



Enforceable Undertaking

Chapter 10.1A

Heavy Vehicle National Law

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

By

Knight Rider Logistics Pty Ltd (“Knight Rider Logistics”)

ACN: 635 481 935

Part 1 Executive summary

Section 1 Agreed actions

1. Knight Rider Logistics will create a role within the company for a Safety Officer whose responsibility will be to ensure all necessary safety training is complete, staff and subcontractors have the required safety equipment to be able to complete their role to the NVHR standards and to check and ensure the correct safety procedures are being observed.
2. Knight Rider Logistics will book a chain of responsibility course to train its staff including the directors, office staff and subcontractors employed by the business to ensure all staff understand their safety obligations within the chain of responsibility. This training will be provided on a yearly basis and to all new staff/contractors upon starting.
3. Knight Rider Logistics would get all external stakeholders to sign appropriate documents, requiring them to ensure compliance with the NHVR dimension and mass requirements and allowing Knight Rider Logistics to terminate its services if a non-compliance is detected or becomes apparent.
4. Knight Rider logistics would prepare a pamphlet in consultation with the NHVR. The approved pamphlet can be used by the NHVR and be distributed to the broader trucking community.
5. Knight Rider logistics would organise a toolbox talk/seminar to emphasise and educate the attendees on the importance of heavy vehicle dimension requirements. Invitations would be extended to the members of the wider trucking community.

Section 2 Total cost of actions

1. Total costs of rectification works already made is approximately \$500.
2. Total costs of strategic changes and agreed actions is approximately \$35,100 for the duration of this enforceable undertaking.

Part 2 General information

Section 1 Purpose

3. 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

4. The commitments in this enforceable undertaking are offered to the NHVR by Knight Rider Logistics Pty Ltd (Knight Rider Logistics).
5. 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 and expires after a period of 2 years.**

Registered address:	[REDACTED]
Postal address:	[REDACTED]
Telephone:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Proprietary company limited by shares
Type of business:	Logistics and transport services
Commencement of entity:	2019

Number of workers:	15 (Including employees and internal sub-contractors)
Products and/or services:	Knight Rider Logistics is a private company that provides transport services to external contractors. As a sub-contractor, the company ensures the provision of trucks & drivers, whereas the external contractors provide for the delivery runs and appropriate trailer combination for a particular job. Knight Rider Logistics owns 8 heavy rigid trucks and 2 prime mover trucks. Only prime movers are involved in interstate operations.

Details of the person proposing the undertaking:

Details of the alleged contravention

6. It is alleged by the Transport for NSW that on 11 May 2022 at Marulan, New South Wales, one of the vehicles owned by Knight Rider Logistics was found in contravention of s102 of the National Heavy Vehicle Law (NSW).
7. The heavy vehicle (B-Double combination comprising of Mercedes Actros prime mover bearing registration number [REDACTED] and A and B trailers bearing registration number [REDACTED] and [REDACTED] respectively) was intercepted by an authorised officer of the Transport for NSW for a compliance check. The combination length was measured at 26.460 m. A measurement adjustment of 100mm was applied and the assessed dimension off the heavy vehicle was 26.360 m.
8. The length from the back of the rear trailer to the prime movers kingpin was 21.1 metres. This measurement must not exceed 20.6 metres if the combination's overall length is between 25 and 26 metres. As this dimension was exceeded the combination was assessed from the statutory limit of 25 m, the offence was categorised as severe (exceed 25 metres by 600 millimetres or more).
9. The rear trailer was inspected and found to be an over dimensional trailer which was stated on the compliance plate and the distance from the set of trailer to the kingpin measured 13.1 metres, this must not exceed 12.3 metres and over dimensional trailer must not be used in a B double combination.
10. As a result Knight Rider Logistics held liable under the chain of responsibility provision for contravening s102 of the National Heavy Vehicle Law (NSW).

Details of the events surrounding the alleged contravention

11. At the time of this incident, Knight Rider Logistics worked as subcontractors for Dhunna Refrigerated Transport Pty Ltd who assigned delivery jobs to Knight Rider Logistics and provided them with the appropriate trailers for the jobs. Knight Rider Logistics commenced inter-state operations using prime movers only a couple of months prior to this incident.
12. Having recently commenced interstate operations using semi-trailers, Knight Rider Logistics mainly relied on the main contractor Dhunna Refrigerated Transport for providing them with appropriate trailers for the job. Regardless of the involvement of various parties, Knight Rider Logistics acknowledge responsibility and is willing to take measures to reoccurrence of such incidents.
13. When the heavy vehicle was intercepted by the officer of the Transport for NSW on 11 May 2022, the operator, [REDACTED] complied with the directions given to him and unhooked the trailers and took them individually. Since this incident, Knight Rider Logistics has ceased working for Dhunna Refrigerated Transport Pty Ltd and has taken all necessary steps to ensure compliance with the Heavy Vehicle National Law.
14. The company has no NHVR priors or prosecution history. There has been no systematic breach of the National Heavy Vehicle Law.

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

15. 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

16. Knight Rider Logistics received a Court Appearance Notice (CAN ID 309378) to appear at the Goulburn Local Court for the alleged contravention of s102(1)(b)(iii) National Heavy Vehicle Law (NSW).

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

17. Since this incident, Knight Rider Logistics has adopted a robust safety management system which encompasses Chain of Responsibility and NHVR compliance.

18. The company does not provide services to contractors who do not observe compliance with Mass and Dimension requirement prescribed by the National Heavy Vehicle Law.
19. All drivers and subcontractors are required to complete a detailed pre start/departure checks and take measurements and do mass calculations/assessments.

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

20. Knight Rider Logistics has held detailed discussions with its executives, office staff and internal contractors. Knight Rider Logistics is committed to the safety to its drivers and all the other road users. The company sees this Enforceable Undertaking as an opportunity to ensure compliance and to contribute towards creating a safe environment for everyone involved within the heavy vehicle industry and for other road users.

Section 3 Statements

Statement of assurance

21. Knight Rider Logistics is committed towards the safety and wellbeing of all road users and would endeavour to take all reasonable steps within its capability to ensure compliance of the National Heavy Vehicle Law.

Statement of regret

22. Knight Rider Logistics is deeply remorseful of this incident that occurred on 11 May 2022 and is grateful that no road users were injured and there was no damages to public/private infrastructure. The company has vowed to never allow any contraventions and to create a safe working environment within the heavy vehicle industry.

Statement of ability to comply

23. Knight Rider Logistics confirms that it is financially capable of carrying out the actions proposed under this enforceable undertaking.

Statement granting permission to use

24. Knight Rider Logistics grants the NHVR a permanent, irrevocable, loyalty 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

25. Not applicable

Section 4 Acknowledgement

26. The company directors acknowledge that Knight Rider Logistics has contravened s102 (1)(B)(iii) of the National Heavy Vehicle Law (NSW) under the chain of responsibility provisions.
27. The company directors understand that heavy vehicle operators must exercise a higher level of duty of care towards all road users including themselves. The company directors will ensure that all company vehicles are compliant with the applicable laws and regulations. Knight Rider Logistics see this incident as an opportunity to correct it's oversight so that no offence of such a nature occurs in the future.

Section 5 Details of Injury or Illness

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

28. 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

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

Section 6 Rectifications made

30. Knight Rider Logistics Pty Ltd 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
Ceasing work for contractors Dhunna Refrigerated Transport Pty Ltd (External contractor that engaged in provision of trailer combination that breached the maximum prescribed dimension)	\$0
Preparing updated documents for external contractors, allowing Knight Rider Logistics to refuse their services/terminate contract if the trailers/trailer combinations do not meet the NHVR standards	\$0
Preparing an updated detailed pre departure checklist and ensuring compliance at the administrative level increasing work load for office staff	\$0
Issuing safety kits (which includes relevant NHVR Manuals, Dimension & Mass Chart and 30m tape measure) to all trucks	\$500
Total cost p.a.	Approximately \$500.00

Section 7 Acknowledgement of publication

31. Knight Rider Logistics 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

32. Knight Rider Logistics 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

33. Knight Rider Logistics is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
34. Knight Rider Logistics 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

35. Knight Rider Logistics is committed to disseminating information about the enforceable undertaking to workers and other relevant parties within the chain of responsibility, including directors, safety officer, workers, and all relevant

contractors and subcontractors working for Knight Rider Logistics Pty Ltd. This information will be disseminated through email correspondence and toolbox talks.

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

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

39. Knight Rider Logistics Pty Ltd 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

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

Activities

ACTIVITY 1 – CREATING A ROLE FOR A SAFETY OFFICER WITHIN THE COMPANY

Scope

Knight Rider Logistics would create for role within the company for a safety compliance/training officer, who would regularly inspect the internal safety practices and make suitable changes. If required, the safety officer would consult a professional OHS consultant who would provide expert advice in relation the best safety practices thereby resulting in an ongoing compliance to the highest of the standards.

Details

The safety training officer would inspect company's current safety arrangements and recommend changes to the existing policies and arrangements. The safety officer would approve and keep records of all pre departure checklist completed by the sub-contractors. The safety training officer would regularly train the directors, office staff and subcontractors so that all internal stakeholders understand their obligations and responsibilities. Based on the recommendation of the expert OHS consultant, the safety training officer would test the knowledge of its existing staff on an yearly basis and provide safety induction to all its new staff/contractors when commencing work for the company. Furthermore, the safety officer would ensure that all subcontractors have the necessary safety equipment to carry out their duties as per NHVR standards

Timeframe

Safety Training Officer to be engaged within six months of acceptance of this enforceable undertaking.

Outcome

Knight Rider Logistics would formulate an up to date safety policy which would ensure ongoing compliance to the HVNL. Provision of all necessary safety equipment to the drivers. All staff member would be trained and assessed regularly by the safety training officer thereby creating awareness and minimising any HVNL breaches in the future.

ACTIVITY 1 – CREATING A ROLE FOR A SAFETY OFFICER WITHIN THE COMPANY

Costs

Approximately \$25,000 for the duration of this enforceable undertaking

Output

Knight Rider Logistics would provide proofs with respect to the tasks undertaken by the safety training/compliance officer, its consultation with an expert OHS consultant and policy changes made within the company as per the recommendations of the safety officer and OHS consultant.

ACTIVITY 2 – CHAIN OF RESPONSIBILITY COURSE

Scope

Knight Rider Logistics would enrol all its internal stakeholder including directors, office staff and sub-contractors for a chain of responsibility course and/or another relevant safety course as advised by the safety officer.

Details

Knight Rider Logistics to give notice to the NHVR of accredited training provider it proposes to engage, and the details of the course, before engaging them to allow the NHVR to comment on whether the course and training provider are appropriate.

Timeframe

Initial training to be completed within 12 months of acceptance of this enforceable undertaking

Outcome

Ensure the directors, office staff and drivers have a robust understanding of the chain of responsibility and how the company and its workers can collectively ensure compliance of the HVNL to prevent any future contraventions

Costs

Approximately \$5,000 (maximum) for the duration of this enforceable undertaking

Output

Copy of attendance sheet and certificate of completion for CoR course to be provided to the NHVR within 3 months of execution of this enforceable undertaking

ACTIVITY 3 – POLICY CHANGES

Scope

Create awareness about the prescribed dimension and mass requirements within the heavy vehicle industry and set an industry standard which would allow small scale sub-contractors to exercise a level of control over large scale corporate contractors in negotiating terms which prioritise the safety of heavy vehicle operators and other road users.

Details

Knight Rider Logistics would get all external contractors to sign appropriate documents, requiring them to ensure compliance with dimension and mass requirement and allowing Knight Rider Logistics to terminate its services if a non-compliance is detected or becomes apparent.

Timeframe

Signed documents to be received from existing external contractors within 6 months of acceptance of this enforceable undertaking

Outcome

An overall improvement in the industry practices with the benefits to trickle down to all road users and to the wider community

Costs

Approximately \$100

Output

ACTIVITY 3 – POLICY CHANGES

A list of signed documentation with all existing contractors to be provided to NHVR within 3 months from the date of executing this enforceable undertaking

ACTIVITY 4 - PREPARATION AND DISTRIBUTION OF PAMPHLETS ON PRESCRIBED DIMENSION REQUIREMENTS APPLICABLE TO HEAVY VEHICLE

Scope

Knight Rider logistics would prepare a pamphlet in consultation with the NHVR. The approved pamphlet can be used by the NHVR and be distributed to the broader trucking community

Details

Knight Rider logistics would engage in preparing an educational pamphlet/leaflet on the dimension requirements applicable to heavy vehicles. The content of the pamphlet would be approved by NHVR. The approved pamphlet would be distributed to the heavy vehicle operators/companies/workers unions through print media and digitally.

Timeframe

Approved pamphlet to be available for distribution within 12 months of acceptance of this enforceable undertaking

Outcome

The pamphlet would educate various stakeholders within the trucking industry on their obligations and dimension requirements applicable to each class of heavy vehicle. A better understanding of the dimensions requirements would lead to a safer working environment for all road users.

Costs

Approximately \$2500 for designing and printing the pamphlets

Output

Knight Rider Logistics would send the first draft of the pamphlet within 6 months from the date of execution of the enforceable undertaking. The company can then either have the approved pamphlets printed personally for distribution or pay for the agreed printing costs.

ACTIVITY 5 - ORGANISING A TOOLBOX TALK/SEMINAR EMPHASISING ON THE HEAVY VEHICLE DIMENSION REQUIREMENTS

Scope

Knight Rider logistics would conduct a toolbox talk/seminar to emphasise and educate the attendees on the importance of heavy vehicle dimension requirements. Invitations would be extended to the members of the wider trucking community.

Details

The company would hold a toolbox talk and invite members of the wider trucking community to participate. Emphasis would be paid to the importance of heavy vehicle dimension requirements and how each attendee can play their part in ensuring compliance and safety of all road users/infrastructure. The attendees would be given the opportunity to share their feedback. Upon the delivery of the talk, there would be a quiz to test the knowledge of the attendees on the heavy vehicle dimension requirements. The toolbox talk would conclude with light refreshments for all the attendees.

Timeframe

Toolbox talk to be held within 6 months of acceptance of this enforceable undertaking

Outcome

The primary purpose of this initiative is to educate the stakeholders within the heavy vehicle industry and how everyone can collectively adopt practices to ensure compliance with the dimension requirements. This initiative would not only benefit Knight Rider Logistics but have a greater impact on the broader trucking community.

Costs

Approximately \$2500

Output

Knight Rider Logistics would provide a list of all attendees along with pictures of this event to the NHVR within 6 months from the date of execution of the enforceable undertaking

42. The total estimated value of the undertaking is approximately \$35,100.00 for the duration of this enforceable undertaking.

Part 4 Offer of undertaking

Executed as an Undertaking

Executed by Knight Rider Logistics Pty Ltd ACN: 635 481 935 pursuant to section 127(1) of the *Corporations Act 2001* (Cth) by:

[Redacted]	[Redacted]
Signature of Director	Signature of Director/Company Secretary
[Redacted]	[Redacted]
Name of Director (print)	Name of Director/Company Secretary (print)
Date: 1/10/2022	Date: 1/10/2022

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:

[Redacted]
Signature of Chief Executive Officer
Sal Petrocchio
Name of Chief Executive Officer (print)
Date: 12/10/2022 <small>Click or tap to enter a date.</small>