



# Enforceable Undertaking

## Chapter 10.1A

### Heavy Vehicle National Law

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

By

Christopher Paul FORD

ABN: Not applicable

## Part 1 Executive summary

### Section 1 Agreed actions

1. Undertake transport safety online courses [REDACTED] within three months.
2. Obtain and implement an approved electronic work diary (LogMaster Pty Ltd) within one month.
3. Make a donation to the Road Trauma Support Group NSW (\$6,000) within 6 months

### Section 2 Total cost of actions

4. Online Course - \$420
5. Electronic Work Diary - \$16.50 per month (\$198 per annum)
6. Donation to RTSG NSW - \$6,000

## Part 2 General information

### Section 1 Purpose

7. 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

8. The commitments in this enforceable undertaking are offered to the NHVR by Christopher Paul Ford (Chris).
9. 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:	Sole Trader
Type of business:	Driver
Commencement of entity:	18 April, 1995
Number of workers:	1
Products and/or services:	Driver for hire

#### Details of the alleged contravention

10. It is alleged Chris, being a solo driver of a fatigue regulated heavy vehicle, on two occasions, worked for more than the standard maximum work hours (being 13 hours 30 minutes in two 24 hour periods commencing at 4.30pm on 25 June, 2023 and 7am on 26 June, 2023 – such alleged contraventions ranking as in the severe category).

#### Details of the events surrounding the alleged contravention

11. Chris was subjected to an inspection of his driver's work diary during a stop inspection on 30 September, 2023.
12. Upon inspection of his work driver's diary (pages [REDACTED]) the authorised officers identified alleged breaches of the Heavy Vehicle National Law regarding exceeding the maximum work hours.

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

13. There is no allegation any injury or financial loss arose from the alleged contraventions.

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

14. The following Court Attendance Notices have issued in relation to the contraventions:
- [REDACTED] and
  - [REDACTED]

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

15. Chris is a solo driver and maintains a current, compliant and complete paper driver work diary.

16. Chris admits he has not completed any formal training in relation to maintaining a driver work diary or as to fatigue management, a situation which he is now determined to remedy.

### **Section 3 Statements**

#### **Statement of assurance**

17. Chris confirms he is committed to complying with his obligations under the Heavy Vehicle National Law and to ensure he adopts safe working practices that protect others potentially affected by his driving activities.

#### **Statement of regret**

18. Chris understands the potential risk for injury and damage to others in the unsafe driving activities which he undertook in the two periods between 25 and 27 June, 2023 and regrets his actions.

#### **Statement of ability to comply**

19. Chris confirms he has the financial and operational capacity to comply with the term of this enforceable undertaking.

#### **Statement granting permission to use**

20. Chris grants the National Heavy Vehicle Regulator 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 National Heavy Vehicle Regulator.

#### **Statement of prior undertakings**

21. Chris has not been the subject of any prior undertaking made to any other statutory body.

### **Section 4 Acknowledgement**

22. Chris acknowledges that the National Heavy Vehicle Regulator alleges he has contravened, on two occasions, section 250(1)(a) of the Heavy Vehicle National Law.
23. The alleged contraventions are taken very seriously by Chris who is committed to providing a safe and healthy workplace for himself and to conduct his business in a way that helps protect the environment and communities in which he operates.

### **Section 5 Details of Injury or Illness**

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

24. 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**

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

### **Section 6 Rectifications made**

26. Chris has already completed the course, Apply a fatigue risk management system - TLIF0005. (No injuries were sustained to workers or members of the public (nor was any damage done) as a result of the alleged contravention.)

## **Section 7 Acknowledgement of publication**

27. Chris 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**

28. Chris is committed to ensuring that the behaviour that led to the alleged contravention has ceased and that he will take all reasonably practicable steps to prevent recurrence.

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

29. Chris is committed to the ongoing effective management of public risks associated with transport activities within its business operations.
30. Chris has a commitment to ongoing continuous improvement in how he 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**

31. Not applicable. Chris has no employed workers or other relevant parties within any chain of responsibility.

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

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

35. Chris 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**

36. As part of this enforceable undertaking, Chris aims to deliver strategies that focus on benefits to the transport industry and the broader community.
37. Not applicable. Chris has no employees or contractors whom he could educate, train and raise awareness among.

## Activities

### Activity 1 – Donation

#### Scope

Donating a substantial sum to the Road Trauma Support Group NSW

#### Details

Donate the sum of \$6,000

#### Timeframe

Donate within 6 months of the making of the Enforceable Undertaking

#### Outcome

Road Trauma Support Group NSW will have funds to promote its objects.

#### Costs

\$6,000

#### Output

Receipt from Road Trauma Support Group NSW within 6 months of the making of the Enforceable Undertaking

### Activity 2 – Electronic Work Diary

#### Scope

Purchase of Electronic Work Diary system from LogMaster Pty Ltd (LogMaster Australia app)

#### Details

The LogMaster Australia app is a licensed product costing \$16.50 per month with a minimum subscription of 12 months

#### Timeframe

Purchase and implement within 3 months of the making of the Enforceable Undertaking

#### Outcome

Chris will have available an electronic diary designed to highlight compliance factors applicable to his driving activities.

#### Costs

\$198

#### Output

Monthly compliance report for 12 months.

### Activity 3 – Education

#### Scope

Undertaking online accredited educational courses

#### Details

Undertaking educational activities with [REDACTED] as follows:

- Ensure the safety of transport activities (chain of responsibility) (TLIF0009)
- Apply fatigue management strategies (TLIF2010)
- Complete a work diary in the road transport industry (TLIE3028)

<b>Activity 3 – Education</b>
<b>Timeframe</b> Complete courses within 3 months of the making of the Enforceable Undertaking
<b>Outcome</b> Education relevant to offences to ensure comprehension and compliance with safety standards required.
<b>Costs</b> TLIF0009 \$120 / TLIF2010 \$220 / TLIE3028 \$80
<b>Output</b> Certificate of Completion.


38. The total estimated value of the undertaking is \$6,618.

## Part 4 Offer of undertaking

Executed as an Undertaking

Christopher Paul Ford ABN: [Enter ABN number]

:


<b>Signature of Solo Driver</b>
Christopher Paul Ford
<b>Name of Director (print)</b>
<b>Date:</b> 12/03/2024

## 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:


<b>Signature of Executive Director</b>
Raymond Hassall
<b>Name of Executive Director (print)</b>
<b>Date:</b> 26/03/2024