

Improvement Notice

Incident date: 31 May 2023

Party in the CoR: Operator and Loader

Offence: Non-compliance with *section 26C Primary duty (Mass, Dimension and Loading)*, and breach of *section 102 – Compliance with dimension requirements*.

Background

At 10:44hrs on Wednesday, 31 May 2023, a Victorian registered heavy vehicle was sighted on General Holmes Drive, Mascot, in the Northbound merging lane before the Airport Tunnel.

The vehicle was loaded with portable aeroplane stairs and had struck the Over Height Vehicle Detection System.

Lane 1 was closed for approximately 30 minutes while the height of the vehicle and load was checked. A measurement of 4.585 metres was obtained.

All Northbound lanes were then closed for 10 minutes while the vehicle was reversed out and off General Holmes Drive.

Police issued a Penalty Infringement Notice to the driver, and NHVR Safety and Compliance Officers (SCOs) issued a direction to reduce the height to 4.3 metres.

NHVR Investigators commenced investigations to determine if the Operator had adequate policies and procedures in place to avoid mass, dimension and loading contraventions.



Investigation

On 21 June 2023, NHVR Investigators issued a section 569 Notice to Produce Documents to the Operator.

In response to the Notice, the Operator did not provide ample evidence to demonstrate the Company had appropriate policies and procedures in place and was taking reasonable steps to ensure its business practices would not cause drivers of heavy vehicles to breach mass, dimension and loading requirements.

The investigation revealed that the off-road party in the Chain of Responsibility (CoR) responsible for loading the vehicle had not fulfilled their duty to ensure the safety of their transport activities so far as reasonably practicable and allowed the over-height vehicle to leave their premises and were not aware of their obligations under the HVNL or as a party in the CoR.

On 20 July 2023, a section 569 Notice to Produce Documents was issued to the Loader.

In response to the Notice, the Operator did not provide ample evidence to demonstrate that the Company had appropriate policies and procedures in place and was taking reasonable steps to ensure its business practices would not cause drivers of heavy vehicles to breach mass, dimension and loading related legislation.

Outcome

On 19 September and 27 September 2023, respectively, the Operator and Loader were issued with Improvement Notices under section 572 (HVNL). The Improvement Notices listed several actions the Operator and Loader were required to take to stop the

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contraventions from continuing or occurring again or to remedy the matters or activities occasioning the contravention.

The Operator and Loader proceeded to comply with all the requirements of the Improvement Notices.

On 29 November 2023 and 1 February 2024, respectively, an Improvement Notice Clearance Certificate was issued to the Operator and Loader. The Improvement Notice Clearance Certificates confirmed the Operator and Loader had taken steps to meet the requirements imposed on them.

Further information can be found on our [Investigations page](#).

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Email: info@nhvr.gov.au

Phone: 13 NHVR (13 64 87)

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