

Mr Paul Gibson
Chair
Public Accounts Committee
Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Gibson

Thank you for your letter concerning the Auditor General's Report on *Improving Road Safety – Heavy Vehicles*. I have taken careful note of your comments.

The Roads and Traffic Authority (RTA) has been in the process of implementing the Auditor General's recommendations over the past 12 months. To date, only three items remain outstanding, with one item not scheduled for implementation until July 2010.

A table outlining the RTA's action to date is enclosed, together with the following supporting documentation to demonstrate successful implementation:

- Roadside and Fixed Enforcement Site Inspection Procedure - February 2010.
- Warning Policy - October 2009.
- Warning Procedure - January 2010.
- Roads and Traffic Authority, NSW - Determining an optimal business model for the Safe-T-Cam Program, Final Report - March 2010.

To date \$16.5 million has been spent in the implementation of the Auditor General's recommendations. Most of that funding has been spent on Point to Point heavy vehicle speed enforcement, which was announced by the NSW Government in March 2010.

The RTA will continue to develop an integrated approach to heavy vehicle compliance and enforcement and will finalise the remaining recommendations by December 2010.

Yours sincerely



David Borger MP
Minister for Roads
Minister for Western Sydney

ROADS AND TRAFFIC AUTHORITY

Response to Auditor General's Report Performance Audit: Improving Road Safety – Heavy Vehicles

Audit Recommendation	RTA Response
<p><i>Better detect and enforce speeding offences. Recommended RTA focus on improving the detection and enforcement of speeding offences by heavy vehicle drivers by:</i></p>	
<p>1. Use Safe-T-Cam or better technology to enforce point to point speed offences against heavy vehicle drivers by July 2009.</p>	<p>The 20 lengths of road announced by the Minister in 2009 will range from around 6 km to 75 km in distance and will enforce heavy vehicle speed limits on NSW major freight routes. Currently the project has one operational point to point system located from Harwood to New Italy on the Pacific Highway near Grafton. The project scope is to deliver a further 18 point to point systems over the next 18 to 20 months.</p> <p>Recommendation met: \$100,000 to date. \$400,000 public education. \$15.5 million to complete installation. \$2 million p.a. maintenance.</p>
<p>2. Routinely check the operation of all Safe-T-Cam cameras to maximise accuracy.</p>	<p>Work is underway to introduce improved camera triggering systems to be deployed over the next year. This involves the installation of Transportable Infra-Red Traffic Loggers at all Safe-T-Cam locations. The Transportable Infra-Red Traffic Loggers will be used as the benchmark to measure Safe-T-Cam performance.</p> <p>Recommendation met: \$316,000 to date.</p> <p>The Safe-T-Cam program has recently undergone a review of business systems with recommendations of the analysis currently being implemented. In addition, Safe-T-Cam policy and procedures are in final draft form</p> <p>Recommendation met: Cost: \$53,394. (Price Waterhouse Cooper's report attached)</p>
<p>3. Ensure that its fixed speed cameras detect all speeding offences by heavy vehicle drivers by December 2009.</p>	<p>A trial was conducted at the fixed digital speed camera on the F3, which is the only location where this issue is relevant as the speed camera is in 110 km/h zone. Speed cameras currently deployed are unable to differentiate the vehicle by weight and heavy vehicles are defined by weight. Unable to proceed further with this recommendation.</p> <p>Recommendation met.</p>

Better response to high risk heavy vehicles. Recommended RTA sharpen its response to high risk heavy vehicles travelling on our roads by:	
4. Clearly define what is meant by visual mechanical check by July 2009.	After extensive consultation visual manual checking procedures have been published and implemented. Recommendation met.
5. Standardise the weightings for serious road-safety criteria used in checking station screening lane templates by July 2009.	Standard screening lane templates are now in use at all checking stations. A detailed review of the risk criteria has been completed and work has been undertaken with Vehicle Regulation representatives to identify the appropriate screening scores. Process has been established to review and change the templates if required in future. Recommendation met: No cost.
6. Increasing the risk rating of any heavy vehicle that is identified as high risk but not inspected to make sure that it will be inspected at the next available opportunity by July 2009.	A feasibility study has been undertaken to make system changes to screening lanes to increase the risk rating of any heavy vehicle that is identified as high risk but not inspected. On going: \$80,000 to complete
7. Introduce formal warnings for some minor breaches of regulations, including escalation options for repeating the same offence by December 2009.	A formal warning policy has been approved, published and implemented. Recommendation met: (Please see policy attached)
8. Ensure that it can identify all heavy vehicles travelling on NSW roads regardless of registration status by December 2009.	A trial has been conducted to lift a restriction on unregistered sightings in the Safe-T-Cam system and permanent implementation is underway, subject to efficiencies becoming available from other programs. Recommendation met. Cost: \$50,000
9. Take immediate action to identify drivers or operators who may have committed a safety breach.	Policy and procedure to shorten investigation times have been prepared and are in final draft version, awaiting approval for implementation. Recommendation met.

Better use of limited resources. Recommended RTA more effectively target its limited resources to be in the right place at the right time by:

<p>10. Ensure that risk assessments are consistently used to determine where and when on-road inspections operate and that risks are regularly reviewed by December 2009.</p>	<p>Enforcement strategy templates are under trial at heavy vehicle checking stations.</p> <p>A reporting tool is being developed from an analysis of historical data on offences detected through on-road enforcement. The reporting tool will be trialled over the next two months.</p> <p>Ongoing.</p>
<p>11. Introduce a risk – based approach to the annual inspection scheme for heavy vehicles by July 2010.</p>	<p>A feasibility study has been undertaken and a position paper developed, with the Centre for Road Safety, which supports a risk based approach to annual inspection schemes. Project initiation has commenced and is on track for completion by July 2010.</p> <p>On going.</p>
<p>12. Introduce a mix of overt and covert methods to detect breaches of heavy vehicle safety laws by Jul 2009.</p>	<p>Regular liaison meetings with the Centre for Road Safety have led to the development of enforcement strategies for covert and overt operations.</p> <p>Strategies have been developed and successfully deployed for mass, dimension, load restraint offences, fatigue and speed offences.</p> <p>Recommendation met.</p>



Roadside and Fixed Enforcement Site Inspection Procedure

Version 1:

Vehicle Regulations Enforcement Procedure

About this release

Approval and Authorisation		Name	Date
Approved by:	A/Manager, Operational Strategy and Systems	Liz Carne	31/03/10
	General Manager, Compliance and Enforcement	Peter Wells	31/03/10
	General Manager, Strategy and Performance	Jane Egan-Lee	9/04/10

Issue	Issue Date	Revision Description	Approved for release on
I		New procedure	9/04/10

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Roadside and Fixed Enforcement Site Inspection Procedure	Effective date: 9 April 2010
Version: 1	Approved by: A/Manager, Operational Strategy and Systems
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Purpose

The purpose of this procedure is to provide an inspection guide to Inspectors Vehicle Regulations (IVRs) to ensure consistency in inspections of heavy vehicles intercepted for compliance checks.

Scope

This inspection procedure forms part of the compliance checks undertaken by an IVR during a heavy vehicle inspection.

It provides detailed information on a hierarchy of inspections of a vehicle including which components of the vehicle are to be checked and what should be observed.

This procedure will apply to all vehicles intercepted at fixed enforcement sites including Heavy Vehicle Checking Stations (HVCS) and on-road enforcement sites (ORES).

This procedure includes three levels of inspections. **The level 1 inspection must be undertaken on every vehicle intercepted (resources permitting).** The level 2 or 3 inspections may be undertaken depending on the findings of the level 1 inspection and the availability of inspection facilities and equipment.

This procedure does not apply to inspections undertaken under the Heavy Vehicle Inspection Scheme (HVIS).

Overview

The NSW Auditor General's Report Performance Audit – Improving Road Safety Heavy Vehicles which was tabled in Parliament in May 2009 recommended that the RTA clearly define what is meant by a visual mechanical inspection. The report found that "while most checks were completed, what constituted a visual inspection differed, particularly in regard to brakes or braking components".

At the time of the audit there was no formal procedure or documentation that detailed what constitutes this level of inspection. This lack of clarity applies not only to visual inspections but to the hierarchy of inspections that are undertaken which will depend on the equipment available at the time of the inspection and the facilities available at the inspection site.

This procedure has been developed to ensure consistency in inspection practices and to ensure that IVRs focus on risk areas that relate primarily to road safety.

Roles and Responsibilities

IVR	<ul style="list-style-type: none">• Conduct inspections and assess compliance with road transport laws• Issue appropriate sanctions• Conduct further enquiries if required
Area managers	<ul style="list-style-type: none">• Act as first point of contact for IVRs
Operational Strategy and Systems	<ul style="list-style-type: none">• Develop and update policies and procedures for Vehicle Regulations

Procedure

1. Inspection Check Overview

During a heavy vehicle intercept, IVRs are required to conduct minimum compliance checks that include driver licence, registration, fatigue, load restraint (if applicable), dimensions, mass (if applicable or appropriate), permits/notices and a walk-around visual mechanical inspection of the vehicle. This initial inspection check forms the basis for determining whether a more detailed inspection is required.

2. Inspection Levels

The three levels of inspections are:

- Level 1 - Walk-around visual mechanical inspection
- Level 2 – Detailed mechanical inspection with or without equipment
- Level 3 – Detailed mechanical inspection with inspection pit and equipment).

These levels are suggested inspection sequences addressing critical vehicle systems that must be examined when conducting a mechanical inspection. These levels are progressive. For each vehicle intercepted the minimum required standard inspection is a Level 1 Walk-around visual mechanical inspection.

LEVEL 1 Walk-around visual mechanical inspection

The minimum mechanical inspection that an IVR is required to undertake on every vehicle intercepted is a Level 1 Walk-around visual mechanical inspection which includes only those items which can be **inspected visually without physically getting under or into the vehicle**. This may lead to a Level 2 or Level 3 inspection if a potential non-compliance is noted but the IVR has discretion to conduct a higher level inspection even if the vehicle passes the level 1 inspection.

A Level 1 inspection includes the following:

- Inspect the vehicle's exterior bodywork, windows, tires; wheels, rims and hubs, and trailer coupling (if fitted)
- Inspect all visible brake components and compare hub temperatures where possible
- Inspect all visible steering components
- Inspect all visible suspension components
- Audibly check for air leaks in brakes/suspension systems
- With the driver's assistance, check the operation of compulsory lights, horn, seat belt, washers and wipers.
- Check for oil or fuel leaks.

This inspection is referred to as a IV inspection in Truckscan.

LEVEL 2 Detailed mechanical inspection with or without equipment (but without an inspection pit)

This inspection level includes a more detailed inspection of vehicle components in addition to a more thorough check of suspect components identified during the Level 1 Inspection. This inspection maybe carried out with or without the use of a Vehicle Inspection Trailer (VIT) or similar equipment.

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It includes an emergency brake test or park brake test (as set out in the HVIS Procedure).

This level may also include an under body inspection where it is safe and appropriate to do so.

If specialised equipment such as a VIT or brake roller and suspension shackles is available, the following specific checks must be conducted:

- A service brake test
- A suspension and steering components test.

This inspection is referred to as a VT inspection in Truckscan.

LEVEL 3 Detailed mechanical inspection with an inspection pit and other equipment

This inspection level is a detailed inspection of vehicle components using an inspection pit and other equipment. The circumstances of an intercept and the discretion of an IVR will determine whether a vehicle should be given a level 3 inspection.

This inspection includes:

- Checking the vehicle's under body including the chassis, sub-frame, steering, exhaust and braking system components.
- Checking driveline components and suspension.
- Checking engine components for oil leaks and engine mount security.

This inspection is referred to as a ID inspection in Truckscan.

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Additional information

- References:**
- Intercept Procedure
 - Road Transport (General) Act 2005
 - RTA Corporate policy – 4.0 Personal Protective Equipment (PPE).
 - Occupational Health and Safety requirements.
 - Code of Conduct
 - The RTA policy regarding the requirements for wearing the Inspector uniform including carrying the Inspector photo identification at all times.
 - National Heavy Vehicle Accreditation Scheme (NHVAS).
 - Rules for Authorised Inspection Station Heavy Vehicles
 - The use of Truckscan and DRIVES24.
 - Truckscan User guide

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Date: Version approved in February 2010

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Warning Policy

Version 1:

About this release

Title: Warning Policy

Author: Liz Carne

Approval and Authorisation		Name	Date
Approved by:	Manager, Regulatory Programs		
Approved by:	General Manager, C&FS		

Document Control

Version No.	Date	Details	Reason
1	23/10/09	First Version	Creation of new policy

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1. Purpose

This document sets out the RTA policy for the issue of formal and official warnings. Its purpose is to provide a framework to assist Authorised Officers to determine when it is appropriate to issue a warning to a person.

2. Scope

This policy covers the circumstances for issuing formal and official warnings to a person for breaches of heavy vehicle road transport law in New South Wales. This policy applies to Authorised Officers who enforce and administer road transport laws relating to heavy vehicles.

3. Roles and Responsibilities

Authorised Officers	<ul style="list-style-type: none"> • Conduct inspections of heavy vehicles and their drivers for compliance purposes. • Assess and collect chain of responsibility evidence. • When appropriate issue a formal warning under Section 105 of the <i>Road Transport (General) Act 2005</i> (RTGA), or official warnings under common law. • Conduct further investigations if required.
Authorised Officers - Enforcement Adjudication Unit (EAU)	<ul style="list-style-type: none"> • Conduct inspections of records of heavy vehicles and their drivers for compliance purposes. • Assess and collect chain of responsibility evidence. • When appropriate issue a formal warning under Section 105 of the <i>Road Transport (General) Act 2005</i> (RTGA), or official warnings under common law. • Conduct further investigations if required.
Managers (of Authorised Officers)	<ul style="list-style-type: none"> • Act as first point of contact for Authorised Officers. • Review warnings issued within 7 days and if approved, forward to ELIPS for information. • If not satisfied that the warning was issued appropriately, refer to ELIPS for further review. • Collect further evidence if required.

ELIPS unit	<ul style="list-style-type: none">• Review warnings issued by Authorised Officers within 14 days where the report from their Manager indicates further review and action is required.• Review sample of all formal and official warnings issued for quality assurance purposes.• Where a penalty notice has been issued, review representations made and, if appropriate, withdraw the original penalty and issue a warning instead.
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4. Policy Statement

Not every offence need result in a penalty or prosecution and a number of factors are relevant in determining whether an offence should be dealt with by way of a penalty/prosecution or a formal/official warning (in this policy collectively called “warnings” where the context applies to both).

The underlying premise in considering the appropriateness of a particular sanction is that a regulator’s core objective is to increase the level of compliance. The means to achieving this are diverse and contextual and need not always involve penalties or prosecutorial actions.

An important element of compliance is the education of members of the regulatory target group who may have breached minor or administrative provisions of applicable road laws such that the issuing of a warning is, on balance, in the public interest and is more likely to have a positive behavioural, educational and attitudinal impact on the person. In deciding whether to prosecute, issue a penalty or a warning, consideration must be given to these factors.

The resources available for prosecuting are finite and should not be used pursuing inappropriate cases. Accordingly, warnings form an important part of any compliance framework.

In certain circumstances it is appropriate to deal with an offence by way of a warning, rather than by commencement of enforcement action such as the issuing of a penalty notice or a court attendance notice.

In the context of Road Transport Law, warnings are issued in the following circumstances:

- Formal warnings are given under Section 105 of the RTGA, and can only be issued for *applicable road law* offences under this legislation in relation to heavy vehicles or heavy vehicle combinations. Specifically *applicable road law* offences are minor mass, dimension and load restraint offences, and offences under the Mass Loading & Access Regulation (MLA) which is in force under the RTGA and is therefore an *applicable road law*.
- Official warnings can be issued under common law for offences that are not *applicable road law offences*.

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Warnings are an alternative to taking proceedings and so can only be issued where there is credible evidence of the existence of an offence. Establishing evidence of the offence is undertaken as part of the usual compliance checks. Warnings can be issued to a person (either the driver or an operator of a heavy vehicle) for an offence which would otherwise be dealt with by way of a penalty notice. It may be necessary for the Authorised Officer to interview the person so as to more fully determine the nature of the contravention and to identify if there has been a breach. While the law requires an Authorised Officer to understand whether he/she is issuing a formal or official warning, the RTA's policy is not to highlight these distinctions with recipients of warnings, as this level of detail is likely to cause confusion or distract from the educational objective of the warning.

5. Background

In 2005, the RTA implemented compliance and enforcement legislation as part of the *Road Transport (General) Act 2005*. This legislation introduced an escalating sanction regime including provision for issuing formal warnings for applicable road law offences.

The Auditor General's Performance Audit (Improve Road Safety- Heavy Vehicles, 31 March 2009) recommended that the RTA implement a formal warning policy for some minor breaches of the regulations, including escalation options for persons who repeat the same offence.

Prior to this, the implementation of the fatigue law on 29 September 2008 highlighted the need for Authorised Officers to more fully utilise warnings as part of the compliance regime. The new fatigue law introduced a range of offences, some of which do not pose a road safety risk and are more administrative in nature.

Other teams in the RTA, including ELIPS and EAU already issue warnings and this policy standardises the approach which should be taken by all Authorised Officers in determining whether it is appropriate to issue a warning. Note that ELIPS plays a dual role with regards to warnings. The first is to review the warnings issued by Authorised Officers and identified by their Managers as needing further review and action. The second is to consider issuing a warning where representations are received following the application of a penalty.

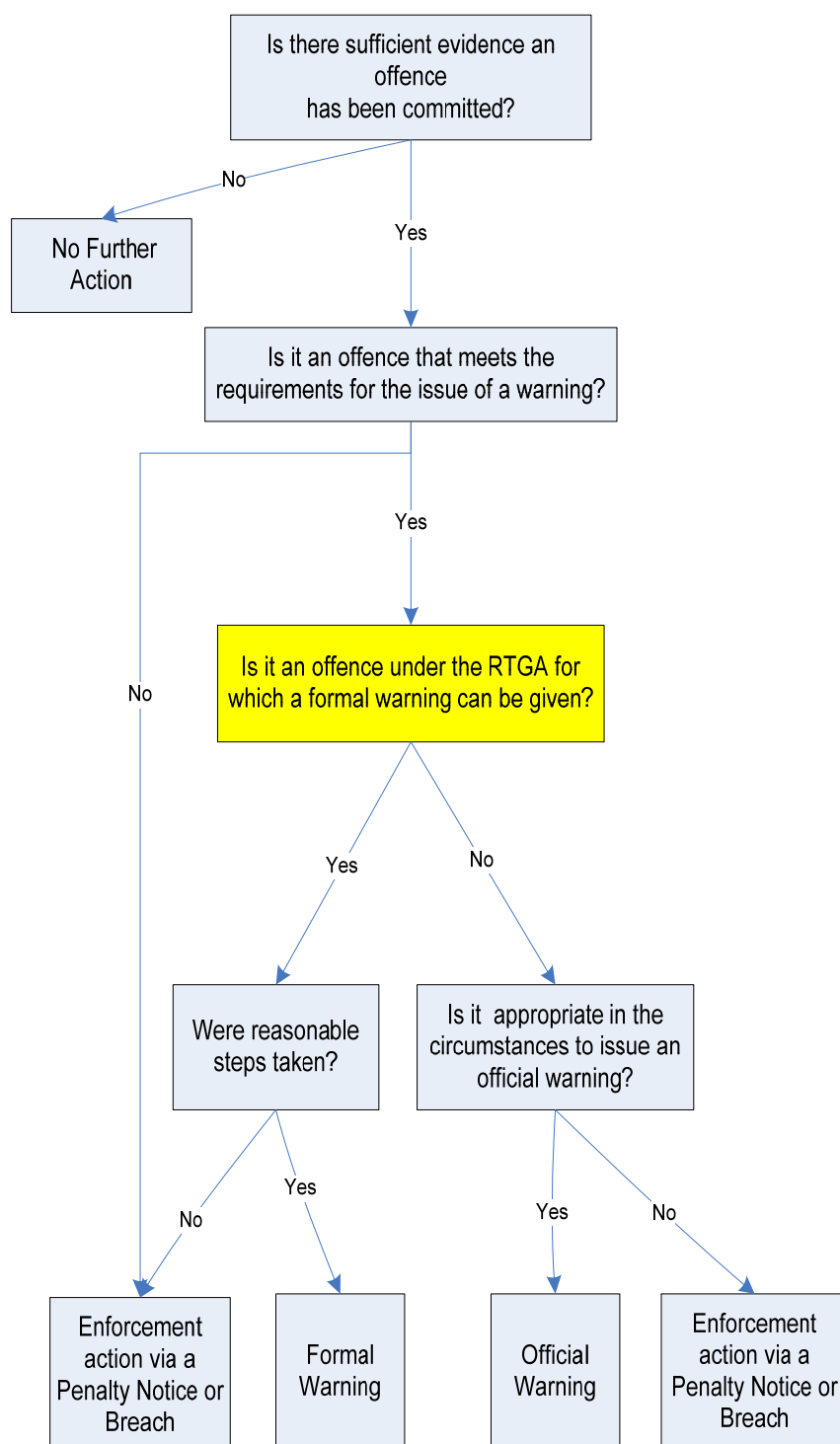
Industry has also expressed a need for warnings to be a part of the compliance regime that promotes a "culture of compliance" amongst industry and its drivers.

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In addition, vehicles accredited in the NHVAS Maintenance Management module are given a warning defect instead of minor category defect where a defect is not identified as “major” or “major grounded”. The policy behind this is that as accredited operators have a system in place, they are in a position to rectify minor defects within the controls of their internal (accredited) management systems. Defects that are recorded this way do not need to be cleared in the traditional manner (which is consistent with the principles of greater accountability associated with NHVAS). This policy document does not supersede the current position with regards to NHVAS Maintenance vehicles which are dealt with procedurally in CEN 01 National Heavy Vehicle Accreditation Scheme (NHVAS).

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FORMAL WARNING OR OFFICIAL WARNING?



6. Issuing a formal warning

Formal warnings can be issued under Section 105 of the RTGA which provides that:

1. An Authorised Officer may, instead of taking proceedings (which includes a penalty notice) against a person for a contravention of an *applicable road law*, formally warn the person if the officer believes:
 - (i) the person had taken reasonable steps to prevent the contravention and was unaware of the contravention, and
 - (ii) the contravention is appropriate to be dealt with by way of a formal warning
2. A formal warning must be in writing.
3. A formal warning may not be given for a substantial risk breach or a severe risk breach of a mass, dimension or load restraint requirement.

Formal warnings can only be issued in relation to a contravention of an *applicable road law* in respect of heavy vehicles or heavy combinations. Effectively, formal warnings are applicable to MINOR or non-categorised mass, dimension and load restraint offences, and offences under the Mass Loading & Access Regulation (MLA).

Where an *applicable road law* offence is detected (under the RT(G)Act 2005) only a formal warning may be issued.

Before a formal warning can be issued, the authorised officer must be satisfied there is credible evidence available, capable of establishing the existence of an offence.

6.1 Reasonable Steps

To satisfy the requirements for formal warnings, the authorised officer must first believe that the person had taken reasonable steps to prevent the offence.

Determining whether a person has taken reasonable steps is not straightforward and will be different depending on the circumstances. There are no limits on the ways in which a person can establish they had taken reasonable steps. The RTGA provides guidance on the matters a court may have regard to when considering a reasonable steps defence and this guidance provides some assistance to Authorised Officers in determining whether a person had taken reasonable steps.

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The guidance detailed in points 1-4 below provides a set of principles. These principles are not intended to cover every possible example of reasonable steps and Authorised Officers are expected to use their judgment and discretion in making a decision:

1. The circumstances of the offence
2. The measures available and the measures taken by the person
 - (i) to weigh, measure, load, or to safely restrain the load
 - (ii) to otherwise manage or reduce a potential breach
 - (iii) to manage or supervise others involved in activities leading to the breach
 - (iv) to provide training or education to drivers or other parties in the chain of responsibility to ensure compliance
 - (v) to ensure commercial arrangements made with other parties encourage compliance
 - (vi) to maintain work equipment and systems to ensure compliance
 - (vii) to address previous incidents of non compliance
3. The measure of control the person had over the load or goods included in the load. and
4. The personal expertise and experience that the person had or ought to have had or that an agent or employee of the person had or ought to have had.

6.2 Knowledge of the offence

If it can be established that the person took reasonable steps to prevent the offence, the Authorised Officer must then establish that the person was unaware of the offence. This does not mean awareness of the law but awareness of the circumstances that constituted the breach. It should be taken that the person was not "aware" of the breach unless that person actually knew of it (and perhaps admitted this). A person would not be disqualified from receiving the benefit of a formal warning on the basis that the person should have known of the breach, for example, by making proper checks. However, such a person would probably be unable to satisfy an Authorised Officer that he/she took reasonable steps to prevent the breach.

The Authorised Officer must be satisfied that the person did not know and could not reasonably be expected to know of the offence. Evidence of previous offences will be relevant in establishing whether the person knew of the offence, although this is not the only way of establishing knowledge.

6.3 Appropriate matter for a formal warning

After the Authorised Officer is satisfied that the person took reasonable steps to prevent the offence and that they were unaware of the offence, the officer must further be satisfied that it is appropriate

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to deal with the offence by way of a formal warning.

6.4 Withdrawal of a formal warning

Under Section 106 of the RTGA, provision is made for a formal warning to be withdrawn. A written notice of withdrawal must be served within 21 days after the formal warning was given.

7 Issuing an official warning

Under the common law, Police and regulators have the ability to warn as opposed to proceeding against a person. This is based in the common law concept of “discretion”. There is no requirement for “reasonable steps” to be established before an official warning can be issued.

This discretion allows for an official warning to be issued, typically for behaviour such as minor summary offences and minor traffic offences.

Where an offence is detected that does not involve an *applicable road law*, only an official warning may be issued using the common law discretion.

Official warnings can only be given if the offence is one for which a penalty notice may be issued. For fatigue, official warnings can therefore only be issued for minor work and rest hours offences and non categorised offences.

Note: Substantial fatigue work and rest hours offences are dealt with by issuing a penalty notice. However from a policy perspective, official warnings should only be given for minor work and rest hours offences.

An official warning must be issued in writing. Before an official warning can be issued, the authorised officer must be satisfied there is credible evidence capable of establishing the existence of an offence.

7.1 Issuing official warnings

Official warnings do not require a person to have taken reasonable steps to prevent the offence. Before issuing an official warning, Authorised Officers should consider the person’s knowledge of the offence and whether it is appropriate in all the circumstances to issue a warning.

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7.2 Knowledge of the offence

The question of when it is appropriate to use an official warning for a relevant offence will depend on many of the same considerations required for a formal warning. Once again, the main concern is whether it would be in the public interest not to proceed to enforcement action taking into account all of the circumstances. A person would not be disqualified from receiving the benefit of an official warning on the basis that the person should have known of the breach, for example, by making proper checks.

Evidence of previous offences will be relevant in establishing whether the person knew of the offence, although this is not the only way of establishing knowledge.

7.3 Appropriate matter for a official warning

A key concept which applies is that it must be appropriate to issue the official warning in the circumstances. What is appropriate will of course vary, depending upon the particular circumstances of a matter. However, the following list provides some guidelines which may be considered in determining whether it is appropriate to issue an official warning.

These guidelines provide a framework only and are not the only issues which should be considered. The applicability of and weight given to these and other factors will vary widely and depend on the circumstances of each case. Not all of these factors will be relevant in every situation. Authorised Officers should consider whether it would be in the public interest not to proceed to enforcement action, taking into account all of the circumstances.

Criteria	Comment
Whether the circumstances of the offence pose a road safety risk.	The offence must be of a minor nature and one dealt with by way of a penalty notice.
The timing of the offence	For fatigue offences, did the offence take place in the relevant period? If not, an official warning may be more appropriate than a penalty.
The person's compliance history.	If the person has a poor compliance history generally, the Authorised Officer may consider that a warning would not have the desired effect. Alternatively, if the person has a good compliance history (and has

Criteria	Comment
	not committed the same or similar offence previously) then an official warning could be a sufficient deterrent.
The person has no record of previous warnings, cautions, penalty notices or convictions in relation to the offence	Generally, if a person has received an official warning, or other penalty for the same offence, a further official warning may not be appropriate. For <u>drivers</u> a <u>6 month</u> period, and for operators, a 12 month period is considered appropriate. Refer to the Warnings Procedure for information on obtaining details of previous offences.
The person admits the offending behaviour and shows remorse.	
The offending behaviour is at the lower end of the scale of seriousness for that offence.	For fatigue a minor breach of the work and rest hours. Official warnings must not be issued for substantial, severe or critical offences or for other offences dealt with by way of a Court Attendance Notice.
There are other exceptional, mitigating or aggravating circumstances.	For example the offence was committed because of a medical or other serious emergency. There may be evidence of this, such as a road traffic incident that the authorised officer is aware of or alternatively there may be no objective evidence. Authorised officers are expected to use their judgement in deciding whether this is relevant in the circumstances An example of aggravating circumstances would be where a driver is not cooperating with the authorised officer and is trying to obstruct the investigation. In this instance, a warning would not be appropriate.

Having taken all the circumstances of the offence into account, the Authorised Officer should determine whether it is reasonable or not to issue an official warning.

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8 Review

Warnings will be subject to the same review process as breach reports. A warning may be withdrawn if it has been issued inappropriately. When issuing a warning, Authorised Officers must advise that a warning may be withdrawn if further information becomes available that may otherwise result in the issue of a penalty notice or breach report instead. This may become necessary where, for example, further investigation reveals that the offending conduct was more serious than first thought.


Details of the review process are located in the Warnings Procedure.

9. Records

The person will receive written notification of the formal or official warning issued and details will include date of the time, date and place of the offence, issuing officer, and name of the offender.

A record of all formal warnings and official warnings must be kept. This will help to identify whether a person has been issued a warning for the same offence on a previous occasion.

10. Related Documents

	Legislation
	Road Transport (General) Act 2005
	Road Transport (General) Regulation 2005
	Road Transport (Mass, Loading & Access) Regulation 2005

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Warning Procedure



Version I:



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 Author: Liz Carne

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Warning Procedure	Effective date: 1 January 2010
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Last updated: 26 October 2009	<i>UNCONTROLLED WHEN PRINTED</i>

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1. Purpose

The purpose of this procedure is to provide a step-by-step guide to Authorised Officers (including Authorised Officers in Enforcement Adjudication Unit (EAU)), Managers of Authorised Officers and Enforcement Litigation Inspection Program Services (ELIPS) staff on the decision making framework surrounding the investigation, issue and review of formal/official warnings (in this procedure collectively called “warnings” where the context applies to both).

2. Scope

This procedure is to be followed by Authorised Officers, Managers of Authorised Officers and ELIPS staff when making decisions in relation to the issue and review of warnings.

It provides detailed information on:

- The workflow and decision making process
- The responsibilities of Authorised Officers, Managers of Authorised Officers and ELIPS staff.

This procedure should be applied when a decision regarding whether a warning is to be issued will be made.

3. Overview

Warnings provide an additional sanction tool to Penalty Notices and Court Attendance Notices and in certain circumstances, provide Authorised Officers with the opportunity to educate and encourage voluntary compliance of a person who has breached minor or administrative provisions of road transport laws relating to heavy vehicles.

In deciding whether to issue a warning, consideration must be given to whether, on balance, it is in the public interest and more likely to have a positive behavioural, educational and attitudinal impact on the person than issuing a penalty notice or breach report.

In the context of Road Transport Law, warnings are issued in the following circumstances:

- Formal warnings are given under Section 105 of the RTGA, and can only be issued for *applicable road law* offences under this legislation in relation to heavy vehicles or heavy combinations. Specifically *applicable road law* offences are minor mass, dimension and load restraint offences, and offences under the Mass Loading & Access Regulation (MLA) which is in force under the RTGA and is therefore an *applicable road law*.

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Official warnings can be issued under common law for offences that are not *applicable road law offences*.

A warning must only be given in writing.

The work flow below sets out the process of issuing a warning, and its review and finalisation by a Manager of Authorised Officers or ELIPS staff.

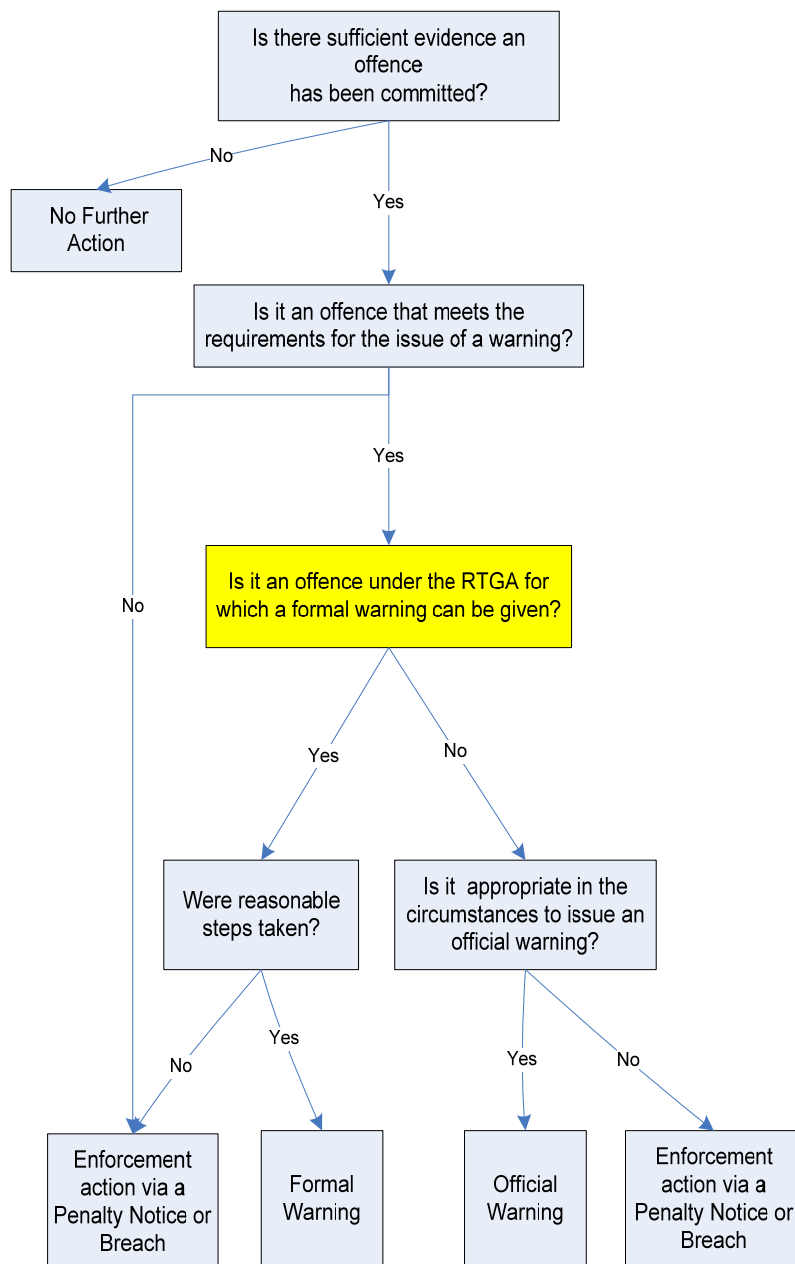
4. Roles and Responsibilities

Authorised Officers	<ul style="list-style-type: none"> • Conduct inspections of heavy vehicles and their drivers for compliance purposes. • Assess and collect chain of responsibility evidence. • When appropriate issue a formal warning under Section 105 of the <i>Road Transport (General) Act 2005</i> (RTGA), or official warnings under common law. • Conduct further investigations if required.
Authorised Officers - Enforcement Adjudication Unit (EAU)	<ul style="list-style-type: none"> • Conduct inspections of records of heavy vehicles and their drivers for compliance purposes. • Assess and collect chain of responsibility evidence. • When appropriate issue a formal warning under Section 105 of the <i>Road Transport (General) Act 2005</i> (RTGA), or official warnings under common law. • Conduct further investigations if required.
Managers (of Authorised Officers)	<ul style="list-style-type: none"> • Act as first point of contact for Authorised Officers. • Review warnings issued within 7 days and if approved, forward to ELIPS for information. • If not satisfied that the warning was issued appropriately, refer to ELIPS for further review. • Collect further evidence if required.

ELIPS unit	<ul style="list-style-type: none">• Review warnings issued by Authorised Officers within 14 days where the report from their Manager indicates further review and action is required.• Review sample of all formal and official warnings issued for quality assurance purposes.• Where a penalty notice has been issued, review representations made and, if appropriate, withdraw the original penalty and issue a warning instead.
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5. Process flow diagram

FORMAL WARNING OR OFFICIAL WARNING?

6. Conduct Compliance Check

When conducting a compliance check an Authorised Officer may determine that an offence has occurred.

7. Establish if the offence is one that can be dealt with via a Formal Warning or a Official Warning

If it is an offence that can be dealt with via Formal Warning proceed to **section 8 Formal Warning**

If it is an offence that can be dealt with via Official Warning proceed to **section 9 Official Warning**

Section 3 of this procedure contains further information to determine which warning may be used

8. Formal Warning

A Formal Warning **must not** be given for a *substantial* risk breach or a *severe* risk breach of a mass, dimension or load restraint requirement.

In addition, a Formal Warning **must not** be given for any breach of the fatigue regulation.

8.1 When can a Formal Warning be issued

Formal Warnings can only be issued for **minor** risk breaches and **non categorised** offences dealt with by penalty notice under the RTGA, and for offences under the Mass Loading & Access Regulation (MLA) – though not for offences directly involving restricted access vehicles travelling on non approved routes, or at times outside their access conditions. Formal Warnings can only be issued in respect of heavy vehicles or heavy combinations.

8.2 Appropriate matter for a Formal Warning

Once it is established that a Formal Warning can be issued for the offence (i.e. there has been an offence as defined in 2.2 above) the Authorised Officer must satisfy four requirements, outlined below.

The four key requirements

(a) **There must be evidence to prove an offence has occurred**

Establishing evidence of the offence will be done as part of the compliance check undertaken by the Authorised Officer.

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It will be necessary to interview the driver so as to more fully determine the nature of the contravention and to determine if there has been a breach of an applicable road law.

The Formal Warning is an alternative to taking proceedings and so the Authorised Officer must first have a reasonably held belief that an offence has been committed. This means there must be credible evidence to prove the offence.

(b) There must be evidence to establish reasonable steps were taken

The driver must be able to provide evidence to show that reasonable steps were taken to prevent the offence. The Authorised Officer must confirm the availability of other evidence in addition to what the driver says. The driver must have taken an active role in preventing the offence occurring. Reasonable steps may be different in each individual circumstance. It is not possible to list every possible example of a reasonable step. Refer to the Warning Policy for additional guidelines on establishing reasonable steps.

A line of inquiry to establish reasonable steps may include the following:

- Establish if some form of checking process or other system was used to prevent the contravention occurring. For example, the driver may provide or refer to supporting documentation such as daily check records, loading or weighbridge dockets, work diary or other records.
- Establish what steps or direct actions the driver took to avoid the contravention. For example, measures taken to accurately and safely measure the vehicle and or load, measures taken to provide sufficient and reliable evidence from which the measurement of the vehicle and/or load can be calculated.
- Establish what, if any training the driver had received relating to the contravention.
- Establish the measure of control that person or persons had over the vehicle, load or goods
- Establish the level of experience and expertise that the person or persons had or ought to of had considering their level of responsibility in relation to the control of the vehicle, load or good
- Determine if there were other factors contributing to the contravention.

The line of enquiry taken will reflect the type and nature of the offence detected, for example for a dimension offence, consider whether it would be reasonable to expect the driver to have measured the vehicle – i.e. if the offence is at the lower end of seriousness it might have reasonably appeared to the driver that the vehicle was compliant.

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Note: for mass offences, the evidence of reasonable steps will be provided by the driver, on behalf of the operator. The formal warning notice will actually be issued against the operator.

(c) There must be evidence to establish that the person did not know of the offence.

There must be credible evidence to establish that the person did not know of the offence and that it was reasonable in the circumstances for them not to know of the offence.

Evidence of previous offences may be relevant in establishing whether the person knew of the offence although this is not the only way of establishing knowledge. The Authorised Officer must check Truckscan for records of any previous offences.

Where the driver has received a warning or a breach for the same or similar offence, the previous offence may be relevant in determining whether the defendant knew or ought to have known about the current offence.

(d) The offence is appropriate to be dealt with by way of a formal warning

It must be appropriate in the circumstances to issue a Formal Warning for that offence i.e. that it is a minor mass dimension or load restraint offence or a mass dimension or load restraint offence otherwise dealt with by way of a penalty notice.

8.3 Issuing the Formal Warning

Once an Authorised Officer is satisfied that the circumstances of the breach meet the four key Formal Warning criteria they can proceed to issue a Formal Warning and enter it into Truckscan.

A Formal Warning must be given in writing.

When issuing a Formal Warning, Authorised Officers must advise that a Formal Warning may be withdrawn if further information becomes available that may otherwise result in the issue of a penalty notice or breach report instead. This may become necessary where, for example, further investigation reveals that the offending conduct was more serious than first thought. The RTA has 21 days from the date of issue of the Formal Warning to serve written notice of withdrawal on the recipient.

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8.4 Information that must be recorded

At the time of issuing the Formal Warning, it is essential that the Authorised Officer records details of their reasons for issuing the Formal Warning. For example, they must record:

- i) Evidence establishing there was an offence
- ii) Evidence establishing reasonable steps were taken
- iii) Details of the driver's level of awareness of the offence
- iv) Details of the enquiries the Authorised officer has made.

They must also record the location of supporting information that may be used to establish the reasonable steps defence e.g. driver training records that may be held at their home base.

Once completed, the Official Warning is issued to the driver and a copy forwarded to the Manager of authorised Officers for review.

The Authorised Officer should also take the time to explain to the driver/operator why a Formal Warning has been issued and what actions need to be taken to comply with the legislation in the future. Details of these discussions should also be recorded in their official notebook (and Truckscan if that functionality is available).

9. Official Warning

9.1 When can an Official Warning be issued

Official Warnings can only be issued for **minor** risk breaches and **non categorised** offences (including fatigue) eligible to be dealt with by way of a penalty notice.

In addition, an Official Warning **must not** be given for any offence that may otherwise be eligible for a Formal Warning.

9.2 Appropriate matter for an Official Warning

Once it is established that an official warning can be issued for the offence the Authorised Officer must satisfy two key requirements:

- the Authorised Officer must have reasonable grounds to believe an offence has been committed **and**
- the Authorised Officer must believe it is appropriate to issue an official warning in the circumstances.

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(a) There must be evidence to prove an offence has occurred

Establishing evidence of the offence will be done as part of the compliance check undertaken by the Authorised Officer.

It may be necessary to interview the person so as to more fully determine the nature of the contravention and to determine if there has been a breach.

The official warning is an alternative to taking proceedings and so the Authorised Officer must first have a reasonably held belief that an offence has been committed. This means there must be credible evidence to prove the offence.

(b) The offence is appropriate to be dealt with by way of an official warning

There are a number of factors which can be taken into account when considering whether it is reasonable to issue an official warning. Refer to the Warnings Policy for additional guidelines.

A line of enquiry to establish whether it is reasonable to issue an official warning may include the following:

- Establish if the circumstances of the offence pose a road safety risk
- Establish if the offence took place outside of the relevant period
- Establish if the offender has a good compliance history
- Confirm if the driver has received an official warning, warning or other penalty for the same or similar offence in the last 6 months
- Consider if the offence is at the lower end of the scale of seriousness for that offence
- Does the person agree to stop the offending conduct?
- Does the person admit the offending behaviour and show remorse?
- Would it be counterproductive to prosecute this offence?
- Consider whether the offence is of considerable public concern
- Establish if the person's background, including culture and language ability are relevant
- Determine if there are other exceptional, mitigating or aggravating circumstances

Having taken all the circumstances into account, the Authorised Officer should determine whether it is reasonable or not to issue an official warning. It is not necessary to establish all of the matters listed above but the existence of one or more may indicate an official warning is appropriate.

These factors rely on the Authorised Officer using judgment and discretion in deciding whether or not it is reasonable to issue an official warning. Not all of the factors will be relevant for each intercept.

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9.3 Issuing the Official Warning

Once an Authorised Officer is satisfied that the circumstances of the offence meet the Official Warning requirements they can proceed to issue an Official Warning and enter it into Truckscan.

An official warning must be given in writing.

When issuing an Official Warning, Authorised Officers must advise the recipient that an Official Warning may be reviewed by RTA and potentially a Penalty Notice or Court Attendance Notice may be issued instead.. This may become necessary where, for example, further investigation reveals that the offending conduct was more serious than first thought.

9.4 Information that must be recorded

At the time of issuing the Official Warning, it is essential that the Authorised Officer records details of their reasons for issuing the Official Warning. For example, they must record:

- v) Evidence establishing there was an offence
- vi) Evidence establishing the circumstances of the offence
- vii) Details of the enquiries the Authorised Officer has made.

Once completed, the official warning is issued to the person and a copy forwarded to the Manager of Authorised Officers for review.

The Authorised Officer should also take the time to explain to the person why an official warning has been issued and what actions need to be taken to comply with the legislation in the future. Details of these discussions should also be recorded in the Authorised Officer's official notebook (and Truckscan if that functionality is available).

10. Manager of Authorised Officers

The Manager of Authorised Officers receives all warnings and reviews them within 7 days of issue, including a review of the procedures and processes that were followed. Once the Manager of Authorised Officers is satisfied that all requirements for issuing warnings have been met, the warning is approved and forwarded to the ELIPS unit for their information.

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Where the Manager of Authorised Officers is not satisfied that all requirements have been met, they refer the warning to the ELIPS unit for review and further action. The Manager of Authorised Officers does not have the delegated authority to withdraw a warning but may annotate or add comments prior to forwarding the documentation to the ELIPS unit.

11. Enforcement Litigation Inspection Program Services (ELIPS)

The ELIPS unit receives warnings from the Manager of Authorised Officers. Where the warning indicated that review and further action is required, ELIPS must act accordingly. Warnings should be processed within **14 days** of the date of issue by ELIPS and the ELIPS unit is authorised to withdraw a warning. Where further information is required, the ELIPS unit may contact other parties inside or outside the RTA to obtain records which may assist them in reaching a decision.

The driver/operator must be served with written notice of any withdrawal of a Formal Warning within 21 days of the issue. For permissible ways of serving notices, see s239 of the *Road Transport (General) Act 2005*.

Note that strictly there is no requirement to withdraw an Official Warning before issuing a Penalty Notice or Court Attendance Notice but for consistency, the same procedure should be followed for both types of warning.

Following review, a warning may be

- confirmed
- withdrawn
- withdrawn and Penalty Notice or a Court Attendance Notice issued.


A sample of all warnings issued need to be reviewed by ELIPS for quality assurance purposes. Information relating to all warnings is recorded into the relevant database for future reference.

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12. References

To fully utilise this procedure, Authorised Officers' must be familiar with the following procedures and publications:


Legislation

	Road Transport (General) Act 2005
	Road Transport (General) Regulation 2005
	Road Transport (Mass, Loading & Access) Regulation 2005

Related Procedures/Policy

	Heavy Vehicle Driver Fatigue Procedure
	Warning Policy

Forms

	Offence Help Cards
	Penalty Notice
	Court Attendance Notice

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Roads and Traffic Authority, NSW

Determining an optimal business model for the Safe-T-Cam Program

Draft Final Report

March 2010



Introduction

Background

Safe-T-Cam (STC) is a network of heavy vehicle monitoring cameras located at 27 sites throughout New South Wales (NSW) and 11 sites in South Australia (SA).

The cameras are clearly marked with road side signage and mounted on gantries and/or bridges.

The network of cameras was introduced in 1995 in response to two highway crashes involving tourist coaches in 1989.

Figure 1: Map of NSW STC network



Introduction (continued)

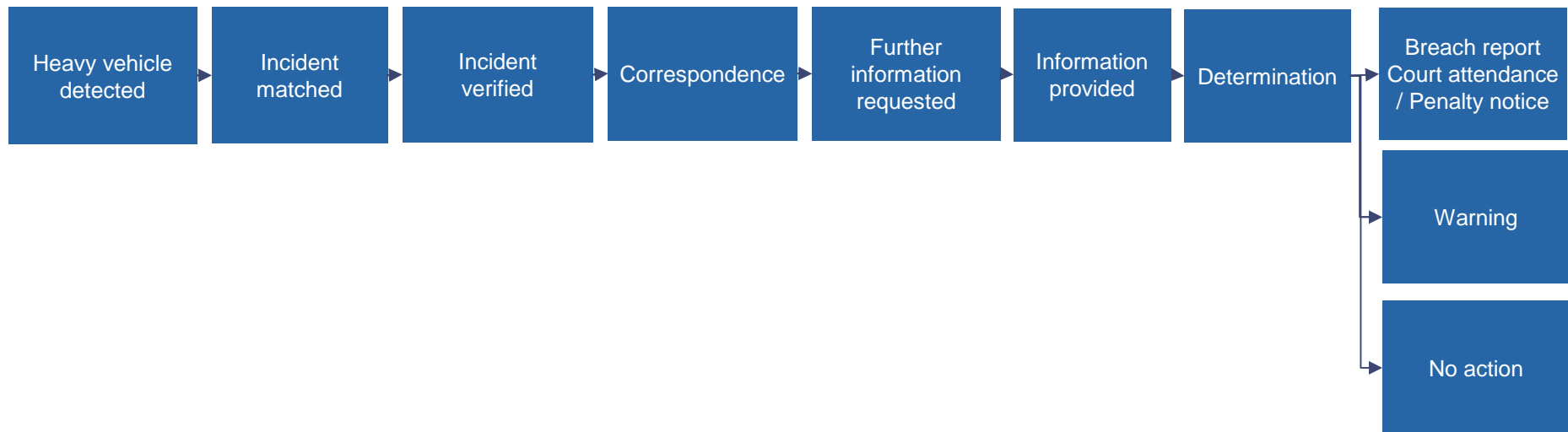
Operation of STC

STC operates using a complex computer algorithm developed by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

The algorithm uses the fixed distances between the cameras across the network to detect potential incidents of speeding or vehicles which have travelled beyond prescribed driving hours (and hence, are at risk of fatigue). It also identifies attempts to avoid detection and unregistered heavy vehicles.

The process flow from incident detection to issue of infringement notice is shown below.

Figure 2: Operation of STC



Introduction (continued)

Outcomes sought from STC

The key outcome sought from STC is ‘to reduce the incidence of heavy vehicle speed and fatigue in an effort to prevent heavy vehicle accidents.’

The STC network also detects unregistered vehicles and vehicles who attempt to avoid STC.

STC’s role in the wider heavy vehicle monitoring framework

STC is part of a wider heavy vehicle safety monitoring program at the Roads and Traffic Authority (RTA) which includes:

- heavy vehicle checking stations;
- roadside inspection areas;
- 100 cars with technology fitted to assess compliance on a risk basis; and
- fixed speed and red light cameras.

The current regulatory framework provides a risk based approach to meet the outcomes sought. There are a mix of compliance approaches used. Where risk is low, compliance responses may be ‘light handed’ e.g. raising awareness or education. Where risk is high, compliance may be enforced through more prescriptive methods such as incident detection and penalisation.

The STC approach provides compliance against prescriptive standards through a tiered approach. Infringement notices are issued initially, while repeat offenders face suspension of their licence, registration and/or removal of their ability to operate in NSW.

Introduction (continued)

Recent changes to the management of STC

In the past six to eight months there has been a restructure of Customer and Regulatory Services (CaRS) division which has led to changes to the management of the STC program. The restructure means that the General Manager, Compliance and Enforcement Branch (CEB) has greater responsibility for the delivery of the STC program.

Key Issues

The RTA has indicated that the effectiveness and efficiency of STC could be improved through changes to the current business model. Some of the key issues identified include ensuring that:

- a clearer strategic direction is established for STC;
- there is clear identification of responsibilities, service standards and interfaces in all areas, from strategic direction to maintenance of physical assets to information technology (IT) provision;
- the STC program is integrated with other programs within RTA (particularly other camera technologies) and collaboration is enhanced;
- there is an appropriate delegation of responsibility to allow the efficient and effective funding of STC; and
- there is an effective suite of Key Performance Indicators (KPIs) established which are linked to objectives and service standards with a monitoring program reporting against performance targets.

In response to these (and other) issues, RTA engaged PricewaterhouseCoopers (PwC) to review and make recommendations for improvements to the current STC Business Model.

Outcomes and Objectives of the Business Model Review

Outcomes sought from the Business Model Review

The key outcome sought from this Review is the identification of the optimum Business Model for the management of the STC program.

Specific recommendations for change to the Business Model are sought in the following areas:

- determination of strategic direction;
- management and accountability for finance and resource budgets;
- identification of ownership and management (including maintenance) of STC assets;
- identification of management and accountability for information technology (IT);
- determining optimum policy arrangements including appropriate delegations; and
- identification of performance and reporting accountability.

Outcomes and Objectives of the Business Model Review (continued)

Objectives of the Review

The Review will seek to achieve the outcomes above through the following tasks:

1. Identification of current responsibility for business decisions and functions within the STC program including (but not limited to):
 - strategic direction;
 - financial and resource management;
 - asset management;
 - IT management;
 - policy management including appropriate delegations; and
 - performance and reporting management.
2. Assessment of the current responsibilities against the principles outlined in the RTA's Business Principles Guidelines.
3. Identification of the optimum business model for the management of the STC program.

Methodology for the Scoping Stage and Project Plan

Scoping Tasks

PwC completed the following analysis as part of Stage 1: Scoping Stage:

- a description of the current Business Model (activities, roles and accountabilities); and
- assessment of the outcomes of the current Business Model against the RTA's Operating Principles.

The key activities undertaken as part of Stage 1 include:

- an inception meeting held on 9 December 2009.

PwC also reviewed the following materials provided by RTA officers:

- Safe-T- Cam Performance Target Report;
- Enforcement Adjudication Unit Policy Document;
- Licensing, Registration & Freight Business Plan 2009 – 12;
- Camera Enforcement Branch Business Plan 2009 – 2012;
- Camera Enforcement Branch Delegations Manual; and
- Safe-T-Cam Accountabilities.

Methodology for the Scoping Stage and Project Plan (continued)

PwC also conducted seven interviews:

- Manager, Enforcement Adjudication (9 December);
- Manager, Regulatory Programs (14 December);
- General Manager, Compliance and Freight Strategy (15 December);
- Manager Customer Service and Infrastructure Operations and Manager, Infrastructure Operations (17 December);
- Business Development Manager , Compliance and Enforcement Branch (17 December);
- Senior Policy Manager (Impaired Drivers), Centre for Road Safety and Senior Policy Manager (Speed), Centre for Road Safety (18 December); and
- General Manager, Compliance and Enforcement Branch (22 December).

The feedback received during the scoping exercise was synthesised to produce:

- a summary of the STC process, responsibilities and roles;
- an assessment of the outcomes of the current Business Model against the RTA's Operating Principles;
- identification of data/information gaps;
- a request for further information and consultation; and
- a timeline for the development of recommendations.

Operation of STC – processes, roles and accountabilities

The key stages in the operation of STC are summarised in the table below.

Table 1: Operation of STC

STC Steps	Processes	Technology / Equipment	Management Responsibility
Heavy vehicle detected	Computer based program to detect heavy vehicle incidents and take photo	Gantry mounted camera with detection capability	CSIRO – algorithm, Fujitsu – camera equipment, ITree – software development, IM&IT management of contracts
Incident Matched	Photo sent to STC matching client computer system	Communications equipment (line, router), IT equipment onsite and at RTA	Telstra, Geotronics – communications, CSIRO – algorithm, Fujitsu – camera equipment, ITree – software development, IM&IT management of contracts
Incident Verified	Photo verified by manually checking incident	IT equipment at RTA	Compliance and Enforcement Branch - Enforcement Adjudication
Correspondence	Incident sent to database to send out correspondence	IT equipment at RTA	Compliance and Enforcement Branch - Enforcement Adjudication
Further information requested	HV operator asked to provide further detail regarding the incident	Not applicable	Heavy vehicle operator
Information provided	Information is provided by the heavy vehicle operator to RTA	Not applicable	Heavy vehicle operator to Compliance and Enforcement Adjudication
Determination	A determination is made on whether an incident has occurred	RTA database	Compliance and Enforcement Branch - Enforcement Adjudication
Breach report Court attendance / Penalty notice	A breach report is completed an correspondence sent out notifying of court attendance or penalty notice	RTA database	Compliance and Enforcement Branch - Enforcement Adjudication
Warning or no action	RTA determination is to warn or take no action in relation to the incident	RTA database	Compliance and Enforcement Branch - Enforcement Adjudication

STC Business Model – processes, roles and accountabilities

The processes, roles and accountabilities comprising the current Business Model are summarised below.

Table 2: STC Business Model

	Description	Management Responsibility
Strategic direction	Previously, the responsibility for strategic direction for STC rested with the Compliance and Freight Strategy Branch (Regulatory Programs). Responsibility for setting the strategic direction has been unclear. Further definition of the the strategic direction and role of STC in the overall heavy vehicle monitoring framework is required.	Compliance and Freight Strategy Compliance and Enforcement
Financial and resource management	STC does not currently have a specific budget allocation within Regulatory Programs. Funding is sourced through fixed resource budget of the Compliance and Enforcement Branch. Investment rules, funding authorisation and delegation protocols are unclear and ad-hoc.	Compliance and Enforcement Branch IM&IT
Asset management	STC has a number of assets – IT assets (hardware and software) as well as physical assets such as gantry equipment and surrounding land. However, accountabilities for asset ownership and maintenance are largely undefined.	CSIRO – algorithm & cameras ITree – software development IM&IT management of contractors Telstra – Gantry equipment, STC pits
IT management	There are a number of IT systems that work together to deliver the STC program. These include the software (algorithm), the internal database where incidents are verified and the correspondence database. IT management rests largely with IM&IT.	IM&IT manage Fujitsu who manage the responsible contractor who could be: Telstra, Geotronics – communications, CSIRO – algorithm, Fujitsu – camera equipment, ITree – software development
Policy management and delegations	The responsibility for setting of overall policy direction and requirement is with the Centre for Road Safety.	Centre for Road Safety
Performance and reporting management	The performance management of the STC program could benefit from a refocus. Recent re-negotiations of contracts with service providers have included some KPIs and data on performance is becoming gradually more accessible. Performance and reporting internally to RTA needs to be developed further.	IM&IT manage contractors Compliance and Enforcement Branch is now responsible for management

RTA Business Principles

The RTA has identified a set of principles that will guide and prepare the RTA, through its whole of agency business reform program to better face its current and future challenges.

The principles are:

- Simplicity – Systems and processes are made as simple and efficient as possible and any added complexity is in proportion to the risks being managed
- Integration – RTA business objectives and services are planning and delivered in an integrated way across the organisation
- Accountability – Managers at all levels are provided with the necessary authority and skills to efficiently deliver organisational objectives and they are then held accountable for their performance
- Efficiency – The organisation makes the most effective use of all its resources and people, collaborative working arrangements are encouraged and any new resource and staffing requirements are offset by savings elsewhere
- Ongoing improvement – Strong mechanisms are put in place to ensure a continuous focus on improvement and cost reduction.

RTA Business Principles (continued)

In relation to structural and other changes, the RTA has set out the following principles:

- RTA's structure and mode of operation will be designed to optimise the performance of each business to ensure they deliver their priority outcomes within an overall organisational framework.
- Managers will be held accountable for achieving HR, financial, OH&S and resource usage outcomes as well as their specific business and project outcomes (e.g. time, cost, quality, service standards, etc). Managers will be provided with the necessary support to enable them to deliver these outcomes.
- Like businesses will be grouped together or integrated. Separation of roles and functions within businesses will only occur where it can be demonstrated to add value in terms of improved service delivery, management, risk control, effectiveness or probity.
- Where separation is needed to advance commercial or contestable practice, it should only occur to the extent required to maintain an effective balance between efficiency, probity and risk.
- The structure of the organisation and the approach to conducting business will encourage joint use of assets, resources and people so that optimal use is achieved across the RTA.

Initial findings

From initial interviews and review of materials provided, we note the following summary findings which may comprise areas for improvement against RTA's operating principles:

Simplicity

- there is uncertainty regarding the role of STC in the overall compliance and enforcement framework;
- priorities were embedded in the wider heavy vehicle regulatory program rather than being specific to STC. For example, the Regulatory Programs Branch had a focus on chain of responsibility, however, does not rely on STC information to enforce heavy vehicle compliance breaches. Program specific priorities would provide greater clarity on program development and investment prioritisation;
- investment prioritisation, approach and authorisation are not standardised or clearly articulated;
- funds for capital and recurrent investment in STC come from a variety of sources;
- there are six outsourced providers which support the IT function of STC; and
- each IT service provider has a particular support role governed by different contracting terms with different service level agreements in place.

Integration

- there is lack of end-to-end integration of STC from policy setting and strategic direction to implementation and performance reporting which in turn should feed into policy development;
- there is a need for improved integration, coordination and communication between different areas of the STC program, particularly Adjudication Enforcement and IM&IT e.g. better coordination and notification of activities that necessitate camera down-times;

Initial findings (continued)

- there are a number of programs which aim to better regulate heavy vehicles. While each program may have a clear objective, the interaction of each program (and in particular the role of STC) to achieve the policy priorities is unclear. Program efficiency and outcomes may improve if there was greater integration; and
- there are opportunities for aligning STC with the regulatory structure of broader speed and fatigue programs such as red light cameras and point to point programs.

Accountability

- responsibility for setting high level policy and priorities is unclear. While the Centre for Road Safety sets the legislative rules for heavy vehicles, there does not appear to be clarity as to who is responsible for the high level strategic policy for the STC program;
- there is a clear need for assigning accountability for the ownership and maintenance of fixed infrastructure assets e.g. camera sites, which in turn necessitates a comprehensive asset inventory.
- there is a need for assigning accountability for a dedicated business development role;
- accountability for seeking/approving funding for and implementing some aspects of STC is unclear;
- IM&IT identified the need for introducing more accountability through performance based contracts for third party service providers;
- the dispersed nature of the responsibility for the software required to manage the system allows contractors to have control of the system. Recording of processes, versions used at each site etc. have only recently been introduced. IM&IT has commenced standardising software versions; and
- use-ability and completeness of records and files impacting on the recording of systems and processes, could be improved.

Initial findings (continued)

Efficiency

- unclear program priorities and investment priorities/outcomes create inefficiency in the delivery of STC – e.g. duplication of resources and investment on non-priority products/services reducing value for money outcomes;
- a large number of service providers involved in the operation of the IT of STC could be rationalised to improve efficiency and reliability of the program;
- an absence (largely) of performance based contracts impacts on the cost efficiency of the STC program;
- investment rules are not standardised or relative to investment size/need. For example, there is no standard business case framework to assess the financial and/or economic merit of funding;
- there are a range of sources of funding for STC which affects certainty and availability and hence, efficient investment planning;
- STC does not effectively leverage off existing resources/intelligence of other camera programs in the RTA; and
- the significant volume of images/data captured (and associated storage requirements) means that the efficient operation of STC is contingent on a clearly defined role within other heavy vehicle monitoring programs.

Initial findings (continued)

Ongoing improvement

- there is a clear need to develop and assign ownership of the program's strategic direction to the 'business owner', particularly in response to expected changes in regulatory frameworks (e.g. heavy vehicle pricing), changing industry practices (change-over processes along certain freight routes) and technology development;
- business decision making and technical project manager roles are in some cases too closely aligned;
- there are opportunities to develop new, and improve current, relevant and measurable program KPIs and performance reporting protocols. This would include reviewing existing KPIs;
- there is scope to enhance performance based incentives/disincentives for third party service providers, particularly in IM&IT; and
- there is scope for improving communication of interdependent activities across various stakeholders in STC.

Key aspects of an effective business model

There are a number of business model components that influence the performance of service provision in the public sector, these include:

- program policy
- strategic planning
- operational plans – procedures/processes
- roles and responsibilities
- communication (internal and external) and integration
- asset planning and management
- performance management, monitoring and reporting
- financial and resource management
- risk management

The Draft recommendations that follow address the areas for improvement identified during the Scoping phase. The recommendations are categorised according to the Business Model aspects identified above. Each has been prioritised according to recommended implementation timing, ie. short, medium and long term.

Recommendations

Components	Findings	Recommendation	Timeframe
Program Policy	The scoping exercise indicated that no formalised policy document exists. While operational procedures do exist, they require updating (see below).	The Centre for Road Safety (CFRS) should continue to set the overarching policy for the STC program. It is recommended that CFRS develop a specific policy for STC. The policy should define STC outcomes and objectives.	Immediate term
Strategic Direction	The scoping exercise indicated that improvements could be made in relation to strategic planning for the Safe-T-Cam program.	It is recommended that Compliance and Freight Strategy (CFS) in collaboration with CEB prepare a 'live' strategic plan for STC. The plan should be reviewed and updated periodically to ensure that it continues to be a relevant framework for delivering the outcomes outlined in the policy. By definition, the strategic plan should clearly outline STC specific priorities (in comparison to the CEB Strategic Plan which sets out broad goals for STC). CFS should prepare a plan which sets out the role of STC in other HV safety programs in achieving HV safety objectives. The Strategic Plan should clearly define the roles and responsibilities of each party in the delivery of the objectives.	Immediate term
Operational Plans/procedures/processes	The scoping exercise indicated that there was limited documentation of processes relating to the activities involved in delivering STC.	It is recommended that Manager, Enforcement Adjudication and IM&IT document the processes and activities of their branches in relation to the outcomes sought from STC. This should include documentation of overall activities of the branch, standard operating practices and reporting responsibilities. These processes and procedures should be set out so that their relationship in delivering on the outcomes set out in the strategic plan and policy document is clear.	Short to medium term
Roles and responsibilities	In the absence of a specific strategic plan for STC, there is a need for clear documentation of roles and responsibilities for each process of the STC business model.	The strategic plan should clearly define roles and responsibilities for each process of the business model. Key areas include clearly setting out the role for policy development and asset ownership and maintenance. Its is recommended that the responsibilities for policy setting and funding are aligned and separated from program delivery.	Immediate term

Recommendations (continued)

Components	Findings	Recommendation	Timeframe
Communication and Integration	The scoping exercise indicated that there was opportunities for improving communication and coordination across the participants in the STC Program.	It is recommended that the CEB develop a tailored communication program (periodic meetings, circulars etc.) which will assist in the coordination of STC activities and interaction of various areas delivering the program, particularly in relation to the strategic direction of STC.	Immediate term
Communication and Integration	The scoping exercise indicated that STC operates largely in isolation of RTA's other camera programs.	It is recommended that CEB investigate all possible opportunities to leverage existing infrastructure and knowledge held in other RTA camera programs.	Short to medium term
Performance management, monitoring and reporting	While there have been some KPIs established recently, there is room for accountability of these KPIs to be improved, and for simple suite KPIs to be developed for both the STC program and camera operation.	It is recommended that the availability and reporting of the current KPIs (both camera operation and STC effectiveness) is reviewed by CEB in collaboration with CFS, and is reported to Director, LRF and CFS to ensure that they are in place and adequate to introduce incentives to realise the objectives of STC.	Short to medium term
Performance management, monitoring and reporting	While some third party contracts have recently been revised to ensure performance based incentives, CEB should investigate scope to further revise external contracts.	It is recommended that current contractual arrangements are reviewed by CEB and IM&IT to ensure that appropriate incentives are in place to continuously improve service delivery of the STC program. It is also recommended that CEB investigate opportunities to rationalise the current six service providers to IM&IT. This may be best undertaken in collaboration personnel from the Major Infrastructure Directorate.	Short to medium term

Recommendations (continued)

Components	Findings	Recommendation	Timeframe
Financial and resource management	The systems in place to ensure efficient and effective financial and resource management are often inadequate. A recent restructure means that all of the program specific roles for STC will come under the CEB, however, the current systems can be improved to represent best practice outcomes.	It is recommended that RTA's Economics Analysis Manual and NSW Treasury Guidelines for Financial and Economic Appraisal are used to set standards and frameworks for gaining approval of additional resources and funding. Analysis should include: <ul style="list-style-type: none"> - criteria on how investment will be prioritised and estimation of measures of Value for Money - authorisations required for each level / type of funding - clarification of funding sources 	Short to medium term
Financial and resource management	There are a number of external providers of IT and other services who have been in place for a number of years and number of suppliers could be rationalised and the delivery objective simplified and aligned to new STC direction.	It is recommended that a review of the provision of IT and other services should be conducted to ensure: best value money outcomes are achieved and procedures are documented. This review may be undertaken by an external consultant who specialises in the conduct of government tendering or draw on RTA expertise on contract management from other Directorates. It is also recommended that CEB and IM & IT develop a long term asset management strategy and includes a funding plan for equipment replacement.	Medium term
Asset planning and management	Some assets are no longer meeting the standards required in the current environment. For example, data storage is limited at sites, technology used to capture number plates needs to be constantly improved.	While it is understood that RTA has commenced to address this problem, it is recommended that CEB and IM&IT finalise a comprehensive asset inventory to clearly set out each asset, ownership and responsibility for management and interdependence with other RTA assets.	Short to medium term
Asset planning and management	While some contracts have recently been revised to ensure performance based incentives, there may be scope to further revise external contracts.	It is recommended CEB and IM&IT undertake a review of all current assets and their performance against their role.	Medium term