



WASTE CONTRACTORS &
RECYCLERS ASSOCIATION
OF N.S.W

Procedure - Overloaded Vehicles for Liquid Waste

Prepared for the Members of the Waste Contractors & Recyclers Association of NSW by Fishburn
Watson O'Brien Lawyers (Sept 2018)

This Protocol does not constitute legal advice and should be supported by your own site specific policies and procedures.

<p>Purpose of procedure:</p>	<p>All Waste Management Facilities have responsibilities under WHS and road transport legislation, including the <i>Heavy Vehicle National Law</i> and the <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i> to ensure that they do not encourage, reward or ignore the overloading of any vehicle that is loaded beyond its allowable Gross Vehicle Mass (GVM).</p> <p>An overloaded vehicle is a hazard and may become unstable, difficult to steer, less able to brake effectively and will pose a higher risk when emptying its load.</p> <p>This Procedure applies to ALL vehicles entering and exiting the Facility and should be supported by all Facility employees, management, internal procedures, systems and training programs.</p>
<p>Implications of failure to comply</p>	<p>Disregarding this procedure and the relevant legislation may result in:</p> <ul style="list-style-type: none"> • Damage to vehicle and Facility infrastructure; and/or • Injury or death to workers; and/or • Injury or death to members of the public; and/or • Vehicle incident, including rollover or brake failure; and/or • Breach of law.
<p>Identification of Risk and Next Steps</p>	<p>All incoming vehicle details must be recorded in the weighbridge computer system.</p> <p>If it is identified that a vehicle is loaded beyond its GVM, then you should:</p> <ol style="list-style-type: none"> 1. Stamp or notate the weighbridge docket as '<u>Overloaded</u>'; 2. Verbally inform the driver that the vehicle is overloaded and by how much; 3. Prepare and hand a formal notification letter to the driver on the

	<p>day. A copy of this letter must also be sent to the Responsible Officer (generally, the Driver's manager) and retain a copy for your files;</p> <ol style="list-style-type: none"> 4. Record the vehicle's weight, registration details, driver and organization details in the '<u>Overloaded Register</u>'; 5. Take photographs of the overloaded vehicle; 6. In accordance with the site procedures, direct the overloaded vehicle to a designated onsite parking area until further notice and request that the driver turn the engine off; and 7. Review procedures to determine a course of action.
<p>Managing the Overloaded Vehicle</p>	<ol style="list-style-type: none"> 1. An overloaded vehicle at the Facility may have to be accepted in circumstances where the vehicle cannot be safely pumped out off site and it poses a further safety risk to the public if the vehicle is turned away. 2. The overloaded vehicle must be directed to a safe, designated on-site parking area where the vehicle must remain parked, until further instructions are provided to the driver. 3. If the overloaded vehicle is to be pumped out, safe operating procedures must be observed, and a risk assessment must be carried out first. 4. Quarantine the area to ensure no person is at risk when the vehicle is unloaded and adopt all other safety measures. 5. Only an amount that is large enough to bring the liquid waste transport vehicle under its allowable GVM is to be pumped from the vehicle (the excess amount). 6. The excess amount is to be pumped from the vehicle into an approved centralised, bunded and clearly identifiable container or tank. 7. The organisation's details, date, excess amount and the driver's details (including vehicle registration), must be recorded in the Overloaded Register. 8. Once the excess amount has been pumped from the liquid waste transport vehicle, the vehicle may safely proceed via the usual process undertaken at the Facility under the direction of the Site Manager.
<p>Record Keeping</p>	<p>Authorised RMS officers may request information about overloaded vehicles accepted at the Facility at any time.</p> <p>As a minimum, the Facility must keep copies of the following:</p>

	<ol style="list-style-type: none"> 1. Stamped or marked weighbridge docket; 2. 'Overloaded Vehicles Notices' handed to drivers (with a copy retained together with details of the driver / company it was issued to); 3. Photographs of overloaded vehicles; 4. Letters sent to the organisation advising them of the breach; 5. Overloaded Register (separate from the Rejected Loads Register); and 6. Weekly reports to the relevant manager at the Facility of the weekly overloaded vehicles.
<p>Importance of Training</p>	<ol style="list-style-type: none"> 1. All staff whose job description involves managing or operating the weighbridge or the Facility must be inducted in this procedure. 2. Staff should be trained regularly and refresher training in the Procedure should be provided annually. 3. Records of overloaded vehicles should be reviewed quarterly. 4. A comprehensive review should also take place if there is a material failure of this procedure and/or if there is a serious incident involving an overloaded vehicle.
<p>Options for Liquid Waste Transporters to Weigh Loads</p>	<ol style="list-style-type: none"> 1. Ideally, liquid waste transport vehicles should be fitted with an onboard vehicle weighing system so that drivers do not break the law or risk injury to themselves or the public by driving overloaded vehicles; and 2. Alternatively, liquid waste transport vehicles may be able to utilise public weighbridge facilities to identify whether their loads are greater than the allowable GVM.
<p>How to Encourage Compliance</p>	<ol style="list-style-type: none"> 1. Agreements with organisations should clearly reference the requirements for all in-coming vehicles to comply with the law; 2. Suitable signage should be in place at the entry to the Facility referencing the requirements for all in-coming vehicles to comply with the law; 3. Suitable procedures should be in place that includes warning mechanisms to notify organisations in relation to overloaded vehicles. These procedures should provide for: <ol style="list-style-type: none"> a. costs to be passed on to customers so that the customer is sent a strong financial signal that overloaded vehicles are not accepted at the Facility;

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| | <ul style="list-style-type: none">b. the eventual banning (and possible notification to RMS) of such overloaded vehicles and/or the banning of a driver of an overloaded vehicle that could be described as a regular, repeat offender; <p>4. Staff to be suitably trained to identify, record and deal with overloaded vehicles.</p> |
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Should you require tailored legal advice relating to your obligations or procedures in relation to overloaded vehicles, please contact:

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