



# Heavy Vehicle Compliance Review

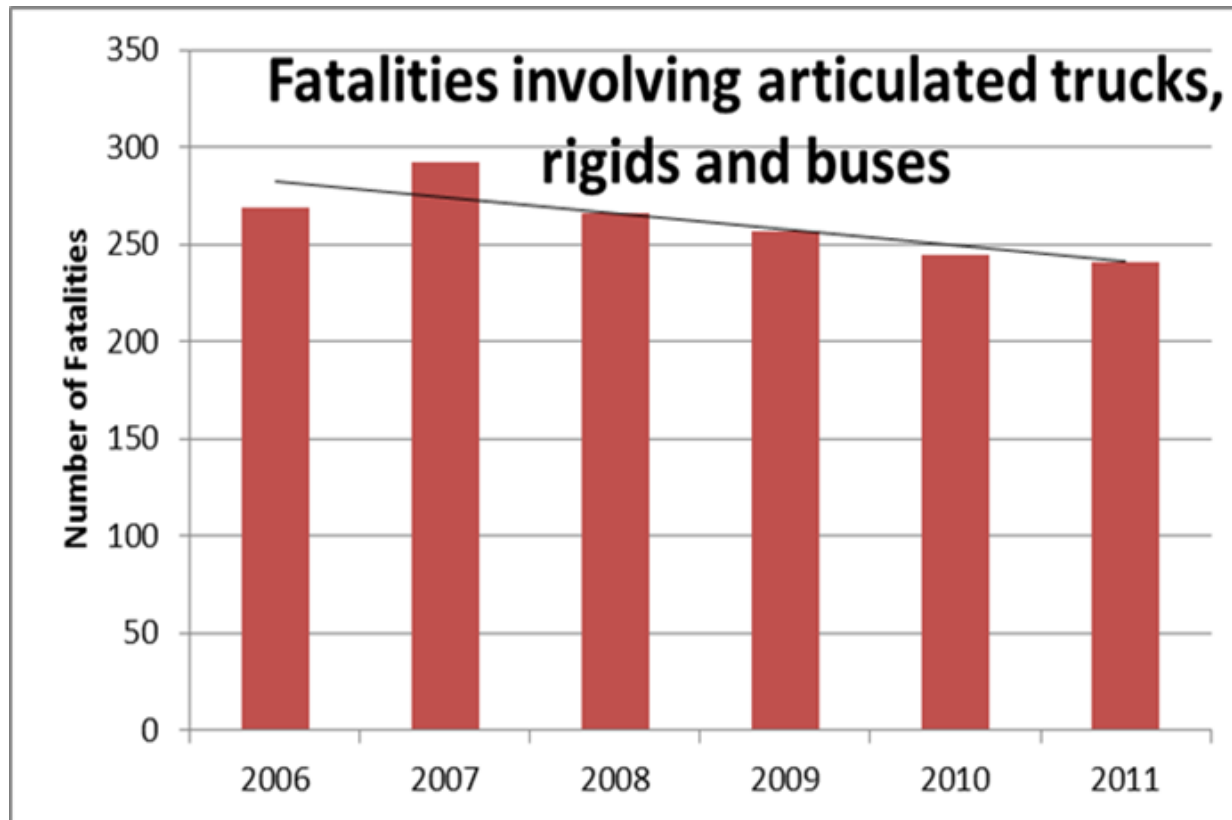
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Road Safety Research, Policing  
and Education Conference 2013

30<sup>th</sup> August 2013

# Vision

Fatalities trending downwards



# Action

Leveraging from the new heavy vehicle national law (HVNL) to drive safety, productivity and efficiency outcomes.

s. 659 HVNL

Functions of the Regulator:

- (j) To identify and promote **best practice** methods-
  - (i) **For complying with this Law**; and
  - (ii) **For managing risks to public safety** arising from the use of heavy vehicles on roads.

Two years of research into relationship between compliance law and compliance outcomes

# The HVNL

(1) Motivation (2) Proportionate response



# Motivations for non compliance

- (1) No or limited understanding of the law and the obligations it imposes
- (2) Lack of ability to comply
- (3) Lack of willingness to comply\*
- (4) Economic imperative
- (5) Opportunism
- (6) Determined recidivism



# Lack of willingness to comply

Compliance requires: substantive purpose + fair application

Where this doesn't occur → lowered self-regulation

Administration of law:

1) Transport officers + 2) Police

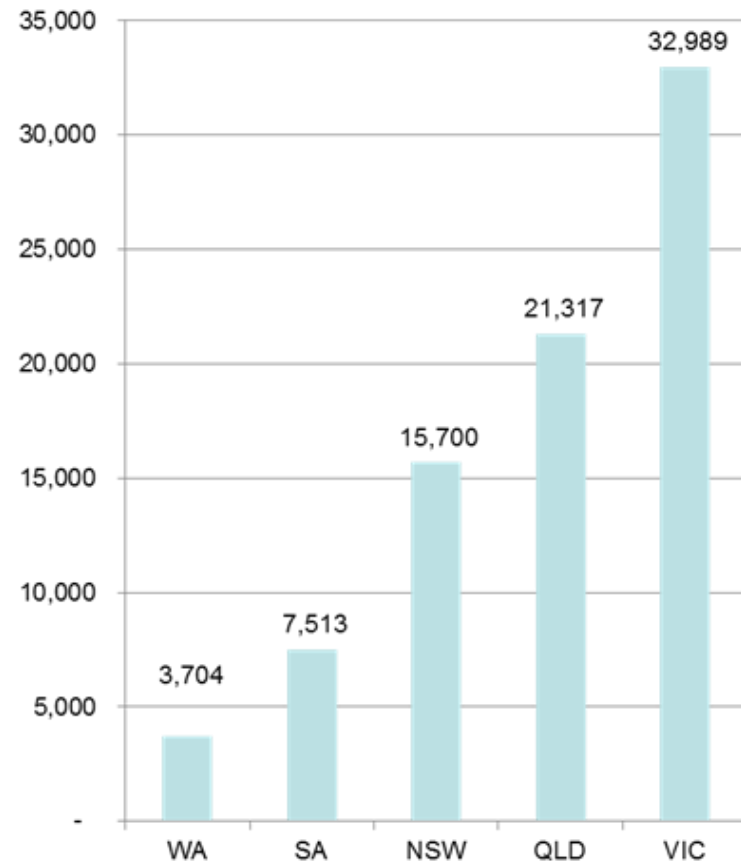
Heavy vehicle-specific police units in 3 states

Inconsistency a key issue – 'if you're not going to be fair dinkum, why should I?'

# Intervention tools

- Improvement notices (s.515) & formal warnings (s.532)
- Infringements (140 in HVNL)
  - Average \$600 fine
  - Theoretical option to attend court
  - General deterrent
  - Specific deterrent
  - Indifferent to motivation
  - Potential for perverse outcomes → large % unpaid

**Total infringements issued by Transport Authorised Officers 2007/08 - 2009/10**



## Intervention tools cont.

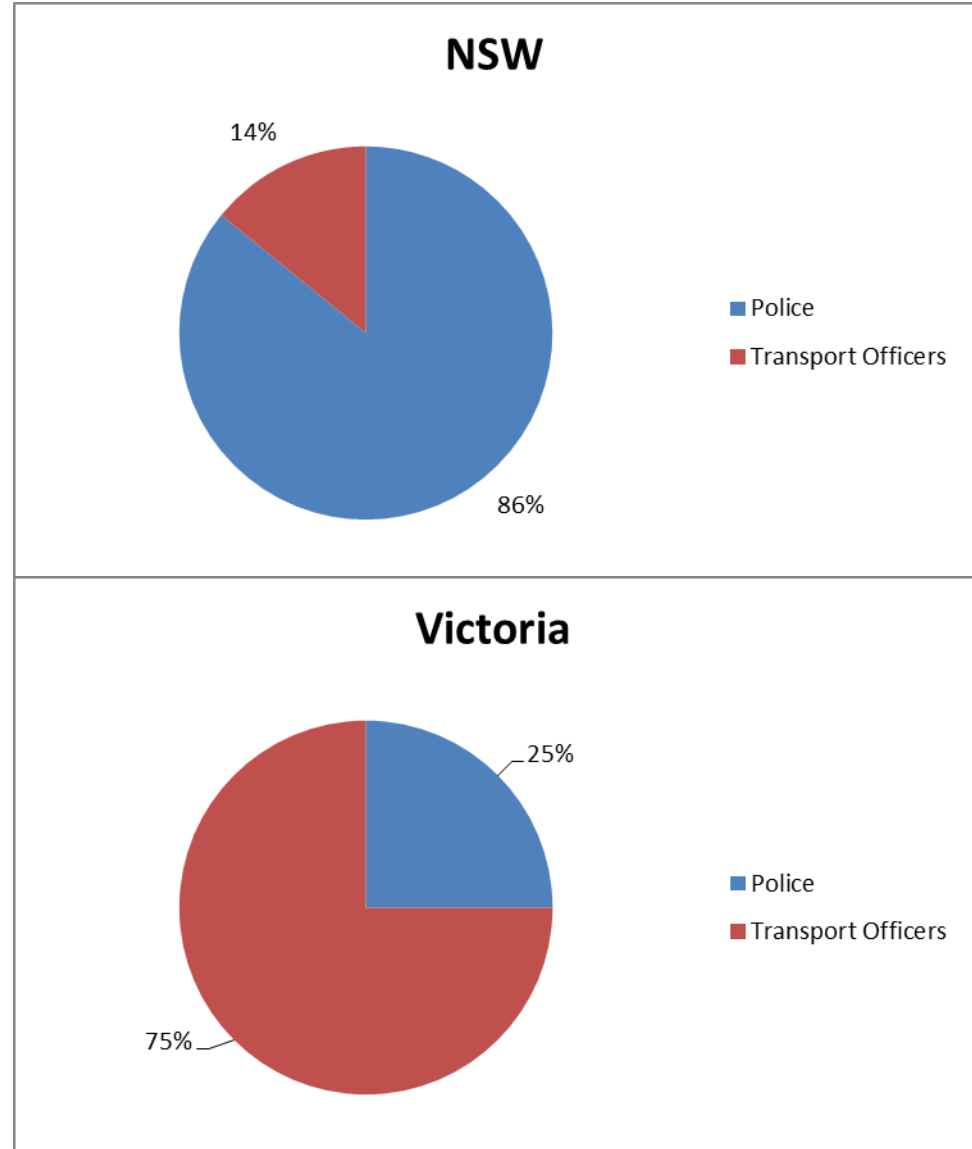
Jurisdiction	Improvement notices issued	Formal warnings issued	As at (date)
New South Wales	71	Unknown	June 2012
Victoria	41	55	July 2012
South Australia	14	146	August 2012

- ‘Effective in about 90% of cases’ – VicPol
- USA: 62% - 83% cases where carriers received warnings attained compliance
- S. 515(1) Applies to police only if the police officer has relevant authority to issue
- Consistency?



# Intervention tools cont.

Where enforcement uses entire toolkit → infringe **less** & at **higher end**



# Result

Recommendations re:

Published C&E Policy

Guidelines on use of improvement notices and warnings  
and infringements

Consistent training for police and transport AOs

# Where to from here?

Public release of review – 19<sup>th</sup> September 2013  
(provisional)

Public consultation period – 6 weeks

Report on website: [www.ntc.gov.au](http://www.ntc.gov.au)

Submission to SCOTI Q1 2014

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