

# **TRANSCRIPT LEGISLATIVE ASSEMBLY ECONOMY AND INFRASTRUCTURE COMMITTEE**

## **Inquiry into the impact of road safety behaviours on vulnerable road users**

Melbourne—Tuesday 22 August 2023

*(via videoconference)*

### **MEMBERS**

Alison Marchant—Chair

Kim O’Keeffe—Deputy Chair

Anthony Cianflone

Wayne Farnham

John Mullahy

Dylan Wight

Jess Wilson

### **WITNESS**

Nick McIntosh, National Branch Assistant Secretary, Transport Workers’ Union of Australia.

**The CHAIR:** Welcome to the public hearing for the Legislative Assembly Economy and Infrastructure Committee Inquiry into the impact of road safety behaviours on vulnerable road users. All mobile telephones should be now turned to silent.

All evidence given today is being recorded by Hansard and broadcast live on the Parliament website. While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside of this hearing, including on social media, may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts and other documents provided to the Committee during the hearing will be published on the Committee's website.

Nick, thank you so much for your time. We might start with giving you a few minutes for an opening statement. You might want to talk about the submission that you made or talk about anything extra that you might like us to know today, and then we will open it up to some questions from the Committee members. So I might hand to you first. Thanks, Nick.

**Nick McINTOSH:** Yes, thanks Chair. Well, good morning, Chair and Committee members. I am Nick McIntosh and I am the Assistant National Secretary of the TWU. Can I begin by thanking you all for providing us with the opportunity to discuss what is the most important issue for the 70,000 transport workers we represent, and that is of course the safety of our members at work and their ability to return home to their families, friends and community each and every day.

Committee members, I would like to start by making a crucial point here: some of these transport workers represent operate bikes and motorcycles; others use cars, vans and trucks; some are owner-drivers, some are engaged as gig workers and some are employees of the biggest transport companies in the land. What I do want to make very clear, though, is that each and every one of these are vulnerable road users, and they are vulnerable because whatever vehicle they drive and whatever category of worker they are, all transport workers are being squeezed by an industry that is placing them in imminent danger. Our industry is at breaking point. The lives of road transport workers are being torn apart by a deadly race to the bottom in standards that has made risk-taking the norm in our industry today. To give you some examples and some shocking statistics, road transport workers are 10 times more likely to be killed at work than any other Australian worker, and we know that when a road transport worker is placed in danger on our roads, of course so too are the broader public who we share our workplace—of course, the roads—with.

We know the situation in Victoria is worse, regrettably, than anywhere else in the country at this particular moment. Thirty-eight Victorians this year alone have lost their lives in truck-related crashes. This number is higher than in any other state, and 10 of these tragic deaths involved truck drivers. This shocking, sad and completely avoidable statistic does not include the countless other deaths involving transport workers in lighter vehicles. Many of these deaths are not even reported or noted as workplace deaths. One example is that of a Victorian gig economy driver who was killed in his car while working as a food delivery courier in 2020. It took two years for the death of this worker to even be reported as a workplace death, and it was only last week, some 1081 days later, that we finally learned the name of this transport worker. His name was Gauravdeep Narang.

What we need to do is protect all road transport workers by ensuring there are safe, sustainable and enforceable standards across the road transport industry. That means we need standards that ensure gig economy workers, like Gauravdeep Narang, do not need to work 60 hours a week to survive because they are earning half the minimum wage. We need standards that ensure truck drivers are not going to have their contracts terminated if they take a life-saving rest break. We need standards which ensure bicycle couriers are not forced to rush through traffic lights for fear of being deactivated at the whim of an algorithm, with no right to appeal. Simply, we need standards that will keep our workers safe while they are in our workplaces. In Victoria we have been calling for the establishment of an independent body which can set and enforce these enforceable standards. We know this will save lives, because we know that in New South Wales, where a similar body has existed since at least the 1970s, the rate of truck-related deaths has been reduced, and I am certainly happy to provide that evidence to this Committee after this.

Finally, I just want to say that there often seems to be an approach, whether it is by state governments or local councils, particularly in major cities, where there is a zero-sum game between either choosing the general

public on bikes or road transport workers. I mean that in the sense that you have often got this scenario where if bike lanes are introduced, they take away either bus zones or loading zones, which makes the job of our workers that much more dangerous when they have got to find where to park and run around and make tight deadlines, or vice versa happens and of course it makes the life of bike riders harder. We need to address that issue really by some proper planning, thought, resourcing and of course ultimately money, because we do not have to choose one or the other. We can keep everybody safe, but from our point of view we cannot do so at the expense of road transport workers, who of course were the heroes of the pandemic. And with that, Chair, I am happy to take any questions.

**The CHAIR:** Wonderful. Thank you, Nick, for those comments. I will go straight to Anthony to ask the first question.

**Anthony CIANFLONE:** Thank you, Chair, and thank you, Nick and the TWU, for your submission and for appearing today. It is a very comprehensive submission, and again we appreciate you having taken the time to submit that. I just want to say—picking up on your comments as well—thankyou to the transport workers who kept the country moving during the pandemic. They really were the unsung heroes of the pandemic in many ways. On that note, I was very pleased to attend the convoy, actually recently, a couple of weeks ago, in support of the need for safe roads across the transport sector. On that note—you sort of touched on this—at a state level how can the Victorian Government ensure that road transport employers are not compromising safety rules to cut costs and in turn increase road safety danger, not just for transport workers but for all commuters, pedestrians, cyclists and everyone on our roads? What can we do at a state level? You sort of alluded to what is happening in New South Wales, but in Victoria what can we do better in this space for transport workers?

**Nick McINTOSH:** Thanks for your question, and of course thanks for your ongoing support of transport workers. I know you are a big supporter of transport workers and the reform that we are seeking. Of course it is at the federal level where we are currently seeking complete reform in the transport industry, and that is because, as I mentioned earlier, we have got two major issues in the road transport industry in terms of the working conditions that transport workers face. The first is the squeeze from the top of the supply chain, whether it is big retailers, manufacturers, whoever it may be, that of course are squeezing rates and conditions from the top, and even the most major transport companies and employers—excuse me one second. I have to apologise; I am looking after my sick child, and he was on his electric guitar. But anyway, I will keep going.

So you have got the squeeze from the top and of course now the push from the gig work from the bottom, where we have got basically no standards in the gig economy whatsoever—no enforceable standards. That means that when they are competing with whether it is employees or contractors who have been doing this work for decades, they are pulling those conditions down. We are seeing this sort of double squeeze in the industry that we are hopeful the Federal Government and the Federal Parliament will seek to address. But that does not stop, to your question, the State Government stepping into this space. There have been some very positive things that the Government has done over the last few years, certainly about 15 years or so ago in the *Owner Drivers and Forestry Contractors Act*, and then in the last few years in the gig economy space.

But more can be done. We have seen in Queensland chapter 10A of the *Industrial Relations Act* introduced to pull in the gig economy there—to be able to deal with the gig economy and owner-drivers and to give them some standards. In some instances it is always going to be better to have some standards at a state level, because the state bodies can determine that there are certain areas that are better to be dealt with by state government. Of course there may be areas better dealt with by federal government. We have seen the Queensland Act; we have sent recent amendments to the WA owner-driver laws; and we know that in New South Wales the then opposition went to the last election, and the Government has now reaffirmed its commitment to bring those laws that they have into the 21st century by bringing in the gig economy and fixing some other issues.

It is important that states step up here because, to your question about employers, there are clearly constitutional limits on what state governments can do with employers, but that does not mean they need to vacate the field. If we only have really solid regulation for employers and employees, all that we are going to do is encourage these companies that are trying to squeeze the transport industry to go around them, either to go to contractors or to go to the gig economy and squeeze those people, and then leave these big transport companies who have invested millions and millions in capital and technology with no work because it is too hard for them to compete with people that have no standards.

That is not saying under any measure that somehow you have got to do some exercise whereby owner-drivers or gig economy workers are suddenly employees. That is not the case at all. The TWU in fact was founded by owner-drivers 125 years ago. We proudly are the biggest representative of small business in the country, and that is because we have got literally thousands of members who are the smallest businesses of all, who are owner-drivers or who are gig economy workers with one truck or one van or one bike. What we are saying, though, is they need a fair go. You do not need to mimic employees, but they need a fair go—that they have got some basic standards and that we can balance that market so that there is not a choice between either you go here with employees or you go here with owner-drivers. We can all coexist, which is what has happened in New South Wales, certainly since the 1970s. We think that there is nothing stopping the Victorian Government doing a very similar thing to what the New South Wales Government has done for many decades—at a bipartisan level, I should say, as well. In fact the last significant reforms to the New South Wales system were done by a Liberal–National government, and of course now in Queensland and in WA as well. Hopefully that somewhat answers your question.

**The CHAIR:** Yes. Thank you very much, Nick. Wayne, I might head to you.

**Wayne FARNHAM:** Yes, hi, Nick. Thank you for your submission, mate. It was quite good. Nick, I want to talk about driver-assist technology. What types of driver-assist technology should be installed in heavy vehicles to protect the drivers and road users?

**Nick McINTOSH:** Yes, look, technology is always a difficult question in the transport industry, and there are a couple of reasons for that. Firstly, in my experience anyway, most of our drivers are happy to embrace technology and embrace the opportunities that provides, whether it is safety or efficiency or productivity. But they want to be able to do so having properly been trained in it, understanding what it does and does not do and any privacy considerations, such as when there are in-cab cameras and things like that—you have got to remember, a lot of drivers sleep in their trucks, so things like that are of vital concern. But one of the biggest issues we have had with the uptake of technology is there is some great technology out there that can assist with different bits and pieces; the problem is, who is paying for it? At the moment, by and large, it is only the major transport companies that can seriously and significantly invest in technology, but even they are in many instances unable to recover the cost of that technology because they cannot pass it on to the clients that they cart the goods for, and in many instances they are only able to do it because they are so big. The further you get down the chain, the smaller the transport company is, all the way down to a single owner-operator. The chances of them being able to significantly invest in and use technology that might otherwise assist them becomes lower and lower because they just cannot recover the cost. In an environment where they are already struggling with rising costs of fuel and maintenance and tyres and in some states and in my state in particular—I live in New South Wales—toll roads, that is just another cost that they simply cannot recover. Even before you get to what the better technologies to use are and what we should and should not do, there is a fundamental question of how we even get through the front gate to allow many of these companies and these operators to actually even access the technology and use it in a cost-efficient way whereby they can simply recover the cost of using that technology.

**Wayne FARNHAM:** Thanks, Nick.

**The CHAIR:** Nick, I am just mindful of time. I have one more question, and I might ask it. Have you seen a change between COVID and now, and have behaviours changed in your industry?

**Nick McINTOSH:** Yes, that is a really great question. Just to go back to one of the things I said at the start, the transport workers I think really showed why they are the lifeblood of this country through COVID—the amount of stories of all drivers, frankly, but particularly a lot of long-distance drivers who were crossing borders, who were having things shoved up their nose X number of times a day. In many instances, as they were driving, state border restrictions suddenly cut in. They might be going from the State of Victoria all the way to WA and all of a sudden be told, ‘Well, before you left you didn’t know this, but since then there is a new permit,’ or something new has happened and you now cannot get in and you have got this B-double of goods that you cannot move anywhere. That of course caused a great strain on transport workers, and really they were forced to bear the brunt. Even things like not being able to be let into, I think in many instances, some of the rest stops and places they would go because someone said, ‘Well, you’ve just been in New South Wales and Victoria and you can’t come in here.’ The poor guy has been on the road for hours and hours trying to deliver goods and suddenly cannot use a toilet. So there was that mental scar I think from COVID that we have

seen. I think that in many instances the biggest issue we have seen with behaviour is that a lot of particularly, I would say, long-distance owner-drivers do not feel appreciated. They think, 'Well, we did all this stuff, and all that's happened is costs have gone up, our lives have gotten harder and the situation for us is even tougher than it has ever been.' So I think there is a recognition issue.

Have there been behavioural changes? I think there have. I think that truck drivers in particular have noticed that their jobs have become more difficult. Perhaps the way other road users are using their workplaces have become more problematic as well, and no doubt you have heard different evidence on that, so I will not necessarily go into it. But I think there is just an issue that for whatever government of whatever political persuasion at whatever level we need to think what we can do for the transport industry, because it is an industry that is a price-taking industry that suffers every free-market problem you can imagine where you have got a huge amount of supply. There is now perfect information with apps and all the rest of it—everything you can imagine. Guys who been in this game for decades slogging their guts out are saying, 'We now can't compete because we're getting squeezed from both ends, and whatever governments can do to assist us we'd greatly appreciate.' I might leave it at that.

**The CHAIR:** Yes. Wonderful. It was really comprehensive—your submission and also today answering our questions. We really appreciate that and your time. If there is anything we have not covered today or if you think there needs to be extra information provided to the committee, we are more than happy to receive any of that in writing and you can write to us.

**Nick McINTOSH:** Thanks, Chair, and thanks, Committee.

**The CHAIR:** Thank you very much for your time today, Nick.

**Committee adjourned.**