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Australian Road Transport  
Industrial Organisation

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# *The Courier*

*Information and Advice for NSW Transport Operators*

**Newsletter Vol. 5 No. 11 17 May 2019**

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## **State Government Announces Tough New Drink Driving, Drug Driving Laws**

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***Joint media release, Hon Andrew Constance, Minister for Transport, Michael Corboy, Acting Police Commissioner, 1 May, 2019***

All drink driving offenders can now immediately lose their licence under tough new penalties announced by the Minister for Transport and Roads Andrew Constance today.

From May 20 drink drivers who are first-time, lower range offenders will receive an immediate three month licence suspension and fine of \$561.

“This means anyone caught drink-driving in NSW, at any level, including low-range, can now lose their licence immediately,” Mr Constance said.

“This reform makes it clear if you break the law, you will pay the price. We are taking a zero-tolerance approach to drink and drug driving.”

Under the new laws, simpler and more certain penalties will also apply for drug drivers.

Offenders who drive with the presence of illicit drugs for the first time will receive a \$561 fine and a three month licence suspension if the offence is confirmed by laboratory analysis.

Alcohol related crashes claimed the lives of at least 68 people on NSW roads last year, accounting for nearly one in five road deaths, including 55 lives lost on country roads.

Fatalities from crashes involving a drug driver accounted for similar numbers of deaths.

“Drivers who have an illegal level of alcohol in their blood or have used illegal drugs have no place on the road,” Mr Constance said.

Assistant Police Commissioner Michael Corboy said this reform will protect all road users by ensuring swift and certain penalties.

“Alcohol is one of the major factors in crashes that kill or injure people on NSW roads. The 0.05 blood alcohol limit has been in place for almost 38 years. There are no more excuses,” Assistant Commissioner Corboy said.

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## **Reserve Bank Forecasts Lower Economic Growth**

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The Reserve Bank of Australia’s latest statement on monetary policy, which was issued on 10 May, has sharply revised downwards Australia’s economic growth for the year ending 30 June to 1.75 per cent. This is in comparison to its previous economic growth forecast for the 2018-19 financial year of 2.5 per cent announced in February.

However, the RBA expects the Australian economy to rebound quickly. It forecasts annual economic growth to be 2.75 per cent for the 2019 calendar year and for growth to be maintained at that rate through to the 2020-21 financial year.

The RBA forecasts unemployment to stay at 5 per cent through to the end of 2020 before drifting lower to 4.75 per cent by June 2021.

This updated advice will help inform the RBA’s stance on whether official interest rates should be adjusted in the coming months or kept unchanged.

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## **Further Slight Growth in Private Sector Wage Rates**

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Figures released by the Australian Bureau of Statistics show annual growth in private sector pay rates rose by 2.4 per cent in trend terms in the year ending 31 March, the highest growth rate in four-years. This compares to an increase of 2.3 per cent in the year ending 31 December.

Given the Consumer Price Index for the year ending 31 March rose by 1.3%, it is clear that while wages are growing at historically-low levels, wages growth is, for the time being at least, outpacing inflation growth.

Wages in the transport, postal and warehousing sector rose by 2.5 per cent in the year ending 31 March.

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## **NHVR Warns Executives of Responsibilities under CoR Laws**

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The NHVR has warned executives of duty holders under the Heavy Vehicle National Law to be aware of their responsibilities under the national Chain of Responsibility laws.

NHVR Statutory Compliance Executive Director Ray Hassall said the NHVR was currently undertaking six investigations of serious offences nationally under the Act, eight months after the new laws started and a further eight cases were being monitored.

“Our investigations are targeted at serious, systemic safety breaches and respond to information gathered through multiple sources, including the NHVR’s Confidential Reporting Line,” Mr Hassall said.

“All our current investigations include consideration of the extent to which an executive has satisfied their individual due diligence obligations, in addition to other roles within the supply chain.”

Those investigations include the following allegations:

- Directions to disregard work/rest requirements
- The absence of a system for managing risks
- Ineffective driver monitoring systems
- Poor load restraint practices.

“It’s important that executives make themselves aware of the personal responsibilities associated with their involvement in the heavy vehicle supply chain, and the serious penalties associated with failing to properly discharge them,” Mr Hassall said.

Executive officers have an obligation to exercise due diligence to ensure their businesses comply with their requirements under the law.

They have to ensure they understand the hazards and risks associated with their transport activities and ensure they devote sufficient resources to implementing processes to eliminating or minimising those hazards and risks.

The NHVR was also actively monitoring supply chain businesses that are working to improve their safety practices.

The NHVR is urging all parties in the supply chain to make use of a variety of tools available for operators through the NHVR’s Safety Management System or the Registered Industry Code of Practice.

For more information [www.nhvr.gov.au/cor](http://www.nhvr.gov.au/cor).

#### **Need Help?**

ARTIO NSW offers Boardroom Briefings on executive officer responsibilities under the Chain of Responsibility legislation which took effect in October last year. Please contact Hugh McMaster, Secretary/Treasurer, ARTIO NSW, tel: 0412 880861, email, [hughmc@artionsw.com.au](mailto:hughmc@artionsw.com.au).

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## **ACCC Responds to Federal Court Decision in Relation to Control of Acacia Ridge Freight Terminal**

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***Adapted from media release, Rod Sims, Chair, Australian Competition and Consumer Commission, 15 May, 2019***

The Federal Court has dismissed the ACCC’s proceedings against rail Pacific National and Aurizon, which related to control of Acacia Ridge Terminal.

According to the ACCC, the Court indicated that it would have found that the proposed acquisition had the likely effect of substantially lessening competition in breach of the Competition and Consumer Act had it not been for the undertaking offered to the Court by Pacific National.

Pacific National had offered the ACCC a court-enforceable undertaking that it submitted would prevent it from discriminating in providing access to other rail operators at the Acacia Ridge Terminal.

The ACCC said it had rejected the proposed undertaking as it would not protect potential entrants from discriminatory conduct in the terminal’s day-to-day operations under Pacific National ownership or the operating agreement.

“An owner or operator has so many subtle ways of discriminating against, or damaging, another user of the terminal. Such an undertaking would not be enough to give a would-be entrant sufficient confidence to make the significant investment necessary to actually enter the market,” ACCC Chair Rod Sims said.

He said the ACCC does not believe that these barriers will be addressed by the undertaking accepted by the Court.

Mr Sims said the ACCC, along with many rail freight customers, was extremely concerned that the effect of these transactions would be to entrench a container rail freight monopoly down Australia’s east coast.

He said that before entering into the relevant agreements, Pacific National and Aurizon were the only suppliers of intermodal rail services within Queensland and that on interstate routes to and from Queensland, they were the two biggest suppliers of intermodal rail linehaul services and the only two rail providers focussed on hauling containers for transport companies.

The ACCC argued that if Acacia Ridge was owned or operated by Pacific National, no new competitor would enter because access to this terminal would be in the hands of a rival striving to protect its own business.

It said this decision removes the potential for new interstate competition.

“This result of this decision is a major blow to the Australian economy. Although the Court dismissed our case on the basis of an undertaking by Pacific National, we still have strong concerns that the transaction will substantially lessen competition in this nationally important industry,” Mr Sims said.

“This unfortunately means that control of the terminal is being handed to Pacific National, on the basis of an undertaking as to how they will manage operations at Acacia Ridge Terminal on a day to day basis on a non-discriminatory basis,” he said.

“Competition is extremely important in keeping freight rates down in the interest of local manufacturers, distributors and retailers.”

Mr Sims said the ACCC will now carefully consider the judgment.

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## Route Pre-Approval Maps Fast Track for Route Planning

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***Adapted from media release, Hon Duncan Gay, Chairman, National Heavy Vehicle Regulator, 15 May, 2019***

Transport operators will have access to 1500 additional routes when planning a journey, with extra functionality added to the mapping system on the NHVR Portal, according to NHVR Chairman, Duncan Gay.

“I want to continue to grow the number of ways we allow more efficient and safe access to the network and reduce the time it takes to receive an access permit,” Mr Gay said.

“We’ll continue to roll out this feature for more than 2000 pre-approved routes across Australia, and operators can now plan their journey using this additional information in the NHVR Portal.

“Pre-approvals eliminate the need for individual road manager consents for agreed routes, allowing councils to get low-risk applications on their way, so they can focus resources on more complex applications.”

The NHVR processed almost 60,000 permits to access state and local roads across 400 road managers, utility providers and rail authorities last year.

Mr Gay said work was ongoing with state and local road authorities to improve processing times and reduce the number of permits required by operators.

“Most local governments understand the benefits that efficient heavy vehicle movements will have to their economies,” he said.

“The addition of the recent National Class 1 Agricultural Vehicle & Combination Notice and National Class 2 Heavy Vehicle B-double Notice has also reduced the need for permits.”

For more information, access the NHVR Portal at [www.service.nhvr.gov.au](http://www.service.nhvr.gov.au).

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## NHVR Reports Growing Interest in Electronic Work Diaries

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The number of technology providers and transport operators currently developing Electronic Work Diaries has grown, since the EWD standards were introduced last year, according to NHVR Executive Director Safety Standards and Assurance, Geoff Casey.

Mr Casey said almost 60 businesses have registered their intention to develop an EWD with the various systems at different stages of development.

This is up from 40 businesses when the EWD Standards were introduced last year.

“Some applications we’ve received have required additional information to facilitate the assessment so we’ve continued to work collaboratively so they can finalise their application and progress through the process,” Mr Casey said.

“NHVR requires complete applications in order to properly assess the functionality and merits of the system.

“We are keen to see the first approved system in the market and will continue to work with technology providers and transport operators to progress their application.”

There is currently no application fee to apply for approval of an EWD and any approved EWDs will be listed on the NHVR website.

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## **CBD and South East Light Rail Update**

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Sydney Light Rail has advised that

- From 20 May, overhead wires will be energised between the intersection of George St and Bathurst St and the intersection of Eddy Ave and Elizabeth St.
- From 27 May, tram testing will commence and will take place between 9am and 4pm.

Sydney Light Rail has also advised that a height restriction of 4.6 metres applies to all road users where wires have been installed, except at Eddy Ave where a 3.6m height restriction applies.

OSOM operators and operators carrying high loads and seeking access in affected areas need to contact RMS, telephone 13 22 13, or [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au).

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## **Street Closures and Diversions, Sydney CBD**

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Ausgrid has advised that the following traffic diversions will be in place in the Sydney CBD from 10pm, Friday, 17 May to 3am, Sunday, 19 May to allow for installation of new underground electricity cables:

- Westbound traffic on Park St will be detoured via Elizabeth and Market Sts.
- Motorists travelling west should use Liverpool, Market or Bridge Sts.
- Motorists travelling east should use Bathurst or King Sts.

Local access will be maintained under traffic control.

Road works will also take place at the intersection of Pitt St, Eddy Ave and Rawson Place from 10pm, Friday, 17 May to 5am, Sunday, 19 May.

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## **Road Closure, Dry River Bridge, Princes Hwy, Quaama**

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RMS has advised that it is planning to carry out essential maintenance work to lengthen the life span of Dry River Bridge on the Princes Hwy at Quaama.

Night work is planned to begin in June and will be carried out Sunday to Thursday evenings between 7pm and 5am for approximately two weeks. Construction dates are yet to be confirmed.

Dry River Bridge will need to close to traffic each night between 8pm and 9pm and between 3am and 4am.

There is no detour and it will not be possible for any vehicles to cross the bridge during these one hour-long closures so all traffic will have to wait on the highway for the hour long delay.

During the remaining work hours, 7pm to 8pm, 9pm to 3am and 4am to 5am Dry River Bridge will operate as a single lane bridge and stop slow traffic control will be in place.

Reduced speed limits between 20 and 40 km/h will be in place during work hours, outside of work hours the speed will remain reduced at 60 km/h.

Single lane closures and stop slow traffic control may also be in place over Dry River Bridge outside of night work hours and electronic message boards will advise of additional changed traffic conditions as required.

Members will be kept informed of planned work following receipt of further advice from RMS.

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### **Road Closure: Tugun Bypass Tunnel**

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RMS has advised that it will be carrying out maintenance at the Tugun Bypass Tunnel on the Pacific Hwy.

The tunnel will be closed for two nights between 7pm and 5am on Wednesday 22 and Thursday 23 May, weather permitting. During this time the north and southbound lanes of the tunnel will be closed.

During the Wednesday night closure, RMS will be diverting northbound traffic at the Kennedy Dr off-ramp, with southbound traffic re-entering the highway at the Kennedy Dr on-ramp.

This detour will only be in place on the Wednesday night, with traffic diverted via the Gold Coast Hwy on the Thursday night.

Motorists are advised to allow up to 10 minutes' travel time for both diversions.

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### **Road Works: Closure Castlereagh Rd Bridge, Penrith**

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RMS has advised that Castlereagh Rd, Penrith will be closed between Jane St and Museum Dr from 9pm, 24 to 5am, 27 May with detours in place via Great Western Hwy, Parker St/The Northern Rd, Coreen Ave and Andrews Rd.

RMS has also advised that work is underway at various times on Mulgoa Rd, and Castlereagh R and High St from 1 May to 31 May.

It says that at times, temporary traffic lane closures will be in place on weekdays between 10am and 3pm, periodically between 8.30pm to 5am, and Saturdays 8am to 1pm but that traffic flow will be maintained in both directions.

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### **Road Works, Dusty Creek, Newell Hwy**

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RMS has advised that it will resume work this month on the construction of overtaking lanes at Dusty Creek, on the Newell Hwy north of Gilgandra.

RMS says work will take eight months to complete.

It says work will take place between 7am and 6pm, Monday to Friday and 7am to 2pm on Saturdays.

A 40km/h speed limit and lane closures will be in place while works take place.

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### **Road Works Update**

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The following new road work alerts may impact your operations. Please refer to earlier editions of *The Courier* for other current road works.

<b>Suburb/Town</b>	<b>Road</b>	<b>Date/s</b>	<b>Work Times</b>
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Bella Vista	Intersection Norwest Blvd, Edgewater Dr and Westwater Way	3/6-30/8/19	8pm-5am Sun-Fri
Rooty Hill	Francis Rd over rail line	14/5-14/6/19	7pm-5am Sun-Fri
St Clair to Jamisontown	M4 Motorway from Mamre Rd overpass to Mulgoa Rd overpass	6/5-31/7/19	6pm-7am Sun-Fri 7am-6pm Mon-Fri 8am-1pm Sat
Sans Souci	Rocky Pt Rd southbound between Fontainebleau St and Taren Pt bridge	19/5-21/6/19	8pm-5am Sun-Fri
Seven Hills	Old Windsor Rd north/south Caroline Chisholm Dr intersection	19/5-28/6/19	8pm-5am Sun-Fri
South Strathfield	Liverpool Rd from High St to Edward St	12/5-7/6/19	8pm-5am Sun-Fri
Windsor		12/5-12/7/19	7pm-5am Sun-Fri

## Economic and Industry Indicators

Indicator/Source <sup>1</sup>	As at	Unit of Measure	Quantity	Annual % Variation
GDP latest quarter (ABS)	Dec Qtr 2018	\$m	462,031	2.3
CPI (ABS)	Mar Qtr 2019	Per cent		1.3
Cash rate (RBA)	Current	Per cent	1.5	
Estimated residential population (ABS)	17 May 2019	Million	25,374	1.9
Retail turnover (ABS)	Mar 2019	\$m	27,293	3.0
Actual new capital expenditure (ABS)	Dec Qtr 2018	\$m	29,965	1.2
Inventories held by private business (ABS)	Dec 2018	\$m	161,513	1.2
Dwelling unit approvals (ABS)	Mar 2019	Number	14,914	-22.4
Manufacturers Income (ABS)	Dec 2018	\$m	82,925	-1.7
TEUs Port Botany (NSW Ports)	9 months to Mar 2019	Number	2,008,354	1.3
Employed persons (ABS)	Apr 2019	Million	12.815	2.5
Unemployment rate (ABS)	Apr 2019	Per cent	5.1	-0.4
Wage price Index (ABS)	Mar Qtr 2019	Per cent		
All employees				2.3
Transport, postal and warehousing				2.5
New motor vehicle sales (FCAI)	4 months ending Apr 2019	Number	344,088	-8.1
Cab Chassis/Prime Mover Sales (TIC)	3 months ending Mar 2019	Number	6,972	-3.8
Vans (TIC)	3 months ending Mar 2019	Number	1,346	-5.8
AIP Terminal Gate Price-Diesel-Sydney	17 May 2019	Cents/litre incl. GST	139.6	0.0

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<sup>1</sup> 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.