



Enforceable Undertaking

Chapter 10.1A

Heavy Vehicle National Law

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

By

Service Stream Maintenance Pty Ltd

ABN: 87 081 540 847

A large, light blue, semi-transparent triangle is positioned in the bottom right corner of the page, pointing towards the top right.

Part 1 Executive summary

Section 1 Agreed actions

1. Service Stream Maintenance Pty Ltd (**Service Stream**) has agreed to implement two proactive activities focused on improvement of Heavy Vehicle National Law (**HVNL**) compliance across the Service Stream business and its clients and through the transport industry more broadly.
2. The two activities which Service Stream will undertake are:
 - a. Service Stream will work with external provider, Chain of Responsibility Australia, to develop an online Chain of Responsibility training module; and
 - b. Service Stream will launch the online training module with a hosted in-person and live stream event.

Section 2 Total cost of actions

3. The approximate total cost of remedial measures implemented to date is: \$80,000.
4. The total estimated cost of the proposed undertakings is \$27,000.

Part 2 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 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 Service Stream.
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.

Details of the person proposing the undertaking:

| | |
|---------------------------|---|
| Registered address: | [REDACTED] |
| Postal address: | [REDACTED] |
| Telephone: | [REDACTED] |
| Email address: | [REDACTED] |
| Legal structure: | Proprietary limited corporate structure |
| Type of business: | Essential network service provider |
| Commencement of entity: | 06/02/1998 |
| Number of workers: | ~2400 |
| Products and/or services: | Design, construction, operation and maintenance of assets across utility, telecommunications and transport networks |

Details of the alleged contravention

8. Minor breach of section 96(1)(a) of the HVNL, being a failure to comply with mass requirements.
9. Severe breach of section 96(1)(c) of the HVNL, being a failure to comply with mass requirements.

Details of the events surrounding the alleged contravention

10. It is alleged that Service Stream permitted a worker to drive a white HINO medium rigid tipper with registration (SA) [REDACTED] on 22 February 2022 on Waterloo Corner Road, a public road, while the vehicle was in breach of the mass requirements applicable to it. It was intercepted by NVHR authorised officers who directed the vehicle to a weighbridge for a compliance check at which time it was weighed and found to be over mass on the drive axle, steer axle and gross vehicle mass.

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

11. There were no injuries or financial loss that arose as a result of the alleged contravention.

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

12. The worker was issued with a Direction to Secure, Adjust or Reduce Load (Notice No [REDACTED]) on 22 February 2022.

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

13. Service Stream has an established comprehensive safety management system in place which encompasses Chain of Responsibility compliance.
14. Service Stream has invested significant resources to manage and improve its transport safety management system, including investments in hardware, training, auditing and fleet management.
15. Service Stream's existing transport safety management system at the workplace is supported by the following procedures and documents:
 - a. Transport HV Chain of Responsibility – HSE Compliance Work Guide;
 - b. HSE Risk Management Standards - HV Chain of Responsibility;
 - c. Chain of Responsibility Guideline – Service Stream Maintenance
 - d. Fatigue Management – HSE Compliance Work Guide; and
 - e. Individual Fatigue Management Risk Assessment Work Sheet.

Any consultation undertaken within the company regarding the proposal of an enforceable undertaking

16. Consultation has been undertaken regarding the proposed enforceable undertaking within Service Stream's leadership and management team. The following stakeholders have been consulted:
 - a. Managing Director;
 - b. Executive Director Utilities;
 - c. General Counsel;
 - d. General Manager Legal;
 - e. General Manager Group HSEQ;
 - f. General Manager Power & Water – Utilities; and
 - g. Manager HSEQ – Power & Water Utilities.
17. The strategies and deliverables proposed in this enforceable undertaking were designed with input from these stakeholders with a view to creating a strong safety outcome and benefit to the broader transport community.

Section 3 Statements

Statement of assurance

18. Service Stream confirms that it is committed to complying with its obligations under the HVNL.

Statement of regret

19. Service Stream regrets that the alleged incident on 22 February 2022 occurred.

Statement of ability to comply

20. Service Stream confirms that it has the financial and operational capacity to comply with the terms of this enforceable undertaking.

Statement granting permission to use

21. Service Stream grants the NHVR permission to use any documents developed as a result of this enforceable undertaking for the purposes of training and development by the NHVR.

Section 4 Acknowledgement

22. Service Stream acknowledges that the NHVR alleges that it has contravened section 96(1)(a) and section 96(1)(c) of the HVNL.
23. The alleged contraventions are taken very seriously by Service Stream, its Directors and Senior Management, who are committed to, so far as is reasonably practicable providing safe transport activities, conducting its business in a way that is compliant with its HVNL obligations, and which helps protect the road infrastructure, the environment and the communities in which it operates.

Section 5 Details of Injury or Illness

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

24. 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

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

Section 6 Rectifications made

26. Service Stream 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 to date:
- Four in-person training sessions on Basic Chain of Responsibility (Non-Accredited) held at South Australian depots for Service Stream staff working on the project (approx. 120 persons), May 2022: \$27,000 + \$3,742 travel costs for trainer to attend from interstate;
 - Online Basic Chain of Responsibility (Non-Accredited) Training provided for field workers, dispatch team, key managers and supervisors, August to Dec 2022: \$5,000;
 - Provided executive briefing on Chain of Responsibility for 19 managers from South Australian operations, HSEQ, corporate divisions: \$1,850;
Total Chain of Responsibility Training Costs: \$37,600 direct costs.
 - Completion of warranty checks and calibrations of all on-board scales (16 vehicles = \$6,000 direct costs).
 - NHVR officers attendance at site "Toolbox" sessions at SA depots for presentations on Heavy Vehicle requirements (approx. 63 persons x 2 hour presentation) = \$18,000 indirect costs.
 - SA field employees have been re-inducted in stop work authority and reporting of hazards procedures (119 persons x 3 hours during July and August 2022) = \$18,000 indirect costs.

Approximate Total Rectifications Cost: ~\$80,000

Section 7 Acknowledgement of publication

27. Service Stream 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 1 Commitments

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

28. Service Stream 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

29. Service Stream is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
30. Service Stream 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

31. Service Stream 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 Service Stream. This information will be disseminated through:
- Promotion to workers through induction training, refresher training as appropriate and in toolbox talks on a regular basis;

- b. For relevant contractors and subcontractors: through direct written communications which includes details of the launch and promotion of the undertaking as detailed in Activity 4;
- c. For members of the broader transport community: through use of the Service Stream social media pages as described in the launch and promotion aspect of the undertaking as detailed in Activity 4.

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

32. Service Stream is committed to participating constructively in all compliance monitoring activities of the enforceable undertaking.
33. Service Stream acknowledges that responsibility for demonstrating compliance with the undertaking rests with Service Stream and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date of each term.
34. 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 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

35. Service Stream 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

36. As part of this enforceable undertaking, Service Stream aims to deliver strategies that focus on benefits to:
 - a. drivers and parties within the chain of responsibility; and
 - b. the transport industry and the broader community,

by providing educational and informative opportunities for all parties in the chain and other staff and business leaders in relation to the HVNL, the chain of responsibility and mass and dimension requirements to generate greater awareness and create benefit for the transport industry and ultimately road users and the general public.
37. Service Stream intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among the Service Stream workforce and all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.
38. All new employees to Service Stream within the Chain of Responsibility for operation of Heavy Vehicles will take the online training module at the time of induction. Continuous improvement will include regular review of the online training module, updates to that material and provision of ongoing training as required in relation to mass, dimension and load restraint.

Activities

Activity 1 – Chain of Responsibility Training

Scope

Service Stream is committed to ensuring it has provided necessary training to its workers which contributes to its ability to ensure compliance with its systems to control risks and to promote continual improvement. Service Stream undertakes to provide Chain of Responsibility training as described in the details section.

Details

- Service Stream will arrange for four (4) training sessions on Basic Chain of Responsibility (Non-Accredited) to be delivered at South Australian depots for Service Stream staff working on the specific project involved
-

Activity 1 – Chain of Responsibility Training

in this incident. The 4 sessions will be delivered in person to an approximate total of 120 persons (**In-person Training Sessions**);

- In addition to the four In-person Training Sessions, approximately 126 persons including field workers, dispatch team, key managers and supervisors in South Australia were provided with access to online Basic Chain of Responsibility (Non-Accredited) Training sessions (**Online Training Sessions**);
- Executive briefing on Chain of Responsibility will be provided for 19 managers from the South Australian operations, HSEQ and the corporate divisions (**Executive Briefing**);
- **Two (2)** Work Group Meeting training sessions of approximately 1.5 – 2 hours each, were delivered to 63 people at South Australian depots on National Heavy Vehicle Legislation requirements at which NHVR officers were in attendance (**Toolbox Training**); and
- Provision of **eleven (11)** 2.5 hour re-induction training sessions titled, “Recharge for Year 2 Workshop” on Stop Work Authority and reporting of hazards procedures to 119 South Australian field employees working on the specific project involved in this incident (**Recharge for Year 2 Training**).

Time Frame

- The In-person Training Sessions occurred in May 2022
- The Online Training Sessions occurred between August to December 2022
- The Executive Briefing occurred on 16 September 2022
- Recharge for Year 2 Training occurred between 11 July 2022 and 24 August 2022.

Outcome

Increased awareness resulted from the provision of training in relation to chain of responsibility obligations for staff working on the project, field workers, dispatch team, key managers and supervisors in the South Australian operations with a view to improving heavy vehicle safety and compliance.

Costs

- The In-person Training Sessions cost \$27,000 + \$3,742 travel costs for trainer to attend from interstate
- The Online Training Sessions cost \$6,254
- The Executive Briefing cost \$1,850.

The total cost of Chain of Responsibility Training was approximately \$37,600 in direct costs and \$36,000 in indirect costs for the Toolbox Training and the Recharge for Year 2 Training.

Output

Service Stream will provide NHVR with copies of the:

- invoices associated with the in-person training session and online training;
 - attendance sheet for the executive briefing session on 16 September 2022;
 - attendance sheets for the Work Group Meeting training sessions which also contains the names of the NHVR officers in attendance at those sessions; and
 - signed training attendance records from the Recharge for Year 2 Training.
-

Activity 2 – Vehicles

Scope

Service Stream is committed to proactive and reactive servicing of its vehicles and provision and calibration of on-board scales in its vehicles.

Details

Activity 2 – Vehicles

- Arrange for the completion of warranty checks and calibrations of all on-board scales for 18 Service Stream vehicles in South Australia (**Warranty Checks and Calibrations**).

Time Frame

- Warranty Checks and Calibrations occurred between 26 February 2022 to 5 March 2022.

Outcome

Provision of calibrated scales on all Service Stream vehicles in use in South Australia by an external party Diverseco.

Costs

- Warranty Checks and Calibrations cost \$6,000 (direct costs)

Output

Service Stream will provide NHVR with copies of the Diverseco Truckweigh Calibration Reports.

Activity 3 – Chain of Responsibility Training Module

Scope

Service Stream will work with external provider, Chain of Responsibility Australia, to develop an online Chain of Responsibility training module (**online COR training module**). This platform will be focused on ensuring usability and continue the trend away from paper-based compliance.

Details

- Service Stream will engage Chain of Responsibility Australia to develop the online COR training module with highly engaging educational materials around chain of responsibility laws. Chain of Responsibility Australia is a training and consultancy firm specialising in customised solutions for chain of responsibility compliance. Chain of Responsibility Australia is a registered training organisation with the Australian Skills Quality Authority to deliver accredited units of competency in respect of certain training courses. Chain of Responsibility Australia is recognised as assisting organisations to comply with the HVNL.
 - The proposed online COR training module will be an Introduction to Chain of Responsibility (Awareness) training module. It will be a 30-minute program based on the Chain of Responsibility legislation targeted to all members of the supply chain. It will provide an understanding of:
 - chain of responsibility legislation;
 - target areas; and
 - basic responsibilities of:
 - drivers;
 - schedulers;
 - consignors of any goods in the vehicle;
 - consignees of any goods in the vehicle;
 - packers;
 - loader of any goods in the vehicle; and
 - unloader of any goods in the vehicle.
 - Service Stream will work with Chain of Responsibility Australia to design and develop the training program to, as much as possible:
 - work within all commonly used web browsers and across desktops, mobiles and table devices;
 - leverage the benefits of micro-learning to deliver content in the short training program;
 - leverage the benefits of gamification and simulation within the course materials;
-

Activity 3 – Chain of Responsibility Training Module

- leverage simple and effective practices in interactivity, voice over and animation to delivery effective learning experiences;
- leverage social media integration; and
- leverage data capture and analytics to measure success and performance.
- The online COR training module is a non-accredited training program that includes a short quiz-style assessment to confirm users' knowledge of the content.
- The training module will be available via a Service Stream branded portal and made available to all of Service Stream's relevant clients and subcontractors and available to transport industry members, external contractors and others. At a high level, this would:
 - allow industry members to create company accounts and manage user enrolment and data analysis on the platform;
 - allow industry members to access the micro-learning training program on the above suggested content;
 - allow industry members to gain Certificates of Completion in line with completed micro-learning short course;
 - collect data on the efficacy of the training program and its members to undertake and complete the training program and micro-learning course.
- The training module will be hosted, managed and made available by Chain of Responsibility Australia for three years at Service Stream's cost.

Timeframe

The undertaking will be finalised within 12 months of the commencement of the operation of this Enforceable Undertaking.

Outcome

Increased awareness of chain of responsibility obligations by all industry members with a view to improving heavy vehicle safety and compliance across various industries.

Costs

- Development and hosting costs (3 years) = ~\$25,000

Output

Access to the complete training module will be provided to NHVR as evidence of this deliverable.

Activity 4 – Launch of the Chain of Responsibility Training Module

Scope

Service Stream will launch the online COR training module (referred to in Activity 1) with a hosted in-person and live stream event.

Details

- Service Stream will launch the online COR training module with a hosted in-person event for invited internal and external guests, including Service Stream's clients, subcontractors, industry groups and the NHVR.
 - The module will be promoted to 1000+ contractors and 2000+ employees of the Service Stream Group that are within the Chain of Responsibility;
-

Activity 4 – Launch of the Chain of Responsibility Training Module

- The module will be promoted to the following, not exclusive, industry groups:
 - Roads Australia
 - Australian Trucking Association
 - Heavy Vehicle Industry Australia
 - The Australian Livestock Road Transport of Australia
 - Australia Logistics Council
 - Health Heads in Trucks & Sheds
 - National Road Transport Association
 - Transport Women Association
 - Safe Work Australian and state base safety regulators
 - Australian Institute of Health & Safety;

- Service Stream will promote the launch and online COR training module by:
 - email invitation to attend the in-person launch event to approximately 100 select clients, subcontractors, industry groups and the NHVR six weeks prior to the launch event;
 - reminder invitation email will be sent 2 weeks prior to the launch event;
 - reminder confirmation email will be sent on the day of the launch event;
 - promotion of the launch of the module on Service Stream’s website and no less than 3 social media posts on Service Stream’s social media pages (coinciding with the invitation and reminder emails as above);
 - promotion of the launch of the module on Service Stream’s intranet, internal social media and internal employee newsletter (coinciding with the invitation and reminder emails as above);
 - promotion of the launch of the module to relevant employees and contractors via toolbox sessions and a direct written communication;
 - approaching industry groups to promote the launch of the module via their own communications channels;
 - post-launch promotion of the module on Service Stream’s website and no less than 3 social media posts on Service Stream’s social media pages;
 - post-launch promotion of the module on Service Stream’s intranet, internal social media and internal employee newsletter.

Timeframe

The undertaking will be finalised within 12 months of the commencement of the operation of this Enforceable Undertaking.

Outcome

Increased awareness of the availability of the online COR training module by industry participants and increased competency and confidence in complying with COR laws.

Costs

Promotion and launch event for online COR training module: \$2000

Output

ServiceStream will provide NHVR with copies of the email invitation to the launch event and a schedule of promotional social media posts.

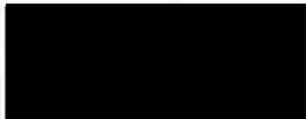
39. The total estimated value of the undertaking is \$27,000.

Part 4 Offer of undertaking

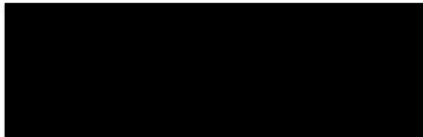
Executed as an Undertaking

Service Stream Maintenance Pty Ltd ABN: 87 081 540 847

Executed by Service Stream Maintenance Pty Ltd ABN: 87 081 540 847 pursuant to section 127(1) of the Corporations Act 2001 (Cth) by:



Signature of Director



Signature of Director/Company Secretary



Name of Director (print)



Name of Director/Company Secretary (print)

13/4/2023
Date: Click or tap to enter a date.

17/4/23
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:

Signature of Chief Executive Officer



Name of Chief Executive Officer (print)

SAL PETROCCITTO

Date: Click or tap to enter a date.

26/May/2023