



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**Road Safety Remuneration Bill 2011,  
Road Safety Remuneration (Consequential  
Amendments and Related Provisions) Bill 2011**

**Second Reading**

**SPEECH**

**Wednesday, 29 February 2012**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

---

## SPEECH

<b>Date</b> Wednesday, 29 February 2012	<b>Source</b> House
<b>Page</b> 2289	<b>Proof</b> No
<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Hayes, Chris, MP	<b>Question No.</b>

**Mr HAYES** (Fowler) (12:52): I am proud to speak today on the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011, which establish the Road Safety Remuneration Tribunal and take critical action to promote road safety and fairness for our country's road transport industry. The road transport industry is the deadliest industry in Australia, with 25 deaths per 100,000 workers in 2008-09. That rate is about 10 times higher than the average for all industries. Each year, approximately 330 Australians are killed and 5½ thousand Australians are injured in road crashes involving trucks. These are more than statistics; each number represents someone's husband or wife, mother or father, sister or daughter, brother or son. It is not just about truck drivers; it is about many members of our community who use the roads on a daily basis.

Two such community members were Albert De Beer and David Tagliaferri. David got a flat tyre on the Old Coast Road near Myalup in Western Australia in February 2011. Seeing David in trouble, Albert, who was a total stranger to him, played the part of the good Samaritan and stopped to help. Then tragedy struck. An oncoming truck hit both men and they both lost their lives. David's wife, Lystra, and his sister, Lisa, and Albert's wife, Suzanne, and his mother, Johanna Christina De Beer, are all in Canberra today to witness the passage of this legislation through the House.

As well as the horrific human cost, there is a definite economic cost to our nation, which is estimated at the moment to be \$2.7 billion each year. Reforms that address the links between remuneration and safety—not just rates but structures and practices—were recommended by the National Transport Commission's 2008 review of safety and remuneration in the industry. Clearly these reforms are needed to make the sector fairer for drivers and to make our roads safer for all Australians.

I would like to congratulate the member for Hinkler on his forthright remarks to the Australian Logistics Council when they appeared before the House of Representatives Standing Committee on Infrastructure and Communications, on 15 February, as part of the committee's inquiry into these bills. Paul Neville said:

We have had a series of inquiries going back 10 or 11 years now, one of which I chaired, where we felt that the limits had already at that time been pushed to a point where drivers were not receiving fair reward. Two things were happening. In companies where there were employees they were taking on more overtime than they could reasonably handle. And in the case of the owner-drivers they were being set unrealistic limits. Just to say that you do not think there has been any evidence and that there has been a small decrease in the number of heavy vehicle road fatalities—I do not think that establishes anything.

The member for Hinkler is no stranger to safety issues in the road transport industry, having chaired the *Beyond the midnight oil* inquiry. I only hope that, when he goes back to his party room, he can convince his colleagues to support his remarks and his convictions in this matter.

Clearly the financial pressures being placed on road transport companies, and in turn on the truck drivers, by major retail clients is immense. Truck drivers, their families and Australian road users are being squeezed to death by the overwhelming market power of big retailers like Coles, which along with Woolworths accounts for over 30 per cent of the road freight on our roads today. They determine the work practices and timetabling. They have the power and the opportunity to impose good, safe work practices, but they have failed to do it. The notion of a fully contestable market sounds good, but unfortunately in this case the price being paid for those compromised practices is measured in lives lost, families wrecked and communities devastated.

Today I would like to talk a little bit about some of the people at the coalface in this debate and share some words from some of the truck drivers themselves. Former driver Andrew Villis gave evidence to the New South Wales Industrial Relations Commission:

When I was required to perform excessive hours I would sometimes experience a state of mind that I can only describe as hallucinations, which I considered to be due to sleep deprivation.

I would 'see' trees turning into machinery, which would lift my truck off the road. I 'saw' myself run over motorcycles, cars and people. I estimate that I had experiences like these roughly every second day. They were not an uncommon thing for me.

This is a heavy vehicle user on our roads.

Tom, a 40-year-old truck driver from New South Wales, summed up the pressures and dangers when he said:

I am doing 24 hours in unpaid waiting times a week. With trailers being preloaded by clients I cannot afford to wait another hour or so unpaid while they unload and reload a set of trailers to get the legal weights. I carry overweight regularly and I don't have a choice.

When his vehicle eventually gets loaded, Tom has effectively been working for four to six hours without being paid. The truly frightening thing is that that is just the start of his work day. He will be driving on our highways and freeways, through our suburbs and electorates, for the next 12 hours or so until his load is finished. It is hardly safe.

These are not just stories; these are facts. I used to regularly visit what is known as Uncle Leo's truck stop. They are the sorts of stories I would get from driver after driver who saw their occupation of driving trucks as one of driving mobile storage units for major retail interests. They were given slot times indicating when to arrive. It is not a 747 landing, this is a truck being scheduled for when it can arrive. Drivers' arrivals would be delayed and they would be forced to wait and not get paid for it. These stories illustrate why there must be full and proper recognition of the relationship between supply chain pressures, methods and rates of remuneration of drivers, and safety and accidents on our roads. I fully agree with the Prime Minister Julia Gillard's remarks when she said:

Australia's truck drivers work hard to make a living. But they shouldn't have to die to make a living.

This bill and the tribunal that it establishes will constitute an effective safe rates system for the Australian road transport industry. It is not about removing competition—far from it. However, it is about ensuring safe standards in an industry that represents the nation's deadliest workplace. The legislation will give effect to four key aspects that deliver a safe rates system. Firstly, it will apply a system to all participants in the supply chain that includes client accountability for safe planning, performance and rates. Secondly, rates and structures of remuneration will be established by an independent tribunal. Thirdly, it will provide the capacity to make binding determinations and resolve disputes. Fourthly, it will provide an appropriate and adequate enforcement regime.

The road safety transport tribunal will have the capacity to examine for the first time, and with national effect, all of the factors, including economic pressures, that impact on safety in this industry. The Road Safety Remuneration Tribunal will be empowered to inquire into sectors, issues and practices in the road transport industry and, where appropriate, determine minimum mandatory rates of pay in relation to employed and self-employed truck drivers. The tribunal will ensure that drivers do not have pay or pay-related incentives to work in an unsafe manner and that they are paid for the hours that they work, including waiting times and loading and unloading times. The tribunal will ensure reasonable, safe enforceable standards throughout the industry. The tribunal will ensure that the hirers of drivers and all participants in the supply chain take responsibility for implementing and maintaining safe standards. It will also ensure the approach is evidence based and it will resolve disputes.

In this place, whenever the activities of a trade union get raised the hackles of those opposite are quick to rise, and that is what occurred with the opposition spokesman for transport and his view about the Transport Workers Union. But as the member for Hinkler knows, the Transport Workers Union has had a long fight for safe practices for our road transport industry and is looking after the issue of road safety in general. I personally offer my congratulations to Tony Sheldon and the TWU for what they have done, not only for the employees in their industry, but also for working constructively with the government, which is dedicated to protecting the lives of Australian road users.

On 24 January, not far from where I live, a B-double crossed the embankment, crashed through the guard rails and smashed head-on into a car on a bridge in Menangle. The crash killed Calvin Logan, 59, and his elderly

parents, Donald and Patricia Logan. They had been returning from a family function in Canberra. They were driving down the Hume Highway, the very road that I will be driving down with my wife on Friday as we return home to Sydney. We will be crossing the very same bridge at Menangle. To say that this is not personal would be an understatement. We all here have a community responsibility and I would urge all members of this parliament to put the community first and support this bill.

The families of Albert and David have learnt a lot about the trucking industry since the tragedy. The driver involved in that instance was sentenced to five years jail in January this year for negligent driving. However, the De Beer and Tagliaferri families see the bigger picture. Drivers should be responsible for their actions, that goes without saying, but ultimately it is those at the top of the supply chain, those who drive the standards, those who set the timetables, who need to take some responsibility. After all, that is what leads to carnage on our roads. So when those at the top of the supply chain fail to act and fail to set appropriate standards and conditions regulatory intervention is appropriate and, therefore, I say the imposition of safe rates is appropriate. I commend the bill to the House.