

INQUIRY INTO HEAVY VEHICLE SAFETY

Organisation: NSW Police Force
Name: Deputy Commissioner Dave Owens APM
Position: Field Operations
Telephone: -
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NSW Police Force
www.police.nsw.gov.au

**DEPUTY COMMISSIONER
FIELD OPERATIONS**

Mr Geoff Corrigan MP
Chair
The Joint Standing Committee on Road Safety
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Mr Corrigan

Heavy Vehicle Safety (Inquiry)

I refer to correspondence dated 25 March 2009 requesting a submission from NSW Police Force addressing the terms of reference being investigated as part of your Committee's Heavy Vehicle Safety Inquiry.

I note the inquiry's focus is on recent changes to the occupational health and safety legislation and industrial awards that seek to address fatigue and safety management in the NSW trucking industry, the adequacy of the supporting infrastructure and their effectiveness in reducing the involvement of heavy vehicles in fatal crashes.

As you are aware the NSW Police Force has responsibility for enforcement of traffic laws, providing a visual presence on the roads in regard to the safety of all road users as well as having a key role in overall traffic and road management issues. In particular the NSW Police Force has the responsibility to investigate motor traffic accidents pursuant to the various traffic and criminal laws and report through the coroner where necessary in the case of fatal accidents.

NSW Police Force does enforce fatigue issues through the current road transport legislation, specifically the *Road Transport (General) Act 2005* and Regulations, however NSW Police Force officers are not authorised officers under the *Occupational Health and Safety Act 2000*. This means that they do not enforce offences under this legislation nor the industrial provisions relating to heavy vehicles contained within the NSW Transport Industry Mutual Responsibility for Road Safety (State) Award and Contract Determination and as such I am unable to provide any detailed comment on terms of reference (b), (c) and (d) as the role of the NSW Police Force is to enforce traffic law and not the laws under the Occupational Health and Safety Act.

I can however advise that in 2003, the NSW Police Force in conjunction with the Roads and Traffic Authority, WorkCover NSW and the Department of Environment and Climate Change implemented interagency Long Haul Trucking (LHT) Guidelines and Protocols. These Guidelines and Protocols were subsequently reviewed in November 2006 in line with the introduction of the *NSW OH&S Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*.

The Guidelines only apply in matters that involved LHT vehicles over 4.5 tonnes that travel more than 500 kilometres in any one shift. The Protocol between NSW Police Force and WorkCover require notification by each agency to the other as soon as practicable, when significant incidents (serious crashes and fatal accidents) involving LHT becomes known.




The Protocol ensures the continued exchange of information between these two agencies where:

- fatigue is suspected as a cause of a serious or fatal accidents involving LHT vehicles or where it is suspected that a Fatigue Management Plan was absent or not effectively implemented
- Where a complaint related to the serious or fatal accident involving LHT vehicles is received that indicates that a Fatigue Management Plan was absent or not effectively implemented
- Matters become apparent to WorkCover, in the course of an investigation, that there may have been a possible criminal contravention of legislation not administered by WorkCover, that may not originally have been apparent to the NSW Police Force.

In addition to the Protocol between the NSW Police Force and WorkCover, the NSW Police Force also has a Memorandum of Understanding with the Roads & Traffic Authority that covers information exchange that includes LHT incidents. In relation to these agency protocols, I am unaware of any problems associated with their operation.

I hope that the above information is of assistance to your Committee. If you require any further information please free to contact Assistant Commissioner John Hartley, Commander, Traffic Services 9689 7225 in the first instance.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Dave Owens APM
Deputy Commissioner Field Operations
5-5-09.