

TABLE: REQUIRED MATERIAL FOR AN ENFORCEABLE UNDERTAKING

| Section 1: General information | Section 2: Enforceable terms |
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| <p>This section provides the NHVR with background information on the person and relevant matters surrounding the contravention.</p> <p>Make sure you provide the following general information:</p> <ol style="list-style-type: none"> 1. Details of: <ol style="list-style-type: none"> a. the person proposing the EU; b. the alleged contravention; c. the events surrounding the alleged contravention (for example, incident details) or any injury or financial loss that arose from the alleged contravention; d. any notices issued that relate to the alleged contravention; and e. any existing transport safety management systems at the workplace including the level of auditing currently undertaken or any consultation undertaken within the company regarding the proposal of an EU. 2. A statement: <ol style="list-style-type: none"> a. of assurance about future HVNL compliance or of regret that the incident occurred (i.e. not an admission of guilt); b. of ability to comply with the terms of the EU; c. granting the NHVR a licence to use the person's intellectual property developed as part of the EU. d. acknowledging that the NHVR has alleged a contravention has occurred. 3. When an alleged contravention is associated with an injury/illness, details of the: <ol style="list-style-type: none"> a. type of workers compensation provided (if the injured person is a worker of the person); and b. support provided, and proposed to be provided, to the injured person to overcome the injury/illness. 4. Any rectifications made as a result of the alleged contravention and acknowledgement that the EU will be published and may be publicised 5. Where a term involves a donation, details of the relationships held with any beneficiaries and details of how the reason for the donation will be communicated to the beneficiary. <p>The person may be required to complete a statutory declaration outlining details of any prior HVNL or WHS convictions, convictions for dishonesty or entry into another EU. This information will not be published in the EU, but will be used as part of the EU evaluation process.</p> | <p>The undertaking must set out enforceable terms, which the person will be accountable for completing.</p> <p>Each of the terms must be relevant, achievable and clearly defined with a way to assess or measure whether the obligation has been carried out. Where possible, all terms are to have a nominated cost and timeframe for delivery. Where delivery will be progressive, the term should include interim goals.</p> <p>An undertaking must include the following enforceable terms:</p> <ol style="list-style-type: none"> 1. A commitment: <ol style="list-style-type: none"> a. that the behaviour that led to the alleged contravention has ceased and will not reoccur; b. to the ongoing effective management of public risks associated with transport activities; c. to disseminate information about the undertaking to workers and other relevant parties in the chain of responsibility and in its annual report (if applicable); d. to participate constructively in all compliance monitoring activities of the EU so that any benefit arising from the EU will clearly link the benefit to the undertaking and make clear that the undertaking was entered into as a result of an alleged contravention. 2. Strategies that will deliver: <ol style="list-style-type: none"> a. benefits to drivers and parties in the CoR of transport industry benefits b. community benefits – proposed initiatives must focus on delivering transport safety outcomes within the community, rather than merely being a general financial donation that can be used as the recipient determines. 3. Where the NHVR considers appropriate in the circumstances, a commitment to: <ol style="list-style-type: none"> a. establish and maintain (or maintain if a system already exists) a transport safety management system, acceptable to the NHVR, that meets the principles of occupational health and safety guidance; b. ensure the transport safety management system is audited by third-party auditors that meet the principles of occupational health and safety guidance with guidance for use as set by the NHVR; c. provide a copy of each finalised transport safety management system audit report to the NHVR, along with a letter certifying that the report has not been altered from the copy provided by the transport safety management system auditor; d. implement the recommendations from the audits (unless otherwise negotiated with the NHVR). |