



**NATIONAL TRANSPORT REFORM  
15 July 2009**

**Mrs PENFOLD (Flinders) (16:51):** Today I listened to the Minister for Transport speaking in his usual unpleasant and sarcastic way about perceived shortcomings of Liberal members and the advantages of Labor's national reform agenda that he has been putting in place in South Australia, most recently with the Road Traffic (Miscellaneous) Amendment Bill 2009.

National transport reform, as negotiated by the minister for our state, does not have many perceived benefits for our truck owners or drivers. This is now being discussed by them with the implementation of the South Australian Labor government's Road Transport (Heavy Vehicle Driver Fatigue) Bill template legislation from the federal government, which is proving unworkable in this state. It is no surprise that Western Australia has not adopted it. I therefore urge caution when embracing national reform.

The new fatigue laws are not only affecting truck drivers and owners but also anyone who buys items that have a freight component because the compliance costs have to be passed on or businesses will not survive in South Australia. Trucking companies have been put at a great disadvantage compared with other states as this legislation takes little account of the huge distances and difficulties encountered.

The legislation was obviously designed for the Eastern States and not for the states to the west and north of Adelaide. The driver fatigue laws are complicated and not practical for the long distances that truck drivers travel in most of South Australia. They are inconsistent between states, particularly disadvantaging South Australian drivers and transport operators who sit in the middle of the country and have to accommodate the changes in the law between states as well.

Work diaries have been set up for the short Eastern States runs and not for the long interstate hauls across the length and breadth of the nation that are the reality for South Australian truckies. Many drivers need a break of longer than a quarter of an hour during their trip. Often this can be up to three or four hours followed by another three or four hours at around the 14 hour driving and rest time. Drivers used to listen to their own body clocks but they are now being treated like robots.

However, if drivers take longer rest breaks to ensure the safety of themselves, their rigs and other road users, they are penalised because they have not taken a continuous seven hour long break in a 24 hour span. Not having this long break constitutes a severe breach of the law and attracts a \$520 fine. Part 2, division 2.2.5 of the Occupational Health Safety and Welfare Regulations is very clear in the interpretation of conditions in the workplace regarding work breaks and also toilet facilities. Neither these rules nor the fatigue laws currently being enforced cover the long-distance highways.

Where else in Australia would an industry worker be penalised and fined for not taking his break at a specific time even if it means stopping at a rest bay with absolutely no facilities in the rain and behind a bush after walking through a wall of faeces to get to an unused spot? Where else would a worker be penalised if he did not stop at the side of the road or in an outdated 18th century rest area because his work diary said he should not continue his journey to arrive at an area with proper facilities?

As one Eyre Peninsula driver graphically put it, maybe some understanding of the conditions would be realised if there was scrub near Parliament House and no other facilities to use for a toilet. Drivers are forced to stop in extreme temperatures in summer and winter without facilities to stay warm or cool if their truck does not have ancillary air conditioners to turn on while stationary. While crossing the Nullarbor, there is not even a tree to pull up under during the heat of the day.

The effect of the new laws will be to make drivers more fatigued, not less, on these interstate hauls. I have also been advised of enforced infringements of animal welfare laws where drivers who have been held up with police and departmental checks and other unforeseen circumstances have not been able to deliver their live animal loads to their destinations because they are running a little late and have to take an enforced break. Common sense must prevail.

Adding a second driver to a rig adds considerably to the cost of goods transported, a cost which the customer ultimately pays. That is always supposing that licensed drivers are available. It is one of the vocations where there are job vacancies. The second driver is expected to sleep in the truck's sleeping compartment while the truck is moving which is not conducive to sleep, particularly on the older sealed and unsealed roads found in many places.

A driver operating a rig on his own would end up being bankrupted if he altered his sleep times to his body clock because of the \$520 fines for a severe breach due to sleeping when tired. Many drivers are being fined large amounts for small infringements.

These laws and regulations simply become another revenue raiser at the expense of South Australians. Work diary infringements are stacked against the single driver and can bankrupt him. A South Australian driver who travels in and out of Perth on his normal trip can only drive 14 hours in 24 on basic fatigue management (BFM).

He can leave Perth after a two day rest in a motel while waiting for freight and drive to his BFM accreditation of 14 hours, while his Western Australian counterpart can leave at the same time and drive for 17 hours under Western Australian fatigue management requirements. However, if the South Australian driver has stayed in Perth for more than seven days, he can also travel on the Western Australian fatigue management system for 17 hours provided that he is accredited.

The only thing that has changed in these circumstances is the bureaucracy under which the drivers are compelled to work. While basic fatigue management talks about a person's body clock, it does not allow drivers to use their body clock or their brains. It seems that the law is stacked against the single driver and owner/driver as the fines are huge and the law is inconsistent from state to state, especially concerning the two-thirds of South Australia west of Port Augusta because of the distances to Western Australia rather than the Eastern States.

The industry now has a 36 hour rule which recognises areas of driving most susceptible to accidents. There are now long/night hours and short hours. Western Australian fatigue management does not have an inclusion for long and short hours but does make mention of fatigue areas in night driving—yet another obstacle for South Australian drivers. Many drivers are struggling to come to grips with the new rules and the interpretation of the 36 hour rule.

Long hours are between midnight and 6am, or about 12 hours' driving time. A long hour supposedly is recognition of fatigue and equates to driving during the most dangerous times of fatigue. Thus, a driver starting at midnight and driving until 6am has already driven six long/night hours, according to legislation.

A driver is only allowed 36 long/night hours in a week, with the long hours aggregated at the end of each week. Accepting that a driver can work or drive for 14 hours under BFM, what happens if he starts his shift at midnight? He is therefore using the fatigue long/night hours at the start of his journey which does seem contradictory to the reason for the long/night hour rule.

If the driver did the same route and left at 6am, he would avoid the six long hours from midnight to 6am and would only accrue one long hour at the end of the trip for over 12 hours of driving. Is a long hour only a long hour at the end of the week after it is accrued? Does it mean that if a driver starts his shift at midnight, he is more prone to have an accident but it is accepted as, even though he has driven legally 14 hours in his shift, he has technically used six long hours (midnight to 6am) and one short hour, whereas if he started at 6am he would have only driven one long hour? I know of drivers who prefer to drive at night because it better suits their body clock, there is less traffic on the roads

and, particularly in summer, the weather conditions are much more amenable, yet the 36-hour rule can penalise them.

Designated rest areas are another source of confusion and angst. It is one thing to put restrictions on the hours that drivers work allegedly promoting safety but, in reality, raising revenue while adversely affecting livelihoods and business. What happens when a driver's time by his work diary has expired but there is no rest area? He risks an infringement of \$520 if he continues to drive until he comes to a rest area, and usually the same if he pulls off where he is but where there is no rest area. The legislation tells us to pull off onto the shoulder, provided it is done with care and in sight of other road users or with warning triangles out. It is not a good idea to pull off on the shoulder as in winter your rig could get hopelessly bogged or, worse still, roll over in the soft edges. Also, where are the facilities for the driver? There are absolutely none.

According to the website of the Department for Transport, Energy and Infrastructure, at the time when the Minister for Transport was boasting about putting some money into rest areas on the Adelaide to Port Augusta run, rest areas on all highways had not been constructed. There is no standard set for their dimensions nor facilities in place for the road transport industry, yet drivers are to be policed for infringements. Surely, this shows the absolutely farcical situation existing at the moment.

A notice placed in *The Advertiser* of 7 March 2009 by the department of transport informed the public that the Road Traffic (Heavy Vehicle Driver Fatigue) Transitional Class Exemption Notice 2008 would expire on 28 March. It went on to say that drivers must be accredited in basic fatigue management or advanced fatigue management or they would be required to revert to standard hours of 12 hours' work in a 24-hour period. A letter dated 31 January—

Time expired.

## **ROAD TRAINS 25 October 2001**

**Mrs PENFOLD (Flinders):** A and B-double road trains move a greater amount of goods at less cost than single rigs. When the approval for road trains to operate from the west beyond Port Augusta was being debated, one road train operator suggested a saving of up to 40 000 road kilometres a month by allowing road trains access through Port Augusta. That is also a considerable saving in wear and tear on roads and, therefore, a comparable reduction in maintenance costs.

I am surprised that many who say that they care for the environment cannot see the benefits of reduced fuel consumption, lower tyre mileage on roads and less air pollution than the use of A and B-double road trains bring. These trucks are shipping goods across the state and indeed Australia. Without them the time taken to ship freight from one side of the state to the other would be enormous. My constituents and I, living as we do on Eyre Peninsula, are acutely aware of the cost of freight. The decision to allow road trains to operate north of Lochiel dropped the cost of freight by an estimated 14 per cent per tonne, a significant saving considering it applies to all goods brought to or leaving Eyre Peninsula by road.

Freight also applies to goods in metropolitan areas, even though residents may not be as aware of the cost as rural people are. Nevertheless, transshipping goods from A and B-double road trains to single rigs is a large cost in itself, without adding the further cost of running two rigs instead of one. Why should we adversely restrict these vehicles from operating in the Adelaide metropolitan area, which relies on goods and services that these trucks deliver as much as my electorate does? Decreased freighting cost means lower prices to consumers. Efficiency makes operators more viable. This relates directly to employment where uncompetitive businesses simply cease to exist.

Safety is a paramount issue, but legislation must be objective and therefore applicable, sustainable, clear and accepted by all. The motion's proposal to restrict or prohibit the use of road trains in 'areas where they cannot operate safely' is subjective. The statement is capable of any interpretation that anyone wants to put on it. Under this motion one could go so far as to say that the risk of road trains operating anywhere is so great that they should be banned. Next, of course, the same argument could be used to prohibit any vehicles.

The uncoupling of trailers and taking of freight in and out individually, on the surface, may look safer, but it actually doubles or even triples the number of times trucks must travel along the roads. Proportionally, this must increase the potential for accidents to occur and therefore is not as safe as the road train. Trucks with single trailers have always operated in the metropolitan area. The trucks have proved to be safe, while drivers are required to observe a number of safety registers and documents regarding loads, travel times and rest stops. These checks were made more stringent with the truck safe program.

This program prevents anyone without special accreditation, or who has contravened the requirements, from driving into Adelaide. The truck safe scheme was embraced by the trucking community as a means of rewarding companies and drivers with good records. These drivers skilfully negotiate roundabouts, sharp corners and some less than considerate Adelaide drivers. In Port Lincoln we have of necessity allowed large trucks and road trains which have up to three sections to travel through the main street in the central business district. This occurs with minimal interruption to traffic. The road trains use the busiest street to carry grain to the terminal silo at the Port Lincoln wharf for export.

I believe that it is correct to say that, in general, people do not prefer this type of traffic, but see it as a necessary adjunct to living in a rural city which depends on the profitability of grain growing. The A-doubles and A B hybrids negotiate four double lane roundabouts and a pedestrian light. Road trains actually reduce the number of truck movements on the roads, increase safety and efficiency, improve the competitiveness of business and reduce cost to South Australians. I oppose the motion.

#### **GRAND JUNCTION ROAD 23 July 1998**

**Mrs PENFOLD (Flinders):** I support the motion as amended by the member for Schubert. The first concern of the member for Price related to the 12 hour per day clearway on Grand Junction Road. If we are to have vehicles travelling through busy suburban areas, from experience, I can say that a clearway is the safest way of ensuring the smooth flow and interaction of large trucks and passenger vehicles. However, the decision to operate a clearway has nothing to do with road trains and is based upon the fact that the traffic volume of the road in question exceeds 800 vehicles per hour, and the installation of a clearway is recommended under the Australian standards which aim to achieve two clear travelling lanes.

The decision to allow A-double trains on Grand Junction Road between South and Port Roads is completely unrelated to the establishment of the clearway. In Port Lincoln we have, of necessity, allowed large trucks or road trains—that are roughly the same length as double road trains but actually have three sections—through the main street. This occurs with a minimal amount of interruption of main street traffic. The A-doubles and the A-B hybrids even manage to negotiate two double-lane roundabouts. The job would be made much simpler if we were able to enforce clearway zones for at least some of the day but, being a commercial shopping precinct and one that has fewer than 800 vehicles, this is unlikely. Trucks are shipping goods across the State and, indeed, Australia. Without them the times taken to ship freight from one side of this State to another would be enormous. Why should we ban these vehicles from the outer Adelaide suburbs, which rely on the goods and services that these trucks deliver as much as my electorate does? The aesthetics of having large trucks in your area may be hard to swallow but the alternative would be even harder to take. No large trucks would mean, first, less competitive businesses. It would mean, as the member for Price interjected earlier, that driving jobs would be retained, but I believe that, overall, in the long term it would be detrimental and result in the loss of jobs in country regions and in Adelaide.

Secondly, it will mean greater increased costs to consumers of freight which must be double handled. The uncoupling of trailers and taking of freight in and out individually, on the surface, may look safer, but it actually doubles, or even triples, the number of times trucks must travel along the roads. This proportionally must increase the potential for accidents to occur and therefore is not as safe as the road train. The closing of the rest and exchange point at Lochiel means that trucks can bring their loads through the outer suburbs of Adelaide with the extra trailer.

The cost savings in not having to make continuous trips to Lochiel will be considerable. It will decrease freighting times, which brings down prices for consumers. Efficiency will make operators more viable. Consideration must also be given to the fact that there will be reduced wear and tear on the roads and therefore reduced road maintenance

costs. Why is it that every time the Government tries to do something that will benefit the State the Opposition tries to block it? Trucks with single trailers have always entered Adelaide. The trucks have proven to be safe and the drivers are required to keep a number of safety registers and documents regarding their loads, travel times and rest stops.

The checks have recently been made even more stringent with the Truck Safe program. This program prevents anyone without special accreditation, or who has contravened the requirements, from driving into Adelaide. The Truck Safe scheme has been embraced by the trucking community as a means of rewarding companies and drivers with good records. Truck Safe accredited drivers are allowed to travel past Lochiel with the double trailers into the outskirts of Adelaide. This was part of the promise made to companies and drivers who became involved with the scheme. The selfregulation of the trucking industry that this State has introduced can only benefit responsible operators, other road users and the general public.

These drivers skilfully negotiate roundabouts, sharp corners and some less than considerate Adelaide drivers. As already indicated, the State relies on these trucks. As the honourable member said in his amended motion, the A double road train access initiative will generate transport savings of more than \$4 million a year to the South Australian community and enable producers of farm and manufactured goods to be more competitive and exports to be transported more efficiently. Repeatedly we are slammed as a Government that is doing nothing to assist small business people, primary producers and a range of other enterprises that rely on road-shipped goods, yet here is a proposal that could save \$4 million in transport costs, which could be passed on to consumers and producers in South Australia, not to mention the approved safety aspects on our roads.

As for putting a freeze on the proposals, these plans have been in the pipeline for some time now and to stall them any further will bring unnecessary hardship to transport companies within the State that have complied with various changes and promises regarding access to Adelaide. Many truckies within the Flinders electorate have been more than patient in waiting to hear the final decision about road trains travelling into Adelaide. Detailed and numerous submissions have been made regarding the road train traffic. They have been reviewed, and appropriate industry groups have had a chance to check over the details of these plans. The majority believe that the solution put forward by the Minister for Transport and Urban Planning is the best option open to them.

On a separate matter, the member for Price has asked what we intend to do about getting sea trade back into the Port. Coming from an area that boasts the second largest natural deep sea port in the State, I am only too aware of the benefits that sea trade can bring to a community. The cost of shipping between the States is far more expensive than road transport. The cost of shipping between internal ports is even higher. Why would we try at this stage to implement something that would be less efficient and more expensive to the people of South Australia?

The Minister's decision will hopefully decide these issues once and for all, and will give the operators in the transport industry some solid ground on which to plan. It is sometimes said, 'I went to Adelaide but it was closed.' Let us not have this kind of mentality when it comes to the nature of freight movements in and out of the State's capital. Road trains will actually reduce the number of truck movements on the roads, increase safety and efficiency and reduce costs to South Australians. I oppose the motion moved by the member for Price and fully support the amendment moved by the member for Schubert.

## **ROAD TRAIN ACCESS 30 November 1994**

**Mrs PENFOLD (Flinders):** I wish to place on the public record the importance of the decision by the Minister for Transport in another place that allows road train access through Port Augusta for a trial period. Few other single decisions could be made that would help more the economy of Eyre Peninsula and its people. The move will allow technology in transport to progress and will help to keep a lid on the cost of everything we do on Eyre Peninsula. Figures supplied to me from an Eyre Peninsula based road train operator indicate that the cost of moving bulk rural commodities from Eyre Peninsula to Adelaide is about \$40 a tonne. Following the opening of Port Augusta to road train operations the price per tonne of moving the same commodities will drop to \$33 or \$34 a tonne.

In 1992 the number of road trains leaving Port Augusta for destinations to the north and west was 76 double road trains and 28 triple road trains. These combinations all travel to Port Augusta as single combinations. One road train operator has suggested that there could be a saving from these figures of 20 000 road kilometres by allowing road

train access through Port Augusta. We can assume that these rigs will return, doubling the saving of road kilometres.

The Government's decision has created much distrust in certain communities. I understand and sympathise with the concerns expressed. In my home town road trains carrying grain to the terminal silo at Port Lincoln have used the busiest city streets for many years. People do not like such intrusions but see them as a necessary adjunct to living in a rural city which depends on the profitability of grain growing.

The Port Lincoln community and town leaders understand that road trains have helped to keep a lid on farmer's costs. This Government, I am pleased to say, has recognised the importance of transport to isolated regions of South Australia. Everything we consume and almost everything we produce in remote areas of South Australia has a freight cost component. It is important for our very survival that these freight costs are kept to a minimum. Whilst speaking about transport, I also wish to mention the proposed sealing of the Cleve-Kimba road over the next seven years. The budget allows \$400 000 to be spent on this project, with a starting date of January 1995.

To gauge how much joy this news has brought to the local communities in this part of Eyre Peninsula, I refer to a letter from the District Council of Cleve to the Minister for Transport in another place. The letter states:

*The news of the proposed sealing of the Cleve-Kimba road is undoubtedly the most positive and heartening news received in over 20 years by the two communities of Cleve and Kimba.*

The letter further states:

*The sealing of the road will provide a much needed boost to Eyre Peninsula.*

I have stated in this House on a previous occasion that a good road system will increase economic activity between towns. In this case a start on sealing this road will do much more: it will lift flagging spirits in a rural community that the previous Administration left neglected and forgotten. I remind members opposite that South Australia no longer stops at Gepps Cross—there is another vital part of the State and, after many long years, its importance is at last being recognised. The letter from the District Council of Cleve goes on to say that rural communities are only too aware of the restraints which must finally be exercised by this Government in these hard economic times—constraints on spending the previous Administration would not take.

The people living in this isolated part of the State therefore appreciate the support and commitment this Government has shown to the rural arterial road sealing program announced as part of the Liberal Government's election platform. Yes, this is an election promise that has been kept much to the delight of those who will benefit. It is the first time in over 20 years that a proposal to seal the Cleve-Kimba road has been documented and signed by a Minister of the Crown. I am delighted that the Government has made a start on sealing the link between these two rural communities.

I turn now to the special needs of education, especially the needs of country students in a wide range of areas. The allocation of 69 open access salaries will assist many of my country schools to maximise curriculum choice and expand the offerings for their students. It is important to note that many country schools, especially rural schools, will not lose a teacher under the new staffing formula. I am also particularly pleased that the allowance for isolated children will be increased.