

Investigations outcome 006

Education

Incident Date: 21 July 2023

Party in the CoR: Operator, Loader and Loading Manager

Investigated Allegations: Non-compliance in relation to *section 26C Primary duty* (Mass Dimension and Loading), and breach of *Section 102 – Compliance with dimension requirements*.

Background

On 21 July 2023 at approximately 12:20pm NHVR Safety and Compliance Offices from Botany were directed to an over height vehicle located General Holmes Drive, Airport Tunnel Southbound

The Vehicle stopped at the entrance to the tunnel because it activated the height detection system at the height detection dongles. The vehicle was measured by attending SCOs using a height stick and calibrated measuring tape.

The vehicle of interest was a New South Wales registered heavy vehicle with a 3-axle truck towing a 4-axle semitrailer loaded with one freight container with an overall height measurement of 4.46m

The driver was given a direction by police to adjust his load and continue to a safe place at Cook Park, Kyeemagh, for further inspection.



Investigation

A Chain of Responsibility investigation was conducted by the NHVR Investigation Unit into the transport operator, commencing with the transport company

and the loader, which assessed compliance with Heavy Vehicle National Law (HVNL).

The transport company was found to have a particularly good understanding of their chain of responsibilities, business practices and general training of drivers.

The investigation revealed a container flat pack loaded on the trailer of the heavy vehicle was not secured with two safety pins, which prevents the flat pack's end safety barriers from becoming dislodged and opening (into a vertical position). It was shown that only one pin was used to secure the flat pack, with the other pin either falling out during transportation or never being secured in the lock position before departure.

However, the company was able to show the investigator a closed-circuit television of the driver checking the load and leaving the depot with the flat pack appearing secured and the end safety barrier down in the closed position.

In response, the Operations manager said that he was unsure if both locking mechanisms were used or not, or if one of the locking pins had simply fallen out in transit.

Investigators turned their attention to the loading process and the driver's pre-trip acknowledgement of compliance prior to a journey, although the company were unable to supply evidence of pre journey departure check to ensure dimension compliance within the requirements of the HVNL.

Through investigations and consultations with the COR manager of the company, it was identified that there was a shortfall in the process of capturing compliance between the loader and driver. On this occasion, there was no capture of information or photos that showed the driver securing the loads with pins or a safety device prior to the journey.

Outcome

After consultation with the company Director, COR and safety compliance manager, the Operator provided the investigator with an updated Policy and Procedure that included the use of height sticks, drivers being updated and trained in the use of height stick devices and general improvements with compliance to dimension, mass, and load requirements. The Operator's updated process Safety Management System effectively identified risk mitigation as per the Master Code. This

Investigations outcome 001



also included a driver declaration, which includes checking the securing of loads by safety devices, including locking pins and ratchets, which is signed prior to transit.

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