



Road Transport Safety and Compliance Newsletter

Toll Australia External Newsletter

May 2020

Supply Chains in the Time of COVID-19

Who could have imagined that between our last newsletter and this that the world would change so much?

The last time the world faced a health crisis of similar magnitude to covid-19 was more than a 100 years ago during the 1918 influenza epidemic, or “Spanish flu”. According to [The Conversation](#) “In the pandemic of 1918, between 50 and 100 million people are thought to have died, representing as much as 5% of the world’s population. Half a billion people were infected.” At various times in our history humans have faced bubonic plague, tuberculosis, polio, HIV/AIDS, SARS, MERS and a myriad of other diseases.

Such times test us. We face our mortality. We live with fear and uncertainty. We glimpse the unimaginable grief of losing the people we love.

But as someone much wiser than me once said “life’s only certainty is change”. This will change. There will come a time when we have a vaccine, or a cure, or we contain the virus. Life will go on.

One of the positives to emerge from the present crisis is the realisation of how vital transport and logistics is in the life of every Australian. People working in the industry have always known this. But when stocked supermarket shelves and accessible medications are all you’ve ever known it’s easy to take the supply chain for granted.

Scarcity taps something deep in the human psyche. We begin to fear that there may not be enough of the basics: food, water, medicine. The drive for self-preservation can prompt some odd behaviour. We all witnessed the “toilet paper crisis” which, rationally examined, makes little sense. There’s no evidence that covid-19 causes diarrhoea yet somehow toilet paper symbolised the primal anxiety we’re all feeling.

I stood in front of an empty shelf at my local supermarket and witnessed a grown man throw a tantrum because the product he wanted wasn’t available. He threw a box of cereal on the floor and harangued a staff member.

At that moment I realised something new about the supply chain.

In times like these it’s not just that we want the goods on the shelf. We crave the psychological comfort that comes with continuity – a connection between things as they were and things as they are.

When everything is unstable what remains of the “normal” assumes a heightened importance. We should not underestimate the relief people feel at the sight of something as prosaic as toilet paper on the

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supermarket shelves.

Everyone in the supply chain has proven themselves an “essential worker”. To the drivers, packers, loaders, schedulers, operations managers, forkies, roadhouse staff, shelf-stockers and supermarket personnel: thank you.

Let’s hope that one of the positives to come from this experience is a heightened appreciation of, and respect for, those in the supply chain. Let’s continue to show that respect by undertaking only essential travel, staying home, and practicing good hygiene and social distancing. Social isolation reduces transmission and helps to keep the frontline workers on whom we rely safe and well.

The table in this newsletter summarises the rules, instruments and forms for each state and territory regarding road freight movement as at 12/5/20. This changes frequently.

Further information is available on Toll’s website: <https://www.tollgroup.com/toll-employee-info-covid19>

[Sarah Jones](#), General Manager Road Transport Safety and Compliance Unit (RTSCU), HSE

NHVR Issues Enforceable Undertaking

The National Heavy Vehicle Regulator (NHVR) has imposed an enforceable undertaking on Laing O'Rourke Australia Construction (LORAC). This is the first time that the NHVR has used this sanction since it was introduced into the Heavy Vehicle National Law (HVNL) in 2018.

Enforceable undertakings (s. 590a of the HVNL) are different to traditional enforcement measures in that rather than being punitive, they focus on constructive actions and initiatives designed to remedy the underlying cause of non compliance.

They tend to advantage the whole industry because, being public, we all benefit from learning how an organisation proposes to fix a problem. What's more, given that the solution is agreed by the Regulator as fit-for-purpose, it adds to the body of knowledge of what is reasonably practicable to ensure the safety of the transport task.

In this case, LORAC was experiencing issues with mass management. Over a seven month period Transport for New South Wales (TfNSW) detected two severe mass breaches in LORAC vehicles as per s. 96 of the HVNL. One was a 7.88 tonne steer axle (max 6.5 tonnes), the other was a 26.92 tonne triaxle (max 20 tonnes).

Under the terms of the enforceable undertaking the steps that LORAC is taking to ensure effective mass management include:

- Weighing all heavy vehicles that carry plant and equipment or loads (including individual axles)
- Trialling an onboard weighing system designed to give the operator warning when the weight on any pre-programmed axle group is close to the overload limit
- Developing and delivering an online training course and face to face workshops on chain of responsibility and demonstrating compliance.
- Developing and delivering a supply chain workshop program for small and medium sized enterprises

The total estimated value of the undertaking is \$249,500: far more than if LORAC had simply been fined for the mass breaches.

More information is available on the enforceable undertaking [here](#).

Incident Analysis and Key Learnings

In October of last year two trucks arrived at one of our customer sites in Western Australia to deliver mine-site equipment. Toll had recently won a three year contract with the customer. In this instance, Toll sourced a subcontractor for the delivery. Contrary to the terms of our Road Freight Subcontractor Agreement, that subcontractor then further subcontracted.

The trucks used were so substandard that the onsite HSE supervisor

described them as "what I'd expect to see when I worked in West Africa. Not in Western Australia in 2019". As you can see from the photos below, the deficiencies included a damaged cabin roof and "flat spots" on the tyres. There were also load restraint issues.

As revealed in the subsequent investigation, the subcontractor that made the delivery had their accreditation revoked by Main Roads Western Australia (MRWA). This means that the Regulator determined

the subcontractor did not meet the standards required for accreditation. This information is publicly available on the MRWA website.

The customer immediately advised Toll that the subcontractor in question was not to be used again. However, due to a miscommunication two days later that very same subcontractor was sent to our customer's supplier to pick up a load. They were refused the load and turned away from the site.



Incident Analysis and Key Learnings (cont.)

Not surprisingly, this incident compromised Toll's reputation with the customer. Although external authorities were not involved, there are several potential regulatory breaches relating to vehicle standards and safety (*WA Road Traffic (Vehicles) Regulations 2014, r232(2) and r243(2)*) and to permitting a vehicle with inadequate load restraint on the road (*Road Traffic (Vehicles) Act 2012, s29(1)*).

The root cause of the incident was a series of untested assumptions that led to the engagement of a non prequalified subcontractor. A business unit within Toll struggling to meet demand approached another business unit to source a subcontractor. The originating business unit assumed, not unreasonably, that the stringent vetting processes it followed as per company policy were in place in the other business unit. However, due to staff and structural changes the staff member in the second business unit had not been trained in the subcontractor management system.

This staff member assumed, again not unreasonably, that because the subcontractor existed in the billing system they must have been subject to a prequalification/ vetting process at some point. This assumption is incorrect. What's more, the staff member that engaged the subcontractor had used them for nine years and, as nobody had advised him otherwise, assumed they were of the requisite standard.

The assumptions and actions leading to the incident are set out in the diagram at the bottom of the page:

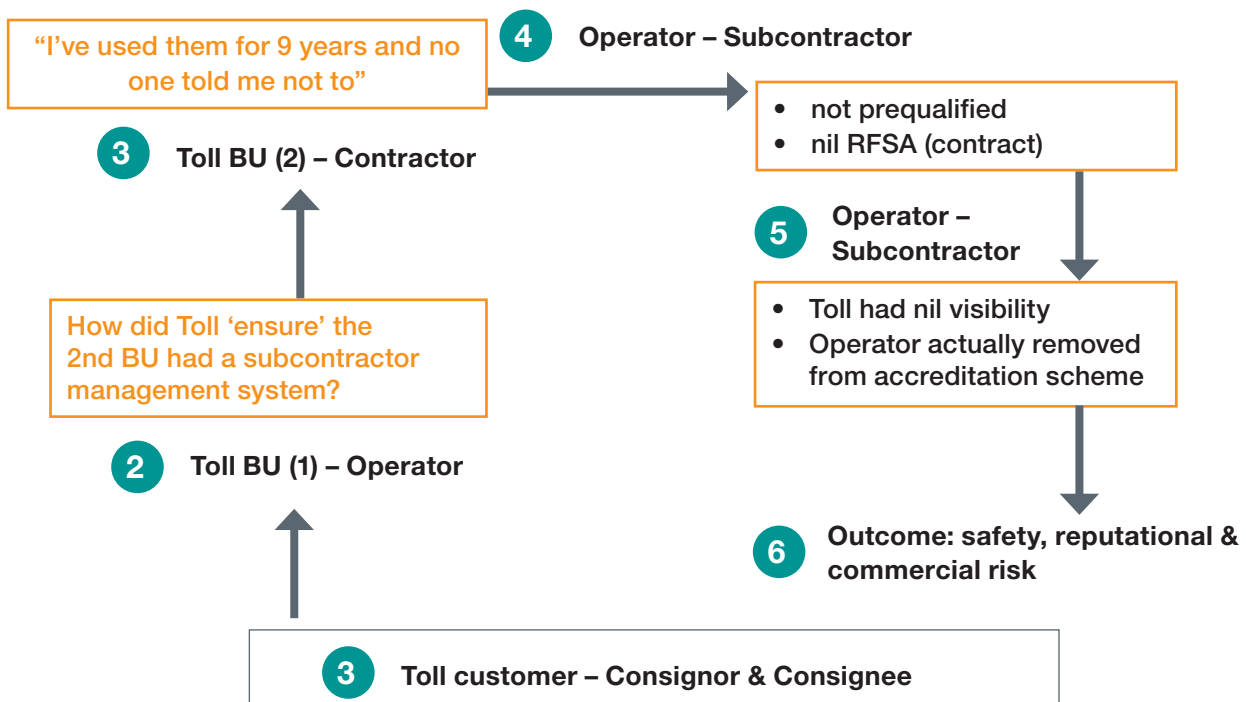
At no time did anyone make a deliberate choice to be unsafe, take unnecessary risk or compromise the relationship with the customer. The incident occurred because of a failure to meet the "ensure" benchmark set out in the primary duty of the Heavy Vehicle National Law.¹

¹ Western Australia is not a signatory to the HVNL. However, the "body of knowledge" considered when determining whether something is reasonable and practicable in OH&S law includes the HVNL.

The staff member in this case assumed that the process he had followed for the last nine years must be correct. If it was wrong, someone surely would have told him. When something becomes routine it comes to feel normative. We fall out of the habit of questioning. Assumptions like this one are the opposite of what "ensure" requires of us.

Both subcontractors are now on Toll's Do Not Use list and have been removed from our billing systems. Through a thorough and transparent investigation process Toll restored the relationship with the customer.

The primary duty – or 26C – requires that we “ensure the safety of the transport activities related to the heavy vehicle”. “Ensure” is a high benchmark. It asks us to probe the credibility and reliability of the information we use to do our jobs every day. The primary duty asks us: how do I know what I think I know?



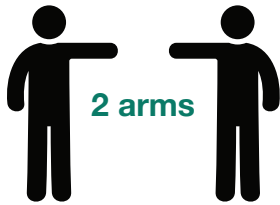
Rules and Requirements for Cross-Border Freight Movement by Road as at 4/5/20

	WA	NT	SA	QLD	TAS	NSW	VIC	ACT
State border closed	Yes	Yes	Yes	Yes	Yes	No	No	No
Relevant instrument	Quarantine (Closing the Border) Directions	Public and Environmental Health Act 2011 COVID-19 Directions (No. 22) 2020 Directions for Territory Border Restrictions	South Australia Emergency Management (Cross Border Travel No. 4) (COVID-19) Direction 2020 under s. 25 of the Emergency Management Act 2004	Border Restrictions Direction (No. 5)	Public Health Act 1997 Direction Under S. 16 (Specified persons no. 2)	n/a	n/a	n/a
Transport, freight and logistics workers exempt	Yes	Yes	Yes	Yes	Yes	n/a	n/a	n/a
Form required to enter	Yes*	Yes	No, however "close contact" form must be maintained	Heavy vehicle operators carrying freight do not need a pass unless travelling through or to remote communities. Online pass for non heavy vehicle operators available here	Yes	n/a	n/a	n/a
Additional requirements	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter
Intra-state travel restrictions in effect	Yes	No	No	No	No	No	No	No
Relevant instruments	Prohibitions on Regional Travel Direction Goldfields-Esperance Kimberley region Note that the regional rules change on 18 May	n/a	n/a	n/a	n/a	n/a	n/a	n/a

WA	NT	SA	QLD	TAS	NSW	VIC	ACT
Transport, freight and logistics workers exempt	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Form required to enter Kimberley region	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Additional requirements	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter	Carry photo ID and Toll-issued letter
Remote Communities travel restrictions in effect	Yes	Yes	Yes	No	No	No	No
Relevant instrument	Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020	Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020	Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020	n/a	n/a	n/a	n/a
Transport, freight and logistics workers exempt	Yes, with certain conditions	Yes, with certain conditions	Yes, with certain conditions	n/a	n/a	n/a	n/a
Form required to enter	Yes	No	Yes	n/a	n/a	n/a	n/a
Additional requirements	Reference Toll's approved Covid-19 Management Response plan as approved by Dr Charles Watson, Principal Medical Advisor Human Biosecurity Officer, WA Department of Health, 22/4/20 Carry photo ID and Toll-issued letter	Reference Toll's approved Covid-19 Management Response plan as approved by Dr Charles Watson, Principal Medical Advisor Human Biosecurity Officer, WA Department of Health, 22/4/20 Carry photo ID and Toll-issued letter	Reference Toll's approved Covid-19 Management Response plan as approved by Dr Charles Watson, Principal Medical Advisor Human Biosecurity Officer, WA Department of Health, 22/4/20 Carry photo ID and Toll-issued letter	n/a	n/a	n/a	n/a
*WA also has an online system called G2Go							

Social Distancing

What is social distancing?



Keeping a distance of two arms lengths (at least 1.5 metres / 5 feet) from others where you can to prevent the spread of COVID-19. Including in your home, work and public spaces.

Where it's not practical to distance (such as on train or bus) practise good hygiene as always.

Why social distancing matters

Social distancing of at least 1.5 m / 5 ft decreases the exposure of coronavirus (COVID-19)

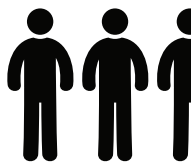
Now



1 Person

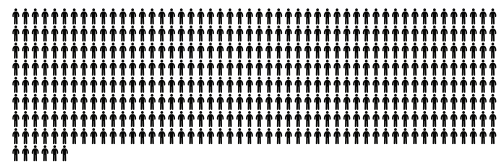


5 Days



2.5 People Infected

30 Days



406 People Infected

50% less exposure



1 Person

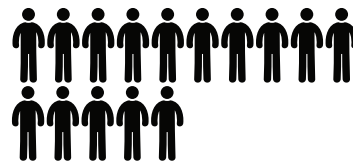


5 Days



1.25 People Infected

30 Days



15 People Infected

75% less exposure



1 Person

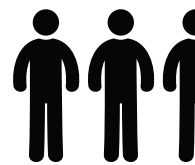


5 Days



0.625 People Infected

30 Days



2.5 People Infected

Source: Australian Government, 2020