

Subject:

MR MIKE WILLIAMS SUBMISSION - SENATE RRAT ROAD TRANSPORT
INDUSTRY INQUIRY

Submission to the Senate Inquiry.

INQUIRY TERMS OF REFERENCE

The importance of a viable, safe, sustainable and efficient road transport industry, with particular regard to:

- a. the importance of an enforceable minimum award rate and sustainable standards and conditions for all stakeholders in the road transport industry;
- b. the development and maintenance of road transport infrastructure to ensure a safe, and efficient road transport industry;
- c. the regulatory impact, including the appropriateness, relevance and adequacy of the legislative framework, on all stakeholders in the road transport industry;
- d. the training and career pathways to support, develop and sustain the road transport industry;
- e. the social and economic impact of road-related injury, trauma and death;
- f. efficient cost-recovery measures for industry stakeholders, including sub-contractors;
- g. the impact of new technologies and advancements in freight distribution, vehicle design, road safety and alternative fuels;
- h. the importance of establishing a formal consultative relationship between the road transport industry and all levels of government in Australia; and

i. other related matters.

Opening statement.

I come before this inquiry as an experienced commercial driver and concerned citizen.

I have been a small fleet owner and therefore employer, an owner driver and an employed driver. I've operated in general, refrigerated freight and the bulk tanker sector where I'm currently employed.

I haven't always been a truck driver, I was once a Registered Nurse and hold a degree in nursing as well as a Graduate Diploma in Peri-operative Nursing. That means I've stood at an operating table with a surgeon and assisted in repairing the damage done in road accidents. I've seen the distraught people in the waiting area. I've also buried friends who've lost their lives on the road.

My mate Peter Wagner "Dutchy" lost his life 21st October 2016 up near Moree. He's not the only one. I've stood beside the graves of several friends and more than a few colleagues. I've been the next vehicle on the scene several times as well. Some of the sights, smells and emotion stay with me today.

At this point I'd like to remember good friends and colleagues who have lost their lives on the road.

I've written and been published on various issues within the road transport industry. My interests are in general to promote road safety. It's my firm belief that we can achieve improvement in outcomes on the road if all interested parties can find common ground and work together.

My interest as an employed driver is a fair days pay for a fair days work. Working for an employer that respects me and my skills, an employer who is prepared to work within the law and gives me well maintained equipment to work with. Fortunately for me I have all that. Many drivers don't. That is why I have chosen to make a submission offering my unique perspective and try to improve the lot of those who don't.

Some of what I have to say will come as no surprise to many, has already been said in other submissions and will simply be considered as stating the obvious. However it's my belief that sometimes what is obvious to some isn't always obvious to all. Basic facts need to be agreed and accepted before progress can be made.

The first obvious fact is that far too many of our citizens are losing their lives and being injured on the road and we need to take action to reduce the numbers.

The second obvious fact is that deaths and injuries are devastating for those families involved.

Third, there are many interested parties in and around the transport industry. Unfortunately they all seem to have vastly different motivations. Unfortunately all these interests and forces have a direct influence on outcomes on the road.

I believe you would be hard pressed to find anyone who believes in anarchy. That there should be no lines in the sand. Every level of the road transport industry including customers and authorities have a role to play in improving road safety and conditions for the motoring public and those within the industry. It's where the lines are drawn that contribute to the challenges.

You can just about pick up any old industry magazine or paper and see the same issues being pointed out and chewed over again and again. My mate Barry Grimson of Razorback fame told me that there were hundreds of issues to deal with in 1979. They fixed a few. Many of those issues still exist today and have never been addressed because one interest or another has prevented change to suit their group motivation.

It's patently obvious to many of us actually working on the road that tinkering around the edges has unforeseen effects and often creates a problem elsewhere. Obviously the kick the can down the road, fragmented jurisdictions, vested interests with the various sharks and parasites do only what needs to be done to forward their agenda and fatten their wallets.

My purpose is to highlight several areas of concern and point out possible solutions to issues I've identified and highlight the fact that each of these areas is related to and affects the others.

There are many out there with the technical expertise and the intimate knowledge of laws etc. I'm not one of those. I speak from what I see in reality on the road. It's my belief that long distance trucking in particular is a lifestyle, a vocation. You can either do it or you can't. Much the same as a lot of other jobs. It seems sometimes we're not valued for our skill sets.

So my submission isn't based on precise changes to law or how to make that prime mover work with that trailer set. For the life of me I can't understand how there's all the screaming about the size of trucks. A triaxle set weight limit is the same on a single, a double, a road train! The x and y distances are all worked out. So really what difference does it make if it's a single, double, triple or quad running up and down the Hume Highway? More to the point why should one company get a commerce advantage running a unique truck on some sort of trial simply because they can afford the costs?

All these trade offs for concessions demonstrate how the motivations of the parties have directly affected the outcomes of what's turned into reality on the road.

You want a 53 foot trailer? No worries you're now limited to 90kmh. Why? Never mind the fact the company running the 53 foot trailer for the supermarket chain is doing it because it allows an extra couple of pallets on the truck, the driver gets no more for the extra work, suffers the time penalty for the lower highway speed and I believe the same company wants to and is moving away from hourly pay to Km rates for drivers doing rural work. How is that fair? Can just anyone set up a combination like this and take advantage of the extra pallet spaces? Why should drivers suffer changes to pay to satisfy a customer deal? Where's the TWU??

The difference between A 25 meter B Double prime mover being legal on a 26 meter B Double is a FUPs bar! But you can have an extra 500kg on the steer! That was yet another trade off. The authority being able to say to the public "look, we've made them do something to be safer" while giving in to the transport industry demand for that bit of extra length because B Double

combinations were that tight A and B trailers were smashed together when a truck crossed a driveway. There's more to the story I'm sure.

So, the customers want the best rate possible and their freight, no matter what it is, moved in a way and a time that suits them. The public want all this done in the safest way and with the least disruption to their life possible. The authorities have to respond to the wants of the public and be seen to act when things go wrong. Knee jerk public raids and blitzes follow every well publicised incident. Then regulation screws down ever further so they can say "look we did something" The industry bodies lobby for their members to influence the regulators for change beneficial to their members, but that may not be the industry as a whole. The major transport companies try to comply with all this while trying to carve out some sort of profit.

Meanwhile, the poor owner driver and company drivers who make it all happen at the end of the day, have no power and no say but remain the low hanging fruit getting abused by the customers by being forced to endure their poor time management. Abused by the public for being in the traffic (while moving all their wants and needs!) abused by the councils who don't provide adequate facilities, abused by the authorities with ridiculous laws and then financially smashed with outrageous fines.

Finally getting blamed by everyone for everything while having no power to correct any of it!

Unfortunately we, along with any other poor unfortunate soul who happens to be there are the ones who pay with our lives when it all goes wrong.

At this point I'd like to insert the text of two articles published in Big Rigs Newspaper. The first published 06/02/2019 authored by myself. I believe it clearly summarises the dilemma faced by many long drivers trying to navigate their way through their working life. The second on the licensing issue I contributed to written by James Graham.

I WORK for a company that uses a form of EWD to track compliance of drivers. We still use paper work diaries and

match those to the EWD. I grew up on paper diaries as we all have.

So, it was a big change for me to incorporate the EWD and even though for me now it's more of a checking situation, after a few months using the system I became comfortable with it. Now I'm happy to say I could use it all the time in preference to a paper logbook.

For a driver it has some real and significant advantages. The EWD keeps track of all your hours, tells you when you need your breaks, calculates all the hard to deal with stuff like total hours, long hours, night hours, week and fortnight hours. When you're due for night breaks and 24hour breaks. Everything is there at your fingertips, so you know exactly where you're at.

Another advantage over the paper diary; it calculates your time to the minute so no more lost time with rounding. No more guessing the name of the parking bay, no more spelling issues. It's easy to use you log on, press start work and start rest as required and as long as you remain within what it's telling you then you work maximum hours with no risk of a compliance issue.

It's a double-edged sword. It's going to be easy to get caught out. It's impossible to fudge. The driver can't edit anything. If you don't colour within the lines, it's there to be seen. That will mean fines. Loss of income. It's not going to be much fun for some.

On the up-side it's also there for your operations team to see. They will discover which customers are wasting their drivers time. Who really was stuck in traffic. The daily 4pm carpark southbound on Sydney's M7 will have to be considered.

A lot of us run Basic Fatigue Management allowing a 14-hour work day. I've heard plenty of argument along the lines of prescriptive work hours are bad because we're not all the same, we have different body clocks: a 25-year-old driver is different to a 55-year-old, etc.

To a point I agree with some of that. The argument falls down because 14 hours is a maximum. It's not a requirement. You have 17 hours to do the 14 hours work. Seriously have a think about that fact. Now consider the amount of work hours we're legally allowed to do compared the expectations in other

areas of work. There has to be a line in the sand. In comparison I believe the Americans are only allowed 11 hours and get 14 hours to do it. Think about the motivations of the different groups.

Mandatory rules are coming

Going down the EWD path will happen. Make no mistake about that. They are seen as an effective tool to regulate drivers and reduce fatigue. Whether or not that's true can be debated.

The authorities must be seen to be doing everything they can to protect the motoring public. This is the reason we see the blitz and the well televised raids. It's also the reason we see some of the completely illogical regulations. FUP bars required for 26m doubles and not for 25m etc.

There are people out there - owners and managers - who want to push to the ragged edge all the time. They want to use time down to the last second. Get that last 50kg on the trailer. They're entitled to do that. But it's an attitude that won't match the new world. The EWD will finally make DC's, owners and managers have to account for all the time. Waiting hours for paperwork will become an issue for operations because it will make the difference to whether a truck gets in on time or not.

Drivers are caught in the middle. Sure, there are some out there who bleed diesel, are all about the image, the chrome, the lifestyle. Some like to think of themselves as the outlaw trucker. Some just want to earn the money. I think most of us are some combination of all those. No matter what you are you're stuck; 14 hours work. 17 hours to do it. Night hours, long hours, traffic, waiting, weather, breakdown etc. Whatever happens there's only a certain amount of time in the day. Unfortunately for most long-distance drivers it doesn't matter how long the trip takes if you're on trip money the day may go on but the pay doesn't.

With an EWD you can't fudge that lost hour. You can't indulge in that extra coffee with your old mate at the roadhouse. Reality is going to hit some drivers hard. My US friends who now have to use EWD's and are being paid trip money all tell me that their pay has gone down.

You would like to think the key to being happy with an EWD is planning. Planning won't save you. It's one of the biggest lies in the whole debate. It's logical and at the same time impossible.

I do not advocate breaking road laws. I believe that the work hours we have available to us are enough. There has to be that line in the sand. But I maintain that we deserve to be treated properly and fairly. If the authorities make laws we must comply with and there are serious penalties for being non-compliant, then the infrastructure must be available for us to comply.

My prediction is that we'll be seeing the real push from authorities to make EWD's mandatory in the near future. Unless there is some serious push-back from the industry it will get through without regard for any shortcomings. We will be expected to solve the operational problems ourselves.

Some of the issues as I see them

1. There are hundreds of places suitable for a truck to park in and around towns. They're marked off with no standing and no stopping signs usually right out front of that public toilet where we can't fit in the public car park or the fast food joint or service station with a toilet. Added to that councils usually enforce one hour standing limits for trucks. There are nowhere near enough rest areas on the highways. It's as simple as that. Safe parking on the highways and byways and especially in the towns and cities is in short supply. There aren't enough facilities.
2. We have been treated like second class citizens for way too long. We deserve to be able to get a decent meal, have a shower and have access to a toilet. Trucks will be pulled up on off ramps, on the side of the road anywhere. This is exactly what's happened in the US since they introduced mandatory EWD's. I've always maintained the view that long distance trucks should be equipped at least with an engine off cooling system, a fridge, a microwave and a chemical toilet. That means larger sleepers. That means longer trucks. There's a whole other discussion that leads from that. Our occupational health and safety only seems to be an issue when it comes to where we must stand while our truck is being loaded and what PPE we must wear no matter what's going on. There's a whole discussion that leads from this as well! If you're forced to stay in a parking area with no facilities when you have to answer the call of nature what do you do?

They're talking about an 8-minute grace period. Unless they put rest areas 10 minutes apart what's 8 minutes worth? You can trip plan all you want but none of us has a crystal ball. When you get to your planned stop and there's no space, what then? You have to move on. You can't plan for accidents or road work. Unless you have some time available your EWD will record a breach. The inevitable check at some time down the track will dutifully highlight your breach for the officer. It will have certainly notified your ops manager! How do you prove a parking area was full? My EWD tells me when my break is 30 minutes away and then again at 15 minutes. Bad enough when you're on the open road looking for a rest area. Stress inducing stuck in traffic. Simple example, I had to pull into the breakdown lane coming out of Canberra one evening due to traffic. A 30 minutes break on the side of the road. I had planned to go to a rest area 8km further up the road. In full view of the public. No facilities. If your needing to relieve yourself you have no option. What would have been my option if I was coming up to the mandatory 7-hour break? I've done my 14? It's not pretty but it's going to be the reality.

3. Now I want to point out the bleeding obvious. We are all working for the same reason. To make the money that pays the bills. Every time someone gets fined for anything that's food out of the kids' mouths, the house payment for the week, some other obligations not met. We all know the clock is always ticking. As soon as you press the start work button it's game on. There are going to be situations out there where a driver sees the clock ticking down knowing that unless that truck gets to where it needs to be then a fine is guaranteed under an EWD system. It's delusional thinking to believe a driver is going to just suck that up and keep sucking it up. There will be frustration. Frustration leads to poor decisions. The driver may push too hard in poor weather, fog, rain. Push too hard in traffic. Take risks that become more unreasonable as the clock winds down. Not everyone. But there will for certain be some. It may well be a recipe for disaster. I wonder if scenario has even come up for discussion? Remember this will be a frustration brought about by things that will happen that are beyond a driver's control. The fact that drivers will be held responsible and the immediate "well if you planned your trip better" line will be the first thing to come out is completely unfair.

It's time for a frank and open discussion. There has to be an honest assessment and understanding about the motivations of the different groups. Our industry has come a long way over the years.

We understand that we need to be as safe as possible. I think we mostly agree that technology is a path to a safer industry.

The following is the text of an article written by James Graham that I contributed to published in Big Rigs Newspaper 23/6/2020 entitled Licensing flaws hurt us - the system needs to change.

TO illustrate the glaring shortcomings of our heavy vehicle driver licensing system, long-time truckie Mike Williams shares the analogy of an airline pilot.

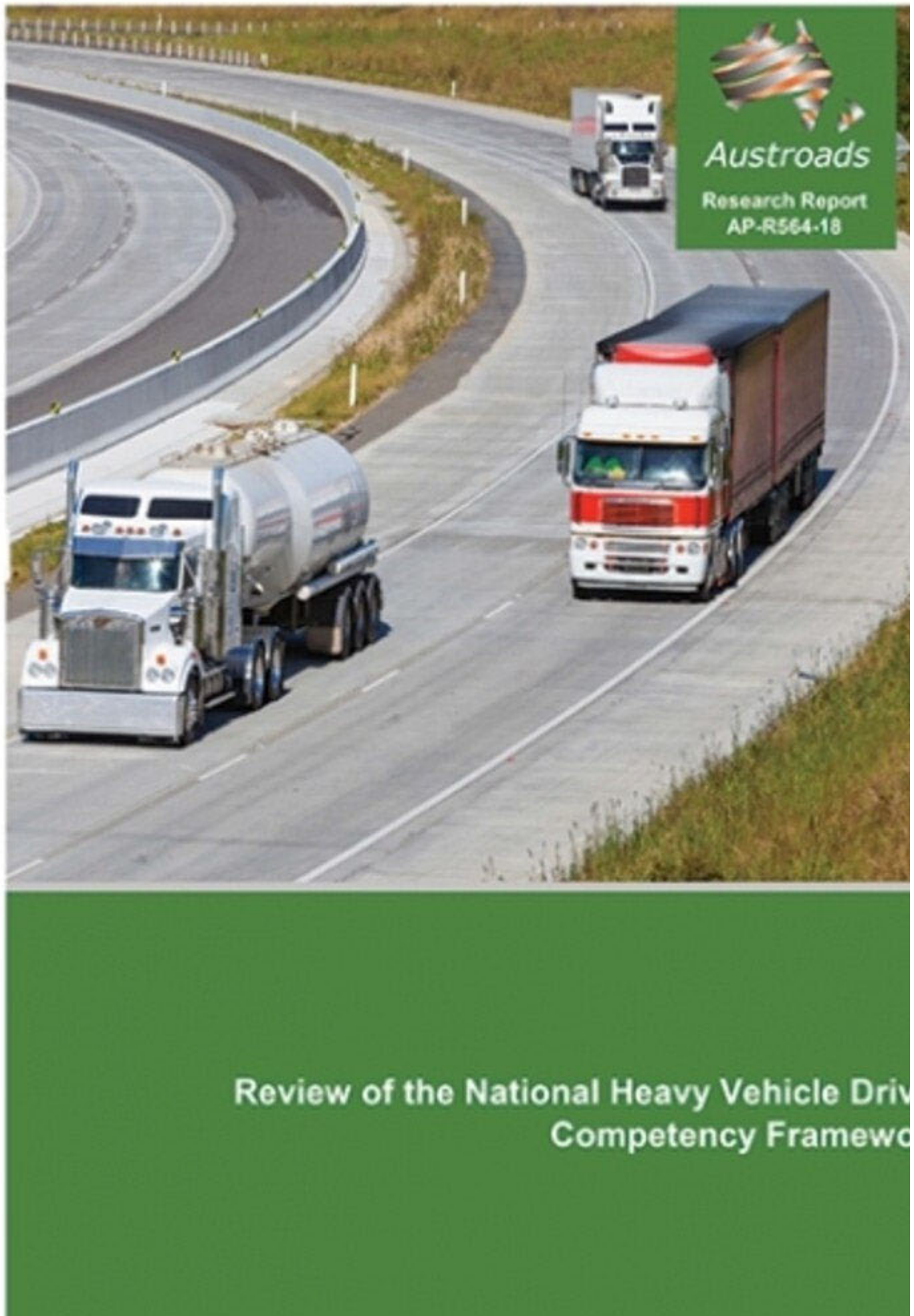
To get behind the seat of an A380 commercial airliner, first he, or she, gets his licence in a Cessna, or something equally modest, before stepping into a twin-engine turbo propeller and undergoing hours of elaborate training over many years.

Why then, Mike wants to know, is the industry allowing woefully inexperienced drivers behind the wheels of potential death traps at 100km/h along with everyone else on our busy motorways.

“There are a number of failures that have happened, which to me stem from the fact that the various road authorities have outsourced all the training, education and examination of licences,” he said.

“The licence system needs to be reformed. There needs to be proof before you go up a level in licence that you have X-amount of driving hours, whatever people think is reasonable, in the class of vehicle you held the licence for.

“Then, before you go and do your next class of licence, you’ve got to go and have a competency test where they can cut you off, and say ‘listen, you’re not yet competent to have that class’.”



Austroads report.

Mike, now 57 and a dangerous goods driver, has had his truck licence since he was 18, but has never done another test, apart from when he graduated to his MC.

“People will hate this, but I think if you’re a commercial driver, you should be made to spend at least half a day every 12 months with a driving instructor and just iron out any issues that you’ve got.

“What happens to guys out there is they drive for years and the bad stuff doesn’t happen to them, but when it does, it kills them.”

Road safety advocate Rod Hannifey said the “beginning of the end” was the introduction of automatics, which took away the need to understand the basics of large truck.

“The licencing test obviously doesn’t have a requirement that you learn all that you need either,” he said.

“It’s a bit like the problem with car drivers; you teach them to pass the test, then you let them loose on the road and you don’t teach them about sharing the road with trucks.

“The same unfortunately applies to truck drivers now in that you teach them to pass the test, then you let them loose when they don’t understand load restraint, or any of those other factors.”

Stu Gluyas, CEO of Brisbane-based RTO Shift Training, has lobbied the Queensland Government to make urgent changes to the current system which he believes is churning out too many unskilled drivers.

He’s written to transport minister Mark Bailey proposing mandatory theory training and an increase in minimum practical training hours to be undertaken by audited RTO’s

His proposal also calls for tougher laws around interstate and overseas drivers.

“Drivers who present with a heavy vehicle licence from interstate, or another country, and wish to change to a Queensland licence would have the same conditions as those drivers newly acquiring a heavy vehicle licence,” he writes.

Austroads tells *Big Rigs* that it has just embarked on two projects to address perceived road safety risks associated with heavy vehicle drivers.

One is looking at the licensing of overseas drivers, including heavy vehicle drivers, and the other is Stage 3 of the review of the National Heavy Vehicle Competency Framework. The overseas drivers project follows a review in November 2019 to improve the regulation of overseas driver’s licences. The project will examine the time period that an overseas licence holder can drive in Australia on an overseas licence, work with jurisdictions to improve the

efficiency of testing for people applying for an Australian driver's licence and audit other countries' training and assessment standards for licences.

The project will also identify any practices which can reduce the risk of driver's licence fraud including more co-ordinated regional and international information sharing.

“The continuation of the National Heavy Vehicle Competency Framework project will focus on strengthening licence requirements in terms of hazard awareness and response, and driving in a broad range of road conditions,” a spokesperson tell us.

“In a context of driver shortages, this project will also examine licence class progression arrangements and assessment to demonstrate capability requirements including minimum supervised hours of experience being part of training systems, and then develop resources to guide jurisdictions.”

Both projects are due to be completed by the end of 2021.

My further comment on this article.

Drivers come from all walks of life. Unfortunately the pool of experienced drivers seems to be shrinking. Drivers come to Australia from all over the world. That's a good thing. Often they bring valuable skills and experience. The problem is these skills don't seem to be properly assessed. Too many instances of drivers slipping through the system as it currently stands and having problems have become apparent.

We need more thorough training and assessments. Regular re-assessment and ongoing training.

There needs to be an accredited training system that addresses all areas required while operating a commercial heavy vehicle. All commercial drivers should be able to pass a comprehensive skills and theory assessment. These should be reassessed annually.

This inquiry is about finding potential solutions to the problems that are evident in the road transport up industry. So therefore I shall tender my opinion on what some of those solutions should be.

To address fatigue:

- 1: A national set of guidelines that set out design and placement of formal heavy vehicle rest areas. This should be reviewed and have input from drivers who will use these facilities.
- 2: A national set of guidelines that set out the ability of local councils and road authorities to approve informal heavy vehicle rest areas. (The green reflector initiative for example as presented by Rod Hannifey)
- 3: Review of length laws to allow for longer prime movers allowing additional space for driver in cab amenities. This may also require increased steer axle weight limits. (Then make sure this get transferred into longer trailers!)
- 4: Abolition of trip money (cents per Km) for employed drivers.
- 5: Requirement that all trucks on linehaul operations outside metropolitan areas have sleeping quarters as well as engine off cooling and heating.

To address economic issues:

- 1: Payment for completed work be immediate on production of proof of delivery and invoice particularly for owner driver sub-contractors.
- 2: Recommended freight rates set and agreed to and published by industry. These should be adjusted with CPI and include a flexible fee for use to cover fuel price variations.
- 3: Detention/demurrage rates agreed to, enforced and published by industry.

To address on road enforcement:

- 1: A system to grade transport companies. This should be publicly available.
- 2: Review of fines as they relate to drivers.

On the grading system I'm sure it does already happen. There's no doubt that various authorities have detailed information on companies and collect data

daily through checking stations like Marulan. The problem is drivers don't have access to the data. Nor do the public as far as I know. If as a driver I could see the X company has a better score or Y company is always in trouble then I could decide on who I want to work for. Rogues wouldn't stay in business for very long.

I've heard the suggestion that there should be a review panel for on road infringements for interstate drivers. This is fundamentally a sound idea and one I support. As a long distance commercial driver it's not uncommon to traverse several states and many jurisdictions in a week. If your unfortunate enough to collect an infringement you have the choice of simply admitting guilt and paying the penalty, or going through the process of contesting the infringement. Paying a massive \$600+ fine can often be cheaper than defending yourself. When as a driver you've got to get from where you live to where the case is being heard, time off work, lost money because hey you don't get paid if the wheels aren't turning on trip money, lawyers etc etc etc. you may also have to appear several times. This is a reality. These circumstances have a chilling effect on drivers defending themselves in court. There's the added effect that insurance companies see a long list of minor traffic issues as a higher risk (you paid the fine so ergo you're guilty) also the simple fact that drivers have families, mortgages, bills to pay. The short term financial consequences stand in the way of justice.

To address Driver training and recruitment:

- 1: National standards for ALL drivers. PROOF of experience and skills testing for moving up to vehicles of larger classes.
- 2: Establishment of proper training schools for ALL drivers.
- 3: Establishment of a Commercial Driver Licence requiring annual medical assessment and training for professional drivers.

It's pretty straight forward. We universally accept that credentialing is the way to verify skills and experience. We have had several serious failures in heavy vehicle licensing. There are training organisations out there but the fact these failures have happened, to me, demonstrates there are issues with accreditation. Some of these course seem haphazard as well. There's much more to operating a heavy vehicle than just steering it down the road.

Compliance and everything that entails is often not taught. This is the area that needs attention.

A holistic focus on training that addresses all the on road requirements is sorely needed.

Perhaps the insurance companies could help accredit such training and give incentives to companies who run their drivers through additional training as well as more competitive rates to employ new drivers from accredited schools.

In Summary:

Motivation and incentives are important considerations when dealing with the forces in any area of life.

It's my view that many things need to happen to improve the lot of drivers and road safety in general. These things on their own, while addressing some challenges, won't individually "fix everything". There are no silver bullets.

1. Fix licensing, training and accreditation of training companies and drivers. Implementation of a Commercial Driver endorsement. Potentially endorsements for specific areas of operation. Stock, tankers, general freight, load restraint etc.
2. Outlaw trip money (cents per Km payment) in favour of hourly rates for employed drivers.
3. Fix the rest areas. A national standard is required.
4. Fix the roads. A national standard is required.
5. A pragmatic consideration of vehicle length and weight laws to allow for better living quarters in trucks.
6. Mandatory engine off climate control in commercial vehicles leaving metro areas.
7. Review of fatigue management laws focusing on technological advancement in fatigue management devices.
8. Implementation of publicly available data. Name and shame the bad guys!
9. Implementation of a review system that allows commercial drivers to contest infringement notices without being financially destroyed.

Thank you for your attention.

Mike Williams