



Transport Workers' Union of NSW

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18 May 2021
Our Ref: AG:1020

Marika Calfas
CEO
NSW Ports
Via email Marika.Calfas@nswports.com.au

Dear Marika

Traffic issues around Port Botany terminals

We the Transport Workers Union of New South Wales, (**TWU**) act for a number of our members who provide transportation services throughout the Sydney metropolitan area including the ports at Port Botany.

We are writing to you (**NSW Ports**) for the purpose of raising a number of matters with respect to traffic issues that are affecting our members and the greater public.

The TWU is aware that NSW Ports recently made some significant changes to the way that empty containers are returned to the empty parks (**EP**) that has caused significant traffic issues to not only the ports but also the surrounding areas.

The TWU is aware that drivers used to rank in certain areas that are no longer designated waiting areas prior to de-hiring empty containers at the EP.

The TWU is also aware that drivers are now being directed to perform circles around the port until such time a space becomes available for the driver to enter the EP.

The issue with the change in traffic management is causing our members to incur costs associated with being directed to perform loops around the port and that traffic is now regularly being forced to bank up on Foreshore Road affecting the public.

The situation in regards traffic banking up in live traffic lanes on Foreshore Road is very dangerous and relates to DP Logistics introducing automated ticketing.

Several near misses where vehicles driven by members of the public have nearly collided with the rear of stationary trucks have been witnessed over the last couple of months.

The result of the automated ticketing process is the Drivers have lost three (3) lanes of off-street ranking.

NSW Ports as a person conducting a business or an undertaking (**PCBU**) is bound by a number of legislative measures pursuant to the provisions of the Work Health and Safety Act NSW (2011) (**WHS Act**).

The WHS Act under s11 imposes a duty upon the PCBU towards management of risk and to eliminate risks to health and safety.

The WHS Act also imposes a primary duty of care upon a PCBU to manage and eliminate risks from the workplace pursuant to s19(1)(2)(3).

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NSW Ports was bound to consult with other duty holders before the NSW Ports as a PCBU decided to implement changes to traffic management, which in this instance it, did not.

The WHS Act under s46 carries with it some significant penalties for a PCBU failing to consult with other duty holders.

NSW Ports as a PCBU was also obliged under s47,48 & 49 of the WHS Act to consult with workers namely our members before NSW Ports made changes to traffic management however, once again NSW Ports did not engage in consultation with all appropriate parties prior to implementing the changes to traffic management.

The TWU requests that NSW Ports withdraw the current or new traffic management processes that it has in place until such time NSW Ports consults with other duty holders and with workers to ensure that NSW Ports is providing a safe system of work not only for our members but also for the greater public.

The TWU is of the belief that the current traffic management practice of threatening drivers with fines and / or bans only serves to address a symptom of the issue and NOT the cause, that being the way EPs manage the return of empty containers.

The TWU is of the view that the introduction of the **Piblis** system for the terminals resulted in a massive reduction in trucks being forced to rank within the ports precinct. The TWU urges NSW Ports to consider mandating a similar system for the de-hiring of containers at an EP located within the Port precinct

The TWU urges you to contact the writer of this correspondence to arrange a suitable time to discuss these issues further with the appropriate NSW Ports management.

If the TWU does not receive a reasonable response to this information within fourteen (14) days of this letter being issued. Then the TWU will be left with no other alternative than to escalate our response to this current dangerous and unsatisfactory situation.

We are currently in receipt of a petition signed by over 320 Landside drivers, including Owner drivers, contractors and company drivers who are seeking safe, fair and reasonable changes to the current practices

We may also be seeking the assistance of the safety regulator and the NSW Police regional traffic commander in relation to the Foreshore road traffic issues being directly attributed to changes in DP logistics de hire procedures.

Both DP logistics and NSW Ports should have reasonably foreseen this dangerous situation arising prior to allowing implementation of the above changes.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'SMcIntyre', written over a horizontal line.

Scott McIntyre
Ports landside official

Transport Workers Union of NSW

