

*Submission to the House Standing Committee on Infrastructure and
Communications re Road Safety Remuneration Bill 2011*

Philip Laird, University of Wollongong, January 2012

This submission is of a general nature, and has drawn on research conducted at the University of Wollongong with the support of various government grants. However, it does not necessarily reflect the views of the University or the granting agencies. Further information is available on request.

1. The Minister's second reading speech is noted, including the importance of the road freight industry on the one hand, and the cost to the nation of fatal injuries from truck driving. The cost to the Australian economy in monetary terms alone is \$2.7 billion a year, and there are high social costs as well.
2. The bill proposes to establish a Road Safety Remuneration Tribunal to try and ensure that drivers in the road transport/freight industry do not have to work in an unsafe manner. This includes speeding and working excessive hours.
3. As per this writer's January 2011 submission to the Department of Education, Employment and Workplace Relations (DEEWR) re the *Safe Rates, Safe Roads Directions Paper*, a stronger approach by government is required to reduce the numbers of fatal crashes involving articulated trucks on Australian roads.
4. A national approach is supported, with a Road Safety Remuneration Tribunal as a first step. If this does not achieve the projected reduction in fatal crashes involving trucks, as outlined in the regulatory impact statement, then consideration of operator licensing is recommended. More comment on this topic follows in Appendix A.
5. In brief comment on the legislation, the Minister's second reading speech, notes that it directed to truck driving and road freight. Yet, the Bill does not appear to mention trucks at all, or freight.
6. There may also be some value in specifying not only the types of vehicles to which the new legislation will apply, but the gross vehicle mass of each type of vehicle. For example, it may be appropriate to limit application to all heavy vehicles over 4.5 tonnes of gross vehicle mass. This could tie in with the jurisdiction of the National Heavy Vehicle Regulator for all heavy vehicles over 4.5 tonnes that is due to come into effect from January 2013.
7. By way of general comment, fatigue in road transport is long standing. One concern, as noted by a Queensland Royal Commission on Transport and Harbour Problems report in 1936 was that of "*...men working very long hours on truck driving, often to the detriment of their health and with grave danger to the public.*"

Such a theme has been very apparent for the remainder of the 20th Century. Going back, the issue of heavy vehicle safety and safe driving was canvassed at length by the McDonnell Commission of Enquiry into the NSW Road Freight Industry that reported in 1980.

The report's observations and recommendations were pertinent, some still valid today include:

- a. The importance of road freight to a modern society.
- b. A need for twice annual mechanical inspections of heavy vehicles, with consideration given to tachographs.
- c. A need for safety regulation and "... for a system for the effective certification, monitoring, and discipline of haulage operations".
- d. Finding, after detailed analysis and when all road user charges plus general taxes were taken into account, that the road freight industry was making less than an equitable contribution towards road construction and related costs.
- e. The need for better data and more research on rail freight and road freight.

8. Heavy truck safety was also addressed by other inquiries during the 1980s. These include the 1984 report of the National Road Freight Industry Inquiry. This report recommended both tachographs and some form of operator licensing.

In the late 1980s, as noted by the NSW Parliament's STAYSAFE Committee in its 1989 report, Alert Drivers and Safe speeds for heavy vehicles, both State and Federal Governments appear to have bowed to the pressure of the road freight industry to approve measures for faster and heavier trucks. This is whilst safety measures recommended by both inquiries were not being implemented.

In 1990, the New South Wales State Coroner released his *Report on the adjourned hearing into the inquest... as the result of a collision between a semi-trailer and a motor coach at Cowper, near Grafton*, on 20th October, 1989.

9. Some observations of the 2000 New South Wales *Report of Inquiry into Safety in the Long Haul Trucking Industry* follow. This report was prepared by Professor Michael Quinlan, of the School of Industrial Relations and Organisational Behaviour, University of New South Wales for the Motor Accidents Authority of NSW.

‘Quite apart from the toll in terms of human suffering, the poor safety performance of the long haul road freight industry entails significant economic costs to the community.’ (p.18)

‘Speeding heavy vehicles are significant over-represented in crashes.’ (p.20)

‘The inquiry received considerable evidence to show that speeding trucks represented a pervasive and serious safety issue.’ (p.20)

‘externalities (such as the full cost of the resulting injuries, deaths and illness) and the absence of competitive neutrality (for example, in terms of road/rail infrastructure investment/cost recovery and regulatory requirements) act as a hidden subsidy to freight rates.’ (p.21)

‘Roughly speaking, the fatality/fatal crash rate involving heavy vehicles remains almost twice that of the USA (where trucks cover similar vast differences but with climate and road quality differences) and the UK.’ (p.48)

‘In sum, both Australian and USA data show that road transport accounts for more work-related fatalities than any other industry and a disproportionate share when adjusted for employment levels. Truck drivers killed in collisions (most on highways) constitute the biggest single group of road transport worker deaths (and again disproportionate to their share of overall employment in the industry). Truck driving remains a one of the most dangerous occupations and has certainly not improved its ranking over the past decade.’ (p.52)

10. The 1936 observation of *"...men working very long hours on truck driving, often to the detriment of their health and with grave danger to the public."* has persisted to the start of the 21st Century.

On 3 March 2010 at the Australian Logistics Council Forum in Sydney, Mr Lindsay Fox AC noted that if Australia is to play a bigger role in Asia, we have “to get our own house in order and observed that many truck drivers involved in single vehicles crashes did so either in the first hour after starting a shift, or after driving for 11 hours. Mr Fox suggested that 11 hours should be the maximum for driving a heavy truck rather than 14 hours. This view is commended.

11. Current rules that allow up to 14 hours of driving a day could well be reviewed. An advertisement "B DOUBLE TRUCK DRIVER" in the Illawarra Mercury for 7 January 2012 by a local trucking company for a B-Double truck driver notes required "to work an average of 60 to 70 hours a week, and involves early starts and some overnights away, experience with a front end loader will be an advantage." More details can be sent on request.

Driving a B-Double 70 hours per week may or may not be legal. It is suggested that it is too many. However, the least that can be done in the short term is to see that current legal hours of driving articulated trucks are not exceeded.

12. From this writers 2011 submission to DEEWR, data supplied by the NSW Roads and Traffic Authority to the University of Wollongong shows that for the ten years to 31 December 2003, 33 per cent of all fatalities in road accidents on the NSW section of the Hume Highway involve articulated trucks. This trend continued for the next three years.

Of the numerous fatal accidents involving articulated trucks, some are either single vehicle accidents whilst others only involve articulated trucks. One such was the result of a road crash on 20th September 2006 north of Yass on the Hume Highway. As reported by the Yass Tribunal on the 21st September, this involved a B-Double and a semi trailer.

This fatal accident involving articulated trucks only was six months after one on the Hume Highway that was reported by the Sydney Morning Herald (16 th March 2006): 'Head - on Truck Crash Kills Driver'. Here it was noted that two trucks collided on the Hume Highway near Coolac, in Southern NSW.

On 24 January 2012, a fatal crash involving a B-Double and a car on a dual carriageway section of the Hume Highway occurred after the truck, reportedly "... hit

a guard rail and careered on to the other side of the road into the car, pushing it back and flattening it." (Sydney Morning Herald 25 January 2012)

13. It is understood that there is **about ten million tonnes per annum (mtpa) of Sydney - Melbourne intercity line haul road freight requiring 3000 trucks on the Hume Highway most nights.**

By way of contrast, there is less than one mtpa of non-bulk freight moving by rail between each of these two major cities, and from Sydney/Newcastle/Port Kembla region to the Melbourne/Geelong/Westernport region, another one mtpa of steel moves by rail.

Rail's modal share of Sydney - Melbourne intercity freight has continued to be low, despite the recent work done by the Australian Rail Track Corporation (ARTC) in upgrading the track on the existing alignment (with the exception of Wodonga). This followed the takeup by the ARTC through a 60 year lease in 2004 of New South Wales mainline interstate track. However, even with rail competing more strongly for line haul freight, intercity truck movements are expected to increase 2-3 per cent per year **so by 2025 there could be 5-6000 heavy trucks moving each day on the Hume Highway.**

14. Data supplied by the NSW Roads and Traffic Authority to the University of Wollongong (as cited by this writer, 2007 ATRF Sydney Brisbane Land Transport) shows that for the ten years to 31 December 2003 for road accidents on the Pacific Highway from Maitland to the Queensland Border - articulated trucks were involved in 30 per cent (163) of all 551 road fatalities; also, for the calendar year 2004, road accidents on these sections of this highway caused 40 fatalities, of which 11 involved articulated trucks.

A report on Pacific Highway Upgrades was released in May 2006 by the General Purpose Standing Committee No. 4 (GPSC) of the NSW Legislative Council. As noted in this report, participants to this inquiry *'frequently attributed their road safety fears to the mixing of passenger and heavy vehicles on the one road'* (GPSC 2006, p. 67). This was also noted by the Productivity Commission in its December 2006 report 'Road and Rail Freight Infrastructure Pricing' (on page C.14).

15. There is a need for more and better data relating to freight tasks and in particular the road freight task, and the involvement of trucks in road crashes (including injury crashes, with separate data for B-Doubles, single vehicle truck crashes and truck - truck crashes).

16. In the late 1990s, Australia had the world's highest road freight per capita (tonne km per person). This writer suggests that as a nation, Australia asks too much of its truck drivers in moving freight. More freight needs to be moved by other means.

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APPENDIX A Brief comment regarding operator licensing

Although some of the 1980 McDonell Commission recommendations were implemented, many were not.

In particular, the NSW Government did not proceed with quality licensing for the operation of heavy trucks. This was despite the McDonell Commission establishing a need for safety regulation and "... for a system for the effective certification, monitoring, and discipline of haulage operations".

It is of note that most of the McDonell Commission's findings were upheld in the 1984 report of the National Road Freight Industry Inquiry. The 1984 report recommended both tachographs and some form of operator licensing.

In 1990, the New South Wales State Coroner in his Report on the adjourned hearing into the inquest touching the deaths ... as the result of a collision between a semi-trailer and a motor coach at Cowper, near Grafton, on 20th October, 1989 recommended that consideration be given to *quality licensing*. This would give entry controls to the industry as a means of removing that minority that puts safety at undue risk and persistently overloads above legal weight limits.

The form of operator licensing put in place in New Zealand under the Transport Services Licensing Act 1989 has many advantages. Given the interpretation of Section 92 of the Constitution by the High Court in 1988, objections raised in legal advice about the McDonell Commission's proposal of a "Hauliers' Registration Tribunal" should be reconsidered. The New Zealand scheme also requires new entrants to goods service licensing after 1991 to hold a certificate of knowledge of law and practice concerning the safe and proper operation of a goods service.

From <http://www.nzta.govt.nz/resources/factsheets/47/47.html> the current situation in New Zealand, is that whether you're an individual or a company, you must hold a **goods service licence** if you deliver or carry goods, "whether or not for hire or reward, using a motor vehicle that has a gross laden weight of 6000 kg or more, including one that is 'on hire' to carry goods."

In Britain, as noted by <http://www.transconsult.co.uk/contents/en-uk/d2.html>, "If you intend to operate a Goods Vehicle in excess of 3.5 Tones with a permissible gross weight exceeding 6 tones, or a Vehicle and trailer combination with a gross weight in excess of 6 tones and your Business intends to charge for deliveries or collections for hire or reward, you must have an a standard National (domestic) or International (all EU member states) Operators License. If you intend to carry only your own goods Not for hire or reward you must have a Restricted license."

In short, to hold an operators license, a person must:

- A. be of good repute,
- B. be of appropriate financial standing, and,
- C. satisfy a condition of professional competence.

