

ENFORCEABLE UNDERTAKING

Chapter 10.1A

Heavy Vehicle National Law

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

by

Laing O'Rourke Australia Construction Pty Ltd

ABN 39 112 099 000

Enforceable Undertaking

PART 1 - PURPOSE

1. The purpose of this enforceable undertaking is to document the undertakings offered to the National Heavy Vehicle Regulator pursuant to Chapter 10.1A of the Heavy Vehicle National Law (HVNL) in connection with matters relating to alleged contraventions of the HVNL.

PART 2 – GENERAL INFORMATION

Section 1 – General Information

Details of the person proposing the undertaking

Registered address:	Level 21, 100 Mount Street, North Sydney NSW 2060
Postal address:	As above
Telephone contact:	(02) 9903 0300
Email address:	HealthAndSafety@laingorourke.com.au
Legal structure:	Privately Held Company
Type of business:	Design and construction services across Australia
Commencement date of the entity:	Laing O'Rourke was formed in 2001
Number of workers:	Full-time: 1,220 Part-time: 55 Casual: 185
Products and/or services	Laing O'Rourke is an international engineering enterprise that operates an integrated business model comprising the full range of engineering, construction and asset management services. Across Australia, Laing O'Rourke Australia Construction Pty Ltd (LORAC) delivers building and infrastructure projects including rail infrastructure operations in the Hunter Valley and Sydney. LORAC also owns a number of engineering, construction, manufacturing and specialist services companies, including Select Plant Hire.

Details of the alleged contraventions

2. It is alleged by the Roads and Maritime Services (RMS) that on 16 October 2018 and 24 May 2019 respectively, LORAC failed to comply with the mass requirements as required by section 96(1)(c) of the HVNL.

Details of the events surrounding the alleged contraventions

3. On 16 October 2018 at 11:04am a registered heavy vehicle operated by LORAC was weighed at Mount White on the Pacific Highway and it is alleged that the weight detected on Axel Group 1 of that vehicle was 7.88 tonne, 21.2% in excess of the 6.50 tonne weight allowed.
4. On 24 May 2019 at 6:42am a registered heavy vehicle operated by LORAC was weighed at Kankool on the New England Highway and it is alleged that the weight detected on that vehicle was 26.92 tonnes, 34.6% in excess of the 20-tonne weight allowed.

An acknowledgement that the National Heavy Vehicle Regulator alleges that contraventions have occurred

5. LORAC acknowledges that in each case the RMS alleges that LORAC has contravened section 96(1)(c) of the HVNL.
6. The alleged contraventions are taken very seriously by LORAC, its directors, senior managers and managers across its construction operation, who are committed to achieving incident and injury free workplaces wherever LORAC has a presence.

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

7. There were no injuries or financial loss that arose as a result of the alleged contraventions.

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

8. LORAC has received the following Breach Reports from RMS:
 - (a) Breach Report (TBR00146255) dated 16 October 2018 in respect of the alleged contravention that occurred on 16 October 2018; and
 - (b) Breach Report (TBR00150315) dated 24 May 2019 in respect of the alleged contravention that occurred on 24 May 2019.
9. LORAC has also received Court Attendance Notices:
 - (a) In respect of the alleged contravention that occurred on 16 October 2018, Court Attendance Notices in relation to hearings before the Gosford Local Court of NSW; and
 - (b) In respect of the alleged contravention that occurred on 24 May 2019, Court Attendance Notices in relation to hearings before the Quirindi Local Court of NSW.

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

10. LORAC has a comprehensive safety management system in place, titled 'Next Gear Health, Safety and Environment Management System' (**Next Gear HSEMS**) which encompasses transport safety management.
11. The Next Gear HSEMS has been implemented on all LORAC's major projects across Australia since 2016, including the projects in which the alleged contraventions occurred.
12. The Next Gear HSEMS is based on a model of continuous improvement and is designed to achieve compliance with legislative requirements (including work health and safety legislation and the HVNL), applicable standards (including AS 4801, ISO 18001 and ISO 45001) and the expectations of governing bodies (including work health and safety Regulators, the National Heavy Vehicle Regulator and the Office of the Federal Safety Commissioner (**OFSC**)).
13. The Next Gear HSEMS is comprised of four components:
 - (a) Organisation and Engagement, which is directed at ensuring the organisation is capable of operating within its intended operating environment and establish operations for successful delivery with regards to its health and safety risk profile;

- (b) Primary Standards, including standards, processes and guidance material that specifically address the requirements of the HVNL, including Fatigue Management, Loading and off-loading of vehicles, journey management, Heavy Vehicle Speed Management, Fitness for Work and Alcohol and Other Drugs;
 - (c) Assurance and Event Management, which establish assurance and compliance activities as part of a thorough due diligence process to encourage and foster continual improvement, innovation and appropriate responses to unplanned events; and
 - (d) HSE Information, which provides supplementary information, requirements and guidance on how to achieve the objectives of the Next Gear HSEMS.
14. The Next Gear HSEMS has been assessed against the Officer of the Federal Safety Commissioner (OFSC) Audit Criteria and LORAC successfully became accredited on 8 July 2017. As part of the ongoing requirements of the OFSC's OHS Accreditation Scheme, LORAC participates in regularly scheduled audits at the project level. These audits focus on both legal compliance and compliance to the OFSC scheme criteria.
15. Under the LORAC Assurance and Event Management system requirements the internal audit program consists of various inspections and audits at the project level, the sector level and at the business level. Audits are conducted in accordance with the audit schedule developed by HSE Leaders. The audit schedule is established and executed annually. Audit tools have been developed and are used by the internal auditors. These tools have been designed to focus on compliance with legislation, Australian Standards, Next Gear HSE system requirements and Fatal & Severe Risks (FSRs).

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

16. LORAC has a different way of approaching work that is a solution focussed approach empowering people to trust and make decisions based on critical risk. We recognise that solutions are driven by people taking responsibility, rather than meeting top down accountabilities. As such, our consultation process has placed people at the centre of decision-making, empowering them to generate ideas and be solution focused. This includes people from our Rail Operations, Select Plant Hire, Engineering Excellence and HSE Teams. Consultation with workers in the Hunter Valley Rail Operations was undertaken during a workshop in Maitland, NSW on 4 September 2019.
17. Consultation involved ongoing discussions with key stakeholders on the proposed deliverables to ensure they would have the maximum benefits for LORAC people, services and business; the industries in which we operate; the supply chain and the broader community.
18. Consultation was also conducted with LORAC Leadership and governing committees including:
- Managing Director Australia Hub;
 - Australia Hub Executive Committee; and
 - Health, Safety and Environment Executive Committee.

Section 2 – Statements

Statement of assurance
19. LORAC confirms that it is committed to complying with its obligations under the HVNL and ensuring, so far as reasonably practicable, the health and safety of all workers and those who may be affected by its business or undertakings.
Statement of regret
20. LORAC regrets that the incidents on 16 October 2018, and 24 May 2019 occurred.
Statement of ability to comply
21. LORAC confirms that it has the financial and operational capacity to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

Intellectual property licence

22. LORAC grants the NHVR a permanent, irrevocable, royalty-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.

Section 3 – Acknowledgement

23. LORAC acknowledges that the RMS has alleged that LORAC has, on two separate occasions, contravened the section 96(1)(c) of the HVNL.

Section 4 – Details of injury or illness

Type 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 contraventions.
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 contraventions.

Section 5 – Rectifications made

26. The Next Gear SMS is designed to promote continual improvement and, with the implementation of the amended HVNL on 1 October 2018, LORAC required each project/workplace to complete a self-assessment against the Chain of Responsibilities obligations to identify any specific gaps. The self-assessment was distributed on 5 October 2018, 11 days prior to the first alleged contravention. The assessment findings reported on 20 February 2019, included 10 project/workplace and 2 business level recommendations.
27. While the action of conducting a self-assessment is not considered a rectification, several of the actions arising from the assessment are related to rectifying the incident dated 16 October 2018, as it occurred during the assessment period. These include:

Description	\$ Amount (Estimated Internal Staff Costs)
28. Review Project Risk Assessment to ensure that Chain of Responsibility is included and appropriately risk assessed.	\$1,920
29. Completed at Hunter Valley Rail Operations & Sydney Rail Operations.	
30. Review associated SWMS and update as required.	\$4,800
31. Completed at Hunter Valley Rail Operations & Sydney Rail Operations.	
32. Ensure that all personnel have completed the mandatory on-line Chain of Responsibility training.	\$960
33. Completed at Hunter Valley Rail Operations & Sydney Rail Operations.	
34. Assess the specific risks associated with site logistics, driver fatigue and loading/unloading to identify and implement controls as required.	\$1,920
35. Completed at Hunter Valley Rail Operations & Sydney Rail Operations.	

36. Review and update PS Site Establishment and Logistics to clearly define Chain of Responsibility requirements.	\$1,920
37. Completed by Central HSE group.	
38. Review and update RACI chart to include Chain of Responsibility obligations.	\$1,920
39. Completed at Hunter Valley Rail Operations & Sydney Rail Operations.	

40. Following the incident dated 24 May 2019, the following rectifications have been made:

Description	\$ Amount
41. Rail Operations in conjunction with Select Plant Hire developed and delivered a Chain of Responsibility Training session in Maitland, NSW on 4 September 2019, specifically focused on common rail plant and equipment. The session was attended by 21 workers.	\$9,500* *Estimated costs due to internal staff costs for development and attendance, travel, room and training materials.
42. Select Plant Hire has developed Heavy Vehicle Mass specification sheets for issue to all projects using heavy vehicles which carry plant and equipment or loads. This process involves having all Heavy Vehicles weighed for each axle group to provide the detail in the specification sheets for drivers.	\$18,720* *Estimated Internal Staff Cost
43. Total 28 Heavy Vehicles (39 including the trucks which are 4.5GVM)	
44. Select Plant Hire is trialling an onboard weighing system designed to give the operator warning when the weight on any pre-programmed axle group is close to the overload limit. The onboard weight sensors are an overload detection device only and have been installed on TRUK073 (Vehicle involved on 24 May 2019 event).	\$11,850 (as quoted by supplier on 11 November 2019)
45. Hunter Valley Rail Operations (HVRO) engaged an external training provider to deliver the following units: <ul style="list-style-type: none"> CHAIN OF RESPONSIBILITY 1, TLIF0001 - Apply chain of responsibility legislation, regulations and workplace procedures; TLIA1001 - Secure Cargo; and TLID2004 - Load and unload goods/cargo. 	\$4,435 (as invoiced by training provider on 10 September 2019)
46. Total 9 Employees completed	
47. Sydney Rail Operations (SRO) engaged an external training provider to deliver the following units: <ul style="list-style-type: none"> CHAIN OF RESPONSIBILITY 1, TLIF0001 - Apply chain of responsibility legislation, regulations and workplace procedures; TLIA1001 - Secure Cargo; and TLID2004 - Load and unload goods/cargo. 	\$4,200 (as invoiced by training provider on 26 March 2019)
48. Total 12 Employees completed	
Total amount spent on rectifications	\$62,145

Section 6 – Acknowledgment of publication

49. LORAC acknowledges that the enforceable undertaking will be published on the NHVR's internet site and may be referenced in the NHVR's publications.

Section 7 – Relationship with beneficiaries

50. LORAC confirms that there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking.

PART 3 – ENFORCEABLE TERMS

Section 1 – Commitments

Commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur
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| 51. LORAC is committed to ensuring that the behaviour that led to the alleged contraventions has ceased and that it will take all reasonably practicable steps to prevent recurrence. |
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Commitment to the ongoing effective management of public risks associated with transport activities
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| 52. LORAC is committed to the ongoing effective management of public risks associated with transport activities within its business operations. Along with the initiatives which form part of this undertaking, there will be a continuation and ongoing improvement of the existing Next Gear programs and activities. |
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Commitment to disseminate information about the EU to workers and other relevant parties in the chain of responsibility
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| 53. LORAC is committed to disseminating information about the enforceable undertaking to workers and other relevant parties within the chain of responsibility, including LORAC's health and safety executive, LORAC's health and safety teams and all relevant subcontractors working for LORAC. This information will be disseminated through the Next Gear SMS, Australia Hub's Safety Management System which is accessible for all employees, clients and partners within 2 months from the date of acceptance of the EU. |
| 54. LORAC commits that any strategies that involve safety information being provided to the industry and community will be subject to the NHVR's review and consent prior to dissemination. |

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

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| 55. LORAC is committed to participating constructively in all compliance monitoring activities of the EU. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with LORAC and evidence to demonstrate compliance with the terms will be provided to the NHVR by the due date for each term. |
| 56. The evidence provided to demonstrate compliance with this undertaking will be retained by the person who has given this undertaking until advised by the Regulator that this undertaking has been completely discharged. |
| 57. It is acknowledged that NHVR may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to 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 clear that the undertaking was entered into as a result of an alleged contravention

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| 58. LORAC 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 contraventions. |
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Section 2 – Strategies that will deliver benefits

59. As part of this enforceable undertaking, LORAC aims to deliver strategies that focus on:

- (a) benefits to drivers and parties in the chain of responsibility;
- (b) benefits to the transport industry; and
- (c) benefits to the broader community.

60. LORAC intends to achieve these outcomes through the implementation of the following strategies that aim to educate, train and raise awareness about the chain of responsibility laws.

Chain of Responsibility Training – National Intervention

Scope:

61. Development and delivery of a bimodal learning and development program for LORAC employees to increase awareness, knowledge and skills regarding chain of responsibility legislation. The program will be consistent with the elements of the nationally recognised Chain of Responsibility units of competency and will build upon an existing LORAC Chain of Responsibility Training Awareness Video.

Target issue

62. LORAC is targeting an improvement in awareness of Chain of Responsibility requirements across all levels of LORAC employees.

Tangible outputs / deliverables

63. The bimodal learning and development program will comprise two components:

- 1 - A Chain of Responsibility Online Training Course (Component 1); and
- 2 - 5 x Face to Face Chain of Responsibility Training Workshops (Component 2) across NSW, VIC and SA.

64. The tangible outputs / deliverables specified below will be completed within the estimated timeframes from the acceptance of the EU (Start Date):

1. Chain of Responsibility Online Training Course (Component 1)	
Description of deliverable	Timeframe
Project Management Planning 65. Develop a project plan for the Chain of Responsibility Training – National Intervention that identifies key deliverables, milestones and dates for completion. The project plan will also identify the participants for the Online Training Course. 66. Output: The Project Plan will be submitted to NHVR as evidence of this deliverable.	Within 2 months of the Start Date.
Develop training plan 67. An external training provider will be engaged in accordance with the LORAC Procurement Policy to develop a detailed training plan that will outline the content of the Online Training Course at a high level, which will include: <ul style="list-style-type: none"> • Providing an overview of the Chain of Responsibility law; • Explaining the importance of safe load restraint, appropriate load mass and dimension, and prevention of driver fatigue and speeding; • Identifying key responsibilities, requirements and actions for load restraint, load mass and dimension, driver fatigue and driver speeding; and • Explaining the action that must be taken if a potential or actual breach of Chain of Responsibility is observed. 68. Output: The Training Plan will be submitted to NHVR as evidence of this deliverable.	Within 5 months of the Start Date.
Develop online training course	Within 10 months of the Start Date.

<p>69. Following the development of the training plan, an external provider will be engaged in accordance with the LORAC Procurement Policy to develop online training course.</p> <p>70. LORAC will hold a consultation meeting with the NHVR during the development of the online training course.</p> <p>71. Output: The meeting minutes will be submitted to NHVR as evidence of this deliverable.</p>	
<p>Publish the online training course</p> <p>72. Following successful development and testing of the online training course, LORAC will prepare and distribute information about the training course to identified course participants. The online training will be mandatory for all participants identified in the Project Plan to complete within 3 months of publication.</p> <p>73. The online course will be published in accordance with LORAC's relevant policies including its Learning and Development Policies.</p> <p>74. Output: A copy of the published online training course will be submitted to NHVR as evidence of this deliverable.</p> <p>75. Output: A report on the completion of mandatory participants will be submitted to NHVR as evidence of this deliverable within 15 months of the Start Date.</p>	<p>Within 12 months of the Start Date.</p>

2. Face to Face Chain of Responsibility Training Workshops	
Description of deliverable	Timeframe
<p>Engage external provider</p> <p>76. An external training provider will be engaged in accordance with the LORAC Procurement Policy to develop a detailed workshop training program customised for LORAC activities and services, prepare training materials and deliver all workshops.</p>	<p>Within 6 months of the Start Date.</p>
<p>Develop workshop training program</p> <p>77. Develop a detailed workshop training program for the face to face workshops that provides for consolidation of learning from the online training course and will involve hands-on training of the skills required to demonstrate compliance with LORAC procedures and regulatory requirements.</p> <p>78. The workshop training program will outline dates, times, venues, presenters and mandatory participants of each workshop.</p> <p>79. Output: The Workshop Training Program will be submitted to NHVR as evidence of this deliverable.</p>	<p>Within 10 months of the Start Date.</p>
<p>Develop training materials</p> <p>80. Following the development of the workshop training program, workshop training materials will be designed, developed and printed (and/or published) and training equipment will be sourced for each workshop location.</p> <p>81. Output: A copy of the training material will be submitted to NHVR as evidence of this deliverable.</p>	<p>Within 14 months of the Start Date.</p>
<p>Deliver 5 face to face training workshops</p>	<p>Within 18 months of the Start Date.</p>

82. Following successful development of the workshop training program, LORAC will deliver five workshops across Victoria, New South Wales and South Australia.	
83. Output: A copy of the workshop attendance lists will be submitted to NHVR as evidence of this deliverable.	
Review of the Chain of Responsibility Training – National Intervention 84. Following the completion of the training workshops, participants who completed both modes of the intervention (online and workshop training) will be asked to complete a Participant Feedback Survey. 85. Results of the survey will inform a report on the effectiveness of the training intervention. 86. Output: A copy of the report will be submitted to NHVR as evidence of this deliverable.	Within 20 months of the Start Date.

Audience / beneficiaries

87. The mandatory audience of the Chain of Responsibility Online Training Course (Component 1) is LORAC employees who in their role or function load and/or drive heavy vehicles. The course will also be available to other LORAC employees.
88. The mandatory audience of the Face to Face Chain of Responsibility Training Workshops (Component 2) is LORAC employees who in their role or function load and/or drive heavy vehicles and have completed Component 1. The workshop may also be available to other LORAC employees pending attendance numbers.
89. LORAC employees will be identified during the planning phase of this deliverable as described above.

Delivery method

90. Bimodal education – the training program will comprise of an Online Training Course and Face to Face training workshops delivered by external provider.

Timeframes

91. Upon acceptance of the EU, this deliverable will begin with the development of the project plan within 2 months of the Start Date. The Online Training Course will be published within 10 months of the Start Date and the face to face workshops will be delivered within 15 months of the Start Date. Other deliverables will be achieved in accordance with the estimated timeframes specified in the table above.

HVNL outcomes

92. This deliverable supports the NHVR's vision for improving safety and safety culture across the heavy vehicle supply chain and workforce through increased learning and development outcomes.

Cost breakdown

93. The following costs are estimated and given as a minimum commitment for the deliverable.

Learning & Development Project Management (External Resource)	\$15,000
Development of Online Training Course	\$50,000
Develop workshop program	\$15,000
Develop workshop training materials and equipment hire	\$20,000
Deliver 5 supply chain workshops	\$30,000
Review of the Chain of Responsibility Training – National Intervention	\$4,500
TOTAL	\$134,500

Chain of Responsibility Training - National Supply Chain Intervention

Scope:

94. In addition to the (a) Chain of Responsibility Training – National Intervention, LORAC will extend an invitation to external partners within the supply chain and local communities to participate in Chain of Responsibility Training Workshops. The supply chain workshops using experiential learning will be aimed at increasing awareness, knowledge and skills regarding chain of responsibility legislation. The program will be consistent with the elements of the nationally recognised Chain of Responsibility units of competency.
95. The workshops will be delivered in NSW, VIC and SA.

Target issue

96. LORAC is targeting an improvement in awareness of Chain of Responsibility requirements across its supply chains and within its local communities.

Tangible outputs / deliverables

97. 5 x Chain of Responsibility Training Workshops across NSW, VIC and SA.

Chain of Responsibility Training Workshops – Supply Chain Intervention	
Description of deliverable	Timeframe
<p>Project Planning & Engage external provider</p> <p>98. Develop a project plan for the Supply Chain Intervention that identifies key deliverables, milestones and dates for completion.</p> <p>99. Engage an external training provider in accordance with the LORAC Procurement Policy to develop a detailed supply chain workshop training program customised for small and medium sized businesses, prepare training materials and deliver all workshops.</p> <p>100. Output: The Project Plan will be submitted to NHVR as evidence of this deliverable.</p>	Within 6 months of the Start Date.
<p>Develop supply chain workshop program</p> <p>101. Develop a detailed supply chain workshop program that provides customised experiential learning for small and medium sized businesses that includes:</p> <ul style="list-style-type: none"> • Providing an overview of the Chain of Responsibility law; • Explaining the importance of safe load restraint, appropriate load mass and dimension, and prevention of driver fatigue and speeding; • Identifying key responsibilities, requirements and actions for load restraint, load mass and dimension, driver fatigue and driver speeding; • Explaining the action that must be taken if a potential or actual breach of Chain of Responsibility is observed; and • Hands-on training of the skills required to demonstrate compliance with regulatory requirements. <p>102. The supply chain workshop program will outline dates, times, venues, presenters for each workshop.</p> <p>103. Output: The Supply Chain Workshop Program will be submitted to NHVR as evidence of this deliverable.</p>	Within 12 months of the Start Date.

<p>Develop supply chain workshop training materials</p> <p>104. Following the development of the supply chain workshop program, workshop training materials will be designed, developed and printed (and/or published) and training equipment will be sourced for each workshop location.</p> <p>105. Output: A copy of the training material will be submitted to NHVR as evidence of this deliverable.</p>	Within 14 months of the Start Date.
<p>Invite partners & advertise workshops</p> <p>106. LORAC will invite external partners and suppliers within the LORAC supply chain and advertise to local small and medium sized businesses within the communities to attend the workshop.</p> <p>107. Output: A copy of the invitation and advertising materials will be submitted to NHVR as evidence of this deliverable.</p>	Within 14 months of the Start Date.
<p>Deliver 5 supply chain workshops</p> <p>108. Following successful development of the workshop program, LORAC will deliver five workshops across Victoria, New South Wales and South Australia.</p> <p>109. Output: A copy of the workshop attendance lists will be submitted to NHVR as evidence of this deliverable.</p>	Within 20 months of the Start Date.
<p>Review of the Supply Chain Intervention</p> <p>110. Following the completion of the workshops, participants will be asked to complete a Participant Feedback Survey. Results of the survey will inform a report on the effectiveness of the supply chain training intervention.</p> <p>111. Output: A copy of the report will be submitted to NHVR as evidence of this deliverable.</p>	Within 22 months of the Start Date.

Audience / beneficiaries

112. LORAC will invite external partners and suppliers within the LORAC supply chain and advertise to local businesses within the communities. LORAC is targeting small and medium sized businesses as beneficiaries of the intervention.

Delivery method

113. The workshops will be delivered by external provider.

Timeframes

114. Upon acceptance of the EU, this deliverable will begin within 6 months of the Start Date and the workshops will be delivered within 20 months of the Start Date.

HVNL outcomes

115. This deliverable supports the NHVR's vision for improving safety and safety culture across the heavy vehicle supply chain and workforce through increased learning and development outcomes.

Cost breakdown

116. The following costs are estimated and given as a minimum commitment for the deliverable.

Learning & Development Project Management (External Resource)	\$10,000
Develop supply chain workshop program	\$15,000
Develop supply chain workshop training materials & equipment hire	\$20,000
Invite partners & advertise workshops	\$2,500
Deliver 5 supply chain workshops	\$30,000
Review of the Supply Chain Intervention	\$2,500
TOTAL	\$80,000

Third-Party Transport Safety Management System Audit

Scope:

117. As per the commitment made in Part 3, Section 3 (b) of this Enforceable Undertaking, LORAC will engage a third-party auditor to conduct and audit of the Next Gear HSEMS.
118. The audit criteria will include Transport Safety Management System compliance against the elements and principles of the new standard *ISO 45001:2018 Occupational health and safety management systems — Requirements with guidance for use*.

Target issue

119. LORAC is ensuring the Next Gear HSEMS meets the requirements of a Transport Safety Management System and HVNL compliance obligations.

Tangible outputs / deliverables

120. As per the commitment made in Part 3, Section 3 (c) of this Enforceable Undertaking, LORAC will provide a copy of the third-party Audit Report.
121. As per the commitment made in Part 3, Section 3 (d) of this Enforceable Undertaking, LORAC will provide evidence to demonstrate implementation of the recommendations in the audit.

Audience / beneficiaries

122. The third-party audits will be conducted across 3 x LORAC projects, related to the events detailed in Part 2, Section 1 (c) - Hunter Valley Rail Operations, Sydney Rail Operations and Select Plant Hire.

Delivery method

123. LORAC will engage a Third-party Auditor (External provider) in accordance with the LORAC procurement policy. The audit will involve a transport safety compliance review of the documentation within the Next Gear HSEMS and site inspections to audit the effectiveness of implementation.

Timeframes

124. The commencement date of the deliverable is 24 months from the Start Date. The 2-month duration is estimated for the completion of the third-party audit and final audit report.

HVNL outcomes

125. Assurance of compliance with HVNL obligations.

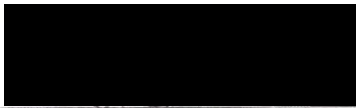

Cost breakdown

126. 1 x Third-Party Transport Safety Management System Audit	\$35,000
TOTAL ESTIMATED VALUE OF THE UNDERTAKING:	\$249,500

Section 4 – Offer of undertaking

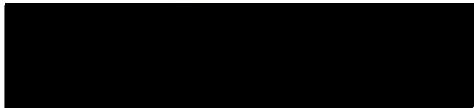
Executed as an Undertaking

Executed by Laing O'Rourke Australia Construction Pty Ltd (ACN 112 099 000) pursuant to section 127(1) of the *Corporations Act 2001* by:

	
Signature of Director	Signature of Director / Company Secretary
Simon Terence Chatwin	<i>NAME DINHOEN</i>
Name of Director (print)	Name of Director / Company Secretary (print)
Date 16 March 2020	Date 18 March 2020

Section 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
<i>SAL PETROCITTO</i>
Name of Chief Executive Officer (print)
Date 27/03/2020