



Who are we?

We are a team of lawyers and dedicated support staff, that are based across Australia that provide operational and prosecution support to the NHVR and our partner agencies.

While we are employed by the NHVR, we make our prosecutorial decisions independently and in line with the NHVR Prosecution Policy.

What do we do?

- Bring and conduct proceedings in relation to contraventions or possible contraventions of the HVNL.
- Bring and conduct, or conduct and defend appeals from decisions in proceedings against the HVNL.
- Conduct any coronial inquest on behalf of the NHVR.
- Assist our internal and external stakeholders on alternative enforcement actions (Improvement Notices, Enforceable Undertakings, Representations, Court elections etc.).
- Provide advice, training and guidance to our internal and external stakeholders on all aspects of criminal proceedings under the HVNL.

How do we do it?

- 1 We receive briefs of evidence from the investigator and representations from customers and/or collection agencies from the different jurisdictions.
- 2 We consider the evidence within the brief to determine if there is sufficient evidence to lay charges or proceed with the fine.
- 3 We consider the evidence within the brief against the criteria in the Prosecution Policy.
- 4 We draft appropriate charges and arrange for those charges to be filed in court.
- 5 Once charges have been filed, we arrange for service of those charges on the defendant including a covering letter explaining the process and the prosecutors contact details.
- 6 We appear as an advocate in court on behalf of the NHVR and prosecute the offence.

Achievements

- ✔ In the 2022-23 Financial Year, we had 4,520 matters referred to us by Compliance Officers, Investigations and State Police agencies. Of our 4,520 matters, we proceeded and charged 97% with 2% of the matters being withdrawn and 1% being issued with warning letters.
- ✔ We have laid and are appearing in 20 primary duty (PD) charges across South Australia, Tasmania, Victoria, New South Wales and Queensland. 45% are operators, 29% are executives, 10% are employers, 10% are load managers, 3% are schedulers and 3% are loaders.
- ✔ In the 2022-23 FY we finalised 1,304 matters with a 96.5% success rate.
- ✔ We successfully appealed three matters at the New South Wales Supreme Court against inadequate sentencing, and one matter was successfully appealed at the South Australia Supreme Court and was remitted to the Magistrates Court.

Year	PD commenced	PD closed	SIO	EU
2019	1	0	0	0
2020	3	2	0	2
2021	10	7	5	7
2022	26	9	38	15
2023	23	5	63	6

What are our goals?

To achieve court outcomes that drive safer outcomes.

We will achieve this through:

- applying for more supervisory intervention orders based around education and preventing re-offending
- presuming that the operator is the defendant most liable for mass, dimension and loading offences
- obtaining commercial benefits penalty orders to further deter offending behaviour
- presenting factual summaries to the Court to explain the gravity of the offending behaviour
- focusing our resources on 'priority prosecutions' as outlined in the [NHVR Prosecution Policy](#).

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