Freight Movement Code for the Domestic Border Controls – Freight Movement Protocol

The movement of domestic freight is critical to the cohesion of our society and economy. While freight movements have not been identified as a source of community transmission of COVID-19 to date, any movement of people across the country needs to be balanced with the safety of both the workforce and broader community.

On 24 July 2020, National Cabinet agreed a Freight Movement Protocol (the Protocol) that was developed based on consultation with industry. To support the implementation of the Protocol, National Cabinet also agreed that compliance and enforcement measures would be developed in the form of a binding Freight Movement Code (Code). This Code should be read in conjunction with the Protocol.

This Code specifies the measures that will be enforced by relevant states and territories through their Public Health Orders and Emergency Management Directions. The enforceable measures have been specified to deliver greater consistency between states and territories in their implementation of border controls, especially for COVID-19 testing, self-isolation requirements while working, and reporting requirements to facilitate contact tracing. A small number of variations will continue to exist between states and territories, and these will be clearly communicated to the National Regulators, the freight and logistics industry and to border control authorities.

To date, border control measures have been introduced in New South Wales, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory. Many companies transport freight across multiple borders, and are currently required to meet multiple border control measures including exemption processes, self-isolation requirements, use of Personal Protective Equipment (PPE), and COVID-19 testing requirements.

A more consistent, risk-based approach across Australia will reduce complexity for industry and authorities and improve compliance, whilst minimising potential vectors for transmission of COVID-19. Ongoing regular communication between transport, policing and health agencies in each state and territory and the National Regulators, as well as communication and consultation with industry as outlined in the Protocol, will be critical to ensure a smooth implementation of this Code.

This Code does not apply to intrastate freight movements but to movements of freight across borders.

Enforceable measures in relation to border crossings

To deliver the desired outcomes of the Protocol the following measures will be enforceable in each state and territory that implements border controls, unless specified as a variation at Annex A.

- A valid border permit or equivalent approval
- A COVIDSafe workplan
- Carrying and using COVID-19 related Personal Protective Equipment (PPE) (when social distancing is not possible, where directed by a state or territory government, a Department of Health or Safe Work Australia, and/or when indicated by COVIDSafe workplans), including –
    - An appropriate face mask[1]
    - Hand sanitiser
    - Gloves
- Evidence that a COVID-19 test has been carried out within a period no less than 7 days since the time of arrival into a state or territory and not exceeding a rolling 14 days
- Record keeping for contact tracing purposes to be kept and retained:
    - for heavy vehicle drivers, in the work diary until lodged with the record keeper or in accordance with the legislative requirements of the relevant state
    - for support workers, by the worker; and
    - for rail crew, by the driver or operator.
- The records should include where they are travelling, with whom they have been in contact (including when not working), details of accommodation, and onward and return travel (as per the Protocol)
- Effective self-isolation where practicable when working during stops including for accommodation purposes
- No passengers, unless required for the purposes of work (for example two up drivers)
- No working while symptomatic until a negative test result has been received. Workers should not return to work until after symptoms have ceased

Upon request from an authorised officer, heavy vehicle drivers, rail crew and support workers where relevant, will be expected to show evidence of complying with the enforceable measures.

---

[1] Further information on face masks can be found at https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/retail-supermarkets-and-shopping-centres/masks#heading--2--tab-toc-what_are_cloth_masks?)

Enforcement regime

Enforcement of the measures in this Code will be made effective through relevant Public Health Orders and Emergency Management Directions of each state and territory. The enforceable measures will be implemented in each state and territory where border controls are implemented, and compliance will be monitored through random and/or targeted checks by authorised officers as agreed in the Protocol, to ensure there is minimal delay for freight movement, especially at border crossings.

Penalties for breaching the enforceable measures in this Code will be covered as breaches of the relevant state and territories' Public Health Orders and/or Emergency Management Directions for border crossings.

Any implementation requirements, however, will not have a legal effect in another state or territory and cannot result in the worker facing conflicting legislative requirements across states.

Implementation Approach

For testing (voluntary or mandatory for truck drivers and support workers)

The inclusion of mandatory or voluntary COVID-19 testing will be a decision of each state or territory implementing border controls.

States and territories will provide pop up testing facilities at suitable locations such as truck stops and other heavy vehicle rest or service areas to ensure size of vehicle and protection of loads (livestock, dangerous goods and perishable items) and driver/community safety, can be accommodated.

These facilities will:

- not be at border crossings, but will be at safe and convenient locations to support the efficient movement of freight across borders and minimise the impact on driver fatigue management;
- operate during hours that maximise utilisation and meet industry needs, with the capability for 24 hour operation where practicable;
- be free of charge to workers requiring tests; and
- provide for separation of symptomatic and asymptomatic people within a testing site.

It will not be compulsory to stop at testing sites unless directed by an authorised officer. Drivers, operators and schedulers will need to give consideration to driver fatigue management requirements, including meeting all legislative requirements, when deciding where to stop for a test. Drivers will not be required to wait at a testing site for the results of their test.

For testing (voluntary or mandatory for rail crew)

States and territories will provide pop up testing facilities at rail freight terminals/depots where it can be accommodated, as well as other medical facilities.

Tests will be free of charge to the worker and provide for separation of workers for symptomatic and asymptomatic testing within a testing site.

Testing evidence

For all tests, the testing facility will provide evidence of the test being taken for the worker to be able to demonstrate compliance. This may be a form for the worker to carry or a photograph of the form taken by the worker. This will be recognised by authorised officers at border crossings in all states and territories.

Workers will not have to go into quarantine or formal self-isolation in any state or territory while they are waiting for the results of a COVID-19 test, but can continue to work in accordance with all of the other requirements set out in the Protocol and this Code and their COVIDSafe workplans.

If a worker receives a positive test, they will be managed in accordance with current state and territory practices as outlined in their COVIDSafe workplan and the relevant Public Health Orders or Emergency Management Directions, which may include the option for the worker to return to their home state to self-isolate.

Workers who receive a positive test are required to notify either the National Heavy Vehicle Regulator (for heavy vehicle drivers) or the National Rail Safety Regulator in accordance with the current process for reporting Category A occurrences (for rail crew who travel across borders). Workers are also required to notify the public health authority of the state or territory they are currently in if it is not the state or territory where the test was performed.

COVIDSafe workplans and PPE

States and territories will continue to make publicly available the requirements around social distancing and the use of COVIDSafe workplans and PPE, including through their Public Health Orders and Emergency Management Directions.

States and territories will mutually recognize COVIDSafe workplans developed by the relevant operator if already agreed by one state or territory. This will be facilitated through the relevant permit process. If a COVIDSafe workplan requires information on testing, what is outlined in this Code will be the minimum requirement.

States and territories and industry will ensure regular training is available on the development of COVIDSafe workplans and the use of PPE.

Compliance Checks

Random and/or targeted checks by authorised officers will occur to ensure compliance with the enforceable measures in this Code. Penalties for non-compliance with the enforceable measures will be in accordance with the relevant Public Health Orders or Emergency Management Directions.

States and territories will coordinate their efforts and share information and data where permitted under law, including with the National Regulators, and take appropriate action as required.

High level performance information will be gathered and reported to states, territories and industry to support this risk-based approach.

Movement of freight will continue to flow across borders and the requirements for testing will be the responsibility of the worker. An authorised officer can direct a worker to be tested as soon as practicable if they are unable to provide evidence of a recent COVID-19 test. Heavy vehicle drivers, operators and schedulers will need to give consideration to driver fatigue

management, including meeting all legislative requirements and should plan their testing around these requirements.

Changes to requirements and information for industry

Prior to implementing any changes to requirements that differ from the Code or Protocol, states and territories will consult with other governments through a national coordination mechanism, and with National Regulators and industry, to understand the effect and impacts of potential changes ahead of any new directions being put in place. This will ensure industry can implement any new requirements quickly and achieve strong compliance.

Commencement date

Implementation of enforceable measures will commence no earlier than 5 days, after National Cabinet agreement to provide industry with advance notice of upcoming changes.

Australian Government

Annex A	Enforcement approach	Implementation date	Variations
New South Wales		7 days after approval to enable testing provisions to be increased	Testing for asymptomatic freight workers to be voluntary (not mandatory) but encouraged on a rolling 7 day basis At testing locations, asymptomatic (attending voluntarily) and symptomatic freight workers will be required to: ○ Exercise physical distancing of at least 1.5m, and ○ Maintain personal hygiene practices, and ○ Wear COVID PPE including a face mask while waiting for testing Freight workers will be encouraged to also utilize existing community testing locations where possible Transport operators encouraged to become COVID Accredited when COVID Safety Plans include the following additional measures: ○ Daily health screening for freight workers ○ Regular testing on a rolling 7 day basis for freight workers facilitated by the freight operator ○ Records kept of COVID-19 testing for freight workers to enable improved contact tracing ○ Be able to produce vehicle satellite tracking data and driver log book records to enable improved contact tracing

Annex A	Enforcement approach	Implementation date	Variations
Victoria			Will not be providing testing in the state for asymptomatic freight workers.
Queensland			Testing to be mandated on 7 day rolling basis for those coming from a hotspot (recommended 7 day testing for all other freight operators coming from non-hotspots). Testing will be free at pop up facilities only.

Western Australia			Testing arrangements
			  o Testing mandated on a 7 day rolling basis for all individuals crossing the border;
			  o Required to present for test within 48hrs if enter WA without having been tested in last 7 days;
			  o No requirement to continue to be tested after being in WA for 14 days;
			  o Pop-up testing facilities unlikely to be provided due to lower freight numbers. Testing will be available at public health emergency departments and COVID clinics. Companies may pay for private pathology testing to be undertaken on-site. Twenty four hour testing only available in some locations.
			  o People who have tested positive will be sent to isolation and will not be permitted to cross the border into another State until after they have completed quarantine or been re-tested and are no longer deemed contagious.
			COVID Safety Plans are encouraged, but not required, for the freight industry.
			
			The enforceable measures do not apply to rail crew.

Annex A	Enforcement approach	Implementation date	Variations
South Australia			Testing mandated for essential travelers within 24 hours after arrival in South Australia and on the twelfth day after arrival, unless evidence is produced to an authorised officer (on request) of a COVID-19 test, or test result, in the preceding 7 days.
			Essential travelers who are passing through are not required to submit to a COVID-19 test.
			24 hour testing facilities will only be available in some locations.
Tasmania			[no road border]
			Testing required on entry to the state for persons who have spent time in a defined affected region or affected premises unless evidence of a negative test in the previous 7 days.
			Testing of essential transport workers will occur at entry points to Tasmania.
			No testing of rail crew in Tasmania.

Annex A	Enforcement approach	Implementation date	Variations
Australian Capital Territory			Will not be providing testing in the territory for asymptomatic freight workers
			Will not require permits for freight workers to enter the territory, a general exemption is provided from border closures for commercial freight operators however all operators/workers will be required to comply with the conditions of the Code.
			Testing will be voluntary for interstate freight workers travelling through or loading/unloading in the territory.
			ACT freight workers that have travelled to an identified 'hotspot' could be made to undergo mandatory testing rather than needing to undertake quarantine as is expected of other ACT residents.
Northern Territory			NT will ensure targeted testing is available to enable drivers to comply with the testing requirements.