

## **INQUIRY INTO HEAVY VEHICLE SAFETY AND USE OF TECHNOLOGY TO IMPROVE ROAD SAFETY**

**Organisation:** Waste Contractors & Recyclers Association of NSW  
**Name:** Mr Tony Khoury  
**Position:** Executive Director  
**Date Received:** 9 February 2018

9<sup>th</sup> February 2018

Mr Greg Alpin MP  
Chair  
Staysafe (Joint Standing Committee on Road Safety)

By e mail as a PDF file to [staysafe@parliament.nsw.gov.au](mailto:staysafe@parliament.nsw.gov.au)

**Submission -: Inquiry into heavy vehicle safety**

Dear Greg

The Waste Contractors & Recyclers Association of NSW (WCRA) is a long standing registered industrial body of employers (waste, recyclers, processors & transport businesses) that addresses issues relating to the waste and recycling industry on behalf of its Members across NSW and the ACT.

By way of background, the waste management sector is the only part of the heavy vehicle industry that visits every home & every business on a weekly basis. Waste & recycling collections from most homes and businesses will occur at roughly the same time each week, for 52 weeks of the year, with many businesses having more frequent collections.

We will confine our submission to four (4) issues. If required, the Association would be pleased to appear before the Committee, elaborate on our concerns and answer questions from Committee Members.

**1. Mandating by Councils of collection start times**

The collection of waste is a critical essential service under Section 4 of the Essential Services Act 1988 (NSW). Without the safe and efficient collection of waste there would be major health & hygiene issues and widespread disruption to the day-to-day running of the State.

For many years, our Members have had concerns relating to safely & lawfully carrying out waste collections due to Councils mandating unsafe collection start times. These mandated collection times affect all parts of the waste industry, municipal, commercial, liquid waste collections, etc.

In the main, Councils mandate later collection times due to the noise complaints from residents. By comparison with the safety concerns of a heavy vehicle driver, these noise concerns are largely trivial in nature.

The hazards that may exist for a heavy vehicle waste driver include but are not limited to the following:

- work methods that are compromised by exposure to hazards that don't exist on early start time;
- plant and equipment operating at less efficient levels;
- working environment stress caused by hazards & distractions;
- time of day (exposure to traffic, pedestrians, parked cars, etc.)
- wastes handled
- fatigue management &
- fitness for work.

For these reasons, Councils should not mandate collection times for any heavy vehicle activity conducted by an essential service provider, such as waste & recycling collections.

**By way of example**, an inner-city Council in recent years mandated collection times from a carpark to "after 7am". On behalf of Members we attempted to negotiate with Council for a safer collection outcome and we proposed a combination of the following:

1. Allowing access to the carpark at times when the carpark is less busy;
2. Having a traffic management plan which provides for a designated entry and exit;
3. Creating a time sensitive loading zone for a short morning period to allow safer access to the site.

Despite several meetings & negotiations, to date, we have not been successful in resolving the issue.

**A further example**, several years ago a northern area Sydney Council issued a tender that changed and mandated collection times for all future collection work to be undertaken after 7am. At the same time the incumbent contractor had undertaken safety & risk assessments and long determined the safest start time to be from 5am (especially main roads, near bus stops, shopping centres, around schools, etc.). After assessing the unacceptable risks to Drivers & Runners from a

7am start, the incumbent contractor failed to submit a tender for the new contract. The TWU took issue with matter and reported the Council to the Industrial Relations Commission (**NSW IRC**). At the time, WorkCover NSW sent a Barrister to the NSW IRC hearing seeking to exempt WorkCover from giving evidence. Workover's request was approved by the NSW IRC, the matter was ultimately dismissed, and the tender was awarded by Council with a 7am start to a contractor who was prepared to allow Workers to be exposed to these higher risk levels.

Very regrettably & tragically, on 8<sup>th</sup> February 2018 at 11.45am, a waste truck reversed over & killed a 58 year old grandmother who was wheeling a stroller with her 18 month old grandson. This accident happened in Dee Why, believed to be in what was previously known as Warringah Council (now Northern Beaches Council).

[REDACTED]

Quite simply, Councils are often heavily influenced by elected Councillors who will often support the loudest squeaky complainant, often resulting in mere 'popular decision making'. The NSW Government needs to recognise that waste needs to be collected at the safest possible times and it should be unlawful for Councils to mandate collection times on what is an essential service.

## **2. Breach of the 'No Standing / No Stopping' laws**

For a number of years, our Members have had concerns about the in-ability to safely & lawfully carry out their waste collections as Drivers are often in direct breach of "No Standing" or "No Stopping" zones across NSW. This concern applies across the majority of Council areas throughout NSW.

The Association has had no success at either the Ministerial level (Roads & Local Government) or with the RMS in seeking an exemption for waste operators for the "No Standing / No Stopping" law whilst waste collectors carry out their essential waste collection and disposal duties.

By way of example, liquid waste collectors who service a business need to park directly in front of the premise (often in a no standing or no stopping zone) in order to safely access the grease traps and hook up their hoses. Rolling out metres and metres of hose across footpaths whilst parked around the corner is extremely unsafe practice. Temporarily parking in the no standing / no stopping zone for a

short period of time (in the early hours, pre-sunrise) is a safer option (and more often than not, it is the only option). Another example (where there are no stopping signs), involves a side lift truck on a domestic contract in south-western Sydney not being able to lawfully stop to collect waste & recycling bins from domestic, residential properties.

Collections from within these zones are being regularly undertaken (on a daily or weekly schedule) with the Driver left with no alternative than to break the law. From time-to-time, fines are issued by the Police or the RMS or a Council Ranger to trucks engaged in these collections. Quite simply, the NSW Government needs to recognise that waste needs to be collected from these areas and it needs to provide for signage that allows waste & recycling to be lawfully collected from areas marked with “No Standing / No Stopping” signs.

### **3. EPA transport licences for general waste**

The barriers to entry into the waste transport sector are quite low and with a NSW metropolitan waste area levy of \$138.20 per tonne, the commercial revenue opportunities are quite high.

Levy avoidance, illegal dumping, unsafe handling of asbestos containing materials, unregulated general waste transport both locally & over long-distances are all examples of constantly recurring issues for which a permanent solution can't seem to be found. WCRA strongly suggests that the NSW Government consider the licensing of all waste transporters to enable waste tracking to be undertaken in a safer and more sustainable manner.

If required, the Association will provide a more detailed submission on this very important matter.

### **4. Long haul waste transportation**

The issue of long distance waste transportation, from across NSW to Queensland is resulting in devastating consequences for the NSW waste sector.

Approximately 800,000 tonnes pa of waste is transported by a combination of road and in some cases then by rail to SE Queensland landfills. This equates to a loss of approximately \$110 million pa in NSW waste levies. Regulating the waste sector is a highly complex area and a significant contributor to NSW Treasury. Lost waste levies also undermine the investment by the NSW Government in the ‘Waste Less, Recycle More’ initiative. In terms of road safety these waste movements represent an

estimated 26,000 heavy vehicle truck movements pa., (in each direction, therefore that is double the risk) and most of this traffic is via the Pacific Highway.

There are also Chain of Responsibility concerns to consider, including the risk to public safety with heavy vehicles travelling extremely long distances to avoid paying these waste levies. Drivers working long hours, poorly maintained trucks, trailers that don't meet industry safety standards for the transport of waste are all unacceptable safety risks & practices.

As discussed with WCRA by the NSW Police, unless there is action by the NSW Government, it will only be a matter of time before we are faced with a serious road incident. Throughout 2017, the Police have made WCRA aware of 7 or 8 heavy truck accidents involving the long-distance transport of waste. Fortunately, none of these accidents have involved a fatality.

**In closing**, we urge you to closely examine the very serious safety implications associated with the long-distance transport of waste, the mandating by local government of start times, the lack of an EPA waste transport licensing system and the inability of heavy vehicles to lawfully collect waste from "No Standing / No Stopping" areas.

Thank you for the opportunity of making this submission. Should you require any clarification or additional details please contact the undersigned.

Yours faithfully

Tony Khoury  
Executive Director