

**Submission
No. 52**

DRIVER EDUCATION, TRAINING AND ROAD SAFETY

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INQUIRY INTO DRIVER EDUCATION, TRAINING AND ROAD SAFETY

Staysafe (Joint Standing Committee on Road Safety)

SUBMISSION OF THE TRANSPORT WORKERS' UNION OF NSW

1 Introduction

- (1) This is the submission of the Transport Workers' Union of NSW (TWU) to the Inquiry of the Staysafe Joint Standing Committee on Road Safety into "Driver Education, Training and Road Safety". This submission is authorised by TWU State Secretary Richard Olsen.
- (2) The TWU represents the interests of a range of its members working in a number of industries including freight, oil, fuel and gas, waste, car carrying, passenger and construction. This submission will focus on the issues of driver education, training and road safety as they apply to heavy vehicles.

2 Trends in Road Safety Research and Crash Statistics

2.1 Road safety and the transport industry

- (1) With changing consumer behaviour and technology, the heavy vehicle industry is going to have an even greater presence on NSW roads into the future. Projections have indicated that Australia's freight task is set to double by 2030 with the number of heavy vehicles on Australian roads set to rise in line with this.¹
- (2) NSW has the highest number of registered heavy vehicles of any state or territory and the trend in heavy vehicle registrations in the State is increasing. In the period between 2011 and 2015 total heavy vehicle registrations increased by 9.5 percent, and between 2015 and 2016 there was a 3.5 percent increase. The rate of growth in heavy vehicle registrations in NSW is outstripping that of cars, with registrations of those vehicles increasing by only 8.5 percent and 2 percent in the same periods respectively.²
- (3) With more heavy vehicles making their way onto NSW roads, road safety considerations must come to the fore. This is particularly so when the current state of trends in road safety and crash statistics across the industry is considered.

¹ Raftery SJ, Grigo JAL, Woolley JE (July 2011) 'Heavy vehicle road safety: Research scan', *Centre for Automotive Safety Research* 100, p 1.

² Australian Bureau of Statistics, Motor Vehicle Census, Australia, 31 Jan 2016.

- (4) The heavy vehicle industry tragically has the highest number of fatalities and serious injuries of any industry in Australia. In the ten years to 2015, nearly 2,500 heavy vehicle drivers and other road users died as a result of heavy vehicle crashes across the country.³
- (5) In NSW the situation is particularly dire. In the 12 months to the end of September 2016, there were 58 fatalities involving heavy vehicles, resulting in the deaths of 64 heavy vehicle drivers and other road users on NSW roads. Those figures represent increases of 26 percent (the number of fatal crashes) and 28 percent (the number of total deaths) from the previous 12 month period.⁴ Despite representing only three percent of all vehicles registered in NSW,⁵ accidents involving heavy vehicles accounted for 16 percent of total road deaths in the State during this period.⁶
- (6) The trend is set to continue in 2017. In the month of January 2017 there were 18 fatalities involving heavy vehicles on NSW roads compared to seven fatalities for the same period in 2016.
- (7) These shocking statistics, coupled with the increasing number of heavy vehicles on NSW roads, has resulted in a safety crisis in the transport industry impacting not only heavy vehicle drivers but all NSW road users.

2.2 Link between driver education and training and improved road safety outcomes

- (1) There are many different factors which interact to affect road safety and multiple risk factors can exist at any one time thereby having compounding effects on total risk.⁷
- (2) There exist a raft of risk factors which are endemic in the transport industry, the largest being poor remuneration and payment methods which results in drivers having to work unsafely and exacerbating issues of fatigue and pressure to meet performance targets and deadlines.⁸

³ Thornthwaite L, Nov. 2016, Macquarie University, 'Evaluating Approaches to Regulating WHS in the Australian Road Freight Transport Industry' Final Report to the Transport Education, Audit and Compliance Health Organisation (TEACHO), p 16.

⁴ http://bitre.gov.au/publications/ongoing/fhvc/files/Bulletin_Sep_2016.pdf.

⁵ Australian Bureau of Statistics, Motor Vehicle Census, Australia, 31 Jan 2016.

⁶ https://bitre.gov.au/publications/ongoing/rda/files/RDA_September_2016.pdf and http://bitre.gov.au/publications/ongoing/fhvc/files/Bulletin_Sep_2016.pdf.

⁷ Knipling RR, 2011, 'Large Truck Crash Avoidance', *Journal of the Australasian College of Road Safety* 22(3), p 42.

⁸ *Safe Payments Addressing the Underlying Causes of Unsafe Practices in the Road Transport Industry*, the National Transport Commission with the Honourable Lance Wright QC and Professor Michael Quinlan, October 2008. See also: *R v Randall John Harm*, District Court of New South Wales, per Graham J, 26th August 2005; *Long Distance Truck Drivers: On road performance and economic reward*, December 1991, Federal Department of Transport and Communications; *In Re Transport Industry – Mutual Responsibility for Road Safety (State) Award and Contract*

- (3) Whilst driver training and education is certainly not a silver bullet in and of itself when it comes to road safety in the heavy vehicle industry, it nevertheless cannot be overlooked as an important enabler of safety outcomes.⁹
- (4) According to research conducted by Macquarie University, drivers who complete tailored on the job training, formal driver training or the Bluecard Skills Training Passport System (**Bluecard**) certification are more likely to recognise safety risks and report having experienced lower incidence of hazardous events.¹⁰

3 Evaluating Current Driver Training

3.1 Licencing

- (1) Today there are relatively low barriers of entry when it comes to the licencing of drivers. Licencing should involve more than the current process. A range of professional skills are needed and can be provided by a range of professionals across industries.
- (2) There are currently five licence classes for heavy vehicles – light rigid, medium rigid, heavy rigid, heavy combination and multi combination. In order to obtain a licence in any of the five heavy vehicle classes, drivers are required to pass an eyesight test and knowledge test specific to the vehicles falling within the particular licence class and to successfully complete a Heavy Vehicle Competency Based Assessment (**HVCBA**) or Roads and Maritime Services (**RMS**) driving test (except in the case of the multi

Determination (No 2) [2006] NSWIRComm 328 the Full Bench of the Industrial Relations Commission of NSW said: “we consider that the evidence in the proceedings establishes that there is a direct link between methods of payment and/ or rates of pay and safety outcomes”; *National Road Freight Industry Inquiry, Report of Inquiry* to the Minister for Transport, Commonwealth of Australia, (1984), Canberra; *Beyond the Midnight Oil, An Inquiry into the Managing Fatigue in Transport*, House of Representatives Standing Committee on Communication, Transport and the Arts, October 2000, Canberra; C. Jones, J. Dorrian and D. Dawson, ‘Legal Implications of Fatigue in the Australian Transportation Industries’, 45 *JIR* 344 at 351; Professor Michael Quinlan, *Report into Safety in the Long Haul Trucking Industry*, A report Commissioned by the Motor Accidents Authority of New South Wales, 2001, Sydney; R Johnstone, ‘The Legal Framework for Regulating Road Transport Safety: Chains of Responsibility, Compliance and Enforcement’, March 2002, National Research Centre for OHS Regulation, the ANU; *WorkCover Authority of NSW v Hitchcock* (2005) 139 IR 439.

⁹ Thornthwaite L, Nov. 2016, Macquarie University, ‘Evaluating Approaches to Regulating WHS in the Australian Road Freight Transport Industry’ Final Report to the Transport Education, Audit and Compliance Health Organisation (TEACHO), p 26.

¹⁰ Thornthwaite L, Nov. 2016, Macquarie University, ‘Evaluating Approaches to Regulating WHS in the Australian Road Freight Transport Industry’ Final Report to the Transport Education, Audit and Compliance Health Organisation (TEACHO), p 82.

combination licence for which a RMS test is not available and an HVCBA assessment is required).¹¹

- (3) In addition to the knowledge and eyesight test requirements, there exist experience and educational components which differ greatly between the licence classes. The vehicles within each licence class also vary significantly. For instance, an HC licence permits its holder to drive a truck and a dog or a single prime mover, two vastly different vehicles which require different skill sets

3.2 The needs of driver trainers – Registered Training Organisations and Heavy Vehicle Competency Based Assessment

- (1) HVCBAs are conducted by Registered Training Organisations (**RTO**). Under the HVCBA, drivers are assessed under a wide range of driving conditions by an assessor who has been accredited by the RMS. Drivers have an HVCBA learner's log book which records their progress in acquiring required skill. Once all criteria have been completed, the driver must pass a final competency assessment.¹²
- (2) With more heavy vehicles making their way onto NSW roads, more pressure is being placed on the existing RTOs and HVCBA procedure. It has been observed that this pressure has seen a worrying decline in the numbers of RTOs operating, especially in regional and rural areas. There does therefore appear to be a paradox between the RMS demand for separate assessors and instructors which apparently benefits the much larger city based RTOs at the expense of smaller individual companies in regional and rural districts.

3.3 Refresher training

- (1) Since the granting of licences is a traditionally bureaucratic process, government, in effect, washes its hands of any ongoing driver education and training once a licence is approved.
- (2) As there are no official resources for ongoing driver education and training, this vacuum is an opportunity for industry organisations such as the Transport Education Audit Compliance Health Organisation (**TEACHO**) to provide assistance to transport workers and employers to help improve career pathways, training, industrial rights, research and health and safety on our roads.

¹¹<http://www.rms.nsw.gov.au/business-industry/heavy-vehicles/licence/index.html#Heavyvehiclelicenceclasses>

¹²<http://www.rms.nsw.gov.au/business-industry/heavy-vehicles/licence/competency-based-assessment.html>

3.4 Whole of life driver education and training

- (1) Research has established that while existing training and assessing courses can assist in raising heavy vehicles drivers' general risk awareness, it is not sufficient to keep drivers and other road users safe.¹³
- (2) Tertiary driver training courses undertaken throughout a driver's career and conducted by competent providers can assist inexperienced drivers to develop necessary skills and improve the quality of driving and, as noted, is associated with a reduction in the actual experience of hazards and risks on the roads¹⁴.
- (3) Unfortunately, there currently exists a lack of universal tertiary training opportunities for heavy vehicle drivers beyond the licencing process. Indeed, research undertaken by Macquarie University in which drivers were surveyed indicated that only 44.4 per cent of all drivers (including owner drivers and employee drivers) reported having undergone formal tertiary driver training after the licencing process and only 39.6 percent reported having completed Bluecard training – a transport industry occupational health and safety induction training program and skills passport which today is the only industry-wide certification available in the heavy vehicle sector.
- (4) Having recognised the lack of tertiary training opportunities, the TWU has moved to improve research, training and compliance issues related to the health and safety of transport workers and other road users on a national level. Through TEACHO, the Union provides a forum for employers, worker representatives and academic and industry experts to collaborate to consider problems from different perspectives thereby encouraging the development of creative and innovative approaches to training and road safety issues.
- (5) The TWU has recognised that it is crucial for driver training and education to be approached as a mutual process requiring industry and individual organisations to share responsibility for the supporting of driver training and education. It is also crucial to draw upon the expertise of existing drivers who experience life on the road on a day to day basis.

4 Cost of Whole of Life Driver Education and Training

- (1) Today costs associated with driver education and training is usually borne either by drivers themselves or by their employers.

¹³ Thornthwaite L, Nov. 2016, Macquarie University, 'Evaluating Approaches to Regulating WHS in the Australian Road Freight Transport Industry' Final Report to the Transport Education, Audit and Compliance Health Organisation (TEACHO), p 113.

¹⁴ Thornthwaite L, Nov. 2016, Macquarie University, 'Evaluating Approaches to Regulating WHS in the Australian Road Freight Transport Industry' Final Report to the Transport Education, Audit and Compliance Health Organisation (TEACHO), p 113.

- (2) The transport industry is a highly competitive, price taking industry characterised by a large (and growing) number of operators ranging in size from single owner drivers to national and multi-national companies. This means at present that the costs associated with ongoing driver training and education may account for the low participation rates in driver education and training across the industry.
- (3) Put simply, the low profit margin nature of the transport industry forces most owner drivers and small operators not to engage in any further education or training due to its prohibitive costs. Driver education and training therefore becomes a luxury most operators of this size cannot afford in an industry which is already Australia's most dangerous.
- (4) To address this issue it is necessary for a system to be put in place which enables the costs involved with driver education and training to be shared across the industry and necessarily clients.
- (5) Employers who are able to and do invest in driver education and training such as Toll Transport and Linfox are leading the way in terms of sharing responsibility for driver education and training across the industry. They are showing through their involvement with organisations like TEACHO how the shared responsibility regarding the costs of driver education and training can be overcome even within the highly competitive nature of the industry.
- (6) However, even at the larger end of the industry the costs associated with driver education and training are becoming prohibitively expensive. Again due to the highly competitive and low profit margin nature of the transport industry, large financial investment and costs in this area can be the difference for larger companies between being successful or otherwise in a tender for work. This means that in many cases there is a disincentive to invest large amounts in driver education and training. It would be catastrophic not only for the transport industry but for all NSW road users if larger companies were forced to stop investing in this area in order to maintain and win work.

5 Conclusion

5.1 Final comments

- (1) Heavy vehicles play an integral role in the transportation of freight and passengers throughout the State.
- (2) However the lack of, and lack of incentive to participate in, tertiary driver education and training means that the opportunity to alleviate one area of risk in the transport industry is greatly diminished. Road safety outcomes may be improved across the sector by way of an industry wide sharing of responsibility, costs, knowledge and skills in order to draw together and address the whole of life occupational learning requirements of drivers.

5.2 Need for an industry wide solution

- (1) The TWU submits that there is an urgent need for an organised, coordinated industry wide approach to driver education and training amongst all stakeholders in order to move towards and improve the sharing of responsibility for driver education and training across clients, government, industry, organisations and individual road users.
- (2) Whole of life driver training and education would be best addressed by the creation of a professional structure which would enhance a shared sense of responsibility to road safety. This in turn has the ability to change the ideology and culture of the industry by encouraging drivers to share their skills and knowledge through the workplace.

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