

# Heavy Vehicle Mass Enforcement - Information for Local Council General Managers



Fact Sheet No 2

General Managers of local government areas are now able to nominate enforcement staff to be authorised under the Heavy Vehicle National Law (HVNL) to undertake enforcement of mass offences on roads under their care and control.

## **New obligations**

General Managers are able to nominate suitably qualified enforcement staff to the National Heavy Vehicle Regulator (NHVR), with administration assistance provided by Roads and Maritime Services, for authorisation under the HVNL. General Managers are expected to assist in the administration of authorised officers and supervise the enforcement of mass offences on local roads.

## **Nomination of officers**

When nominating an enforcement officer, General Managers must ensure they have the mandatory experience and have completed training relevant to their position as an enforcement officer. General Managers are also required to provide assurance that the nominated enforcement officer is a fit and proper person to be authorised under the HVNL. This may involve undertaking a criminal history check if there is not a current check on Council's records.

It will be the General Manager's responsibility to ensure that nominated officers are aware of their accountabilities under the HVNL and undertake the relevant training provided by Roads and Maritime Services.

General Managers will also be asked to confirm that nominated officers are familiar with privacy obligations and have access to information and legislation relevant to the enforcement officer's authorisation.

## **Training**

Roads and Maritime has developed an online training/assessment module to ensure nominated officers are fully aware of the new legislative framework and have an understanding of their powers under the HVNL. General Managers may delegate to the relevant manager or team leader the responsibility of ensuring staff work through the online training and undertake the required training/assessment.

Roads and Maritime and the NHVR are relying on the General Manager to ensure that the training is undertaken by each officer confidentially and there is no opportunity for sharing answers. Ensuring the integrity of the competency assessment of each enforcement officer for the duties under the HVNL is an important component of the authorisation.

General Managers are also asked to verify that nominated council enforcement officers have formal training and appropriate experience to conduct investigations and initiate legal proceedings. A Certificate IV in Investigations or equivalent qualification is considered a suitable qualification.

## **Identification card**

On successful completion of the online training, nominated officers' authorisation will be approved by the NHVR and successful officers will be issued an identification card.

In the instance where:

- A staff member is no longer in the enforcement officer role
- A staff member is no longer employed by the Council.

The General Manager must ensure that the change in circumstance is communicated to [Compliance.Operations.Authorisations@rms.nsw.gov.au](mailto:Compliance.Operations.Authorisations@rms.nsw.gov.au) and within 21 days the identity card is returned to:

Transport for NSW,  
Card Management Centre,  
16 – 24 Elsie Street, Burwood  
NSW 2134

### **Renewal**

Authorisation, including identification cards, is valid for three years after the issue date. It is the General Managers' responsibility to initiate the renewal of the authorisation at least 6 weeks prior to expiry. General Managers must ensure that only officers with current authorisations and identifications cards are undertaking enforcement of heavy and light vehicle offences on council roads.

### **Severe breaches**

In the instance where a severe breach of mass requirements is identified, Council will need to initiate proceedings in a local court. General Managers must ensure that there is a framework in place for issuing a Court Attendance Notice and engaging in legal proceedings.

### **Offence codes**

Roads and Maritime has worked with the State Debt Recovery Office to ensure Local Government Handbooks have been updated to align with the authorisation for heavy vehicles.

### **Privacy**

Council's Code of Conduct and Privacy Policy will extend to information gathered while conducting road side enforcement.

### **Further Enquiries**

If you have further enquiries please contact [Compliance.Operations.Authorisations@rms.nsw.gov.au](mailto:Compliance.Operations.Authorisations@rms.nsw.gov.au)