

The Secretariat,
Portfolio Committee No.6
Transport and Arts.

November 1, 2023

Inquiry into Pressures on Truck Drivers

Submission No.16 by Mr. Trevor Warner
SUPPLEMENTARY RESPONSE TO QUESTIONS

1.0 Question by Mark Buttigieg

“A 20-hour day is your advantage”.

I wish to clarify the statement that I made.

The 20-hour day that I spoke of, is not 20 hours of work in any 24-hour period.

What I meant was a 20-hour window, from when you woke from a sleep period to when you commenced your next major rest break.

A Road Transport Driver may well be operating within the legal limits of 14 hours of work (If BFM accredited) in any 24hr period, but the Road Transport Driver may have actually been awake for 3 hours or more before commencing that 14hr shift plus 3hrs of minor rest breaks, totalling the 20hrs or more.

This is the most frustrating part of complying with the myriad of road transport regulations for an experienced Road Transport Driver is that above scenario is legal, but if you forget to complete the top section of your work diary, a Driver can receive a \$758 infringement notice.

Chapter 6 sect 297(2) breach.

(Particular instance was NSW Police v Mr. D. Roe (truck driver)

See Figure 2.43

I referred a similar scenario to the NTC via a Zoom meeting and described how a series of Powernaps throughout the day can extend a person's onset of fatigue to 20hrs and beyond.

This is consistent with the scientific research into Polyphasic Sleep and with the HVNL sect. 255 Split rest break – provides a defence against a sect. 254 breach (failing to take 7 continuous hours of rest in any 24hr period.)

From my experience, this skillset of long-distance drivers to manage fatigue in this manner was borne from dealing with the real world of transport in NSW and not from any sleep study or academic view.

Fatigue Management during these extended work periods is one of the skills developed by experienced Road Transport Driver's.

There is no law or regulation that can prevent this from occurring.

It's simply a learned fatigue management skill when the freight task or Schedule cannot be aligned with a Road Transport Driver's internal body clock and the uncontrollable event of when sleep is terminated.

Attempting to sleep in a hot, noisy Truck-stop or Rest Area, increases the likelihood of a premature end of sleep.

It is this scenario that lawmakers should consider when making future laws around fatigue.

NHVR also has stated publicly that just because an action is legal, doesn't make it safe and what may be safe is not always legal.

This explains why only certain sectors of road transport struggle with the current fatigue management section of the HVNL.

2.0 Questions asked by Mr Sam Farraway.

2.1 "How many years training should we be looking at"

I think the current 12mths per license level of actual driving time must be considered. The current regimes allow for drivers to complete the time required between license upgrades, but not actually do any driving.

2.2 "What would some solutions for rest stops on the pacific hwy"

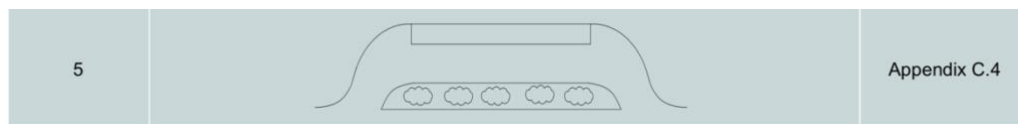
I think we should be looking at stopping bays every 25-30kms and Type 1 or 2 rest stops every hour as per Austroads guide.

Stopping bays need to be designed with at least a 3m safe work zone AND a 1m divide between the stopping bay and the edge-line of the road.

Ingress should be at least 200m with a reduced entry angle.

Nothing elaborate.....when a Driver urgently requires a Power-nap or refreshing outside the vehicle, a safe space to park is all we require.

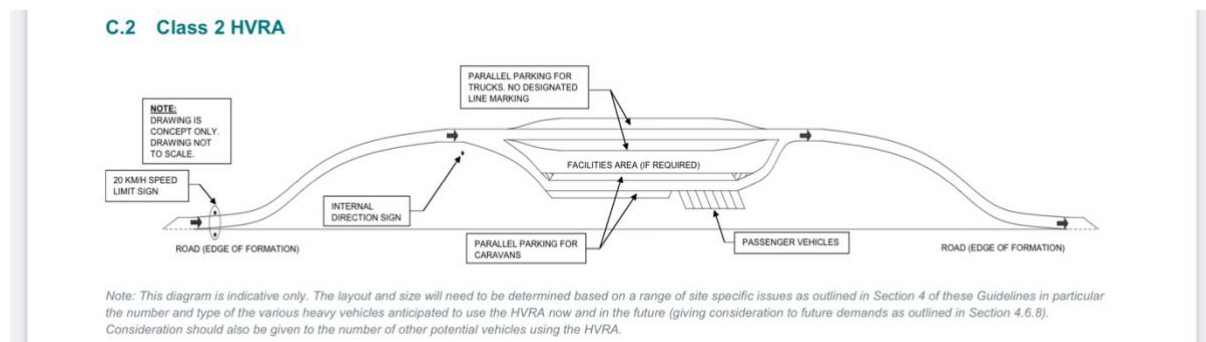
Figure 2.21



https://austroads.com.au/_data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf

Class 2 Rest areas that provide a higher quality sleeping spaces.

Figure 2.22



This class should have a dirt bunker sound barrier between the Freeway and the Rest area. Highway sound is a impediment for quality sleep.

An additional concern I have experienced is that the design of the class 2 rest area restricts capacity.

Negative experiences on these types of designs may occur when you have a row of vehicles and a centre vehicle departs.

It has been witnessed where a 4 bay with nose to tail parking, be reduced to 2 vehicles.

This is due to insufficient vehicle spacing, it is not suitable for B-Doubles to be attempting to reverse park when the Driver is suffering fatigue.

Whereas parking side by side removes this risk and stress for the Driver.

2.3 “Do you think large combinations may remove pressures from the industry”.

If we go back to 1985, B-Doubles were touted as the solution to productivity. They would be only purposed for depot-depot Linehaul work.

Then the Industry discovered the driver could drop one trailer at the depot and deliver the 2nd trailer directly.

Financially, the driver doesn't get paid for that work if the delivery is inside 32kms of the GPO of the city.

Now we have B-Doubles doing 2 or 3 deliveries in city streets.

Drivers are trying to find places to drop one trailer and make the deliveries in the other trailer. The lack of suitable trailer exchange facilities adds significant pressure for the Driver.

So as the larger combinations get rolled out, the pressure may reduce in the short term, but history tells us that it won't be long before drivers are doing all deliveries and trailers will be parked all around the streets.

PBS A-Doubles are now using service centres in Melbourne, that were originally designed for single semi trailers and smaller vehicles.

The larger combinations also travel slower which increases fatigue and stress over the increased journey time.

When you work out the payment of wages and time taken, the larger vehicles move more freight, but the driver is working longer for the same pay.

Dr. Michael Belzer from Wayne State University, USA made a submission to the RRAT Senate Inquiry into

The link between pay rates and safety.

At clause 2.52 Dr Belzer outlines his research.

[https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural and Regional Affairs and Transport/RoadTransportIndustry/Report/section?id=committees%2freportsen%2f024376%2f28076](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/RoadTransportIndustry/Report/section?id=committees%2freportsen%2f024376%2f28076)

2.4 “Interactions with NSW Police”

Yes, NSW Police can be heavy handed. They seem more highly likely to issue a fine based on the written law. The law is the law and they rarely use their available discretion to determine the risk scale and issue a formal warning or simply ask the Driver to fix the error immediately.

Many drivers have been fined for simply making a 15min counting mistake or fined failing to tick a box in their work diary.

Even recording the wrong date or day can be deemed as “Misleading Information” which currently attracts a \$12,600 penalty.

Figure 2.41

Chap 6 - Vehicle Operations - driver fatigue	325(1) False or misleading entries	12600		
Chap 6 -	326(1) Keepins 2 work diaries simultaneously prohibited			

NSW Police are more likely to issue fines for a work diary breach that has nothing to do with safety.

Administration errors and record keeping does not impact public safety.

In their view, the law is the law and it’s a strict liability offence.

One real world example would be NSW Police v Mr. D. Roe

Mr. Roe commenced his workday and forget to insert tick or cross in his work diary to record his relevant work option.

The police officer issued an infringement notice under sect 297(2) for some \$691, when the officer could have issued an Infringement Notice under a different, yet still applicable sect.296(1) for \$189.

This behaviour only reinforces the notion that many penalties are purely revenue raising exercises.

There was no risk to public safety nor any attempt to gain an advantage for failing to tick a box.

However, the NSW Police officer in this case made a conscious decision to go for the higher penalty.

Figure 2.42

Chap 6 - Vehicle Operations - driver fatigue	296(1) Recording information under the national regulations—general	1890	189	
Chap 6 - Vehicle Operations - driver fatigue	297(2) Information required to be recorded immediately after starting work	7580	758	
Chap 6 - Vehicle Operations - driver fatigue	298(1) Failing to record information about odometer reading	1890	189	
Chap 6 - Vehicle Operations - driver fatigue	299 Two-up driver to provide details	3770	377	
Chap 6 - Vehicle Operations - driver fatigue	301 Recording information in written work diary	1890	189	

<https://www.nhvr.gov.au/files/media/document/262/202306-1363-hvnl-penalties-and-infringements.pdf>

Figure 2.43

NSW Police Force

DR [REDACTED] ROE

Penalty Notice

Penalty Notice Number:	4070285900
Offence date:	31 March 2022
Penalty amount:	\$691.00
Date due:	02 May 2022
To pay now, call:	1300 130 112

PAY NOW

Pay now to avoid further costs and action

3.0 Question asked from Mr. Mark Banasiak

“What highways require attention”.

The National freight network should be built to a standard, such as the Pacific Freeway. The Newell highway has experienced some upgrades, yet still fails to meet the same standards as the Pacific or Hume Highways.

Road Construction isn't what I am referring to, but the dimensional aspect of the Pacific and Hume Freeways.

One of the biggest sources of frustrations is the road smoothness and repeated repairs, bandaid after bandaid fixes.

Numerous LAC's, in particular Moree local area council has a shocking record of subsidence in their road surfaces at service crossings.

It is not uncommon to hit these “dips” and have everything off the dash, end up on the floor of the truck. (Even coffee cups from holders)

3.1

“Time for rest breaks and rest areas are full. Do you think there should be a spillover in rest areas”

If we designed stopping bays with the above stated parameters, this would also address the spillover issue.

Queensland is certainly no example of desired goal, however utilising old section of obsolete roads can economically provide “spillover” rest areas, as pictured below. The below rest area currently suffers from overcapacity issues, let alone when PBS 1.0 and 2.0 vehicles become more common.

Additionally, there are significant noise issues as well.

This is the perfect example where a dirt bunker could be utilised between the road and the rest area to manage noise pollution and increase quality of sleep for Road Transport Drivers.



4.0 Question for Mr Farraway

“What do Truck Drivers want in Service Centre.”

Truck drivers do not want much more out of Service Centres along the various freight route except additional Parking.

Parking, clean facilities and quality food.

Government cannot necessarily control what a business provides in the way of services, but they can provide access and parking.

Transport for NSW can provide guidance at the local level for access to supermarkets.

They provide bus parking, yet zero heavy vehicle parking.

There appears by the actions witnessed to date, a zero or limited tolerance for heavy vehicles in local shopping precincts.

This can be easily achieved by providing wide, 4.0m road shoulder or by incorporating a Austroads Class 5 rest area (figure 4.1) in an appropriate, adjacent location.

Figure 4.1



I had an idea that I had put to Michael McCormick MP as deputy PM via a 3rd party during a meeting.

That government incorporates rest areas with Service Centres.

The Business can provide the Service and facilities, as well to maintain them.

The government can play its part by providing additional parking adjacent to these service centres.

Transport for NSW should take part in Future Service Centre approvals to provide planning for state funded rest areas.

When a Development Application is lodged for a Service Centre or general fuel outlet in smaller communities, there could easily be a requirement to seek information from Stakeholders to provide input to planning. At this stage, stakeholders could enhance the serviceability to the community at a discounted rate.

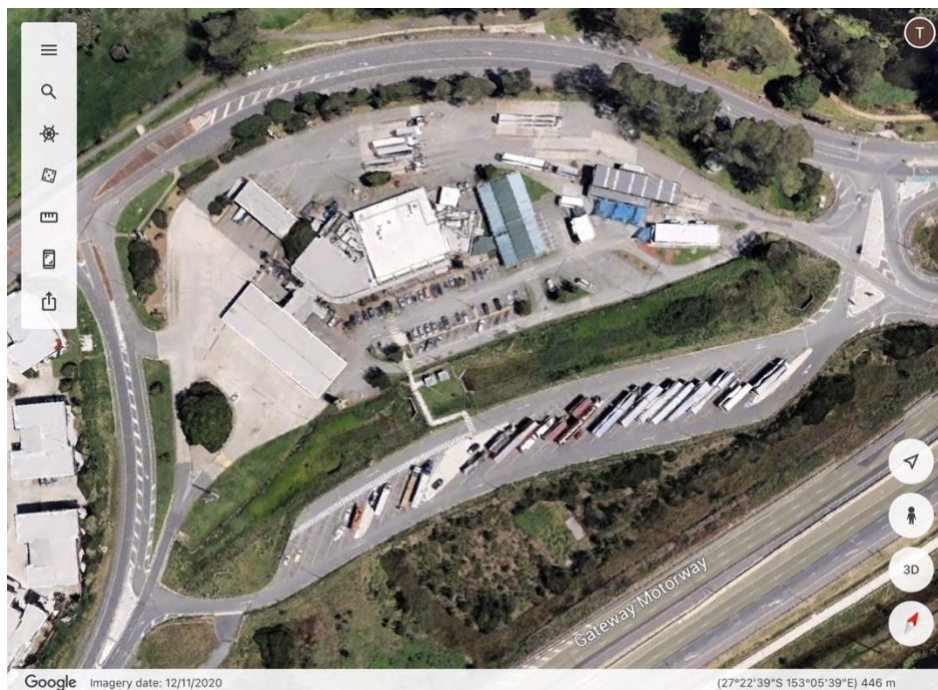
The Developer would be planning to provide fuel and facilities on the designated site anyway. Transport for NSW would have the opportunity to evaluate the proposal and may decide to acquire land or designate adjacent crown/government owned land to expand the proposals suitability for a heavy vehicle rest area and still separate land titles from the proposed development, should the business fail in the future.

This is the most economical solution for all stakeholders.

Queensland Transport and Main Roads has already provided a model for this concept, pictured below. This is the Nudgee Service Centre, Qld. (Figure 4.2)

The truck stop was already there and TMR provided the additional parking area.

Figure 4.2



The mid-west town of Dubbo is a classic case in point.

Dubbo is the crossroads of regional NSW, yet there is no Truck-stop proper. Thankfully in recent years there is a rest area at the southern end of town, but it is not really designed as a trailer exchange or staging area.

If a Road Transport Driver requires any supplies or medical help etc,
Where can they drop trailers and use their Prime mover as transport?

My ideal Service Centre would be behind a Urban road frontage retail strip precinct
with a Truck Fuel outlet behind the shops with a large parking area behind that.

These businesses need to be viable, so utilising the general retail outlets which are open
to all, with the truck parking at the rear, makes for a win-win situation.

This is Shell Roadhouse at Narrabri, NSW.

An ideal location for government to expand parking and maintain separate land titles
from the Roadhouse.

Figure 4.3



Consultation with industry is critical to build fit for purpose facilities. It is frustrating when we see consultation occur, yet government engineers ignore that consultation and do their own thing away. Consultants tick the boxes and build the thing, then many Users do not utilise the facility.

A good example is purpose built parking bays, then drivers turn around and prefer to use “green reflector bays” or a road authority gravel pit because the engineers didn’t listen.

I thank the Committee for their questions and trust this adds more detail to my answers.

Regards
Trevor Warner
Submission No.16