

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Additional Estimates 2013-2014**

Agency - Fair Work Commission

Department of Employment Question No. EM0131_14

Senator Cameron asked on 27 February 2014 , Hansard page 12

Question

RSRT/FWC - Issues raised in Four Corners program

Senator CAMERON: Can you take it on notice to provide me information on what analysis is done by the RSRT in relation to the issues raised in the Four Corners program. I am not just going specifically to Four Corners; the general issues raised in that program have been raised in the media across the country. They go to remuneration and safety. These issues are: the unsafe nature of trucks on the road; the pressure that is put on truck drivers to get from point A to point B; the role of major corporations such as Woolworths, Coles and other companies around the country; drug usage; and deaths arising from unsafe practices. These are all, I would think, within the remit of the tribunal.

Ms O'Neill: I am happy to take the question on notice. But can I just reiterate that there has been no research conducted directly in relation to those issues since the Four Corners program, internally or externally; the research that has been conducted is available on the website and does not go to those issues. Beyond that, the scheme of the legislation is really a framework of the functions and powers that the tribunal can exercise - most often, on application by parties and through a process of public hearings and submissions. So I would not anticipate a lot of detail in the answer to your question on notice.

Senator CAMERON: But the research capacity is to help the tribunal exercises its powers in a knowledgeable manner. That is what it is about, isn't it?

Ms O'Neill: Essentially, yes.

Senator CAMERON: If truck drivers are faced with clapped-out trucks - no maintenance, poor brake - surely this is an issue the tribunal should be informing itself of.

Ms O'Neill: I am happy to take the question on notice. I just wanted to flag with you-
Senator CAMERON: Has the RSRT informed itself, or does it intend to inform itself, of the issues that have been raised in relation to the Four Corners program, and more widely in the media, about drug taking, undue pressure on workers in the industry, and the unsafe nature of trucks in the industry - the whole range of issues. Maybe you can come back to me in some detail on that as a question on notice.

Ms O'Neill: We will do our best.

Answer

Section 80 of the *Road Safety Remuneration Act 2012* (RSR Act) outlines the functions of the Road Safety Remuneration Tribunal (the Tribunal):

The Tribunal has the following functions:

- (a) to make road safety remuneration orders under Part 2 of the RSR Act;
- (b) to approve road transport collective agreements under Part 3 of the RSR Act;
- (c) to deal with certain disputes relating to road transport drivers, their employers or hirers and participants in the supply chain under Part 4 of the RSR Act;
- (d) to conduct research into remuneration-related matters that may affect safety in the road transport industry;
- (e) any other functions prescribed by the regulations;
- (f) any other functions conferred on the Tribunal by another law of the Commonwealth.

Section 18 of the RSR Act requires the Tribunal to prepare and publish an annual work program identifying the matters the Tribunal proposes to inquire into in the next year of its operation with a view to making a road safety remuneration order. The first annual work program of the Tribunal was published on 10 December 2012 and the second annual work program on 18 December 2013. The annual work programs can be accessed here: www.rsrt.gov.au/index.cfm/annual-work-program/.

Pursuant to the first annual work program and a number of applications for road safety remuneration orders, the Tribunal published its first road safety remuneration order on 17 December 2013.

The order applies to a road transport driver employed or engaged in:

- (a) the road transport and distribution industry within the meaning of the *Road Transport and Distribution Award 2010* as in force on 1 July 2012, in respect of the provision by the road transport driver of a road transport service wholly or substantially in relation to goods, wares, merchandise, material or anything whatsoever destined for sale or hire by a supermarket chain; or
- (b) long distance operations in the private transport industry within the meaning of the *Road Transport (Long Distance Operations) Award 2010* as in force on 1 July 2012.

The order also imposes requirements on an employer or a hirer of a road transport driver to whom the order applies, and on a participant in the supply chain in relation to a road transport driver to whom the order applies.

The order deals with:

- payment time within 30 days of a received invoice for contractor drivers
- written contracts for road transport drivers, which may be in an electronic format
- contracts between supply chain participants
- safe driving plans for drivers undertaking long distance operations in a heavy vehicle

- training in work health and safety
- drug and alcohol policies
- dispute resolution and adverse conduct protection.

There were extensive processes and proceedings, involving research, leading to the making of the order. Those processes and proceedings are detailed at paragraphs [11] to [60] of the decision of the Tribunal making the order. Some of the research relevant to the making of the order is detailed at paragraphs [61] to [364] of that decision.

The decision of the Tribunal making the first road safety remuneration order and the order can be accessed here: www.rsrt.gov.au/index.cfm/decisions-statements-orders/all-decisions-statements-orders/.

Processes and proceedings in respect of the second annual work program and some related applications for road safety remuneration orders have already commenced. The President of the Tribunal issued a statement on 14 February 2014 inviting anyone seeking an order on payments for road transport drivers and associated issues to forward to the Tribunal by 20 March 2014, the proposed order sought and the assumptions on which it is based. The responses to that statement are published on the Tribunal's website and can be accessed here: www.rsrt.gov.au/index.cfm/annual-work-program/2nd-annual-work-program/submissions/.

The Tribunal proposes to conduct a conference of interested persons on the proposed orders sought on 4 April 2014. That conference will inform the future processes and proceedings of the Tribunal in respect of the second annual work program and related applications.

Further, on 4 February 2014 the Transport Workers' Union of Australia notified the Tribunal of a dispute involving the McAleese Group and others and concerning a safety crisis in the oil, fuel and gas transportation sector. Proceedings in respect of the dispute were conducted by the Tribunal on 20 February 2014. A conciliation conference on the dispute is further scheduled for 24-25 March 2014.