

## Improvement Notice

**Incident Date:** Between March 2022 and April 2022

**Party in the CoR:** Operator

**Offence:** Breach of *Section 26C Primary Duty* (Vehicle Maintenance); Breach of *Section 60 – Compliance with vehicle standards*; and Breach of *Section 89 – Safety Requirement*.

### Background

In March 2022, NHVR Safety and Compliance Officers (SCOs) conducted six (6) intercepts of an operator's heavy vehicle combinations. The intercepts resulted in ten (10) defect notices being issued. The ten (10) defect notices ranged from 'Self Clearing' to 'Major' defects.

In March 2022, NHVR SCOs intercepted two (2) heavy vehicle combinations of the same operator. These two (2) intercepts resulted in another three (3) defect notices being issued. The three (3) defect notices ranged from 'Self Clearing' to 'Minor' defects.

In April 2022, NHVR SCOs intercepted another five (5) heavy vehicle combinations of the same operator. The five (5) intercepts resulted in another four (4) defect notices being issued. Again, the defects ranged from 'Self Clearing' to 'Minor' defects.

Due to the ongoing identification of defective vehicles, the operator was referred to the NHVR Investigations team.



### Investigation

In June 2022, NHVR Investigators accompanied by SCOs entered the depot of the operator. Entry to the depot was conducted under Section 497(1)(d) of the Heavy Vehicle National Law (HVNL), with relevant evidence seized under Section 500 (HVNL) and taken away for further analysis.

NHVR Investigators conducted a gap analysis comparing the operator's current systems and processes to the Master Code. The analysis revealed the operator was not meeting seven (7) reasonably practicable standards relating to compliance with vehicle standards.

Throughout the investigation, Notices to Produce were issued to the operator requiring information and documentation. The Notices were issued under Section 569 and 570 (HVNL). The operator complied with the Notices and provided the requested information and documentation.

Further analysis was undertaken of the information and documents submitted to the NHVR. The analysis revealed the operator had inadequate systems in place, resulting in heavy vehicles with identified faults still being permitted to be used, even when the faults were reported to management.

### Outcome

In June 2022, the operator was issued with an Improvement Notice under Section 572 (HVNL). The Improvement Notice listed a number of actions the operator was required to take to stop the contraventions from continuing or occurring again or to remedy the matters or activities occasioning the contravention.

The operator was required to implement the following:

- Implement a process to enable hard copy 'Pre Start Vehicle Checklists' to be reconciled and the information entered into an electronic record keeping application.
- Implement a system or process that alerts management to when a 'Pre Start Vehicle Checklist' is not completed, or when the inspection identified a fault or defect, allowing follow up with the driver and enabling assurance the heavy vehicle has been inspected for faults or defects.

# Investigations outcome 001



- Implement a documented process or system to identify and assess the nature and severity of identified vehicle faults and place priorities on vehicle repairs and captures requests between the relevant supervisor and the employed mechanics and confirmation the repairs have been carried out.
- Implement periodic trailer maintenance schedules, with identified service periods, that describe the tasks to be completed.
- Create a document identifying what tasks are in the maintenance management system and who is responsible for each of those tasks, the skills and knowledge required to perform those tasks.
- Implement a system or process to monitor the performance and review the effectiveness of the maintenance management system, enabling action to be taken if problems are identified.

The operator proceeded to comply with all the requirements of the Improvement Notice, and in September 2022, an Improvement Notice Clearance Certificate was issued to the operator. The Improvement Notice Clearance Certificate confirmed the operator had taken steps to meet the requirements imposed on them.

#### **For more information:**

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