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The Courier

Information and Advice for NSW Transport Operators

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SafeWork NSW Urgent Safety Alert: HFZY30 Model Emergency Escape Breathing Device

Adapted from media release, Minister for Innovation and Better Regulation, Matt Kean 20 October, 2017

The Minister for Innovation and Better Regulation, Matt Kean, has warned NSW workplaces about the integrity of an emergency escape breathing device (EEBD) due to safety concerns.

Mr Kean said EEBDs are supplied by workplaces as precautionary safety devices and may also be found in heavy vehicles.

He said testing recently undertaken on one EEBD, the HFZY30 model, 'found it does not provide sufficient breathable air, putting users at risk of asphyxiation from carbon dioxide'.

'The unit also exceeded acceptable levels of carbon dioxide, so rather than being a life-saver in an emergency situation, it could very well have an opposite and tragic outcome,' Mr Kean said.

Mr Kean said: '(t)hat is exactly why I am issuing an urgent warning to workplaces to remove these devices immediately and ensure your workers do not use them – even in an emergency'.

He said he has 'instructed SafeWork NSW to issue an urgent Safety Alert, and to speak to suppliers to work-safety products to get these dangerous items off their shelves'.

Mr Kean said workplaces should replace the HFZY30 EEBD with a device which is compliant with the relevant Australian Standard for respiratory protection devices (AS1716).

A copy of SafeWork NSW's Safety Alert on the HFZY30 EEBD is available at www.safework.nsw.gov.au/news/safety-alert/removal-of-unsafe-emergency-escape-breathing-devices-from-vehicles-and-workplaces.

Further information on AS1716 is available from the SAI Global website, www.infostore.saiglobal.com. Australian Standards can be searched or bought via the SAI Global InfoStore, email, sales@saiglobal.com, or telephone, 131 242.

'I did not know it was me': Roads and Maritime Issues Overheight Vehicles in Tunnels Reminder

Roads and Maritime has reminded transport operators of the importance of ensuring overheight vehicles do not breach access conditions when entering tunnels on Sydney's road network.

Roads and Maritime says that 'I did not know it was me' and 'my GPS said to go this way' are common excuses provided by drivers who enter tunnels in an overheight vehicle.

Tunnels are located at critical points on Sydney's motorway network. Overheight vehicles can cause extensive damage to vital tunnel infrastructure. Damage can be caused even by loose scrap metal which is not properly restrained to a legal height.

Overheight vehicles caught in tunnels can take a significant amount of time to be removed. Meanwhile, serious levels of congestion can build up on surrounding roads with, potentially, affects across the wider Sydney road network.

Roads and Maritime Releases Mt Ousley Video

Roads and Maritime has released a video aimed at heavy vehicle drivers driving down Mt Ousley for the first time. The video points out that the M1 Motorway at Mt Ousley (Mt Ousley Rd) is one of the most dangerous stretches of road in Australia. Almost 7,000 truck trips are undertaken on Mt Ousley Rd daily. Almost 56,000 vehicles a day travel on Mt Ousley Rd.

The video, which features a tanker driver with 17 years' experience diving to and from the Wollongong-Port Kembla region, provides practical advice on how to approach and drive on the 4km descent towards Wollongong.

The video can be viewed at www.rms.nsw.gov.au/projects/illawarra/m1-princes-motorway/heavy-vehicle-rest-area/index.html.

The video was produced by RMS in collaboration with the TWU.

Take Care Near Light Rail Construction

Transport for NSW has prepared a fact sheet highlighting workplace risks associated with the installation of overhead wires and the testing and commissioning of electrical systems and vehicles along Sydney's light rail project.

This work is proceeding in three stages, overhead wire installation, overhead energization and tram testing. Transport for NSW advises that when wires are energized, safety zones will be established surrounding all activated areas.

Wherever wires have been installed, a height restriction of 5.5 metres will apply to all road users on the light rail corridor.

Further information is available from www.sydneylightrail.com.au.

NSW Government Releases First Ever Mental Health Snapshot

Adapted from joint media release, Minister for Innovation and Better Regulation, Matt Kean and Minister for Mental Health, Tanya Davies, 19 October, 2017

The NSW Government has released the most comprehensive research ever conducted into mental health in NSW according to the Minister for Innovation and Better Regulation, Matt Kean and the Minister for Mental Health, Tanya Davies.

'These findings show nearly half of the businesses have no measures in place that specifically address mental health in the workplace,' Mr Kean said.

Mr Kean said a Return on Investment Analysis of workplace mental health initiatives demonstrates that businesses which invest in workplace health promotions get a return of more than \$4 for every dollar invested through reduced absenteeism and increased productivity.

'This research will also help inform our *Mentally Healthy Workplaces Summit* next month so we can have productive discussions that can address some of the key areas for improvement,' Mrs Davies said.

The Summit will be held on 8-9 November in Sydney. Improving mental health in the workplace is a key component of SafeWork NSW's *Work Health and Safety Roadmap for NSW 2022*.

NHVR to Review Accreditation Schemes

The National Heavy Vehicle Regulator has announced it will conduct a review into the National Heavy Vehicle Accreditation Scheme and other accreditation schemes in operation in the industry.

According to the NHVR, this review builds on earlier work undertaken to increase the accountabilities of key parties and allow the NHVAS to function utilising effective, risk based assurance program.

The NHVR says this review and its subsequent findings will inform further structural and operational improvements to the NHVAS and other schemes by:

- Providing a comparative analysis of heavy vehicle safety accreditation schemes/systems throughout Australia and the relative road safety benefits including:
 - the governance and oversight arrangements for safety accreditation schemes and how they compare to relevant international standards
 - accreditation scheme rules and standards, including their consistency with best practice international standards
 - the arrangements of accreditation schemes for training, accrediting and engaging auditors, their related activities and oversight including tracking and actioning non-conformances.
- Identifying what, if any regulatory benefits could be provided for complying with an appropriate safety accreditation scheme including the necessary regulatory oversight.
- Examining the safety merits of requiring operators who sub-contract on government infrastructure projects to be accredited under an accreditation scheme.

The NHVR says the Review will examine the marketplace to identify the best practice approach for the delivery of heavy vehicle safety accreditation as a service to industry in order to reduce the duplication of processes, and inconsistencies between, schemes.

The review will be conducted by transport consultant, Peter Medlock and will report to the boards of the various accreditation schemes during 2018.

First Court Action to Enforce New Unfair Contract Terms Laws: Waste Contractor's Contract Terms Declared Unfair and Void

Extracts from media release, Australian Competition and Consumer Commission, 19 October, 2017

The Australian and Consumer Commission has announced that the Federal Court has declared that eight terms in the standard form of contract used by waste contractor JJ Richards and Sons (JJ Richards) to engage small businesses are unfair and, therefore, void, following ACCC action.

'This is the first court action by the ACCC to enforce new laws that protect small business from unfair contract terms,' ACCC Deputy Chair Dr Michael Schaper said.

'Under Australian Consumer Law, terms that create a significant power imbalance between parties, are not necessary to protect legitimate interests, and which would cause significant financial detriment to a small business if relied on, are unfair and void,' Dr Schaper said.

According to the ACCC, '(t)he (Federal) Court declared by consent that eight terms on JJ Richards' standard form of contracts which were entered into after 12 November 2016, were unfair and consequently void'.

The ACCC said these terms 'had the effect of:

- binding customers to subsequent contracts unless they cancel the contract within 30 days before the end of the term
- allowing JJ Richards to unilaterally increase its prices
- removing any liability for JJ Richards where its performance is 'prevented or hindered in any way'

- allowing JJ Richards to charge customers for services not rendered even when caused by reasons beyond the customers' control
- granting JJ Richards exclusive rights to remove waste from a customer's premises
- allowing JJ Richards to suspend its service but continue to charge customers if payment is not made after seven days
- creating an unlimited indemnity in favour of JJ Richards
- preventing customers from terminating their contracts if they have payments outstanding and entitling JJ Richards to continue charging customers equipment rental after the termination of the contract.'

The ACCC said that '(i)n resolving these proceedings JJ Richards consented to orders restraining it from relying on the unfair terms in existing small business contracts and from using the terms in future contracts with small businesses. JJ Richards also consented to orders that it publish a corrective notice and provide a copy of the Court's orders to all of its small business customers which are parties to an affected contract.'

Further information on unfair contract terms in small business is available from www.accc.gov.au/publications/unfair-terms-in-small-business-contracts.

Increase in Truck Thefts Says National Motor Vehicle Theft Reduction Council

The National Motor Vehicle Theft Reduction Council has reported a 12 per cent increase in the number of heavy truck thefts over the period 2004 to 2014. According to the Council, there were 1,164 heavy trucks stolen in Australia in 2014 with 58 per cent of all heavy trucks stolen recovered during 2014.

The Council reports that profit is an important motivating factor accounting for a 186 per cent increase in heavy truck thefts over this ten-year period.

Thefts rose by 17 per cent in NSW with profit motivated thefts in NSW growing by 319 per cent. In the only other category, short term thefts, the theft rate fell by 38 per cent in NSW over the period 2004-2014.

The Council says that the highest percentage of heavy truck thefts occurred on the street (39 per cent) while about one third occurred in business premises and 15 per cent from residences.

The Council says that thefts are based on police reports.

Singleton Truck Crash a Reminder to Secure your Vehicle

The alleged theft on 10 October of a fully laden truck carrying fertiliser from a service station at Murrurundi which crashed leading to multiple injuries, damage to several vehicles and to buildings in the business district of Singleton has highlighted issues associated with securing heavy vehicles.

Anybody with information on this incident should contact Michelle Stevens at Port Stephens Local Area Command, telephone 02 4983 7438, or via Crimestoppers, telephone 1800 333 000.

NSW Government Proposes New Legislation Related to Written-Off Heavy Vehicles and Camera Enforcement Dimensions Offences

The NSW Government has introduced the *Road Transport and Related Legislation Amendment Bill 2017* into parliament which seeks to introduce a range of transport related reforms.

Amongst other things, the bill allows for the creation of a written-off heavy vehicles register. It will also allow camera technology to be used for the enforcement of vehicle dimension offences.

Written-Off Heavy Vehicles Register

The proposal to establish a written-off heavy vehicles register follows agreement reached at last May's Transport and Infrastructure Council meeting comprising Commonwealth, State and Territory transport and roads ministers, which agreed to progress the development of a national register and announced that NSW would lead the project.

Currently, all States and Territories have registers for written-off light vehicles to ensure crashed vehicles that are structurally unsafe, are not re-registered and driven on public roads. The NSW Government says that although this measure was originally introduced to remedy the rebirthing of stolen vehicles using the identifiers of written-off vehicles, it now says the registers are a nationally effective mechanism for ensuring the ongoing integrity of vehicles that have been damaged.

The proposed amendments to the *Road Transport Act 2013* aim to create a NSW written-off heavy vehicles register which will be separate from the existing light vehicles register.

Camera Enforcement of Dimensions Offences

The Bill also proposes an amendment to the Act to allow for camera enforcement of dimension offences. This follows the development of suitable camera enforcement technology by Roads and Maritime.

According to the NSW Government, this proposed amendment is necessary due to regular breaches by drivers of over-length vehicles who have been charged after failing to negotiate the tight bends of Galston Gorge.

The NSW Government says this camera technology uses multiple laser systems to determine vehicle dimensions as it travels as well as being able to take photographs of the vehicle, including vehicle length and location.

The bill also proposes that the registered operator of the vehicle recorded by the devices will be considered liable unless he or she nominates the driver, where the registered operator was not driving at the time of the offence. Penalties for dimension offences include a maximum court fine of \$10,000 for a severe risk breach under the Heavy Vehicle National Law, and fines, licence or registration suspension or cancellation under the Act.

It is proposed to initially deploy this technology at Galston Gorge.

New Features on NHVR Portal

The National Heavy Vehicle Regulator has unveiled new features on its Portal which allow operators, road managers and the NHVR to interact on the same technology platform for the first time.

NHVR's AccessCONNECT Program Director, David Carlisle, said that 'more than 400 road managers across Australia now have the ability to respond to access requests using an online form or a NHVR Portal Form'.

He said the development of the NHVR Portal represents the first step in moving away from the original email based process.

'In the coming weeks, groups of road managers will transition to the full NHVR Portal – Road Manager module functionality. This transition will be based on their individual readiness,' Mr Carlisle said.

For assistance to use the NHVR Portal, email the NHVR at accessconnect@nhvr.gov.au, or telephone 1300 696487

CPI Remains under 2 Per Cent

The Consumer Price Index for the September 2017 quarter across Australia's eight capital cities rose by 0.6 per cent compared to 0.4 per cent for the June 2017 quarter. For the year ending 30 September 2017, the CPI rose by 1.8 per cent, down slightly from the 1.9 per cent increase in the year ending 30 June 2017.

Gas and electricity prices rose by 8.9 per cent in the September 2017 quarter while automotive fuel prices fell by 2.3 per cent.

The Reserve Bank of Australia has a CPI target range of between 2 and 3 per cent.

Proposal to Close FIRS

The Federal Department of Infrastructure and Regional Development has issued a consultation paper proposing that the Federal Interstate Registration Scheme be closed to new entrants from 1 July 2018 and that the Scheme cease to operate by 30 June 2019.

FIRS vehicles are solely used for interstate trade or commerce and are exempt from stamp duty at the time of purchase.

The proposal is timed to coincide with proposals from the National Heavy Vehicle Regulator to introduce a national registration plate and other reforms in those jurisdictions, including NSW and the ACT, where the National Heavy Vehicle Law takes effect.

Improved Access for BAB and ABB Quad Road Trains from North Bourke

Roads and Maritime has announced improved access for BAB and ABB quad road trains on the Mitchell Hwy between North Bourke and Barringun on the Queensland border. These combinations will now require approval to operate as prescriptive Type 2 road trains on this section of Mitchell Hwy.

Previously, operators had to gain approval under the Performance Based Standards Scheme.

ARTIO NSW Congratulates Paul Ryan on Winning VTA Award

The Victorian Transport Association has honoured ARTIO National Industrial Advisor, Paul Ryan as the winner of its 2017 WFD Chalmers Award at the VTA's President's Dinner on 5 October. Paul's award recognizes service to the industry in support of the VTA and its members.

'His dedication to the industry has seen him work tirelessly to protect the rights of our members and provide advice on countless major industrial cases. Paul is an important part of the VTA, and the industry, and we are proud to present him with this award.' VTA CEO, Peter Anderson said.

In the early years of its operation, Paul provided industrial relations advice to ARTIO NSW Members.

ARTIO NSW has congratulated Paul on this well-deserved award.

Roads and Maritime Announces Improvements to Livestock Loading Scheme

Roads and Maritime has announced improvements to the NSW Livestock Loading Scheme (NSW LLS) which relate to the transfer of vehicles between NSW LLS operators. Further information on NSW LLS changes is available from www.rms.nsw.gov.au/business-industry/heavy-vehicles/livestock-loading.html.

NTC Seeks Feedback on Automated Vehicle Driving Laws

Adapted from NTC media release, 3 October, 2017

The National Transport Commission is seeking feedback from industry and other stakeholders on changes to driver laws to facilitate the introduction of automated vehicles.

The NTC has issued a discussion paper, entitled 'Changing Driving Laws to Support Automated Vehicles' which seeks clarity on how current laws apply to automated vehicles.

'We need to ensure that relevant driving laws apply to automated vehicles when the automated driving system – rather than the human driver – is operating the vehicle,' NTC CEO Paul Retter said.

Further information is available from the NTC's automated vehicles page, www.ntc.gov.au/roads/technology/automated-vehicles-in-australia.

NHVR Launches CoR Gap Assessment Tool

The National Heavy Vehicle Regulator has launched a Chain of Responsibility Gap Assessment Tool to assist supply chain participants in preparing for new Chain of Responsibility laws which take effect in mid-2018.

NHVR Chain of Responsibility Manager, Michael Crellin, said '(t)he tool provides a comprehensive list of questions that allows duty holders to assess their operations against the new laws'.

The tool, which covers ten roles in the Chain of Responsibility, including schedulers, packers, operators and executive officers, provides a list of recommendations that outline the type of system controls that could be installed to strengthen compliance and safety management.

Infrastructure Update

Significant infrastructure milestones achieved since 1 October include:

- Opening of 10km of dual carriageway on the Pacific Hwy between Woolgoolga and Halfway Creek from Arrawarra Rd interchange to Range Rd interchange.
- Completion of raised sections of South St and the Bells Creek Bridge at Schofields to ensure flood free access.
- Opening of the Burrangong Creek bridge between Bribbaree and Young to improve B-Double access.

Introduction of extended clearways, weather permitting, are proposed on:

- James Ruse Dr between Parramatta Rd, Clyde and Brien's Rd, Constitution Hill from 27 November.
- Marsden Rd between Stewart St and Pennant Hills Rd from 20 November.

Road Works Update

The following road works may impact your operations

Suburb/Town	Road	Date/s	Work Times
St Peters	Campbell St will be closed in both directions: <ul style="list-style-type: none">• From Crown St to Barwon Park Rd;• From Princes Hwy. No access from Burrows Rd into Campbell St except for local residents. Crown St traffic will be temporarily reversed from northbound one way to southbound one way. No heavy vehicles permitted.	31/10-17-Dec 2017	
Woolooware	Kingsway from Gannons Rd to Trickett Rd	12-23/11/17, 7/1/18-2/2/18	9pm-5am
Wolli Creek	Princes Hwy from Brodie Spark Dr to Holbeach Ave	9/10/17-19/11/17	9pm-5am Sun-Fri 7am-6pm Mon-Fri
Rozelle	Western Distributor and James Craig Dr from Victoria Rd to Pymont Bridge Rd	8/10/17-30/11/17	9pm-4am Sun-Fri 7am-6pm Mon-Fri
Rosebery	Botany Rd from Queen St to Hayes Rd	To 22/12/17	9pm-5am Sun-Fri
Beresfield to Mandalong	M1 Motorway between John Renshaw Dr and Mandalong Rd	To 10/11/17	9.30am-2.30pm Mon-Fri
Clyde to Constitution Hill	James Ruse Dr between Parramatta Rd and Brien's Rd	6/-26/11/17	8pm-5am

TWUSUPER Super News October 2017

Insurance premiums reduced for most

Insurance premiums are competitive for TWUSUPER members thanks to our group insurance arrangement with TAL Life Insurance. TAL is one of Australia's largest life insurers and the average TWUSUPER member has seen the cost of their insurance drop by 23% since we partnered with TAL in May 2017.

Your employees will have different insurance needs depending on their individual circumstances, including age and family responsibilities. Confidence in having the right insurance arrangements promotes greater peace of mind, and a workforce with greater peace of mind performs better.

Insurance is one of the things we cover in our free education sessions. To help ensure your employees are across their insurance arrangements with TWUSUPER, you can choose one of our standard sessions or have us tailor one to the needs of your employees. These sessions take about half an hour and can be held at a time that's convenient for your business. Call 1800 241 877 for more information.

You should read the important information about insurance in your super before making a decision. Go to twusuper.com.au/pds and read the Insurance Guide which includes information about eligibility for insurance, the costs and conditions and exclusions that apply to the insurance cover. This information may affect your entitlement to insurance cover and should be read before deciding whether the insurance is appropriate. The material relating to insurance in your super may change between the time

when you read this PDS and the day you sign the application form or the date you join TWUSUPER.

Super Guarantee contributions - Quarterly deadlines

To avoid a potential SG charge, the Super Guarantee (usually 9.5% of OTE) must be paid to eligible employees at least quarterly.

SG Quarter	SG Due Date
1 July - 30 September	28 October
1 October - 31 December	28 January
1 January - 31 March	28 April
1 April - 30 June	28 July

If you're late with a payment or need help managing payments, please call us on 1800 241 877 between 8am and 8pm (AEST/AEDT) weekdays.

TWU Nominees Pty Ltd ABN 67 002 835 412, AFSL 239163, is the trustee of TWUSUPER ABN 77 343 563 307 and the issuer of interests in it.

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Economic and Industry Indicators

Indicator/Source ¹	As at	Unit of Measure	Quantity	Annual % Variation
GDP latest quarter (ABS)	Jun Qtr 2017	\$m	427.713	2.1
CPI (ABS)	Sept Qtr 2017	Per cent		1.8
Cash rate (RBA)	Current	Per cent	1.5	
Estimated Residential Population (ABS)	31 Oct 2017	Million	24.726	1.9
Retail Turnover (ABS)	Aug 2017	\$m	26,051	2.8
Actual New Capital Expenditure (ABS)	Jun Qtr 2017	\$m	28,169	-4.0
Inventories held by private business (ABS)	Jun 2017	\$m	156,456	1.7
Dwelling unit approvals (ABS)	Aug 2017	Number	18,312	-6.5
Manufacturers Income (ABS)	Jun 2017	\$m	80,744	-2.7

¹ ABS – Australian Bureau of Statistics; RBA – Reserve Bank of Australia; AIP – Australian Institute of Petroleum; TIC – Truck Industry Council/'Prime Mover' latest issue.

TEUs Port Botany (NSW Ports)	2 months ending Aug 2017	Number	428,883	7.4
Employed persons (ABS)	Sept 2017	Million	12.281	2.8
Unemployment rate(ABS)	Sept 2017	Percentage	5.5	-0.2
Wage Price Index (ABS)	Jun Qtr 2017	Per cent		
All employees				1.9
Transport, postal and warehousing				1.8
New motor vehicle sales (ABS)	Sep 2017	Number	99,850	1.7
Cab Chassis/Prime Mover Sales (TIC)	8 months ending Aug 2017	Number	19,129	9.6
Vans (TIC)	8 months ending Aug 2017	Number	3,861	6.1
AIP Terminal Gate Price-Diesel-Sydney	31 Oct 2017	Cents/litre incl. GST	117.4	

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