



# Enforceable Undertaking

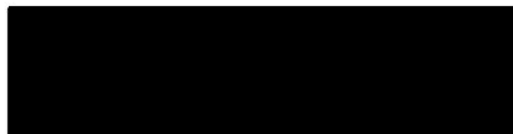
## Chapter 10.1A

### Heavy Vehicle National Law

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

By

CSG RESOURCE SUPPLIES PTY LTD



## Part 1 Executive summary

### Section 1 Agreed actions

1. CSG Resource Supplied Pty Ltd (CSG) agrees to enter the Enforceable Undertaking and comply with the terms herein.
2. The National Heavy Vehicle Regulator (NHVR) consents to the Undertaking and agrees to withdraw the charges against CSG Resource Supplied currently listed in the Local Court of New South Wales at Goulburn (Local Court Case Number [REDACTED]).

### Section 2 Total cost of actions

3. The total cost of rectification works already undertaken is approximately \$22,150.00 (note: this does not include the costs of repairing the defects identified to the vehicle on 22 July 2022, which cost \$6,345.00).
4. The total cost of further strategic changes and agreed actions is approximately \$34,000 for the two-year duration of this Enforceable Undertaking.

## General information

### Section 1 Purpose

5. 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 2 Details

6. The commitments in this enforceable undertaking are offered to the NHVR by CSG Resource Supplies.
7. 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 and expires after a period of two (2) years.

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

Registered address:	[REDACTED]
Postal address:	[REDACTED]
Telephone:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Australian Proprietary Company, Limited By Shares
Type of business:	Steel fabrication and transportation
Commencement of entity:	29 March 2011
Number of workers:	38
Products and/or services:	CSG Resource Supplies, trading as [REDACTED] operates a steel fabrication business supplying and delivery steel products across NSW for some of Australia's largest residential major project home builders, along with providing a range of industrial products.

#### Details of the alleged contravention

8. On 22 July 2022 at Marulan, New South Wales an employee of CSG Resource Supplies drove a heavy vehicle, namely a white 2007 HINO table-top truck on a road without ensuring that the vehicle, its components and load, complied with the applicable mass requirements. The vehicle's mass weighed at 11.46 tonnes. Taking into account

the applicable mass adjustment, the vehicle's alleged mass was 11.06 tonnes, that resulted in an excess mass of 2.06 tonnes, contrary to s96(1)(c) of the *Heavy Vehicle National Law*.

9. In addition to the excess mass offence, upon a compliance check being carried out at the time of the incident, the load of steel beams were observed to be slightly protruding past the rear combing rail of the truck. The excess rear overhang of the vehicle was calculated on inspection to be 3.87 metres, exceeding the statutory limit for the rear overhang for the vehicle of 3.7 metres. This constituted a minor risk rear overhang offence pursuant to section 102(1)(b)(i) of the *Heavy Vehicle National Law*.
10. A Vehicle Defect Notice was issued in relation to the Truck at that time noting the following defects:
  - a. On Axle 2 – Left side low – More than 30% brake imbalance between wheels (39%);
  - b. On Axle 2 – Left side – Airbag excessive air leak; and
  - c. On Left Front – Turn Signal repeater light inoperative (ADR6).

### Details of the events surrounding the alleged contravention

11. As addressed at paragraphs 18 to 20 below, CSG utilizes 'Livestream', which is a purpose-built integrated software program utilised by the company's Transport Manager on duty to formulate deliveries. In the Livestream program, all standard items and steel fabrications manufactured by CSG Resource Supplies have a weight allocated to them. The delivery on board the vehicle at the time of the alleged contravention included a load of steel T-bars, which were not standard items but a variation to a standard item manufactured by CSG Resource Supplies, made at a customer's specific request. As this was a variation, the product manufactured, being a T-Bar, was not in the Livestream system and, as at the time of the alleged offence, such product variations were able to be entered into the Livestream system by using a 'manual override' function of the program. Unfortunately, on review of the Runsheet for this delivery it is apparent that the data entry made using the manual override function was entered incorrectly on this occasion, such that the resultant excessive mass offence was caused by human data entry error, through what has since been identified as a weak point in the existing transport safety management system utilized by CSG. That issue has since been rectified by the removal of the manual override function (as detailed below) to avoid the possibility of future data entry errors causing vehicles to be overloaded.
12. The overhang breach was a misunderstanding of the law regarding the permitted overhang of 3.7m or 60% of the length from axle to axle. The delivery on this occasion was not standard, such that CSG considered the overhang allowance. While aware of the 60% wheelbase allowance, there was a failure to identify the 3.7m cap pursuant to the legislation, which CSG now understands and abides by. Accordingly, the overhang breach of 270mm was a result of misinterpretation of the law stating a maximum of 3.7m. Upon measurement of the vehicle and the correct interpretation of the law, the truck tray is the maximum length, and no overhang is permitted.
13. All CSG vehicles are serviced every three (3) months, with full-service history records kept for each vehicle. The defects recorded in the notices have all been addressed and rectified by CSG. CSG assumes the defects identified in the Vehicle Defect Notice issued on 22 July 2022 must have arisen since the previous vehicle service.

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

14. 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

15. CSG received a Court Attendance Notice issued on 26 September 2022 to appear at the Goulburn Local Court (proceedings [REDACTED] for the alleged contravention of s96(1)(c) of the *National Heavy Vehicle Law* (NSW).
16. CSG received a Penalty Notice no. [REDACTED] in relation to the vehicle not complying with its dimension requirements. That Penalty Notice was for a total of \$354, which has been paid by the company.
17. A Vehicle Defect Notice (Defect no. [REDACTED] was issued at the time of the alleged incident identified three items on the truck that required rectification.

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

18. CSG has been delivering steel fabrications for approximately 15 years operating three trucks, each owned by the company, on a full-time basis. Each truck is serviced by a mechanic every three months and otherwise regularly

inspected by company drivers and employees, with CSG Resource Supplies maintaining comprehensive service records for each vehicle.

19. CSG Resource Supplies has an established comprehensive safety management system in place which encompasses Chain of Responsibility compliance, with the system being summarised as follows:
  - a. The Transport Manager is responsible for formulating deliveries of CSG Resource Supplies' jobs for the three company trucks. When formulating delivery runs, the Transport Manager is required to take into account the following:
    - i. The destination/s of the delivery/ies;
    - ii. Traffic and time of day;
    - iii. Length of the drivers run taking traffic conditions into consideration.
    - iv. Number of drops per run;
    - v. Most efficient order to perform the drops based on the above points);
    - vi. Weight per job;
    - vii. Total weight per the trucks load limits.
    - viii. Site conditions (overhead power lines/tight spaces/'is it safe to unload')
    - ix. Driver and customer safety including any surrounding persons.
  - b. CSG utilizes 'Livestream', which is purpose-built integrated software program used by the company's Transport Manager on duty to formulate deliveries. In the Livestream program, all standard items manufactured by CSG have a weight allocated to them.
  - c. Once the final Runsheet for a particular delivery is completed by the Transport Manager, it is provided to the Production Manager for review and sign-off. The Production Manager cross checks the Runsheet and once satisfied that the Runsheet is compliant, it is then signed off.
  - d. The relevant truck is then loaded per the signed off Runsheet by the Production Manager and each job is ticked off by the yardman as its loaded in company with the driver. Forklifts have weight gauges on them for loading purposes.
  - e. Once the goods have been finished loading onto the vehicle, the Production Manager checks the gauge ensuring the load is within the limits.
  - f. Once this has been signed off by the Production Manager, the load is secured safely by the driver and prior to its departure, the truck is once again checked over by the Production Manager, loader and the driver. The load is inspected to the following:
    - i. Type of load (goods)
    - ii. The way in which the goods have been loaded in accordance with 'loading restraint guidelines'
    - iii. Correct dogging and straps to secure the load.
    - iv. Weight of the load
    - v. Length of the load.
  - g. Once all these checks and measures have occurred and is satisfactory, the truck may leave for its run.
  - h. Upon delivery, drivers inspect the site prior to any of the goods to be unloaded. Safety is the first priority for all concerned including those at the site the goods are to be unloaded. Drivers will not unload if they deem safety will be compromised. The drivers keep logs of drops if there were circumstances worth noting such as delays on site, overhead powerlines, unsafe site, worker safety, weather conditions or any circumstance that would result in the goods coming back to the factory (usually due to safety reasons).
  - i. Once the truck returns, all relevant paperwork is given to the Logistics/Transport Manager and filed.
20. Since the Incident on 22 July 2022 the following were added into the above process to ensure there is no further non-compliance:
  - a. CSG has now removed any 'manual override' to the report sheet that is extracted straight from the system in order to eradicate human error through manual data entry (i.e. no products can be manually added, rather the extrapolation from the report remains final with no changes).
  - b. All CSG trucks have now been fitted with weight gauges. This is the final check point to ensure the weight of the load conforms to the corresponding truck limits.

- c. CSG has now implemented further steps to its existing process to ensure all the checks and balances for each step are thoroughly covered. This has been implemented such that if a step was missed/overseen, the final step is the weight gauge on the truck, whereby it is not only the business' responsibility, but the specific responsibility of both the driver and Production Manager, who each must sight the gauge and sign off on the weight of the load.
  - d. All loads as aforementioned follow the 'Inspection of load' policy per point 19.f.
  - e. All employees of CSG have been informed of the current legislation regarding overhang and have been instructed that there is no overhang permitted on the white 2007 HINO table-top truck which was the subject of the incident on 22 July 2022.
  - f. All CSG trucks are serviced to their schedule and inspected regularly by the transport Manger and the drivers weekly as they are used daily. This is now being completed more regularly and thoroughly in order that any service/maintenance needs can be identified between scheduled servicing.
21. Apart from the alleged contravention on 22 July 2022, CSG has an exemplary safety record, with:
- a. only one prior offence under the *National Heavy Vehicle Law* (NSW) (being an offence under section 96(1)(c) on 3 September 2020);
  - b. no history of drivers not-stopping at the required intervals or skipping weighbridges; and
  - c. no major offences, road collisions or incidents.

CSG expects that the comprehensive safety management system detailed below now in place, and having been updated since the incident on 22 July 2022, will avoid any possibility of further offence under the *National Heavy Vehicle Law* (NSW).

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

- 22. ██████████ Director of CSG, has held detailed discussions with all company managers, drivers and other employees regarding the breaches on 22 July 2022 and the updated procedures and systems implemented to ensure any further breaches and vehicle defects are avoided. It has been communication to all employees that CSG has prided itself on its exemplary safety record and prior 15 year record of compliance with the National Heavy Vehicle Law prior to the prior incident on 3 September 2020 and the current incident on 22 July 2022 and that the company has an unwavering commitment to avoiding any further non-compliance.
- 23. CSG views this Enforceable Undertaking as an opportunity to ensure compliance and to contribute towards creating a safe environment for everyone involved within the heavy vehicle industry and for other road users.

## Section 3 Statements

### Statement of assurance

- 24. CSG is committed towards the safety and wellbeing of all road users and would endeavour to take all reasonable steps within its capability to ensure compliance with the National Heavy Vehicle Law (NHVL).

### Statement of regret

- 25. CSG deeply regrets its breach of the NHVL and is committed to the implementation of further staff training in respect of that required and imposed by the NHVL.
- 26. While CSG did not intentionally breach the NHVL, it accepts that the load on the vehicle:
  - a. overburdened axel group 2 of the vehicle; and
  - b. had an overhang that exceeded the permitted overhang limits.

CSG accepts that weight and overhang limits are set for a reason and driver and community safety is the foremost consideration of the NHVL.

### Statement of ability to comply

- 27. CSG confirms that is has the financial and operational capacity to carry out the actions proposed under this enforceable undertaking.

### Statement granting permission to use

28. CSG 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

29. There are no applicable prior undertakings entered into by CSG.

## Section 4 Acknowledgement

30. CSG acknowledges that it has contravened sections 96(1)(c) and 102(1)(b)(i) of the NHVL as alleged by the NHVR.
31. CSG, its Directors and Senior Management, all take the contravention very seriously and are committed to providing a safe and healthy workplace to conduct its business in a way that helps protect its employees, other road-users and the communities in which it operates.
32. CSG view this incident as an opportunity to correct its oversight so that no offence of such a nature occurs in future.

## Section 5 Details of Injury or Illness

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

33. 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

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

## Section 6 Rectifications made

35. CSG Resource Supplies 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
Fitting all trucks with weight gauges	\$4,750
Removing Manual-Override feature from 'Livestream' system	\$2,400
All forklifts fitted with weight gauges	\$3,000
Preparing an updating detailed loading and pre-departure checklist and ensuring compliance at the administrative level increasing work for office staff	\$5,000
CSG's employed drivers were immediately directed to ensure their loads were below limits and did not have excessive overhang by inspecting the fitted weight gauges and measuring load overhang prior to departure	\$3,000
Ongoing additional internal inspections of vehicles (outside of scheduled servicing)	\$4,000
Adding responsibilities to role of existing Logistics/Transport Manger, including to oversee implementation of enhanced Transport Safety Management System	Not known
<b>Total Fixed Cost</b>	<b>\$22,150</b>

## **Section 7 Acknowledgement of publication**

36. CSG Resource Supplies acknowledges that the enforceable undertaking will be published on the NHVR's internet site and may be referenced in the NHVR's publications.

## **Part 2 Enforceable terms**

### **Section 1 Commitments**

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

37. CSG is committed to ensuring that the behaviour 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**

38. CSG is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
39. CSG 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**

40. CSG 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 CSG Resource Supplies. This information will be disseminated through:
- For internal employees: Records kept in dedicated workspace in M-Files. In addition, there will be 'Toolbox talks' by Distribution Supervisors and Production Managers for all employees to attend.
  - For external contractors and sub-contractors: communication provided by Director and/or Senior Management.
  - All email correspondence captured through document management system CRM.

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

41. CSG is committed to participating constructively in all compliance monitoring activities of the EU.
42. CSG acknowledges that responsibility for demonstrating compliance with the undertaking rests with CSG Resource Supplies and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date of each term.
43. 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**

44. CSG 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 2 Strategies that will deliver benefits

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

45. As part of this enforceable undertaking, CSG Resource Supplies 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.
46. CSG Resource Supplies intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among CSG Resource Supplies workforce and all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.

### Activities

Activity 1 – Load Restraint Training and Testing	
<b>Scope</b>	
CSG will conduct a compulsory internal course for all its internal stakeholders including directors, office staff and sub-contractors for a Load Restraint Training and Testing course, with a focus on enhanced understanding of legislation, procedures and compliance Heavy Vehicle National Law and CSG’s own Transport Safety Management System.	
<b>Details</b>	
CSG’s dedicated Logistics/Transport Manger will oversee and conduct the Load Restraint Training and Testing course each quarter. The sessions will provide an update in relation to any changes or updates, as well as a general refresher, to the Heavy Vehicle National Law and CSG’s own Transport Safety Management System. Each session will conclude with a practical test for all staff in relation to securing a load on CSG’s trucks while complying with both HVNL law and internal system. The testing will cover weight (mass), dimension (within the trucks envelope), loading regulations and loading configuration, tie down and restraining points.	
<b>Timeframe</b>	
CSG’s dedicated Logistics/Transport Manger will commence implementing the internal courses quarterly, with the first such course to be conducted within three months of acceptance of this enforceable undertaking.	
<b>Outcome</b>	
All staff are kept up to date with regulations.	
<b>Costs</b>	
Estimated cost is \$8,000 per year (\$2,000 per quarter/course).	
<b>Output</b>	
Copy of attendance sheet along with pictures of this event be provided to the NHVR each quarter for the duration of this enforceable undertaking.	
<b>Activity 2 – Update of Compliance Resources: Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook</b>	
<b>Scope</b>	
CSG will conduct an annual review and update of its Transport Safety Management System, Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook.	
<b>Details</b>	
CSG’s dedicated Logistics/Transport Manger will manage CSG’s Transport Safety Management System, Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook. As well as being required to implement those documents immediately upon any update to the Heavy Vehicle National Law, the Manager will conduct an	



**Activity 2 – Update of Compliance Resources: Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook**

annual review of each document to ensure each reflects best practice and to identify any areas of possible improvement.

CSG’s Transport Safety Management System, Safe Work Method Statement (SWMS) and Risk Assessment Policy will be distributed by email to all internal stakeholders including directors, office staff and sub-contractors upon their initial engagement with CSG and thereafter each time there is an update to either document.

A copy of the Driver Handbook is stored in all company vehicles and is made available at all sites in hard copy in staff room and is available electronically and at any time by request. Along with containing information regarding all load restraints and guidelines to the company vehicles, the Driver Handbook will contain an Annexure detailing actual examples of load restraint issues and how same were rectified, providing a practical dimension to the Handbook.

**Timeframe**

CSG’s dedicated Logistics/Transport Manager will conduct an annual review and update of its Transport Safety Management System, Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook, with the first review being conducted within twelve months of acceptance of this enforceable undertaking.

**Outcome**

To also produce a blog and information to promote CSG’s commitment to Heavy Vehicle safety in the community.

**Costs**

\$5,000 per annum.

**Output**

CSG will send the current versions of its Transport Safety Management System, Safe Work Method Statement (SWMS), Risk Assessment Policy and Driver Handbook to the NHVR within 14 days of acceptance of this enforceable undertaking, and will thereafter forward to the CSG a copy of those documents after each annual review conducted during the period of this enforceable undertaking.

**Activity 3 – Organising a Toolbox Talk/Seminar Emphasising on the Heavy Vehicle Dimension Requirements**

**Scope**

CSG will conduct a toolbox talk/seminar to emphasise and educate the attendees on the importance of heavy vehicle dimension requirements. Invitations would be extended to the members of the wider trucking community, including several businesses which are located in close proximity to CSG.

**Details**

The company would hold a toolbox talk and invite members of the wider trucking community to participate. Emphasis would be paid to the importance of heavy vehicle dimension requirements and how each attendee can play their part in ensuring compliance and safety of all road users/infrastructure. The attendees would be given the opportunity to share their feedback. Upon the delivery of the talk, there would be a quiz to test the knowledge of the attendees on the heavy vehicle dimension requirements. The toolbox talk would conclude with light refreshments for all the attendees.

**Timeframe**

Toolbox talk to be held bi-annually for the duration of this enforceable undertaking, with the first to be held within 6 months of acceptance of this undertaking.

**Outcome**

The primary purpose of this initiative is to educate the stakeholders within the heavy vehicle industry and how everyone can collectively adopt practices to ensure compliance with the dimension requirements. This initiative would not only benefit CSG but have a greater impact on the broader trucking community.

**Costs**

**Activity 3 – Organising a Toolbox Talk/Seminar Emphasising on the Heavy Vehicle Dimension Requirements**

\$4,000 per annum (\$2,000 per Talk/Seminar).

**Output**

CSG will provide a list of all attendees along with pictures of this event to the NHVR within 6 months from the date of execution of the enforceable undertaking.

47. The total estimated value of the undertaking is \$34,000 over the two-year period of this enforceable undertaking.

### Part 3 Offer of undertaking

Executed as an Undertaking

CSG Resource Supplies Pty Ltd ABN: [REDACTED]

Executed by CSG Resource Supplies Pty Ltd ABN: [REDACTED] pursuant to section 127(1) of the *Corporations Act 2001* (Cth) by:

[REDACTED]	
Signature of Director	Signature of Director/Company Secretary
[REDACTED]	
Name of Director (print)	Name of Director/Company Secretary (print)
Date: 26-04-2023	Date:

### Part 4 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:

[REDACTED]
Signature of Chief Executive Officer
Sal Petrocchio
Name of Chief Executive Officer (print)
Date: 15/05/2023