



Abolition of Road Safety Remuneration Tribunal Still Best Option

The [Australian Logistics Council](#) supports a delay to the introduction of the *Contractor Driver Minimum Payments Road Safety Remuneration Order* mandated by the Road Safety Remuneration Tribunal.

“However, the abolition of the RSRT is the only real way to avoid the duplication, confusion and costs that this Order, and others like it, will inevitably create,” said Michael Kilgariff, ALC Managing Director.

“A hearing is being held today (Thursday) by the [Road Safety Remuneration Tribunal](#) in relation to a draft variation to the [Contractor Driver Minimum Payments Road Safety Remuneration Order 2016](#) (2016 RSRO), to vary the commencement date of the 2016 RSRO.

“An Order from the Tribunal covering contractor drivers’ minimum payments, due to come into effect on 4 April 2016 is creating untold confusion and potential costs in the heavy vehicle industry, with many contracting companies now fearful they will be driven out of the industry.

“This concern has been highlighted by ALC since the legislation was first considered and passed by the previous government in March 2012. Since that time, ALC has consistently called for the abolition of the Road Safety Remuneration Tribunal.

“ALC maintains that because the Road Safety Remuneration Act prevails over all other laws, including the Heavy Vehicle National Law and Work Health and Safety laws, inefficiency, confusion and increased costs would inevitably ensue when the first Order was handed down.

“The confusion with this first Order, which sets national minimum payments for contractor drivers in the road transport industry, underscores the practical difficulties associated with rate setting by an industrially focused tribunal,” he said.

“ALC is committed to improving safety for all road users and it is essential that all stakeholders have a clear understanding of a number of key facts in this important issue.

“First, improving safety in the heavy vehicle industry must be based on achieving greater compliance and awareness of [Chain of Responsibility](#) (part of the Heavy Vehicle National Law), rather than being distracted by emotive campaigns to support the Road Safety Remuneration Tribunal.

“In 2016, steps will be taken by Transport Ministers to amend Chain of Responsibility laws including the introduction of a ‘primary duty of care’ into the current Chain of Responsibility that will be similar in nature to those contained in workplace health and safety legislation (see editor’s notes below).

“Some of these obligations will extend to the executive officers of these duty holders.

“Also expected is the introduction of a new risk-based approach to heavy vehicle inspections and changes to how codes of practice are treated under the Heavy Vehicle National Law.

“There needs to be greater effort by all stakeholders to promote understanding and compliance with Chain of Responsibility obligations, which is invariably ignored by proponents of the Road Safety Remuneration Tribunal.

“Second, more can be done to support and drive the safety benefits associated with on board safety technologies, such as telematics.

“Telematics enables companies to monitor driver fatigue and speed, and has been [shown](#) to save lives.

“ALC believes that the use of monitoring systems using telematics for compliance purposes should be mandated for heavy line-haul vehicles as part of a company’s compliance with their Chain of Responsibility obligations.

“Third, while heavy vehicles are over represented in crashes, studies have found that in fatal crashes involving other vehicles, the other driver was at fault in 84% of the accidents (source: [2015 Major Accident Investigation Report](#), National Truck Accident Research Centre, Page 7).

“This underscores the need for greater community awareness and education on the issue of light and heavy vehicles sharing the road.

“And fourth, it needs to be remembered that safety in the heavy vehicle industry is generally improving (source: [Fatal Heavy Vehicle Crashes - Quarterly Bulletins](#)).

“It concerns me when the Transport Workers Union states that the Road Safety Remuneration Tribunal is the panacea to all issues in the heavy vehicle industry which by implication, effectively diminishes the importance of the Chain of Responsibility concept.

“It is irresponsible for the TWU to constantly link every heavy vehicle accident and fatality with ‘Safe Rates’, when they possess no more expertise or knowledge of any specific incident than anyone else in the industry or community,” he said.

The underlying purpose of the RSRT was laid bare in [The Weekend Australian](#) which predicted self-employed owner drivers will be pushed out of work because of the *Contractor Driver Minimum Payments Road Safety Remuneration Order*.

“As an industry, we must remain focussed on achieving greater levels of compliance with road transport laws and real safety outcomes, rather than having our focus diverted by emotive campaigns on ‘Safe Rates’ and the Road Safety Remuneration Tribunal.”

Editor’s notes:

- Chain of Responsibility places legal obligations on all supply chain participants to take positive steps to prevent breaches of the law.
- Under COR laws if you exercise (or have the capability of exercising) control or influence over any transport task, you are part of the supply chain and therefore have a responsibility to ensure compliance with HVNL.
- A number of changes are proposed to Chain of Responsibility in 2016, including the introduction of a ‘primary duty of care’ into the current Chain of Responsibility that will be similar in nature to those contained in workplace health and safety legislation.

The changes will:

- create a ‘primary duty of care’ on operators, prime contractors and employers
- create a power for the National Heavy Vehicle Regulator (NHVR) to enter into an enforceable undertaking with a road transport operator to take specified steps to improve managing the roadworthiness of their fleet; and
- expand the use of formal warnings by authorised officers.

Links:

ALC [Submission](#) on the Road Safety Remuneration System – January 2014

ALC [Submission](#) on the Road Safety Remuneration Orders – April 2013

ALC [Statement](#) to House of Representatives Committee on the Road Safety Remuneration Bill 2011 – February 2012

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