

DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND WORKCOVER

OPERATIONAL PROTOCOL

A Memorandum of Understanding relating to the Dangerous Goods Act 1975 and the Road and Rail Transport (Dangerous Goods) Act 1997 was entered into on 10 October 2001 between the EPA, WorkCover and the Department of Transport, detailing the responsibilities of each of the agencies for these matters. This Operational Protocol between the Department of Environment and Conservation and WorkCover supplements the MOU in respect of the prevention and investigation of long haul heavy vehicle trucking incidents.

The EPA which has now forms part of the Department of Environment and Conservation and the WorkCover Authority (WorkCover) have a range of responsibilities related to safety in the Long Haul Transport (LHT) industry. Collaborative responses by agencies to the safety issues that arise out of incidents and their investigation will enhance the effective implementation of those provisions.

In undertaking their shared responsibilities relating to safety in the LHT sector, the agencies agree to coordinate operational activities in the following areas:

- Information collection and exchange:
- Notification of incidents involving Heavy Vehicles
- Triggers for referral between agencies
- Arrangements for liaison
- Co-ordination of enforcement strategies
- Development of education & awareness raising strategies
- Reporting mechanisms
- Monitoring & review mechanisms

The parties undertake to communicate this operational protocol to officers and staff in the Department of Environment and Conservation and WorkCover that have responsibility for the prevention and investigation of the long haul heavy vehicle trucking incidents.

1. Information Exchange

At all times the parties to this protocol will seek to act co-operatively in the exchange of information. To facilitate information exchange, the agencies agree to establish a central contact point within WorkCover and the Department of Environment and Conservation for operational and policy matters. The central contact point will be a nominated position known as LHT Investigation Liaison Officer (LILO).

Department of Environment and Conservation LILO Manager Dangerous Goods

WorkCover LILO Team Co-ordinator Transport and Storage

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Where information exchange involves disclosure of personal information as defined in the Privacy and Personal Information Protection Act 1998 the agencies will comply with the requirements of this Act and any Direction issued under it. In addition, it is noted that:

1. under S62 of the Occupational Health and Safety Act 2000 WorkCover Inspectors; and
2. under S18 of the NSW Road and Rail Transport (Dangerous Goods) Act 1997, authorised officers

have the power to obtain information, documents and evidence in relation to a possible contravention of the relevant Act or the related regulations.

2. Notification Of Incidents Involving Heavy Vehicles Between Parties

As a matter of course Department of Environment and Conservation and WorkCover should advise each other when significant incidents involving LHT become known.

Trigger for referrals to WorkCover by Department of Environment and Conservation

- Matters, including crashes, incidents and complaints that may indicate the failure or lack of a workplace safety management system following an incident involving long haul heavy vehicle trucks. In particular these may include:
 - Where fatigue is suspected as a cause of the crash or incident and or where it is suspected that a Fatigue Management Plan is absent or has not been effectively implemented
 - Where a complaint indicates that a Fatigue Management Plan is absent or has not been effectively implemented, or
 - Roadworthiness matters which indicate the failure or lack of system for maintaining vehicles in a safe condition

Trigger for referrals to Department of Environment and Conservation by WorkCover

- Matters, including incidents and complaints, where it is suspected there has been the unsafe transport of dangerous goods

3. Arrangements for liaison

The first point of contact under this protocol is the LILO for operational matters. If there are issues related to the investigation of particular incidents that cannot be resolved at the operational level these will be resolved by reference to:

Department of Environment and Conservation: Manager, Transport and Hazardous Materials

WorkCover: Team Manager, Retail Wholesale Transport and Storage Team

The parties agree to meet at least half yearly to review operational and policy issues, timeliness of information exchange and institutional arrangements arising from this protocol.

4. Co-ordination of enforcement strategies

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The parties agree to work closely to align enforcement activities and strategies to ensure consistency of action and reduction in duplication.

5. Development of education & awareness raising strategies

The parties agree to develop and fund appropriate joint education and awareness campaigns.

6. Reporting mechanisms

The parties will each prepare a report to their CEOs, namely the Director-General of Department of Environment and Conservation and the Chief Executive Officer of WorkCover, half yearly on the effectiveness of this operational protocol.

The Parties will each prepare a report to the Interagency Taskforce on Long Haul Trucking on outcomes being achieved from this Protocol (how often or when?).

7. Monitoring & review mechanisms

This Protocol may be varied or added to by agreement in writing between the Director-General of the Department of Environment and Conservation and the Chief Executive Officer of WorkCover. The initial operation of this protocol shall be reviewed twelve months from the date of its commencement. The term of this protocol shall be three years. The parties agree to meet twelve months prior to the expiry of this protocol to negotiate a new protocol.

8. Compliance with Statutory Requirements

The Workcover and the Department of Environment and Conservation acknowledge that their responsibilities under this Protocol must be carried out in accordance with applicable statutory requirements.