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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

Although the ARTIO NSW office will be closed from COB today till 7 January, please contact Hugh McMaster, tel 0412 880861, email hughmc@artionsw.com.au, at any time if you require assistance or advice.

The ARTIO NSW secretariat takes this opportunity to wish all Members a happy and safe Christmas and a Happy New Year.

All NSW Employers Require a Return to Work Program by 31 May

The State Insurance Regulatory Authority (SIRA) has issued a Notice reminding NSW employers to have an up to date return to work program to respond to work-related injury or illness by 31 May 2019.

SIRA advises that employers have until then to put a program in place or update it in line with its Guidelines for workplace return to work programs.

SIRA says most small businesses can use SIRA's return to work template to document their strategies to help injured employees return to work.

Employers with a base tariff premium of more than \$50,000 (category 1 employers) must have a return to work coordinator who will develop and implement a return to work program in consultation with workers and unions.

SIRA's Notice has links on its website to assist employers to a range of resources to assist in the development of a return to work program. A copy of this Notice is available from www.sira.nsw.gov.au/news/notice/all-employers-need-a-return-to-work-program.

Further information is also available by telephoning SIRA, 13 10 50 (Monday to Friday, 8.30 am to 5 pm).

ALP National Conference Endorses Resolution on Safe Rates

The ALP has adopted as party policy a resolution to address issues associated with Safe Rates at its National Conference in Adelaide.

The resolution adopted by the ALP states:

“A Federal Labor Government will, as a matter of urgency, legislate for a national system of Safe Rates consisting of an independent body with responsibility for safe standards of work including payments and conditions. This task has become more pressing given the emergence of technology and the gig economy in passenger and freight transport which has accelerated the downward spiral throughout the transport industry.”

Accompanying this resolution are the following principles:

1. Universal application of a system of binding, enforceable and safe standards. The standards will cover all parties in the transport supply chain/contract networks to ensure safe performance, planning and appropriate payments. The standards will focus on eliminating economic and contractual practices that place undue pressure on transport supply chains/contract networks.
 2. Appropriate enforceable payments and related conditions for all operators and workers, regardless of label.
 3. The capacity to resolve (including where necessary through binding decisions) transport supply/chain contract networks disputes.
 4. Appropriate and adequate enforcement regime.
 5. Appropriate resourcing of supply chain/contract networks auditing, training and education through an industry fund.
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NHVR Starts Consultation on NHVAS Accreditation Business Rules

Adapted from media release, Geoff Casey, NHVR, Executive Director, Productivity and Safety, 10 December 2018

The NHVR will undertake a three-month consultation to align the National Heavy Vehicle Accreditation Scheme (NHVAS) Standards and Rules with the recent changes to Chain of Responsibility laws.

NHVR Executive Director of Productivity and Safety Geoff Casey said consultation on the proposed changes would be conducted through on-line feedback, as well as face-to-face at a series of information sessions.

“The NHVR today wrote to more than 7150 operators in the NHVAS scheme about proposed changes to the Business Rules and Standards for the Mass, Maintenance or Fatigue modules,” Mr Casey said.

“These changes will assist NHVAS participants to meet the recent changes to Chain of Responsibility laws, which require all parties in the supply chain to address the risks of their transport activities.

Some of the key reforms proposed for NHVAS include:

- Requirements for crash and incident reporting of major and significant events
- A register of infringements and defects notices received
- Fit and proper person requirements as part of the assessment criteria
- Maintenance strengthened to now include tow couplings and drawbars.

“The review seeks to address some of the inconsistencies that currently exist,” Mr Casey said.

The NHVR will be conducting a series of information sessions across Australia in February and March 2019 to provide further opportunities to discuss the changes and provide feedback.

Consultation ends on March 31, 2019. More details on the information sessions, proposed changes and *Notice of Proposed Rule Making* are available at www.nhvr.gov.au/nhvas-review.

Trial of High Technology Cameras to Detect Illegal Mobile Phone Use

Adapted from media release, Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight, 16 December 2018

The NSW Government has announced that world-first technology capable of catching drivers illegally using mobile phones will be piloted at two Sydney locations following a successful testing phase.

Minister for Roads, Maritime and Freight, Melinda Pavey, said that a month-long trial of the new technology in October detected more than 11,000 drivers using a mobile phone illegally.

Following the trial, which involved three technology companies the NSW Government has selected Acusensus to trial the high technology cameras on the M4 Motorway and Anzac Parade from January.

Mrs Pavey said the cameras can be used day or night and can operate in all weather conditions.

“If at the end of the trial, the technology proves to be foolproof, the community will be made aware of its permanent use,” Mrs Pavey said.

Legislation Passed Extending Taxable Payment Reporting System to Road Freight

As flagged by ARTIO NSW in its Special 2018-19 Budget Edition of *The Courier* earlier this year, the Commonwealth Government has now passed legislation extending the Taxable Payment Reporting System to the road freight industry. The TPRS targets the black economy.

Under the TRRS, from 1 July 2019, businesses with an ABN must report to the Commissioner of Taxation any payments made to a contractor who supplies a road freight service on your behalf. Reporting is via a *Taxable Payments Annual Report*.

For the purposes of the TPRS:

- ‘Road freight’ includes transportation of freight by road, the renting of trucks with drivers for road freight transport and road vehicle towing services; and
- ‘Transportation of freight by road’ is the transport by road of goods, wares, merchandise, material or any thing whether in its raw state or natural state, wholly or partly manufactured state or of a solid, liquid or gaseous nature or otherwise, and/or livestock.

The ATO has issued *Draft Law Companion Ruling LCR 2018/D8, Expansion of the taxable payments reporting system to road freight, security, investigation or surveillance, and information technology services*, is available for comment by industry. A copy of the draft ruling is available from https://gallery.mailchimp.com/52be3cff2969ae5de743bcc06/files/974e931f-b5c1-493d-ae0d-a902c323dd94/Draft_ATO_TPRS_Ruling.pdf

NHVR Announces Simplified Container Platform Movement in NSW

Adapted from media release, NHVR, 21 December 2018

The movement of platform containers transporting freight to and from NSW ports will become easier following an agreement between the NHVR, RMS and industry.

NHVR Project Director Annette Finch said the New South Wales Class 3 Platform Container Exemption Notice 2018 would allow an exemption to carry platform containers such as flat rack and open top containers on a public network.

“This Notice will reduce the need for operators to apply for a Class 3 permit to carry multi-modal freight containers,” Ms Finch said. “It will also assist operators that may normally be required to unload and reload without the container at a container freight station – which can be a complex and costly process.

“Carrying loads on a platform container also provides load restraint and safety advantages that offset the mass and dimension exemptions provided in this Notice.”

The mass of a low loader eligible combination must not be more than 77.5t, if the vehicle is fitted with any axle group with four tyres on each axle, or 100t if the vehicle is fitted with any axle group with eight tyres on each axle.

To see the Operator Guide visit www.nhvr.gov.au/files/201812-0967-operator-guide-nsw-class-3-platform-container-exemption-notice.pdf

NTC to Review Australian Road Rules Related to Driver Distraction

The National Transport Commission has announced that it has launched an issues paper for public comment which looks at responsibilities for driver distractions, technologies that can assist and distract from the driving task, and prescriptive versus performance-based approaches to regulation. Submissions are due by 14 February. Further information is available from Luis Gutierrez at the NTC, email, lgutierrez@ntc.gov.au.

NHVR, Industry to Work on Accreditation Reform

Adapted from media release, Geoff Casey, NHVR, Executive Director, Productivity and Safety, 17 December 2018

The NHVR and industry will establish an accreditation working group to respond to a comprehensive report into heavy vehicle accreditation schemes.

NHVR Executive Director of Productivity and Safety Geoff Casey said the Analysis of Heavy Vehicle Accreditation Schemes in Australia by consultant Peter Medlock provided options for the future of heavy vehicle schemes.

“The Medlock analysis has made nine short, medium and long-term recommendations following a review of the National Heavy Vehicle Accreditation Scheme, TruckSafe, CraneSafe and Western Australian Heavy Vehicle Accreditation Scheme,” Mr Casey said.

“The report will be assessed by a national working group and will include industry, government and NHVR representatives to map out a national accreditation framework to deliver more consistency across the schemes.”

Recommendations included the need to ensure robust audit requirements, greater consistency between schemes through alignment of standards, mutual recognition between schemes, development of a single national accreditation framework, regulatory concessions and expanding the membership of accreditation schemes.

The *Analysis of Heavy Vehicle Accreditation Schemes in Australia* is available at www.nhvr.gov.au/about-us/engaging-with-industry/review-of-heavy-vehicle-accreditation-systems

Reminder: NHVR Now Processing NSW Class 3 Permits

ARTIO NSW reminds Members that the NHVR is now processing all NSW Class 3 permits from 17 December.

NHVR Project Director Annette Finch said the processing for NSW Class 3 permits for RMS and NSW local councils would cover a range of heavy vehicles including combinations carrying platform containers, vehicles

with loads exceeding 4.3m in height, vehicles carrying pipes transversely, tow trucks and controlled access buses.

"For most Class 3 operators who already submit their permit applications through the NHVR Portal, there will only be minimal change," Ms Finch said.

"For operators who have been submitting Class 3 permit applications directly to RMS or the local road manager, they will now need to apply through the NHVR Portal.

"There are currently about 1000 Class 3 permit applications a year in NSW and the transition to the NHVR Portal will provide additional consistency and transparency to the application process.

"The NHVR Portal allows operators to view the status of an application overall, as well as the ability to view the status of road manager responses."

The NHVR has conducted a series of training sessions with operators and local road managers over the past few weeks to assist in the transition.

To apply for a new permit:

- Go to www.service.nhvr.gov.au and if you're not already registered, follow the prompts to set up an account.
- Once registered, from the home screen, click on the 'Application Tracker' tile.
- Click on the 'New Application' button and enter a reference for your application.
- Click on the green 'Select Configuration' button.
- Select the appropriate configuration and follow the prompts to complete the application.

More than 50,000 permits a year are processed through the NHVR Portal, including Class 3 permits in Tasmania, South Australia, ACT, Queensland and Victoria.

[For more information visit www.nhvr.gov.au/road-access/access-management/delegations-project](http://www.nhvr.gov.au/road-access/access-management/delegations-project)

ACCC Takes Legal Action Against NSW Ports

Adapted from media release, Australian Competition and Consumer Commission Chair, Rod Sims, 10 December 2018

The ACCC has instituted proceedings in the Federal Court against NSW Ports Operations Holdings Co Pty Ltd and its subsidiaries Port Botany Operations Pty Ltd and Port Kembla Operations Pty Ltd for making agreements with the State of New South Wales that the ACCC alleges had an anti-competitive purpose and effect.

ACCC Chair, Rod Sims, said the ACCC is alleging that making these agreements containing provisions which would effectively compensate Port Kembla and Port Botany if the Port of Newcastle developed a container terminal, is anti-competitive and illegal.

The NSW Government privatised Port Botany and Port Kembla in 2013.

Separate Port Commitment Deeds, covering Port Botany and Port Kembla, were entered into as part of the privatisation process, for a term of 50 years.

These Deeds oblige the State of NSW to compensate the operators of Port Botany and Port Kembla if container traffic at the Port of Newcastle is above a minimal specified cap.

The ACCC alleges that entering into each of the Botany and Kembla Port Commitment Deeds was likely to prevent or hinder the development of a container terminal at the Port of Newcastle, and had the purpose, or was likely to have the effect of, substantially lessening competition.

Another 50-year deed, signed in 2014 when the Port of Newcastle was privatised, requires the Port of Newcastle to reimburse the State of NSW for any compensation paid to operators of Port Botany and Port Kembla under the Botany and Kembla Port Commitment Deeds.

The ACCC alleges that the reimbursement provision in the Port of Newcastle Deed is an anti-competitive consequence of the Botany and Kembla Port Commitment Deeds, and that it makes the development of a container terminal at Newcastle uneconomic.

Mr Sims said these compensation and reimbursement provisions effectively mean that the Port of Newcastle would be financially punished for sending or receiving container cargo above a minimal level if Port Botany and Port Kembla have spare capacity.

“This makes development of a container terminal at the Port of Newcastle uneconomic,” Mr Sims said.

He said the ACCC is taking legal action to remove a barrier to competition in the supply of port services, which has significant implications for the cost of goods across the economy.

The ACCC is seeking declarations that the compensation provisions in the 2013 Port Commitment Deeds contravene the Competition and Consumer Act 2010, injunctions restraining the operators of Port Botany and Port Kembla from seeking compensation under these provisions, pecuniary penalties and costs.

The State of NSW is not currently a party to the ACCC’s proceedings and the ACCC is not seeking orders against the state.

Sydney CBD Christmas/New Year Road Closures

Transport for NSW has announced the following street closures in the Sydney CBD over the Christmas/New Year period:

- George St, intersection Bridge and Grosvenor Sts, from 7am 2 January to 5am, 14 January.
- Cnr George and Hay Sts, from 6am 2 January to 5am, 14 January.
- Elizabeth St, from Bent St to King St, from 8pm, 28 December to 6am, 29 December.
- Castlereagh St, from Hunter St to King St, from 6am, 29 December to 6am, 31 December.
- Martin Pl, from Elizabeth St to Castlereagh St, from 8pm, 28 December to 6am, 31 December.
- Bridge St, from Pitt St to George St, from 7am, 27 December to 5am, 14 January.
- Macquarie St, from Shakespeare Pl to Prince Alfred Rd, from 5pm, 26 December to the end of January.
- College St, from Prince Albert Rd to Liverpool St, from 7am, 26 December to the end of January.

Market St will also be progressively closed from Elizabeth St to York St from 1am to 11pm on 26 December.

Infrastructure Update

Significant infrastructure milestones achieved since 7 December include:

- Opening of stage 1 of the upgrade of Bringelly Rd from Camden Valley Way to King St.
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ARTIO NSW Events, February, 2019

The ARTIO NSW secretariat has begun planning its 2019 events program.

New types of events are planned for 2019 which it is hoped will attract your interest.

Meanwhile, please pencil in the following:

- 13 February, Breakfast Briefing, Managing Redundancy; Managing Driver Monitoring and Surveillance, Rooty Hill RSL Club.
- 27 February, Dinner, NSW Ports representative, Pullman Hotel, Sydney Olympic Park.

Further details of both events will be provided in the New Year

Economic and Industry Indicators

Indicator/Source ¹	As at	Unit of Measure	Quantity	Annual % Variation
GDP latest quarter (ABS)	Sep Qtr 2018	\$m	461,647	3.0
CPI (ABS)	Sep Qtr 2018	Per cent		1.9
Cash rate (RBA)	Current	Per cent	1.5	
Estimated residential population (ABS)	21 Dec 2018	Million	25,193	1.9
Retail turnover (ABS)	Oct 2018	\$m	26,966	3.5
Actual new capital expenditure (ABS)	Sep Qtr 2018	\$m	29,434	0.1
Inventories held by private business (ABS)	Sep 2018	\$m	161,858	1.7
Dwelling unit approvals (ABS)	Oct 2018	Number	16,983	-13.9
Manufacturers Income (ABS)	Sep 2018	\$m	83,802	0.5
TEUs Port Botany (NSW Ports)	4 months ending Oct 2018	Number	924,174	4.2
Employed persons (ABS)	Nov 2018	Million	12,695	2.4
Unemployment rate(ABS)	Nov 2018	Percentage	5.1	-0.4
Wage price Index (ABS)	Sep Qtr 2018	Per cent		
All employees				2.3
Transport, postal and warehousing				2.5
New motor vehicle sales (FCAI)	Nov 2018	Number	93,860	-7.4
Cab Chassis/Prime Mover Sales (TIC)	10 months ending Oct 2018	Number	29,534	18.1
Vans (TIC)	9 months ending Sep 2018	Number	5,092	4.5
AIP Terminal Gate Price-Diesel-Sydney	21 Dec 2018	Cents/litre incl. GST	125.5	1.5

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¹ ABS – Australian Bureau of Statistics; RBA – Reserve Bank of Australia; AIP – Australian Institute of Petroleum; FCAI – Federated Chamber of Automotive Industries; TIC – Truck Industry Council/’Prime Mover’ latest issue.