



Enforceable Undertaking

Chapter 10.1A

Heavy Vehicle National Law

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

By

Lance Michael Votta

ABN: 61 071 413 786

Part 1 Executive summary

Section 1 Agreed actions

1. Mr. Lance Michael Votta agrees to comply with the actions contained in this Enforceable Undertaking.
2. The National Heavy Vehicle Regulator consents to the undertaking and the actions stipulated herein and agrees to withdraw the charge against Mr. Lance Votta filed at the Magistrates' Court of Victoria.

Section 2 Total cost of actions

3. The cost of a tailored course is \$1,100.00.
4. The cost of providing information to the community to create awareness is also \$1,100.00.

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 **Lance Michael Votta**.
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:	Individual
Type of business:	Sole Proprietor
Commencement of entity:	9 March 2021
Number of workers:	Nil
Products and/or services:	Equipment Hire

Details of the alleged contravention

8. On 11 May 2022, Mr. Votta loaded his truck with dirt and was transporting it from Greensborough to Sunbury. Mr Votta was driving along Sunbury Road, Sunbury when he was intercepted by NHVR authorized officers, and his truck was weighed on a slope. The weight of the dirt on the drive axle was 11,350 kgs, but he was provided with an adjustment of 500 kgs because it was a category 3 site. The permitted drive axle mass is 9,000 kgs.

Details of the events surrounding the alleged contravention

9. Mr Votta is a sole proprietor who began this business of providing his truck for hire after losing his primary

occupation in aviation due the COVID 19 pandemic.

10. On 11 May 2022, Mr Votta was carrying excess dirt from a pool dig out in Greensborough to a client in Sunbury.

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

11. There was no injury to anyone as a consequence of the contravention.
12. Nobody suffered any financial loss as a consequence of the contravention.

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

13. Mr Votta received summons to appear at the Broadmeadows Magistrates Court on 18 October 2022.
14. The matter was administratively adjourned to 3 February 2023 for a Mention, in order to allow the parties to negotiate an outcome.

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

15. Mr Votta is the sole proprietor of his for-hire business. He is an owner operator. He is responsible for ensuring that his truck and other equipment meet all safety standards.
16. Mr Votta ensures that his truck is at all times roadworthy.
17. The truck is Mr Votta's main piece of equipment for his business. Mr Votta ensures that the truck and his other equipment are in a safe condition.

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

18. Mr Votta is an owner operator. Consultation within the company is not applicable to Mr Votta.

Section 3 Statements

Statement of assurance

19. Mr Votta confirms that he is committed to complying with its obligations under the HVNL and ensuring, so far as is reasonably practicable, the health and safety of himself, his customers, the community and others that have the potential to be affected by his business.

Statement of regret

20. Mr Votta accepts and regrets that the drive axle mass of his vehicle was overloaded and that it may have caused a safety issue for himself and other road users.
21. Mr Votta also regrets not being aware of the drive axle mass requirements for his vehicle and has since rectified his lack of awareness.

Statement of ability to comply

22. Mr Votta has the capacity (both financial and operational) to comply with the requirements of this undertaking.

Statement granting permission to use

23. Mr Votta 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

24. Mr Votta has not been the subject of an undertaking from another statutory body.

Section 4 Acknowledgement

25. Mr Votta acknowledges that the NHVR alleges that he has contravened section 96(1)(c) of the HVNL.

26. The alleged contraventions are taken very seriously by Mr Votta, who is committed to providing a safe and healthy workplace to conduct his business in a way that helps protect the environment and the 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)

27. 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

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

Section 6 Rectifications made

29. Mr Votta is committed to ensuring he 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
Installation of weight indicator on rear axle to monitor payload	\$870.00 including labour costs
Total cost p.a.	

Section 7 Acknowledgement of publication

30. Mr Votta 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

31. Mr Votta 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

32. Mr Votta is committed to the ongoing effective management of public risks associated with transport activities within his business operations.
33. Mr Votta has a commitment to ongoing continuous improvement in how he manages risks associated with his 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

- 34. Mr Votta is committed to disseminating information about the enforceable undertaking to workers and other relevant parties within the chain of responsibility, including senior and operational management, health and safety management team, Health and Safety Committees and Health and Safety Representatives, workers, and all relevant contractors and subcontractors working for Mr Votta. This information will be disseminated directly to the people.

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

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

- 38. Mr Votta 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

- 39. As part of this enforceable undertaking, Mr Votta 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.
- 40. Mr Votta intends to achieve these outcomes through the implementation of the strategies set out below that aim to educate and train himself and all people that may in the future become employed by him.

Activities

Activity 1 – Mass Management Course
Scope
Personalised face to face course by Mass Management of [REDACTED]
Details
The training course will be tailored for Mr Votta’s business include an understanding of Gross weight, axle group weights, interpreting maximum payloads, tare, GVM and GCM definitions. The training course will also cover Load Restraint, the NTC Load Restraint Guide, the NHVR National Heavy Vehicle Inspection Manual (NHVIM), driver and vehicle safety.
Timeframe
To be completed within 6 months.
Outcome

Activity 1 – Mass Management Course
Mr Votta will have a greater understanding and knowledge of mass management and operation of heavy vehicles in general
Costs
\$1,100.00 to complete the course
Output
Mr Votta will provide notes taken or copies of the training materials to the NHVR as part of the monitoring.
Activity 2 – Development of Guide for distribution
Scope
Upon completion of the course with Mass Management, development of a Mass Limit Guide in a sticker form to be distributed to potential customers and/ or truck users to be affixed to the trucks for greater awareness of the Mass Limits
Details
Mr Votta, to develop, with the assistance of Mass Management, of [REDACTED] a simple Mass Limits Guide for smaller rigid-body trucks and typical truck and dog trailer combinations which generally operate in the demolition, civil construction and landscaping sectors. The guide to be in the form of an A4 sticker highlighting the typical maximum permitted axle and gross masses. The sticker/guide to be distributed to landfill sites, landscaping supply business, and civil construction business and the sticker could be affixed to these types of vehicles to increase awareness of the users of these vehicle types.
Timeframe
To be completed within 6 of the completion of the Mass Management Course.
Outcome
Bringing greater awareness and knowledge to the users of heavy vehicles and the community in general in relation to the mass limits of heavy vehicles.
Costs
\$1,100
Output
Mr Votta will monitor and keep details of who received stickers and the amount of stickers distributed and provide them to the NHVR.

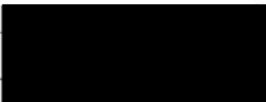
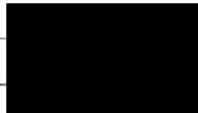


41. The total estimated value of the undertaking is \$2,200.00 for the activities and \$870.00 that Mr Votta has already paid for the installation of a weight indicator.

Part 4 Offer of undertaking

Executed as an Undertaking


Mr Lance M Votta ABN: 61 071 413 786

Executed by Lance M Votta ABN: 61 071 413 786 :

Signature 	Signature of Witness 
Name 	Name of Witness 
Date: Click or tap to enter a date. 23/12/2022	Date: Click or tap to enter a date. 23/12/2022

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:


Signature of Chief Executive Officer
Sal Petrocchio
Name of Chief Executive Officer (print)
Date: Click or tap to enter a date. 30/01/2023