



Submission

To: Worksafe Mahi Hauraru Aotearoa –
Guidance and Education

Submission: Safe Tarping and Load Securing Quick Guide

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Sent to: GuidanceandEducationDevelopment@Worksafe.govt.nz

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Ia Ara Aotearoa Transporting New Zealand submission to Worksafe Mahi Hauraru Aotearoa – on the Guidance and Education on Safe Tarping and Load Securing Quick Guide - August 2022

1. Introduction

- 1.1 Transporting New Zealand provides leadership, advisory and advocacy to the transport industry and believes we all need to operate in an environment where the following must be managed and co-exist:
 - The safety and wellbeing of our drivers and other road users, our drivers are our most valuable asset
 - The impacts of transport on our environment
 - The transport of goods by road is economically feasible and viable and it contributes the best way it can to benefit our economy.
- 1.2 Transporting New Zealand welcomes the opportunity to comment on the draft Safe Tarping and Load Securing Practices – Quick Guide (the Guide) being proposed by Worksafe Mahi Haumarua Aotearoa (WorkSafe).
- 1.3 We are mindful that the Waka Kotahi NZ Transport Agency (Waka Kotahi) first published the official truck loading code [here](#) (the Truck Loading Code) in 1985 and it was last refreshed in 2017. It is a comprehensive document that deals with load security and includes a section on covering loads. The Truck Loading Code is well established and recognised throughout the transport sector as the key document outlining the practical requirements for operators / drivers to achieve safe loading of heavy vehicles. We submit its advice remains current and it is the most accurate and pertinent document to adhere to.
- 1.4 We are also aware that the Land Transport Act 1998 contains load security legislation that is administered by Waka Kotahi and enforced by NZ Police.
- 1.5 Transporting New Zealand's understanding from the Truck Loading Code is that, with the exception referred in paragraph 2.9 below, tarpaulins should only be used to provide weather protection. Loads should be independently restrained against movement as required by the Truck Loading Code.
- 1.6 We appreciate the development of this Guide is well-intentioned and acknowledge the value that sound robust guidelines can bring to improving day-to-day operations that drivers and companies face.
- 1.7 We also appreciate the consultation process WorkSafe is undertaking given it is important that any changes and expectations that impact our sector need to be duly considered.
- 1.8 Presuming that subsequent to this consultation the Guide is likely to be re-considered, Transporting New Zealand invites WorkSafe to reach out to us for further guidance and collaboration from an industry perspective.

2. Submission summary

General

- 2.1 Bearing in mind the Truck Loading Code has long been accepted and recognised as the sector “go to” document for understanding load security requirements, we are perplexed at the purpose of WorkSafe’s proposed Guide and how it fits relative to the Truck Loading Code. We would like WorkSafe to provide some context and purpose in regard the reasons for introducing a separate document and how and why the scope differs to the Truck loading Code.
- 2.2 In terms of the WorkSafe document hierarchy, we are confused as to where a “Quick guide” fits with regard the respective associated compliance obligations and enforcement implications this has relative to other documents. For example, we understand the enforcement action that a WorkSafe inspector would take against non-compliance with requirements of an Approved Code of Practice is different to that of a Good Practice Guide. In particular, the latter could be used as a defence of managing the risk however, non-compliance in itself would not attract a WorkSafe sanction as long as the risk was being managed appropriately. We would like WorkSafe to advise whether a Quick Guide is of similar or lesser standing to a Good Practice Guide.
- 2.3 On the one hand the proposed introduction of this Guide presents duplication which seems unnecessary however, for us more concerningly, this Guide introduces some inconsistency as to what the appropriate working conditions are. For example, if a client has not provided an access platform, as page 10 of the Guide refers, what are the liability implications? Similarly, page 12 refers to creating exclusion zones for working safely around a vehicle however, the Guide explicitly makes an exception for supermarket loading docks. Transporting New Zealand is somewhat dumbfounded that WorkSafe would differentiate and selectively endorse a specific sector to have lower safety standards and we are deeply concerned at the precedence that WorkSafe is setting with this approach.
- 2.4 In the absence of much more information from WorkSafe, we see considerable risk that the introduction of a Guide like this will unnecessarily complicate the industry standards and ways of working. Our recommendation is that if new requirements are required then for simplicity they be incorporated in an update to the Truck Loading Code.

Specific comments

- 2.5 The contents of the guide in the following sections: *1.0 Introduction, 2.0 Managing tarping and load covering risks, 3.0 Drivers should be trained and able to do the task* are reasonably self-explanatory and relatively easily understood. The comments about listening to drivers are welcomed as this promotes their voices being heard.
- 2.6 *Section 4. Before going on site.* In addition to our comments in paragraph 2.3 above, we agree that when drivers are deploying a tarpaulin to cover a load, they require good access around the vehicle to facilitate this safely. However, while fixed platforms and barriers can be beneficial, they can also inhibit loads being

covered in an efficient manner because drivers need space to be able to move around their vehicle easily.

- 2.7 *Section 5. When on site - Make checks before tarping and load securing starts Pg 13:* – the proposed requirement regarding “*inspect and test tarps and tarping devices*” is impractical. We acknowledge that drivers should always visually inspect the equipment however, a test is neither reasonable or practicable.
- 2.8 *Section 5 page 13:* There seems confusion as to the respective certification of load ties down anchorage points. We suggest WorkSafe should differentiate between tie down points for tarps versus load security anchor points. The latter require certification with NZS5444 in accordance with the Land Transport Heavy Vehicles 2004 Rule 31002 (the Heavy Vehicles Rule) however, the same is not required for tarp tie down points.
- 2.9 *Section 5 page 14:* We do not agree with the suggestion that tarps not be used load restraint unless the load is very light. Using terminology like ‘very light’ is problematic to a driver and leaves this open to interpretation which is problematic for compliance and enforcement. Whereas, the Truck Loading Code defines ‘*TARPAULINS Except in the case of very light bulk loads (0.5 tonne or less), sheets or tarpaulins should be regarded as providing no more than weather protection, and the load must be independently restrained against movement.*’ We much prefer this latter approach because it is objective and removes ambiguity.
- 2.10 *Section 5 page 14 continued: When using dunnage* – this is about load security and is well covered in the truck loading code. Dunnage is secured by the restraint to the required standard by drivers. Many modern vehicles have steel decks to cater for heavy loads such as heavy machinery (forklifts etc) and due to its high wearing properties. The Guide’s requirement to nail dunnage down is not practicably possible with steel decks.
- 2.11 *Section 5 continued pages 14-15:* Regarding reference to the expiry date marked on curtain-sided vehicles, provided the curtains and straps are in good repair that date has relatively low relevance, they are deemed safe as per section 5.4 of the Heavy Vehicles Rule.
- 2.12 *Section 5 page 16:* This figure of a curtain-sided heavy motor vehicle is concerning with its depiction of the load shifting and the rear wheels on one side lifting off the ground. Load security is very clear in the Truck Loading Code and this picture is not reflective of a real-world scenario. Furthermore, Land Transport Vehicle Dimension and Mass 2016 Rule 41001 defines safe operating widths for loads other than an over – dimension load and that is always only up to 2.55m. Additionally loads have very defined requirements and expectations when they are on a curtain-sided vehicle, within 100mm from sides, front and back distance etc.

3. Representation

- 3.1 Ia Ara Aotearoa Transporting New Zealand (Transporting New Zealand) is made up of several regional trucking associations for which Transporting New Zealand provides unified national representation. It is the peak body and authoritative

voice of New Zealand's Road freight transport industry which employs 33,000 people (1.2% of the workforce), and has a gross annual turnover in the order of \$6 billion. This is part of a wider transport sector that employs 108,000 people, or 4 percent of the country's workforce and contributes 4.8 percent of New Zealand's GDP¹.

- 3.2 Transporting New Zealand members are predominately involved in the operation of commercial freight transport services, both urban and inter-regional. These services are entirely based on the deployment of trucks both as single units for urban delivery and as multi-unit combinations that may have one or more trailers supporting rural or inter-regional transport.
- 3.3 According to Ministry of Transport (MOT) research (National Freight Demands Study 2018) road freight transport accounts for 93% of the total tonnage of freight moved in New Zealand.

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¹ [Transport factsheet \(mbie.govt.nz\)](https://mbie.govt.nz/transport-factsheet)