



Australian Road Transport
Industrial Organisation

New South Wales Branch

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The Courier

Information and Advice for NSW Transport Operators

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ARTIO NSW Christmas Office Arrangements

The ARTIO NSW office will be closed from 5pm, 23 December and re-open on 13 January.

Members requiring assistance over the Christmas-New Year period can still contact Hugh McMaster, telephone 0412 880861, email hughmc@artionsw.com.au, if assistance or advice is required.

On behalf of the ARTIO NSW Committee, I wish all Members a happy and safe Christmas and a prosperous 2016.

Hugh McMaster, Secretary/Treasurer

Road Safety Remuneration Tribunal Issues Contractor Driver Minimum Payments Road Safety Remuneration Order 2016

On 18 December, the Road Safety Remuneration Tribunal (RSRT) issued the Contractor Driver Minimum Payments Road Safety Remuneration Order 2016.

This Order which must be read in conjunction with the Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014 covers remuneration and related arrangements in the following sectors:

- The road transport and distribution industry within the meaning of the *Road Transport and Distribution Award 2010* as in force on 1 July 2012 in respect of goods, wares, merchandise, material or anything whatsoever destined for sale or hire by a supermarket chain, being a business which operates 5 or more supermarkets.
- Long distance operations in the private transport industry within the meaning of the *Road Transport (Long Distance Operations) Award 2010* as in force on 1 July 2012.

This Order takes effect from 4 April 2016.

ARTIO is in the process of preparing more comprehensive advice for its Branches so this can be distributed to Members.

Road Safety Remuneration Tribunal Report on Conferences – Oil Fuel and Gas Sector

On 14 December, the Road Safety Remuneration Tribunal (RSRT) issued a report on conferences over which it has presided during 2014 and 2015 related to the Oil, Fuel and Gas sector.

By way of background, a dispute was lodged by TWU in February 2014 which was heard by RSRT member Senior Deputy President Drake. In September 2014 the TWU applied for a Road Safety Remuneration Order (RSRO) and filed a proposed order outlining the terms they were seeking. The TWU's application sought an order which would apply (as outlined in the TWU's original application):

'(T)o a road transport driver employed or engaged in the road transport and distribution industry in respect of the provision by a road transport driver of a road transport service wholly or substantially in relation to the delivery, by means of a tanker, of oil, fuel, gas or petroleum products.'

This application was made further to the abovementioned dispute.

Both of these matters were referred to RSRT industry member Mr Paul Ryan who held conferences to establish areas of common interest between the parties on some or all of the clauses in the proposed RSRO. A total of six conferences were held between October 2014 and May 2015. ARTIO represented Members of its Branches at each of these conferences.

Participants were informed that the President of the RSRT would be presented with a final proposed RSRO reflecting the outcomes of the conferences and areas of agreement between the parties.

Although the TWU's proposed RSRO was refined as a consequence of these conferences, it remains the TWU's proposed RSRO rather than an agreed document submitted by the parties collectively.

At the final conference on 6 May, directions were given to the parties. The TWU filed its final proposed RSRO on 19 May which incorporated amendments made during discussions at the conferences. On 5 June ARTIO put its position in response to the RSRT.

The RSRT's report does not make any recommendations, preferred provisions or clauses, or courses of action.

If the RSRT is consistent in following previous practice, the RSRT President will (most likely) issue a draft RSRO for the Oil Fuel and Gas Sector. Parties will have the opportunity to make submissions (and reply submissions) before the matter is listed for hearing.

The Draft RSRO issued by the President will not necessarily mirror the Order proposed by the TWU. The President will take account of the various positions of each of the parties outlined in the report before issuing a draft.

Any draft RSRO would most likely be issued in the earlier months of 2016.

ARTIO intends to continue to represent Branches in these proceedings.

NSW Government Launches High Visibility Mobile Speed Camera Vehicles

The NSW Government has unveiled a new mobile speed camera truck complete with high visibility markings.

In a media release issued on 14 December, Roads Minister, Duncan Gay said that every mobile speed camera truck will be fitted with high visibility markings within the next few months.

Mr Gay also said new mobile speed camera warning signage will include an advisory speed limit sign 50 metres out from the location of the mobile speed camera truck.

According to Mr Gay statistics show that speed-related crashes have reduced significantly since mobile speed cameras were introduced which means people are getting the message and slowing down at these high crash locations.

Mr Gay said that mobile speed cameras are part of the NSW Government's overall speeding compliance program.

According to Mr Gay every cent from fines goes directly into safety initiatives such as school flashing lights, high visibility policing, mobile drug testing, education campaigns and road safety engineering work.

NSW Government Launches Mobile Drug Testing

On 1 December Deputy Premier and Minister for Policy Troy Grant and Roads Minister Duncan Gay launched the NSW Government's first ever drug driving campaign to be known as Mobile Drug Testing, or MDT and warned drivers that if they take drugs and drive they will be caught.

'The simple message every driver needs to hear from this campaign is that if you take drugs and drive, the boys in blue are going to catch you,' Mr Grant said.

Mr Grant said that drivers pulled over by Police could be randomly tested for alcohol, drugs or both.

The Ministers said that one in ten MDTs have tested positive compared to around one in 300 random breath tests. They said the NSW Government intends tripling MDTs to 97,000 tests a year by 2017.

'In 2014, there were around 50 deaths on our roads that involved a driver or rider with an illegal drug in their system,' Mr Gay said.

'That's a really worrying statistic, and something we're determined to combat,' Mr Gay said.

Victorian Coroner Recommends Major Transport Operator Regularly Review Defect Reporting Procedures

(Adapted from article courtesy of OHS Alert)

The Victorian Coroner has recommended that a major transport operator regularly review its vehicle defect reporting procedures. This recommendation followed the Coroner's finding that a worker who was travelling as a passenger while supervising a sub-contractor had complained about a fault to his employer and died after the truck collided with an electricity pole. The Coroner found that the failure by the transport operator to fix this fault contributed to the death of the employee.

The sub-contractor, who was driving the truck for the first time lost control after the driver's seat dropped down on the left side.

A mechanical inspection revealed that the truck should have been classed as unroadworthy at the time of the incident because the driver's seat belt was frayed and the driver's seat was cracked in two places.

The inspector said that when bouncing on the seat it 'severely fell to the left' which caused him 'to jerk on the steering wheel firmly'. He said this fault contributed to the crash. A forensic engineer came to the same conclusion and said that the employer's work systems were 'unsatisfactory and not consistent with safe work practice'. The forensic engineer went on to say that 'had an effective program of defect reporting, inspection and maintenance been employed then the subject (seat) failure would not have occurred'.

The forensic engineer said there appeared 'to have been a breakdown in defect reporting/rectification procedure which relied on a verbal communication between the driver, his supervisor and the external maintenance provider'.

'The culture relating to defect reporting was probably weak which may be regarded as a management shortcoming', the forensic engineer said.

Coroner Lesser said that '(t)he immediate cause of the collision was the collapse of the driver's seat in circumstances in which the driver, who was in (the) process of changing lanes to the left, lost control of the steering and drive into the pole at the intersection'.

'The conclusions of the expert investigation in this case clearly point to a failure of (the company's) system of work in relation to reporting and rectifying vehicle faults in a timely manner,' Coroner Lesser said.

The Coroner recommended that the company regularly review its systems of work relating to reporting and rectifying vehicle faults, routing maintenance and servicing of heavy vehicles, and general vehicle safety. He also recommended the company periodically review work systems for inducting new employees and training workers including regular subcontractors in inspecting and reporting faults to managers.

He also recommended that responsible transport and workplace health and safety agencies and the Insurance Council of Australia review relevant publications and interaction with transport operators to raise awareness of the importance of vehicle maintenance and servicing, the importance of regularly reviewing inspection and reporting procedures and the consequences of not doing so.

Finding Without Inquest into the Death of Noel Ian Imbrogno

ARTIO NSW Represented at Farewell Dinner for Reg Mills

ARTIO NSW President Laurie D'Apice and Secretary/Treasurer, Hugh McMaster accepted with pleasure an invitation to attend a dinner in honour of Reg Mills, Director of Mills Transport, which was held in Newcastle on 11 December. Over 30 industry representatives from a range of industry employer organisations attended the dinner which was organized by Tony McGrath of McGrath Newcastle.

Reg, along with his brother Kelvin and daughters Leonie and Tracey took the difficult decision to voluntarily close the fourth generation family business.

On 21 August, the family gave staff five weeks' notice that the business would cease operations on 25 September. Customers were also notified well in advance.

Employees were paid their full entitlements, including superannuation, leave and redundancy payments. All outstanding accounts were settled.

As part of the transition process, Directors of Mills Transport also spoke with other transport operators chosen by them with the aim of securing work for employees. Customers were kept informed of these negotiations.

Reg was a long standing member of the Executive of the former NSW Road Transport Association and a Member of the Policy Council of Australian Trucking Association NSW (now Road Freight NSW) following its formation in 2007. The Mills family were active participants in industry events, including those organized by ARTIO NSW.

His wise counsel as an industry leader will be sorely missed.

Mills Transport which was established in 1924 in Lismore served the Northern Rivers and Coffs coast regions of NSW in areas such as linehaul on the Sydney-Brisbane corridor, containers, local distribution, waste and agricultural commodities.

ARTIO NSW offers Reg, Kelvin, Leonie and Tracey its best wishes.

Vale Gavin Murphy

(Adapted from Victorian Transport Association media release)

The Victorian Transport Association has expressed sadness at the passing of its dearly beloved friend, former President and Life Member, Gavin Murphy.

Gavin caught the freight and logistics bug early on, working at the family business, E Murphy and Sons, during his school and university holidays. Gavin took up studies in sugar handling in the UK and the US, also gaining experience in warehousing and distribution.

On the death of his elder brother in 1991, Gavin assumed the reigns of the company, determining to grow the business beyond its focus in the sugar sector. Under Gavin's leadership the company successfully expanded into warehousing and distribution, adding to its Victorian base with facilities in South Australia, New South Wales and Queensland. Rebadging as Murphy Transport Solutions, the company diversified significantly into dry and liquid tanker operations, incorporating container equipment, chiller and freezer vans, tautliners and multi-modal rail operations.

Gavin served on the Board of the VTA for over 25 years as a Councillor, Vice-President and President. He was President of the Australian Road Transport Industrial Organisation for over 10 years.

Gavin was also a strong advocate for children's and youth initiatives.

In recent years, having passed day to day management of the business to his children, Gavin continued to drive business development and oversaw the company's corporate governance, as well as mentoring younger employees and working consultatively with the management team.

Gavin was a keen sports fan, a die-hard Essendon supporter, and a loving family man.

ARTIO NSW joins with the VTA and other employer organisations in offering our condolences to Jane, Angela and Cameron Murphy.

NTC Launches New National Dangerous Goods Code

The National Transport Commission (NTC) has released the latest version (edition 7.4) of the Australian Dangerous Goods Code.

In a media release issued on 18 December, NTC Chief Executive Officer, Paul Retter, said the latest edition of the code would continue to help prevent damage to people, property and the environment from the unsafe transport of dangerous goods by road and rail.

'It is very important that people reading the code also read the dangerous goods legislation in their jurisdiction,' Mr Retter said.

Mr Retter said that operators involved in the transport of dangerous goods can use either edition 7.3 or edition 7.4 of the Code up until 1 January 2017, however they must use edition 7.4 after 1 January 2017.

Further information can be obtained from www.ntc.gov.au/heavy-vehicles/safety/australian-dangerous-goods-code.

NHVR Revised National Heavy Vehicle Inspection Manual Launched

A consistent approach to heavy vehicle safety moved one step closer with the launch of the National Heavy Vehicle Regulator's (NHVR) revised National Heavy Vehicle Inspection Manual by South Australia's Minister for Transport and Infrastructure, Stephen Mullighan.

Mr Mullighan said the manual paved the way for a consistent national approach to heavy vehicle inspections and was a foundation towards improvement in safety across the heavy vehicle industry.

'The importance of this manual can't be overstated – it will provide a single roadworthiness reference for both authorised officers as well as heavy vehicle operators,' Mr Mullighan said.

'The manual is the first stage in developing a single national approach to heavy vehicle roadworthiness.'

The manual applies to all vehicles with a gross vehicle mass or aggregate trailer mass greater than 4.5 tonnes and provides transparency about how heavy vehicles will be inspected nationally.

NHVR Chief Executive Officer Mr Sal Petrocchio said the manual is the first project to be delivered by the National Heavy Vehicle Roadworthiness Program.

The program seeks to implement nationally-consistent standards for the conduct of inspections, the skills of inspectors, the criteria against which components or sub-systems are inspected and the management and clearance of defects.

'The manual details practical information about wear, damage or change to important components and systems for in-service inspections by owners, operators and administrators in each state and territory,' Mr Petrocitto said.

'The NHVR will be assisting operators through building on the 'one manual, everyone's safety' theme, by developing industry focused resources to help integrate the manual into your business,' he said.

The manual was developed with extensive industry consultation and through the Transport and Infrastructure Council, all states and territories have agreed to implement the manual into their inspection regimes by 1st July 2016.

The National Heavy Vehicle Inspection Manual can be downloaded from www.nhvr.gov.au/nhvm.

Safety - It's in your Hands, NHVR

Every individual in the Chain of Responsibility can make a difference to safety for all road users, says the National Heavy Vehicle Regulator's (NHVR) Manager for Chain of Responsibility, Michael Crellin, speaking at the Heavy Vehicle Safety and Chain of Responsibility Conference in Sydney on 2 December.

'With a national Regulator and national law in place, we have the right infrastructure to effect change,' Mr Crellin said.

'The next step is to get the right safety culture in place, through better education and training, so that individuals are equipped to make the difference and improve attitudes to safety wherever they work.'

'Every party in the chain must take a personal interest in every load, every vehicle and every driver,' Mr Crellin said.

Since his appointment in February this year, Mr Crellin and his team have been working with industry participants, large and small, in all States and Territories, to help them understand their obligations and transition to best practice in Chain of Responsibility operations.

'A big part of my job in speaking with industry is myth-busting and correcting misinformation, particularly around the issue of subcontractors and suppliers. Even if it's not your driver, it's still your responsibility,' Mr Crellin said.

'Next year, we'll be covering this and a wide range of other topics in the NHVR's nation-wide Chain of Responsibility information and education program.'

'I urge operators and logistics companies to make investment in education and operational improvements their 2016 New Year's resolution.'

'As a national Regulator, our message to industry is don't wait for something to go wrong. It shouldn't take an incident or event for anyone to become serious about safety,' Mr Crellin said.

For more information – visit www.nhvr.gov.au or call 1300 MYNHVR (1300 696 487).

TWUSUPER Super News November 2015

Get SuperStream compliant now

If your business employs 20 or more employees, you must now be SuperStream-compliant.

Importantly, the ATO recently announced it will be focusing attention on employers with 20 or more employees, who have been identified as non-compliant from 1 November. However, it will continue to provide support to employers making a genuine attempt to meet SuperStream requirements.

TWUSUPER is here and ready to help.

No matter how large or small your business is, if you are concerned about your SuperStream obligations you should phone the Fund on **1800 241 877** weekdays 8am to 8pm (AEST/AEDT).

One of our Business Relationship Consultants will be able to help you, either over the phone or face-to-face.

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TWUSUPER Super News December 2015

2016: Crunch time for SuperStream

All businesses must be SuperStream-compliant by 1 July 2016.

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Economic and Industry Indicators

Indicator/Source ¹	As at	Unit of Measure	Quantity	% Variation
GDP latest quarter (ABS)	Sep Qtr 2015	\$m	411,091	2.3
CPI (ABS)	Sep Qtr 2015	Per cent		1.5
Cash rate (RBA)	Current	Per cent	2.00	
Estimated Residential Population (ABS)	Jun Qtr 2015	Number	23,781	1.4
Retail Turnover (ABS)	Oct 2015	\$m	24,607	3.9

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

Actual New Capital Expenditure (ABS)	Sep Qtr 2015	\$m	31,949	-17.8
Inventories held by private business (ABS)	Sep 2015	\$m	154,707	0.4
Dwelling unit approvals (ABS)	Oct 2015	Number	18,466	5.1
Manufacturers Income (ABS)	Sep 2015	\$m	85,321	-5.3
Employed persons (ABS)	Oct 2015	Million	11,856	2.5
Unemployed persons (ABS)	Oct 2015	Percentage	6.0	-0.3
Wage Price Index (ABS)	Sep Qtr 2015	Per cent		
All employees				2.3
Transport, postal and warehousing				2.2
New motor vehicle sales (ABS)	Nov 2015	Number	97,973	5.4
Cab Chassis/Prime Mover Sales (TIC)	9 months ending Sep 2015	Number	21535	0.8
Vans (TIC)	10 months ending Oct 2015	Number	4535	18.9
AIP Terminal Gate Price-Diesel-Sydney	As at 24 Nov	Cents per litre	110.4	

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