

NSW POLICE AND WORKCOVER

OPERATIONAL PROTOCOL

NSW Police 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

NSW Police and WorkCover will communicate this operational protocol to officers and staff in their organisations who 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 each Local Area Command of the NSW Police for operational matters. The central contact point will be a nominated position known as LHT Investigation Liaison Officer (LILO).

NSW Police LILO Commander, Local Area Command

WorkCover LILO Team Co-ordinator, Transport and Storage

To facilitate information exchange regarding systemic or policy issues, the agencies agree to establish a separate mechanism within WorkCover and each Local Area Command of the NSW Police for these matters.

NSW Police LILO Commander, Traffic Service Branch

WorkCover LILO Team Co-ordinator, Transport and Storage

It is recognised that under S62 of the Occupational Health and Safety Act 2000 WorkCover Inspectors have the power to obtain information, documents and evidence in relation to a possible contravention of the Act or the related regulations. 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.

2. Notification Of Incidents Involving Heavy Vehicles Between Parties

As a matter of course NSW Police and WorkCover should advise each other, as soon as practicable, when significant incidents (serious crashes and fatal accidents) involving LHT become known.

Trigger for referrals to WorkCover by NSW Police

- Crashes or incidents (serious crashes and fatal accidents) involving long haul heavy vehicle trucks. In particular these may include:
 - Where fatigue is suspected as a cause of the crash or incident (a serious crash or a fatal accident) and or where it is suspected that a Fatigue Management Plan is absent or has not been effectively implemented
 - Where a complaint, related to the incident (a serious crash or fatal accident), is received that indicates that a Fatigue Management Plan is absent or has not been effectively implemented

Trigger for referrals to NSW Police by WorkCover

- Matters where it becomes 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

3. Arrangements for liaison

For operational matters the first point of contact under this protocol is the LILO. 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:

NSW Police: NSW Police Commissioner

WorkCover: Team Manager, Retail Wholesale Transport and Storage Team

For policy or systemic matters the first point of contact under this protocol is the Commander of Traffic Services. If there are issues related to matters of policy or systems that cannot be resolved at this level these will be resolved by reference to:

NSW Police: NSW Police Commissioner

WorkCover: Team Manager, Retail Wholesale Transport and Storage Team

Prevention and Investigation of Long Haul Heavy Vehicle Trucking Incidents

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

4. Co-ordination of enforcement strategies

The parties agree to work closely to align enforcement activities and strategies to ensure consistency of action and reduction in duplication where this would not compromise the independent gathering of evidence by the NSW Police.

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 report to the NSW Police Commissioner and the Chief Executive Officer of WorkCover quarterly on the effectiveness of this operating protocol.

The Parties will report to the Interagency Taskforce on Long Haul Trucking on outcomes being achieved from this protocol.

7. Monitoring & review mechanisms

This Protocol may be varied or added to by agreement in writing between the NSW Police Commissioner 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

NSW Police and Workcover acknowledge that their responsibilities under this Protocol must be carried out in accordance with applicable statutory requirements.