



## **New South Wales Branch**

PO Box 277  
HURSTVILLE NSW 2220  
Tel/Fax: 02 9579 2333  
Mob: 0412 880861  
Email: [hughmc@artionsw.com.au](mailto:hughmc@artionsw.com.au)  
ABN: 93149961882

# *The Courier*

*Information and Advice for NSW Transport Operators*

**Newsletter Vol. 2 No. 13: December 2016**

## **Contents**

1. Christmas/New Year Office Arrangements
2. Federal Parliament Passes Fair Work (Registered Organisations) Amendment Bill
3. ARTIO NSW Lodges Submission to Statutory Review of the *Work Health and Safety Act*
4. Heavy Vehicle Driver Fatigue Research Project to Investigate Driver Alertness, Sleep Patterns and Driver Concentration
5. Chain of Responsibility Law Amendments Pass through Queensland Parliament
6. SafeWork NSW Urges Businesses to be Safe in Hot Weather
7. New Dangerous Goods Code Takes Effect from 1 March
8. Federal Government Announces Blueprint for Western Sydney Airport
9. GDP Contracts in the September 2016 Quarter
10. TWUSUPER Super News December 2016
11. Economic and Industry Indicators

---

## **Christmas/New Year Office Arrangements**

---

The ARTIO NSW office will close at 5pm on Thursday, 22 December and reopen at 9am on Friday, 13 January. Should you require assistance or advice during this time, please contact Hugh McMaster, telephone, 0412 880861, email, [hughmc@artionsw.com.au](mailto:hughmc@artionsw.com.au). The ARTIO NSW Committee and Secretariat take this opportunity to wish all of you a safe and happy Christmas and a prosperous 2017.

---

## **Federal Parliament Passes Fair Work (Registered Organisations) Amendment Bill**

---

The Federal Parliament has passed the Fair Work (Registered Organisations) Amendment Bill which has since received royal assent but will not take effect until it is proclaimed.

The *Fair Work (Registered Organisations) Amendment Act 2016* (the Act) amends both the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*.

This legislation establishes the Registered Organisations Commission as a specialist regulator with powers to conduct investigations and gather information so that registered organisations are monitored and held accountable. The Commission will assume the investigations, enforcement advice and assistance responsibilities related to registered organisations. The Commission will be headed up by a commissioner who will assume these responsibilities from the General Manager of the Fair Work Commission.

### **Background**

In 2014, the Royal Commission into Trade Union Governance and Corruption, which was headed by Royal Commissioner Dyson Heydon, investigated allegations related to the misuse of members' funds in several trade unions and made a number of recommendations related to trade union governance and individual office holders in trade unions.

### **Implications for ARTIO and its Branches, Including ARTIO NSW**

ARTIO, ARTIO NSW and other ARTIO Branches are all registered organisations, including trade unions, operate under the Act. The main advantage of registration is that registered organisations such as ARTIO and ARTIO NSW are automatically entitled to representation before industrial tribunals such as the FWC in relation to Modern Awards and related matters and, in NSW, the Industrial Relations Commission in relation to Contract Determinations and related matters.

However, registered organisations must operate under a set of Rules which require approval by the regulator. They must ensure financial statements are disclosed and are made available to Members. They must also meet other regulatory requirements related to the conduct of elections, the maintenance of a register of members, donations and office bearers.

These amendments will strengthen financial accounting and disclosure obligations on ARTIO, its Branches, including ARTIO NSW and its office bearers. It also amends the requirements for officers' disclosure of material personal interests and changes the grounds for disqualification and ineligibility for office. The Act also increases civil penalties and introduces criminal offences for serious breaches of officers' duties. It also introduces new offences for the conduct of investigations.

The FWC has advised that as a result of these amendments registered organisations will need to deal with both the FWC and the ROC. The FWC has advised that expects it will continue to be responsible for approving and amending rules of registered organisations. The FWC also expects that the ROC will be responsible for financial reporting, elections, annual meetings, officer disclosures, education and training.

It is expected that the ROC will be in place by the end of March 2017.

---

## **ARTIO NSW Lodges Submission to Statutory Review of *Work Health and Safety Act***

---

In response to an invitation from SafeWork NSW Executive Director, Peter Dunphy, ARTIO NSW has lodged a submission in relation to the statutory review of the *Work Health and Safety Act 2011*.

Almost all provisions in the Act are the same as the Commonwealth's model *Work Health and Safety Act 2011*. This statutory review is confined to provisions in the NSW act which differ from the Commonwealth act.

The main points made in the ARTIO NSW submission are:

- That as a matter of principle, ARTIO NSW supports a nationally uniform r WHS legal and regulatory framework because a significant proportion of the industry operates across State borders.

- To remove the rights of trade unions and legal practitioners to instigate prosecutions in relation to any breach of the Act and instead confine such rights to SafeWork NSW and its Inspectors. This would bring NSW into line with federal law.
- That the Act should be reviewed every five years so that it remains up to date and a report of the findings of any review should be tabled in both houses of NSW Parliament within 12 months of the conclusion of that five-year period.
- That, in order to avoid duplication, where legislative or regulatory obligations apply in another body of law, e.g., environmental law in relation to dangerous goods, that law should apply and WHS issues should not be covered by the Act.

ARTIO NSW also said that it made sense to retain differences where required. For example, the Act specifically refers to NSW based legislation and regulatory bodies in areas dealing with, amongst other things, environmental law, industrial law, law and order and emergency services

A draft report related to this statutory review is expected to be completed by April 2017. Thereafter, it is expected that the report will be tabled in State Parliament.

---

## **Heavy Vehicle Driver Fatigue Research Project to Investigate Driver Alertness, Sleep Patterns and Reduced Concentration**

---

***Media Release from the Hon Darren Chester MP Minister for Infrastructure and Transport, 7 December 2016***

*'Driver fatigue is one of the main causes of road accidents involving heavy vehicles contributing approximately 22 percent of all recorded incidents across the country.*

*As Federal Transport Minister, I cannot, and will not accept, this situation.*

*That is why I am today committing more than \$800,000 towards research which will give policy makers a greater understanding of truck driver fatigue, and to find solutions to reducing heavy vehicle fatigue related road incidents.*

*Although we've seen significant improvements in safety since the introduction of fatigue regulations, that fact remains that fatigue kills.*

*The Heavy Vehicle Driver Fatigue Research Project will investigate driver alertness, sleep patterns and the safety risks associated with reduced concentration in a bid to better inform future fatigue policy.*

*The data collected through this research will be crucial in assessing the effectiveness of our current framework and will help us deliver a more contemporary risk-based approach.*

*My department will collaborate with the National Transport Commission, the National Heavy Vehicle Regulator, universities and industry on this research to give us a clearer picture of our road safety challenge.*

*This collaborative approach is essential in delivering the safest road network possible, with the Cooperative Research Centre for Alertness, Safety and Productivity providing oversight of this project.*

*Australia has traditionally been a world leader in road safety, thanks to measures like compulsory seatbelts, speed limits and random breath testing.*

*But we can't become complacent by not continuing to invest in new initiatives to reduce the frequency and severity of road accidents.*

*I have seen first-hand the impacts of a road crash and I, along with many other Australians, have heard stories from our friends, colleagues and neighbours of a road crash they have experienced.*

*The annual economic cost of road crashes in Australia is estimated to be around \$27 billion, and that doesn't even begin to touch the grief and pain suffered by families.*

*Research such as this will ensure we have the right policy settings in place to minimise the loss of life from road crashes.*

*I am looking forward to seeing the outcomes of this research and delivering a much safer road network for all motorists.'*

---

## **Chain of Responsibility Law Amendments Pass through Queensland Parliament**

---

Amendments to the National Heavy Vehicle Law were passed by Queensland Parliament on 2 December. According to Acting NHVR CEO, Ray Hassall, the aim of these amendments is to compliment heavy vehicle and workplace health and safety laws by placing a positive duty on all chain of responsibility supply chain parties.

Mr Hassall said that the NHVR recognises it needs to provide information and educational resources to guide the industry through these changes. He said guidelines for industry Codes of Practice will soon be released. This follows the release of chain of responsibility podcasts and fact sheets which are available at [www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/chain-of-responsibility-survey](http://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/chain-of-responsibility-survey).

An implementation period has been proposed which will see the reforms come into effect in mid-2018.

---

## **SafeWork NSW Urges Businesses to be Safe in Hot Weather**

---

***Adapted from SafeWork NSW Media Release, 14 December 2016***

The Executive Director of SafeWork NSW, Peter Dunphy, has urged businesses to take all necessary steps to ensure workers are safe during hot weather. He said businesses and workers need to adopt a 'flexible and common-sense approach to working in the heat'.

'By monitoring temperature, humidity, hydration and work activity, businesses can minimise the risks of heat stress and heat-related illness when working in hot and sunny conditions,' Mr Dunphy said.

'...heat can reduce a worker's concentration, ability to recognise risks and communicate effectively,' Mr Dunphy said.

Free guidance material on fatigue management and working safely in the sun is available from [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au). Sun safety tips can also be accessed from the Cancer Council website, [www.cancerCouncil.com.au](http://www.cancerCouncil.com.au).

---

## **New Dangerous Goods Code Takes Effect from 1 March**

---

Updates to the Australian Dangerous Goods Code, which sets out requirements for the transport of dangerous goods by road and rail, take effect from 1 March 2017, according to Paul Retter, CEO of the National Transport Commission.

'...there will be new rules governing the transport of dangerous goods in limited quantities to reduce the regulatory burden for business and provide continued assurance that these goods are transported safely and efficiently', Mr Retter said.

Amendments to the code include an increase in the placard limit from one tonne to 2 tonnes for all limited quantities and introducing simpler documentation for household and personal care substances.

Further information is available on the NTC website, [www.ntc.gov.au/heavy-vehicles/safety/australian-dangerous-goods-code](http://www.ntc.gov.au/heavy-vehicles/safety/australian-dangerous-goods-code).

---

## **Federal Government Announces Blueprint for Western Sydney Airport**

---

***Adapted from Media Release from the Hon Paul Fletcher MP Minister for Urban Infrastructure, 9 December 2016***

The Minister for Urban Infrastructure, Paul Fletcher, has announced that a blueprint enabling the commencement of construction of the Western Sydney Airport at Badgery's Creek has been completed, thus paving the way for construction of the airport to proceed.

Mr Fletcher the blueprint, which is called the *Airport Plan for Western Sydney*, imposes environmental conditions which are binding on the developer and the operator of the airport.

The Airport Plan also authorises construction of Stage 1 of the airport. Stage 1 involves construction of a single runway and supporting facilities to cater for 10 million passengers a year, or about a quarter of the current passenger patronage at Sydney Airport. Mr Fletcher said that he expects construction of Stage 1 will be completed so that the airport is operational by the mid-2020's

Mr Fletcher said the Australian and NSW Governments are working together to develop road and rail linkages to the proposed airport. He said that \$3,6 billion has been allocated under the Western Sydney Infrastructure Plan to improve road links across Western Sydney and that construction is underway. He also said that rail options are under consideration, including the preservation of a rail corridor.

For the air freight sector, Western Sydney Airport offers the possibility of 24/7 operations as opposed to restrictions to operations due to the curfew at Sydney Airport.

Further information is available from [www.westernsydneyairportnhvr.gov.au](http://www.westernsydneyairportnhvr.gov.au).

---

## **GDP Contracts in the September 2016 Quarter**

---

Figures released by the Australian Bureau of Statistics show that the Australian economy contracted by 0.5 percent in the September 2016 quarter. This is the first quarterly fall in GDP since the March 2011 quarter and the sharpest deterioration in the Australian economy since 2008. It is the fourth time in the past 25 years that the Australian economy contracted over a three-month period.

The Australian economy grew by 1.8 percent in the year ending 30 September, down from an annual growth rate of 3.1 percent for the year ending 30 June. The contraction in economic activity in the September quarter exceeded market economists' expectations and can be expected to have an adverse impact on budget forecasts.

There was strong consensus amongst market economists that this contraction was due to several one-off factors, including a sharp fall in the terms of trade, which compares prices received for exports with prices paid for imports, falling home construction, a sharp fall in business investment as the mining boom tapers off, a fall in investment by governments and weaker consumer spending underpinned by

anaemic wages growth. Market economists expect the Australian economy to grow in the December quarter.

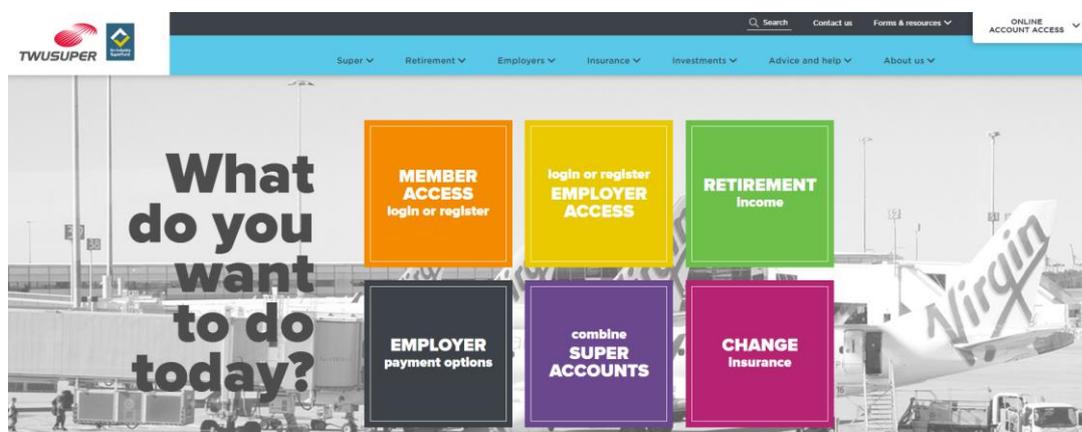
---

## TWUSUPER Super News December 2016

---

### New website now live

TWUSUPER's new-look website is now live, complete with an updated section for employers. Using the website to manage your employee super and find the information you need has never been easier. You can still log right into Employer Access through the home page. Go to [twusuper.com.au](http://twusuper.com.au) to see for yourself.



### Next SG Quarter deadline: 28 January

The next Super Guarantee payment deadline will be on 28 January 2017. Remember to make any outstanding payments at least 5 working days before 28 January to avoid a potential SG Charge from the ATO. If you make your payments through a clearing house, please allow 10 working days. Login to Employer Access at [twusuper.com.au/ea](http://twusuper.com.au/ea) to organise SuperStream-compliant payments.

---

### Employer Services over the holidays

The TWUSUPER Employer Service team will still be on-hand to help you over the holiday season - we only close on public holidays. If you need a hand over December and early January, call 1800 241 877.

---

### SG contributions due 28 January

Employers must pay Super Guarantee payments for eligible employees at least four times a year, and the ATO can apply the Super Guarantee Charge if payments are missed. SG contributions for the 1 October - 31 December quarter are due no later than 28 January.

If you are paying via TWUSUPER's clearing house – **SCH Online** – please allow 10 business days for contribution data and payments to reach other funds.

This information is of a general nature only and does not take into account your objectives, financial situation or needs. Before acting on this information, you should consider its appropriateness having regard to your objectives, financial situation and needs. A copy of TWUSUPER's current Product Disclosure Statement should be obtained from us (by calling 1800 222 071 or visiting [twusuper.com.au](http://twusuper.com.au)) and considered carefully before you make a decision in connection with TWUSUPER. 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. Transuper and TransPersonal are divisions of TWUSUPER.

## Economic and Industry Indicators

Indicator/Source <sup>1</sup>	As at	Unit of Measure	Quantity	% Variation
GDP latest quarter (ABS)	Sep Qtr 2016	\$m	419,299	2.2
CPI (ABS)	Sep Qtr 2016	Per cent		1.3
Cash rate (RBA)	Current	Per cent	1.5	
Estimated Residential Population (ABS)	As at 21 Dec 2016	Million	24.305	
Retail Turnover (ABS)	Oct 2016	\$m	25,543	3.3
Actual New Capital Expenditure (ABS)	Sep Qtr 2016	\$m	27,964	-15.6
Inventories held by private business (ABS)	Sep 2016	\$m	154.209	0.4
Dwelling unit approvals (ABS)	Oct 2016	Number	18,064	-7.2
Manufacturers Income (ABS)	Sep 2016	\$m	82,397	-3.5
Employed persons (ABS)	Nov 2016	Million	11,949	0.7
Unemployed persons (ABS)	Oct 2016	Percentage	5.6	-0.3
Wage Price Index (ABS)	Sep Qtr 2016	Per cent		
All employees				2.0
Transport, postal and warehousing				2.0
New motor vehicle sales (ABS)	Nov 2016	Number	98,059	0.3
Cab Chassis/Prime Mover Sales (TIC)	10 months ending Oct 2016	Number	22,441	4.2
Vans (TIC)	10 months ending Oct 2016	Number	4,506	-0.9
AIP Terminal Gate Price-Diesel-Sydney	As at 21 Dec 2016	Cents per litre	116.2	

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

*DISCLAIMER: This document is an information source only. Despite our best efforts, ARTIO NSW makes no statements, representations or warranties about the accuracy or completeness of the information and disclaims responsibility for all liability for all loss or damage you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason. The information contained in this document is not intended to be nor should it be relied upon as a substitute for legal or other professional advice.*

---