

# Transport Workers' Union of Australia



## National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246

National Secretary  
**Michael Kaine**

30 June 2023

Mr Sal Petrocchio  
CEO  
National Heavy Vehicle Regulator  
PO Box 492  
Fortitude Valley QLD 4006

Via email

Dear Mr Petrocchio,

As you know, the Transport Workers Union (TWU) represents workers across the road transport industry including thousands of truck drivers. Our members work in Australia's deadliest industry, worsened by supply chain and contract pressures to meet unrealistic deadlines and cut corners on safety to stay in business.

We write regarding the reported 'state-wide operation' to be conducted in NSW in relation to National Written Work Diary (WWD) or Electronic Work Diary (EWD) compliance. We also note the recent prosecution of a truck driver who was convicted and fined with two critical risk breaches for working 19.5 hours in a 24-hour period.

The TWU shares your grave concern for the rise in Australia's road toll as well as the serious safety implications of being on the road too long with insufficient rest. However, the TWU does not support a public announcement of a "blitz" on driver compliance. This sends completely the wrong signal to drivers and to the general community, that somehow on-road dangers in the Road Transport industry can be fixed by aggressively prosecuting those who have the least power to make structural and meaningful industry change.

While the TWU acknowledges the responsibility of truck drivers to abide by the law, we know too that drivers do not "choose" to work long hours of their own free will. Rather, drivers often report that they feel pressured to do so to stay in business, keep their job, or prevent their employer from losing transport contracts. These pressures begin with the owners of freight at the top of the supply chain – those who set out the terms of transport contracts.

A 2021 TWU survey of 1,100 road transport workers found that 1 in 5 have been pressured to falsify logbooks, 1 in 4 have been pressured by employers to drive past legal hours and skip rest breaks, and 42 per cent of owner drivers said they didn't raise safety concerns through fear of losing pay.

This evidence points to an industry under immense pressure from the top of the supply chain. Until these pressures are put under the microscope, drivers and operators will continue to shoulder the burden of the symptoms of a broken industry, and fatigue breaches will continue to occur with tragic consequences.

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In other words, to make meaningful change and save lives on our roads, the root causes of the ongoing road transport industry crisis must be addressed, not only the symptoms. Fatigue, overloading, speeding, the use of artificial stimulants to stay awake; all of these are symptoms of unchecked supply chain and contractual pressure. Accordingly, what is required is not a driver compliance blitz but a thorough effort to identify and rectify the supply chain/contract pressures that result in drivers being placed in the mortal danger of working unsafely.

Noting the role of the Transport Workers' Union of Australia as a Registered Organisation with statutory rights and responsibilities in relation to enforcement within the Road Transport Industry, we urgently request that you provide us with the following:

1. The plan (including commencement date) relating to the public launch of supply chain investigations or "blitzes" in order to publicise and target the root causes of industry pressures that promote poor on-road decision making.
2. Information setting out the nature and extent of supply chain investigations being conducted in relation to the driver found to have worked 19.5 hours in a 24-hour period and in relation to the considerable number of penalty notices issued in relation to fatigue.
3. Information setting out the scope of the recently announced NSW driver blitz, including what constitutes a 'fatigue related offence'. For example, are clerical errors in work diaries, such as misspelling or failing to complete all contact information, included in this category and operation?

We look forward to your response.

Yours faithfully

Michael Kaine  
**TWU National Secretary**