

Sir,

I am writing to you in hopes to make you aware of what I've identified as to where key sources to a lot of the transport industries problems stem from constantly experienced by someone like my self actively in the industry, for 25 years, nationwide virtually incident / accident free.

I can remember the days when we would load, do our journey, arrive at our destination for unloading, have a good rest and be fresh for the next job. Now we're regulated to so many hours to complete it with, we could once rest when we needed rest, now we do so when our work diary tells us to, get quality sleep when we needed it, now we sleep when our work diary tells us to and it's quality is conflicted by awkward time slots and loading / unloading delays. I don't remember being pressured as much to meet demands, there was enough money to take time out, now running costs especially fuel in which I don't understand with oil prices it's refined from have never been lower, we've got to keep going constantly to provide a viable income and maintain a viable business investment,

I've welcomed safety & regulation focus in the past decade and it's progress, it's visibly apparent that heavy vehicle equipment on our highways are more compliant & safer, data & statistics indicate improvements, although those statistics spike from time to time, overall heavy vehicles & it's drivers account for very small percentage the blame for those unfortunate accidents and of course overall the heavy vehicle population has rapidly expanded and is set to double by year 2030, by then trucks will be electric & automated, all a driver would be required to do is load / unload, drive to and from the major highway, flick a switch & read a book, we would then probably be amongst the low income earners too ? to me one fatality on our roads involving a heavy vehicle is one too many, but, the reality is that's not an achievable goal to set any time soon.

In my 25 year career and with the recent National Heavy Vehicle Regulator (NHVR) work diary I've never found myself to be so tired and stressed, in theory I shouldn't be or is it because I'm just getting older ? No I don't think so I'm only 48 I've got years to go yet ! I conduct myself professionally, I will not drive fatigued and I will not drive a defective vehicle, there's no reason to or be forced to plain & simple, however, I've identified a lot of causes for my tiredness and pressure not only I'm experiencing, but, also my employers, other heavy vehicle operators and their drivers.

I can understand it would be difficult for the transport industries bodies, regulators and of course people like yourself to collect data to base solutions upon, I'm here to declare a lot of recent data collected involving NHVR work diary's and fatigue related data could be misleading and is not the whole story, I have very good reasons to believe so, it's quite a grey area with us drivers because at the end of the day we are just trying to earn a living / provide for our families as do the companies / operators we work for, above all return to our families safely, a lot of truth & data is being hidden out of fear of being exposed to infringements or incriminating ourselves due to so many infringements that can be imposed against the driver, this is where I feel the regulations are misdirected and also the cause for some fatigue for me personally at least, Chain Of Responsibility (COR) is supposed to protect us from as such, but, perhaps to your surprise it just is not, therefore our work hour regulations can work against us & create fatigue in which I'm going to give you some examples that are common occurrences amongst heavy vehicle drivers and operators.

Transport industry operations are based on supply chain contracts in which are procured for transport companies to tender for accepting terms, conditions and pay rates, however, only the larger transport companies are accepting such terms & conditions. Two clauses of my concern in these contracts are:

1. booking times are required upon loading / unloading (time slots) at most Distribution centres, factories etc. You can be up to half an hour late before your load would be subject to rejection or require re-booking in which could take between 6-24 hours (these times may vary at different sites)
2. waiting time or penalty charges are exempt if there was to be loading / unloading delays, Australian industry standards state that as of 90 minutes delay upon arrival or nominated time slot the transport company can impose penalty charges meaning contracts are being accepted with exemption of these charges.

The above clauses are the main two that are placing undue pressure upon the transport industry in which the larger transport companies are capable of structuring their operations to deal with such demands in a compliant manner, but, having said that there's a lot, quite a large percentage of work they simply can't in which then is sub-contracted to quality & compliant smaller transport companies with fleets and operations ranging from single owner operators to 30 heavy vehicles.

A common example looks like this, my company receives a job for my vehicle to be loaded in Melbourne and unloaded in Sydney next day. Our operations contacts these companies at each end to arrange booking times for loading and unloading. Desired time slots aren't always available for many reasons, but, the main common reasons are the volume and congestion of loads to be allocated time slots and ill equipped and / or understaffed sites to cope with the volume. A lot of the time I'm loading my vehicle while my operations are awaiting on confirmation for a unloading time slot at it's destination. On top of this, a delay of 4 hours or more upon my arrival for loading conflicts with my safe journey plan and / or a correct, compliant work diary entry. Yes I have a choice I can refuse the load after such a long delay or awkward time slot and go without a days pay. My company is also not being able to apply penalty charges for the delay because of a contract clause or we can try changing the unloading time slot to enable me to complete a compliant journey in which in most instances is unsuccessful or too late to do so. Delays as such commonly are not due to the driver nor the transport company. The transport company and the drivers have no control over this yet they are required to meet these unloading / loading time slots and also comply with NHVR work diary regulations that. Off loading presents the same if not worse problems. At both offloading / loading sites drivers are required to sign COR declaration forms before either commences yet we have no control over delays. These COR forms exempt the sender / receiver from the fatigue management responsibilities, it rests solely on the driver from that point. Any offloading delay affects my fatigue management compliance and my vehicle's ability to be ready for the next job elsewhere without losing a days pay and keeping our companies reputation healthy for up and coming work.

I think the above explains and gives you an idea of how demanding the industry is and how large supply & demand chains are operating, utilising the COR legislation to their own advantage and also avoiding transporting penalty rates which in turn cause the transport companies to jump hurdles to secure / sustain jobs, stay compliant and also preventing or at least making it difficult to manage fatigue and it's compliance.

In summary my 9.5 hour journey plus an hour at each end loading & offloading in which we are declaring 5-6 days a week to earn a wage doesn't sound demanding and to be honest it isn't and that's the data authorities are receiving. In reality majority of the time that 11.5 hours work example is taking us 16 hours or longer with an average of 5 hours quality sleep if you're lucky, plus risks and exposure to work diary infringements all because contracts are being issued and accepted as previously explained, COR forms are being signed rendering the supply & demand chain exempt from responsibility allowing them to operate as they please, it's the driver exposed to all the risks because of ill equipped, understaffed loading & offloading sites and their in-ability to be flexible with time slots, the above mentioned is only a brief example of so many complex problems it can be broken up into, I have some appalling examples of COR exploitation that I experience at least on a weekly basis if you care to hear ? I agree there's no easy or quick solution, I know Unions and other transport bodies have tried to expose & eradicate these types of problems obviously with out success ! In the meantime it's the driver suffering and carrying the industries COR legislation shortfall.

I strongly believe that time slots will be adhered to by the supply and demand chain if their contracts could not be allowed to be procured or accepted under such terms and conditions and enable transport companies to apply the Australia industry standard penalty charges for any delays, the COR forms that drivers complete at these loading & unloading sites need to be addressed so that the suppliers and receivers accept responsibility for any delays they impose in which will affect the drivers safe journey caused by their inability. Also somehow implement a clause where the driver is protected and / or exempt from NHVR compliance infringements if such delays and / or lack of desired time slot availability out of his control takes place.

Thank you for taking your time to read my thoughts & concerns.

I'd also like to extend a invitation for you to feel free to seek more details on any of this letters content or perhaps any other aspect from someone like myself actively inside the industry that may assist you.