

Major safety failure by tow truck operator led to the death of a South Australian truck driver

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A South Australian tow truck operator has received a custodial sentence under the Heavy Vehicle National Law (HVNL) after he pleaded guilty to a Category 1 offence involving a fatality.

In February 2019, a 67-year-old man was killed when his truck rolled off the back of a tow truck. An investigation led by South Australian Police revealed that the tow truck operator's conduct was reckless in failing to ensure the safety of their transport activities, ultimately resulting in the fatality of their customer.

The Operator was charged with failing to comply with his safety duty, and the Court has imposed a custodial sentence of ten months, reduced to 6 months due to a guilty plea. This has been wholly suspended on the condition of good behaviour for two years.

A Prohibition Order was also made which prohibits the operator from engaging in any transport activities for a period of 12 months.

A Category 1 offence is the most serious offence under the HVNL, with a maximum of five years imprisonment.

Under the HVNL heavy vehicle operators are required to perform their safety checks and follow procedures each time the vehicle is used.

The NHVR recommends that all operators provide adequate information, training, instruction, and/or supervision of loading requirements and procedures to drivers to ensure that heavy vehicles are loaded and restrained safely.

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