

**Tony Sheldon** National Secretary

Friday May 2, 2014

## Nine Month Progress Report

Pursuant to the Services Contract between the Commonwealth of Australia (as represented by the Office of the Fair Work Ombudsman) and the Transport Workers' Union of Australia, please find attached a Nine Month Progress Report.

Please do not hesitate to contact me should you have any questions

Yours sincerely



Chief of Staff, National Office  
Transport Workers' Union of Australia

# Nine Month Progress Report

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**Services Contract between the Commonwealth of Australia  
(as represented by the Office of the Fair Work Ombudsman)  
and the Transport Workers' Union of Australia**

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## 1. Task

On 27 June 2012, the Transport Workers' Union of Australia ("TWU") and the Commonwealth of Australia (as represented by the Office of the Fair Work Ombudsman) entered into a contract regarding services for the provision of educative activities on the enactment and implementation of the *Road Safety Remuneration Act 2012*.

The services to be provided under the contract are the delivery of:

- Educative activities;
- Guidance materials; and
- Assistance

on the enactment and implementation of the *Road Safety Remuneration Act 2012*, the Road Safety Remuneration System and national workplace laws.

## 2. Consultant

The TWU engaged Cutting Edge to consult in, and perform, the provision of the services.

Cutting Edge is:

*"a fresh and inventive creative communications company that celebrates ideas and ingenuity. We create compelling content and clever backend solutions for the creative and business industries, and we work collaboratively with our clients to ensure outstanding results. Our key services include Post-Production, VFX, Digital, Design and Business Communications."*<sup>1</sup>

Over 2013-14, Cutting Edge has identified the message media, content, messages, audiences and related challenges relevant to delivering the contracted services to truck drivers.

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<sup>1</sup> [www.cuttingedge.com.au](http://www.cuttingedge.com.au)

### 3. Service Delivery

The primary medium from which the services will be delivered is a smart phone app.

The project also includes supporting materials such as posters and fact sheets, to promote the app in workplaces.

### 4. App Development

#### 4.1 Summary of app development progress

Phase one of this project involves the development of the app's platform design, features and functionality and the production of video and podcast case studies.

##### Components

- App Design - The app wireframe and concept build have been finalised. The wireframe demonstrates the app's features and functionality while the concept build applies the platform design to the page functions of the wireframe.
- App videos - The app will feature video materials. An audiovisual script for the first video has been approved. Shooting is scheduled for the week beginning 19 May with final product to be completed by May 31, 2014.
- Poster – A photo shoot for the app's poster image is underway and will be completed during May 2014.
- Podcasts – Four podcasts are completed, and initial scripts attached. Script editing under way, for completion by end May 2014. Podcast interviewees are:
  - [REDACTED] Discussing his personal experiences as an owner-driver
  - [REDACTED] Discussing his experiences as an employee driver
  - [REDACTED] Discussing the importance of training for drivers. She has trained over 20 drivers in the last 10 years.
  - [REDACTED] Discussing the importance of the trucking industry

A fifth podcast was planned with representatives from the Fair Work Commission or the RSRT, but these were declined. Cutting Edge is currently seeking a podcast interview with a representative from a major Australian road transport employers. If available, this would be completed during May 2014.

## 4.2 Smart Phone App Operating Systems

The app has been developed as an iOS build, as iOS controls 59% of the app market. Development of an app in an alternative Operating System, such as Android, is part of the app's functional specification, however development would be a matter for a future phase of the app and is not part of this project.

## 4.3 Vide



The app video component uses a motion graphics platform.

### AV Script

VIDEO	AUDIO
OPEN ON CLOSE UP OF BACK OF TRUCK LOOKING INTO CARGO AREA; ROLLER DOOR SLIDES DOWN SO THAT THE SCREEN IS BLACK	1. MUSIC WITH AN IMPENDING BUILD BEGINS; Road transport: Australia's most dangerous job. 330 truck-related deaths per year. 50 drivers killed in 2012. Drivers are 10 times more likely to be killed or injured at work than those in other jobs. Why?
WORDS FLASH UP IN WHITE FONT ON THE BLACK SCREEN AROUND CENTRALISED "PRESSURES ON DRIVERS"	2. Excessive hours Speed Skip breaks Overload Skip maintenance Unrealistic deadlines
	3. Higher pay for faster deliveries affects driver's safety decisions.
	4. When drivers are paid by the load, they're under pressure to drive whilst fatigued so that they can fit more loads into their day.
	5. When drivers are paid by the pallet, they're under pressure to overload the truck
	6. When drivers are not paid for every km they drive, or are not paid for waiting times, they're under pressure to speed to make up the difference.
	7. A 2012 industry survey of drivers found:
55% of drivers feel pressure to skip breaks. 47% feel pressure to exceed safe driving hours. 37% feel pressure	8. One in two drivers feel pressure to skip breaks or exceed safe driving hours

to exceed the speed limit. 33% feel pressure to carry overweight loads and 13% feel pressure to take stimulants	One in three drivers are pressured to speed or carry overweight loads; and One in eight drivers feel pressure to take stimulants to stay awake behind the wheel.
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	9. The survey also found one in four drivers had to wait more than 10 hours a week for loading and unloading. One in three weren't paid for loading or unloading times.
	10. The Answer? In March 2012 the Australian Government created the Road Safety Remuneration Tribunal.
	11. The tribunal investigates the impact truck drivers' rates and conditions have on safety on our roads.
	12. When pay or conditions are unsafe, the Tribunal can make orders and decisions to fix the problem.
	13. An order might include better training, pay for waiting times and actions to relieve unfair commercial pressures on drivers.
	14. The Tribunal is there to help you. But it needs to hear from you about safety concerns and unfair pressure on driving.
	15. That's why it's vital the Tribunal hears from drivers, employers and other supply chain participants, to help it resolve disputes.
	16. If you're an owner-driver, the Tribunal also has unique powers to help you set safe rates and support collective agreements you reach with your hirers.
	17. If you're aware of safety issues in our industry or need help in delivering safe rates, the Tribunal needs to hear from you.
CLOSE SHOT OF COMPUTER SCREEN WEB ADDRESS BEING TYPED IN	18. For more information or to lodge a dispute or road safety remuneration order, go to the tribunal website – <a href="http://www.rsrt.gov.au">www.rsrt.gov.au</a>

CU IPHONE AS HAND SWIPES THROUGH VARIOUS SCREENS OF THE APP;	19. You can also use this app to stay up to date with the Tribunals' work. Check out the documents section on the website for the latest news and publications.
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	20. Because road safety is everyone's responsibility.
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#### 4.4 Audio

The app audio component includes a series of segments comprising "talk radio" style podcasts where "guests" are interviewed on various aspects of transport – always with a safety angle.

Audio segments of the app would be updateable over time, including following Tribunal determinations. New materials would be made available via automatic notifications to drivers' mobile devices.

Podcast interview #1 – unedited transcript: [REDACTED] (Owner Driver)

So [REDACTED], *Tell me about yourself.*

Well I'm an owner/driver from Brisbane here out in the Western Suburbs. Been an owner/driver for about 27 years. Long haul trips, short haul trips. I do anything from oversize to just general freight. Sometime I'm away from home days at a time, other times I'm away just overnight. As I said, mainly just oversize and general freight.

***OK, well 27 years you're obviously aware of what's wrong with this industry. Is what's wrong with the industry today any different than 30 years ago?***

No it's about the same. It's the same old issues that we faced 30 years ago is what we're facing now. Obviously the things we're talking about, the tribunal, is the first time something is being done that will address these issues ...

You know, this tribunal addresses the problems we've been having for 30 plus years. You know, it's got the potential to save lives, just in changing the habits of the way people do things.

***It's pretty clear from the name, road safety remuneration tribunal, that the answer to any problems, road safety problems is money.***

Well money has always been the root of all evil so they say and the transport industry's no different. There's a lot of causes of safety issues in the transport industry and of course you've got that mix of money. You know, to run professionally and safely, you need to be professional, you need to have equipment that's safe, and that all takes money.

You've got to be viable. So professional, safety, and viable all need to run hand in hand. You know, being viable isn't a dirty word, it's a must.

***If you can have minimum rates set for mileage or whatever it happens to be, trips. How is that going to change things?***

Well what it does is, because a lot of contractors especially and we've seen it lately with smaller transport companies, that have gone to the wall simply because they haven't been charging enough.

But when you come down to the real small operators, they've virtually got no say. It's like take that price or leave it. You can stand on your haunches, you can leave it so long, but eventually, you've got to eat, you've got to do things, so you take it. So you wear your equipment out, you've got no money to repair it so you start running equipment down, and that's not right.

So to have the right money in the industry means that people can look after their vehicles properly, they don't have to push themselves, they don't have to worry about getting an extra leg in to try and get some money in to make ends meet. You know, and therefore you have a safer industry, safer roads.

***The tribunal that we're talking about is an independent body. Is that good or bad?***

Well, I think that's good. Because the tribunal is there not to take sides but to have a look at what's fair, and who's doing what. If I have nothing to fear as a transport operator, or as a driver I shouldn't fear the tribunal. If an employer or a major company is doing the right thing, they've got nothing to fear from the tribunal. The tribunal is not there to take sides, it's there to make sure that everyone does the right thing, everyone operates properly, everyone operates safely and keeps our roads safe, keeps our people safe. You know, whether they're drivers, other road users, whatever. Everyone operates properly and safely.

***The members of this tribunal, are they the right sort of people, do they know enough about this industry?***

I think there are people on there who do know enough about the industry, I think other people that don't, go to a lot of effort to find out which can only be a good thing. So really I think yes, the tribunal's good, because the ones that don't know find out, make the effort to find out. Then of course there are other factors that they understand like viability and all the rest of it is common sense, and obviously the people on the tribunal have got common sense to work that side of it out.

***It's interesting though that this was set up outside the department of transport.***

It's probably a good thing it's been set up outside of them ... Because I think that's the biggest thing, that it's independent, without taking one side. It's just looking at all the cold hard facts and saying that's where it is, that's what going down.

***What does this tribunal mean to you? What do you think it gives you as an owner operator?***

It gives me the security of being able to operate and do my job without having a threat hanging over me that if I don't do this job for that amount of money in that amount of time that I'm going to be penalized in some way. And the way the system's been now and the way it's been for the last 30 years, there's been a lot of penalties, if you can call them penalties, that are put on drivers but not straight out if you know what I mean.

You know they're like – "you didn't get in on time or we wanted you here at 7 o'clock this morning and you didn't get in at 7 o'clock this morning and therefore we're not loading you out this afternoon." Regardless of what the reasoning was,



why you didn't get in. You might have been able to get in, instead of being at 7, get in at 10, have a break and still be loaded out this afternoon, but because you haven't complied with what they wanted, being right or wrong, there's that penalty. So that's once aspect that this tribunal would be able to smoothen than out. There won't be any of that sort of behavior. Secondly, when I do a load, I can be assured that I will be paid properly. And that I'm not slowly going backwards and I've got money to maintain my vehicle. My tyres need changing now, well they can get changed now, I don't need to wait a month or two and hope to get the money together to be able to change my tyres.

It will improve the way I can operate, which will improve the safety of the way I'm operating and in turn improve everyone's safety around me.

***It said that the main thing they'll be doing is setting minimum rates and rates have always been the key to the problem, well its interesting it's called the road safety remuneration tribunal, it's linking the 2. But what happens if everybody has the same minimum? How do the big boys then get the contracts?***

Well, what we're saying is it has to be a minimum rate, which is a viable rate. It doesn't mean everyone gets paid the same rate. If someone was to pay you for instance and extra \$50, or offer you an extra \$50 to do the job or an extra \$100 to do the job whatever, they quite allowed to, quite open to.

But they can't come under that minimum. And that minimum would be determined hopefully by a cross model which will say, to operate that type of vehicle, because there's different combinations of vehicles, this is the minimum rate you need to have. We'll call it \$3 a kilometer. But if that someone was to pay \$3.50 a kilometer they're quite welcome to pay \$3.50 a kilometer or \$4 a kilometer but you can't come under the \$3.

***Because that's what's been happening at times in the past hasn't it? The big fellas prepared to cut rates to get the best contracts?***

Of course. There's legs there where people are lucky to be making \$1 a kilometer. That's not even covering fuel on some of these vehicles. What about maintenance. What about wear and tear. What about registration, insurance, drivers wages. None of that gets taken into consideration on these legs you know. So obviously that needs to be made up somewhere else and that's when your problems start coming in.

***They're also going to be trying, I assume, to do something about downtime waiting for loads or unloading.***

Yeah, that's another major problem and always has been in our industry.

***How can they fix that?***

Well if I'm required to be somewhere at a certain hour, I should be paid for being there. Now of course there will have to be some sort of calculation made on what the amount would be but I Need to be paid for being there. At the moment you could go there, and they could say well you're here at 10 o'clock in the morning. So you arrive at 10 o'clock in the morning and you could sit outside their gate all day in some cases and they don't start loading you until 4 o'clock the afternoon. And

there's no compensation for that. I think we would have to be one of the only industries where we go to work and we sit there for hours and hours on end, sometimes taking our own tools, truck and that. Sit there for hours and hours on end with no compensation at all.

***So you can't control how much time you're sitting there, but you can say if I'm just going to sit here you have to pay me?***

Exactly. And hopefully what that'll do, that will improve the productivity. Because that will make the people that order the truck sit there and think about it and say we're not ready for that vehicle yet, so therefore instead of ordering it for 10 o'clock in the morning, we better order it for 3 o'clock in the afternoon because that's more reasonable with the time we're going to be ready. That means that in that other time that driver, say if it was me, I could be resting, I could be doing something else that I need to be doing rather than just sitting there, sitting there doing nothing. There's some that put up the argument that you're sitting there, so therefore your resting because you're not working. Well I say crap. Because if I'm sitting there waiting, not knowing at what time they want me to go in, I'm not resting. I'm sitting there waiting, so to me waiting is not resting.

***You've seen the tribunal working, in fact you've put in a submission yourself.***

Yes I have.

***Do you have the confidence that this tribunal will do what no other organization or effort has managed to do?***

I think given the time, it will. I think the tribunal's only young, there is a lot of input it has to go through, and a lot of things it has to consider, but I'm quite confident that given the time, this tribunal will fix a lot of problems that a lot of other laws and things haven't been able to fix and will never fix. Because this tribunal starts hitting at the cause, and the root cause of the problems.

***OK they could issue a road safety remuneration order, which is what your submission was about, correct?***

Yes one, yep.

***Do you see this tribunal as being effective as a mechanism of dispute resolution?***

I do, I do see it being very effective there because there's the capacity there, if I have a dispute, to take it to that tribunal, if someone else has a dispute take it to the tribunal, it's not just about money though. I think the tribunal can handle a lot of different... what's the word I'm looking for, a lot of different scenarios, like timeframes, you know, how much time I'm given to do the trip and so on. So it's not all the money, money is an important issues but there's also other scenarios they can handle and as I understand they will handle.

***It's interesting that once a remuneration order is issued it's legally binding and enforceable and its pretty much policed by the fair wage commission. That's pretty unusual isn't it? The ombudsman is going to be the go to man if things aren't working.***

Yeah, I didn't know that.

**what do you think's been the response in the industry overall, to the tribunal?**

Look overall, I think people are a bit skeptical.

**What would you say to those people?**

I'd say get in behind people stand up for the tribunal, see your local member, talk to your local member, and tell them to keep their hands of the tribunal and let the tribunal have a chance to work.

**You think the tribunal is going to make the industry safer?**

I think given the time it will you know, it's the same as everything even laws and that. When they put in new laws they've got to be given time to work and take effect. And I think the tribunal is no different. It's got to be given time to take effect and work.

**You think the people in the industry are also waiting to see if the tribunal has teeth and is prepared to enforce its rulings?**

I think yeah, that's probably something they will be looking at. Yeah, I mean because orders are made and then if the orders aren't followed I think people are going to be looking to see well what's going to be the step once the orders not followed. Yeah, I think people will be looking for that.

**What do you see is the future of the industry if this tribunal doesn't come up to the mark?**

Well, I can see it just being nothing better than say the past 30 odd years of the industry just going downhill, always struggling to get competent drivers, good drivers, you know the people of the industry always doing it hard. The safety not being so good. Everything has an impact. And unfortunately it all comes back to safety whether it's our own, or other road users.

**Thank you.**

Podcast interview #2 – unedited transcript: [REDACTED] (Employee Driver)

My name's [REDACTED] I've been involved in transport for about 20 years. I do local at the moment, driving a semi trailer.

***In that 20 years, you must have seen other attempts to reform the industry, to make it safer, have you?***

Nothing like safe rates which has been one the biggest campaigns. There have been many attempts to do it but very unsuccessful.

***Why did they fail?***

Just lack of interest, costs money; it's just an industry where you can just push drivers and push drivers.

***That seem to be the thing with anything that happens in the industry, tends to focus on the drivers doesn't it.***

Absolutely, absolutely. Instead of the people that are actually running the drivers, and now with safe rates, now they're going to be accountable for it with the trainer responsibility and everything. And we just want to make sure that it does happen, and everything doesn't fall on the driver.

***And that's why you support the remuneration tribunal?***

Yes absolutely.

***What can it deliver to you though as a staff driver?***

Job security for one. So I'm fortunate enough to be with a company that I believe does pay safe rates but the downside of that is there's, we're losing contracts after contracts because a lot of people aren't paying safe rates of pay and when you go for tenders the cost of those tenders are just blown out of the water.

***So you're looking at safe rates as what is paid to the driver whether they're employed or not rather than simply the remuneration that the haulage rates are paid?***

Yeah ... long haul distance drivers, it's so hard to get everyone together, to try and do something. Everyone's on the road, or out there by themselves and they need someone to stand up and speak for them.

***Will the trucking companies still be able to do that if the tribunal brings in haulage rates that sets a minimum, will they still be able to afford to pay you guys?***

Well they do because it will come back onto the clients. So as long as the clients are paying the right money and those business then can afford to pay the drivers the right money and to the point for drivers to have the right breaks.

***When you say 'have the right breaks', what's happening at the moment?***

There's a lot of companies out there that will do long haul distance, say from Brisbane to Sydney and that same driver has to do all his deliveries and all his pick ups and then go back to Brisbane that afternoon or that night. All that time is not only unpaid time, but it's also in his logbooks as downtime, as he's resting.

***So he's exhausted from running around delivering or picking up goods.***

Exactly, throughout the day he might get 2 hours sleep here or an hours sleep there. Nowhere near the continuous 7-hour break that he has to have that everyone from his boss to the client just turn a blind eye and when something happens, everyone focus back on the driver.

***What about maintaining vehicles? Do you think the safe rates tribunal will come up with a rate that will allow driver to maintain their vehicles correctly, safely?***

Well that is what's part of the safe rates. So at the moment owner drivers and all that are just stretched to the absolute minimum and something's got to give. There's got to be corners cut and if its working longer hours or not services, running tyres to the absolute bare minimum something has to give. The money is just not there to do everything properly and safely.

***So safe rates really applies not just to be on the road but also waiting times when you're waiting to pick up a load. Is that right?***

Absolutely. The amount of people that don't get paid while they're waiting. Turned around if they miss a window, they're too early they're told to come back, They're too late they get told to come back, so the deadlines are so strict some are near impossible to make.

***Consigners of freight are going to argue that safe rates are going to inflate their costs and it might mean an increase in costs for the consumer. Do you accept that?***

Yeah they are saying that but in reality, you look at some of the profits of these major clients and you just think to yourself you can afford it but if they had to pass it on, if 10 cents went on your can of baked beans then at the end of the day so be it. If it saves lives then it's worth doing.

***Do you think the average motorist would be happy to do that to have a safer roadway?***

Absolutely. If anyone out there has been affected by a death on the road, then unfortunately sometimes you have to be affected to see the reality of it, but the reality of it is it's not real safe out there at the moment. You keep getting drivers dying all the time, and just your normal holidaymakers getting involved in accidents where they shouldn't be.

***What's the attitude of the industry to the tribunal overall do you think?***

The ones that understand it fully support it. There's a lot people you can't get to speak to because they're always out on the road, they don't really understand it. They may fear it. Once you get an understanding of it, you understand why we

fought so long so hard for it.

***Have you had any direct contact with the tribunal yourself?***

Yes.

***You don't have any concerns about the tribunal itself, how its structured as an independent body outside the industry?***

No, I think it's great. I think the companies that are on the tribunal, they fully support it, and there are some big companies on the tribunal too.

***Big companies, you mean transport companies?***

Big transport companies, yes.

***Well thank you very much for your time we do appreciate it.***

No problem.

Podcast interview #3 – unedited transcript: [REDACTED] (driver trainer)

***[REDACTED] are you confident that the tribunal is the answer to road safety?***

Yes I am confident. But I think there's a whole lot of other things that tag along with that as well. I think we need to promote a lot more.

For instance, if you are looking for an airline pilot, for someone to become an airline pilot they put in \$120,000 of their own money, they do their study, they do everyone out of their own back, and then they go for a job. For a truck driver, you get your licence and you really don't have to do much more education than that. In the air, you've got control towers, you've got a radar, you've got a co-pilot, you've got all these back up systems to help you make a decision, and on the road you've got 100tonne of road train that if you make a slight indecision that could cost the life of not just yourself, but other motorists on the road.

So I feel that we need to have more education for drivers, I don't know how we're going to do that, I'm working on that now but education and training for drivers for safer roads and obviously if we don't get safe rates owner drivers can't keep the maintenance and all the safety aspect of their vehicle up to scratch.

***You've also campaigned for more understanding between truck drivers and ordinary motorists haven't you?***

Yeah, that's an ongoing campaign. I've been doing that for about 20 years. I think if motorists really understood what our job was 90% of them would be aghast, the fact that there's no toilet facilities, there's 4 1/2, 5 hours between roadhouses if you're lucky when you get there, they're closed. So a truck driver with 2 or more trailers on is continually absolutely focused on the job at hand and rest areas and things like that when a resurgence of grey nomads come up north, they'll park in a diagonal parking area, diagonally so that no truck drivers can get into a rest area. And that is very un-flash because we've got to try and find the next truck way and hope it's not filled with caravaners as well.

They say if you're a tourist you've got forever to go nowhere, but in a truck we've got time and light sensitive freight so there are set guidelines we have to meet. And if you've parked in a truck bay that we've logged into our break, well then that does cause issues as far as road safety goes.

***Do you think today's truck driver are more safety conscious?***

I think we're getting there, most definitely. Obviously we still have a few rogues on the road that we'd all like to get rid of, but a couple of the big companies have implemented black boxes and GPS tracking so they know where their drivers are at all times. They know when they're making their break and stipulate when they do.

Sometimes I find that even that is a little bit difficult. I had a driver say to me once that he could actually see the lights of the roadhouse and he had to stop 20minutes away from it. I don't think that sitting in your truck at 5000 degrees is having a break. I think travelling another 20 minutes and pulling up in an air-conditioned roadhouse and having a shower and having something to eat is a safer break. Those little issues need a bit of tweaking I think.

***The blame for any lack of safety on our roads is always put on the driver isn't it?***

Absolutely.

***Is that fair?***

Absolutely not. I've worked for companies that the pressure is unbelievable to break the rules, and if you don't break the rules then you don't get another job. So it might only be a couple of hours they want you to drive, or throw on a couple of extra tonne, but if you're known as a person who won't do it then you won't get that job.

***Is the tribunal going to address that, help fix that?***

I think down the track, maybe. They already have the power now and the union does as well to call to task companies that are putting, paying unfair rates. Or are putting undue pressure on drivers.

***Is that being done?***

I believe so. Yes.

***Without the tribunal where are we going to go?***

Without the tribunal I think we're in a lot of trouble because we don't have anybody to bat for us and life is so different on the road. If you're a long haul operator, especially an owner/driver you can't check emails for 2 or 3 days, you don't have access to a lot of things that the person who sits in the office takes for granted. Someone will send me an email and I won't get back to them for 2 days and they'll say I've been waiting for an answer. Well I've been waiting for Telstra to give me coverage so I can answer you.

Those issues when you're on the road are quite big because you area actually living on the road. When you get out of the truck and get home, it washing, cooking, cleaning, servicing and cleaning your truck and then back out on the highway so I think there are a lot of issues that aren't addressed and if we don't have someone like the tribunal that we can actually phone and let them get a big stick out and take our cause on board, I really do think we'll go back 20 years in road safety and rates.

***What about the big consigners, the retailers who will argue 'look, these minimum rates are going to increase our costs, and therefore the price to the consumer and it's all because of those nasty truck drivers'?***

Well that's a whole lot of hogwash isn't it? We all know it goes back to the poor farmer as well. You have a look at the farmers, he gets 20 cents a litre for his milk and we pay \$2 a litre up here. I can certainly tell you we aren't getting paid that in transport. So the cost isn't transport cost, it's within their own organization and I think they need to be accountable for that too and actually show the general public their figures. If they're going to say transport figures are going to flow onto the general public then they need to show the figures to the public.

That also, I myself, am a Harvey girl and I buy Harvey Fresh Milk which is more



expensive than orange juice and everything so I can keep people in Harvey employed. I know there a lot of people that battle to make ends meet, but I think we need to prioritise looking after our own industry in our country so that we all do have a future.

***Is there anything you'd like to say finally [REDACTED], anything we haven't covered?***

I'd like to see training of new drivers, in Australia as a priority. There's a lot of newly licenced drivers, because they don't have the 3 to 4 years experience on the road, companies won't put them on and I have a huge problem with that because we've got local driver who understand our meaning of life and our value of life and our road safety and our lingo and the things that we say not being given a chance where as if you've had Mr Jully Wally working for Backyard Bob's transport company that's been breaking the rules for 4 years, then he gets the leg in first over a new driver who can be trained the correct way. I have a huge issue with that.

Also, I'd like to see more money spent on road safety ad campaigns so that motorists, and even grey nomads, they don't have a clue how to deal with triples and quads up in the north west. For instance, a little while ago I had 110 tonne on and I was coming up behind this caravan and I just say pick a speed and stick to it, it makes their life a lot easier. He was doing 60, then 40, then 80 then 60 so I went to overtake him, and just as I was coming up behind his caravan he jumped on the skids, I can't tell you how terrifying that is. I nearly parked in his caravan. But that motorist had no idea, he was just, he thought by jumping on the skids he was doing me a favour to get me around fast. So just a bit more education.

Push bike riders that travel around Australia on a push bike. I think that you're very suicidal if you're going to take on a highway with triple & quads size loads I think there needs to be a bit more education there too. Sorry I could go on for hours but that will be enough for you.

***I presume you're going to build your business back up; you're not going to be satisfied with one truck?***

No I think maybe 1 more, 1 more truck, I think there's so much that needs to be done in training and road safety that if I build my business back up to what it was I won't have time to do that so I want to put a lot more back in the industry now. I think I come from a very good place. I actually know what I'm talking about where as a lot of those suited people sitting in glass houses don't or if they were on the road 10 or 15 years ago they've forgotten and I think to be a very good advocate of road safety and of our conditions you need to be out on the road otherwise you do forget, or you just don't notice the changes that are happening every day on our highway.

***Well look, all the best with that. You mentioned a safe rates calculator. Can you tell me where to find that? Where would a truck driver go to find it?***

You need a computer and you go to the West Australia Road Freight Industry Council Website. And it's on there.

***Clearly marked as the safe rates calculator?***

Yes. On the left hand side there's about 10 or 12 boxes that you click on and yes it is. And what is it, there's a whole spreadsheet, It's not too complicated, you just put in your costs, your repayments, your tyres, your fuel and at the end of putting in all your costs you get a rate at the bottom.

***So that safe rate will vary from operator to operator?***

Absolutely. Because all our costs are not the same. If you've got a 20-year-old truck and if you've got a 2month old truck obviously your repayments are hugely different.

***So is it impossible to come up with industry standard rates?***

No, it's not impossible. It is very possible to have a base rate. A bit like wage line stipulating the basic or minimum wage that a person can work for. And that's enforceable. Obviously every person's circumstances vary and that wage that they're given has to have a lot of different things and it's just the same with an owner-driver. It's a base wage and then if you can prove that you need more than that then the company that's contracting you then that's the rate that you work for them.

***Is the role of the tribunal to come up with that base rate? That's what they're all about isn't it?***

The council comes up with that rate and the tribunal stipulates that's what's paid in WA. You work out your own rate on the cost calculator, you go to your client that you're contracting to, you negotiate that rate, if they say no, that's when you go to the tribunal.

***What has been your experience in interacting with the tribunal?***

I've had a very positive experience interacting with the tribunal. I've only had to use them once and the client owed me a lot of money and they ended up paying 90% of the money that I was owed whereas 6 months previously, with previous discussions and negotiating they were not prepared to pay any of the money they owed me. But it was only the fact the tribunal contacted them and told them it must be paid or else that they paid me.

***So they do have the legal teeth to safeguard the operator?***

Absolutely. I'd love to see them have a bit more power but they do have enough now to enforce, or then take them to court.

***What do they do about non-payers? Do they keep a record of non-payers? The tribunal, is there a warning, a black list?***

Not that I'm aware of, but everything that goes to the tribunal is accessible. So you could actually go and see which client hasn't been paid and also which companies aren't paying their bills. A bit like the courthouse when it's a public hearing. Anyone can go and see who's not paying whom, or who's beating up whom. You can do the same thing with the tribunal. When it goes to the tribunal you can see the companies that aren't paying.

***What's been the reaction of major consigners to this move to bring in***

***minimum rates and to enforce those rates?***

The majority of the major companies have been on board, have been very good. There are a limited few that don't want to be told what rate they should pay, but they really haven't got a clue because we're the supplier of transport, not them. So obviously they would have a little bit of an idea about freight costs, but as far as suppliers go, each and every individual driver has a different rate and that's the part that you as an owner-driver need to negotiate with that client.

***What percentage do you think of the road freight is chartered but smaller operators/ by owner drivers as opposed to the big companies?***

I actually wouldn't have those figures.

***Would you think it would be a significant amount or are the big operators gradually gobbling up the market?***

I think it would be a significant amount. But I think the large operators are taking over the market.

***Will the big losers in all this be the small time operators, the small owner operators? Will they find themselves being pushed to the wall?***

I think to a degree yes they will be but that fall back on us as operators to be smarter and to offer service that the larger companies just can't. For instance in the north west there's thousands of mines and inductions that you need to have to be able to get onto those sites, or to get onto those ports, the larger companies just don't do that so that's a niche market for owner operators if they've been fully inducted on the mines and you know where they are where as some of the larger companies, some of the drivers have no idea where they're going. That's a niche market that we can pursue, for one example.

***Do you think the work of the tribunal is well enough recognized by the industry itself, by the owner operators for example?***

I don't think so. I don't think it's been advertised enough. A lot of owner operators don't even know of its existence. I think there needs to be a lot more advertising of the fact that it's here to be used and what their role is.

***Do you mean advertising posts at truck stops that sort of thing?***

Yeah, and ABC radio and places where truckies go, because we don't sit down and watch TV every night or get the opportunity to read the paper while you're driving because that gets a bit tricky and a bit dangerous. We don't do it, that's a joke. So in different forums. It needs to be a forum where truckies are, roadhouses, and the local radio station I think is probably the best way to get that message out.

***Does the tribunal you think have the teeth to do something?***

Yes, the tribunal definitely has teeth to do something.

***Provided you tell them there's a problem.***


Correct. They need to be informed.

***Do you think that owner-drivers are prepared to that or do they want to do it their own way? They can be a fairly independent bunch can't they?***

Well they need to be to be able to survive but they need to understand that if they're united they have a much better chance of surviving. One of the issues that we have is that we're all in a different place at a different time, you can't get everyone together to give them the information or tell them what needs to be done so that's a huge issue because none of us are ever in one place at one time.

***Thank you very much for all your time this morning.***

My pleasure

**Podcast interview #4 – unedited transcript:** 

Unavailable for technical reasons – to be provided as supplement to this report, by Wednesday 7/5/14

## 4.5 Timeframe

The app project is due for completion on 16 June 2014.

It is presently envisaged that work will be completed by 1 June 2014 for initial review, with changes incorporated into the final product to be delivered on 16 June.

Subsequent consideration may potentially be given to future stages of the app, including developing of iPhone calculator and other features that are very much dependent on the decisions of the Tribunal, and any directions that the Tribunal may set.

Stage 1 (this project) involves building features that can be commenced immediately, based on all information currently available about the *Road Safety Remuneration Act 2012*, Tribunal and safe rates systems.

Later stages would be dependent on Tribunal Orders and rulings, and in this way the building of these features would be necessarily reactive.