



# Enforceable Undertaking

## Chapter 10.1A

Heavy Vehicle National Law

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

By

Austral Masonry (Qld) Pty Ltd

ABN: 30000646695

## Part 1 Executive summary

### Section 1 Agreed actions

1. Austral Masonry (Qld) Pty Ltd (**Austral Masonry (Qld)**), which is a whole owned subsidiary of [REDACTED] has agreed to implement two pro-active activities focused on improving health and safety across Austral Masonry (Qld)'s and [REDACTED] businesses.
2. These comprise:
  - a. Develop of a register of vehicle dimensions compliance with HVNL requirements for all [REDACTED] company trucks and trailers to enhance annual roadworthy assessments with record keeping within maintenance systems.
  - b. Add dimension check to daily pre-start vehicle checks and supported with training. The new additional dimension training will enhance understanding in completing daily pre-start vehicle checks, and will be rolled out to [REDACTED] staff including drivers, yard supervisors, loaders and yard staff, transport supervisors / managers, operations managers and General Managers.
  - c. Install engineering controls to truck-mounted forklifts to further reduce dimension by 300mm, reducing loaded dimension further within NHVR width compliance requirements.
  - d. Install software at our largest manufacturing site, [REDACTED] to automatically obtain confirmation of compliance with dimension from drivers for all vehicles on-site. The establishment of software at [REDACTED] facility will log in real time and process information immediately on registration number, requirements applicable to each vehicle and combination, destination and type of goods. Automatic number plate recognition will capture the number plates of vehicles at the weighbridge. Specialised software will use axle weighing of vehicles to confirm that vehicles are within mass compliance with their GVM and individual axle groups. Vehicles will wait at a boom gate until confirmation on dimension is made by the driver.

### Section 2 Total cost of actions

3. Total rectification measures implemented to date: \$9,511 implemented.
4. Total estimated cost of proposed strategies that will deliver benefits: \$132,520 and \$2,500 ongoing p.a..

## Part 2 General information

### Section 1 Purpose

5. The purpose of this enforceable undertaking is to document the undertakings offered to the 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 Austral Masonry (Qld).
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:**

<b>Registered address:</b>	[REDACTED]
<b>Postal address:</b>	[REDACTED]
<b>Telephone:</b>	[REDACTED]
<b>Email address:</b>	[REDACTED]
<b>Legal structure:</b>	<b>Austral Masonry (Qld):</b> Australian proprietary company [REDACTED]
<b>Type of business:</b>	Building material manufacturers
<b>Commencement of entity:</b>	<b>Austral Masonry Qld:</b> 6 September 1968 [REDACTED]
<b>Number of workers:</b>	Austral Masonry (Qld) employs 84 full time staff, and parent entity [REDACTED] employs 954 people within Australia, including Austral Masonry (Qld).
<b>Products and/or services:</b>	<b>Austral Masonry Qld:</b> Manufactures and sells a full suite of paving, retaining and masonry blocks for supply into all facets of the construction industry. [REDACTED]

**Details of the alleged contravention**

- It is alleged by the NHVR that, on 23 August 2024, Austral Masonry (Qld) did without reasonable excuse permit a heavy vehicle on a road and did fail to ensure that the heavy vehicle and load complied with the prescribed dimension requirements contrary to section 102(1)(b)(iii) of the HVNL.

**Details of the events surrounding the alleged contravention**

- On 23 August 2024, Austral Masonry (Qld) permitted a white Volvo FM13 heavy vehicle on the M1 Pacific Highway at Chinderah NSW.
- The prescribed width limit to the heavy vehicle was 2.5 metres. The assessed width of the heavy vehicle was 2.69 metres.

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

- 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**

- Austral Masonry (Qld) received a Court Attendance Notice (Reference number: [REDACTED] dated 29 October 2024) in respect of the alleged contravention listing the matter before the Local Court of New South Wales at Tweed Heads on 29<sup>th</sup> January 2025.

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

- [REDACTED] has an established comprehensive safety management system in place which encompasses HVNL and Chain of Responsibility (CoR) compliance. Austral Masonry (Qld) is subject to [REDACTED] safety management system.

14. [REDACTED] has invested significant resources to manage and improve its HVNL compliance systems, including significant investments in hardware, training, auditing and fleet management. [REDACTED] has implemented the following measures to assist with its HVNL compliance
- a. Management Commitment: [REDACTED] executive officers and senior managers oversee our CoR framework to maintain a strong network of systems, policies and procedures to meet our HVNL and CoR obligations, and keep drivers and community safe. Managers and supervisors report directly to the CEO on incidents and emerging risks.
  - b. Comprehensive safety system: The [REDACTED] safety CoR system provides a comprehensive internal system to record, investigate and report CoR incidents.
  - c. Vehicle Monitoring Hardware: All [REDACTED] heavy vehicles are fitted with Vehicle Telematics which allows [REDACTED] to constantly monitor and communicate with the driver, location of the vehicle, vehicle speed and overspeed incidents, harsh acceleration, braking and/or cornering, pre-start checklists, vehicle fault reporting and driving hours.
  - d. Maintenance Management: All heavy vehicle maintenance plans and records are managed through [REDACTED] internal management and maintenance reporting to report safety inspections, issues and recording resolutions. Service scheduling is monitored monthly and escalated if not action, including monthly reporting at Senior Executive safety meetings. [REDACTED] also utilises individual vehicle fault reporting to manage defect rectification in all heavy vehicles.
  - e. Training: Heavy vehicle drivers, schedulers, supervisors and line managers must complete CoR training which is managed through [REDACTED] online eLearning [REDACTED] platform including competency assessments. Contractor owners working exclusively for Brickworks are assigned specific CoR training for contract owners which is also managed through [REDACTED] online eLearning [REDACTED] platform including competency assessments.
  - f. Conducting CoR reviews and audits: Assessment reviews and audits of CoR, contractors, fatigue management, maintenance management and mass management are completed to validate systems.
  - g. Fleet Management: Ongoing investment in a modern well-maintained fleet and technology benefits from a dedicated approach to vehicle maintenance, including frequent turnover of heavy vehicles, electronic pre-trip inspection and scheduled maintenance. The [REDACTED] safety chain of responsibility system sets clear vehicle specifications and age limits. Heavy vehicle fleet activities and records are managed through [REDACTED] internal management reporting including management of registration, maintenance and infringements, reported monthly in [REDACTED] Senior Executive safety meetings.
  - h. [REDACTED] is committed to maintaining a safe and productive work environment through its Alcohol, Drug, and Other Substances Testing Policy. All new recruits applying for positions within the [REDACTED] are required to undergo a pre-employment medical, which includes urine-based testing to detect drugs and other substances. Additionally, the company conducts random and causal testing for employees and contractors working on [REDACTED] sites, utilising saliva-based methods for efficiency and accuracy. This testing aligns with Brickworks' overarching objective of maintaining a "fit for work" standard, so that all individuals on-site are in a condition to perform their duties safely and effectively.

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

15. Consultation has been undertaken regarding the proposed EU within Brickworks' leadership and management team. The following stakeholders have been consulted:
- a. Chief Executive Officer
  - b. Chief Financial Officer
  - c. General Counsel
  - d. General Managers Queensland and NSW
  - e. General Manager Operational Services
  - f. Group WHS & Workers Compensation Manager
  - g. National Fleet Manager

## Section 3 Statements

### Statement of assurance

16. Austral Masonry (Qld) confirms that it is committed to complying with its obligations under the HVNL and the health and safety of its workers and other persons that have the potential to be affected by its business or undertakings.

### Statement of regret

17. Austral Masonry (Qld) regrets that it did without reasonable excuse permit a heavy vehicle on a road and did fail to ensure that the heavy vehicle and load complied with the prescribed dimension requirements on 23 August 2024.

### Statement of ability to comply

18. Austral Masonry (Qld) confirms that it has the financial and operational capacity to comply with the terms of this enforceable undertaking.

### Statement granting permission to use

19. Austral Masonry (Qld) 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

20. Austral Masonry (Qld) has no other prior or current undertakings.

## Section 4 Acknowledgement

21. Austral Masonry (Qld) acknowledges that the NHVR alleges that Austral Masonry (Qld) has contravened section 102(1)(b)(iii) if the HVNL.
22. The alleged contravention is taken very seriously by [REDACTED] Austral Masonry (Qld), its Directors and Senior Management, who are committed to providing a safe and healthy workplace to conduct their business in a way that helps protect the environment and the communities in which they operate.

## Section 5 Details of Injury or Illness

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

23. 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

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

## Section 6 Rectifications made

25. Austral Masonry (Qld) 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
Modification of the vehicle detected as over-dimension.	\$5,908
Thorough the review of fleet in response to the incident, it was identified that there was a potential to install further	\$1,733

Description	\$ Amount
engineering controls to eliminate the risk of other occurrences of different dimension exceedances. Modification of vehicles to install further engineering controls to eliminate the risk of particular dimension exceedances.	
Identified and implemented improvements to procedures for vehicle specification compliance with HVNL.	\$1,870 for external consultant as well as internal resources used
<b>Total cost p.a.</b>	<b>\$9,511</b>

## Section 7 Acknowledgement of publication

26. Austral Masonry (Qld) 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

27. Austral Masonry (Qld) 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

28. Austral Masonry (Qld) is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
29. Austral Masonry (Qld) 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

30. Austral Masonry (Qld) is committed to disseminating information about the enforceable undertaking to all Austral Masonry (Qld) staff. This information will be disseminated by way of an email sent to all Austral Masonry (Qld) staff attaching a Safety Alert containing information about the enforceable undertaking, and by way of a post on [REDACTED] internal social media page.

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

31. Austral Masonry (Qld) is committed to participating constructively in all compliance monitoring activities of the EU.
32. Austral Masonry (Qld) acknowledges that responsibility for demonstrating compliance with the undertaking rests with Austral Masonry (Qld) and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date of each term.
33. 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**

34. Austral Masonry (Qld) 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**

- 35. As part of this enforceable undertaking, Austral Masonry (Qld) 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.
- 36. Austral Masonry (Qld) intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among Austral Masonry (Qld)'s workforce and all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.

**Activities**

<b>Activity 1 – Register of vehicle dimensions compliance with HVNL requirements for all [redacted] company trucks and trailers</b>
<b>Scope</b>
To enhance documentation of adherence of vehicles with HVNL vehicle dimensions and requirements, [redacted] will develop a register of dimensions for all [redacted] company trucks and trailers.
<b>Details</b>
All [redacted] trucks and trailers complete annual roadworthy assessments, including a Certificate of Inspection by the relevant State Transport Authority or a NHVR Inspection Manual checklist by an accredited NHVAS workshop.
In addition to annual roadworthy assessments, all bodies fitted to trucks will be measured and dimensions confirmed against HVNL requirements. Measurements will document that the body meets HVNL standard including any mounted forklifts and ancillary equipment. Details will be stored in maintenance systems under vehicle registration number.
The register will also include updates following any major modification to vehicle, or purchase or disposal of vehicle, with updates added to the register within 2 weeks.
<b>Timeframe</b>
12 months
<b>Outcome</b>
Increased documentation of compliance of vehicle body dimensions to HVNL and systemic record keeping within maintenance systems.
<b>Costs</b>
\$0. Internal resources will be used to undertake this activity.
<b>Output</b>

**Activity 1 – Register of vehicle dimensions compliance with HVNL requirements for all company trucks and trailers**

A copy of the register of vehicle dimensions compliance with HVNL requirements for all company trucks and trailers will be submitted to the NHVR as evidence of this deliverable.

**Activity 2 – Add Dimension check to Daily Pre-Start Vehicle Check and supported with training** [Brief description of activity]

**Scope**

Austral Masonry (Qld) will add a dimension check to enhance the pre-start vehicle checks. Pre-start checks are completed daily, and this additional daily check will enhance dimension compliance.

In addition, Austral Masonry (Qld) will develop new additional dimension training to enhance understanding in completing pre-start vehicle checks. The additional training will be rolled out to staff including drivers, yard supervisors, loaders and yard staff, transport supervisors / managers, operations managers and General Managers.

**Details**

Austral Masonry (Qld) will add a dimension check to enhance the pre-start vehicle checks.

Austral Masonry (Qld) will also develop a new training package, that will be delivered across the to increase the capacity of drivers, supervisors and transport managers to assess pre-start maintenance roadworthy checks. This will enhance pre-start vehicle standards check training.

The training will include a 1-hour training session outlining the expectations within the National Heavy Vehicle Inspection Manual and checklist. Examples will be provided relevant to transport operations, such as wheels and tyres, lights and reflectors, windows, mirrors and wipers, structure and bodywork, suspension, brakes, tow couplings and drawbars, vehicle fault reporting and vehicle dimension. This training will be developed consultant NHVAS Auditor, Cert IV Trainer and Assessor.

The training session will be delivered in person by the National Fleet Manager to drivers (22 staff) across as well as an on-line training version being undertaken by yard supervisors (22 staff), loaders and yard staff (50 staff) transport supervisors/managers (11 staff), operations managers (4 staff) and General Managers (5 staff). The training will conclude with a competency assessment.

**Timeframe**

This activity will be completed within 12 months of acceptance of this enforceable undertaking.

**Outcome**

Increased worker understanding and capability to meet and exceed compliance requirements and ongoing monitoring and assessment of worker capability and assessment to achieve continual improvement in this area.

**Costs**

\$5,000

**Output**

A copy of the enhanced pre-start checklist including dimension check.

A copy of the completed Pre-Start Vehicle Standards Check training and copies of competency assessment records for the training will be submitted to the NHVR as evidence of this deliverable. A copy of invoices from external consultants.



**Activity 3 – Additional engineering controls to reduce the width of truck-mounted forklifts** [Brief description of activity]

**Scope**

Install engineering controls to truck-mounted forklifts to further reduce dimension by 300mm, reducing loaded dimension further within NHVR width compliance requirements.

**Details**

Replace existing forklift tynes with flip-up for 4 forklifts which are used mounted on heavy vehicles. 100x50x1200mm with flip up at 300mm from tip \$4,880+GST per pair, total \$19,520

**Timeframe**

This activity will be completed within 6 months of acceptance of this enforceable undertaking.

**Outcome**

Further reduction in the loaded dimension of trucks with mounted forklifts, to have a larger buffer between dimension and the NHVR width compliance requirements.

**Costs**

\$19,520

**Output**

A copy of invoices from suppliers of flip-up tynes, with a formal letter on letter head from the installer confirming the installation.

**Activity 4 – Establishment of Software to Automate Driver Dimension Confirmation and On-site Weighbridge**

[Brief description of activity]

**Scope**

Austral Masonry (Qld) will install software at our largest manufacturing site, [redacted] to automatically obtain confirmation of compliance with dimension from drivers for all vehicles on-site. The establishment of software at [redacted] facility will log in real time and process information immediately on registration number, requirements applicable to each vehicle and combination, destination and type of goods. Automatic number plate recognition will capture the number plates of vehicles at the weighbridge. Vehicles will wait at a boom gate until confirmation on dimension is made by the driver.

The software will enhance existing processes for drivers to confirm dimension compliance, as well as gross and axle weight compliance applicable to each vehicle and combination. The software will also automate checks for gross and axle group weights by automating the on-site weighbridge. [redacted] facility will log in real time and process information immediately on gross and axle group weights.

The use of automated software and weighbridges is less prevalent at manufacturing sites than in bulk material handling sites. Demonstration of automated weighbridge software at [redacted] will support further penetration of best practice mass management technology implementation across industry. A demonstration of the automated on-site weighbridge software at [redacted] will be provided to the NHVR in a 'Software to Automate Driver Dimension Confirmation and On-site Weighbridge Project Report' to enable sharing best practice dimension confirmation and mass management technology implementation.

**Details**

Installation of software to automatically obtain confirmation of compliance with dimension from drivers for all vehicles, as well as automated on-site weighbridge at [redacted] facility. The software will log in real time and process information immediately on registration number, gross and axle group weights, requirements applicable to each vehicle and combination, destination and type of goods. Automatic number plate recognition will capture the number plates of vehicles at the weighbridge. The software will require drivers to confirm dimension compliance for load from the site. Specialised software will use axle weighing of vehicles to confirm that vehicles are within mass compliance with their GVM and individual axle groups. The system will automatically limit non-compliances through the use of traffic control equipment such as a boom gate.

A demonstration of the software at [redacted] will be shared with other [redacted] sites for consideration for rollout to other sites. A demonstration of the software at [redacted] will be also provided to the NHVR in a 'Software to Automate Driver Dimension Confirmation and On-site Weighbridge Project Report' to enable sharing best practice dimension confirmation and mass management technology implementation.

**Timeframe**

This activity will be completed within 12 months of acceptance of this enforceable undertaking.

**Outcome**

Increased capacity to monitor, track and report on heavy vehicle dimension and mass compliance. Installation of specialised software and hardware to establish automated driver dimension compliance confirmation and on-site weighbridge at [redacted] site.

**Costs**

\$108,000 (\$2,500 reoccurring)

**Output**

Evidence of installation of specialised software and hardware to establish automated on-site driver dimension compliance confirmation and weighbridge at [redacted] site. Completion of a Software to Automate Driver Dimension Confirmation and On-site Weighbridge Project Report including photos to demonstrate the system function and performance will be submitted to the NHVR as evidence of this deliverable.

A formal letter on letter head from the installer confirming the installation will also be provided.

37. The total estimated value of the undertaking is \$132,520.

## Part 4 Offer of undertaking

Executed as an Undertaking

Austral Masonry (Qld) Pty Ltd ABN: 30000646695

Executed by Austral Masonry (Qld) Pty Ltd ABN: 30000646695 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)
Date: 14-Jan-2025	Date: 14-Jan-2025

## 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 *Delesate*

*PAUL JAMES ALSBURY, Executive Director, Statutory Compliance*

Name of Chief Executive Officer (print) *Delesate*

*24 January 2025*

Date: Click or tap to enter a date.