by RMS indicating that VSB12 was not complied with. The notice said that the “wrong type” of marker had been used. The notice said, “must have 615 plates fitted.” But the trailer concerned had 34A plates fitted which clearly show the warning “do not overtake turning vehicle” in appropriate colours and the message is bold and clear. VSB 12 says that 615 plates are to be “Only installed on vehicles with a fifth wheel coupling at the rear and without suitable structure that would allow use of Category 33 or 34 plates.” This appears to mean that where the structure is suitable the clearer signage should be used. The company is concerned that all of its other trailers might need their signage altered and also that VSB12 has a transition period built into its terms so that full compliance is not required until December 2020. The

²³ <https://www.fullyloaded.com.au/industry-news/1811/interstate-trucks-with-damaged-number-plates-pinged-as-unregistered>

²⁴ This is the document that addresses requirements for modifications to a specific vehicle component or system. Under the *NHVR Code of Practice for the Approval of Heavy Vehicle Modifications*, the NHVR has set VSB6 as the primary standard used by Approved Vehicle Examiners (AVEs) to approve modifications to heavy vehicles. <https://www.nhvr.gov.au/safety-accreditation-compliance/vehicle-standards-and-modifications/vehicle-standards-bulletin-6>

issue of a self-clearing defect notice is inappropriate given this transitional period, particularly having regard to s531A(5) which says: "A person must not use, or permit to be used, on a road a heavy vehicle in contravention of a self-clearing defect notice.

36. Following on from NatRoad representations the defect notice was withdrawn by RMS. But we use this example to show where there is a need for consistency in the application of defects but also where ill-measured notices can have an impact well beyond the issue of the one defect, especially in the context where education about new provisions would be more beneficial for all industry participants.
37. As NatRoad indicated earlier and has emphasised in all of our submissions to this review, there must be warnings issued before fines are imposed for mere administrative offences, particularly those relating to fatigue records. Much greater use of self-clearing defect notices should be applied (albeit not in the circumstances mentioned in the last paragraph) so that they are the norm where there is no imminent danger to the vehicle, the road or other road users. Further, we stress that in the initial submission we made to the NTC in this review we outlined the arguments about road-side enforcement being inefficient.
38. The main qualification to the last statement is that NatRoad supports an increase in road-side enforcement of drug driving. This is because BITRE data shows that whilst those testing positive to a breath analysis for alcohol was 0.5% of those sampled, the percentage testing positive to roadside drug tests was 12%,²⁵ albeit with a much smaller sample than for breath analysis. This is a telling statistic; testing light and heavy vehicle drivers for drug and alcohol use must continue and consequences for use whilst driving must be increased.
39. Drugged driving puts the driver and others who share the road at serious risk.²⁶
40. For those driving whilst having an illicit substance in their system in NSW from May 2019 there were consequences even though the driver was not impaired. In respect of this offence under section 111 of the *Road Transport Act, 2013* (NSW) the prosecution does not now need to prove that the driver was impaired by any drug at the time of the offence. Merely testing positive for an illicit substance is sufficient for this offence to be made out. We support this change to the law. Other States and Territories should adopt this change. NatRoad supports members in implementing drug and alcohol policies at their workplace²⁷ and for greater consequences to attend driving whilst there are illicit drugs present in a person's system.

²⁵ Presentation by Dr Gary Dolman BITRE 2 September 2019 *Key Road safety data update*

²⁶ <https://www.drugabuse.gov/publications/drugfacts/drugged-driving>

²⁷ <https://www.natroad.com.au/news/drug-and-alcohol-policy-why-you-need-one>

Question 4: How can data and information be better used to support enforcement under the HVNL? Who should own the data, who should be able to access it, and how should privacy and security concerns be managed?

41. We note that the Issues Paper indicates that one element of the answer to these questions has already been established:

In May 2018 the Transport and Infrastructure Council approved the NTC's review of regulatory telematics report and the recommendations it made (NTC, 2018c). One of the recommendations was that the NTC should develop a best practice model for regulatory telematics in consultation with relevant stakeholders (see Appendix D). This best practice model will be legislated under the future HVNL.²⁸

42. The decision to proceed with this model is noted. We believe it is best that we comment on a final proposal, having regard to the policy outlined below. But we support draft regulatory principle 4 as follows:

Draft regulatory principle 4: The future HVNL should be able to recognise emerging technology and data. Data and technology with demonstrable safety or efficiency benefits should be encouraged under the law, not ignored or, perversely, discouraged or prohibited. The future law should steer clear of prescribing particular technologies and take an outcome-focused approach. Sharing of de-identified and aggregated data should be facilitated and encouraged to inform non-regulatory decision making.²⁹

43. In the NatRoad submission on fatigue management,³⁰ we indicated that specific fatigue technology applications should not be mandated. But the example we outlined in that submission, shows that operators should have the choice to adopt any technology that is outcomes focused and which assists them in monitoring fatigue. We would not support fatigue monitoring devices being used for enforcement purposes, especially if that were to occur ahead of changes to the substantive law.

44. The Issues Paper captures the NatRoad position on the issues raised by these questions where it says:

Operators are reluctant to share data with regulators and governments because they're uncertain about how it will be used. They want to make sure driver privacy is protected and that sharing the data won't expose them to increased enforcement. Operators will remain reluctant to share data unless they receive clarity about data use or an incentive is provided, such as fewer intercepts or a reduction on insurance premiums.³¹

²⁸ Above note 1 at p 27

²⁹ Above note 1 at p40

³⁰ https://www.ntc.gov.au/submission_data/628

³¹ Above note 1 at p37

Question 5: Have we covered the issues relating to supporting compliance through effective enforcement, technology and data accurately and comprehensively? If not, what do we need to know?

45. Currently, the HVNL recognises IAP as a form of technology that can be used for regulatory purposes. It has not inspired confidence. As we have expressed in other submissions, the overwhelming experience of NatRoad members is that whilst the concept of IAP as an enabling tool was initially welcomed, the reality has proven to be a greater burden than an asset to their businesses.
46. Electronic work diaries (EWDs) are also recognised in the HVNL and are present in heavy vehicles in many different forms currently especially in larger members' fleets. Yet because of the level of regulatory requirements, EWDs are not yet able to be used for regulatory purposes.³²
47. Given the NatRoad member experience with these two aspects of regulatory technology, we maintain our stance that the law be technology neutral.
48. We also note that there is no extensive discussion about the use of cameras for enforcement in the Issues Paper. We have a number of concerns about the use of cameras for enforcement.
49. NatRoad members have complained about the administrative burden placed on them in responding to Notices to Produce issued by the Safe-T-Cam system. Where there is no infringement issued members confirmed the red tape cost of approximately \$200 per Notice to effectively monitor and respond to the Notices to Produce that the system automatically generates e.g. because the member operates on non-standard fatigue hours or runs with a two-up system. The camera system therefore raises the cost of business unacceptable.
50. NatRoad has provided submissions to the NHVR and to RMS on this issue. The feedback received is that members should individually approach RMS to alleviate the burden where this is a regular occurrence but that there is no systemic solution to the problem. Devolution to bureaucratic discretion is a poor way to alleviate the consequences of a poorly designed law.
51. In addition, the Safe-T-Cam system has recently been used to generate offence provisions where Road Rule 127 relating to minimum distances between long vehicles is applied. The camera system appears to be applying the Rule in a strict sense. The distances set out in the road rule are often not able to be maintained when, say, light vehicles in front of heavy vehicles travelling behind might slow or turn. The strict application of the requisite distances measured via camera seems overly prescriptive, especially when compared with the test in Road Rule 126 which is practical.

³² See NHVR *On the Road* Issue 69 30 September 2019 "Interest in EWDs Growing" notes that the NHVR is still in the process of assessing applications. Plus see https://www.fullyloaded.com.au/industry-news/1910/nhvr-flags-ewd-application-review-progress?utm_source=Sailthru&utm_medium=email&utm_campaign=ATN%20EDM%2001%2010%202019&utm_term=list_fullyloaded_newsletter

52. A number of questions arise that the NTC should be concerned with: What is the timing for the roll out of a National Camera Network? Will the “new technology” cameras outside of Safe-T-Cam “talk” to the Safe-T-Cam cameras now and in the future? If not, as we suspect, what linkages between the two systems will be made? Can either set of technology be programmed to detect vehicles owned by operators who have qualified for BFM or AFM or whatever manifestation of these fatigue regimes survives the review? Surely that should be a simplified process under a national registration plate system currently being rolled out, with the criticism of that system outlined in detail by NatRoad in the submission on vehicle standards? Is it intended to apply the camera system in a manner currently confronted in the measurement of following distances ie applying these rules as strict liability offences even where no safety issue is palpably at issue? Why doesn't the HVNL better regulate camera use, taking into account all of the issues about privacy and other sensitivities about data set out in the Issues Paper?

Question 6: What are some options for the future law to improve the current compliance and enforcement approach? How can the law best support enforcement strategies aligned to a risk-based approach to regulation?

53. It seems that there is a great deal of investment being made into a camera system. NatRoad submits that this area needs greater scrutiny and the questions posed above clearly answered by regulators or answered against a holistic plan that is shared with industry.

54. The review of the HVNL should accelerate the process of delegation of all road authorities' enforcement of the HVNL in the NHVR. That would enable the better application of the Enforcement Policy referred to earlier.

55. There should be a mechanism in the HVNL that binds the Police to the Enforcement Policy or other similar document.

56. As we mentioned in our first submission to the review, there should be consistent education courses required to be undertaken by those who enforce the law, inclusive of Police. That education course should cover vehicle standards issues.

57. Finally, and again as we set out in the initial submission, a new enforcement regime with an initial independent review system of offences must be introduced.