

INQUIRY INTO ROAD TOLLING REGIMES

Name: Name suppressed

Date Received: 21 May 2021

Partially
Confidential

STATEMENT OF OWNER DRIVER

I, _____, aged 53, have worked as an Owner Driver since 1991.

The name of my company is _____ was incorporated as a company in 2006.

In around 2001, I began working for my current Principal Contractor as outside hire. Prior to 2001, I worked as an Owner Driver on behalf of another Principal Contractor. When I worked as outside hire, I had to pay for my own toll expenses. In or around 2006, I started working for my current Principle Contractor as an Owner Driver. Since commencing my contract of carriage in 2001, I have only worked for the same Principle Contractor.

I have been a member of the Transport Workers' Union of New South Wales for over twenty (20) years. My current role is that I am a Delegate at the yard I am based at. I have been the a TWU Delegate for approximately 4 years. I am often heavily involved in dispute resolution.

I decided to work as an Owner Driver because prior to working in the transport industry, I worked in the building industry. I felt that a lot of the businesses I worked for went bust and I wanted to go into a profession that there was more job security.

The differences between working as an Owner Driver in comparison to a company driver is that I own my own truck and am paid by my Principal Contractor to compensate me for any expenses required when completing work on their behalf. There are a lot of expenses that I have to meet and there is a lot more responsibility than company drivers.

When I worked as a subcontractor, I was provided with an e-tag because I did not have consistent runs and it was quicker to take toll roads to attend certain sites and yards. At or around 2006, when I worked as an Owner Driver, my Principal Contractor gave me an e-tag. Whilst I cannot recall the exact date that I was provided an e-tag, I have had it for a number of years. When I had the e-tag, I was directed to use common sense and not abuse the e-tags I would try my best not to use toll roads and do right by the Principal Contract.

When one of the Principal Contractor's yards closed down, those drivers were transitioned to the yard that I was based at. These Owner Drivers were not provided with e-tags. These owner drivers were now operating in the same yard as me without an e-tag. I believe these drivers were never provided with e-tags.

Eventually one of the Managers working on behalf of my Principal Contractor advised that the company did not intend to continue paying for the toll roads. I remember being told words to the effect of "why should we as a company pay for your tolls? You are Owner Drivers, it's your responsibility to pay for them. Anyone who has an e-tag has to return them. We want all e-tags back. Why should only a limited amount of Owner Drivers have e-tags and not the rest?"

The reason that this statement was made was because at the time, the Owner Drivers that had moved to my yard from the Principal Contractor's previous yard that had shut down were asking management for an e-tag to correct the discrepancy between all Owner Drivers to make sure that no one was worse off.

I recall the TWU formally putting this matter in dispute around the end of 2019. This went to the Industrial Relations Commission. The Industrial Relations Commission proceeding resulted in there being an extension before we had to give the e-tags back. The TWU was heavily involved in the dispute. Because the matter was put in dispute, my Principal Contractor could not take the tags away for us because we have status quo provisions. The conclusion was that drivers had to pay for their own toll expenses per quarter and then they will be compensated for the quarter. I was approached in my capacity as

the TWU delegate by a driver who had to do the daily run to Botany and back multiple times a day. He complained to me that he was being paid in instalments which made it difficult for him to maintain his financial position. He was very frustrated because the Principal Contractor is a big business so he believed such a situation should not occur.

This was a sore spot in the yard. There was a lot of animosity between drivers and management because of the e-tags being removed from drivers and extra financial pressure being placed on Owner Drivers.

Owner Drivers take the long way to get around Sydney. I know that often even when drivers are directed to take toll roads, they ignore the direction and take longer routes. Often Owner Drivers tell me that they are concerned that they may be disciplined for not travelling upon the fastest possible route, but the financial pressure tolls put on small business owners is insurmountable.

At the end of the day, I, along with other Owner Drivers do not want to work all week just to pay for the toll expenses of the company.

I am frustrated because management are always telling Owner Drivers that they need to be more productive and they need to complete more work in their allocated time. If they continued providing e-tags this could be accomplished but not at my own expense.

Director