



Enforceable Undertaking

Chapter 10.1A

Heavy Vehicle National Law

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

By

Origin Energy Services Limited

ABN: 93 007 847 010

Part 1 Executive summary

Section 1 Agreed actions

1. Origin Energy Services Limited (**OESL**), which is a wholly owned subsidiary of Origin Energy Limited ACN 000 051 696 (**Origin Energy**) has agreed to implement two pro-active activities focused on improving health and safety across OESL's and Origin Energy's business and the transport industry.
2. These comprise:
 - a. OESL developing a standard driver consequence management framework (**DCMF**) across all of Origin Energy's business units to monitor and improve driver behaviour and safety; and
 - b. sponsorship of the Australian Institute of Health and Safety to deliver heavy vehicle safety forums to health and safety professionals across Australia.

Section 2 Total cost of actions

3. Total cost of rectification measures implemented to date: \$48,000 implementation to date, and \$18,000 per annum ongoing.
4. Total estimated cost of proposed strategies that will deliver benefits: \$380,000.

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 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 OESL.
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:	Australian Public Company
Type of business:	Energy Generator and Retailer
Commencement of entity:	28 September 1977
Number of workers:	OESL does not directly employ any workers, however OESL's parent entity Origin Energy employs approximately 5000 people some of which may undertake work as part of OESL's operations from time to time. For example, all heavy vehicle drivers are employed by Origin Energy.
Products and/or services:	Origin Energy undertakes energy exploration, production, power generation and retailing, and is a leading provider of energy to homes and business throughout Australia. Within the Origin Energy corporate group, OESL is a wholly owned Australian subsidiary of Origin Energy that enters into contracts for the provision of common services used across Origin Energy business units. These services include the provision of vehicle leases, fuel and other fleet related services used by Origin Energy businesses.

Details of the alleged contravention

8. It is alleged by Transport for New South Wales that, on 8 February 2022, OESL failed to provide information required by an authorised officer pursuant to section 570(1) of the HVNL.

Details of the events surrounding the alleged contravention

9. On 25 January 2022 an authorised officer of Transport for New South Wales, being an authorised officer for the purposes of the HVNL, issued a request in writing to OESL as a responsible person for a heavy vehicle to provide the name and home address of the driver of a particular heavy vehicle at a specified date and time. The request required OESL to provide that information by 8 February 2022.
10. OESL did not provide the required information by 8 February 2022.

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. OESL received a Court Attendance Notice (CAN ID: 304561) dated 17 March 2022 in respect of the alleged contravention listing the matter before the Local Court of New South Wales, at Parramatta on 21 April 2022.

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

13. OESL is subject to Origin Energy's safety management system.
14. Origin Energy has an established comprehensive safety management system in place which encompasses Chain of Responsibility compliance.
15. Origin Energy has invested significant resources to manage and improve its HVNL compliance systems, including significant investments in hardware, training, auditing and fleet management.
16. Origin Energy has implemented the following measures to assist with its HVNL compliance:
- a. **Vehicle Monitoring Hardware:**
All Origin Energy heavy vehicles are fitted with an In Vehicle Monitoring System (IVMS) which allows Origin Energy to monitor the identity of the driver at all times; the location of the vehicle; vehicle speed and overspeed incidents; seatbelt use; harsh acceleration, braking and/or cornering; and driving hours. The IVMS also has an emergency response button with a direct communication link to Origin Energy's national response centre.
Origin Energy also utilises dash cameras on all LPG heavy vehicles to assist with managing driver behaviour and investigating any incidents, as well as driver facing fatigue monitoring cameras in Origin Energy's LPG tankers.
 - b. **Maintenance Management:**
Origin Energy utilises Inspect 365, a third party vehicle inspection system to facilitate vehicle inspection, reporting of safety inspection issues and recording resolutions. Origin Energy also utilises individual vehicle handbooks to manage defect rectification in all heavy vehicles.
All heavy vehicle maintenance plans and records are managed through the systems of Origin Energy's external fleet management provider, SG Fleet. Service scheduling reminders are sent monthly to vehicle custodians and escalated if not actioned.
 - c. **Training:**
Heavy vehicle drivers, schedulers, supervisors and line managers must complete chain of responsibility training which is managed through Origin Energy's online curriculum management system. Origin Energy contract owners are assigned specific chain of responsibility training for contract owners which is also managed through Origin Energy's online curriculum management system.
 - d. **Compliance Audits and Reporting:**
Origin Energy utilises third party auditors to perform master code audits on Origin Energy and its major sub-contractors. Origin Energy also utilises its group internal audit function to perform chain of responsibility audits and an internal system to record, investigate and report any chain of responsibility incidents.
 - e. **Fleet Management:**
Origin Energy has engaged SG Fleet, a third party fleet management service provider to assist in managing heavy vehicle fleet related activities including management of registration, maintenance and infringements. Origin Energy conducts weekly, monthly and quarterly meetings with SG Fleet and key Origin Energy fleet stakeholders.

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

17. Consultation has been undertaken regarding the proposed EU within Origin Energy's leadership and management team. The following stakeholders have been consulted:
- a. Chief Procurement Officer
 - b. Chief Financial Officer
 - c. Head of Legal – Upstream and Development

- d. General Manager, HSE - Corporate, ES&O, Retail & Origin Zero
- e. General Manager, LPG
- f. Group Manager, Operations and Field Services - LPG

Section 3 Statements

Statement of assurance

- 18. OESL 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

- 19. OESL regrets that the required information was not provided to Transport for New South Wales by 8 February 2022.

Statement of ability to comply

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

Statement granting permission to use

- 21. OESL 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

- 22. OESL has no other prior or current undertakings.

Section 4 Acknowledgement

- 23. OESL acknowledges that Transport for New South Wales alleges that OESL has contravened section 570(1) of the HVNL.
- 24. The alleged contraventions are taken very seriously by OESL, its Directors and Senior Management, who are committed to providing a safe and healthy workplace to conduct its 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)

- 25. 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

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

Section 6 Rectifications made

- 27. OESL 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 are being undertaken:

Description	\$ Amount
Two additional employees have been trained and added to	

Description	\$ Amount
activities associated with monitoring the Origin Energy fleet email address and responding to any future requests for information or other correspondence from the NHVR or Transport for New South Wales.	\$3,000 implementation \$6,000 per annum ongoing
Implemented a regular monitoring and reporting assurance regime covering the administration of fleet infringements, information requests and correspondence.	\$12,000 implementation \$3,000 per annum ongoing
Identified and implemented improvements to systems and processes supporting management of fleet related information requests and correspondence from the NHVR or Transport for New South Wales	\$33,000 implementation \$9,000 per annum ongoing
Total cost p.a.	\$48,000 implementation \$18,000 per annum ongoing

Section 7 Acknowledgement of publication

28. OESL 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

29. OESL 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 a recurrence.

Commitment to the ongoing effective management of public risk associated with transport activities

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

32. OESL is committed to disseminating information about the enforceable undertaking to all Origin Energy staff. This information will be disseminated by way of an email sent to all Origin Energy staff attaching a HSE Notice containing information about the enforceable undertaking, and by way of a post on Origin Energy's internal social media page, 'Workplace'.

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

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

35. 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

36. OESL 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

37. As part of this enforceable undertaking, OESL 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.
38. OESL intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate, train and raise awareness among Origin Energy’s workforce and all parties within the chain of responsibility of the importance of complying with Chain of Responsibility laws.

Activities

Activity 1 – Developing and implementing a standard driver consequence management framework.

Scope

OESL will develop a standard driver consequence management framework (DCMF) across all of Origin Energy’s business units to monitor and improve driver behaviour and safety.

Details

The proposed DCMF will set out Origin Energy’s commitment to compliance with its obligations and establish a standardised system for tracking driver performance, training and behaviours.

The DCMF will monitor driver compliance through monthly reporting of infringements by each business unit and by driver. The DCMF will clearly outline performance and compliance expectations, the metrics by which these are to be measured and the mechanisms to manage performance where there is an identified issue.

The implementation of the DCMF will include an engagement and training program for 250 leaders and an engagement and training program for 1,300 drivers.

The DCMF will assist Origin Energy to regularly assess and review compliance and performance with a view to achieving continual improvement in this area.

Timeframe

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

Outcome

Increased capacity to clearly articulate compliance expectations and continually monitor and assess compliance to achieve continual improvement in this area.

Activity 1 – Developing and implementing a standard driver consequence management framework.

Costs

Approximately \$365,000

Output

A copy of the completed DCMF and training materials will be submitted to the NHVR as evidence of this deliverable.

Activity 2 – Heavy Vehicle Safety Forums for Work Health and Safety Professionals

Scope

OESL will sponsor the Australian Institute of Health and Safety (AIHS) to deliver heavy vehicle safety forums to health and safety professionals across Australia.

Details

The AIHS provides a wide range of professional development opportunities for the health and safety profession.

OESL will sponsor the AIHS to host forums for work health and safety professionals across Australia to promote the current health and safety obligations pursuant to the HVNL, including in relation to chain of responsibility and fatigue.

Timeframe

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

Outcome

Increased awareness and tools provided to health and safety professionals across Australia to improve heavy vehicle safety and compliance across various industries.

Costs

Est \$15,000

Output

Evidence of sponsorship and completion of the forums will be submitted to the NHVR as evidence of this deliverable.

39. The total estimated value of the undertaking is \$380,000.

Part 4 Offer of undertaking

Executed as an Undertaking


Origin Energy Services Limited ABN: 93 007 847 010

Executed by Origin Energy Services Limited ABN: 93 007 847 010 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)
11/08/2022 Date: Click or tap to enter a date.	11/08/2022 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
Sal Petrocchio
Name of Chief Executive Officer (print)
Date: Click or tap to enter a date. 19/08/2022