



3rd February 2012

House Standing Committee on Infrastructure and Communications
Suite R1.121
Parliament House
Canberra ACT 2600

To whom it may concern ,

The transport industry is currently one of the most controlled industries by legislation and is extremely complicated to work with. There are many inconsistencies between states and governing bodies, with which an operator must comply.

We would like any legislation that comes into effect going forward to add value in the form of safety, simplicity, consistency and efficiency.

After 20 years in the freight business, with 35 trucks travelling in 4 different states, we are often frustrated at the lack of consistency with various legislation and road laws between the states.

The Chain of Responsibility (COR) Legislation has been a step in the right direction. The bigger operators (Receivers) are good in complying with this legislation, however small and medium Distribution Centres still leave a lot to be desired. They have tight unloading times with little consideration for the distances involved in getting goods from one place to another.

We feel the following areas would aid the freight industry going forward as with a growing population, the freight business will also need to grow.

LEGISLATION

AWARDS

Awards need to be simplified as the more complicated they get, the more room for error both by the operator and the interpreter. The more complicated they are, the more time and cost involved in resolving issues, both with paperwork and with upset drivers.

Superannuation is an issue that is unclear. What part of an employee's wage do you pay superannuation on?

In the current Long Distance Driver Award, the superannuation component is ambiguous. The Long Distance Transport Award has a loading to cover overtime and weekend work. You do not have to pay superannuation on overtime, but trying to work out how much you need to pay as an employer is

difficult as nobody will commit to an answer. In all other Awards it states superannuation is to be paid on ordinary time earnings only. The Long Distance Driver Award is a complicated document that all parties have difficulty interpreting. In the last year the taxation department has caught several Transport Operators for not paying enough superannuation, which is a worrying trend as the guidelines are very unclear.

CONFLICTING INFORMATION

The National Employment Standards (NES) has conflicting elements to the awards. The awards have not kept up with other Federal Legislation. One example of this is when drivers leave or are made redundant. The Long Distance Driver Award states that no leave loading needs to be paid on their final payment however the NES states that all leave, including leave loading must be paid out. We have been informed by a National Transport body that this took 2 years to be worked out as to which body should decide this matter!

COMPLEX DOCUMENTS

Various documents can make interpretation difficult.

An example of the complex documents which transport operators and drivers need to work through and comprehend, is the current Long Distance Driver Award 2010 (MA 000039) and the National Driver Work Diaries. These are constantly confusing to transport operators, drivers and law enforcement agencies. Even Fairwork Australia and Industry Associations have been known to get it wrong.

Enforcement officers of the National Driver Work Diaries need more training to reduce the interpretation of the rules. Small clerical errors by drivers should not attract fines when the documents are so ambiguous.

FUTURE VISION

In the matter of road safety, we need Governments to take a long term view to roads and bridges, and not just piece meal planning.

- All future roads and bridges should be constructed to accommodate two trailer and one truck combinations.
For example on the Princes Highway (No.1) they still cannot have BDouble combinations between Nowra and Bega in NSW.
At Narooma in NSW to get onto the bridge, trucks and buses must go onto the wrong side of the road to get onto the bridge without hitting it.
- The Federal Government needs to plan more for the future of the Transport Industry - Setting high level strategic goals, using Education not litigation, and have a long term vision. How big are trucks going to be in 20 years, who is going to drive them etc?
- Industry needs one set of rules to comply with, not seven and it needs to be simple to understand, and written in language that is easy to interpret. Currently, what is law in one state for size of vans, weight distribution and log books, can be different in another state.

Specific to the legislation for the Road Safety Remuneration Bill 2011, Section 2: 3 (c) & (e), we are concerned as to how this is to be implemented and at whose cost. We pay our drivers above the award wage to cover the loading and unloading issues now but the legislation is very unclear as to how this will affect the industry overall. Due to (e), does this mean that we will have a timed cost of implementing and maintaining the loading/unloading that may not be our fault but the fault of the unloaders and/or distribution centres?

If you would like clarification on these or any other matters, please contact me.

Regards

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