

National Transport Commission
Level 3, 600 Bourke St
Melbourne, Vic 3000



SUBMISSION: EFFECTIVE ENFORCEMENT

"CURRENT PENALTIES AND ENFORCEMENT PRACTICES ARE LARGELY DISPROPORTIONATE TO THE LIKELIHOOD AND CONSEQUENCES OF OFTEN OVERSTATED SAFETY RISKS."

So how do we ensure that penalties and enforcement are proportionate?

I propose that:

1. ROAD MANAGERS, and their advisors, and their consultants and their staff to be added as *named parties to the chain of responsibility*.
2. THE REGULATOR, and its advisors, and its consultants and its staff to be added *as named parties to the chain of responsibility*.
3. ENFORCEMENT AGENCIES, and their advisors, and their consultants and their officers to be added *as named parties to the chain of responsibility*.
4. ELECTED REPRESENTATIVES from all 3 levels of government, and their advisors, and their consultants and their bureaucrats to be added *as named parties to the chain of responsibility*.

"THIS RECOGNISES THAT ALL OF THE ABOVE ARE IN A POSITION TO INFLUENCE TRANSPORT ACTIVITIES".

By officially naming these roles in the chain of responsibility, it will make them legally responsible and accountable for their actions and/or their negligence.

Potential liability for things like:

- Introducing unnecessary or poor legislation
- Providing inadequate or sub-standard infrastructure
- Engaging in over-zealous enforcement
- Engaging in blatant revenue raising.
- Overcharging vehicle registrations, road user charges and fuel taxes
- Providing inaccurate advice (*removal of disclaimers protection*)

The people who fulfil these roles are already at the forefront of advising industry that complying with the "*Primary Duty*" of chain of responsibility is relatively straight forward and easy, provided that you can demonstrate "*Due Diligence*" in adopting "*Reasonably Practicable*" risk management processes.

"THIS PROVIDES AN OUTSTANDING OPPORTUNITY FOR THESE PEOPLE TO LEAD BY EXAMPLE AND DEMONSTRATE COMMITMENT TO THEIR CAREERS AND PUBLIC SAFETY.... ALL THEY HAVE TO DO IS PRACTICE WHAT THEY PREACH!"

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Shane Jeffrey'.

Shane Jeffrey
29.10.2019