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# *The Courier*

*Information and Advice for NSW Transport Operators*

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### **Transport Industry – General Carriers Contract Determination Update**

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Members will have seen proposed changes to the Transport Industry – General Carriers Interim Contract Determination which were sent with the consent of Acting Justice Kite from the NSW Industrial Relations Commission who is presiding over these proceedings. ARTIO NSW's report back to His Honour will take into account feedback from Members when this matter is next heard on 3 November.

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### **SafeWork NSW Publishes Safety Alert on Heavy Vehicles or Trailers Crushing Workers**

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SafeWork NSW has published a safety alert aimed at reminding people of the risks of being hit or crushed when working on or under a heavy vehicle or trailer.

SafeWork NSW said the publication of this safety alert follows a number of incidents involving the movement of heavy vehicles and trailers while maintenance was being undertaken. The publication outlines common hazards, associated risks and ways to control or manage risk.

SafeWork NSW said the publication targets workers who may need to work on or under a heavy vehicle or trailer to clean it, check it, or undertake servicing or repairs.

A copy of this safety alert is available at [www.safework.nsw.gov.au/news/safety-alert/heavy-vehicles-or-trailers-hitting-or-crushing-workers](http://www.safework.nsw.gov.au/news/safety-alert/heavy-vehicles-or-trailers-hitting-or-crushing-workers).

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## **Changes to Workers' Compensation Administration in NSW**

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I-Care (formerly WorkCover NSW) has announced that it will directly manage policy and billing arrangements under the NSW workers' compensation scheme. No date has yet been set to implement these new arrangements, however they are expected to be put in place from early next year.

Under the new arrangements, it is proposed that workers' compensation insurance policies can be purchased and paid for online through an I-Care self-service portal. This means current scheme agents will no longer be involved in the provision of policy underwriting support and credit management.

Claims management arrangements will not be affected by these administrative changes.

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## **State Parliament Passes Amendments to NSW Industrial Relations System**

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Legislation was introduced into the NSW Parliament (the *Industrial Relations Amendment (Industrial Court) Bill 2016*) in September giving effect to the Government's proposed changes to the NSW industrial relations system and passed through both houses without amendment. The Bill was assented to on 18 October.

The effect of this legislation is to transfer the judicial functions currently exercised by the Industrial Court under the *Industrial Relations Act* to the Supreme Court, a court which has equivalent standing to the Industrial Court in the NSW legal system. These judicial functions include:

- Hearing appeals from industrial magistrates' courts in the Local Court.
- Determining prosecutions for offences under the IR Act.
- Hearing unfair contracts disputes.
- Making orders for the recovery of money and issuing civil penalties where an industrial instrument is alleged to have been breached.

The functions of the NSW Industrial Relations Commission, which relate to conciliation and arbitration, will not change.

These amendments to the IR Act means NSW now has an industrial relations system similar to the Commonwealth where the Fair Work Commission's functions relate to conciliation and arbitration while the Federal Court and the Federal Circuit Court together deal with judicial functions.

These reforms are driven by the creation of the Modern Award system, the consequent cessation of most State awards and the transfer of workplace health and safety prosecutions to the District Court. This has led to a significantly reduced workload in the Industrial Court. Therefore, the benefits of these reforms are aimed at ensuring efficiency in the judicial system.

ARTIO NSW wrote a submission to the Minister for Industrial Relations, Gladys Berejyklian, in support of the proposed reforms after it was briefed by officials from The Treasury on these proposed amendments.

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## **Signs Inflation May Be Trending Upwards: Likelihood of Interest Rate Cut Falls**

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Figures released by the Australian Bureau of Statistics point to an underlying rebound in inflation in Australia, albeit from very low levels.

The headline (actual) Consumer Price Index, which measures inflation, rose by 0.7 per cent in the September quarter, or by 1.3 per cent in the year ending 30 September. This compares to an increase of 1 per cent in the year ending 30 June.

Underpinning the higher actual inflation rate were increases in the prices of fruit, vegetables and electricity, which offset falls in fuel and communications prices.

After quarterly volatility in prices for some goods and services is taken into account, the inflation rate held steady when compared to the year ending 30 June. However, on an underlying basis, inflation rose when compared to the year ending 31 March suggesting the underlying trend may be for a gradual rise in inflation.

Market economists had forecast a smaller increase in the actual inflation rate and a slight fall in inflation after making adjustments for quarterly volatility in some prices.

This higher than expected inflation rate, combined with a sharp increase in commodity prices and stronger than expected GDP growth is likely to reduce the likelihood of a fall in official interest rates when the Reserve Bank meets on 1 November.

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## **NTC Seeks Feedback on New Load Restraint Guide**

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The National Transport Commission is seeking feedback on a proposed new edition of the *Load Restraint Guide*. This Guide provides advice to road transport operators, drivers and other supply chain parties on the basic safety principles which should be followed to ensure loads are restrained and carried in a safe manner.

The NTC wants to ensure the Guide is easy to access and understand, meets the needs of users, and is accurate and up to date.

The latest edition of the Guide was published in 2004.

You can have your say about the format and structure of the new guide by completing [a short survey](#).

[Find out more about the Load Restraint Guide](#).

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## **NHVR Reports Sharp Rise in Number of PBS Approvals**

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The National Heavy Vehicle Regulator has reported a sharp rise in the number of Performance Bases Standards vehicles gaining approval to operate on the road network.

NHVR CEO, Sal Petrocitto, said that 450 PBS combinations were approved in the three months ending September 2016, an 80 per cent increase on the corresponding period in 2015.

'Truck and dog combinations continue to be the most popular combinations making up more than half of all approvals, followed by semis, B-double and A-double combinations,' Mr Petrocitto said.

This data and other data and information on the NHVR is contained in the latest edition of the NHVR publication, *Quarterly Snapshot*, which is available at [www.nhvr.gov.au/publications](http://www.nhvr.gov.au/publications).

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## **Transitional Arrangements for Roller Brake Testing Extended**

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Transitional arrangements for roller brake testing in NSW have been extended until 31 January 2017. This extension has been agreed to by the National Heavy Vehicle Regulator and Roads and Maritime Services to enable further investigation to take place aimed at ensuring braking performance can be assessed accurately.

The NHVR has advised that under the new testing arrangements, heavy vehicles which fail to meet the brake force criteria of 4.5kN/t will be issued with a defect notice.

The NHVR said that proposed reforms to heavy vehicle braking aim to achieve consistency in standards through the National Heavy Vehicle Inspection Manual.

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## **Sharp Fall in Fatal Heavy Vehicle Fatalities**

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A new report from SafeWork Australia says that says that 195 workers were killed in work related incidents in 2015. This equates to 1.6 fatalities per 100,000 workers and represents the lowest fatality rate since records were first kept 13 years ago. This fatality rate is about half the fatality rate recorded in 2004 and 2007.

Fatalities in vehicle collisions accounted for 27 per cent of all workplace fatalities compared to a 13-year average of 39 per cent. The number of fatalities in heavy vehicle crashes halved between 2003 and 2015 (108 to 53).

Another 17 workers were killed by moving objects, including trucks, light vehicles and self-propelled plant. Two workers were killed in falls from trucks.

A copy of this publication, *2015 Work-Related Traumatic Injury Fatalities*, can be obtained from [www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/work-related-traumatic-injury-fatalities-australia-2015](http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/work-related-traumatic-injury-fatalities-australia-2015).

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## **SA Transport Operator Gets 10 Years' Jail for Manslaughter**

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*(Adapted from article in 'OHS Alert')*

A South Australian Supreme Court judge has sentenced a company director to 12 and a half years' jail with a non-parole period of 10 years for recklessly endangering life and for manslaughter.

Justice Malcolm Blue concluded that Peter Francis Colbert, the sole director of Colbert's Transport Pty Ltd knew one of his trucks had dilapidated brakes before taking over the company and that this was relevant to his culpability for an employee's death.

An earlier ruling had determined that in 2013 Colbert was employed by the transport company Greenfields and he was aware that no services or repairs had been undertaken on the brakes of the truck involved in his employee's death. This is because another driver complained about the brakes. The Court found that Colbert took over the business in January 2014.

By this time three workers had complained about the brakes while at least two others had raised concerns in subsequent weeks.

On 5 March, 2014 the Court heard that the company's new principal driver, Shane Bonham, had told Colbert that he had narrowly avoided a crash after the brakes failed. Two days later, on 7 March, another employee, Robert Brimson, was killed while driving the same truck after the brakes had failed and the truck hit a pole.

Justice Blue stated that allowing Brimson to drive the vehicle two days later 'involved such a great falling short of the standard of care which a reasonable person would have exercised, and involved such a high risk that death or really serious bodily harm would follow, that it merited criminal punishment'.

He said Colbert's offences 'were the culmination of a course of conduct over two months, during which (he) did not take any substantive steps to have the braking system checked, serviced or repaired'.

Justice Blue said that while Colbert was not responsible for the condition of the brakes before taking over the business in January 2014, his knowledge of the vehicle's condition in 2013 was 'relevant to (his) culpability in respect of the events of 5 and 7 March 2014'.

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## **NTC Seeks Industry Input on Potential Reforms to Investigative Powers**

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The National Transport Commission has invited industry stakeholders and other interested parties to make submissions on ways to improve the Heavy Vehicle National Law and Chain of Responsibility laws.

NTC Chief Executive, Paul Retter, said that Australia's transport ministers requested the NTC to examine whether agencies charged with enforcing the National Heavy Vehicle Law have the appropriate investigative and enforcement powers, including sanctions, to meet the objectives of the law.

'...we need to make sure police and other authorised officers have the right legal powers to enforce those laws', Mr Retter said.

He also said that '(o)f course we also need to make sure that these powers provide a sensible balance between the needs of regulators and the rights of individuals'.

The discussion paper reviews the HVNL's investigative and enforcement powers in five separate areas – information gathering powers; entry, inspection, search and seizure powers; sanctions; evidentiary issues; and cross-jurisdictional issues. The discussion paper also poses a total of 14 questions for consideration.

Submissions are due by 9 December 2016. Further information is available at [www.ntc.gov.au/current-projects/review-of-hvnl/inveestigative-and-enforcement-powers](http://www.ntc.gov.au/current-projects/review-of-hvnl/inveestigative-and-enforcement-powers).

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## **NSW Government Announces Corridor Strategy for Golden Highway**

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On 12 October, the Parliamentary Secretary for Regional Roads and Rail, Kevin Anderson, released the Golden Highway Corridor Strategy which details plans to maintain and improve over 300 kilometres of road connecting the Hunter Valley and Dubbo.

'We expect to see more freight vehicles, some up to 26 metres long, using this road in coming years. This strategy outlines a range of projects that will make it safer to navigate for both trucks and cars,' Mr Anderson said.

Planned work includes the creation of new overtaking and climbing lanes, intersection upgrades as well as road repairs and road widening.

Further information is available at [www.transport.nsw.gov.au/projects-road-network-corridor-planning](http://www.transport.nsw.gov.au/projects-road-network-corridor-planning).

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## Sydney Airport North Road Project Gets Go Ahead

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The NSW Government has given approval for the Airport North project to proceed according to the Minister for Roads, Duncan Gay.

In a media release issued on 8 October, Mr Gay said that as part of the Airport North project, O’Riordan St will be widened to three lanes in both directions between Bourke Rd and Robey St.

Other road improvements underway are the widening of Marsh St west of the airport and the construction of a road underpass under railway line which General Holmes Drive, Botany Rd and Wentworth Ave.

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## TWUSUPER Super News October 2016

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### Free clearing house for employees in different funds

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### New website going live soon

The new TWUSUPER website will go live this December. The new website will work seamlessly across phones, computers, tablets and laptops.

We’re making it quicker to get to the topics that matter to you most.

Your Employer Access account for managing your super payments online won’t be affected by the new website.

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## Economic and Industry Indicators

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Indicator/Source <sup>1</sup>	As at	Unit of Measure	Quantity	% Variation
GDP latest quarter (ABS)	Jun Qtr 2016	\$m	421,919	3.1
CPI (ABS)	Sep Qtr 2016	Per cent		1.3
Cash rate (RBA)	Current	Per cent	1.5	
Estimated Residential Population (ABS)	As at 31 Oct 2016	Million	24.258	
Retail Turnover (ABS)	Aug 2016	\$m	25,094	2.6
Actual New Capital Expenditure (ABS)	Jun Qtr 2016	\$m	29,130	-15.2
Inventories held by private business (ABS)	Jun 2016	\$m	153,830	-0.3
Dwelling unit approvals (ABS)	Aug 2016	Number	20,384	4.4
Manufacturers Income (ABS)	Jun 2016	\$m	81.783	-3.8
Employed persons (ABS)	Aug 2016	Million	11,960	1.3
Unemployed persons (ABS)	Aug 2016	Percentage	5.6	-0.4
Wage Price Index (ABS)	Jun Qtr 2016	Per cent		
All employees				2.1
Transport, postal and warehousing				2.0
New motor vehicle sales (ABS)	Sep 2016	Number	99,294	2.1
Cab Chassis/Prime Mover Sales (TIC)	8 months ending Aug 2016	Number	17449	4.0
Vans (TIC)	8 months ending Aug 2016	Number	3639	-2.6
AIP Terminal Gate Price-Diesel-Sydney	As at 31 Oct 2016	Cents per litre	112.7	

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<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.