

REPORT OF PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ROAD SAFETY

INQUIRY INTO HEAVY VEHICLE SAFETY

At Sydney on Monday 17 May 2010

The Committee met at 9.30 a.m.

PRESENT

Mr G. Corrigan (Chair)

Legislative Council

The Hon. I. W. West

Legislative Assembly

Ms D. E. Fardell
Mr D. R. Harris
Ms N. Hay
Mr A. D. McDonald
Mr D. W. Maguire
Mr G. Souris

CHAIR: Welcome to the public hearing of the inquiry into heavy vehicle safety. Please turn off all mobile phones, as phones operating in silent mode can interfere with Hansard's recording equipment. This public hearing is being held in order to review the operation and effectiveness of the current safety measures in reducing the heavy vehicle road toll in New South Wales. The hearing today will enable the Committee to obtain information from heavy vehicle operators, representative industry bodies and government agencies with responsibilities in the area of heavy vehicle safety. This will allow the Committee to provide practical advice to the Minister for Transport and Roads by way of conclusions and recommendations in a report to be tabled before the end of the year. I welcome Dr Soames Job, director of the New South Wales Centre for Road Safety, representing the Roads and Traffic Authority of New South Wales. Dr Job, please state your name and professional address for correspondence from the Committee

RAYMOND FRANKLIN SOAMES JOB, Director, Centre for Road Safety, Roads and Traffic Authority, 101 Miller St, North Sydney, affirmed and examined:

CHAIR: State your occupation and in what capacity you appear before the Committee.

Dr JOB: I appear as a representative of the Roads and Traffic Authority, I am the Director of the Centre for Road Safety.

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I point out also that any deliberate misleading of the Committee may constitute contempt of Parliament, an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence of the Committee. Would you like to make a brief opening statement before we proceed to questions?

Dr JOB: Yes I would, thank you. First, I note that heavy vehicle transport is critical to our economy and, therefore, we have to take that into consideration when we look at improving the safety of heavy vehicles and what we can do about it. Heavy vehicles are, as our submission shows, substantially overrepresented in serious crashes. They constitute only a few per cent of our registered vehicles, but they do much more travel per vehicle. So they do constitute 6, 7 or 8 per cent from year to year of travel kilometres on New South Wales roads. But they are involved in many more than that percentage of crashes; in fact, 15 to 20 per cent from year to year of fatal crashes.

As an update from our earlier submission, provisional data for 2009 indicate that 74 fatalities of the 460 we had in 2009 involved heavy vehicles. That is still an overrepresentation, though not as large an overrepresentation as it has been in previous years. There is a trend downwards in that statistic. The reasons for that overrepresentation are many, and we tended to focus on behavioural factors. However, we should note also that one of the key reasons for the overrepresentation of heavy vehicles is that they are extremely unforgiving objects to hit compared to other vehicles. In the event of a crash involving a heavy vehicle, it is more likely to be a serious crash and more likely to be a fatal crash.

Dr ANDREW McDONALD: I will ask about fatigue. On page 20 of your submission, you mentioned research into fatigue experiences of long- and short-haul drivers. You quoted the 2006 study. There have been considerable changes, as you know, since then in both the regulations and the number of people killed. How have things changed since 2006?

Dr JOB: In terms of the regulations?

Dr ANDREW McDONALD: In terms of the regulations and in safety. Have you done more recent studies on fatigue than four years ago? Anecdotally will do.

Dr JOB: There have been a considerable number of changes, you are quite right. What existed in 2006 was a set form of fatigue management regulations for heavy vehicles, which applied to all of those heavy vehicles that travel more than 100 kilometres from their home base, with a few exemptions. That was called the standard hours regime. So there were set hours that one could work as a maximum per day, and a set number of days before the driver had to take off 24 hours in a row. It was very regulated and allowed for limited variation from that regulation. Since then a three-tier scheme has been introduced. Now there is the standard hours option,

but a heavy vehicle company can simply choose to operate under the standard hours. If it does nothing about it that is automatically the scheme under which it operates.

There are two other options that a heavy vehicle company can choose. There is the basic fatigue management and the advanced fatigue management. Those schemes operate by requiring the heavy vehicle operators to demonstrate various mechanisms by which they are managing fatigue and by virtue of demonstrating that they are able to get more variability around the hours they work. To give an idea of the outer limit, under standard hours 12 hours a day are allowed. If the company goes to advanced fatigue management, and demonstrates it has all the mechanisms in place for that as a company, under exceptional circumstances a driver would be able to drive for up to 15 hours a day. That is not repeated, that is a one-off, and there would be various things that a panel—that vets and adjudicates on whether that constitutes the appropriate mechanisms and management for advanced fatigue management—would determine as to whether it is appropriate for a driver to drive 15 hours on that day.

Dr ANDREW McDONALD: How is that followed? Are the recommendations followed up? Is there any measure of compliance with those rules?

Dr JOB: Yes, the compliance with those schemes is still monitored, broadly in two ways. First, there is an audit trail monitoring system, which monitors the chain of responsibility for all the players in it, from the consignor to the receiver, including the heavy vehicle operator, the driver, et cetera. That is done by auditing the record of companies. In addition there is on-road enforcement. So the Roads and Traffic Authority has about 300 IVRs and they are out on the road at heavy vehicle checking stations, or at mobile checking stations that can be moved around. They check logbooks, which are still a requirement under the advanced and the basic fatigue management as well as under the standard hours. The driver has to have a record that proves he is working under advanced fatigue management and the logbook can be checked against what he is allowed to do under that scheme. The on-road, meet-and-greet type of enforcement still applies to all of those schemes.

Mr DARYL MAGUIRE: Since the national reform agenda began with transport in 2003, what involvement have you had in the establishment of the transport reform agenda and any further consultations that may have occurred since the beginning of the process?

Dr JOB: Certainly. The broad agenda and the detail of those three schemes I have just described were set out in what is called national model legislation by the National Transport Commission. In the process of doing that the National Transport Commission consults extensively with the jurisdictions. So, the jurisdictions drive the process for the National Transport Commission, and that certainly has included extensive consultation with the Roads and Traffic Authority. Those pieces of model legislation are also passed by the Australian Transport Council. That means they are overviewed by our Minister.

However, in addition to that formal consultation process and a lot of informal consultation with the experts in it, we suggest experts, we advanced an expert panel on fatigue to examine these issues, and that includes a well-known expert in New South Wales, Dr Ann Williamson from the University of New South Wales. Further, though, that model legislation is just what it says, it is model legislation. Then each State has the right within its legislation and within its regulations to adopt or not adopt, or adopt with adjustment, the model regulations which are, in effect, a recommendation of the National Transport Commission.

New South Wales, by virtue of our judgement and by virtue of our advice from experts in fatigue, adopted that model legislation with a number of variations. The most important of those is that the National Transport Commission regulations allowed 16 hours of driving as the outer maximum for advanced fatigue management. The advice we received from fatigue experts and indeed experts in heavy vehicle fatigue and driving, advise that they thought that was excessive so we adopted 15 hours as our maximum in New South Wales. Victoria also adopted 15 hours rather than the model 16 hours. That process of adjustment will continue with the new development that we now have of a national heavy vehicle regulator, so each of the jurisdictions will be contributing to processes and decisions as to how that national heavy vehicle regulator operates.

Mr DARYL MAGUIRE: Drilling down a bit deeper, what I wanted to know is exactly what discussions have you had or involvement have you had as a director of the Centre for Road Safety? In other words, how much have they consulted with you, because the role you carry out in New South Wales is very important to road safety?

Dr JOB: Thank you, and thank you for the clarification. I have consulted extensively personally with the expert panel on fatigue and sought its advice on a number of occasions. In addition, the National Transport Commission consults with us; we consult with industry. I am part of that consultation process. So, consultation is not direct to me, it is to the Roads and Traffic Authority. The authority, as an internal process, examines these issues, and I am heavily involved in those consultations. Those consultations and those contributions of advice from the Roads and Traffic Authority largely come from the Centre for Road Safety, of which I am the head, so they come through me and through what is called compliance and freight strategy, another arm, which directly runs the enforcement of heavy vehicles in this State. So, consultation that comes from the Roads and Traffic Authority comes from me and from that group.

Mr DARYL MAGUIRE: So, compliance, that particular arm of the Roads and Traffic Authority, is also involved in the establishment of the cameras, the new system it uses to record truck movements, Safe-T-Cam?

Dr JOB: Safe-T-Cam is done by yet another area of the Roads and Traffic Authority, that is the camera enforcement branch. There is a branch that runs all of the camera enforcement for heavy vehicles, for light vehicles, for noise—everything is all run by that particular branch.

Mr DARYL MAGUIRE: Who monitors the data it is collecting? Does it not come back to you to assess at some point?

Dr JOB: Monitoring the data for enforcement purposes, it is monitored by those other areas of the Roads and Traffic Authority. Monitoring for policy purposes, it is monitored by the Centre for Road Safety, that involves me.

Mrs DAWN FARDELL: Concerning road trains, in one of your submission you talk about matching the vehicle with the environment it is travelling on, particularly with B-doubles and road trains, and that it is not being adhered to and that road trains are using degraded and inadequate routes. I went to Cobar and back on the weekend, on the Barrier Highway from Nyngan to Cobar. It was very hairy, there was much more traffic than I anticipated, and when there was a large vehicle travelling on the road, coming the other way, the vehicle was taking up the whole of the road because it was so narrow. When you meet with the Federal Government about funding, how was it allocated? It is my knowledge that these heavy vehicles on the road use inadequate roads and the majority of those were registered in other States, they were not New South Wales plates or national plates? How is that funding allocation distributed to cater for States such as New South Wales, which, in my mind, is providing services, infrastructure, for the other States to utilise?

Dr JOB: I could outline that for you. The national road building and the various schemes that have existed from the Federal Government, broadly there are two distinct categories of the way the funds are allocated. Funds are allocated for large-scale improvement of roads, for example, the duplication of the Pacific Highway, and that is typically matched or more than matched by funds from the State Government. Those ones are run by the area of the Roads and Traffic Authority called major infrastructure development, and there is a separate set of funds for what we typically call black spot treatments. Those are the ones in which we are much more involved. Those are the ones where the money is allocated for specific safety improvements in known crash locations. So, it is only in that latter group that the Centre for Road Safety is heavily involved.

Mrs DAWN FARDELL: So, it is only really funding for known crashes?

Dr JOB: The black spot money is allocated for known crash locations. The other money is allocated much more broadly for improvement to major freight and heavy usage parts of the national network.

Mr DARYL MAGUIRE: May I just go back to the safety cameras? With Safe-T-Cam, are you aware of the practice called shepherding? Has that been revealed through your monitoring and what measures have been taken to prevent it?

Dr JOB: I am aware of a practice which I believe is called shepherding, and that is the practice where heavy vehicles go through in multiples so close that only the front number plate is visible to the camera, The others are so close behind that they cannot be detected by the camera. I presume that is what you call shepherding. We are very much aware of it and it occasionally happens. However, there is not a great deal a safety camera per se can do about it. It is an offence for the vehicles to travel so close together, so an offence

already exists in our legislation to handle that. It is a matter of it being observed at the time. So, the police can enforce that offence but cameras cannot enforce an offence.

Mr DARYL MAGUIRE: It seems to me the way the camera is designed is made perfectly for shepherding. Has any thought been given to any other type of technology, whether it be two sets of camera or ground mounted cameras to capture the plates?

Dr JOB: I think it would be difficult to mount the cameras in a manner that meant we could detect the number plates of vehicles shepherding. When they are shepherding they are very close together, a matter of just a few metres. So, I think there is almost no angle where you could successfully do that from an automated detection point of view. If we examine for longer-term solutions—and we are talking about very advanced technology that is a fair way off and more interesting than numberplates—there are ways in which you can electronically detect a vehicle without any visual detection of the numberplate. The way forward for some of this enforcement is to involve those kinds of detections of vehicles.

Mr GEORGE SOURIS: I have a couple of questions on heavy vehicle checking stations. Heavy vehicle compliance checks performed at checking stations are conducted on a risk-based approach, which is supposed to result in the targeting of high-risk vehicles with a poor history of compliance. What proportion of compliance checks are performed on high-risk vehicles as opposed to others with a good history? Are a minority of vehicles responsible for a disproportionate number of offences and defects? Would a more effective use of resources be made if the proportion of random inspections was increased?

Dr JOB: I will have to take the first part of your question on notice. I do not know the exact extent or exact proportion of our checks that are conducted on high-risk vehicles.

Mr GEORGE SOURIS: Would it be a few per cent or is it 50:50?

Dr JOB: I will have to take that on notice, I am sorry. I do not have a guide. As to whether we would get an improvement by changing that ratio, I believe the ratio has been chosen carefully to reflect the risk and so I think it is the best way to do enforcement. While part of our inspections is targeted at the high-risk or the known high-risk operators, some of them are also random so that even the very good operators will still be pulled in. They are just not pulled in with as high a probability as the high-risk operators. In addition, there is a proportion of automated enforcement, so when a heavy vehicle drives past a checking station, for example, at some of them there is weigh-in-motion, so we detect the load even though we have not pulled the vehicle in. So, there is an amount of enforcement going on even though the vehicle is not pulled in to the checking station.

Mr GEORGE SOURIS: I have a little worry about how you know it is a high-risk truck or a truck with good compliance. I assume it is just based on some sort of numberplate recognition.

Dr JOB: It is by virtue of recognition of a numberplate but there is a little more background to that. There are a number of schemes that heavy vehicles can use and operate in and they can establish a good reputation by being within certain compliance schemes. To a certain extent I share your concern to ensure that we keep monitoring whether the high-risk vehicles are really high risk.

Mr GEORGE SOURIS: There was that terrible case—was it two years ago?—of a truck coming from the Central Coast and changing numberplates at Hornsby on the way into Sydney. Its brakes ultimately were found to be non-operative.

Dr JOB: I remember that case very well. You are talking about the one that was involved in a multiple car crash on Mooney Mooney Bridge.

Mr GEORGE SOURIS: Yes, but the key point was that I believe the driver changed numberplates at least once somewhere between the Central Coast and Hornsby. It went through a checking station and the numberplates were then changed so that on arrival at Hornsby there was a different numberplate. Whether that is a crucial aspect of this I do not know, but it goes to how you recognise a good truck and a bad truck.

Dr JOB: I understand your concern. Let me give you a little more detail on that case, which I think will allay your concern. In that particular case I do not know where and when he changed numberplates but we do know that when he was caught he was found to have a number of illegal numberplates in the vehicle, so we know that that was the practice. However, he was not succeeding in evading our heavy vehicle checking through

his not being called in. In fact, I understand he had been called into one and had not stopped, so he was already targeted very much by this scheme. I understand that if you change to a numberplate that we do not recognise in some way that does not mean you will not be pulled in; it means you will be pulled in.

Mr GEORGE SOURIS: I see. The Committee has received submissions stating that some heavy vehicle drivers have a deactivation device for their speed limiters and they can switch them on and off as they wish. It begs the question of whether the installation of such devices can be checked when a vehicle is being checked at a heavy vehicle checking station.

Dr JOB: We are very aware that a number of heavy vehicles have devices by which they can deactivate their maximum speed limiter. There are a couple of versions of those. In some cases, for example, you could change the gearing within the vehicle so that the vehicle believes it is doing 100 kilometres an hour because the engine is revving at a certain speed and it is in a certain gear. However, if that gear is at a different ratio, then the speed will be above that which the engine monitoring system understands it is doing. The other thing is an electronic device called the "whizzer", which can be switched on and off. The difficulty is that that is a tiny object that could be planted almost anywhere on a very large truck, so to detect it at heavy vehicle checking stations would be very difficult. We have also found that one of the difficulties with checking it is that if the vehicle was pulled up several years ago by police and recorded an excessive speed, which would indicate the speed limiter was not on, a defect notice was then applied to that in addition to a fine for the speeding. But because it was a switch they could simply switch it back on, get the vehicle checked and prove it was not defective.

Since then, to deal with that, we have introduced what is called a deeming provision, which means that if a heavy vehicle is caught doing 115 kilometres an hour or more on a piece of road where the slope of the road could not explain the speed, there is a fine to the driver for speeding and there is an automatic deemed penalty to the operator for having a vehicle that is not properly speed limited. The deeming means they cannot turn up with the vehicle with the limiter switched back on and say, "No, you are wrong." It is automatically the case that you are guilty of this offence because the vehicle was caught at 115 kilometres an hour or more, which means the speed limiter was not working at the time. You can go and play with it all you like, but that offence still applies.

Mr GEORGE SOURIS: What are the speed limiters set at?

Dr JOB: The speed limiters, according to the Australian Design Rule, are set to 100, but there is a plus or minus 5 as an error term on that setting.

Mr GEORGE SOURIS: So, I should never be overtaken on a gentle uphill on the F3 by someone doing well over 110? That should not really happen, should it?

Dr JOB: It should not happen for many reasons.

Mr GEORGE SOURIS: Why does it happen every time I do it, and I do it twice a week at least?

Dr JOB: I share your concern. I have had the same experience. We are making efforts and working collaboratively with police. Indeed, we do catch a number of vehicles under these provisions where the slope of the road means they cannot get away with it. The penalties for those offences are very high for the operator.

Mr GEORGE SOURIS: I should be put on commission!

The Hon. IAN WEST: Dr Job, I was interested in your comments at the outset about the economy being taken into consideration, and the chain of responsibility and the amount of weight that is put on the customer—the consignor and the consignee—as opposed to the transport companies. I know the Livestock and Bulk Carriers Association is concerned about ensuring due weight is given to the question of health and safety and also the chain of responsibility. The consignors and the consignees have a fundamental role to play. What ability does the RTA have to be involved in that chain of responsibility?

Dr JOB: The chain of responsibility legislation introduced relatively recently means that the other parties in the chain, that is the consignor, the receiver, can also be guilty of offences if they operate in a manner and apply pressure in a manner that encourages the heavy vehicle operator to break the law, and that applies in New South Wales in three areas. It applies to the weight of the load, it applies to management of fatigue and it applies to speeding. I understand that New South Wales is the only State that actually introduced this for

speeding as well as the other two, so I think that New South Wales is very well advanced in terms of applying effective pressure and legislative power to improve the safety of the heavy vehicle industry through this chain of responsibility.

In terms of the weight of it, that will be up to a court to determine the weight of penalty they would apply, so I cannot comment precisely on the weight, except to say the chain of responsibility legislation holds all of those people in the chain to have a responsibility for the safety of that vehicle in relation to those three things—load, fatigue and speed. How the Roads and Transport Authority is involved is a good question. We have a number of officers who are chain of responsibility investigators, so their full-time role is to go into companies and investigate how they are operating and investigate in terms of whether chain of responsibility offences are occurring.

There has been one extremely high-profile case—that is to do with the carriage of wheat around the State—based on that legislation. That one is currently being considered for a further appeal by the Roads and Traffic Authority. You may be aware that the Government recently announced a very large package of measures to improve road safety, the road toll package. That involves around \$170 million of commitment over the next five years. A few elements of that are very particularly related to heavy vehicles. One of them was that we are doubling the number of chain of responsibility investigators who can investigate these matters for heavy vehicle safety. I think that is a very good move that we are actually doubling the number of people we have examining that, in fact, very large area.

The other two, which relate particularly to heavy vehicles in that package, are that we will be conducting a trial of electronic work diaries. I know that there have been a number of concerns expressed that the work diaries are a difficult mechanism for enforcement. We hear stories that some operators have two work diaries instead of one, et cetera. One way to circumvent that is to make it electronic to ensure that you can therefore monitor it electronically to improve compliance with the fatigue hours.

The third thing we are doing in that package is we are examining the possibility of putting in an incentive for better practice. That is being called the five-star scheme. What we are considering is: can we, in collaboration with industry, develop a set of measures against which we could judge trucking companies, and judge them to have five-star safety or four-star safety, et cetera. Then the trucking companies could potentially use a five-star rating as a marketing tool, by saying, "We are a five-star company. You should give us the business rather than someone else." In that way there is a commercial advantage and a commercial incentive to the companies to demonstrate they are operating very effectively in terms of safety.

The Hon. IAN WEST: I am more interested in the number of officers? You say they have doubled. Have they doubled from one to two or two to four?

Dr JOB: It is an addition of five, so it will go from five to 10.

The Hon. IAN WEST: Do they have a proactive program that they are using? Are they talking to certain customers about how they are determining the price of the loads and issues of economy versus occupational health and safety and the death of truck drivers?

Dr JOB: Yes. It is very much not simply a random guess process. It is a process of targeting, based on the information we have. It is an intelligently targeted investigation program. A lot of that information actually comes from where we detect problems. If we regularly detect problems with overweight vehicles from that company or regularly detect fatigue breaches from that company, that is the kind of information we would use to target them for a chain of responsibility investigation.

The Hon. IAN WEST: Target the trucking company or the customer?

Dr JOB: We would normally be detecting the trucking company on the road, but the trucking companies are typically associated with particular companies that they work for and so we would actually develop and examine that association spreading out from what we detect on the road, so it may be that we particularly detect—I do not want to use an example—when X company is carrying for Y retail company, and it is overloaded. That is the kind of information we would use to target that pairing in the chain of responsibility.

The Hon. IAN WEST: And that intelligence is developing and increasing, is it?

Dr JOB: Yes, it is. It already exists because we already have that information. We are just using more of that information and we will be able to use even more of it with 10 investigators rather than five.

CHAIR: I am interested in the number of rest areas you have identified in New South Wales that need to be put in. How do they have to be strategically located because of a problem we have recently encountered at Varroville in south-west Sydney where there is significant council and community opposition to truck stops. Have you encountered any others so far?

Dr JOB: Yes. Heavy vehicle rest areas are an important part of our strategy and while there are a very large number of them, we still are working towards improving them and getting more of them. There is a program underway. Again, this is one that is going to be funded with matched funding. The Federal Government put in \$8 million last year, we matched that with \$8 million, so there is \$16 million in the current financial year for construction and upgrade of rest areas. That money will, this financial year, result in the construction of six new rest areas and the upgrade of 33 rest areas, so there is an ongoing program—it exists right now; they are being built right now—to improve it.

There is also a very large strategy, which focuses on where we need them. I note a few things about that strategy. First of all, it is based on where do we already have effective rest areas, where do we have gaps, where do we have a large number of heavy vehicle movements. I also note that we should not think about just rest areas. I think we should think about rest opportunities. I do not think governments should be in the business of duplicating existing commercially operated rest opportunities. There are a large number of commercially operated resting places, which heavy vehicles can stop at that are run by Caltex, Mobil, Shell or whoever. That is a genuine rest opportunity. Just because there is not a rest area in that vicinity does not mean we should put one in. There is a rest opportunity, which exists commercially.

I think when we look at strategising this and when we look at what we need to do, we should not only think about formal rest areas; we should think about what other rest opportunities exist for the truck drivers. I would add one more thing: in a number of locations in the State, in fact quite a large number, we have what is called the blue reflector scheme. That is a scheme of more informal rest areas but the trucking industry is very keen on these, they are very happy with these. They exist as a scheme where we previously had a stockpile of gravel or something so we had a nice flat, hard space area. Rather than put up a great big sign saying, "Rest Area", which means people in caravans and light vehicles get in there, it is actually virtually exclusively used by heavy vehicles because they understand the scheme of signals where on the signal posts on the sides of the roads leading up to them, there are one, two or three blue reflectors indicating one of these informal rest opportunities is coming up. There are quite a few of those around the State in addition to the formal rest areas.

CHAIR: We will be travelling to Dubbo, Wagga Wagga and Tarcutta next week as part of this inquiry. Would you be able to find out whether there are any of these so we can keep an eye out for them when we are driving through?

Dr JOB: I certainly will. You will find quite a few because there are a number between Dubbo and Tarcutta on the Newell Highway.

Mr GEORGE SOURIS: In your initial remarks you referred to heavy vehicle design and to what might be regarded as either aggressive or bad geometry, or simply the size of a heavy vehicle versus a small vehicle. We all know that the addition of a bull bar or some other contraption at the front of a vehicle probably worsens the outcomes for typical passenger cars. That could be incorrect anecdotally, but mostly test crashes between vehicles are conducted using only passenger vehicles. I have never seen anywhere, on television or on any other program, tests being carried out between typical passenger vehicles and heavy vehicles. We have a five-star rated safety system for passenger vehicles, but do we have a similar system for heavy vehicles? Are we contemplating an approach that will focus on the design of these vehicles to produce better outcomes in the event of a crash?

Dr JOB: The testing of light vehicles for safety is done through a scheme that is designed to try to maintain an international compatibility, which means we can share a considerable amount of data. The test results for these vehicles under the Australian New Car Assessment Program [ANCAP] are of tests conducted in Europe. We can use their tests and they can use our tests. There is also a Japan New Car Assessment Program [JNCAP], a Korean program is being developed, one is being developed in Malaysia and one exists in the United States of America. It is important to maintain that compatibility of testing, otherwise it would cost us

many extra millions of dollars to get that data if we had a unique program of testing. There are certain values to maintain in that compatibility.

I do not think Australia alone can change that scheme radically. However, most of our testing is not vehicle-to-vehicle; most of our testing—indeed, all the ANCAP program testing—is done against a rigid barrier rather than against another vehicle. For example, we have what is called the frontal offset test—a head-on test—but it is not a complete head-on. It is a head-on assuming that the vehicles overlap by about 50 per cent rather than exactly overlap. That test is conducted with a rigid barrier. In fact, the barrier that they hit in the crash laboratory is about 105 tonnes and it is also anchored into the floor. A honeycombed metal barrier is put on the front of it, which basically mimics the bumper bar of a vehicle. In effect, that is testing of a vehicle hitting an absolutely rigid object rather than hitting another light vehicle. To a significant extent I think that the ANCAP testing of vehicles reflects the way in which they would behave hitting an extremely large immovable object.

Mr GEORGE SOURIS: Are certain brands of heavy vehicles safer than others in their performance during a crash and, if so, are we promoting that point?

Dr JOB: I am not aware of particular brands being safer but I wish to add a few things. First, adding a large bull bar out in front changes the dynamics of the way in which that vehicle interacts with any other vehicle. However, technology exists that will improve it. It is not really changing the rigidity as much as it is changing the point of interaction. There are things called underarm guards. Basically, an underarm guard stops a light vehicle from going under the vehicle, so the point of interaction with the heavy vehicle is with all the crash protection in the front of the light vehicle rather than that going under the heavy vehicle.

Those underarm guards will have significant benefits not only for front impact crashes but also for side and rear impact crashes. Their impact is very obvious in a rear crash. Imagine a vehicle going under a tabletop truck. That tabletop is almost head to chest height for an occupant of a typical passenger vehicle. If you add an underarm guard it means that you do not reach that point of interaction with the light vehicle. There is technology out there that will improve these things.

The Hon. IAN WEST: Are you talking about the technology that was developed by Woolworths? Woolworths put that in place in about 10 per cent of its trucks. I am unaware of any other company that is doing it.

Dr JOB: Woolworths certainly did not develop that technology; it has existed for quite some time. This technology is being improved, but perhaps Woolworths is using it. I am not aware of whether or not Woolworths is using it.

The Hon. IAN WEST: But the extent of its use in industry is fairly minimal, is it not?

Dr JOB: It is not used as much as we would like it to be used.

Mrs DAWN FARDELL: I refer to driving hour restrictions. What are the reasons for not allowing drivers who are operating under the standard hours to drive for an additional 45 minutes? At the moment road works are being carried out throughout New South Wales. I refer to an incident that occurred on the Newcastle freeway when traffic was held up for hours. How does a driver combat such incidents? What explanation does he give in his logbook to explain why he has been held up for three or four hours? When the traffic eventually starts to move, is a driver required to pull up and to take another break? How do you get around that issue so that drivers are not penalised?

Dr JOB: I will refer, first, to that incident. The Roads and Traffic Authority did some checking and it ensured that no heavy vehicle driver was penalised through the fatigue regulations as a result of being caught up in that traffic. Discretion is always available to officers who intervene on the roads and who identify breaches. That officer could say, "You were two hours over but you were caught on the F3 for two hours and there was nothing you could do about it." They would not apply a penalty in the first place. Allowing drivers an extra 45 minutes is a different issue because that creates a systemic, rather than a specific, change in relation to a known incident.

Let me outline what I am talking about. To start with, you might be able to drive five hours under a particular scheme without a 30-minute break. Industry requested us to allow drivers an extra 45 minutes if they were unable to find a convenient place to take that break. The reason we have not given that is that there is no

way in which to regulate it. When they are caught we would not know whether or not a break occurred 45 minutes down the road. For many parts of the industry the normal break time would be what was required plus 45 minutes as an operating procedure every time. There is a difficulty in that the 45 minutes would be added on to the standard way in which many drivers operate. We believe that the extra 45 minutes is a significant risk.

CHAIR: I imagine that one of the problems for drivers, referring in particular to the F3 incident, is that they would have been held up for four hours. By the time they got to Brisbane or Tamworth they would have missed their slot at the company to which they would be delivering. Sometimes they have to wait another six hours or more before they get a slot to pick up or deliver their load. It is difficult for company logistics managers when they are taking or receiving deliveries. There does not seem to be any way around that.

Dr JOB: I agree with you. I am sympathetic to the concerns of industry. However, we are then weighing up what might be a significant inconvenience to that operator and, indeed, a cost versus the risk of life and catastrophic injury to that driver or to other people who happen to be on the road. In that equation we have to ensure that safety is a priority. Even though a driver might have been held up and it might, therefore, put that driver out, he or she needs to get back into line with fatigue regulations from that point on. If that means that driver and operator having to pay for a hotel room in Brisbane overnight instead, when they had not planned for it, that has to be a cost which is borne for the safety of the community in relation to very large vehicles.

CHAIR: I am familiar with B-double routes in my local government areas. With regard to triples, where are they mainly confined to?

Dr JOB: When you get to those larger vehicles, they are what we call road trains. There are a set number of routes that the road trains can operate on in New South Wales, and they are very well known to the operators. There are a number of schemes for wider and longer loads to be operating, and we have developed what everyone calls IAP, or the Intelligent Access Program, for operators who want to use those extra loads. The Intelligent Access Program is a GPS monitoring scheme. If you want the access to those extra weights or extra widths and lengths of load, you have to fit the vehicle so that we can electronically monitor that you are sticking to the routes for which that vehicle is allowed, then we can monitor by GPS where that vehicle is 24/7.

That is obviously a very important safety feature. It is not just a safety feature in terms of the roads not appearing to be designed for them by virtue of the curves et cetera; it is also a safety feature in that many of our bridges are not weighted to take those loads. We cannot have those vehicles operating on bridges where they will permanently damage the bridge and may even collapse the bridge by driving on it.

Dr ANDREW McDONALD: As you know, driving is inherently unhealthy and there would be many over 60-year-olds with obstructive sleep apnoea who really are quite dangerous on our roads. What medical assessments do these heavy vehicle drivers need prior to applying for a licence?

Dr JOB: I am happy to take on notice and get back to you what medical assessments they undergo. I do know that part of what can be offered by a company for evidence that they are operating with advanced fatigue management is that they have medical checks for their drivers. That is part of the way in which they can demonstrate the improved management of fatigue in order to gain the greater flexibility available under advanced fatigue management. But I will take on notice the detail of the medical test to become a heavy vehicle driver.

CHAIR: If you are an airline pilot you have to have a medical examination annually. Is there a need for periodic health examinations for heavy vehicle drivers?

Dr JOB: Again, I will take that on notice and get back to you.

CHAIR: Dr Job, thank you for your appearance today.

(The witness withdrew)

(Short adjournment)

BERNARD JAMES BELACIC, Chief Executive Officer, NatRoad Limited, P.O. Box 3656 Manuka, Australian Capital Territory, sworn and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from any legal prosecution that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence before the Committee. Would you like to make a brief opening statement before we proceed to questions?

Mr BELACIC: Thank you, Mr Chair. I think the bulk of what NatRoad has to put on the record is contained within our submission. I am happy to take any questions in relation to any aspect of that, or any other matters pertaining to the Committee.

CHAIR: A particular interest of mine is the rest areas, and the lack of adequate rest stops and restrictions. Do you think progress is being made in that area, or do you think more needs to be done?

Mr BELACIC: Certainly there is progress being made. We have been working in consultation with the Government in relation to a strategy for rolling out rest areas. I think my predecessor, Dr Job, talked about a package of rest areas which are being rolled out. From a trucking industry perspective and a NatRoad perspective, our members would like a lot more, is the short of it. There are areas of particular need. For instance, heading south along the Hume Highway, south of the Gundagai region, there is a beautiful new freeway being put in place there with hardly a rest area. I think there are about half a dozen rest areas that are being removed from that region, from the broader region up to around Gundagai. Unfortunately, however, they are very few and far between in terms of the replacements. There are other examples around the State, although that one in particular is of some concern to us. Is the Government doing something? Yes. Would we really like more? Definitely.

Mrs DAWN FARDELL: I also had a look at the proposed rest stop program that came through recently. With regard to the rest areas, there may be a little bit of an area that has been cleared away where drivers can pull over, but do any of the rest areas include toilet facilities? That is a huge issue, particularly in the Coonabarabran area. I know concerns have been expressed up there about what truck drivers are doing, because of the lack of availability of toilet facilities. Are you aware whether toilet facilities are going to be provided in those rest areas?

Mr BELACIC: That is an excellent question. One of the big concerns from our members—which are the trucking businesses, but obviously they employ drivers who, at the end of the day, utilise the facilities—is the facilities on the side of the road. Whether it be at a rest area or at private facilities, the lack of amenities is a huge issue for the trucking industry. Few public toilets are available for truck drivers to utilise. By and large, the trucking industry, particularly truck drivers, is being forced out of town more and more. Many towns do not want trucks parked in their towns anymore. Road Rule 200 effectively prohibits heavy vehicles from parking in built-up areas for greater than an hour. Heavy vehicle drivers usually are unable to access town facilities and, therefore, are required to stop either at a private site or a public site. More often than not, particularly at public heavy vehicle rest areas, there simply are no facilities to go to the toilet, have a shower, get water or cook a meal. By far and away the majority of sites currently available today are just simply flat asphalt or dirt areas with a little bit of shade on occasions.

Mr DARYL MAGUIRE: Dr Soames Job mentioned that \$8 million was provided by the Federal Government, which was matched by the New South Wales Government, to create more rest areas and specific opportunity stops. I would like to hear your comments about the way the program is managed to deliver those funds. My worry is that with \$16 million at hand we need good planning of truck stops that actually deliver the infrastructure rather than a rush to put in a number of opportunity stops that do not have the facilities and basically are just a graded area with a bit of gravel. The money must be invested wisely through a planned process that actually delivers the best outcomes for the trucking industry.

Mr BELACIC: From an industry perspective, our issue is not actually with the process. It is actually quite a good process and the Government has been very good, including the Roads and Traffic Authority, in consulting on where the rest areas should go, what they should look like, what facilities should be available and whether we have opportunity rests or the Government looks to provide full facilities. The broader issue though

is the reality that \$8 million matched by the New South Wales Government does not go a long way, particularly when you are talking about areas that are away from town facilities. Therefore, putting in facilities, making them tamperproof, providing proper shady areas, toilets, showers and all of that comes at quite a lot of cost. Unfortunately, that money does not go anywhere near enough. By and large, the Government actually is doing a good job with a little amount of money. We would like to see a lot more money come in to play to build proper facilities around State.

As an industry we are happy to pay our way in relation to roads and rest areas. We do so through vehicle registration charges and the excise we pay to the Commonwealth Government. However, the reality is that there is fantastic money going to some great highways—the Hume Highway, the Pacific Highway and little bits and pieces around the Sydney region—but that same quantum of money is not going into heavy vehicle rest areas. We are very passionate about that. We would like to see more of them and of better quality. It is a necessary tool for heavy vehicle drivers to be able to comply with the law and for them to be able to have appropriate rest opportunities. Providing appropriate facilities goes with that. As I said, unfortunately, the reality is that the quantum of money just does not go anywhere near it.

Mr DARYL MAGUIRE: You mentioned that the trucking industry was being forced to the outer perimeters of towns and cities because of the nature of the business. Some countries, England in particular, provide depots within cities that are designed specifically for truck changeovers. They have amenities and in some cases also a bus service so that drivers can access motels. Has there been any discussion with the Roads and Traffic Authority or major cities such as Wagga Wagga to address this? Wagga Wagga experiences the problem of B-double trailers being left in streets all over the city, refuse et cetera being deposited on the streets and truck drivers being fined for parking too long or parking inappropriately. Has the industry in conjunction with government or anyone else sought to address this through the town planning system or to encourage government to negotiate with private providers to establish these kinds of facilities in the city or on a city boundary, such as Dubbo, Wagga Wagga or wherever?

Mr BELACIC: The short answer is yes. One challenge is that truck park facilities are not usually high on the priority of local government issues. There are many local government jurisdictions just in New South Wales. Some facilities are in place. For instance, some private operators of medium- to large-sized transport companies actually put in local facilities within industrial areas, including bedding, apartment buildings that are insulated and air conditioned, kitchenettes and so forth for their drivers. At this stage I am not aware of any public-type facility in New South Wales that would fulfil that role. There is potentially an opportunity for that. Certainly, we have regular discussions with the State Government, local councils, our membership and other transport companies in relation to providing better facilities within town boundaries, be it a communal-type area or private facilities. The challenge cannot be underestimated in relation to getting help to plan but, unfortunately, more often than not the reality is becoming more difficult to progress heavy vehicle parking areas. Nobody likes them being in their backyard.

We heard earlier about a particular facility on the southern side of Sydney that is getting a fair bit of attention at the moment in relation to heavy vehicle parking. The local community is getting fairly excited about the truck parking facility at Varroville. The challenge for the trucking industry is the lack of facilities available along the route. I refer to Sydney in this particular example, but it is the same in many regional towns like Dubbo and Wagga Wagga. It is very difficult for industry to lobby to have those facilities put in place when, by and large, unfortunately, many people just do not want them in their local areas. We would like more. They are necessary. They are a requirement in order to be able to adhere to the law. They are just simply a plan in good safety outcome, but it is a difficult discussion to have.

Mr DARYL MAGUIRE: The real question is how do you progress the issue? You are correct, residents complain as the trucking industry grows and people employed in the industry are parking their trucks in residential streets, washing them in those streets et cetera. The trucking industry does not help in many regards with the amount of garbage and refuse deposited wherever a temporary truck stop appears. A message needs to be sent out as well as the industry and the Government addressing this sensibly with planning. I am sure opportunities are available, but it just appears that no-one is willing to take it and manage it to ensure that a solution is found.

Mr BELACIC: Good point. In brief, we would like to think that there are opportunities and we would like to take that forward. There is certainly no doubt that as an industry we do believe we have our part to play in looking after the facilities that are provided in relation to working with local government and communities in order to be able to overcome some of those issues. Some of those issues do come about because of a lack of

facilities—that is, a lack of bins and toilets and so forth. It is a challenge but I think we have to work together in terms of government, local councils and industry to be able to forge together a partnership to deliver these facilities, to look after them and bring local communities along with them.

Mr DARYL MAGUIRE: The point I was trying to make was: Who should be the lead agency in this? Who should be driving it—forgive the pun?

Mr BELACIC: I think the Government has got to.

Dr ANDREW McDONALD: You represent 1,300 trucking companies, is that correct?

Mr BELACIC: Correct.

Dr ANDREW McDONALD: About how many drivers does that represent?

Mr BELACIC: About 35,000.

Dr ANDREW McDONALD: How many staff does NatRoad have?

Mr BELACIC: Five full-time and two part-time.

Dr ANDREW McDONALD: Do you keep statistics on the safety of your members? For example, how many drivers in your group were killed in the last year?

Mr BELACIC: No, not within our membership.

Dr ANDREW McDONALD: What about accidents, do you keep any statistics of road safety in your members?

Mr BELACIC: Not within our membership—our members join voluntarily.

Dr ANDREW McDONALD: It is known that working more than 10 hours a day increases your rate of heart disease by 60 per cent?

Mr BELACIC: Yes.

Dr ANDREW McDONALD: Many of your workers do more than 10 hours a day. Is anything being done by your group to look at the health of the workers that they employ?

Mr BELACIC: Absolutely. We encourage all of our members twofold—I think Dr Job actually mentioned before alternative accreditation—

Dr ANDREW McDONALD: That is my next question by the way.

Mr BELACIC: Sorry about that. We actually encourage all of our members to join accreditation. NatRoad is actually the biggest supporter of—incidentally I am actually the chairman of an industry program called TruckSafe. TruckSafe is actually a safety accreditation program for the industry, borne by the industry through what was the Road Transport Forum but what is now called the Australian Trucking Association. It is a safety accreditation program; one of its key elements—there are four key elements—is driver health and safety. Picking up exactly on your point, we very much champion, encourage and, I suppose, assist our members to take forth proactive strategies in relation to managing driver health, to be involved in accreditation programs such as TruckSafe, which requires driver medicals to assist drivers, to rehabilitate drivers, and to work with drivers in relation to driver health. I think Doctor Job also mentioned there is fatigue management accreditation, which also has a medical involved. So certainly medicals and picking up on driver health is a big issue for us.

Dr ANDREW McDONALD: What is the correlation between TruckSafe and Blue Card, they look as if they cover the same ground? You mention Blue Card in your submission.

Mr BELACIC: Yes. I am not aware of any direct correlation between the two.

Dr ANDREW McDONALD: But they sound as if they have similar sort of curriculum?

Mr BELACIC: Yes, in some ways there is some crossover. I think TruckSafe goes a bit further than Blue Card does. TruckSafe looks at it as a more holistic company solution, not just in relation to training. But it looks at core elements of maintenance, health and safety, training and management, fatigue, occupational health and safety. It is a bit broader than just what Blue Card looks at. Blue Card looks at specific occupational health and safety-type training issues. TruckSafe is actually independently audited, so it has group of auditors who actually audit each of the companies involved and that audit must occur prior to entry into the program, at six months and then effectively every two years.

Dr ANDREW McDONALD: That is voluntary?

Mr BELACIC: It is voluntary.

Mr DARYL MAGUIRE: You were talking about driver health, has the industry taken up the cudgels to promote better eating, better lifestyles and, what worries me, the quality of food that is available for drivers, meaning restaurants? Are you pursuing or negotiating to have, for instance, recommendations for healthy eating habits similar to the ratings they have in supermarkets for good quality foods, or that type of thing?

Mr BELACIC: Certainly, to the extent that we can. I mean, obviously a healthy diet is an important thing, particularly for a driver who is sitting behind the wheel of a truck and, indeed, for myself who sits in a seat most days. Particularly in terms of the TruckSafe program, it actually encourages healthy eating. One of the particular standards actually looks at the diet and provides information and assistance to drivers in relation to dietary requirements. As part of the medical there is quite an extensive questionnaire, which looks into that side of, you know, encouraging and providing feedback in relation to dietary habits. Certainly we have discussions, where we can, with private operators of facilities along the highways to encourage them to provide better quality food were possible, in terms of healthier foods. There are those, of course, who prefer to get a quick bite to eat and do not necessarily look after themselves as best they could. Certainly we encourage our members to pick up the cudgel, as you have said, and encourage their drivers to eat healthy; more often than not that means packing your food before you leave and utilising your own facilities rather than relying on public facilities.

Mr GEORGE SOURIS: I have a cross-referencing question in relation to the chain of responsibility. According to the Livestock and Bulk Carriers Association the chain of responsibility is the key factor in achieving improved safety outcomes. The association claims that WorkCover is remiss in placing too much focus on transporters and not enough on the customers. To what extent do you think the chain of responsibility model adequately supports heavy vehicle safety goals and do you think it is the best model to manage fatigue and other driver risk factors?

Mr BELACIC: One hundred per cent support for what the Livestock and Bulk Carriers Association has put forward.

Mr GEORGE SOURIS: That is not because they are in the gallery.

Mr BELACIC: Oh look!

Mr GEORGE SOURIS: Another excellent question!

Mr BELACIC: A very good question, very apt. We certainly support the chain of responsibility laws. They are critical in relation to safety in the heavy vehicle industry. The laws are, as Mr Job before me mentioned, in place in New South Wales, which is fantastic, and we support that and will continue to support that. One of the challenges though, is that we can have all the best laws in the world in place but unless they are actually enforced, unless the resources are actually put in place in order to make them effective—the chain of responsibility is a very broad ranging topic because we are talking about numerous, different parties; I think there are 10 different named parties within the chain—then the laws can be fantastic but unless pursued they are not necessarily effective. I think if they are pursued and utilised to the extent that they are there then they could have the most significant impact on safety than anything else currently being done.

Mrs DAWN FARDELL: You mentioned you have about 1,300 trucking companies in your association. Unfortunately there are many operators out there that do not belong to an organisation. How do they

receive feedback about changing rules, laws or conditions? Do they hear about that from the Roads and Traffic Authority or other avenues?

Mr BELACIC: Twofold, there is probably a few mechanisms. You are right, a large segment of the trucking industry are, for instance, owner drivers who do operate and quite often they will operate in the trucking industry but not even realise it. For instance, they might run a supermarket and have a heavy vehicle that moves their produce or their goods; they might be a farmer but not actually realise when they are running their truck up and down the road they are participating in a trucking task; they might be full-time in the trucking industry, own a truck and not be part of an industry association; in which case, yes, you are right, their predominant information source would need to come from the Government, from the Roads and Traffic Authority, but certainly we attempt to reach out through open public forums, we hold quite regular open public forums and so does the Government, in relation to education on particular subject materials such as the driver fatigue laws.

There is also some quite well-read industry trade press, so in terms of getting messages out to some of those, that could be useful. But it is a difficult task. The reality is you are talking about a very broad industry, many of whom do not see themselves as participating particularly in the trucking industry. They see themselves as being a farmer or being something else. Therefore getting the messages out, education in relation to road safety and in relation to road law and other laws which impact on the trucking industry is quite a challenge.

The Hon. IAN WEST: You mention in your submission that there were a number of routes that you prioritise for rest area funding in regard to the Pacific Highway, Newell Highway, Hume Highway, Gwydir Highway, et cetera. You indicated that there was a certain amount of money allocated that is completely insufficient, which I think is some \$8 to \$16 million. Have you done any homework about what sort of money is needed? Have you done some proactive work in determining and putting together a submission as to how much money is required in those various arteries? In what way are you planning some proactive rollout of those rest areas rather than just saying, "Oh yes, it's insufficient"?

Mr BELACIC: Good question. We have worked with both the National Transport Commission and various governments around Australia, including the New South Wales Government, in relation to various strategies in terms of the rollout of rest areas. We work with, and were one of the key participants within, the Austroads report, which looked at rest areas along the old Auslink network or the national highway network, and identified issues in relation to shortcomings of rest areas.

We also worked with the National Transport Commission in relation to the development of guidelines which look at facilities, locations, and frequency of heavy vehicle rest areas based on traffic densities, based on road conditions, and based on the facilities which are around those particular locations. What we have done in relation to what you have picked up in our submission is identify some of the key routes about which we have off-line discussions with government in relation to how we actually address that. We realise that what we are talking about, just in these key routes, is an extraordinarily large sum of money—more than 10 times what is currently on the table.

Therefore, rather than a saying, "Okay, here's a billion-dollar package that we want rolled out", our strategy is more to say, "Let's identify some key areas." Let us face it: These by no means constitute an exhaustive list because there are many, many areas around the State which require facilities way beyond this for heavy vehicle drivers. But what we have tried to do is identify some key thoroughfares where particularly in the long-distance area most drivers will come across them. We are working with government in relation to rolling out rest areas where possible along them.

The Hon. IAN WEST: So you say that at the moment we are talking about roughly one-tenth of the amount of money we have. We need \$80 million, \$90 million, or \$160 million?

Mr BELACIC: I suspect much larger numbers, yes.

The Hon. IAN WEST: Right. At the moment, do you have a proactive list that you are putting to the Government? Are you enrolling the assistance of all the participants in the chain of responsibility, such as consignors, consignees, the owner-drivers, the producers—the full chain?

Mr BELACIC: Certainly we are working with as many interested parties as we can potentially possibly work with. Certainly we do have discussions with others in the chain in relation to how they might be

able to fulfil their roles. There is a plausible role whereby if a heavy vehicle is delivering into a particular warehouse or facility, such as in Wagga or Dubbo and so forth, they might be able to obtain rest in that facility, off to the side somewhere. Certainly we have quite regular discussions with various parties in relation to facilitating that. More broadly we also participate in a number of forums with the Government and the Roads and Traffic Authority in terms of discussions about locations of potential rest areas, locations of areas where vehicles can be split up, interchange facilities, short rest breaks and the blue reflective program which I think Dr Job talked about.

Mrs DAWN FARDELL: I just wish to make a statement on that. We formed the Newell Highway task force and NatRoad has a voice on that task force. They come regularly to our meetings. Presently the main issue we are dealing with is one involving all of the shires from Queensland and Victoria. We are formulating with all the mayors along the way to identify where rest areas need to go. NatRoad is a big part of that.

Mr DARYL MAGUIRE: Because that was a statement, I have a question. What percentage of trucks per annum of the national fleet are being registered on the roads with the new road-reading technology and satellite tracking? What is the percentage of uptake of this new road-reading technology?

Mr BELACIC: Road reading, I am sorry?

Mr DARYL MAGUIRE: You know, when you cross the white line, the sensors go off.

Mr BELACIC: Your stability-type programs?

Mr DARYL MAGUIRE: Yes.

Mr BELACIC: I think the number is growing. To be honest, in terms of heavy vehicle manufacturing, the technology from the development program and the uptake by the industry is relatively new for heavy vehicles. I think it has been around for a bit longer in cars. It is something which is coming into the industry and more and more it is becoming more of a standard fitment. There are some technical issues. Fitting these kinds of systems to a truck is very different from fitting it to a car. The scenarios are different, the combination is different, the weight is different, the size is different, and so forth and so on.

I could not tell you a percentage, but I do know that quite a number of my members—and I would probably say it is somewhere around the 10 per cent mark—are actively looking at purchasing heavy vehicles based on what their safety mechanisms are and that they have in place, such as do they have the line-reading mechanisms? Do they have electronic brakes? Do they have stability control programs? Certainly it is mandatory for ABS to be fitted on any vehicle that tows a B-double. It is emerging technology in trucks.

Mr DARYL MAGUIRE: Where would we find this technical information—from a manufacturers forum of some description, or a forum of importers and manufacturers? Would they have the uptake figures?

Mr BELACIC: There is a council called the Truck Industry Council, which is based in Canberra. They might be able to provide you with some more data and specific details.

CHAIR: The executive officer will chase that up. Thank you for attending today. I appreciate your responses to some excellent questions.

(The witness withdrew)

ANDREW STEPHEN HIGGINSON, Executive Director, Livestock and Bulk Carriers Association, P. O. Box 617, Belconnen, ACT, 2616, and

JAMES THOMAS SAVAGE, Past Vice-President, Livestock and Bulk Carriers Association, 598 Wallamore Road, Tamworth, 2340, and

BRYAN GREGORY HAYES, President, Livestock and Bulk Carriers Association, 5 Leewood Drive, Orange, 2800, and

ROBERT GERARD RICHARDSON, Committee Member, Livestock and Bulk Carriers Association, 1885 Kars Springs, Scone, 2337, affirmed and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result from the information you provide. I also point out that any deliberate misleading may constitute a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would one of you like to make a brief opening statement before we proceed to questions?

Mr HIGGINSON: Mr Chair, I have been nominated by my colleagues to do so. Thanks for the opportunity to participate in this inquiry. We think it is an important inquiry and we think it is important that Parliament does talk about issues of transport because of the integral role we play in the national and State economy. The Livestock and Bulk Carriers Association [LBCA] considers itself the main road freight industry association in regional New South Wales. We represent over 200 operators. Nationally we are part of the Australian Livestock Transport Association, which represents over 800 companies nationally.

The members of the LBCA decided quite a number of years ago that they wanted to be part of the safety solution rather than part of the problem. We therefore share with the Committee a strong commitment to improving safety on our roads in New South Wales. The LBCA considers it has a very good working relationship with the New South Wales Government and the Roads and Traffic Authority and particularly in more recent times has been co-operatively working with them to make a positive difference. My colleagues and I sometimes feel like we spend more time in North Sydney with the Roads and Traffic Authority than we do in our own businesses. But that is part of the continuing commitment that industry has to make to be part of the solution. It is no use coming in occasionally. We have to be there influencing the decisions.

The LBCA wants to stress that we think there needs to be a stronger focus on developing a shared safety solution approach rather than one where some people think they own the safety equation. Unless we get all parties involved, we do not think you can make a difference. Too often we see governments making announcements or introducing complex regulations that industry knows little about. Therefore, industry has no ownership and we do not deliver the desired outcome. The fatigue regulations introduced in September 2008 are a good example of a good idea but done in the wrong way. The LBCA submission clearly outlines what we think the key issues are in addressing road freight safety outcomes in New South Wales, focusing mainly on the fatigue issue. These have not changed since our submission was lodged and have been the focus of our work with the New South Wales Government in the intervening period. Our submission also recommends a number of recommendations that we would like the Committee to consider in moving forward.

In a broad sense we cannot escape the reality that the sheer size of trucks means that the incidents involving them will be more severe than other accidents. This leads to an overrepresentation of trucks in serious injury incidents and fatalities statistics, which we all need to do something about. It also leads to the chance for our industry opponents to grab the headlines when these things happen, often in unfortunate circumstances, and portray the industry in a bad light. This, in turn, does not encourage the industry participants in many cases to trust governments and to work with them. As an association we try to counter some of those things. The New South Wales Government's actions to reintroduce the New South Wales Road Freight Advisory Council and the Transport Operations Liaison Group in the last two years has led to a better association between the industry and the regulators. We support that very strongly. We do not know of one single transport operator who does not do their best to ensure that they get home safely, that their people get home safely and that other road users get home safely. We need to build on this basic instinct and all be part of the solution to make sure we move forward.

The industry, particularly the LBCA, is a strong supporter of the chain of responsibility concept. We think that commercial imperatives often drive the wrong outcomes. This association, in particular, has done a lot of work on the culture and fundamentals involved in embracing other parties on the supply chain. I am happy to talk to you about that in more detail. We also believe the regulatory authorities need to make more fundamental changes to ensure that transport operators can do the right job as well—for example, providing real-time access in exchanging on-road information about drivers, so that that information aids transport operators in doing the job rather than hinders them. That is an important point. The chain of responsibility, as I said, and a system to reward good operations, rather than penalise them, are also important points. The current investigation of the five-star trucking safety concept, which is supported by the New South Wales Government, leading operators and the Transport Workers Union, is an example where the reward for effort concept is gaining momentum. It is a good example of sharing the solution, which we mentioned earlier.

The New South Wales road freight industry does a tremendous job on most occasions. Unfortunately, it does not receive much praise for the work it does. I guess that politicians often feel that way themselves too. It is something where we have to work together to impact the negative aspects of community perceptions and publicity that we sometimes get. Thanks for the opportunity to talk to you today. I do not want to say more; it is all set out in our submission. I am lucky that I am surrounded by people who operate in that industry. Jim operates in Tamworth, Barney is from Orange and Mr Richardson is from the Scone area. They are all people who deal with the industry 24/7, 365 days a year. I am their mouthpiece. I am sure you will get a lot of good information from them as well.

CHAIR: You refer to 85 per cent. What is the 15 per cent sticking point in negotiations with the Government?

Mr HIGGINSON: That was in relation to the new fatigue regulations, introduced in 2008. At the principal level we all agreed we need new regulations to address the fatigue issue. As a broad concept, and Mr Richardson will probably comment on this as well, the fatigue regulations are having some positive impacts on people's perceptions. Because we had a new piece of law, it made people sit up and think about trying to improve fatigue and safety. Unfortunately, those regulations, which came in on 28 September 2008, were about 140 pages of regulations and they were given to the industry two days before they were introduced. That led to huge negative impact on what the regulatory changes were meant to be and we are still unwinding a lot of that problem today.

Mr RICHARDSON: The fatigue laws were a change of culture for the industry. They were a change of culture for our customers. When chain of responsibility was first brought up we brought a legion of our customers to Sydney to do a chain of responsibility day. That was about five years ago. Nothing has happened since then, as such. We basically got stabbed that day because all they saw was a grab for more money, a freight increase. At that time we had no push coming from Government to say this is real. Now we have time and we need more emphasis put onto this chain of responsibility to show us that it is here to stay. It gives us time and effort to change the way we do our jobs. It is very hard particularly on our livestock side of things to move animals in climatic times. We have moved a lot of fat cattle during the night. To change the public perception that we do it at daylight through our summer months has been very, very difficult. To our customers' and our credit we are doing this on a day-to-day basis and we are getting our guys in bed at night. The fatigue laws want us to do that and we have seen some positive results because of that as well.

Mr GEORGE SOURIS: Positive results—less crashes?

Mr SAVAGE: Less crashes—

Mr RICHARDSON: Less crashes and incidents. More importantly, less incidents, near misses, those sorts of things. It is working. Dare we say it, we were probably very anti what happened in the fatigue laws because of what we do. When you have bullocks on a truck that weigh 700 and 800 kilos and they are worth \$2,500 each through the feedlot system, it is very hard to change our customers' perception that they could have damages by carting these cattle through daylight hours when it is 45 degrees. So you have \$150,000 worth of bullocks on a B-double and when you have \$20,000 worth of damage, one B-double load of cattle, they do not like that. But their view has been changing, along with trucking as well, to help us achieve that.

Mr GEORGE SOURIS: Having your trucks on the road at night instead of the day, where the roads are much more congested, it would be a better outcome safety-wise to have you on the road at night. So what is your perception of the trade-off with that and the gain from safety as a result of fatigue management?

Mr RICHARDSON: It is an interesting one. As far as road density and traffic volumes go, if we load the daylight scenario, where we do these big feedlot jobs, there is not that much traffic. We are not as heavily populated when you come closer to the coast, these feedlots are in western districts. So we are not seeing those issues. We see some town issues when we hit them at certain times. Dare I say it, the Newell has a pretty good average speed. We are averaging 80 kilometres an hour on the Newell, thus the spin-off is that we are keeping air through these cattle, which is very important to us that we look after our animals. We thought that there would be a negative impact on loading cattle in the summer months but we went to the extent to even trialling, pre the fatigue laws, using monitors to try and manage that. As I said, our incidents and our accident levels have dropped off.

Dr ANDREW McDONALD: How many drivers do you represent approximately?

Mr RICHARDSON: Our company or across the—

Dr ANDREW McDONALD: No, the Livestock and Bulk Carriers Association.

Mr RICHARDSON: Two hundred companies, about 1,000 drivers.

Dr ANDREW McDONALD: So it is a lot less than the previous people who were here.

Mr RICHARDSON: But we are linked to the Australian Livestock transporters, and there would be 800 companies registered to that across Australia and there would be, driver-wise—

Mr HIGGINSON: Four thousand approximately.

Mr RICHARDSON: I do not know.

Dr ANDREW McDONALD: You talk about safety, the improvements in safety. Do you keep statistics on this, or is this just your impression?

Mr RICHARDSON: Our insurance company does.

Dr ANDREW McDONALD: The insurance company does.

Mr HIGGINSON: Companies at the individual level keep those sorts of statistics, but the LBCA has been working with the Roads and Traffic Authority over the last three years on developing a livestock loading scheme which has delved into safety and efficiency issues. So all the statistics relating to our industry and other incidents, for example rollovers, all those things, are becoming a lot more transparent. I guess one of the things the trucking industry is concerned about is that there is not enough real-time information available collected by the authorities in relation to truck accidents or fatalities. We are always dealing with lag time, same with the information provided by the regulatory authorities. These gentlemen all employ drivers. If something happened to a driver yesterday and they do not have any access to that information unless government provides it. Actually getting all those links right to provide that information is an important part. I heard in the earlier NatRoad evidence where you were asking a specific question about people with accreditation. Unfortunately in the transport industry only about 10 per cent of companies go down the accreditation path because they have not been convinced of the benefits. But those companies in accreditation schemes have a much higher, better safety record than those that are not. So this comes back to that reward for effort concept. We have to work collectively to make sure that those companies and their customers that are willing to be transparent in their interactions actually get rewarded for that investment.

Dr ANDREW McDONALD: Mr Savage, in his second last paragraph of his letter, talks about the confusing fatigue management and says that complying with fatigue management is very complex and difficult. I would like you to comment on that, especially relating to the 16 versus 15 hours in New South Wales.

Mr SAVAGE: Fifteen hours in New South Wales is under the AFM. The only group you have got in the AFM so far in New South Wales is your local bus industry owned by the State Government.

Dr ANDREW McDONALD: No, I think the question is relating to—under the safety legislation and the three-tier driving regime, drivers can work to an upper limit of 15 hours and 16 hours in other than New South Wales and Victoria.

Mr SAVAGE: That is under an AFM. That is what I am saying. Mainly what we have got in NSW is a BFM, basic fatigue management, which we have gone through—and I think all the companies that sit here, we have done that training and that takes us out to a level of 14 hours.

Dr ANDREW McDONALD: You are all BFM so the only AFM in New South Wales is the bus.

Mr SAVAGE: That is right, and we are trying to encourage to get into BFM across the board, but we are quite comfortable as it stands with the BFM and we are looking to help and work with the RTA and any government that is prepared to sit down and let us look at it and make it safer. Our industry is certainly prepared to sit down and work with you so we can produce these AFMs and look at what we can do that makes it better for our drivers. But myself, I am quite comfortable with the 14 hours. Believe me, do not go away from here and think that for the six days the driver works 14 hours. That is not how the industry works. One day he might do eight hours, one day or two days he will probably get to his 14, the other days he might do six hours. So you just have to understand how our industry fluctuates and the pressures we face to be able to take the drivers out there.

Mr HIGGINSON: If I could add to that, it is important that the Committee understands that AFM is the highest level of fatigue management and people have to go through a very rigorous accreditation process to get to advanced fatigue management, which might allow them to do 15 hours. It is not right that you can do 15 hours just because you have AFM. You have to put together trip plans, processes, and you have to do this based on 14 hours, and if there are unexpected circumstances you might be able to go out to 15. It is not a norm. I guess that is a problem with the current fatigue structure. We have advanced fatigue management where you do specific training, then basic fatigue management which is a level below it and then if you are in the standard system, it is almost like there is no fatigue management. There is no requirement to have any fatigue training if you do standard hours. I guess one of the problems we see with the current system is that for some reason we believe that people who operate under the standard driving hours do not need any fatigue training and that is an unfortunate perception. The LBCA is working with NatRoad and the Roads and Traffic Authority to take fatigue training into regional New South Wales. We are running industry-run workshops in September to try to get operators to focus on fatigue as an important issue, rather than just a regulatory regime.

Mrs DAWN FARDELL: I notice in your submission you note that "the Roads and Traffic Authority is engaged in telling us, not asking us". How much notice did you have before the fatigue laws came in? I think you said you only had two days before they were introduced into Parliament. Certainly, we were basically aware of that. I personally was myself and spoke against it at the time. But they have gone through; it is legislated. Are you now seeking any amendments as the process goes? As with all Acts of Parliament, we may have to look at amending something that is not working. Are there some parts of the fatigue laws that are not working that you are prepared to accept and live with what you have now, or are you looking for some amendments down the track?

Mr HIGGINSON: It is a good question in terms of yes, there are a lot of problems with the regulations, and, to Michael Daley's credit, who was then Minister for Roads, he set up a subgroup of the Road Transport Advisory Council to look at all the problems. I think we came up with a list of 40 items that we had problems within the regulations. We have slowly been working through those. There is currently a list of proposed changes to the regulations that is out for public consultation, which is a positive change in culture: the regulations or the draft is actually put out to industry and there is a lot of scrutiny. We fully support that process. There is also a range of issues that had to be pushed back into the national forum because these were a national set of laws that each State was meant to pick up in a consistent way and, unfortunately, that has not happened.

One of the biggest bugbears that the operators have is differences across State borders. We have the ridiculous situation now where the States cannot even agree on how a driver should count the number of hours he works in a day. If you work in New South Wales and Queensland you count the way you do your hours different to working in Victoria. It is such a ridiculous situation. People are truck drivers for particular reasons: they like that lifestyle, they are not paperwork people, and yet the regulators cannot even agree on the way you count the number of hours you work in a 24-hour period.

Mr GEORGE SOURIS: Can you give us an example?

Mr HIGGINSON: In New South Wales you go back to your last longest break, and it has got to be more than five hours, and count forward. In Victoria you go back to a 15-minute rest break and count. In New South Wales you can be legal; you cross into Wodonga and you are illegal. Even though you have been complying with the way they count in New South Wales and Queensland, you go into Victoria and it is counted differently. Imagine what sort of angst and frustration that creates for a driver.

Mr DARYL MAGUIRE: You mentioned the regulation that is now in place. It appears to me from your submission and the way you are speaking that your industry is rather unique compared to other types of long-haul operations, yet you are having to comply with basically broad-brush policy. I had assumed that in the lead-up to sale days, for instance, you would have drivers and the demand from farmers to get stock to the markets, et cetera, would be huge, and then other days would be low days. Post the sale, to transport the stock, et cetera, you would have low days, so you would need a little bit more flexibility in what you do compared with the long-haul stuff from Sydney to Melbourne, at which I think this legislation was originally aimed. Am I reading this correctly?

Mr HIGGINSON: You are spot on. It is a unique industry. I will let these gentlemen speak.

Mr HAYES: You are correct. It gets back to when the law was changed. We were pushing for the flexibility. We are saying we are unique and that is where we hit these boundaries and they are trying to broad-brush us and say, "You have got to fine-line this". But the law that changed, which affected a lot of us. We used to have a 14-day rule where you could stop, start, like you said, short days, long days, but now you have got to have one day off in seven—a full 24-hour break. In the old days you could have two days off in the 14-day period. You may not be working long days; you might only be working those short days, like you said, but it still pulls you into having this one day off in seven. With livestock those things you would like to see, if we could go back to having that two days off in the 14, because you might be only doing a short day every now and again.

Mr DARYL MAGUIRE: The question is what have you done to advance that?

Mr HIGGINSON: If you could see the scars on our back—

Mr GEORGE SOURIS: No-one wants to answer that.

Mr HAYES: I have got a parking space at the RTA at North Sydney.

Mr HIGGINSON: I am starting to sound like an apologist for the New South Wales Government, but they have been through the RFAC committee pursuing a 14-day proposal, developed by New South Wales, which has been pushed into the national forum because we have to change the national law, It has been with the National Transport Commission now for seven months waiting for them to put out a discussion paper. We have done research on it and we have had an international sleep expert to assess it and go through the process, but we still have not been able to get that pushed through the national agenda to allow it to happen in this State.

Mr DARYL MAGUIRE: First, what percentage of your fleet is adopting this new satellite-type technology or road reading technology and, secondly, I understand that in the construction of new trailers now you are required to put in trays and catchment tanks, et cetera. Is this having a major impact on the costs of your trucks and having to retrofit trays to be able to capture the waste from livestock?

Mr HIGGINSON: I will do the policy stuff and let Mr Savage answer that.

Mr HIGGINSON: In relation to line-marking control, it is a very new technology in trucks and not many have got it. You will see it used more as new models come out. Retrofitting a lot of this equipment is extremely difficult and costly. I do not know the cost but I think Mr Belacic said we can find out through the Trucking Industry Council what the cost is. In relation to effluent loss from vehicles and the fitment of belly tanks and those sorts of things, it is not such a simple answer. A small minority and people like Mr Savage have belly tanks for particular tasks but it is not the norm, because once you fill up a tank what do you do with it? So the infrastructure across sale yards, the abattoirs, the feedlots and from farm, all those facilities, the infrastructure, is not there to support the belly tank concept.

Also, it is not a regulatory requirement at all, so that is not correct. The bigger issue is stock preparation. If we can get the producers and the abattoirs and feedlots to undertake proper stock preparation, the amount of effluent on the truck reduces dramatically. Again, I can say there are initiatives in place for the last 12 months that are addressing that across the whole supply chain. So that is a positive outcome.

Mr DARYL MAGUIRE: So if it is not a regulation to fit them why is it happening when there is a whole heap of unanswered questions about where the effluent will be dropped, et cetera?

Mr SAVAGE: We had to look after George's electorate down through the Hunter—a fair few cars and everything else, especially where we are going out of feedlots at Wingham and out of the paddock to Wingham abattoirs and up the Pacific Highway. Taree City put the request in to help reduce effluent going up the hill out of Taree that goes through to Wingham. Wingham has a facility for us to be able to download those tanks and give them a quick wash out after we have finished unloading the stock. We do not have that facility at probably any other processing plant, especially in New South Wales. That certainly becomes a problem, and even in doing that, George, driving down through the Hunter you will probably see some little green patches on the side of the road where the boys have got over as close as they can and just let the tanks go. We do not have a choice because it becomes quite dangerous when they start filling, the truck fills right up.

So it is not a be all and end all. We cannot catch enough of the effluent. We are good for about an hour and a half to two hours and then we have to download the tanks, especially straight off the paddock or out of a feedlot operation. So we certainly have problems there and yes we can certainly get into trouble, but no-one has said anything at this point of time, and we have been doing it for about five or six years now.

CHAIR: Just out of curiosity, you are all livestock carriers, does the bulk side of things, like wheat and coal, get included?

Mr HIGGINSON: Mainly the wheat and the grain products are the other half of our membership, yes.

CHAIR: That is a very seasonal thing. How do the fatigue management plans go with wheat when you have got the wheat crop to manage?

Mr HIGGINSON: It is very similar to the livestock. It is seasonal and it needs adjusting. We are working with the Roads and Traffic Authority to try and work through that particular issue as well.

CHAIR: You have mentioned before you have been working seven months on national fatigue management. What about your suggestion for a national safety accreditation agency? Have you put that forward to the Federal Government as well?

Mr HIGGINSON: This is part of the five-star trucking safety concept. We had the first meeting of the RFAC subgroup last week. We put a submission in a while ago. Some funding was pushed through the parliamentary process for that and the TWU, Tony Sheldon and Ron Finemore, chair that group—trucking operators, the TWU; and the RTA sit on it as does BlueScope Steel. So it is evolving as we speak.

CHAIR: Thank you for coming in today. It has been a very informative and interesting part of our hearing.

(The witnesses withdrew)

(Short adjournment)

JOHN STUART WATSON, General Manager, Occupational Health and Safety, WorkCover NSW, of 92-100 Donnison Street, Gosford, 2250; and

ANTHONY JOHN WILLIAMS, Team Manager, Manufacturing, Primary Production, Transport and Storage Team, WorkCover NSW, OF 92-100 Donnison Street Gosford, 2250, sworn and examined:

CHAIR: I draw your attention to the fact your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to information you provide. I should also point out that any deliberate misleading of the committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the committee. Do you want to make an opening statement before we proceed?

Mr WATSON: Thank you very much for the opportunity to speak on behalf of WorkCover NSW at this very important and also timely inquiry. Safety in the transport industry, particularly in the long haul trucking industry, is of great concern to WorkCover and has been for many years. The Occupational Health and Safety Act was amended to include a long distance trucking driver fatigue regulation and that commenced on 1 March 2006. For the implementation of that regulation WorkCover conducted a range of strategies. First of all conducting industry seminars and presentations held in association with the Road Transport Association. Guidance material was developed with both the unions and industry associations and employer groups outlining the roles and responsibilities of employers, head contractors, consignors, consignees, and drivers. Facts sheets were also provided to provide easy information for the industry. WorkCover has a grants system and that grants system provided a grant to the NSW Road and Transport Association and also the Transport Workers' Union for education initiatives to support effective implementation of the regulation.

We also conducted a compliance verification program designed to increase industry's capability to implement and maintain safe systems of work and management around fatigue in the long haul trucking industry. We then had a number of interagency agreements developed between the Roads and Traffic Authority, NSW Police Force and the Department of Environment, Climate Change and Water to ensure effective and efficient coordination between the various government agencies that have impact on this particular area of our work. The adequacy of the implementation of the regulation, I believe, is reflected in the decrease in the number of road and traffic incidents at work. There were 22 fatalities in 2005-06, 13 in 2006-07 and 11 in 2007-08—bearing in mind we are talking about those people who were at work in those particular figures.

Of course, WorkCover believes that any fatality is unacceptable and that is why it continues to focus on this area and continue to work to try to eliminate deaths in the long haul trucking industry. As you are aware, WorkCover administers the long haul trucking fatigue regulation I have just outlined and the Office of Industrial Relations administers the Transport Industry (Mutual Responsibility for Road Safety) State Award. Whilst the regulation and the award have differences in relation to definitions and requirements, for example, a driver fatigue management plan under our regulation and a safety driver plan under the award, they are similar in intent and they do not conflict in respect of their provisions.

For instance, the driving safety plan required under the award does not include consideration of driver patterns, the time of day of driving, the cumulative effect of fatigue, the training provided to drivers about fatigue which is addressed in the driver fatigue management plan. However, the award does encompass remuneration issues and specific provisions for drug and alcohol policy to be developed. In recognition of having multiple instruments in dealing with driver safety, there is potential, of course, for confusion in the industry. WorkCover believes it is imperative to have a national approach to improving the safety of this high-risk industry. That is why WorkCover has advocated very strongly for the inclusion of fatigue regulations in the national work health and safety model legislation which is currently under development.

Currently New South Wales and Western Australia are the only States that have fatigue regulations in work health and safety laws that place obligations on consignors and consignees as well as employers of drivers and head carriers. I am confident that by continuing to work collaboratively with drivers and the long haul trucking industry WorkCover can continue to focus on achieving the best possible health and safety outcomes for the industry. On 6 May WorkCover long haul trucking driver fatigue strategy was launched by Minister Daley, the Minister for Finance. This is a preventative strategy which involves six short- and long-term initiatives to raise awareness of work, health and safety risks to ensure that all parties in the transport sector

supply chain meet their regulatory obligations in relation to driver fatigue. WorkCover's objective is simple: that all truck drivers really should arrive home safely at the end of their working day.

CHAIR: Is that strategy in the papers?

Mr WATSON: No, it is not but I am happy to outline it in more detail or I can provide a further document to the committee.

Mr DARYL MAGUIRE: Organisations have claimed that the introduction of the heavy vehicle driver fatigue regulation was not handled well, and there was no real attempt at consultation with the heavy vehicle industry. Other claims in relation to the lack of consistency in the application of fatigue management regulations have also been made. What steps have been taken to ensure that adequate consultation mechanisms have now been developed to implement further changes as part of the national reform agenda? What is the background in the trucking industry of the people in WorkCover who manage this implementation? Have they come from a trucking industry employment at some time?

Mr WATSON: First I will talk a little about the national agenda. In respect of consultations on a national level, we have recently gone through a process with the Strategic Issues Group—the Occupational Health and Safety Group of Safe Work Australia—to put on the table the need for national regulations for fatigue management. I am the New South Wales representative on the committee and it comprises occupational health, work and safety regulators from around the world and members of the Australian Council of Trade Unions and industry representatives. That group has voted to proceed to a point of drafting some national regulations that would initially reflect the design of the regulations we have in New South Wales with some input from Western Australia. That work is still to be done; it is early days—it has been only a fortnight since that vote was taken. The consultation mechanism is clearly designed to work alongside industry and to work out exactly what we need to do and to ensure there is no confusion in respect of how this fits together with the national transport regulations already in place. That is an ongoing process.

In respect of how the New South Wales regulation was implemented, we went through a process of consultation. Indeed, as I outlined in my opening statement, we worked very closely with the transport unions and the employers. We provided finance to assist them with the implementation of the regulations.

CHAIR: Was that in 2006?

Mr WATSON: That is right.

CHAIR: So in 2008, which the Livestock and Bulk Carriers Association referred to, it was the Roads and Traffic Authority's responsibility?

Mr WATSON: That is right.

Mr DARYL MAGUIRE: Does anyone in WorkCover have a history of dealing with this?

Mr WATSON: WorkCover has an industry structure in the inspectorate. Technical and professional people provide assistance in the development of our documentation. Off the top of my head I cannot think of anyone who is specifically from the transport sector. However, we do have people who specialise in that area and who work closely with that sector.

Ms NOREEN HAY: You referred to safety driver plans under the award. However, you also said that there is no consideration of driving patterns. Should there not be consideration of driving patterns in the safety driver plan? It has been suggested that when truck accidents occur the drivers believe that the truck cabin is their workplace. Those accidents are investigated by police and others. Should they not also be investigated by WorkCover at the same time?

Mr WATSON: The driver fatigue management plan in the regulations does have a component where we need to take into account the design of the work; that includes things like queuing, time of day, loading and unloading times et cetera. Clearly, they all contribute to a fatigue load that an individual is experiencing. It is not only the driving hours that need to be taken into account; a broader strategy needs to be employed to manage fatigue.

Mr WILLIAMS: Your question may relate somewhat to the variations in the requirements under the award, which John clarified does not include some of the obligations you mentioned, whereas the occupational health and safety legislation does. Our regulation does require the consideration of a range of matters in relation to scheduling and rostering. John was simply pointing out the variations between the award requirements and the legislative requirements in the management of fatigue.

Ms NOREEN HAY: I asked whether WorkCover should be involved in the investigation of an accident involving a truck.

Mr WATSON: We certainly do investigate long haul truck incidents; that does fall under our jurisdiction. So that there is no misunderstanding, WorkCover does consider a truck driver to be at work in his truck and the cabin is deemed a workplace. That has been a bit of a bone of contention, but we have never varied our position—when you are at work you are at work. We investigate those incidents.

The recent confusion has been about why we do not dispatch an inspector to the scene of an incident because that is part of the investigation. We do not believe that there is any benefit in doing that. The evidence we need for administering our part of the legislative regime is often not held in the truck but with the consignor or consignee or, in some cases, with the driver's employer. The records and logs in the vehicle are collected by the Roads and Traffic Authority and we have jurisdiction to access that material from other agencies. Part of the work we do with a number of government agencies under the intergovernmental agreement is to ensure that we understand each other's role, particularly in investigative areas. Long-haul trucking is not unlike other areas where we have a dual responsibility. We say that the police have a first lead agency responsibility along with the Roads and Traffic Authority and us as partners in an investigation. We then go through a process of establishing whether driver fatigue was an element in that incident. If it is, we conduct a more thorough investigation.

Mr DARYL MAGUIRE: The point that Ms Hay raised relates to a suggestion made by the unions some time ago that WorkCover should have a role in investigating truck accidents. If that were the case, you would have to consider every motor vehicle accident that occurs where a person is employed. Whether it be a painter or a plumber, their vehicle is their workplace and you would be required to investigate. I suggest that your intervention at the crash site would be inappropriate because of the effect that that would have in the wider community. There are people already well equipped to investigate road accidents.

Ms NOREEN HAY: Is Mr Maguire answering my question on behalf of WorkCover?

CHAIR: No. Please answer the question.

Mr WATSON: Quite obviously we do not have the expertise or the equipment to investigate skid patterns and those things. The police and Roads and Traffic Authority are well practised at that. Of course, they are not the things that we administer. We administer the driver fatigue regulations and that is what we will investigate in terms of how that fits together to form a safe system of work for that employee.

Mr DARYL MAGUIRE: Would you do the same for a painter or plumber who has a road accident in a vehicle, which technically is their place of work?

Mr WATSON: Only if we believe that a system of work has contributed to that accident.

Ms NOREEN HAY: I need to be clear. My understanding is that a long haul truck driver is in his place of work for a long time. In my view, a painter or a plumber might drive from one job to another and then do his work. You said that you do get details and information from other agencies in relation to truck accidents and do your investigations that way. Is that correct?

Mr WATSON: That is correct.

CHAIR: Dr Job said, in earlier evidence, said that in 2009 there was a lag in data but there were 74 fatalities involving heavy vehicles, yet you have said that in 2009 there were 11.

Mr WATSON: No, I said in 2007-08.

CHAIR: The State's statistical records are different from yours. Are you saying that that is because not every truck driver involved in a crash is necessarily at work?

Mr WATSON: That is correct. The ones we record are the ones that come under the workers compensation system. There will be some self-employed truck drivers who are killed at work who are not required to hold a workers compensation policy. As a consequence, they do not fall under our workplace statistics. That is the separation. This is always a difficulty with statistics. We could spend many hours and the Committee's time going through how the statistical records are kept, but essentially if we just remember that we are very much based on the statistical bulletin that we produce. That information comes from workers compensation claims.

CHAIR: Dr McDonald is our statistical genius, he will ask you about that. Say, for example, that in the last two weeks on the F3 a truck caught fire and the cabin was burnt out for the second time. How do you get those records if a cabin is burnt out? Say there is no logbook, do you have to reconstruct the event?

Mr WATSON: We can reconstruct that through the consignor-consignee records. We cannot get driver hours and those sorts of issues, but we can get a range of material that we need to administer our legislation, which is sufficient for us to draw the conclusions we need to draw about whether fatigue is a part of that and whether the fatigue management plans are appropriate.

Dr ANDREW McDONALD: The overview that you handed to the Committee says that workplace injuries and road freight transport injuries have increased from 4.3 per thousand to 5.5 per thousand between February 2008 and November 2009. Why is that?

Mr WATSON: There is a number of aspects. Essentially we are having increased movement of freight by road. Essentially we also are getting better reporting of matters. We certainly made sure that we are getting a better picture of what is going on. The reality is that we have more incidents in which people are killed from trucking whilst driving along. It is an incident rate, so that is a good comparison, as you would know being a statistical guru.

Ms NOREEN HAY: The chain of responsibility model supports heavy vehicle safety goals. Do you think it is the best model to manage fatigue and other risk factors?

Mr WATSON: We do. The concept of trying to manage the truck driver in the truck at the time is not well founded. As I mentioned earlier, a number of factors go towards the condition of the driver, if you want to put it in those terms, at a particular time. They include all the things associated with the running of a truck, perhaps even for some drivers down to maintenance issues right through to truck loading, queue waiting and all sorts of issues. They add to the fatigue load that is on that driver before they actually get on the road to do the driving that is necessary to move the freight from one point to the other. That is very much the situation.

Mr WILLIAMS: That is right. The program announced by the Minister on 6 May has elements that address that whole supply chain. We certainly have some focus on the driver, who plays a very critical role in being safe on the road. Also, there are others in the chain—consignors, consignees, head carriers—who can place expectations on drivers and they have obligations. We also need to make sure that we make sure those parties are delivering on their obligations. So the programs we ran previously address the full chain, and the program we have just commenced will also address that fully supply chain.

CHAIR: You may not have been present earlier to hear the evidence given by the Livestock and Bulk Carriers Association. They said that since they have implemented the basic fatigue management [BFM] system they have had a decrease by loading cattle during the day instead of driving at night. That resulted in a decrease in the rate of injury and so on, yet that would be inconsistent with what you just said.

Mr WATSON: We would have to dig down into the statistical data to another level to split up the industry. This is where you would have to start to work through.

Mrs DAWN FARDELL: Under the new chain of responsibility under the legislation, how many people have been charged over an incident? To what extent, from the woman in the office who took the phone call to take the initial order to the other end where the goods were delivered? Or just the driver or the owner? How many have come through the system?

Mr WATSON: Are you talking about the 2006 regulations?

Mrs DAWN FARDELL: The laws were passed in 2008, the fatigue chains and the chain of responsibility from the time the job was taken on to the other end.

Mr WATSON: We do not administer that legislation. We would not charge anyone under that legislation.

The Hon. IAN WEST: The Livestock and Bulk Carriers Association, no doubt in the most positive and constructive way in its relationship with yourselves, has indicated that WorkCover is remiss in placing too much focus on transporters and not enough on customers. To what extent do you think the chain of responsibility model adequately supports the safety goal when taking into account the concerns of the Livestock and Bulk Carriers Association?

Mr WATSON: Unfortunately I have not had the opportunity to hear the details of their concerns. Our legislation does go to the consignor and the consignee, so it extends the full width of the chain of responsibility. I will talk a little about the nation model, the Work Health and Safety Act, to which the New South Wales Government has committed to implementing to replace the Occupational Health and Safety Act that is currently in place. The work that has been done in that area, and we now have a draft Act on the Safe Work Australia website. The work done in that area talks about a person conducting a business or undertaking and the whole system around general workplace safety is actually constructed on a chain of responsibility through a number of duty holders, known as PCBUs—person conducting a business or undertaking.

We believe that WorkCover will broaden our jurisdiction somewhat. It will mean that we will have an impact on owner-drivers, who previously were not covered by the Occupational Health and Safety Act because they do not have employees; they are not employers. So the employee relationship does not exist, therefore we do not have jurisdiction. Under the Work Health and Safety Act that will expand that and it will take care of this, as it were, holes that currently are being driven through within the regulatory framework.

CHAIR: Thank you. That was a good analogy.

Mr WATSON: I could not resist it.

CHAIR: Thank you for coming today.

Mr WATSON: Before I leave, I have distributed a number of packs of information. One is the Serious About Safe Business, a document which we use well in small business areas to assist them to check their performance against our legislation. The other pack of information is all the guidance material and fact sheets that WorkCover produced that are relevant to the Committee's work. I hope that will be of assistance.

Documents tabled.

(The witnesses withdrew)

(Luncheon adjournment)

BENJAMIN JAMES MASON, Policy Manager, Cropping and Business, Economics and Trade, New South Wales Farmers Association, Level 25, 66 Goulburn Street, Sydney 2000, sworn and examined:

CHAIR: I draw your attention to the fact that the evidence you give is under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to information you provide. I should also point out that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed?

Mr MASON: Yes, please. Thank you for the invitation to provide a submission to the public hearing today before the Staysafe Committee. The New South Wales Farmers Association is Australia's largest State farming organisation, representing the interests of the majority of commercial farm operations throughout the farming community in New South Wales. Through its commercial policy and apolitical lobbying activities it provides a powerful and positive link between farmers, the Government and the general public.

In relation to this particular inquiry, the association holds the view that the emphasis upon safety in the road freight sector has improved considerably in recent years and the industry performs a difficult job with an increasing task very well. However, there are two areas that have limited the opportunity for even better outcomes. These are inconsistent and confusing approaches to regulatory matters, both by agencies within the State and nationally, and a lack of real investment to address safety and efficiency needs.

Conflicting State regulations add unnecessarily onerous administrative and compliance costs, which impede the ability of the transport sector to deliver its services in a timely manner. For agricultural producers, who are intrinsically involved in the effectiveness of the transport sector, this reduces their ability to compete on international commodity markets. The farming sector is directly affected by the artificially inflated costs that come with an inefficient transport sector. For this reason, the association has provided support for the transition towards a national framework for heavy vehicle regulation, registration and licensing.

The New South Wales grain freight review recommended the New South Wales Government, with the assistance of industry and local government, remedy identified gaps in the grain road network to ensure a higher mass limit operation is possible on all critical grain routes. Of approximately 183,000 kilometres in total road network in the State there is a mere 15,000 kilometres appropriate for higher mass limit access. Moreover, the lack of interconnectivity between higher mass limit routes and the network compounds the inadequacy of this asset. The association acknowledges the work already undertaken by the New South Wales Government regarding timber bridge upgrades in an effort to improve interconnectivity but there is still much more work to be done.

Nationally, eight in every 10 kilometres of roads are local and only about 20 per cent of total road funding is council money for local roads. Almost seven of every 10 kilometres of local roads are rural, and rural local roads get about one-third of total local road maintenance and upgrade funding. These figures are from the Fraser report in March 2010. Road funding is usually based on population numbers but that must change as increasingly efficient agricultural industries mean fewer regional residents. While the Government is making policy which is population based, food security for urban dwellers obviously remains important, and an adequate supply chain infrastructure needs to be in place in order to get agricultural produce to market.

We are basically looking for improved provision of basic requirements like rest areas. We acknowledge that the Roads and Traffic Authority is progressing well down that path. We have a memorandum of understanding with the Livestock and Bulk Carriers Association and the Australian Livestock Transporters Association. The New South Wales Farmers Association acknowledges that we need to work with those industry organisations and transport operators to better promote to our members the need to, (a), understand their exposure at the top of the chain of responsibility and, (b), be more proactive in managing issues such as effluent lost from trucks and livestock loading. We have already created a brochure focusing on stock preparation, which is going to be passed throughout the industry with the aim to reduce loss of effluent from trucks.

We acknowledge that not everyone is out there to have gross breaches. The vast majority of primary producers are intending to comply with the law, and if we focus on the gross breaches and have a bit more

flexibility and tolerance in the industry, that would be appreciated. We are not all cattle yards and getting grains straight off the header into a truck. It is difficult to weigh exactly how much grain we estimate to the best of our capability. Flexibility there would be appreciated.

CHAIR: Unless you have another key point you want to make, we will go into questions.

Mr MASON: All right, yes.

Mr DARYL MAGUIRE: Just leading on from your contribution where you talked about loading the grain, you are talking about mass limits in paddocks having to come within a certain percentage of the total weight to be carried by the truck, correct? That is where you want some flexibility?

Mr MASON: Well, mass limits in paddocks—99 per cent of farms do not have a weighbridge. So, the loading of grains on farms, to the best of their capabilities they are estimating these weights, and with the best intentions. It is the case also where that gross mass is underneath the limit but they might have, on a single axle group, exceeded the limit.

Mr DARYL MAGUIRE: Are you saying you have not been able to make any progress on this issue, which has been important for farmers?

Mr MASON: There has been good progress with the grain transport code of conduct. I think that is an example of industry managing that problem. We have worked well with the livestock bulk carriers on that issue, focusing mainly on eliminating the gross mass breaches and in return getting a little bit of flexibility for the vast majority of loads, which may only exceed the limits by a small amount.

Mr DARYL MAGUIRE: I must have misread what you are saying because I interpreted that as your wanting some more flexibility with the way the loads are interpreted by the RTA or others.

Mr MASON: No, if we can eliminate the small percentage of loads that greatly exceed—eliminate the outliers—and get some flexibility for the vast majority of loads, which may only exceed the limit by a small amount.

Mr DARYL MAGUIRE: What forums have you been using to raise these issues? What forums are available to the NSW Farmers Association to be able to pursue the issues that you see as relevant for your grain growers?

Mr MASON: We have pre-harvest meetings for grain growers run by GrainCorp and the Australian Wheat Board [AWB].

Mr DARYL MAGUIRE: I mean through the authorities that manage the issue, whether it be the RTA or some of the consultative groups.

Mr MASON: I understand the RTA was present at both the GrainCorp and AWB pre-harvest meetings.

Mr DARYL MAGUIRE: Are you confident you are being listened to and getting some response from them from those meetings?

Mr MASON: From grain growers?

Mr DARYL MAGUIRE: From the RTA and others with whom you have raised your concerns.

Mr MASON: Yes, I think the incidence of breaches is decreasing.

Mr DARYL MAGUIRE: In the submission you say there were deficiencies in the consultative process that were preventing meaningful contributions to discussions about road freight safety. Are you satisfied that your association has been adequately included in consultations leading up to the implementation of the national road transport reform agenda, and what do you consider to be the main issues still to be addressed?

Mr MASON: Yes, I think we have been. We attended the February 2009 consultation where the four options were made available regarding the national framework. The association was supportive of option 4 and that is the option they have gone with in the investigation. I think we were adequately consulted. I think the main issue, as I have said, is the consistency across borders because 80 per cent of freight passes through New South Wales. For transport operators and owner operators and the primary producers who are near borders it is no doubt quite frustrating when there is differing animal welfare, fatigue and livestock loading legislation.

Mr DARYL MAGUIRE: Cross-border issues arising from each State having its own regulations is a theme that has been brought forward and repeated today. Another issue raised was to do with the management of livestock and how perhaps broad-brush policy is not appropriate with specific areas of industry with regard to the carting of stock. Do you have an opinion on that?

Mr MASON: There is no doubt that different classes of livestock require different management. Sheep are different from cattle and goats and the nature of the livestock sector, whether it is from an extensive broadacre rangelands property or from an intensive feedlot, will be different as well. At the end of the day we want to ensure that the rumen tract remains functioning. That does not mean that you cannot reduce effluent loss.

Dr ANDREW McDONALD: You talked about the problems with different State regulations and investment in road infrastructure. This Committee cannot do anything about investment and is unlikely to recommend a loosening of regulation, and it cannot legislate outside the State, so what do you recommend the Staysafe Committee should do about these two problems?

Mr MASON: Do you provide budget recommendations or are you involved in any of those discussions?

Dr ANDREW McDONALD: No.

Mr MASON: I think generally I am putting forward our views on the whole issue.

Dr ANDREW McDONALD: You recommended a new truck stop on the M5 in the Botany Port precinct.

Mr MASON: That was in line with the Austroads report.

Dr ANDREW McDONALD: You refer in your submission to the construction of a major rest area and changeover decoupling on the M5 on approach to the Botany Port precinct in Sydney. Where would you put it?

Mr MASON: On the M5?

CHAIR: Did you have a geographical location in mind?

Mr MASON: No, I did not, sorry. I will have to get back to you on that one.

Mr DAVID HARRIS: In your submission you talk about rest stops and, as Dr McDonald just mentioned, a number of sites. What sorts of facilities do you think should be provided at these major rest stops? The Committee is aware that a lot of service station rest stops are closing down and disappearing.

Mr MASON: Would they be in conjunction with the service stations?

Mr DAVID HARRIS: Not necessarily.

Mr MASON: It would be an area where they could pull aside—maybe some wash facilities, toilet blocks or shower blocks, and maybe a coffee and tea room that can be opened on busy weekends and long weekends.

Mr DAVID HARRIS: From the information you have, do you think the availability and appropriateness of rest stops in New South Wales is better or worse than in other States?

Mr MASON: I would have to get back to you on that question.

Mrs DAWN FARDELL: As the representative of the Dubbo electorate I have the odd complaint from contractors about headers at harvest time. Do they come to you very often? They have issues with the heavy vehicle industry because when they are told to pull over to the side of the highway, for example when they have to use the Newell Highway, and there is nowhere to pull over, they receive a fine. Do you have much representation from those people?

Mr MASON: Yes, it is quite an onerous requirement. I believe they have to phone ahead to all the different local area commands and check whether their route is a minor or a major route because that affects the escort requirement for the header. If it is a minor route they need only one escort and if it is a major route they need two. The routes can change from being minor to major at the discretion of the local area command, so it is something they have to take into account.

Mrs DAWN FARDELL: Do they come to you for assistance if they have been fined for not doing the right thing? Do you have any statistics? I get the odd one that complains to me.

Mr MASON: In other areas, but not specifically headers. Headers are not the main one. We have other issues like unregistered agricultural trailers, the transport of wool bales and the requirement for brakes on current trailers. There is a little bit of confusion over what their width limits actually are, as well. There is sometimes a lack of clarity between the police and Roads and Traffic Authority enforcement officers.

Mr DARYL MAGUIRE: You mentioned grain. New South Wales Farmers has focused on branch lines and the importance of branch lines. Of course, there has been a lot of discussion about which branch lines will be closed and which will stay open. Local councils are very concerned about the imposition that will be placed on them with their road network and structure. The harvesting of grain is a seasonal event. Has New South Wales Farmers raised any concerns about the Safe Driver Program or the hours that you can operate in such a critical period of time? Has New South Wales Farmers been able to adequately explain the problem that exists when you are harvesting and how these restrictions may impact on the harvest and the ability to deliver the grain on time and at port?

Mr MASON: We are trying to. Ever since the heavy vehicle driver fatigue legislation came in, we have been lobbying to get that exemption from work diary completion for 160 kilometres from the home base, but that is just the record-keeping requirements. They still have to comply with the hours. When you have a truck lining up at a silo—and the truck might be there for four hours on end—every time they start the engine up to move it up in the queue 10 metres or something, that is counted as 15 minutes work. Whether we can work with GrainCorp or other receivable sites to have an alternative queue management strategy where you take a ticket or get a buzzer and it beeps when your truckload is ready to be unloaded or ready to be sampled because if you are a truck driver and it is 40 degrees, and if you have your engine running to have the air-conditioning going and you are just resting your head on the steering wheel or even lying in your sleeper having half an hour's rest, if your engine is going, that is still counted as work time.

Mr DARYL MAGUIRE: Because that is monitored on the hours on the clock of the machine?

Mr MASON: I am not sure about the specifics of that.

Mr DARYL MAGUIRE: How do they record that?

Mr MASON: I just think because if the engine is running it has got to be recorded as work time. It could be recorded on your truck.

Mr DARYL MAGUIRE: So they are working towards putting a program in place, I would imagine similar to the taxi service where they not actually in a queue but they are parked and they work on a numbers operation system. Have you been able to progress that any further?

Mr MASON: It is still, sort of, in the pipeline. We have not progressed that one as yet.

CHAIR: Are there any concluding remarks you would like to make?

Mr MASON: Safety is the number one priority for our members as well. Even though we want to try to minimise regulatory burden wherever possible and maximise efficiency, we still have to be mindful of the safety and we are supportive of that as well.

CHAIR: Thank you for appearing before the Committee today.

(The witness withdrew)

JILL LEWIS, Manager, Australian Trucking Association of New South Wales, Suite 113, 243 Pyrmont Street, Pyrmont, sworn and examined, and

JONATHAN JAMES LUFF, Chairman, Australian Trucking Association of New South Wales Advisory Board, 17 Frank Street, Wetherill Park, affirmed and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I point out also that any deliberate misleading of the Committee may constitute contempt of Parliament and is an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence of the Committee. Would you like to make a brief opening statement before we proceed to questions?

Ms LEWIS: Yes, I would, thank you, Mr Chairman. First of all, thank you very much for the opportunity to address you today to give some more detail to our submission dated back in March when, I have to say, I was very much the newcomer on the block and this was my first submission for the Australian Trucking Association [ATA], so thank you very much. Just to recap, the ATA New South Wales is a State association that represents and supports trucking operators in New South Wales that range from a single truck and driver and owner-operator to the largest company in Australia and other large companies as well. Safety is and always will be the core value of ATA New South Wales. Safety and fatigue should be the core responsibility of individuals and companies alike.

You have our submission but I would now like to draw your attention to a couple of the following points, if I may—the burden of not only one regulation but actually three in New South Wales. Mr Chair, I would like to say that ATA New South Wales totally supports the submission that was made by NatRoads at the time. We have actually given their support to NatRoads and that has not wavered at this time. There are three regulations in New South Wales. One is the occupational health and safety amendment regulation. Another is the Transport Industry—Mutual Responsibility for Road Safety Award and the other is the Road Transport (General) Amendment Heavy Vehicle Driver Fatigue and Speeding Compliance Regulation.

The occupational health and safety regulation is generally pretty well understood and enforced. The mutual responsibility, which we call the MRS—I think there has been a lack of information and certainly before my time a lack of appropriate industry consultation. Therefore, I feel that there has been a level of resentment and not so much a good take-up on that compliance. These three regulations are not totally consistent with one another, so that in New South Wales we have drivers that are expected to comply with all three regulations at the one time.

That is probably a big ask for anybody, but when we are dealing with operators, schedulers, consignees, consignors and drivers, that task is greatly enhanced. I draw to your attention the NatRoad submission—you heard from representatives this morning—which gave a good comparison of the three regulations. That states it clearly, and it says it all. If commonsense is to prevail we should have one regulation that would be productive and uncomplicated, that is, the Heavy Vehicle Driver Fatigue Management Regulation and the Road Transport (General) Award. That regulation, which is a national regulation, aims at consistency across all jurisdictions. Whilst it is not 100 per cent the case, mostly there is a level of consistency.

The chain of responsibility across the entire supply chain is paramount for the consistent delivery of enhanced safety. The risk regulation manages fatigue, hours of work, chain of responsibility, safe driving plans, drug and alcohol policies, and procedures, and it clearly defines parties within the chain of responsibility. As I said earlier, New South Wales certainly endorses the NatRoad submission. We state clearly that in our opinion—our New South Wales members also believe—the model bill of the National Transport Commission for the heavy vehicle fatigue regulation should govern driver fatigue in New South Wales.

I refer, next, to something that is extremely dear to our hearts, that is, rest areas. The lack of adequate and appropriate truck rest areas across the State is an extremely serious problem and should be treated with the highest priority. Suitable truck areas will deliver safety for our drivers. The Austroads audit of rest areas showed that New South Wales was greatly lacking in truck rest areas. Further, the great majority of truck rest areas that exist do not meet the national standard. Many do not have drinking water or toilet facilities. Take, for example, the recent proposal by the Roads and Traffic Authority of New South Wales to establish a truck rest area to the

south of Sydney at Varroville. ATA New South Wales has been vocal in its support for the creation of this truck rest area, as that will enable drivers to take appropriate rest breaks before they embark into heavier traffic. It will be the last substantial truck rest area from south of Sydney to Berowra to the north.

New South Wales government agencies must take these initiatives and they must be serious about delivering safety for our drivers and the general community. No-one wants to be driving on road—busy or otherwise—with a driver who is fatigued. In order to fulfil the requirements within the fatigue regulation there must be an immediate concentration on rest areas that will allow heavy vehicle drivers to take their mandatory rest breaks, not only for safety but also to enforce companies within the entire supply chain to be compliant with the change of responsibility laws. I draw your attention also to Road Rule 200, which prevents heavy vehicles from stopping for more than an hour in built-up areas, including industrial and commercially zoned areas.

I do not have any of my notes but I think, in hindsight, that that could have been met within the Port Botany precinct. At the moment our long-distance drivers have to wait to get into the port and they do not have the ability to park for more than an hour in the streets to rest and to have it as a calculated rest. If companies or drivers are to be compliant with the fatigue regulations there should be adequate and appropriate rest areas and/or truck parking areas in built-up areas. However, Road Rule 200 exemptions should be taken into account for trucks needing to digress from time to time.

Mrs DAWN FARDELL: These rest areas are a issue of major issue to us all. The Roads and Traffic Authority identified locations of greatest need. Does your association have its own priority list? Do your members identify those areas in which rest areas should be located?

Ms LEWIS: Yes. We have written to the Roads and Traffic Authority to suggest areas in which our members would like rest stops. We conducted a survey of our members, collected some information and sent it on to the Roads and Traffic Authority.

Mrs DAWN FARDELL: Were you looking only at New South Wales?

Ms LEWIS: We were looking only at New South Wales.

Mrs DAWN FARDELL: For every highway?

Ms LEWIS: No, it was not; it was only for those areas identified by our members who contacted us after we conducted the survey. There were certainly some on the Newell Highway, the Pacific Highway and the Hume Highway.

Mrs DAWN FARDELL: Could you supply the Committee with a copy of that information?

Ms LEWIS: Yes, you certainly can have a copy.

Dr ANDREW McDONALD: What is the relationship between the ATA and NatRoad?

Ms LEWIS: We often sit on the same types of advisory committees.

Dr ANDREW McDONALD: Do you have joint members, or is membership voluntary in both organisations? Can people be a member of one or other organisation?

Ms LEWIS: We certainly have people who are members of both, although that would probably be quite rare. The biggest difference is that NatRoad is a national organisation and we are a State organisation.

Dr ANDREW McDONALD: How many staff do you have?

Ms LEWIS: I have 1.5 staff members.

Dr ANDREW McDONALD: You referred earlier to safety. Do you keep statistics on injuries or accidents among your members?

Ms LEWIS: No. The only statistics we keep are those that we have gathered from the Roads and Traffic Authority. The national truck insurers recently conducted a survey and they have statistics on crash data. I am more than happy to send you that crash data.

Mr DARYL MAGUIRE: You refer in your submission to higher productivity vehicles and state:

Higher Productivity vehicles would provide direct safety benefits to the general public. There would be less truck movements. At present higher productivity and high mass limited vehicles are either prohibited or don't have satisfactory access to many local roads.

Can you expand on your suggestion relating to higher productivity vehicles? To what vehicles were you referring and how would their use improve road safety?

Ms LEWIS: I am more than happy to do that. Let me answer your last question first, that is, how they impact on or improve road safety. We can either have many more trucks on the road to carry the same amount of freight, or be sensible and productive and use higher productivity vehicles to carry more freight with fewer vehicles on the road. We have a problem, especially with local government areas. When you have four road owners in New South Wales it would be an understatement to say that it was a bit confusing. The biggest problem we have is with local government roads. That Holroyd example is a classic example of where higher productivity vehicles are not allowed into the shire.

Even though Holroyd shire has warehouses and distribution centres so that some of our trucks that come from Melbourne can go right up to Holroyd and come within 150 metres of their drop-off points, legally they cannot take the load in there because they have no access to higher productivity vehicles. If New South Wales is to move forward into the future we must get smart with the number and combination of vehicles that we allow to cart our freight. Over the next 10 years our freight task is meant to double. However, according to some statistics, that increase will be even greater. If we do not become smarter, look at technology and look at the use of higher productivity vehicles, for example, B-triples on our roads—not on all our roads but on certain roads that allow for enhanced productivity and economies—we will have no choice other than to put more trucks on the roads, which I do not believe will please anybody.

Mr DARYL MAGUIRE: You referred to the Holroyd shire example and said that it had to decouple 150 metres, et cetera.

Ms LEWIS: Yes.

Mr DARYL MAGUIRE: I refer to the infrastructure issue. Many major towns and cities have experienced problems under Road Rule 200. Basically, drivers are being forced to park on the outskirts of towns and there is a lack of facilities in those towns and cities. I give you Wagga Wagga and Dubbo as examples of where residents have complained about having heavy vehicles on their streets and where drivers have received infringement notices for so doing. Has there been any push from industry to establish truck-parking centres in major cities, whether they are of a private or public nature, and then to offer—as is the English experience—a transport service to the central business district, to motels or to businesses to which those drivers need access? This could provide changeover stations to allow drivers to decouple their trucks. At the moment it appears that absolutely no planning is occurring across local government areas for this kind of facility to assist the industry?

Ms LEWIS: That is a good question because just in the past eight months—I am just guessing, but certainly in the past 12 months—I have attended meetings in Wagga Wagga to look at the expansion of the Bowman area and we raised that issue. We are doing something about it. We have strenuously suggested that that is what needs to happen in hubs like Wagga Wagga so trucks can go there and decouple and there can be rest areas. They could have not only just those sorts of facilities, but certainly go further and have normal services like banking and trucks servicing areas. Truck drivers and companies could seriously plan safe driving plans for that area. The other area we have actually looked at is up around Clybucca, which is a known area for driver changeover and decoupling of trailers. We have written to the local shire council at Clybucca to ask for warning signs because as a driver approaches and pulls off the road to decouple and leave the trailer there, it has a 100 kilometre speed sign and there is actually no warning and takeoff sign. We are trying to address those problems.

The Hon. IAN WEST: I understand "high productivity" means bigger trucks?

Ms LEWIS: Yes, and different combination trailers on those trucks.

The Hon. IAN WEST: In regard to the chain of responsibility, have consignors and consignees provided any input about their financial capacity to assist in developing things like rest stops?

Ms LEWIS: To answer your last question first, no financial discussions have taken place. We have certainly partnered up with a training organisation called Freight Train, which specialises in chain of responsibility and delivering policies and procedures that can be put into place to either work towards compliance or achieving compliance in the chain of responsibility.

The Hon. IAN WEST: I am thinking more about the customers you might use—Woolworths, Coles et cetera?

Ms LEWIS: Yes. We have actually met with those people. Some people from Coles and Woolworths actually have attended the workshops we have run during the year. Last year we ran two workshops on chain of responsibility not only just targeting our transport operators, because we have always been on the coalface, but also targeting and trying to involve our customers.

The Hon. IAN WEST: What has been the response from the customers?

Ms LEWIS: It is changing. It is evolving. No longer are they aware or do they think we are prepared to take the brunt of all the blame. Overall they are not moving to compliance as quickly as we are, but we are working on it.

Ms NOREEN HAY: Is Freight Train a national training organisation? Who is the provider?

Ms LEWIS: It is a national training organisation, yes. It was established around 18 months ago specifically to deal with the chain of responsibility across the whole supply chain, not just the transport industry as such.

Mr DARYL MAGUIRE: You mentioned that you had identified a position for a major truck service centre et cetera. Is private investment in truck changeover-type facilities available to you and do you actively encourage it? I understand that under consideration is a development application that has been lodged at Tarcutta at a cost of \$35 million, which will provide most of the things the industry wants. How proactive has the industry been in identifying other areas and—taking it one step further—trying to encourage investment from the private sector as well as government to make these major centres a reality?

Ms LEWIS: Certainly we have not had any involvement with the Tarcutta one. We have actually worked with the local shire around the Eastern Creek precinct, which has the biggest distribution centre in Australia but no long-term or permanent truck rest areas are in the vicinity. We have spent days with the local government identifying suitable ground and then met with one of our sponsors, BP Australia, to see whether it would be interested in setting up a rest area that would be suitable for trucks, especially country travellers coming into the metro area, where they can park and rest with decent commodities or facilities before they travel into town. That is actually now progressing; albeit no agreements have been made, but certainly that connection has been made.

Mr DARYL MAGUIRE: A major incentive for trucks to stop, if they are not required to by the hours travelled et cetera, is the cost of fuel. Would that be a big factor on where to locate these major truck centres?

Ms LEWIS: I could not comment, to be honest. For the majority of my members their biggest concern is being compliant with the law. Obviously, the cost of fuel has had a huge impact across the whole industry, but being compliant and working towards compliance within the fatigue regulations and the chain of responsibility has been paramount.

Mr LUFF: Certainly as an operator I am not necessarily aware that people generally would stop to have a rest around the fuel price. I am not sure that it varies that much or is of that much benefit. Certainly, a large portion of vehicles use national fleet cards, which would mean there would not necessarily be an incentive. The reality is that a lot of roads do not have a lot of options where drivers can stop. As mentioned before, truck stops are disappearing to a large extent. If you look, say, at Clybucca, there is not the capacity in the truck stop anyway. Because there they have done a fantastic job over the years to accommodate the transport industry, an

enormous amount of trucks stop there not necessarily buying fuel but just using their facilities, their showers and toilets, changing trailers and moving on again.

Mr DARYL MAGUIRE: The point I was trying to make is that there must be a financial incentive for private industry to become involved and fuel costs ultimately would have an effect on the success of the venture.

Mr LUFF: I take your point. When you were talking before I guess I was having trouble in my head getting round how you would turn these into commercial ventures. Once you put a pay-per-use type of structure on it, the nature of the beast is that they would park on the road a bit further down. How you would actually generate revenue from that would be quite difficult.

Mr DARYL MAGUIRE: The only way I could see it being an incentive is for the cost of fuel to make it profitable.

Ms LEWIS: You probably could. ATA NSW members get a discount from a certain fuel company. Maybe that would be an initiative. When we actually looked at the Eastern Creek precinct, we looked at having motel-type accommodation, albeit hostel-type accommodation, that was very close to the junctions of the major freeways and would also have service centres as in tyre service centres and so forth, which could be an incentive that you are talking about.

CHAIR: Blacktown has an idea for that to be a major centre of excellence anyway, has it not?

Ms LEWIS: Yes, and they are a very progressive council.

The Hon. IAN WEST: I am interested in the concept of harmonisation. My understanding is that harmonisation is usually the lowest common denominator. We are talking here about safety and, as I understand it, we are talking about lives and world's best practice, I assume. Ensuring that no-one has a fatality is our benchmark. Please correct me where I am wrong.

Mr LUFF: No, well said.

The Hon. IAN WEST: There appears to be this situation of a cross-border discussion about "harmonising"—and I am very nervous about that word. My history of dealing with that particular word is that it usually means coming down to the low bar.

Mr LUFF: Where we would think harmonising would be very important is if you take the New South Wales situation where we have three different laws governing fatigue management. As an operator we can send a truck off from Melbourne to Brisbane and that truck will travel through three different states and be subject to three different fatigue laws over the course of that journey. The difficulty in complying and understanding what is required in the compliance across three states is problematic in itself. How you choose to set the laws up to ensure that they are the best practice for fatigue is important but from our point of view it is equally, not equally important but very important that they are consistent and easy to understand, easy to apply and easy to enforce. To me they are the key issues you need to address because a truck driver, you know, wants to comply with the law and if he only has to comply with one law across a single trip it is going to make that task significantly easier.

(The witnesses withdrew)

ANTHONY VINCENT SHELDON, National Secretary, Transport Workers Union, Level 3, 31 Cowper Street, Parramatta;

WAYNE FORNO, State Secretary, Transport Workers Union, Level 1, 31 Cowper Street, Parramatta;

GARTH MULHOLLAND, Chief Adviser, Transport Workers Union, Level 1, 31 Cowper Street, Parramatta;

SAM CATENA, 19 Carrington Avenue, Cromer; and

FRANK ARCIDIACO (AKA BLACK), 69 Boyland Avenue, Coopers Plains, Queensland, sworn and examined:

Welcome to the public hearing of the Inquiry into Heavy Vehicle Safety by the Joint Standing Committee on Road Safety. Gentlemen your evidence will be given under parliamentary privilege and you are protected from any legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of this Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence of the Committee. Would any of you like to make a brief opening statement before we proceed to questions?

Mr FORNO: Yes. I have a supplementary submission I would like to table, if that is in order?

CHAIR: Certainly.

Document tabled.

Mr FORNO: I would like to talk to that supplementary submission in the first instance before handing across to other speakers.

CHAIR: Thank you.

Mr FORNO: The Transport Workers Union represents over 36,000 members across aviation, oil, waste management, gas, road transport, including cash in transit, milk, passenger vehicles and freight logistics industries. Interestingly, we are the largest small business industrial representative, with a large membership of self-employed drivers or, as they are known, subcontractors. The Transport Workers Union has been a registered industrial organisation for over 110 years, and was a founding member of the Australian Trucking Association. The Transport Workers Union is amply qualified to address the terms of reference in this inquiry, given our deep and broad experience in the transport industry and working across supply chains accumulated over our 110 years of history.

The Transport Workers Union has been the leading organisation campaigning for an integrated approach to road transport safety, and has led the fight for regulatory recognition of the link between driver remuneration, contracting chains and safety outcomes. This is a fight that continues with out Safe Rates campaign, which we will address at some stage in these proceedings. We were the successful applicant in the Mutual Responsibility for Road Safety case, and presented compelling evidence from expert witnesses and transport industry workers about the major flaws in the way safety issues were regulated in the industry. These issues were recognised by the full bench of the Industrial Relations Commission of New South Wales, with the Mutual Responsibility award being put in place to deal with these issues.

Numerous studies have identified the immediate causes of poor safety records: drivers being fatigued, driving for excessive hours particularly associated with issues of drug use, legal and illegal substances, and the problem of speeding. The reasons that drivers drive excessive hours are to ensure they work sufficient hours to meet their personal financial obligations. Subcontractors have the additional stress of keeping their truck on the road. This is why the Transport Workers Union is fighting for safe rates—to ensure that drivers get paid for this time, including non-driving activities, and that rates are paid fair and safe, and that subcontractors get full cost recovery. The TWU believes that by tackling the payments issue, the incidences of fatigue, speeding and drug abuse will reduce. These are the key drivers in heavy vehicle accidents.

In our previous submission to the Staysafe Committee inquiry dated March 2009 regarding heavy vehicle safety, we provided some examples of these problems. I suppose, in saying that, the TWU's position has

been validated. It now has been conclusively established on the evidence that the major and substantial underlying causes of the road transport industry safety crisis is the poor remuneration practices in the industry and contractors dictating such poor remuneration outcomes. That is the conclusion reached by the Industrial Relations Commission of New South Wales in the mutual responsibility for road safety case.

Document tabled.

This is the authority to confirm the Wright-Quinlan report, which was commissioned by the National Transport Commission some 12 months ago. I have had copies made of the Wright-Quinlan inquiry that was commissioned by the NTC.

Mr SHELDON: We have a copy of the report and also the findings of the NTC.

CHAIR: We will table those documents as well.

Documents tabled.

Mr FORNO: Regarding the terms of reference, the Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation came into effect in March 2009. I suppose it could be said that it is a world's first—a world-leading instrument—to address the management of fatigue in the road transport sector. It has been referred to in countless academic journals. This has been cited as the best practice example by the International Transport Workers Federation Conference in the United States and the United Kingdom. The Mutual Responsibility Road Safety Award, applicable to employers and employees, applies to contract determinations applicable to owner-drivers and those engaged in the industry. The Industrial Relations Commission requires the development of safe driving plans for all employees, owner-drivers and labour-hire employees.

That implies that the award requires the development and implementation of drug and alcohol policies in all workplaces. That is something that the Transport Workers Union put forward to the commission. Our submission was that there should be responsible drug and alcohol policies enforced by the companies. We regarded that as critical in that particular case. Fatigue management plans generally are developed in a generic way to apply to all long-distance work. They are intended to demonstrate employers' policies and practices with respect to driver fatigue issues. Drivers' safe-driving plans are more specific. They are intended to demonstrate how a specific driving task is to be performed, safely and legally, and how it is to be remunerated in accordance with the relevant award.

Industrial relations personnel know about training by blue card. The blue card identifies a driver by name and allows ready identification of workers who have undertaken essential industry training. The standards have been designed by a tripartite working group comprising industry representatives, the State and Federal governments and the Transport Workers Union. It is benchmarked on the Transport Industry Training Package under the Australian Quality Training Framework. The Australian Industrial Relations Commission accepted mandatory blue card training and stated:

It is obvious that Bluecard training is widely supported in the industry as a recognizable portable occupational health and safety skills passport.

Having said that, I table also various press releases that were submitted by transport companies' chief executive officers and owners of transport companies, praising the initiative of the blue card. At the same time that initiative was supported by the then Road Transport Association, which is one of the largest training providers of that blue card scheme. Having made those remarks, I will now ask Tony Sheldon to continue, unless there are any questions.

Mr SHELDON: I will table a series of reports to which I will refer briefly. The first one is the report on Five Star Trucking as handed to the Federal House of Representatives Standing Committee on Education and Training, dated June 2009. Secondly I refer to Driven into the Ground—Results of the Transport Workers Union 2009 Safe Rates Survey. Thirdly I refer to the Statement of Outcomes from the Transport Workers Union Safe Rates Summit, 29 July 2009. There is a series of additional documents, including, firstly, the National Transport Commission Report on Safe Rates; second, the Wright-Quinlan Report on Remuneration and Safety in Road Transport; thirdly, the TWU submissions in the mutual responsibility case; fourthly, the statement of Wayne Forno in the mutual responsibility case; fifthly, the Senate Inquiry into Workforce Challenges in the Transport

Industry; sixthly, The Senate Inquiry into 457 Visas; seventhly, the TWU submission on the NTC inquiry into Safe Rates; eighthly, the Study into Workforce Challenges in Road Transport.

CHAIR: Would you like those to be incorporated?

Mr SHELDON: If I could, yes please.

Documents tabled.

Mr SHELDON: The survey is probably the critical area. The latest statistics from road transport, in looking at how dangerous trucking is, show that 20 per cent of workplace deaths occur in the trucking industry. There will not be a reduction in the appalling figures unless, in our view, the systemic problem is corrected by legislation and by providing for safe rates and conditions across the sector. In the year up until November 2008, 287 people were killed in truck accidents. I think we should call them incidents because "accidents" makes them sound like an act of God. These are not acts of God.

CHAIR: How many, Tony?

Mr SHELDON: Two hundred and eighty-seven in 2008.

CHAIR: Australiawide?

Mr SHELDON: Australiawide, and they have increased since then. The bulk of those fatalities occurred in New South Wales due to the estimated 70 per cent of interstate truck movements through New South Wales. This period coincided with the anniversary of the release of the National Transport Commission's report which criticised low rates of pay, incentive-based payment methods such as per kilometre or per trip, unpaid working time in demurrage, the labour-competitive nature of the industry, and the low bargaining power faced by drivers.

A number of drivers have reported on punishing schedules that they have in a survey that was carried out among hundreds of drivers through an industry magazine by the name of *Owner-Driver*. The workforce is ageing. Younger drivers see no future in the industry under current conditions. That is what we found from the survey. For example, 54 per cent have worked in the industry for longer than 20 years; 35 per cent have worked in the industry between 10 and 20 years; only 7 per cent have been in the industry for five years or fewer; and only 29 per cent want to stay in the industry. One driver, respondent C from Queensland, said at page 30, "Every cost is going up. Rates are going down. It's a waste of time. I want out. A system in which drivers are not paid for loading and unloading is exploitative."

A quarter of our respondents, 24 per cent, worked 20 or more hours unpaid per week. A small but worrying minority, 5 per cent, worked 30 hours or more, unpaid, per week. One respondent worked more than 44 hours unpaid. Because most drivers are working long hours, there is a significant safety implication in an industry with entrenched employment inequalities. Examples of appalling working conditions imposed by the industry include a South Australian company engaging subcontractors to drive empty unpaid from Sydney or Melbourne to South Australia to load; a Western Australian owner-driver on the Perth-Darwin run not paid for drops or pick-ups in Darwin along the way, which equated to two days unpaid work per run.

Respondent J from Victoria, aged 49, was forced to work 12 days straight. Respondent V from New South Wales, age 38, was expected to go from the Riverina to Brisbane in 14 hours, leaving at 8 and arriving for the 2 a.m. timeslot. Employers under client pressure are encouraged or are forced into unsafe and illegal work practices. In total, 64 per cent of respondents have been pressured and said that they have been pressured by their employers to use unsafe working practices: 44 per cent were pressured into breaking driving laws; 29 per cent were pressured into carrying illegal loads; and 44 per cent were pressured into driving excessive hours.

Respondent H from Queensland said, "I was threatened with the sack if I didn't cheat logbook hours." Respondent Q, also from Queensland, said, "They make me drive hot and fast. Good paperwork won't give you rest." Respondent C from Queensland said, "Every company wants to fill trucks up as much as possible even when overloaded. They don't want to know about the consequences. It's the same shit everywhere. They have told the contractors, excavator drivers on many occasions, 'If you don't like it get off the job.'" Respondent N from New South Wales said that he is "forced to load cattle at night unassisted during my rest time." Respondent I, from Victoria, said, "I work more than 12 hours straight." Respondent C from South Australia

said, "I was told to get the load there or else." Respondent I, from Queensland, said, "Recently I said to a foreman on a job that 'Every truck is leaving here overloaded' and he said, 'We have cut the price on this job. Have to cart heavy to make money.' The truck is overloaded I estimate 50 per cent of the time." The National Transport Commission agrees with many of these statements in its own inquiries. It has stated through the Fatal Heavy Vehicle Crashes Australia quarterly bulletin, July-September 2008, a series of crashes. The National Transport Commission stated:

The road transport sector is amongst the most dangerous industries to work in ...

The road transport industry is amongst the industry sectors with the worst safety record of industry sectors in Australia and safety outcomes in the industry remain unacceptable levels, to both drivers and the broader community.

Driver Paul Dewberry, a lorry owner-driver, at the Road Safety Summit towards the end of last year, said:

I believe that you around this table today can help us survive into the future. It only comes through having legislation that underpins minimum standards and pay rates. We need your help, every one of you. Let's not make today's deadline tomorrow's headline.

Professor Michael Quinlan stated at the same summit:

The pressure is coming from the clients. The other problem is the clients do not take any of the responsibility. They effectively say how the industry is run but they don't take responsibility. We need to have clients as part of the loop.

In the five-star trucking proposal, which you also have in front of you, there are key points. I will not go through the entire report but certainly encourage members of the Committee to consider suggestions in there. This is intentionally marked as a draft discussion paper. It is something that we have been discussing with various prominent companies within the industry, a number of employer associations and with industry generally, and nationally as well. I will refer to the key points.

Australia's growing economy is heavily reliant on safe and efficient trucking. To boost the industry there is a need to create a new framework that rewards companies who invest in safety, workforce development and pay safe rates rather than the current emphasis on pushing poor performance or rewarding operators who are able to avoid compliance measures. The industry has historically suffered from a tight labour market for drivers, especially in regional locations. The area has a growing pool of unskilled labour that trucking could access if barriers are removed and an environment created that attracts and retains a skilled and safe driver workforce. By jointly announcing a truck skills task force, piloting a five-star trucking proposal and developing a skill-based, accelerated entry to driver licensing program, the Commonwealth and the State governments can demonstrate responsiveness in key industry issues.

I have highlighted those issues and those drivers. There are numerous other reports, including the ones that have been handed up. They would not cut down all our trees. Some of those are not photocopied but in those reports you will see a whole series of statements from actual drivers. As a union official and as an ex-garbage worker some 22 years ago, it is most appropriate to hear from drivers what it is like out there on the road. We may tend to be on the receiving end of bad news quite often, sometimes even good news, about how employers and the industry operate. But drivers see it every day of the week. That is where both Frank and Sam are important, plus those statements from individual drivers contained in the material I handed up.

There is one area I want to touch on very briefly. There is a statement from a driver. The document is headed, "From Mick Forbes, subject: FW, date 10 May 210", and it is addressed to me. It refers to a driver named John Small talking about the issues of fatigue. He states that in two states, New South Wales and South Australia, he meets the fatigue requirements but in Victoria he does not. The reason why is because the fatigue times are counted differently in New South Wales and the other States. New South Wales is counted forward, South Australia and Victoria are counted backwards. When he works out when he has had the break, depending on which jurisdiction he is in—even though he drives interstate and works also for a Queensland trucking company—it does not work for him. I appreciate in New South Wales that is not something that is directly in the power of the New South Wales Parliament, but it goes to the heart of the issues of regulation of the industry and national uniformity.

I want to make a further brief point before any questions are asked. The trucking industry in long distance equates for about six per cent of truck movements. The trucking industry coming on and off the waterfront roughly equates to around six per cent of the trucking industry. The vast bulk of growth will be in short haul around our cities. In relation to the doubling of the trucking task, I would hate to think that these

issues would be considered to be confined to long distance because they are not. Professor Ann Williamson from the University of New South Wales has done extensive studies in short haul trucking. The same pressures and increasingly the amount of pressure that is on short haul truck drivers are reflected also in long distance. The short haul trucking pressures, particularly where there is a lack of appropriate regulations, has meant a great deal of pressure on trucking companies, a great deal of pressure on owner-drivers, and a great deal of pressure on employees. The combination of that pressure is driven by, too often, low cost rather than quality winning contracts. It means that, quite often, trucking companies are caught between having drivers meet the proper regulations and laws or winning and losing a contract. Those substantial pressures are within the National Transport Commission findings.

CHAIR: We will move on to questions. I have two questions. Mr Forno, this morning we heard from NatRoad. They talked to us about the truck safety system they are implementing for improved safety and I know of the blue card system. Could you explain the difference between those systems? Then, Mr Sheldon, we heard this morning about the national standards. You are the third group who has referred to drivers driving from Brisbane to New South Wales to Victoria. The Hon. Ian West has raised the issue of harmonisation being a race to the bottom. How are those issues addressed?

Mr FORNO: I have not had direct talks with my friends at NatRoad. Having said that, if you look at the mutual responsibility award, a major component of that was the drug and alcohol testing, which we volunteered in that case, and at the same time the introduction of blue card so that there is some form of accreditation across the industry. So if Wayne Forno went from one company to another and was asked what training he had, he would pull out his blue card and that would be instantly recognised by the other transport company. So there is an accredited training system, albeit under occupational health and safety. It is interesting that NatRoad wants a part of that mutual responsibility award. In fact, they were not one of the applicants in that case and they gave no submissions, to my recollection.

CHAIR: Mr Sheldon?

Mr SHELDON: If I could, I would like to add something about the blue card to complement Mr Forno's comments. One of the things that everybody recognises in the industry is that there is a need for training. The distinct advantage of the blue card is it is an initiative that allowed and required people to actually give a form of training. I say this again in the case of Five Star Trucking, I think there is a need for substantially more training in the industry, but there has to be a capacity for clients to be paying for it. Training regulation, obligations, rights are very critical things in an industry that has such high death rates, such high serious injury rates. Blue card certainly does not answer those problems but I think the one strong tick I would give it is that it is a step in that direction but only the first step.

On the national regulation issues, the National Transport Commission, following an ATC request to look at harmonisation of regulations and what was happening in the trucking industry regarding pressures on drivers, made a number of observations—sorry, the ATC requested to look at how to harmonise occupation health and safety laws, road transport laws and industrial laws, regulation, to look at the appropriateness of regulation for employees and owner-drivers and accountability of the supply chain where it went to the clients. I like not to believe and I am not aware of anyone intentionally sending somebody out to go into a truck and drive extraordinary hours or take illegal stimulants because they like it, because they think it is appropriate. They do it because of the pressures that occur within the industry.

I am pleased to say that not every operator does that, and I am pleased to say that many truck drivers do not, both short haul and long haul, but pressures on the industry drive down costs. So the national regulator and again for the lowest common denominator unfortunately is a real serious danger that we have seen because of a very proactive piece of legislation, the chain of responsibility. Support quite often for regulation on safe rates from both sides of the Parliament and sometimes from the crossbenches in the upper House in the last decade, and particularly in the last decade, has meant that New South Wales has some of the best regulations. Sometimes of course people say regulation is red tape. Someone's red tape is another person's protection. What we have seen in New South Wales, we have seen fatalities decrease in the heavy vehicle area. We have seen nationally a substantial increase in rigid vehicles and thus the death rates have gone up, if you combine both those areas, the death rates have gone up for professional drivers.

I do not think we should say that every crash is as a result of fatigue from a driver. I have seen the Roads and Traffic Authority figures that quoted a third heavy vehicle that have been truck driver related. But also the question, if you are fatigued and if another car swoops across the road in your path your response is

substantially reduced. And with the regulation, with what has happened in New South Wales, I think it still has some deficiencies and a major one, because clients in many parts, the economics that drive the industry, which are the clients, if they are not accountable for rates of pay and conditions for drivers, then quite simply we can and we have caught up with companies that have done the wrong thing. They have turned around and rectified their changes, only to have the client go to a company that is less reputable or become less reputable, and less reputable regards driving hours.

Why does a client do that? Because they are effectively not accountable under some laws but not the ones that drive the economics of the industry. Until we can get clients accountable, I think that is a weakness in the system. In the mutual responsibility determination and award in New South Wales, I quote Woolworths. They said, "You'll be here for a hell of a long time because we're going to appeal every decision that involves an obligation on us". Coles and the other major retailers either attended in a very cursory way and certainly other than Woolworths did not attend through the entire case. That is how serious they take, in my view, road fatalities in a corporate structure. There are some glimmers of light amongst some of their administration but they are only glimmers; they are not actually turning into policy. I think the pressure on the industry needs to go one step further.

Regulation in the case of New South Wales needs to go further. I certainly applaud the announcements from the WorkCover Authority putting on trucking specific investigators, which is the first time in the country. I certainly applaud the waiting time. There might be a number of issues, various views about what has happened with the ports announcement but I certainly doubt waiting times being paid will drive efficiency in the trucking industry and hopefully less fatigue. I think New South Wales as a Parliament and both sides of Parliament have been more constructive in this State with trying to deal with what is a real crisis. In Scandinavia they have a vision zero. In the Australian Trucking Association I think if I remember correctly, the Australian Trucking Association, their intention for vision zero, and the vision is about the practicalities of having no deaths because of the nature of the industry is something to strive for. One of the things, whether it be rest breaks, whether it be national uniformity, whether it be safe rates, whether it be training initiatives, all those measures coming together to make the difference, I think that is quite critical.

Mr FORNO: If I may supplement the comments by Mr Sheldon about clients lacking responsibility, it is only going back some 18 months ago where Mr Sheldon and I were invited by Woolworths to visit one of their distribution centres in western Sydney at Minchinbury. Upon arriving there, it is highly regulated within the workforce. There are lines down where you can walk, lines where you cannot walk. You have speeding, you have forklifts under control. You have all these regulated areas within the workplace within Woolworths. I went across to the gatehouse and we asked the gatehouse person, "What do you ask your drivers when they come from interstate? Do you check their log books?" The answer was no, they do not because it is an invasion of privacy. That was the excuse they used that particular day; it was an invasion of privacy to check log books. I asked, "What do you do to check those hours?" "We ask them". "What do you ask them?" "Are you out of hours?" No-one answers yes because if they answer yes they are parked up and they are allowed to unload, which ruins the internal systems of delivery systems within the distribution centre itself. So I just support what Mr Sheldon said about the lack of application by the clients.

Ms NOREEN HAY: Earlier submissions referred to training in trucking as being provided by freight train. Perhaps you can give us your understanding of what freight train is. Truck operators who have made submissions to the inquiry claim that the New South Wales regulatory regime imposes unnecessary and unproductive burdens on drivers by requiring duplicate records to be kept. They consider that log books already provide accurate and legal trip records, and that trip plans are unnecessary. Additionally, trip plan requirements in New South Wales are not aligned with those used in other States and Territories. My question is: What is your view of the claim that trip plans unnecessarily duplicate the information contained in a driver's log book? Are you aware of other objections for the use of such plans by drivers?

Mr SHELDON: Maybe I will answer because it has the national regulations. The idea, probably the simplest way to describe it is that there are regulations regards hours that drivers can do. That is an overarching regulation. It does vary from State to State—and I mentioned that in my previous submission—which is a frustration for everybody. The idea of safe driving plans, I describe it this way. The Factories and Shops Act requires machinery to be of a certain standard and requirement. It is a general provision. The actual performance on the machine and how that work is carried out and how it is supervised is similar to what a driving plan is. A driving plan goes specifically to how the work is to be carried out. On one level you have got the Factories and Shops Act—in this case, the road transport laws—and then the driving plan is how the function carries out,

similar to how you safely carry out the function of a piece of machinery in a factory. So really it puts in practice how to safely do the work.

Part of it also was about holding clients accountable for what that safe driving plan was. We are on the public record as saying this before so I will repeat it, with what happened with the F3, there were truck drivers that were there for 12 hours. I know that matter is under investigation at the moment, but drivers were there for 12 hours. There should have been some sort of format from the clients to say what happens with those delays of those goods. They should have said, "Where do the trucks stay? Where do they have a break? Who gets paid?" Because if you do not get paid and you are an owner driver and you do not make your payment then you may not be able to pay your rent, you may not be able to pay your repayment, you may not be to put food on the table for your family. So the economics drive you to keep driving. There has to be looking at both economic factors as well as an emergency situation, which is dealing with the economic factors and where you safely have a break.

As has been mentioned before, I would not just go to rest areas where occurring across the State or across the country. There need to be rest areas in major metropolitan areas that do not exist. You cannot park your truck on the side of the road which has guttering, et cetera. So if you are travelling up to Lithgow from Sydney, in many places you cannot legally stop. There has been a fundamental problem for decades with various governments of various political complexions about how we deal with this issue, and it is a serious one if we are going to deal with fatigue, again, all dovetailing in together. You cannot have a rest break if someone is not going to take the rest break because the economic factors force you not to take it. You have got to be looking at the mosaic of trying to deal with those issues.

Dr ANDREW McDONALD: Non-driving activities, such as unloading and loading, are they counted in the driving hours so BFM emulates 14 hours per day?

Mr FORNO: Yes.

Dr ANDREW McDONALD: If you are unloading at either end are they counted in the BFM?

Mr FORNO: Yes, they are.

CHAIR: Thank you for attending today. I propose to receive all this documentation tendered by the Transport Workers Union as exhibits to the inquiry. Do you have any objection to that?

Mr FORNO: Not at all, Chair. I am just wondering if the committee would wish to hear from one of the drivers?

CHAIR: Gentlemen, over to you.

Mr BLACK: To me we have got a lot of issues in our industry, especially down in our sector. Safe rates is by far the most important, I think. If we are not earning enough money within a certain period of time, like Tony said before, we cannot make our payments and so on and cannot maintain our vehicles safely, so we turn around and try and push ourselves just that little bit longer. If need be we do take stimulants to make sure that we can earn that capacity so we can do things. There are other systems that you people were talking about earlier on today about the trip plans and the blue cards and that, which are good systems that really need to be implemented probably nationwide, I think. They help keep everyone under control and keep some sanity in the industry at our level where everyone is not trying to shelve their responsibilities. That is just my view on it.

Mr CATENA: I work off the Port Botany wharf. The thing is the rates of payments for truck drivers. You go and buy a truck and you get a job with a company and companies go and tell you, "We want you to buy this truck, this trailer". What people do is go out and buy a truck and trailer over their heads. For the first three or four months they will be right, then all of a sudden the company will turn around and tell them that the work is getting bad, "The work is slowing down, we want you to take a cut rate". You go and buy your truck and start working and three months later they tell you, "We've got to cut your rates because there's no work". What the drivers have got to do is virtually go out and try to get extra work or work extra hours to try to cover their payments. The whole idea is if everybody gets the proper rates to cover their work and cover their bills there should not be any problem. But the problem is always—

CHAIR: Not enough cash coming in.

Mr CATENA: Yes, not enough cash coming in. You have got to keep up your truck maintenance, you have got to pay your bills, you have got to look after your family and all that, and the only way to do it is you have got to stretch out, you have got to find some other way to get the extra money for your payments and that. To me, the way I look at it, there has got to be a proper rate for everybody's particular work without stressing them.

Mr DARYL MAGUIRE: Sam, you are talking about single truck owner operators?

Mr CATENA: Yes.

Mr DARYL MAGUIRE: What is the industry figure of what the minimum rate is to keep a truck owner driver on the road with a sustainable income, understanding that it depends on how many hours you work? What is that minimum rate? Because if you work 100 hours or you cart 50 containers or you cart 10, if you cart 10 you are not financially viable; if you cart 100 you are working your backside off. The issue is how much should you be paid—that break-even figure?

Mr CATENA: You have got to look at what you are driving, your time, what kind of work you are doing on the wharf, because there are B-double drivers and all different types of vehicles that are on the wharf. Minimum? I do not know. Someone has got to sit down and work out a minimum wage for all truck drivers.

Mr DARYL MAGUIRE: But it is not only the wage, is it, because there are other things that impact on what makes you profitable? If you drive a truck with more tyres on it and it uses more fuel, et cetera, it will have a different cost to operate to a smaller truck with only four wheels, for instance.

Mr CATENA: With me, I get 67-something an hour to work from my rig.

Mr DARYL MAGUIRE: What kind of rig have you got?

Mr CATENA: It is a 40-foot semitrailer. I do the containers off the wharf and that. The thing is there is work. They tell you to do your work during the week but mostly you work three or four days a week, then they tell you to come in and work Saturdays and Sundays. We do not get penalty rates. They tell you to come in to work Saturdays and Sundays and you think, okay, I might be able to keep my head above water, but the problem is when you finish your work on Saturday or Sunday and you ring up to find out what you are doing on Monday they give you the day off. So virtually they keep you on one level so they can manipulate you to do what they are going to do. Most of the guys cannot turn around and say, "I've got a truck, I've got a payment, I've got a house payment to make". I cannot take off and try to find somewhere else to work because everybody is too frightened to do that, so they stick to the same people and the only way you can do it is bail out, sell out and take a loss or stick to the team.

Mr BLACK: To me a minimum rate or a safe, sustainable rate would be a rate where I can maintain my vehicle and I can earn my dollars to cover my commitments within my regulated hours. That is what you have got to look at, and that can vary in different jobs when there is waiting time involved and no waiting time involved. That is why you have got to look at that minimum and look at it that you have got to do all different jobs.

Mr DARYL MAGUIRE: So it is not a simple answer?

Mr BLACK: No, it is not.

Mr DARYL MAGUIRE: It is very complex because of the different combinations of rigs, because of the different job requirements, the tasks that you have got, et cetera. There is not an easy solution, that is what you are getting to?

Mr BLACK: It is not just basic and straightforward, but there is a way of working that out, which is quite reasonably simple: as I said, by working out your different cost factors and one thing and another.

Ms NOREEN HAY: You would represent a number of owner-drivers who have varied rates?

Mr FORNO: That has done but I will give you an example in the unregulated area of long distance sector. If you were driving from Sydney to Brisbane, it is not unusual and it has come back to us, very many reports over many years, that you will have a client that gives you a load from Sydney to Brisbane, and nothing coming back. So what you have got to do is find work in Brisbane to come back with. It is known as back loading. It is not unusual for drivers, it has been known, quite frankly drivers will reach Brisbane, whilst they are waiting for that backload to come about, they will just go and do local work for six, seven or eight hours in Brisbane, and drive back to Sydney once they pick up their load. That is in the unregulated area. If you are a subcontractor on a national basis there are no determinations, nothing in place on minimum rates.

Mr SHELDON: It might help nationally to answer the question as well. There are about 482 formal agreements with various companies with the union membership, formally registered or contracts that have been exchanged and they go across the company operations. They have minimum standards in those contracts. One of the things that we have put, and with some deal of support from the industry, sectors of the industry and individual employers, is for a tribunal to make determinations about what is a safe rate. It probably gets back to Mr West's comments earlier about the lowest common denominator, maybe something that he is alluding to.

What is critically important in all those areas that we have arrangements that have been entered into is that there be a rate which you can actually supplement the workforce being able to maintain their vehicles, but also what is critical across the industry sector is that even though it may cost more for Frank's vehicle than it will cost for Sam's, the lowest common denominator, the lowest rate becomes the economic bargaining chip. So regardless if it costs more for Frank to maintain his vehicle, that will be the price that he will pay which is what Sam puts out there and if someone comes lower than both then that price will drop down again, which happens in a hyper competitive market like transport.

What we have put forward is there should be a tribunal to work out across industry sectors what would be an appropriate taking into account configuration of the vehicle, and at the moment in various sectors in New South Wales there are minimum rate standards which have been supported by both sides of Parliament, really over a 40 year history. No offence to my Labor colleagues but most of them have been put through by conservative governments that regulation for owner-drivers, also in a bipartisan manner by this Parliament, by Parliaments.

(The witnesses withdrew)

MURRAY ANDREW REEDIE, Sole director, Secretary, Reedie Road Pty Ltd, P.O. Box 640, Mittagong, 2575, sworn and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result as a result of information you provide. I should also point out that any deliberate misleading of the committee may constitute a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised publication as part of the evidence to the committee. Do you want to make a brief opening statement before we proceed to questions?

Mr REEDIE: Yes, I would like to say a couple of things. First of all if I could ask the committee a question: Out of curiosity has the committee had many owner-drivers or company drivers like myself coming to speak to you like this?

CHAIR: No, we have not had many. We have another one at Dubbo next week and we have had a few submissions but they do not want to appear. Only two owner-drivers: you and one in Dubbo next week.

Mr REEDIE: I had a terrible feeling that might be the case. Truck drivers are very vocal people and they are not afraid to tell you how they feel. If you went out to a truck stop and had a cup of coffee with them they would probably blast you out of your chair with their opinions.

CHAIR: We are doing that next week at Tarcutta.

Mr REEDIE: Good. There are probably three reasons that fellows like me find it difficult to be here. I am sorry to say this, but there is a strong feeling that we are steered by the bureaucracy all the time and that we have no control over our working life and how we go about our business. The Government, and the Roads and Traffic Authority particularly, continually bombard us with new regulations and roadside enforcement, which in some cases is nearly draconian. Please do not get me wrong; I am not here to vilify anyone. I would simply like to set the record straight on why not many people like me will appear before the Committee. We wonder what difference it will make what we say because they will still do what they want to do.

A classic example is that my wife and I own a B-double truck and the registration used to be \$8,000 a year. We are now paying \$14,000 a year and I read the other day that the National Transport Commission has approved an increase of 4.2 per cent. My wife and I will have to come up with another \$1,500 next financial year. The Australian Trucking Association made all sorts of the representations asking the commission to put the brakes on because we have been paying a lot more for a little while, but that had no impact.

As I said in my submission, many drivers are pretty handy with spanners, but we are not used to putting pen to paper. Of course, if an owner driver appears he will lose money. I have had to drop one half of a Sydney to Adelaide trip to be here, which represents a loss of well over \$2,000. However, it is the first time in 30 years that anyone higher up in the food chain has asked for my opinion, so I thought I would sacrifice the money and come and say g'day. Members should keep that in mind. We get worried in our industry that you hear from many experts, including fatigue experts, professors and the Transport Workers Union [TWU]. Do not get me wrong, the TWU does some wonderful things. The Committee can hear from all those people, but we are the ones out there doing it every day. We are the people the Committee should be talking to. Members should get a good cross section of opinion, especially when it comes to sleeping in a truck. I have been married for 13 years and I have spent more nights sleeping in my truck in parking bays than I have with my wife. If the Committee wants to talk about fatigue management, it should be talking to blokes like me.

CHAIR: That is a great introduction to some questions.

Dr ANDREW McDONALD: How long do you work most days?

Mr REEDIE: I am allowed to work 14 hours a day under the basic fatigue management [BFM] standards. Most days I work right up to that.

Dr ANDREW McDONALD: Do you ever feel tired?

Mr REEDIE: Often; and often to the point that I feel that I do not give my family a fair shake when I am home.

Dr ANDREW McDONALD: And you work five or six days a week.

Mr REEDIE: Usually I do six days a week. Unfortunately I spend the seventh day washing a truck, doing minor repairs, catching up with invoicing and doing BAS statements every three months. I am going for my BFM audit with an auditor. That is an interesting concept: I pay an auditor money so that he can do me in for whatever I have done wrong. I will get through that because I have been preparing for it. There is always something to be done.

Dr ANDREW McDONALD: So you are working 14 hours a day six days a week, plus paperwork on Sundays?

Mr REEDIE: Yes. I hope I am not going to incriminate myself.

Dr ANDREW McDONALD: No.

Mr REEDIE: There are a lot of days when I do not work 14 hours; many days I work only six, seven or eight hours. Many small business operators would work long hours like that.

Ms NOREEN HAY: The chain of responsibility and fatigue management are aimed at assisting drivers and owner drivers; for example, with on-time delivery. They are additional pressures placed on drivers. Have the regard to how long a driver has been on the road and on-time delivery not assisted?

Mr REEDIE: Probably the biggest thing that you can really see day-to-day is the fact that 99.9 per cent of people who want you to do a job will not ask you to do anything illegal. Some might infer that you could do something to help them, but they will never come out and say it. That is a great thing. I have worked in the industry for 30 years and I know what the old days were like. As I said in my submission, I can honestly say that it is a lot better now. No-one makes me do anything I do not want to do.

Ms NOREEN HAY: We heard from drivers earlier who were here with the TWU about their overheads; that is, paying for their truck. If they do not make a certain amount they have trouble paying their mortgage and their truck repayments. That was mentioned in relation to safe rates. Does that situation still exist in terms of people perhaps having to do additional runs or more than they should be doing, or even working longer than the current limit of 12 hours in 24 hours?

Mr REEDIE: Yes, that would be happening. I was interested to hear the evidence given by the TWU, because reference was made to the rates issue, which is an entirely different subject. We could talk about that for months. Mr Maguire was correct when he said that every different vehicle would require a different rate. When you asked what would be a good rate, I thought, "How long is a piece of string?" I know what rate I need to make my truck viable and I will not work if I am not offered the right money. I will spend a night in Adelaide going to the movies and to the pub to have a big steak rather than take a load that does not pay the right money. However, not everyone is in a position to do that; they might not have the resilience or the financial ability to do that.

Safe rates are a really good idea. However, I have one reservation. It worries me that there could be a lowest common denominator factor. If I am getting \$16 a tonne somewhere and the safe rate is \$15.75, human nature being what it is, I will probably drop back to \$15.75. However, helping all the blokes battling with safe rates is probably a really good thing.

Mr DAVID HARRIS: You have mentioned that you have to get an auditor to do your paperwork. Would it be true to say that paperwork is easy to do, or is it easier to make mistakes through paperwork?

Mr REEDIE: Look, a lot of truck drivers are not au fait with computers, paperwork and that sort of thing. The more important answer to that question would be that in the last few years we have been bombarded with paperwork. I know it happens in every aspect of life. The rules under basic fatigue management are absolutely amazing. I have a computer program that I paid for, which actually tells me whether I have made a mistake. I am sure you are all aware that I can drive only 5¼ hours before I have a break; I can drive only 14 hours a day; I can work only 144 hours in a two-week period; after 84 hours of working, no matter how many

days that is, I have to have a 24-hour break; I have to have two consecutive night breaks; and I have to have four night breaks sometime over a fortnight. And the fortnights can start from any day that the authorities choose, and the hours can start from any hour of the 24-hour clock.

So when a logbook is being filled out, and I know you probably are not here about logbooks, but the driver has to count backwards 24 hours to see whether he is allowed to keep working. And he has to count forwards the next six or eight hours to see if he can make it to where he is trying to get to. It is just crazy. You ought to see from my submission that the whole reason I wrote the submission was because I cannot believe that the New South Wales Government went down this track of trip plans in particular, and also the 2005 amendment, because the National Transport Commission, which the New South Wales Minister for Transport was a member of, knew that all the new fatigue rules were coming down the pipeline. They are now in.

So we have all of them plus this thing in New South Wales. For any trip over 500 kilometres the driver has to have a trip plan. I am happy to talk about all the reasons why trip plans do not work. I assure you that I will tell you the real nuts and bolts. I will not tell you what the guys in suits tell you about how wonderful trip plans are. I can tell you about how unwonderful they are.

Mrs DAWN FARDELL: Actually my question was about the trip plans. I notice in point 5 of your submission that the company in Adelaide was supposed to fill in the trip plan, but it did not. I am interested in that.

Mr REEDIE: Yes. To finish off what I was saying to Mr Harris, basically there is an overwhelming amount of paperwork. Just remember that there are guys who just drive a truck because they love to drive a truck. It is like a guy who is happy to dig holes and work as a fencing contractor. It is what he likes to do and what he feels comfortable doing. Imagine if you told a fencing contractor to fill in trip plans for where his fencing is going and to fill in logbooks. That is how a lot of our truck drivers feel. I will get back to your point Mrs Fardell.

Mrs DAWN FARDELL: That is okay.

Mr REEDIE: There are a lot of really experienced guys in this industry who have forgotten more than we will ever know about trucks, and they are leaving the industry in droves because they cannot handle the amount of—a supplemental word that would go in there nicely—that they feel they have to endure to get their job done.

Mr DAVID HARRIS: In summary, you would say that it is not necessary for people trying to cheat the system, it is more people making mistakes because it is so complex?

Mr REEDIE: Yes, there would be a lot of that, but there would be the odd person still trying to cheat the system. As far as the other companies are concerned, you have to understand that there was probably a good understanding in New South Wales that these trip plans had to be done. But in other States not—everyone in the trucking industry works really hard and really long hours, even if they drive a forklift or manage a transport depot, or whatever. They say, "Oh, that is New South Wales, leave me alone". I would do probably six round trips to Adelaide a month. I sort of specialise on Sydney-Adelaide. I can honestly say that since this legislation came in I have had about four trip plans out of Adelaide, and one of them was from the same company three or four times.

It was just the most bizarre trip plan that was absolutely impossible to do anyway, but they just gave it to me because I think they were going through the motions. But nobody who spends \$600,000 on a B-double and feels really confident in his work wants to be given a bit of paper telling him where he has to stop for tea and where he has to stop and have a sleep. As long as the truck gets there in the legal driving parameters and it gets there on time and he does not abuse any customers and he does not run any of the general public off the road, why should someone tell him how to drive his truck?

The Hon. IAN WEST: Maybe because people are dying.

Mr REEDIE: Well, could you expand on that a little? I am not trying to pick a fight, but I am happy to talk to you about that.

The Hon. IAN WEST: You were going to tell us why the trip plans were no good. They were put in place for a reason, and you are telling us they are no good. You have indicated so far that you do not like them.

Mr REEDIE: Okay. Please do not think that I am trying to be confrontational. I can see you are coming to me from an angle by the way you are talking, and that is fine. But we will get on to that. I have made some notes. Let me ask you a question. Okay?

The Hon. IAN WEST: No, I am asking you a question.

Mr REEDIE: I will answer your question first and then can I ask you a question after that?

The Hon. IAN WEST: We are here to ask you questions.

Mr REEDIE: Okay, I am sorry. You do a trip plan and you know all your legal requirements to get from point A to point B. Say I am doing a trip from Sydney to Adelaide, which you cannot do in one jump because it is about 16 hours driving, so you have to have a break somewhere within 5¼ hours, and probably you would want to pull up and check your load restraints within an hour of leaving Sydney anyway, to make sure it is all good. So that would waive your driving time a little bit anyway. Someone might do a trip plan and they might say, "Your first break will be at Wagga", then they will extend it a little further and might say, "Then you will have your seven-hour break at, say, Hay or Balranald".

Then there might be another couple of breaks, for breakfast and morning tea, to make sure you do not go over 14 hours in a 24-hour period or 12 hours in a 24-hour period if you are on a standard driving area. Then there will be another break somewhere. We do all that, and I am driving off down the road and there is really heavy fog all down through the Southern Highlands, as there quite often is at this time of year. So I slow down; I am doing only 80 or 75 kilometres an hour in the fog.

The Hon. IAN WEST: Sorry. You do 80 in the fog in the Southern Highlands?

Mr REEDIE: If I feel that is what is safe to do, yes. If the visibility is bad and there is a car in front of me doing 60, 70 or 80 because of fog, they do not want a 62-tonne B-double running over the top of them at 100 kilometres an hour, do they! I am the one who will be getting the ticket.

The Hon. IAN WEST: Or 80?

Mr REEDIE: I am sorry if you are going to nit-pick, but whatever speed is appropriate at the time I will do, okay. I guess I am trying to make the point that I cannot get to Wagga in the time that they have put on my trip plan. So straight away the trip plan has gone to pieces already and we have not even got to our first break. I am sure Mr Maguire knows very well that we have a massive problem with grasshoppers across the Riverina, all through the mallee area. So we stop and clean our windscreens every 1½ hours or 2 hours. I should have taken a photograph of the front of my truck to show the Committee.

Mr DARYL MAGUIRE: I have seen it, I know what it is like.

Mr REEDIE: Every truck, no matter what colour it is, when it is coming towards you it looks green. So we are losing 10 minutes every time we clean a windscreen, and we might do that six or eight times on that trip, so that has pegged back our time a bit more to where our next break is going to be. That is another reason why we have shattered our driving plan. You pull up at your favourite truck stop, which is also where the driving plan wants you to have a meal, and three seconds before you pull up two busloads of 17-year-old girls pull up. None of them order their meal until they find out what their next best friend is going to order. So, instead of having a 45-minute meal break you are stuck there for two hours.

Ms NOREEN HAY: Are you sure they did not let boys on that trip?

Mr REEDIE: Boys and girls, probably a few boys, yes. But, road works—in the middle of the Hay plain there are 10 vehicles every 10 minutes, and you get a red light in the middle of the Hay plain and you sit there for 10 minutes and nothing comes through, and then you get a green light, and off you go. You have lost 10 minutes out of your time. Bear in mind too, Mr West, we have cameras all the way down the line. Even if I wanted to cheat the system it is very hard to some extent, because with all this time I have lost the cameras are still pinpointing where I am. If you are sort of saying, "Just do the trip plan anyway and don't worry about the

teenage girls and all that", you cannot, because you have to legally do what you are doing because the cameras will catch you out.

The Hon. IAN WEST: So, part of the normal trip is the issues you have just raised. Therefore the consignor and the consignee would need to, in consideration and consultation with you, take into account the issues that arise in a trip. You actually do need to stop and go to the toilet, you do need to stop and wipe your windscreen because of problems, you do have fog. So the timing of the trips need to be considered in that environment, do they not?

Mr REEDIE: That is fine, you would nearly have to have a conference before you depart on every single trip. You would have to say: This is the grasshopper time but it is not the fog time but they have just started doing 25 kilometres of road works between Euston and Balranald.

The Hon. IAN WEST: It does have a big bearing. If you do not get to point X in a certain time, the consignor or the consignee takes \$500 off you. It has a big bearing, does it not?

Mr REEDIE: No, the money does not come into it. The trouble with the trip plan—and they are my words—it is like they are using a sledgehammer to crack an egg. I have been 30 years in the game. I am a qualified truck mechanic. I am a Roads and Traffic Authority heavy vehicle driving instructor. I am a Roads and Traffic Authority competency based assessor. I have a certificate in transport administration. I have been an owner-driver for 15 years. Having said all of this, it is like nobody can trust me to go out there and do my job safely and by the law. They want to give me a trip plan and tell me how to do it, which I know I cannot stick to anyway because there are so many variables in life.

Mr DARYL MAGUIRE: Another major impact is speed zones, when repairs are occurring or not occurring. I find that when I am driving from Wagga Wagga to Sydney, that you slow down to 40 kilometres an hour when no work is occurring. Considering a major amount of work is occurring on the highway, that has a major impact on your time just travelling between Wagga Wagga and Sydney. Everyone welcomes roadworks, but unless you know that is occurring, they can have an impact on your plan as well, a major impact?

Mr REEDIE: It certainly can. Roadworks was one of the things I put down even in my submission. Even something like getting a flat tyre: It takes about an hour to change a flat tyre and have a shower afterwards, which, I can assure you, you need even in the middle of winter. These now have to go down as work time, you cannot say that was not driving time because it is worked on. I have had trips to Adelaide where I have been picked up four times by the authorities for roadside checks and they all have their five, 10 or 15 minutes, and that has to stay in your logbook. Apparently you are not allowed to use that as resting time. Even if you have a load that keeps shifting, you might have to stop and keep securing your load. One of the most obvious reasons is whether you have a heavy or light load. The difference between my B-double with a load of what we call cubic, which is, say, pillows loaded all the way to the roof and with a load of really heavy stuff like steel or paper rolls could be a good half an hour or 40 minutes between Mittagong, where I live, and Narrandera. It really makes a difference. The question I wanted to ask someone, and if Mr West does not answer it—

CHAIR: You can ask questions through the chair.

Mr REEDIE: Can I ask you a question?

CHAIR: Yes.

Mr REEDIE: You are going to do a trip to the Gold Coast with your family. You have a box trailer on the back because you have taken all your camping year because you cannot afford to stay in hotels because you are a battler and you have a couple of kids. If I said to you I want you to draw a trip plan for you to go to the Gold Coast with your family—you are doing a long trip, you are probably not as experienced a driver as me, and I not saying that in a nasty way, I want you to plan that trip. You do that and then you set off. One of your little kiddies wants to go to the toilet within 40 minutes of leaving. Then the tarpaulin on your box trailer starts flapping. Then you go a bit further and there are roadworks and you get stuck there for half an hour. Then you go to the truck stop and you end up with the two busloads of young boys who all want hamburgers. Can you see how easy it is? I was not trying to be difficult, I was saying how hard it is and it is nearly an insult to give someone who was really experienced a trip plan.

Ms NOREEN HAY: I want to pick up on your comments about taking your kids off on a camping trip. Can I tell you, as a mum of four, we exactly did plan our trip. We allowed for toilet stops and we allowed for different possibilities because I needed to let one person now when I should be expected to be somewhere else in case there was a problem and someone needed to look for me.

CHAIR: We did not have mobile phones in those days either.

Ms NOREEN HAY: There were no mobile phones. Also, as a former union official who travelled to Cooma, Eden, Jindabyne, even servicing HMAS Albatross and Creswell, it was important that we set out for our safety how we would travel, what the anticipated time of arrival would be and, as you guys said earlier, it is a bit like having an overall plan for a factory, allowing for different things to occur within different machines and different skills, and all the rest of it, I suppose you could equate it also with affirmative action, being the means by which you achieved equality. So, for me, to have a trip plan I would have thought—and I would be interested to see when we put all this together—a trip plan would have provided for all contingencies, and even if there was a contingency and you arrived a bit earlier, you should be able to say there are no busloads of any kids are anything.

CHAIR: That is the Committee's answer to your question in relation to trip plans. You said you mainly travelled to Adelaide and you say it is a 16-hour trip?

Mr REEDIE: From Sydney, yes.

CHAIR: Say you had a flat tyre, what facilities are there for you to have a shower if you break down at Narrandera, then?

Mr REEDIE: You just go to the nearest truck stop and they have facilities.

CHAIR: You said in your recommendations about rest areas that there is a need for more of them. Truck stops have them, but you think there is still a need for additional ones?

Mr REEDIE: I do not think I touched on the subject of showers. What we need is more rest areas. I am really happy to talk to you about that subject, because I have some pretty strong views and I also took a lot of photographs of some of the rest areas along my route, which I am happy to leave with you.

Dr ANDREW McDONALD: Do you have a percentage leeway—plus or minus 5 per cent, plus or minus 10 per cent—from when you plan to when you arrive? What is permitted?

Mr REEDIE: Perhaps the best way to answer that is to say to you is I have a latitude there with my trips, that if I am running a couple of hours late I can still get the trip done all right anyway. So, basically I just fill out my logbook as I go.

Dr ANDREW McDONALD: But when you are given a trip plan by the people in Adelaide what leeway do they allow? Do they allow plus or minus 5 per cent, plus or minus 10 per cent?

Mr REEDIE: The trip that both sides suggested earlier we were just not getting a trip plan. The ones I have don't really make a lot of sense.

Mr DARYL MAGUIRE: You showed some photographs of truck stops. Is it correct that some of the truck stops are now antiquated because of the size of the new modern vehicles and they are in need of investment to expand them? Because of the new requirement to take dedicated rest breaks, those truck stops are at capacity some of the time, and there is a need to make them longer or wider and perhaps manage them a bit better with line markings to see that they function?

Mr REEDIE: All of that is true. One thing I would like to say is I think it is a bit unfair to expect a truck stop—and when I say truck stop, I am not talking about parking bays, I am talking about something like a Mobil or a Shell or a Caltex truck stop. I am not sure if that is what you mean?

Mr DARYL MAGUIRE: No, I mean the old truck stop parking bays that existed and are now antiquated in the size to accommodate the number of vehicles because of the length of vehicles and also the fact

that you are required to take a dedicated break, so the truck parking areas cannot cope with the number of trucks?

Mr REEDIE: That is correct. And one of the big issues I have, and nobody seems to be able to answer the question—obviously we got pushed into B-doubles to some extent. As the Government quite rightly said, every two B-double takes the place of three semitrailers, so we can reduce the number of vehicles on the road. As you know, the freight task has become so big now there are a lot of B-doubles out there anyway. The B-doubles are doing something like 43 per cent of the tasks out there now. Moving on from that, because they are longer they take up more room in the parking bays. Truck stops like your Caltex and Shell are not good places to rest because trucks are coming and going non-stop to buy a cup of coffee or to fuel up, so you are looking for these ones on the side of the road.

I do not believe there are enough of those and some of the ones that are there are not very well built. As I said, there is one question that we all want answered because this happens all the time, particularly on the Hume Highway and more so on the Pacific Highway: When you go into a parking bay you will find it is chock-a-block full of vehicles, so you have to go back out again. You cannot stop in the middle of a parking bay because that is the thoroughfare for the vehicles to get back out on the highway. If you know you are fatigued and that you cannot continue to drive because you do not feel you have full control of your vehicle but you knowingly go back out onto a road such as the Sturt Highway or the Pacific Highway, where there is oncoming traffic, who is at fault?

You cannot stop for any longer than 60 minutes in a town that has kerbing and guttering, as Mr Sheldon mentioned earlier. There is a lack of facilities. I can show you photographs that I have brought with me. Ironically, the RTA actually started closing down parking bays because they had a list of criteria that they wanted the bays to meet. Because the bays did not meet the criteria they thought, "We don't want to be seen not meeting the criteria so we will shut them down." So, since the State legislation came out in 2005 and within 18 months or two years of the new national fatigue regulations coming out some truck parking bays have been shut.

CHAIR: The photos you have brought cannot be incorporated into *Hansard* so I will close the meeting to enable us to look at them. I want to thank you for taking the day off and coming here. We all know how valuable your time is. Thank you also for your at times entertaining evidence. I think we have all been stuck behind two loads of teenage girls and boys.

Mr REEDIE: Can I correct something I put in my submission? I said that the industry was really concerned that the new Coolac bypass on the Hume Highway, which is 15 to 20 kilometres long, did not have a parking bay. Parking bays have been put in there so whether we were misinformed or whether that has been done because there was a bit of talk about it, I do not know. At the end of the day we are happy there are parking bays. That aspect of my submission is not factually correct.

CHAIR: I am sure the RTA will be delighted to read that.

(The witness withdrew)

(The Committee adjourned at 3.52 p.m.)