

INQUIRY INTO HEAVY VEHICLE SAFETY

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Inquiry into Heavy Vehicle Safety

Submission by
Trans-Help Foundation
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Monday, 25 May 2009

Mr G Corrigan MP
Chair
Staysafe (Joint Standing Committee on Road Safety)
Parliament House
Macquarie St
Sydney NSW 2000
Fax: (02) 9230 3052

Dear Mr. Corrigan,

Thank you for the opportunity to have input and make comments on the inquiry into Heavy Vehicle Safety in NSW.

The Trans-Help Foundation (Trans-Help) not for profit trucking industry body was formed to assist transport personnel in crisis and represents all drivers and their families. From humble beginnings to where we are today, Trans-Help is able to offer support for the many that may require our services or guidance. Our services extend from mediating between employers and employees to assisting partners and families after an accident, providing support and counseling for many and varied situations, assisting and mentoring through court cases and advocating, addressing and promoting better health within the industry.

The reality of the cases we deal with will never be known to the many. At the end of February, 2009 our support line had taken 1743 calls, averaging 1.5 calls per day and this number is increasing rapidly.

In addition to Trans-Helps 24/7 support and counseling services, in August last year, Trans-Help launched its mobile "Health & Support Unit". Our Health van provides preliminary health checks to transport drivers and staff out on the road, providing support and counselling by visiting changeover bays, road houses and truck stops. To date over 3000 people have utilised the Health Unit and the number grows each time it is on the road. Trans-Help has many testimonials from Drivers who have utilised this service and have found they had a serious medical issue, which resulted in saving their life. We also have letters of commendation from General Practitioners who have treated some of our referrals. The counselling services provided by Trans-Help have resulted in us now receiving additional cases, referred by Lifeline, Men's Help Line and Beyond Blue.

We have read the hosted submissions on the website for the inquiry into Heavy Vehicle Safety in NSW, and rather than be repetitive of issues already addressed by others, we will focus on the issues we believe of extremely high importance and need to be considered in the process of this inquiry.

We believe that underlying issues are being ignored and the focus and emphasis is too strong on "fatigue management" and is a cover-up for the real problems out there.

- It has become clearly evident to us (Trans-Help) through the Health & Support Unit, that the underlying issues, which all attribute to fatigue are in fact – Depression, Stress, Anxiety, Hypertension, Diabetes and, Sleep Apnoea just to name a few. Approx 70% of those we see through the Health & Support Unit have either depression or Hypertension with a majority a result of direct pressures enforced by current legislations and regulations.

- Trans-Help supports families following fatalities and accidents. From our involvement we get to know the families more personally and in some instances, find some of the underlying issues (as above) were known to be evident pre-accident.
- One major concern we do have and we have proven - is the fact that the Energy Drinks are causing blood pressure to be risen to the extent of being elevated enough to cause a stroke or heart attack behind the wheel. We were astounded to find a senior representative of a major insurer promoting energy drinks to drivers and advising as to what time they should drink an energy drink to ensure they make their destination.
- The new fatigue laws – i.e. Work Diary are in fact making the situation worse. Whilst the majority of drivers run legal, they are fearful of being pulled up by the Police/RTA or Vic Roads/Weights & Measures/Unions/Other authorities, as they are getting booked and losing points for ridiculous things like ticking the wrong box, spelling a town wrong etc... things that have nothing to do with fatigue management. It is this loss of points that result in them losing their licences and coping exorbitant fines. All this is contributing to the depression in the industry and a contributor to fatalities. There is also the problem that the law enforcers have no understanding of the regulations causing aggravation.
- You also need to understand that every driver's metabolism is different yet the new work diaries are trying to mechanically align every driver to operate within the impossible guidelines identically.
- There is also major frustration and confusion with the change of regulations border to border. Although this is not the responsibility of the N.S.W Government, We would like to point out what is happening now that Victoria has reverted to the 12hr book for companies not yet accredited with B.F.M or A.F.M. S.A, QLD, N.S.W.and ACT, have a 12 month period (starting 29th September 2008) for companies and drivers to become accredited, whereas Victoria only allowed a 6 month period for this to happen. This change to the rules has been instrumental in creating a MAJOR FATIGUE RISK situation.

Whereas prior to 29th March 2009 a driver could load in Brisbane and then travel to Narrabri in NSW when, if feeling the need for sleep, could quite easily park up for the night and have 7-10 hrs rest/sleep, safe in the knowledge that he/she would still be able to complete the next leg in to Melbourne without breaking any rules or regulations, with an hour to spare.

The change by Victoria to 12hrs is now forcing these drivers to extend their first part of the journey by up to 2hrs, just so they can complete the journey into Victoria and still be legal. Thus increasing the risk of accidents by driving when their body and mindset is telling them to sleep.

As stated earlier this is not the doing of the N.S.W.Government, however it does become their problem when these accidents occur because of this change to the rules.

The N.S.W.Government needs to apply some high level pressure to Victoria to change this situation and to reinstate some consistency between the states.

- The new fatigue laws are also forcing drivers to spend less time with their families, and in turn causing more depression and family break ups.
- Whilst they are talking about fatigue... why not pose the question of the on road pressures causing potential and successful suicides.. this information is always suppressed... we had another 5 weeks ago where a single dad hung himself leaving 4 beautiful daughters.. this is the reality of the industry and we deal with it day after day.
- The interviews by WorkCover authorities after accidents are more like interrogations and we have proven that this can result in potential and successful suicides. Trans-Help is getting drivers back on the road and saving the government and employers money through the processes and understanding that we have in place. An example of this can be seen here <http://www.youtube.com/watch?v=PmIYNCCo6YQ>
- We also have fatalities and injuries that have occurred due to poorly maintained roads or inappropriate road signage or markings – these having nothing to do with fatigue. Every driver is in his 'workplace' when on the road, but none are listed or treated as a workplace accident when there is an injury or fatality – it is immediately a 'road accident'. This eliminates Local, State and Federal Governments being liable if it is found the signage or road surface was in fact the cause of the accidents.
- Multiple submissions quote the number of fatalities in a 12 month period, but none quote how many were not the heavy vehicles fault.

- We are finding the results in the Health & Support Unit are more accurate as these tests are done midstream of their daily routine. We are also finding that drivers are at ease and willing to participate in the health checks. We have earned their trust, they know we understand the industry and we have remained independent to ensure that no outside influence tarnishes the excellent work or reputation of our team and Foundation.
- Many who have mortgages borrowed against their income at the time, now with the reduction in wages, they are unable to meet their payments and we are getting more calls in regards to repossession, eviction, and mortgagee Auctions. Just last week we had an owner driver who lost his truck and although \$250,000 was owed, it was sold at Auction for \$50,000. He is left with the short fall. This is another contributor to the depression out on the road.
- To come to realize the effects of depression alone within the industry, your committee needs to be on our support line for a night and take the calls. Convince a driver to park up to avoid taking his life and someone elses. Ring him every half hour on the hour to ensure he has not done something and continue this til 9 am in the morning till you can arrange help.

We make this submission from evidence gained first hand - on the road where we see the effect of the current system. These are the occupational health and safety issues that need to be considered, not masked under the heading of "Fatigue".

We believe our Foundation is the only transport industry body addressing the real issues, saving lives and to date have gained not one ounce of Government support or funding. Until the regulators start to listen to the underlying issues facing the industry at the grass roots level, the fatality rate will not be reduced.

Yours sincerely



Dianne Carroll
Chief Executive Officer
Justice of the Peace – Vic & NSW

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