

Heavy Vehicle Mass Enforcement - Local Council roads



Fact Sheet No 1

Local councils in NSW can nominate staff to become enforcement officers under the Heavy Vehicle National Law to undertake activities that ensure heavy vehicles comply with mass enforcement on local roads for the protection of their asset.

Authorisation under the Road Transport Act extends the HVNL authorisation to the enforcement of mass offences for light vehicles.

Background

In February 2014 the Heavy Vehicle National Law (HVNL) changed the way mass enforcement occurs on local roads. To exercise power under the HVNL, officers must be appropriately recognised and authorised by the National Heavy Vehicle Regulator (NVHR).

Authorised enforcement officers will have the powers to issue formal warnings and infringement notices for minor and substantial mass breaches. In instances where a severe mass breach is detected, enforcement officers will be expected commence legal proceedings in local courts. Enforcement officers will require experience and formal training relevant to conducting legal proceedings such as issuing a Court Attendance Notice, preparation of a brief of evidence and gathering witness statements.

In parallel, changes have been made to Section 166 of the Roads Transport Act 2013 to enable officers authorised under the HVNL to also undertake enforcement related to vehicle mass of offending light vehicles.

What has changed for local councils?

Councils that are not part of the Weight of Loads Groups (non WOLG) can no longer operate under the 2006 Delegation from Roads and Maritime Services to undertake mass enforcement. When the HVNL commenced in New South Wales on 10 February 2014 that delegation ceased to operate. Local councils now require authorisation from the NHVR for their nominated officers.

Roads and Maritime Services has been delegated by the NHVR to administer the authorisation process. Roads and Maritime will administer the authorisation process by:

- Inviting and receiving council nominations
- Administering online learning and assessment
- Producing and distributing identification cards.

General Managers were invited to nominate officers with relevant training and experience in enforcement.

The powers granted under the HVNL relate to heavy vehicle mass enforcement **only**. Similar powers have been replicated when a light vehicle is involved. Where severe breaches occur, the matter must proceed via a court attendance notice, not an infringement notice.

Who can be nominated for authorisation?

The NHVR requires that:

- Officers are currently employed in an enforcement officer role and have been determined by council to be fit and proper for this employment
- Officers have the relevant experience in enforcement, in particular issuing a Court Attendance Notice
- Officers have formal training in investigation and legal proceedings, such as a Certificate IV in Local Government (Regulatory Services) or a Certificate IV in Government Investigations or relevant diplomas.

How are officers nominated?

When one or more eligible officers have been identified, the General Manager of the council must:

- (i) Write a letter recommending each nominated officer, outlining their:
 - a. experience and training, including formal certification
 - b. suitability of character and outcome of Criminal History Check
 - c. awareness of privacy and access information legislation
 - d. understanding of their responsibilities and obligations to the community
- (ii) Provide a Staff Information Request with the officer's personal information and signature
- (iii) Provide an electronic passport size photo.

The application must be emailed to Compliance.Operations.Authorisations@rms.nsw.gov.au.

How many officers can a council nominate?

There is no limit on how many enforcement officers are authorised under the Heavy Vehicle National Law as long as they meet the eligibility criteria.



Is additional training is required?

It is necessary for eligible officers to be aware of the recent changes to the legislation and familiarise themselves with their powers and limitations under the new legal framework.

Roads and Maritime has developed an online training and assessment package to support the authorisation process. Council employees that are eligible for authorisation under the HVNL, will be contacted by email by Roads and Maritime Compliance Training and provided with a link to access the online learning package. They will be provided with a user name and password to log on. The package consists of 3 modules and an assessment which takes around one hour to complete.

If you have queries relating to the training, please contact:
Compliance.Operations.Authorisations@rms.nsw.gov.au

An identification card will be issued once the nominee has successfully completed the online training/assessment and the NHVR has finalised the authorisation.

What powers will enforcement officers be authorised?

Under the HVNL, authorised enforcement officers will have the powers to issue formal warnings and infringement notices for minor and substantial mass breaches to offending heavy vehicles. In instances where a severe mass breach is detected, enforcement officers will be expected to issue a Court Attendance Notice (CAN). Enforcement officers will require experience and formal training relevant to conducting legal proceedings such as issuing a CAN, preparation of a brief of evidence and gathering witness statements.

Authorised officers will have the powers under the HVNL to:

- Stop a heavy vehicle
- Issue directions to move a heavy vehicle
- Enter and inspect a heavy vehicle
- Issue directions to reduce and adjust
- Issue formal warnings and infringements.

Enforcement officers will also be authorised for vehicle mass enforcement under the Road Transport Act 2013 as Class 14 Officers to monitor and enforce:

- Mass requirements on roads and bridges
- Load limit signs
- No trucks and no buses signs.

In what circumstances can officers exercise their power?

Each Authorised Officer may exercise a power only in the following circumstances:

- (a) As long as the Authorised Officer remains appointed as an Authorised Officer under the Heavy Vehicle National Law
- (b) As long as the Authorised Officer remains a council enforcement officer subject to the direction and control of the council, constituted under the *Local Government Act 1993*, which appointed the person as an enforcement officer
- (c) Within the area of the council which appointed the person as an enforcement officer
- (d) In connection with the mass of a vehicle or combination
- (e) For the purposes of a roadside intercept
- (f) In respect of a driver or operator.

How would the community know about this?

It is important that councils communicate to operators and the community that road side inspections will occur and mass breaches will be enforced. This can be done through your Council's website and newsletters.

Roads and Maritime will have general information about council enforcement powers on its website, but this information will not be council specific.

List of Councils not involved in the Weight of Loads Groups

Albury City Council	Cootamundra Shire Council	City of Lake Macquarie Council	Shellharbour City Council
Ashfield Council	Corowa Shire Council	Lane Cove Municipal Council	Singleton Council
Auburn Municipal Council	Cowra Shire Council	Leeton Shire Council	Snowy River Shire Council
Balranald Shire Council	Deniliquin Council	Leichhardt Municipal Council	Strathfield Municipal Council
Bankstown City Council	Dubbo City Council	Lismore City Council	Sutherland Shire Council
Bathurst Regional Council	Eurobodalla Shire Council	City of Lithgow Council	City of Sydney Council
Bega Valley Shire Council	Fairfield City Council	Liverpool City Council	Tamworth Regional Council
Bellingen Shire Council	Forbes Shire Council	Liverpool Plains Shire Council	Temora Shire Council
Berrigan Shire Council	Gilgandra Shire Council	Lockhart Shire Council	Tenterfield Shire Council
Blacktown City Council	Glen Innes Severn Council	Maitland City Council	Tumbarumba Shire Council
Bland Shire Council	Gloucester Shire Council	Manly Council	Tumut Shire Council
Blayney Shire Council	Gosford City Council	Marrickville Municipal Council	Upper Lachlan Shire Council
Blue Mountains City Council	Goulburn Mulwaree Council	Mid-Western Regional Council	Uralla Shire Council
Bogan Shire Council	Greater Hume Shire Council	Moree Plains Shire Council	Urana Shire Council
Bombala Council	Griffith City Council	Mosman Municipal Council	Wagga Wagga City Council
Boorowa Council	Gundagai Shire Council	Murray Shire Council	The Council of the Shire of Wakool
Botany Bay City Council	Gunnedah Shire Council	Murrumbidgee Shire Council	Walcha Council
Bourke Shire Council	Guyra Shire Council	Muswellbrook Shire Council	Walgett Shire Council
Brewarrina Shire Council	Gwydir Shire Council	Nambucca Shire Council	Warren Shire Council
Broken Hill City Council	Harden Shire Council	Narrandera Shire Council	Warringham Council
Burwood Council	Hawkesbury City Council	Narrromine Shire Council	Warrumbungle Shire Council
Cabonne Council	Hay Shire Council	Newcastle City Council	Waverley Council
Camden Council	The Hills Shire Council	North Sydney City Council	Weddin Shire Council
Campbelltown City Council	Holroyd City Council	Oberon Council	Wellington Council
City of Canada Bay Council	Hornsby Shire Council	Parkes Shire Council	Wentworth Shire Council
City of Canterbury Council	Hunters Hill Council	Parramatta City Council	Willoughby City Council
Carrathool Shire Council	Hurstville City Council	Penrith City Council	Wingecarribee Council
Central Darling Shire Council	Inverell Shire Council	Pittwater Council	Wollondilly Shire Council
Cessnock City Council	Jerilderie Shire Council	Port Macquarie-Hastings Council	Wollongong City Council
Clarence Valley Council	Junee Shire Council	Port Stephens Council	Woolahra Council
Cobar Shire Council	Kempsey Shire Council	Randwick City Council	Wyong Shire Council
Conargo Shire Council	Kiama Municipal Council	Richmond Valley Council	Young Shire Council
Coolamon Shire Council	Kogarah City Council	Rockdale City Council	
Cooma-Monaro Shire Council	Ku-ring-gai Council	City of Ryde	
Coonamble Shire Council	Kyogle Council		
	Lachlan Shire Council		

Further information

Other fact sheets include:

- Information for Local Council General Managers
- Information for Team leaders and officers

They can be accessed from the Roads and Maritime website: www.rms.nsw.gov.au if you search for FAQs.