



FILE NOTE							
Matter name:	Port Melbourne Containers Pty Ltd Notification						
ACCC parties	David Hatfield (VCU), Anna Giannakos						
TRACKIT No	46062	File No.	C2011/468				
Other parties	David Newton – Superintendent Victoria Police	Note book Ref.					
		Date / Time:	24 / 6 / 2011 at 14:00				
Phone to	<input type="checkbox"/>	Phone from	<input type="checkbox"/>	Meeting	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>

- Mr Newton has been with the Victoria Police for over 40 years, 15 years of which he has been a senior manager involved in liaison and enforcement activities involving the road transport industry. He is currently a Superintendent undertaking Special Projects (Road and Safety).
- Mr Newton is the Chairman of the Enforcement Liaison Committee (ELC) – the committee was formed to provide leadership in the resolution of issues related to the enforcement of laws affecting the road transport industry. Members of the ELC include Victoria Police, VicRoads, Worksafe, Victorian Transport Association, Transport Workers Union.
- The ELC continues to be involved with the truck queuing issues related with problem distribution centres and the ongoing issues associated with container parks.
- A subgroup of the ELC has been established under Operation “Retro” which involves representatives from Victoria Police, Worksafe and VicRoads with the task of visiting transport companies which have fatigue related issues that have the potential to adversely impact on road safety. An analytical assessment has been conducted which matches offending drivers to the company that employs them. To date ten companies have been visited – some of which have had improvement Notices issued and continue to have drivers breaching fatigue legislation.
 - The managers of these companies have been briefed on the possibility of having a Supervisory Intervention Order issued against them, which would require increased auditing of their operations including examining work diaries against vehicle GPS. Details of the visits have been forwarded to the Victoria Police Chain of Responsibility Investigation Unit for ongoing monitoring and enforcement should compliance fail to improve.
- Mr Newton is also a member of the Victorian Road Freight Advisory Council (VRFAC). VRFAC is an advisory body that provides advice to VicRoads on the development, planning, regulation, and operation of road freight services in Victoria. It comprises members from industry and government.

- On 23 August 2010 a meeting was held by ELC including all empty container parks (ECPs), Port of Melbourne, Transport Workers Union. This meeting included a presentation on the new Chain of Responsibility (CoR) legislation.

Chain of Responsibility legislation

- National road transport reform that extends the liability for compliance with road transport laws to other parties in the transport chain.
- The legislation recognises that others (employers, prime contractors, operators, consignors, consignee, packers, loaders, loading managers etc) have a responsibility -
 - To ensure transport law is complied with; and
 - Not put undue pressure on drivers to break the law
- All state and Territory Road ministers approved a National Heavy Vehicle Driver Fatigue Policy. The policy objectives include:
 - Improve road safety
 - Improve transport productivity
 - Implement policies and practices to improve fatigue management
 - Achieve a consistent approach with OH&S legislation.
- Under this legislation, loading managers (responsible for the operation of premises at which at least 5 regulated heavy vehicles are loaded/unloaded on a business day) must take all reasonable steps to ensure that loading and unloading of vehicles will not cause, or contribute to causing a driver of a heavy vehicle to:
 - Drive while impaired by fatigue; or
 - Drive while in breach of his or her work rest hours option.
- Examples of reasonable steps include agreement of time slots for loading/unloading, or providing a system for reporting delays, managing late arrivals and providing rest facilities.
- Sanctions include improvement notices, supervisory intervention orders, prohibition orders, and criminal sanctions.

In conclusion –

- By 2020 problems are estimated to double;
- Current delay queue times on occasions are between 2 to 6 hours – raising safety and congestion issues;
- Many instances of driver fatigue result from delays at ECPs (or other distribution centres)
- A number of multi national companies have had similar issues. They have now allowed drivers to use rest facilities when they are unable to load or unload the queuing trucks within a 30 minute time frame.
- Under Chain of Responsibility reasonable steps defence a loader or unloader must have time slots or be prepared to place the driver at rest when they are unable to load or unload them within a 30 minute period.
- A co-ordination role is necessary;
- Time slotting would have significant public benefits by addressing the ongoing queuing problems – Empty container parks can work independently of each other in implementing such a scheme and still be effective.

Signature:	A Giannakos	Date:	28 / 6 /2011
		Time:	