

INQUIRY INTO HEAVY VEHICLE SAFETY

Organisation: Truckright
Name: Mr Rod Hannifey
Telephone: 0428 120 560
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ROD HANNIFEY

Road Transport and Road Safety Advocate

TRUCKRIGHT, Road Transport Consultancy. Telephone: 0428 120560

Email: rod.hannifey@bigpond.com Website: www.truckright.myco.com.au

Graduate Certificate, Road Safety, QUT.

Winner: Queensland Road Safety Award 2005 for

“Blue Reflector Marking of Informal Truck Rest Areas”.

Australian Trucking Association National Professional Driver of the Year 2001.

Columnist: Owner Driver and Caravan World Magazines.

The following is my submission to the NSW Staysafe Committee regarding the trip plans (OH&S) and new fatigue heavy vehicle laws.

I am an interstate truck driver doing mainly one complete Melbourne to Brisbane round trip each week, loading from Melbourne at the end of the week, travelling through Dubbo for my 24 hour break or more as is available and delivering in Brisbane the following week.

I have a number of concerns with firstly the trip plan requirements and then the new supposed national fatigue regs. This only highlights one of the biggest problems, the problem and the issues of different rules in each state. NSW went ahead with the trip plans and no other state has seen any benefit in mandating them since, so we have this major inconsistency as a starting point. Every driver has some sort of a plan for each trip. However with the way the industry works and the way drivers and their needs are often ignored by the larger companies, both consignors, consignees and bigger transport companies as well, most plans are flexible to allow for being delayed and or ignored, simply feeling tired, a storm or a flat tyre.

Good meals and places to have them, clean showers and toilets, or areas to get a decent uninterrupted sleep are few and far between on the road and in cities are being further restricted by local councils and by laws restricting people from parking trucks even on their own property, leading to some local truckies leaving trucks and or trailers at truckstops, allowing less room for interstate drivers who may have no where else to go. These facilities are also now imposing 8 hour restrictions. What are you to do with a loaded b-double if you run late and arrive in Melbourne at 5pm and cannot unload until the next day? Are you supposed to hang the b-double on a skyhook or stick it in your pocket? Where do you get access to a toilet on the road, let alone when you are out of hours in your logbook and must stop for a minimum 7 hours?

We are required to fill out a logbook and I have no problem with this and understand the need for the authorities to be able to monitor our driving hours. If

there was no control, some would never stop and some would be forced to drive or lose their jobs. We do need some controls so as not to be at the mercy of pushy and greedy bosses and customers and whilst the logbook has been called a lie sheet and it has been known to be more of a fairy tale, this was often for two reasons. One was simply the need to earn more or sufficient money, particularly for hard working owner drivers and the other was the fact that all drivers and trips are different.

I do not know any driver who wants to work 18 hours a day, 7 days a week, but I know and am one of those who wants to be able to work when they are fit and sleep when they are tired. The logbook and the rules designed by those who do not have to live by them, make it harder for me to comply and easier to be punished and the new fatigue regs take that to an even higher level. Safe-T-Cam in NSW is another of these restrictions. My understanding is that something similar was done in the USA and after hundreds of thousands of dollars was spent, it was abandoned.

I have asked for fatigue crash figures in the vicinity of Safe-T-Cam sites and have never been given them. With Safe-T-Cam this puts you in a place at a time and so makes it harder to “fudge” or move your times in your logbook so that you can sleep when you are tired but still get the job done, so many drivers say you are pushed or have to push yourself to be “through” the cameras, rather than sleeping when you are tired.

This is not fully understood nor accepted by authorities and they have responded in the past by saying, “Well then, you will have to start earlier or drop a trip each week so that you will comply”. This does not solve the problem in any way, shape or form. It is not simply just loss of income, though this could be significant, it is loss of earnings from the vehicle and the possible need for more drivers and or trucks to deliver the goods, when we are seeing drivers with many years experience leave the industry to be replaced by whom and with what knowledge and experience?

With the trip plan regs I have to fill out my logbook, which is fine. I then have to fill out another page the same as my logbook with a trip plan showing what I will do and also why, if something changes, why I didn't do what I said I would and then I have to fill out what I did in the same format as my logbook yet again, so this is now three different logbook type entries. When I do a “subby” load, a load for another carrier and or customer, I have been given yet another sheet which they want filled out (and some will not pay unless it is filled in) with yet another plan of what I will do and what I did, which is exactly the same as is shown on my logbook and so now I am filling in two “plans” and three logbooks. This is absolute stupidity and does not reduce my fatigue, it only wastes more time and increases my fatigue!

I agree there is a need for drivers to take responsibility for their actions and that filling out a form saying they are "Fit for Duty" and have completed a Pre Trip Inspection and will operate legally, is not too onerous a task and is probably justified. If I was cynical though, I might suggest this is only a way for the company to blame me when something goes wrong and where I did raise this with a previous employer asking "Why do I have to sign this, accepting all responsibility even when I am not a mechanic and yet when you fail to do repairs and provide the truck in good order, there is no follow up on you?" I was told to "Fill it out or else and shut up".

I will attach my sheet asking for five changes to the new fatigue regs and why and add here a discussion I had with the CEO of Vicroads when he travelled with me in the truck in December last year. In explaining the new 7 hour break and the disallowance in Victoria to "split" this break at all, I gave the example of a driver who is tired in the afternoon and decides to have a 4 hour break with say 3 1/2 hours sleep. In doing so he must still have a continuous 7 hour break that night, which may well then prevent him from using all of his legally available driving hours in that rolling 24 hour period and or to get where he wants to be for a meal and or for a delivery the following day.

It is not just the "you must now stop here for at least 7 hours" that is the problem, it is finding shade, food, toilets and if you have had that earlier sleep when you were tired and are not then tired at that time, what do you do stuck in a truck cabin for 7 hours on the side of the road with no facilities when you are not tired?

"So the incentive is to drive when you are tired" said the gentleman and I said, "Yes" and this is where all drivers being different, each trip and load being different and each day on the road, mostly for those who do long distance and or interstate trips being different as well, makes it hard to cover all with one set of perfect regs. If there is sufficient flexibility available, more drivers will sleep when tired and drive when fit and the new regs make this less likely rather than more so.

The ramping up of the penalties and the constant tales of petty fines and the loss of income for minor mistakes and or breaches of the diary requirements, which can in no way be related to road safety, is simply seen as revenue raising, is forcing drivers with much experience but perhaps little education, out of the industry and makes a mockery of the "we are trying to make your job safer" argument.

Again I concur there is a need for suitable and reasonable regulation and that this must be accompanied by penalties for those who fail to comply and who then risk not only their own safety, but that of other road users as well. But it needs to be fair, properly targeted and consistent and with not only different rules in each state and a minimum of two groups targeting road transport, being both the Police and the road authorities, if they are not properly trained and educated re

the regs, then how are we to be able to comply with certainty. Queensland Police have been abusing the demerit points penalties and issuing these penalties for minor breaches, again not the declared intent of the new fatigue regs and yet it is happening and this further concerns myself and other drivers of the actual aim of the regs, is it raising money and getting trucks off the road, or is it improving road safety?

The last item is rest areas and the critical shortage of same, along with the often bad design and lack of facilities and shade. On major routes there is simply not enough rest areas, toilets, shade and suitable separation for those with frig vans and or stockcrates for them (who need their sleep as well) to be able to park and yet not disturb other truckies all ready sleeping. This is a major issue and the road authorities are so far behind it will take years to catch up and yet they have gone ahead with more regs and bigger penalties. My personal belief is that the new regs in their current form will only make it harder to comply and easier to be punished. Should the five items on the attached list be acted on, I would have little problem with the new fatigue regs if they were applied as they were intended to be by the NTC, nationally. However it is very hard as an individual truck driver to be heard and or to get others to agree and support an agreed view. It is simply impossible to get truckies together, let alone get them to agree because of the wide variance in the task, the load and how it is done.

As in my phone discussions with you, I plead that you spend time in a working truck on the road and speak to as many drivers as possible to get their views. Many are either not confident to write and believe they will not be able to express their concerns in a way that you will accept and understand and just as many if not more are cynical and don't believe they will be listened to anyway. I attended and spoke to the National Road Safety Inquiry in Canberra in 2004 and to my knowledge and having followed up and contacted the governments a number of times since, none of the 38 recommendations including the five that I either was part of or contributed to, have been acted upon and there have also been other inquiries with similar results, nothing done and this is why many truckies are not unrealistically cynical. As I write this I have not seen this inquiry mentioned in any road transport press and had it not been for a meeting with Dawn Fardell, I would not have known of its existence and believe it less likely that many others know of it either.

I would be more than happy to have any or all of your people in the truck as part of a trip as offered on the phone and again am happy to help in any way I can to see fair treatment and improved road safety, not just for truck drivers, but for all road users. Thank you, Rod Hannifey.

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I would like to suggest the following five changes to the new fatigue regulations based on my own experiences and aim to seek comment and support from other drivers and industry associations for these changes.

1. Split Rest. The new regs, whilst offering split rest in the format of 6 hours plus two hours as the only option in lieu of the 7 hour continuous break, (but this is not allowed in Victoria) will do more to discourage drivers from sleeping when tired and will make it harder to gain the flexibility that is being touted as the benefit of the new regs generally. With the requirement to not drive when tired, now being part of the regulations and with the lack of not just rest areas, but also places for a driver to stop in and or near a major city or simply somewhere with suitable facilities, these new regs are taking away both the flexibility that is needed not simply just to get the job done, but to get it done with some understanding
2. Rounding up of work time and down of rest time. In the past with the 15 minute increments in the log book yes, many drivers left at 5 or 7 minutes past the hour and put down quarter past, thereby picking up a massive 8 to 10 minutes extra time. You may have also picked it up at the finish of that driving stint but you cannot set this up, though at the end of the day you may have gained a total extra 30 minutes driving time. This is totally different from someone who is trying to drive and work for 20 hours a day.

With most long distance drivers doing their 12 or 14 hours in 3 to 4 driving stints, this was not abuse, but use of the regs as they stood. No driver would deliberately do his driving in 8 stints just to pick up another 30 minutes because this then creates the next problem of crashing into the continuous break at the end of the working day.

By changing this to the ludicrous extreme of expecting a driver to put down 15 minutes work if he does 1 minute of work and then also saying that if you stop for 14 minutes, this does not count as a break, is not only over burdensome and

totally unrealistic, it is stupid. No other group in the workforce is subjected to such pedantic laws. There must be a difference between someone who has totally ignored the logbook rules and someone who is trying to comply and with this you are leaving the majority of drivers open to punishment because of the actions of the minority. Do you really expect us to use a stopwatch to make sure we have stopped for 15 minutes and not 14 or to write up 15 minutes work for a one minute phone call or for moving the truck out of the way of another?

3. The requirement for two consecutive nights rest. This goes against the problems faced by shift workers where it takes three days for your body clock to adjust to a shift change. You are mandating that we must have 2 consecutive nights rest and can then work the next 12 nights (though yes there must be two other night rests in this) and I believe this will only make it harder for drivers on the first night back on the road. It is widely acknowledged that the first night following your 24 hour break is the worst and yet not only are you making us have two nights, you will not allow split rest where a driver could have a good 3 or 4 hours if tired and then complete this sleep later, which is what many do now on this first night.

If you are tired, you can go quickly to sleep and surely this is what you are aiming to achieve, that we sleep when we are tired. But the way this is framed you are making it harder to do so with the inflexible rules, bringing in a new fortnightly requirement that affects all who used to operate on a weekly basis and forcing us to virtually change shifts, worsening the problem we all ready sometimes have difficulty dealing with and then on top of that will not allow us to sleep when tired unless it fits into "your" timing. This is a recipe for more tired drivers and or for more who get punished, to decide to leave the industry.

4. I would like to raise the issue of personal use of trucks and particularly prime movers when this is the home and workplace of many interstate drivers and the only form of transport available to access meals and or services while away on the road. Even in the USA, there is an allowance of 75 kilometres per day for personal use. If I am on a 7 or 24 hour break and need food and am not working or being paid, why should I have to get a taxi when I have a registered vehicle available. If I am sick and wish to go to a chemist or doctor, or simply to buy a meal while waiting for a load, you are requiring me to list this as work time. I am well aware that some may well abuse this, but you are punishing all drivers and making them subject to penalty, even to the point of loss of job etc, if they take their truck to go and get a meal. How you prove this is certainly an issue, but I want to raise the issue towards a fair go for those who live in the truck and have it as their only form of available transport, whether in their home town or when away on the road. If the truck is bobtail, and or it can be proved that no load was added or removed from the truck, would this be an acceptable proof of the fact the truck was not "working" and perhaps then allow some form of personal non work use?

5. The requirement to list the registration number at every change of activity is another overburdensome issue, particularly for those in the same truck every day. In the past, some have left out use of trucks and the new regs will not change this, it will again just inconvenience those who do the right thing.

I offer these comments in a genuine attempt to make the new regs fair and workable for all truck drivers, rather than as I and many others see them, as a tool to make the job harder than it all ready is. I have no complaints with the general intent and want my workplace to be safe for myself and all other road users, but also want to be able to have flexibility and fairness in the system, rather than to dumb it down because of the actions of a minority.

All agree there needs to be rules and regulations to both protect drivers from others in the transport chain who would abuse drivers if not policed and from drivers themselves. I make no claim to be perfect, but believe these suggested changes will go some way to making the new regs more driver friendly and still achieve the aims. I would welcome the chance to explain and or discuss these issues further towards a fair go for the majority of truckies. Thank you, Rod Hannifey, 0428120560.