



Enforceable Undertaking

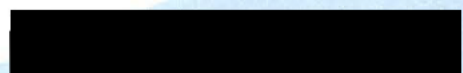
Chapter 10.1A

Heavy Vehicle National Law

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

By

David Gregory Page



Part 1 Executive summary

Section 1 Agreed actions

1. Complete the training course- Ensure the transport Activities (Chain of responsibility)- TLIF0009
2. Apply Fatigue Management Strategies(TLIF2010) course
3. Complete a work diary nationally accredited course (TLIE3028)
4. Donation to Australian Road Safety Foundation
5. Donation to National Road Safety Partnership Program (NRSPP)
6. Communicate to all driving staff at my employer Business Relocation Services the consequences of my actions
7. Attend all National Road Safety Partnership offence related tool box talks run by employer

Section 2 Total cost of actions

8. Total cost of training course Ensure the transport Activities (Chain of responsibility)- TLIF0009 \$299
 9. Total cost of Fatigue Management Strategies TLIF2010 for drivers Course \$99
 10. Total cost of Work diary nationally accredited course (TLIE3028) \$80
 11. Donation to Australian Road Safety Foundation \$500
 12. Donation to National Road Safety Partnership Program \$500
- Total cost of actions \$1478

Part 2 General information

Section 1 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 2 Details

14. The commitments in this enforceable undertaking are offered to the NHVR by David Gregory Page.
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:	Individual
Type of business:	Employed Truck Driver
Commencement of entity:	Commenced working for this employer 4.6.21
Number of workers:	1
Products and/or services:	Freight transport & storage

Details of the alleged contravention

16. On 16 March 2023 Solo driver work more than standard maximum time- critical risk
17. On 11th March 2023 Solo driver rest less than standard minimum time- critical risk

Details of the events surrounding the alleged contravention

18. Between 5.30 am on 15th March 2023 & 5.30 am on 16th March 2023, between Noble Park, Victoria and Holbrook, NSW and elsewhere in the state of NSW, David Gregory Page, being the solo driver of a fatigue-regulated heavy vehicle, namely a white Hino Prime Mover bearing registration [REDACTED] towing trailer bearing registration [REDACTED] did work for more than the standard maximum work hours prescribed by the Heavy Vehicle (Fatigue Management) National Regulation in the 24-hour period namely he worked for 14 hours and 30 minutes where the prescribed minimum time was 12 hours thereby committing a critical risk breach.
19. Between 7.15am on 10 March 2023 & 7.15am on 11th March 2023, between Noble Park, Victoria and Chullora, NSW and elsewhere in the state of NSW, David Gregory Page, being the solo driver of a fatigue-regulated heavy vehicle, namely a white Hino Prime Mover bearing registration [REDACTED] towing trailer bearing registration [REDACTED] did rest for less than the standard minimum hours prescribed by the Heavy Vehicle (Fatigue Management) National Regulation in the 24-hour period namely did continuously rest for 5 hours where the prescribed minimum time was 7 thereby committing a critical risk breach.

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

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

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

21. David Page received a letter dated 28th June 2023 (Reference [REDACTED]) with a charge-sheet and court attendance notice to attend Goulburn Local Court on 11 August 2023 at 9.30am.

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

22. David Gregory Page is an individual but has discussed with his employer the situation and they support him in increasing his knowledge via additional training and review. Please refer to the letter attached regarding support from David Gregory Page's employer.

Section 3 Statements

Statement of assurance

23. David Gregory Page confirms that he is committed to complying with his obligation under the HVNL and ensuring, so far as is reasonably practicable, the health and safety of all workers and others that have the potential to be affected by its business or undertaking.

Statement of regret

24. David Gregory Page regrets the events that occurred between 10th March - 16th March 2023.

Statement of ability to comply

25. David Gregory Page confirms that he has the financial and operational capacity to comply with the terms of this enforceable undertaking.

Statement granting permission to use

26. David Gregory Page 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

27. David Gregory Page confirms he has not been the subject of an enforceable undertaking from another statutory body, including but not limited to Work Health and safety, local or state-based statutory body.

Section 4 Acknowledgement

28. David Gregory page acknowledges that the NHVR that he has contravened section 250(1)(a) HVNL(NSW) Law part code : 80123 & 250(1)(b) HVNL 2013 (NSW) Law part code : 80124.
29. The alleged contraventions are taken very seriously by David Gregory Page who is committed to providing a safe and healthy workplace to conduct his business in a way that helps protect 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)

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 Acknowledgement of publication

32. David Gregory Page 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

33. David Gregory Page 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

34. David Gregory Page is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
35. David Gregory Page 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

36. David Gregory Page 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 David Gregory Page. This information will be disseminated directly to the people concerned, if and when it eventuates.

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

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

40. David Gregory Page 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

41. As part of this enforceable undertaking, David Gregory Page aims to deliver strategies that focus on benefits to:
- drivers and parties within the chain of responsibility
 - the transport industry and the broader community.
42. David Gregory Page intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.

Activities

Activity 1 –Complete the training course- Ensure the transport activities (Chain of responsibility)- TLIF0009

Scope

David Gregory Page will undertake course -TLIF0009 Ensure the safety of transport activity (Chain of responsibility) training to raise his awareness, knowledge and skills in relation to chain of responsibility. This will run by an NHVR approved nationally accredited training provider.

Details

Course: TLIF0009 Ensure the Safety of transport Activity chain of responsibility

Provider Licenses 4 work or Australian Furniture Removals Association(AFRA) -based on the accreditation of the AFRA run course being approved by NHVR)

[REDACTED]

In September 2023 AFRA was awarded a training grant from the NHVR to rewrite the chain of responsibility course, with a focus on video based practical learning. David Gregory Page has been in contact with AFRA [REDACTED] [REDACTED] and they have said they will try and incorporate a training package that also assists [REDACTED] [REDACTED]

Timeframe

To be completed within 12 months if the AFRA training course is approved.

AFRA have indicated that If this delay is not deemed acceptable David Gregory Page will complete TLIF0009 with the provider Licenses 4 work.

Outcome

Chain of responsibility training will provide better awareness, knowledge, and skills in relation to the chain of responsibility.

Costs

\$299 (Licenses 4 work)

AFRA cost- unknown until course accredited.

Output

Upon completion a statement of attainment TLIF009 Ensure the safety of transport activities (Chain of responsibility) will be provided to NHVR.

Activity 2 – Apply Fatigue Management Strategies(TLIF2010) course

Scope

David Gregory Page will undertake Fatigue Management Strategies drivers course (TLIF2010)

Details

Course title: Apply Fatigue Management Strategies-TLIF2010

Material covered:

Recognise factors and lifestyle choices which will affect fatigue

Identify signs of fatigue and personal early warning signs

Take steps to ensure effective work capability and alertness are maintained

Effectively implement and apply fatigue management strategies.

Provider- Aveling

Timeframe

To be completed within 3 months

Outcome

As a result, drivers will work in and provide a much safer workplace for themselves and others.

Costs

\$99

Output

Upon completion a statement of attainment for the unit of competency will be provided to NHVR

Activity 3 – Complete a work diary nationally accredited course (TLIE3028)

Scope

David Gregory Page will undertake complete a work diary course (TLIE3028)

Details

Course title: Complete a work diary(TLIE3028)

The complete a work diary in the road transport industry course is aimed at drivers in the transport industry who drive a fatigue-regulated vehicle and need to carry and complete a National Driver Work Diary.

The course gives participants the skills and knowledge to accurately complete their work diary, as well as comply with the legislative and regulatory requirements of a work diary.

Provider- Civil Trans Training

Timeframe

To be completed within 3 months

Outcome

The course will satisfy Chain of Responsibility requirements by giving a clear understanding of the legal requirements, function and completion of the Driver Work Diary.

Costs

\$80

Output

Upon completion a statement of attainment for the unit of competency will be provided to NHVR

Activity 4– Donation to Australian Road Safety Foundation

Scope

David Gregory Page will donate \$500 to the Australian Road Safety Foundation (ARSF)

Details

The Australian Road Safety Foundation (ARSF) is a not for profit organisation dedicated to reducing the impacts of road trauma and saving lives.

Their mission is to promote the prevention of physical and mental illness, death and disability that result from road crashes and incidents. ARSF achieves this through innovative road safety awareness programs, driver education, advocacy, research and community engagement. Driving the safety of every road user, every day, to achieve a significant year-on-year reduction in road deaths and injuries nationally.

Timeframe

Within 28 days of the enforceable undertaking being accepted

Outcome

As a non for profit foundation, it is essential that continued donations allow the organisation to meet it’s mission to reduce the impacts of road trauma and save lives. Early education of all drivers provides a foundation for road safety in later life.

Costs

\$500

Output

Provide receipt of payment to the NHVR

Activity 5 – Donation to National Road Safety Partnership Program (NRSP)

Scope

David Gregory Page will donate \$500 to the National Road Safety Partnership Program (NRSP)

Details

The National Road Safety Partnership Program (NRSP) offers a collaborative network to support Australian businesses in developing a positive road safety culture.

Partners within the NRSP recognise road safety not as a competitive advantage but as a shared advantage. Collaboration will not only increase productivity but save lives. They provide online tools, evidence, networks and support that will empower businesses and individuals to improve road safety in your workplace, but outside of your workplace too.

Timeframe

Within 28 days of the enforceable undertaking being accepted

Outcome

Donation

Costs

\$500

Output

Provide receipt of payment to the NHVR

Activity 6 – Communicate to all driving staff at my employer Business Relocation Services the consequences of my actions

Scope

David Gregory Page is to address all drivers at his employer, [REDACTED] tool box meeting regarding NHVR requirements

Details

David Gregory Page is to address all driver's at his employer, [REDACTED] tool box meeting discussing:

- 1.The offences he committed.
- 2.The consequences of his actions
- 3.The importance of road safety and fatigue management.

The number of driver's at [REDACTED] is currently 10.

Timeframe

Within 28 days of the enforceable undertaking being accepted

Outcome

Increased awareness by all staff of the consequences of their driving safety.

Costs

\$0

Output

Employer to provide to NHVR the toolbox participant attendance record sheet and the minutes of the toolbox when David Gregory Page addresses the staff.

Activity 7 – Attend all National Road Safety Partnership offence related tool box talks run by employer

Scope

To commit to attend and participate in the discussion group of all offence related National Road Safety Partnership Program (NRSPP) tool box talks conducted by my Employer Business Relocation Services.

Details

NRSPP provide tool box resources for employers to operate employee training. They are an effective way to educate all staff regarding, occupational health & safety, driving safety and operational issues.

The offence related toolbox talks include:

(1) Fatigue- how it impairs decision-making, affects performance, slows reaction times, and reduces the ability to control emotions. On the road, it results in poor lane tracking, speed maintaining capability, and alertness, increasing crash risk

(2) Shift work- Potential hazards & how to minimise high risk situations

The resources provided by NRSPP include a video, power point presentation, participate self assessment and fact sheet.

The toolbox outline allows for participate involvement and discussion. During this discussion time David Gregory Page will outline his history including his actions, the subsequent consequences, and the key lessons he has learnt from the completed toolbox training.

Timeframe

To be completed within 3 months

Outcome

Increased education on occupational health & safety, driving safely and operational issues within the workforce.

Costs

\$0

Output

David Gregory Page will provide to NHVR the toolbox minutes & participant attendance record sheet of each toolbox attended.

The total estimated value of the undertaking is \$1,478.

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Part 4 Offer of undertaking

Executed as an Undertaking

	
Signature	Signature of Witness
David Gregory Page	
Name	Name
Date: 25/09/2023	Date: 25/09/2023

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: 13 Nov 2023

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