

# RSRT - A New Paradigm or History Repeating Itself ?

Recently there has been thousands of words written about the issues facing Owner Drivers including the most important - survival.

The Federal Government's Road Safety Remuneration Tribunal (RSRT) was established under the Road Safety Remuneration Act 2012 (Cth) (RSR Act) on 1 July 2012. The objective of the RSRT Act is to promote safety and fairness in the road transport industry.

Each year, over 1.2 million people die on the world's roads and up to 50 million are injured as a result of road crashes costing countries up to 3% of their gross domestic product (GDP).

According to the World Health Organisation, in 2004, road traffic injuries were the ninth most common cause of death, globally. It is predicted at the current rate, by 2030, road traffic injuries will be the fifth most common cause of death in the world, surpassing HIV/AIDS.

In Australia in 2011, 141 people died as a result of 125 crashes involving just articulated trucks who account for three per cent of the vehicle kilometres travelled on our roads and account for 11 per cent of road fatalities. These statistics are considerably higher than other countries.

Australia also has a higher rate than other countries of truck occupant fatalities, with a high incidence of single vehicle fatal truck crashes.

Further, in Australia in 2009-10, the Transport and Storage Industry experienced a rate of 7.8 compensated fatalities per 100,000 employees. This is the highest for any industry in Australia.

Employees of the Transport and Storage industry also sustained nearly twice the national average incidence of serious compensation claims - 24 per 1,000 employees. It seems that for truck drivers, their 'workplace is one of the most dangerous of any industry'.

## THE ROLE OF THE RSRT

RSRT was established to assist in improving these outcomes and is an independent, federal tribunal which is separate to Fair Work Commission.

With eight members - A President; three other dual members who are also members of Fair Work Commission, and four part-time industry members, together, the members have more than 100 years' professional experience in workplace relations and collectively have extensive experience in aspects of the road transport industry, whether as participants, representatives or researchers.

force, on 1 July 2012.

The Tribunal's functions apply to both employee drivers and contractor drivers in the road transport industry, their employers or hirers, and participants in the supply chain.

'Participants in the supply chain' means:

- ✓ consignors or consignees of a thing in respect of which a road transport driver is providing road transport services;
- ✓ intermediaries, being parties to contracts for the carriage of goods which concern the transport of a thing in respect of which a road transport driver is providing road transport

## SMALL TO MEDIUM SIZED ENTERPRISES AND SUBCONTRACTORS TO HAVE A LEGITIMATE AND USER FRIENDLY PROCESS/TRIBUNAL/LEGISLATION TO TEST UNFAIR CONTRACTS, DELAYS IN INVOICE SETTLEMENT AND OTHER ASPECTS WHICH DEMONSTRATE THE ABUSE OF MARKET POWER

The Tribunal's role primarily relates to addressing the relationship between remuneration and related conditions and safety in the industry.

It should be noted the 'road transport industry' means any of the following:

- (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;
- (b) The 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;
- (c) The 'cash-in-transit' industry within the meaning of the Transport (Cash in Transit) Award 2010 as, in force, on 1 July 2012;
- (d) The waste management industry within the meaning of the Waste Management Award 2010 as, in

services; or

- ✓ operators of premises used, on average at least five times each day, by road transport drivers to load or unload vehicles.

The specific functions of the Tribunal include:

- ✓ making road safety remuneration orders;
- ✓ approving road transport collective agreements;
- ✓ dealing with disputes between certain participants in the road transport industry; and
- ✓ conducting research into remuneration-related matters that may affect safety in the industry.

In a decade when global attention has turned to the issue of road safety, there is much the RSRT can contribute to improving not only productive workplace relations but also Australia's safety outcomes in the transport industry for the benefit of those involved in it and the broader

community. To that end, the Tribunal intends to continue to actively consult and engage with those with an interest in its work.

WARTA like it's associated other States and Territory Associations, and through its 'industrial arm' the Australia Road Transport Industrial Organisation (ARTIO) has membership including large publicly listed multi-national transport companies. Our collective membership extends across privately owned small to medium sized companies. Together the members of the various Associations and ultimately through ARTIO's Branches, perform a large percentage of Australia's freight task across all sectors of the economy.

WARTA have been an active participant with the RSRT via ARTIO and have the following observations in response to the RSRT Review.

Of interest we submit that there is a requirement for:

- ✓ Submissions and evidence before RSRT highlighting in particular the need for evidentiary links to identify crash data and driver remuneration;
- ✓ Avoidance of additional red tape/

cost impost on industry;

- ✓ A safety focus and the need to avoid duplication of (statutory) responsibilities of existing legislation in areas related to industrial law, road law and workplace health and safety (WH&S) law agencies e.g. National Heavy Vehicle Regulator; and
- ✓ Small to medium sized enterprises and subcontractors to have a legitimate and user friendly process/ Tribunal/Legislation to test unfair contracts, delays in invoice settlement and other aspects which demonstrate the abuse of market power.

Supports retention of a policy framework which:

- Aims to address market failure issues in the provision of road freight services, which compliments other legislation affecting the industry & is underpinned by an effective compliance & enforcement regime;
- Identifies the link between the industry's regulatory framework and the community's interest in safer roads;
- Stresses the importance of robust, credible evidence as the

basis for policy formulation so there is potential to introduce remedies to root causes of any safety based market failure; and

- Encourages an efficient transport operator to cover costs and make an acceptable margin on their investment in order to remain financially viable.

The activities of the RSRT will have an impact on everyone. It is an Industry enquiry - speak up and be heard.

In conclusion, all sectors of the Transport Industry are extremely important and having one group being singled out is both unfair and most unnecessary. The Editor of WA Transport Magazine is keen to hear from the Owner Driver sector who are seeking information and guidance. Karen has a team who can and will help - please email: karen@angrychicken.com.au

Remember the WA Transport Industry is diverse, each and every sector is extremely important and for those drivers 'doing in tough' remember someone is ready to listen - just ask. ■



**For all our members and clients, seasons greetings and safe driving over the Christmas break.**

WARTA will be closing it's doors for the Christmas/New Year break on Friday the 18th of December and will reopen on the Monday the 4th of January. During this time online bookings can be made for courses in the New Year, however booking confirmations will not be received until business resumes.

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