



# Enforceable Undertaking

## Chapter 10.1A

### Heavy Vehicle National Law

The commitments in this enforceable undertaking are offered  
to the National Heavy Vehicle Regulator

By

StrathAyr Ptd Ltd

ABN: 83 006 751 024

Enforceable Undertaking (EU)

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**Part 1 Executive summary**

**Section 1 Agreed actions**

1. StrathAyr Pty Ltd will have Electronic Scales professionally installed on each delivery truck in the fleet, with the ability to measure each axle grouping and combined weight and then send the data electronically to a digital device. NOTE: This action has been undertaken and completed.
2. StrathAyr Pty Ltd will enhance and refine our Integrated Logistics Platform to allow for different weight measurements per turf variety, factored for seasonal moisture content differences associated with Winter, Spring, Summer, Autumn. NOTE: This action has been undertaken and completed.
3. StrathAyr Pty Ltd will undertake comprehensive training on NHVR legislation and requirements to all our truck drivers and delivery logistics personnel with a focus on enhanced understanding of legislation, procedures and Chain Of Responsibility compliance.
4. StrathAyr Pty Ltd will submit a detailed article to leading turf and landscaping trade associations with the aim that the information will be published and learnings associated with moisture affected delivery weights and Chain Of Responsibility requirements will be extended across the industry sector.
5. StrathAyr Pty Ltd will implement a Comprehensive Safety Management System, embracing and utilising the information made available by the NHVR.
6. StrathAyr Pty Ltd will apply for entry into the National Heavy Vehicle Accreditation Scheme.

## Section 2 Total cost of actions

7. Electronic Scales - \$12,500
8. Enhance Integrated Logistics Platform - \$17,100
9. Comprehensive Training - \$10,000
10. Trade Association Publications - \$5,000
11. Implement a Comprehensive Safety Management System - \$5,000
12. National Heavy Vehicle Accreditation Scheme - \$1,000

## Part 2 General information

### Section 3 Purpose

13. The purpose of this enforceable undertaking is to document the undertakings offered to the National Heavy Vehicle Regulator (NHVR) pursuant to Chapter 10.1A of the Heavy Vehicle National Law (HVNL) in connection with a matter relating to an alleged contravention of the HVNL.

### Section 4 Details

14. The commitments in this enforceable undertaking are offered to the NHVR by StrathAyr Pty Ltd.
15. This enforceable undertaking is given on the day and date that it is accepted and signed by the NHVR. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

#### Details of the person proposing the undertaking:

Registered address:	[REDACTED]
Postal address:	[REDACTED]
Telephone:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Privately Owned Company
Type of business:	Agriculture
Commencement of entity:	1987
Number of workers:	25
Products and/or services:	Natural Turf Production



#### Details of the alleged contravention

16. On July 13<sup>th</sup> 2021, one of our delivery trucks (Registration 00730-P) on route to Ballarat was found to be overweight, despite the estimated calculation from our systems being within the legal load threshold. The level of overloading was determined to be a severe risk breach.

#### Details of the events surrounding the alleged contravention

17. The turf was harvested immediately after a major rain event which increased the moisture content and associated weight beyond the level that was anticipated and calculated.
18. The proportion of RTF Tall Fescue turf on the offending load was greater than normal and we have now learnt that this turf variety has a higher harvest weight per square metre when moisture affected than other turf types.

#### The details of any injury or financial loss that arose from the alleged contravention

19. There were no injuries or financial loss that arose from the alleged contravention

#### The details of any notices issued that relate to the alleged contravention



20. StrathAyr Pty Ltd received a summons to appear at the Seymour Courthouse on February 10<sup>th</sup> 2022 and the date was later adjourned on numerous occasions whilst awaiting the outcome of the Enforceable Undertaking submission..

### **The details of any existing transport safety management systems at the workplace including the level of auditing currently undertaken**

21. StrathAyr Pty Ltd does not currently have an established comprehensive safety management system in place which encompasses Chain of Responsibility compliance.
22. StrathAyr are ISO Certified for Safety, Quality and Environmental Management which includes an annual audit by Price Waterhouse Cooper, the most recent audits being undertaken remotely due to COVID restrictions.
- a. Emergency and Issue Response Plan
  - b. Safe Operating Procedures – Mobile Plant and Individual Vehicle

### **Any consultation undertaken within the company regarding the proposal of an EU**

23. There has been significant consultation within the StrathAyr Pty Ltd management and leadership team to enable this Enforceable Undertaking submission to be prepared.
- a. Meeting with General Manager, Operations Manager, System Supervisor and Truck Drivers.

## **Section 5 Statements**

### **Statement of assurance**

24. StrathAyr Pty Ltd confirms that the company, management and all personnel are committed to comply with our obligations under the HVNL and ensuring, so far as is reasonably practical, the health and safety of all workers and others that have the potential to be affected by our business or undertakings.

### **Statement of regret**

25. StrathAyr Pty Ltd have the greatest regret for the truck overloading incident which occurred on July 13<sup>th</sup> 2021 and we are deeply embarrassed by the offence.

### **Statement of ability to comply**

26. StrathAyr Pty Ltd has the financial and operational capacity to comply with the terms of this enforceable undertaking.

### **Statement granting permission to use**

27. StrathAyr Pty Ltd grants the NHVR permission to use any documents, policies and procedures developed as a result of this enforceable undertaking for the purpose of training and development by the NHVR.

### **Statement of prior undertakings**

28. StrathAyr Pty Ltd has not been the subject of an undertaking from another statutory body.

## **Section 6 Acknowledgement**

29. StrathAyr Pty Ltd acknowledges that the NHVR alleges that StrathAyr Pty Ltd has contravened section 96(1)(c) of the HVNL.
30. The alleged contraventions are taken very seriously by StrathAyr Pty Ltd, its Directors and Senior Management, who are committed to providing a safe workplace to conduct its business in a way that helps protect the environment and the communities in which it operates.

## **Section 7 Details of Injury or Illness**

### **Types of workers compensation provided (if the injured person is a worker of the person)**

31. Not applicable. No injuries were sustained to workers or members of the public as a result of the alleged contravention.

### **Support provided, and proposed to be provided, to the injured person to overcome injury/illness**

32. Not applicable. No injuries were sustained to workers or members of the public as a result of the alleged contravention.

## **Section 8 Rectifications made**

33. StrathAyr Pty Ltd is committed to ensuring it has developed systems that identify, assess and control risks and are designed to promote continual improvement and as a result of the alleged contravention, the following opportunities for enhancement of processes have been undertaken:

Description	\$ Amount
Installed Electronic Scales On each Truck	\$12,500
Enhanced and Refined Logistics Platform	\$17,100
<b>Total Combined Cost – Rectifications Made \$29,600</b>	



## Section 9 Acknowledgement of publication

34. StrathAyr Pty Ltd acknowledges that the enforceable undertaking will be published on the NHVR's internet site and may be referenced in the NHVR's publications.

## Part 3 Enforceable terms

### Section 10 Commitments

#### Commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

35. StrathAyr Pty Ltd is committed to ensuring that the behavior that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence.

#### Commitment to the ongoing effective management of public risk associated with transport activities

36. StrathAyr Pty Ltd is committed to the ongoing effective management of public risks associated with transport activities within its business operations.

37. StrathAyr Pty Ltd has a commitment to ongoing continuous improvement in how it manages risks associated with its business operations, including the review of new technology when made available.

#### Commitment to disseminate information about the EU to workers and other relevant parties in the chain of responsibility

38. StrathAyr Pty Ltd is committed to disseminating information about the enforceable undertaking to workers and other relevant parties within the chain of responsibility, including senior and operational management, health and safety management team, Health and Safety Committees and Health and Safety Representatives, workers, and all relevant contractors and subcontractors working for StrathAyr Pty Ltd. This information will be disseminated through:

- a. For internal employees: Records kept in dedicated workspace in M-Files; Toolbox talks by Operations Manager and Systems Supervisor.
- b. For external contractors and sub-contractors: communication provided by Department Heads.
- c. All email correspondence captured through document management system CRM in Salesforce.

#### Commitment to participating constructively in all compliance monitoring activities of the EU

39. StrathAyr Pty Ltd is committed to participating constructively in all compliance monitoring activities of the EU.

40. StrathAyr Pty Ltd acknowledges that responsibility for demonstrating compliance with the undertaking rests with StrathAyr Pty Ltd and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date of each term.

41. It is acknowledged that the NHVR may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to the NHVR including providing details of workshops and training conducted for industry and community benefit.

#### Commitment that any promotion of a benefit arising from the EU will clearly link the benefit to the undertaking and make it clear that the undertaking was entered into as a result of an alleged contravention

42. StrathAyr Pty Ltd is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

### Section 11 Strategies that will deliver benefits

#### Benefits to drivers and parties within the chain of responsibility

43. As part of this enforceable undertaking, StrathAyr Pty Ltd aims to deliver strategies that focus on benefits to:

- a. drivers and parties within the chain of responsibility
- b. the transport industry and the broader community.

44. StrathAyr Pty Ltd intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among the StrathAyr workforce and all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.

#### Activities

##### Activity 1 – Comprehensive Training on NHVR Legislation and Requirements

##### Scope

StrathAyr Pty Ltd will undertake comprehensive training on NHVR legislation and requirements to all our truck drivers and delivery logistics personnel with a focus on enhanced understanding of legislation, procedures and Chain Of Responsibility compliance.

##### Details

Training to be conducted in three phases consisting of Initial, Quarterly Refresher and Annual Comprehensive. The



Annual Comprehensive Training will be undertaken by a qualified/accredited trainer.

**Timeframe**

Initial Training by Dec 31<sup>st</sup> 2022.  
Refresher Training Quarterly Thereafter.  
Comprehensive Annual Training Thereafter.

**Outcome**

Very high levels of understanding by all participants of NHVR legislation, requirements and StrathAyr Pty Ltd processes and practices.

**Costs**

\$10,000 Per Annum

**Output**

Provision to drivers and the freight logistics team of manuals, reference guides and training certificates

**Activity 2 – Trade Association Publications**

**Scope**

StrathAyr Pty Ltd will submit a detailed article to leading turf and landscaping trade associations with the aim that the information will be published and learnings associated with moisture affected delivery weights and Chain Of Responsibility requirements will be extended across the industry sector.

**Details**

StrathAyr Pty Ltd will submit a detailed article to Lawn Solutions Australia and Master Landscapers Victoria.

**Timeframe**

Dec 31<sup>st</sup> 2022

**Outcome**

the aim is that the information will be published and learnings associated with moisture affected delivery weights and Chain Of Responsibility requirements will be extended across the industry sector.

**Costs**

\$5,000 includes drafting of the artwork as well as the artwork.

**Output**

Information relating to delivery weights and Chain Of Responsibility provided on our website as well as being submitted to trade publications for potential inclusion as an article.

**Activity 3 – Implement a Comprehensive Safety Management System**

**Scope**

StrathAyr Pty Ltd will implement a Comprehensive Safety Management System, embracing and utilising the information made available by the NHVR.

**Details**

StrathAyr Pty Ltd will implement a Comprehensive Safety Management System, embracing and utilising the information made available by the NHVR.

**Timeframe**

Dec 31<sup>st</sup> 2022

**Outcome**

StrathAyr Pty Ltd will have a more stringent Safety Management System which will enhance the safety for all stakeholders and ensure we meet and exceed our legislative obligations and responsibilities.

**Costs**

\$5,000

**Output**

Provision to drivers and the freight logistics team of policies, procedures and manuals.

#### Activity 4 – Apply For Inclusion Into the National Heavy Vehicle Association Scheme

##### Scope

StrathAyr Pty Ltd will apply for entry into the National Heavy Vehicle Accreditation Scheme.

##### Details

StrathAyr Pty Ltd will apply for entry into the National Heavy Vehicle Accreditation Scheme.

##### Timeframe

Dec 31<sup>st</sup> 2022

##### Outcome

Enhanced learning and the ability to keep abreast of industry developments and improvements.

##### Costs

\$1,000

##### Output

Access to industry best practice information.

45. The total estimated value of the undertaking is \$21,000 plus the \$29,600 invested to date for completed rectifications as detailed.

## Part 4 Offer of undertaking

### Executed as an Undertaking

StrathAyr Pty Ltd

ABN: 83 006 751 024



Executed by StrathAyr Pty Ltd  
(Cth) by:

ABN: 83 006 751 024 pursuant to section 127(1) of the *Corporations Act 2001*

	
Signature of Director	Signature of Director/Company Secretary
	
Name of Director (print)	Name of Director/Company Secretary (print)
14/10/2022 Date: Click or tap to enter a date.	14/10/22 Date: Click or tap to enter a date.

## Part 5 Acceptance of undertaking

Accepted by the National Heavy Vehicle Regulator pursuant to sections 590A(2) and 661(1)(b) of the Heavy Vehicle National Law by:


Belinda Hughes
 (print)
Date: 07/11/2022 enter a date.