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The Courier

Information and Advice for NSW Transport Operators

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COVID-19: NSW Government Releases COVIDSafe Transport Plan: Significant Impacts on Road Network Likely

Adapted from media release, The Hon Gladys Berejiklian MP, Premier and The Hon Andrew Constance MP, Minister for Transport and Roads, 18 May, 2020

Earlier today, the NSW Government has today released its plan to provide a COVID-safe transport network.

Premier Gladys Berejiklian said as restrictions are eased and people travel more, we need to ensure physical distancing is maintained across our public transport network.

“As we ease restrictions, we will see more activity and more people returning to work, school and university,” Ms Berejiklian said.

“Our number one priority remains keeping commuters safe so we are ensuring there are plenty of safe and efficient options to get people moving throughout our State during the pandemic.”

Minister for Transport and Roads Andrew Constance said for the foreseeable future, the public transport system could not run as usual, and the current low patronage levels were already close to the safe capacity in the peak.

“Everyone will need to maintain physical distancing during this pandemic,” Mr Constance said.

“That means if you are not already using public transport during the peak times, please do not use public transport during peak periods.”

The NSW Government's COVIDSafe Transport Plan includes:

- Avoiding peak travel. Off peak times are between 10am and 2pm;
- Boosting parking: Special event-style parking arrangements will be in place at Moore Park for people who are able to drive to work. Other locations will be rolled out soon. In addition, car park operators will be offering special deals for all day parking;
- More cycling and walking options: The Government is working with councils on establishing pop-up cycleways and enhancing pedestrian access to allow more people to find alternative routes to work.

Editorial Comment: Consequences for Road Freight in the Greater Sydney Region

The outlook for road network efficiency and reliability is unclear.

While workers will be encouraged to work from home where they can, it is likely that an increasing proportion of workers will return to their normal workplace, even with staggered start and finish times.

Schools are set to re-open next week which can be expected to lead to a spike in local traffic around start and finishing times.

The constraints on the public transport network effectively mean commuter capacity across rail, bus and other public transport services will fall by between 75 per cent and 80 per cent.

Motorways, freeways, arterial roads and intercity roads can all expect higher traffic volumes during peak hours, 5am to 10am, and 2pm to 7pm.

COVID-19: Reminder: Employers Must Enrol for JobKeeper by End of May

The Australian Taxation Office has reminded employers they must enrol for the JobKeeper payment by the end of May.

If you have employees you need to:

- ask them to complete the JobKeeper employee nomination notice and return it to you.
- continue to pay at least \$1,500 to each eligible employee per JobKeeper fortnight.

If you did not pay your staff by 8 May, you will not be able to claim JobKeeper for the first two fortnights (fortnights ending 12 April and 26 April).

However, you can still claim JobKeeper for subsequent fortnights (ending 9 May and thereafter provided you enrol before the end of May 2020).

Further information is available from <https://www.ato.gov.au/General/JobKeeper-Payment/>.

COVID-19: Legislation Enacted so Australians Can Download and Use COVIDSafe App

Last week, Federal Parliament passed the *Privacy Amendment (Public Health Contact Information) Bill 2020*, which ensures that individuals are given a free and informed choice regarding whether to download and use COVIDSafe app.

In introducing the Bill into Federal Parliament, the Attorney General and Minister for Industrial Relations, the Hon Christian Porter, said the purpose of the Bill is to assist in preventing and controlling the entry, emergence, establishment or spread of COVID-19 by amending the *Privacy Act 1988* to provide stronger privacy protections for users of the Commonwealth's COVIDSafe app and data collected through the app than the protections that would otherwise apply under Australian law.

He said the Bill ensures data collected by COVIDSafe will only be used to facilitate contact tracing activities by State and Territory health officials or those in the service of State and Territory health authorities, and for the proper functioning, integrity and security of COVIDSafe and the National COVIDSafe Data Store.

Mr Porter also said COVIDSafe is completely voluntary to download and use and ensures that individuals are given a free and informed choice regarding whether to download and use COVIDSafe by creating safeguards to protect individuals from disadvantage or other adverse consequences should an individual decide not to download or use COVIDSafe.

Implications for Employers

Mr Porter said an employer cannot make downloading or using COVIDSafe a condition of employment.

He said requiring a person to download, use, or consent to upload COVID app data is an offence under this Bill and carries a maximum penalty of five years imprisonment or 300 penalty units, or both.

This Bill has received Royal Assent and is now law.

Payment Times Reporting Bill Introduced into Federal Parliament

The Morrison Government has introduced legislation into Federal Parliament which seeks to increase the transparency obligations of large businesses related to the reporting of payment times to small businesses.

The purpose of this Bill, introduced by the Minister for Employment, Skills, Small and Family Business, Senator the Hon Michaelia Cash, is to require large businesses and large government enterprises with an annual total income of over \$100 million to publicly report on their payment terms and practices for their small business suppliers with an annual turnover of less than \$10 million.

Minister Cash said the objective is to improve payment outcomes for small businesses by creating transparency around the payment practices of large business entities. By providing access to information on large business payment performance, small businesses will be able to make a more informed decision about their potential customers. Greater transparency on payment practices and performance will also create pressure for cultural change to improve payment times.

She told parliament late payments after the due date on the invoice are a significant problem for Australia's small businesses, with negative impacts not only on these businesses but also more broadly across the economy.

Smallgoods Manufacturer Fined for Forklift Safety Breaches

Adapted from Article, 'OHS Alert' 12 May 2020

A smallgoods manufacturer that lacked a hierarchy of controls and instead relied on a painted yellow line to manage forklift and height risks has been convicted and fined after a worker was thrown out of and trapped by a toppling forklift.

The forklift truck operator was performing a three-point turn on a five-metre-wide loading dock the premises of his employer, Zammit Ham & Bacon Curers in Pendle Hill, when his forklift's right rear wheel fell off the edge of the dock and the vehicle tipped over.

The worker, who wasn't wearing a seatbelt, was dislodged from the operator's seat and trapped between the forklift and a concrete ramp.

The injured worker was taken to hospital where he underwent surgery.

SafeWork NSW found that at the time of the incident, the company relied on a faded yellow line painted along the edge of the one-metre-high loading dock to warn of the risk of falling from the edge.

SafeWork NSW issued the company with two prohibition notices and six improvement notices.

In response, the company installed a guardrail along the edge of the dock at a cost of \$2,400.

In the District Court, the company pleaded guilty to breaching sections of the *Work Health and Safety Act* dealing with the primary duty of care and failure to comply with health and safety duty—Category 2 in failing to ensure, so far as was reasonably practicable, the health and safety of those working in its business and exposing workers like the forklift operator to a risk of death or serious injury.

Judge Wendy Strathdee said the company's faded yellow line was a "clearly inadequate" control measure.

"There was nothing physically to stop the forklift going over the edge at all. The steps to remedy the situation were easy, quick to perform and inexpensive," she said.

Judge Strathdee also found that prior to the incident, the company had no documented procedures, policies or traffic management plans for the safe operation of forklifts; failed to conduct a risk assessment in relation to operating mobile plant near unprotected edges; and should have instructed and trained workers not to operate forklifts near unprotected edges and to alert management where such risks arose.

She also found the company failed to adequately supervise workers operating forklifts.

Judge Strathdee noted that the company's managing director's role included overseeing WHS processes and that he attended the site seven days a week on most weeks, undertaking safety observations and responding to unsafe activities.

She made no specific findings on the effectiveness of those safety inspections, but said the risk posed by the unguarded dock edge was "clearly foreseeable".

She found that the breaches fell "within the lower end of the mid-range" of seriousness, and fined the company \$75,000, after a 25 per cent reduction for its guilty plea, plus \$25,500 in costs.

Judge Strathdee said mitigating factors included the fact that the COVID-19 pandemic was having a significant impact on the company's business.

SafeWork NSW v Zammit Ham & Bacon Curers Pty Ltd [2020] NSWDC 178 (8 May 2020)
<https://www.caselaw.nsw.gov.au/decision/5eb4cb4de4b0d927f74afb08>.

SafeWork NSW Forklift Safety Resources

SafeWork NSW has urged employers to consult its online resources on forklift safety, which include fact sheets and guides on working around forklifts and conducting forklift safety toolbox talks.

Safe Work NSW points out that the three main reasons workers are killed or seriously injured in forklift incidents are:

- Being hit or crushed by a forklift.
- Being hit or crushed by a load that the forklift is moving.
- Being crushed in a forklift tip-over.

Some practical tips to help keep workers safe can be found at <https://www.safework.nsw.gov.au/hazards-a-z/forklifts>.

Infrastructure Update

Glenugie to Tyndale Section of Pacific Hwy to Open Tomorrow
Adapted from media release, The Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, The Hon Paul Toole MP, Minister for Regional Transport and Roads, Member for Page Kevin Hogan and Member for Clarence, Chris Gulaptis, 18 May, 2020

The 36km section of the Woolgoolga to Ballina Pacific Hwy upgrade between Glenugie and Tyndale opens tomorrow, according to Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack.

Mr McCormack said the \$15 billion Pacific Hwy upgrade program started 20 years ago to make journeys safer between Hexham and the Queensland border.

NSW Minister for Regional Transport and Roads Paul Toole said the Woolgoolga to Ballina upgrade was the final link in the Pacific Hwy between Hexham and the Queensland border to be upgraded to four lanes, with the project now about 89 per cent complete.

Federal Member for Page Kevin Hogan said the bypassed section of the existing Pacific Hwy has been renamed Big River Way.

NSW Member for Clarence Chris Gulaptis said local communities will experience safe and reliable access to the highway via the Glenugie and Tyndale interchanges, with the project team also working on the Iluka interchange, which is expected to open in June.

First Bridge Completed on Albion Park Rail Bypass

Adapted from media release, The Hon Paul Toole MP, Minister for Regional Transport and Roads and Member for Kiama, The Hon Gareth Ward, 18 May, 2020

Minister for Regional Transport and Roads Paul Toole said the first of 13 bridge has been completed on the 9.8km Albion Park Rail bypass which forms part of the Princes Hwy upgrade.

“The 13 bridges will help to improve the flood immunity of the highway, increase accessibility and freight efficiency,” Mr Toole said.

Parramatta Light Rail Update

Parramatta Connect, the infrastructure works contractor on the Parramatta Light Rail project has advised that George St between Church and Smith Sts will now be reduced to one lane on weekends.

During this time, traffic controllers will be in place to direct vehicles.

Lane closures at the intersection of Church and George Sts will occur from 7pm Friday to 6am Monday.

Where required and permits allow, related work activities may be carried out during the day, Monday to Friday, 7am to 7pm.

Lane Closure, Anzac Bridge, Pyrmont, from Tuesday, 15 May

Transport for NSW has advised it is carrying out night work on Anzac Bridge, Pyrmont from Tuesday 19 May for eight night shifts, weather permitting.

Work hours will be between 8pm and 5am.

There will be temporary traffic changes, including closure of one traffic lane on the bridge during work hours.

Road Works, Canal Rd, Ricketty St, Kent Rd, Gardeners Rd, Coward St and Bourke Rd, Mascot and Alexandria

Work commenced on 16 May on the installation of new clearway signs on Canal Rd, Ricketty St, Kent Rd, Gardeners Rd, Coward St and Bourke Rd in Mascot and Alexandria.

When complete, parts of these roads will have amended clearway times. Other sections will become clearways for the first time.

ARTIO NSW will keep Members informed of developments.

Road Closure, Sir Bertram Stevens Dr, Royal National Park, from Sunday, 24 May

Transport for NSW has advised that Sir Bertram Stevens Dr in the Royal National Park will be closed overnight from McKell Dr to Garie Rd between 8pm and 5am for 16 nights, Sunday to Thursday, from Sunday, 24 May to Monday, 15 June, excluding public holidays.

Other Road Works

Suburb/ Town	Road	Date/s	No of Shifts	Work Times
Drummoyne	Cnr Lyons Rd and Brent St	25/5-29/6/20	4 4	8pm-5am Sun-Fri 7am-5pm Sun-Fri
Drummoyne	Cnr Lyons Rd and Gipps St	25/5-29/6/20	9 8	8pm-5am Sun-Fri 7am-5pm Sun-Fri
Edgecliff	Cnr New South Head Rd and Mona St	18/5-21/6/20	6	8pm-5am Sun-Fri
Marrickville	Livingstone Rd and Sydenham Rd	17-31/5/20	2	8pm-5am Sun-Fri
Matraville	Bunnerong Ave between Daunt Ave and Australia Ave	10-29/5/20	4	8pm-5am Sun-Fri
Matraville	Botany Rd eastbound cnr Bumborah Point Rd	17/5-30/6/20	6	8pm-5am Sun-Fri
Milperra	Henry Lawson Dr between M5 Motorway and Keys Ave	10/5-10/7/20	5	8pm-5am Sun-Fri
Ryde	Lane Cove Rd between Curzon St and Isabel St	18/5-5/6/20	4	8pm-5am Sun-Fri
St Peters	Burrows Rd, cnr Canal Rd	17/5-30/6/20	6	8pm-5am Sun-Fri
Strathfield	Centenary Dr near Pemberton St	18-29/5/20	2	8pm-5am Sun-Fri
Taren Point	Taren Point Rd northbound near Old Taren Point Rd	20/5-10/12/20	110 50	7am-6pm Mon-Fri 8am-1pm Sat 8pm-5am Sun-Thu