

Building a national approach to compliance and enforcement



► OVERVIEW

The National Heavy Vehicle Regulator (NHVR) has demonstrated strong credentials in providing consistent, effective, national compliance and enforcement outcomes for the heavy vehicle industry. These credentials have been developed over time through the continued transition of services and evolutions in technology and have allowed the NHVR to become a modern regulator that works with partner agencies and industry to drive a safe and productive heavy vehicle industry, and supply chain.

Pivotal to our national compliance and enforcement approach are:

- A **collaborative model** for the planning and delivery of compliance and enforcement activities. By working collaboratively with partner agencies, we are able to develop strategies that emphasise targeted compliance activities, interventions or enforcement

responses that are proportionate to both the industry participant's behaviour and identified safety risks.

- An **intelligence and data driven** approach to regulatory activities. The foundation for this information is NHVR's Safety and Compliance Regulatory Platform, a cloud-based system that integrates raw data to produce analysed and comprehensive outputs regarding the heavy vehicle sector. This information enables delivery of a truly intelligence-led heavy vehicle regulatory approach in delivering positive safety and productivity outcomes.
- Focus on a **performance-based outcome** approach to regulatory activity, allowing us to better target enforcement efforts at those parts of industry not doing the right thing, enabling safe operators to get on with doing business.

Our capabilities include national intelligence gathering, investigations of potential breaches of the Heavy Vehicle National Law (HVNL) and, where appropriate, prosecutions for offences under the HVNL in jurisdictions that have transitioned to the NHVR.

We have a dedicated Intelligence team that provides a national intelligence view of the heavy vehicle industry. This allows us to predict, detect and action safety risks and issues within the heavy vehicle industry and the broader supply chain.

Having access to national data also helps us to work in a smarter and more efficient manner, as well as enabling our partner agencies access to real-time accurate data.

ADDING VALUE TO JURISDICTIONAL ENFORCEMENT AGENCIES

As a national Regulator, the NHVR is the only organisation that has a nationwide view of the heavy vehicle industry and its performance. We hold the most comprehensive set of data relating to the heavy vehicle fleet including:

- national heavy vehicle registration data
- Approved Performance Based Scheme vehicles
- National Heavy Vehicle Accreditation Scheme statistics
- Vehicle Standards and modification details
- Details on road access permits including operator details, vehicle configurations and approved routes.

We also have access to data from a national camera network that can provide real-time, accurate information on operator movements across the country.

Together these data sets create a rich picture of operators and the performance of their fleet, vehicle sightings and intercept outcomes, enabling stronger on-road enforcement and more effective targeting of unsafe behaviour across the supply chain.



HOW CAN NHVR HELP STATE POLICING AUTHORITIES

By collaborating, the NHVR can complement any state and territory based policing and intelligence activities, enhancing the success of detection and intercept activity.

We can assist jurisdictional law enforcement agencies to design and implement national on-road and off-road compliance and enforcement operations, provide information/intelligence/trends across industry, investigate potential breaches of the HVNL and, where necessary, prosecute, or train partner agencies to prosecute offences.

On-road compliance and enforcement operations

- Joint operations based on evidence targeting key freight routes, industries, transport hubs, seasonal factors, and incorporating fatal or serious injury crash data and safety hot spots.
- Undertaken and managed in line with deployment plans that adjust to the differing regional issues, conditions and resources.
- Mobile road patrols (including vehicle intercepts).
- Fixed inspection sites targeting identified key safety risks and trends.
- Targeting safety risks and non-compliant behaviour in a proportionate and nationally consistent manner.

Intelligence and trends

- Inform and educate industry and the supply chain on their safety and compliance responsibilities through communication channels such as industry forums, toolbox talks, etc.
- Identify and analyse information/intelligence on safety and compliance trends across the industry.
- Identify, investigate and analyse incidents and offences detected through heavy vehicle safety camera networks and other technologies.
- Identify, investigate and respond to potential unsafe and non-compliant supply chain activities under primary duties legislation.



ACTIVITY UNDERPINNED BY NATIONAL POLICIES

NHVR activities are underpinned by national policies developed in concert with industry and partner agencies.

National Compliance and Enforcement Policy

The *National Compliance and Enforcement Policy* (Policy) outlines the risk-based and outcomes-focused approach adopted by the NHVR and partner agencies when planning and undertaking heavy vehicle related compliance and enforcement activities.

At its core is a more consistent and fairer approach to enforcement, based on risk and intelligence gathered. It outlines principles on how agencies should tackle high-risk behaviours and non-compliance in the heavy vehicle industry.

It outlines a framework that supports and promotes compliance with the HVNL, encouraging a strong safety culture across the industry.

Prosecution Policy

The NHVR Prosecution Policy adopts the Prosecution Policy of the Commonwealth, with some supplementary aspects. Each prosecution will only proceed if there is a reasonable prospect of conviction and the prosecution is in the public interest.

The policy gives priority to prosecuting target hazards or parties in the chain of responsibility, matters involving exposure to a risk of illness, serious injury or death, failure to comply with a statutory notice issued under the HVNL, interfering with an authorised officer in the exercise of their powers, impersonating an authorised officer, and discrimination against or victimisation of employees.

The NHVR is committed to prosecuting corporations and their officers for breach of the HVNL when the criteria in the Prosecution Policy are met.

Investigations

- NHVR has powers to investigate potential offences under the HVNL and Regulations.
- Under the *Information Privacy Act 2009*, the NHVR is also a law enforcement agency that can legally share or request information from other law enforcement agencies to exercise our functions, or to assist those agencies to exercise their functions under other laws.
- Investigators take a risk-based approach to determine if an investigation is warranted.
- Investigations can arise from risks to public safety and road infrastructure, identified from:
 - Reports from the Heavy Vehicle Confidential Reporting Line
 - Referrals from other agencies
 - Non-compliance by a party in the Chain of Responsibility
 - A significant event or incident
 - Targeted hazards.

Prosecutions

- For jurisdictions that have transitioned, the NHVR can bring and conduct proceedings for offences under the HVNL.
- Ensure national consistency in proceedings and outcomes under the HVNL.
- Undertake HVNL prosecutions on behalf of policing agencies.
- For non-transitioned jurisdictions:
 - provide training, advice and guidance to prosecutors who are undertaking HVNL prosecutions
 - on an as-need, mutually agreed basis, undertake complex prosecutions on behalf of an enforcement agency.
- Convene with jurisdictions and police, a national prosecutions group to ensure national consistency in prosecution of offences under the HVNL. (Prosecutors make their decision based on the NHVR Prosecution Policy.)



Contact us

For further information about the NHVR's activities, functions and services, please visit our website or contact us via:

National Heavy Vehicle Regulator
PO Box 492
Fortitude Valley QLD 4006

P 1300 MYNHVR (1300 696 487)

E info@nhvr.gov.au

www.nhvr.gov.au