



Enforceable Undertaking

Chapter 10.1A

Heavy Vehicle National Law

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

By

Project Resources Australia Pty Ltd

ABN: 38 636 852 312

Part 1 Executive summary

Section 1 Agreed actions

1. Director to obtain a Heavy Combination License
2. Chain of responsibility Training
3. Company Safety and Compliance Documentation

Section 2 Total cost of actions

4. Total Costs of Rectifications already made is \$29,786.87
5. Total Costs of additional strategies to enhance compliance with HVNL is \$5,200.00

Part 2 General information

Section 1 Purpose

6. 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

7. The commitments in this enforceable undertaking are offered to the NHVR by Project Resources Australia (PRA).
8. 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:	Managing Director
Type of business:	Labour Hire
Commencement of entity:	2019
Number of workers:	50
Products and/or services:	Labour Hire and Professional Services

Details of the alleged contravention

9. On 5 July 2022 at the Bass Highway, Leongatha, the corporate accused permitted another person, namely [REDACTED], to drive a heavy vehicle, namely a white 2007 Mitsubishi tray registration number [REDACTED], on a road without ensuring the vehicle, its components and load, complied with the applicable dimension requirements, namely the vehicle exceeded the prescribed rear overhang limit of 2,604mm as applied by Schedule 6 of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation and contrary to section 102(1) of the Heavy Vehicle National Law.

10. Particulars: (rear overhang detected 3.40 metres) (rear overhang alleged 3.303 metres) (696mm excess) (severe risk breach)

Details of the events surrounding the alleged contravention

11. The director does not use/operate the truck in any form for the labour hire business (PRA). The truck is registered in the director's second internal management company, Core Project Services. It is an asset owned by the directors Company (CPS) not Project Resources Australia with whom has been issued the legal proceedings.
12. The incident has occurred due to the director using his business (Project Resources Australia) labour hire employee (Carpenter) with the relevant driver's license to drive the truck with material to a personal renovation project in East Gippsland.
13. The employee that was in control of the vehicle was casual labour hire, employed as a carpenter to build a project for the director of PRA and is no longer working for the labour hire business or the director personally.
14. The director and driver worked with the third-party suppliers to load truck with the understanding from suppliers of the materials that they believed the load to be inside the legal requirements. Until the officer explained the methodology of MR truck load and lengths that we understood a mistake had been made loading the truck.
15. The director worked closely with the NHVR representative by phone and with the driver to rectify the situation and the driver was then able to proceed with the load to its destination after restructuring the load.
16. Also, to be noted that the truck is used on average once every three months by the director personally for non-business related personal building projects. Project resource Australia does not own the truck that was involved nor own any heavy vehicles or equipment.

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

17. 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

18. Project Resources Australia was served with letter from the NHVR dated the 19th December 2022 NHVR reference () enclosing a charge sheet and summons to requiring Project Resources Australia to attend the Magistrates Court of Victoria at Korumburra Magistrates Court on the 20th April 2023. The date has been adjourned by consent.

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

19. Project Resources Australia has an established comprehensive safety management system in place to deliver safety and compliance to Labour Hire Practices only. This system was implemented in 2018 and working to our Quality management guide lines that is is formally review every 6 months.
20. All Project Resources Australia workers are required to undertake an Induction and complete the Safety Management Handbook which address Vehicle Safety in section – 15.
21. The operator at the time of the incident had completed the above training.

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

22. Consultation has been undertaken regarding the proposal of this enforceable undertaking. Consultation has occurred within the Management team and workforce teams.

Section 3 Statements

Statement of assurance

23. Project Resources Australia confirms that it is committed to complying its obligations under the HVNL and ensuring so far as reasonably practicable, the health and safety of all workers and other persons that have the potential to be impacted by its business or undertakings.

Statement of regret

24. Project Resources Australia regrets that the incident on the 5th of July 2022 occurred.

Statement of ability to comply

25. Project Resources Australia confirms that it has the financial and operational capacity to comply with the terms of this enforceable undertaking.

Statement granting permission to use

26. Project Resources Australia grants the NHVR a permanent, irrevocable, royalty free, worldwide non-exclusive licence to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking.

Statement of prior undertakings

27. Not Applicable

Section 4 Acknowledgement

28. Project Resources Australia acknowledges that the NHVR alleges Project Resources Australia has contravened Section 102(1).

29. The alleged contravention is taken very seriously by Project resources Australia, its director and management team, who are committed to providing a safe and healthy workplace to conduct its business in a way that helps protect the environment and 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)

30. 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

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

Section 6 Rectifications made

32. Project Resources Australia 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
Employment of Internal Safety and Compliance officer to audit and develop PRA's current safety management systems to include NHVR's laws to align to our core business activities.	\$23,956.87
Audit of Safety Handbook	\$1860.00
Review of NHVR's Load Restraints guide 2018	\$500.00
Development of Truck/Driver Training and Compliance Documentation	\$3470.00
Total cost p.a.	\$29,786.87

Section 7 Acknowledgement of publication

33. Project Resources Australia 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

34. Project Resources Australia 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

35. Project Resources Australia is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
36. Project Resources Australia 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

37. Project Resources Australia is committed to disseminating information about the enforceable undertaking to workers and other relevant parties within the chain of responsibility, including senior management, health and safety management team, workers, and all relevant contractors and subcontractors working for Project Resources Australia. This information will be disseminated via email and toolbox talks.

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

38. Project Resources Australia is committed to participating constructively in all compliance monitoring activities of the EU.
39. Project Resources Australia acknowledges that responsibility for demonstrating compliance with the undertaking rests with Project Resources Australia and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date of each term.
40. 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

41. Project Resources Australia 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

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

Activities

Activity 1 – Director to upgrade from a Medium Ridged Licence to a Heavy Combination Licence
Scope
Improve understanding of Transport Safety and licencing requirements.
Details
Director has a Medium Rigid Licence - to book into a heavy combination training with a third party. Using TDT Training Australia.
Timeframe
This activity will be completed within 6 months of acceptance of this enforceable undertaking.
Outcome
To gain a refresh on licencing requirements and Transport Safety as a whole.
Costs
\$1,450.00
Output
A copy of the new licence will be submitted to the NHVR as evidence of this.
Activity 2 – Chain of responsibility Training
Scope
Improve understanding of the “Chain of Responsibility” obligations.
Details
The director and any employees that are associated to driving a heavy vehicle will undertake a Chain of Responsibility online awareness course with Pinnacle safety and Training. The Course will include understanding the impacts associated with failing to manage transport safety risks, and how to control these. Understanding the legislative requirements including the concept of “Chain of responsibility” and the role and responsibilities of parties in the supply chain. Units of competency will include <i>TLIF0001 Apply chain of responsibility legislation, regulations and workplace procedures</i> , or <i>TLIF0009 Ensure the safety of transport activities (Chain of Responsibility)</i> .
Timeframe
This activity will be completed within 4 months of acceptance of this enforceable undertaking.
Outcome
Increased understanding of the risks associated with road transport and the important part all parties in the supply chain play, while ensuring the safety of the community as a whole.
Costs
\$850.00
Output
A copy of the Certificate of Completion will be submitted to the NHVR as evidence upon completion of this activity.

Activity 3 – Company Safety and Compliance Documentation

Scope

Documentation will be delivered utilising recently appointed Safety and Compliance Officer [REDACTED] from the labour hire business (Project Resources Australia) to ensure all legislative /chain of responsibility requirements are in position if the circumstance of hiring any HR Truck Drivers.

[REDACTED] has had over 20 years in the Construction Industry to which Project Resources Australia operates in. His vast knowledge and experience of safety, compliance and project management is vital to improving Project Resources Australia documentation, safety, and training systems.

Details

Documents

- Drivers' safety policy
- Chain of responsibility procedure
- Drivers' induction pack including a check list for when the truck is used.
- How to operate this vehicles procedure
- Safe loading of truck procedure
- Material restraint procedure
- Vehicle prestart form
- Visible information inside the truck relating to weights, loads and load restraints.

Timeframe

This activity will be completed within 3 months of acceptance of this enforceable undertaking.

Outcome

The objective of this activity is to ensure any person (including the Director) who drives the Directors HV understands their responsibilities and conforms to all licensing and legislative requirements.

Costs

\$2,400.00

Output

Provide copies of the above-mentioned documents to NHVR as evidence of completion of this activity.

Activity 4 – Delivering benefits to the broader community

Scope

Delivering benefits to the broader community

Details

Project Resources Australia would like to use this undertaking to promote safety and awareness to the broader community. Also, internally to our employees across Australia through the following mediums.

- Publish the undertaking and improvement activities on our website.
- Publish the undertaking and Improvements inclusive of the Chain of responsibilities training certificates on our social media platform (LinkedIn and Facebook).
- Send all employees a direct notification giving understanding to Project Resources Australia commitment to safety and chain of responsibility requirements.

Timeframe

This activity will be completed within 3 months of acceptance of this enforceable undertaking.

Outcome

The objective is to educate and deliver awareness of the incident and how training and ongoing consultation can improve a safer outcome for both employees and the broader community.

Costs

\$500.00

Output

Provide Screen shots of the social media posts also a link to our website where the content will be uploaded.
 Deliver NHVR a copy of the toolbox notification that will be issued to all Project Resources Australia employees.

44. The total estimated value of the undertaking is **\$5,200.00**.

Part 4 Offer of undertaking

Executed as an Undertaking

Project Resources Australia ABN: 38 636 852 312

Executed by Project Resources Australia ABN: 38 636 852 312 pursuant to section 127(1) of the *Corporations Act 2001* (Cth) by:

	
Signature of Director	Signature of Director
	Belinda Hughes
Name of Director (print)	Name of Director (print)
Date: 3/10/2023	Date: 13/11/2023

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 Executive Director, Statutory Compliance
Raymond Hassall
Name of Executive Director, Statutory Compliance (print)
Date: 14 Nov 2023