

## OWNER-DRIVERS (CONTRACTS AND DISPUTES) AMENDMENT BILL 2022

### *Second Reading*

Resumed from 22 June.

**MR R.S. LOVE (Moore — Deputy Leader of the Opposition)** [11.09 am]: There has been a bit of a change to the order of business of the house. I was expecting to be speaking on railways at the moment, but here I am talking about owner-drivers. I have done some preparation, but it has been a bit hectic this morning, so some matters might have to be teased out as we go through the consideration in detail stage.

As we know, this legislation seeks to amend an existing act of Parliament. The Owner-Drivers (Contracts and Disputes) Amendment Bill 2022 seeks to amend the Owner-Drivers (Contracts and Disputes) Act 2007. It comes about as a result of a review that was done in 2018, I understand, and that review made some recommendations. Here we are now discussing some of those matters. As an opposition, we will be supporting the legislation, but I do want to tease out some of the points, especially some issues around defining who is going to be captured by this legislation in terms of hirers and owner-drivers, and some issues around the right of entry.

As we know, sections 35 and 36 of the existing legislation would have allowed for authorised persons to enter premises and gain information about the nature and circumstances of a contract between a hirer and an owner-driver, but those powers never came into operation. They sat dormant all that time, because the provisions were considered to be quite draconian and allowed for various matters such as allowing entry into people's homes and a whole range of things that were felt not to be correct; so although they were enacted, they were not enabled. This legislation contains provisions that allow for those persons to have right of entry, but they must have written consent for that to happen.

I raised some issues on some of the provisions at the briefing that the minister's office recently provided the opposition. We had a discussion about this. One matter that was of interest was the "relevant person" at section 34 of the current act as an authorised representative under section 34(1)(b), and what was required for written consent. That has been clarified. Some of the matters around confidentiality have also been clarified with me, and I think we will probably delve into that in consideration in detail rather than talk about it in detail here. At the moment, this is more of a general discussion on the bill itself.

I have done some consultation with a couple of the key groups of hirers and operators of road transport, one being Western Roads Federation, which is strongly in support of the legislation and feels that there is a need to ensure that owner-drivers are fairly treated. I think that everybody would agree with that. At least as far as it goes, everybody has an interest in this, because road safety is very important. We do not want to see owner-drivers being put in a situation in which they cannot service their vehicles properly or take care of their vehicles and themselves; that would lead to very poor safety outcomes if that were to eventuate. I think there are really good reasons for owner-operators to be treated fairly.

Another group I spoke to was the Livestock and Rural Transport Association of Western Australia, which felt that it had not been consulted as this legislation was being drawn up. Of course, that organisation represents a great percentage of the transport effort in rural areas, especially in—obviously, by its name—getting commodities to and from market, and I would very much like to see that organisation involved in future deliberations of the Road Freight Transport Industry Council, for instance, so that it can have an influence in the future direction of the industry. We know that the Road Freight Transport Industry Council membership will formally represent the Western Roads Federation, but perhaps other important groups like the Livestock and Rural Transport Association of Western Australia can also be represented going forward, because, as I say, it is an important group.

I have a few statistics here. Of the estimated 7 000 registered transport companies in Western Australia, 70 per cent are owner-drivers, which means that this legislation will affect literally thousands of small businesses in Western Australia, sometimes as the hirer and sometimes as the owner-driver. They are considered to be vulnerable and they are not well protected by any formal arrangement. It is not the same thing as, for instance, a person being paid a wage that must be at a minimum level, which is probably easier to examine than whether an owner-driver is being treated fairly in their hiring arrangements. We know that owner-drivers are quite vulnerable and sometimes there is a big difference between the bargaining power of an owner-driver and the organisation hiring that owner-driver.

It begs the question: who is the owner-driver's hirer? There may be a cascading situation. There might be a large contract to undertake a task, a company may be contracted to provide the transport effort within that task, and that company may then have a number of contractors. Perhaps some of those may even have owner-drivers operating under them. To work our way up that line to understand where the contract may or may not be failing to provide for a reasonable outcome would be interesting to discuss at the consideration in detail stage. We could look at how that could be achieved, because what has been envisaged and explained to me in the briefings is a pretty simple situation whereby an owner-driver has a head contractor and there is that single relationship, but I think, in reality, many other interplays go on.

Of course, we know that some of these arrangements can be quite loose. They can sometimes be on a handshake. For instance, a contractor who has a livestock transport industry role may have a big contract to shift a lot of stock, and they may get a mate to come along, bring his truck, get involved and help. It goes from that up to formal arrangements with larger organisations that perhaps have lawyers and strong negotiators, whereas the owner–driver probably does not have that level of expertise or the ability to bargain well. We know that that can lead to situations in which people get treated quite poorly.

One of the things that came out of the consultation that I did with some of these groups is that there is a need to ensure that the contractors have some level of business expertise. I think that not only road operators, but also tradesmen and other subcontractors generally often suffer from this situation, whereby they do not have the expertise that might be available to the head contractor and they obviously do not have the same bargaining power. I am sure that people in this room understand just what that will mean in the end.

We see the need for change in the industry to ensure that the findings that came out of the 2018 review are acted on. I think there have been two reviews of the Owner–Drivers (Contracts and Disputes) Act 2007, with one in 2014—I could be wrong—and one in 2018. The 2014 review found no need for further consideration, but that was found to be the case in the later review. We know that additional protections for owner–drivers will flow from that, such as the 90-day minimum termination notice period or a payment in lieu, or a percentage thereof, of a contract if it is greater than three months, or seven days if it is less. Those provisions are in the Owner–Drivers (Contracts and Disputes) Amendment Bill 2022. As I say, there are fairly wide-ranging levels of formality in hiring. I imagine that there is wide-ranging scope in the length of time of a contract. If a contract undertakes a particular task, it might be limited to a finite length of time, but the termination something that carries on for more or less years will be captured and treated differently.

As I mentioned, the right-of-entry provisions remained dormant in the Owner–Drivers (Contracts and Disputes) Act 2007. We know that right-of-entry provisions will be triggered by a specific complaint and that only authorised representatives will have the right of entry. They have to enter a workplace during work hours and enter in the way that they are directed. This goes back to the idea that some hirers are smaller operators who have a home office and they do not want people invading their homes, coming in unwanted and unbidden into their living space. Those provisions will be put in place. We will talk about those in detail later on. That will be a very important discussion because it was a matter of some sensitivity that led to those provisions being set aside for all that time. We have had the legislation for 15 years and there has been no power of entry up until now. I know that some smaller operators are concerned about that, so we will go into that in some detail to ensure that a good explanation flows from our discussion of the detailed provisions of the Owner–Drivers (Contracts and Disputes) Amendment Bill 2022, which may take place today.

Generally, we all need to recognise the importance of all our road transport operators, whether they are owner–operators, contractors or workers in the industry. Having seen a breakdown in the supply chain because of flooding across the rail line on the Nullarbor, that is pretty evident to us all. There is a shortage of goods coming through the supply chain at the moment. We know how vital that industry is. We do not have to think very far back to when there was not a lot of produce on our supermarket shelves. All those pressures are still in the industry. The industry has an ageing workforce and finds it difficult to attract new entrants. Anything that can be done to ensure that people are better treated when they are in the industry is a good thing, especially if we want to attract people to driving trucks. I am told by industry figures that young people are not entering the industry because it is not a sunrise industry and it is not something that they want to be involved in, which is interesting. When I was a child, I wanted to be a truckie—that is what I wanted to do! I thought the big rigs were a very romantic way of life. I remember having Leyland Hippo pictures on my wall and all those types of things. Other kids might have dreamt of being a doctor or a rocket scientist, but I thought driving a truck would be a great job!

**Mr W.J. Johnston:** Did you have the John Laws album with him sitting on the rig?

**Mr R.S. LOVE:** No; I was not a John Laws fan as a small child. My family was involved in the transport industry. I certainly looked forward to the monthly arrival of *Truck and Bus Australia*. The highlight was looking at the centrefold of the new rig, and I mean that in a very mechanical sense!

I understand just how challenging it is for people who enter the industry as owner–drivers. Too many times I have seen people come in and charge too little to make a living. They slowly go broke and they draw everybody else into it because they have been undercutting people who have been charging properly. They eventually leave because, unfortunately, not all of them survive in that business. In the meantime, their business is cut to the bone and the tyres that need to be replaced are perhaps run a bit harder than need be. I know that we have diligent regulation, national fatigue laws et cetera, but I think there is a disconnect in a sense because fatigue management is one part of the regulatory task and ensuring that the vehicles are properly loaded is a different task. Merging the two would result in a smoother and more seamless operation of regulation and ensure that everything in the industry is going well.

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags Krishnan; Mr David Michael

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Going forward from here, the legislation is limited to heavy transport—vehicles that are four and a half tonnes and greater—involved in freight and does not apply to passenger transport. But with the so-called gig economy, smaller operations are coming in. It is almost the uberisation, if you like, of some of the freight task at the smaller level. There has been expressed concern—I think it was discussed in the briefing—about the need to look at those smaller units under four and a half tonnes to ensure that people in that sector are well accommodated. I do not know how far down the scale we will go. Will we get to the point of talking about people who deliver pizzas on their moped or mail on their electric scooter? There has to be a boundary somewhere. Even though that is not directly a part of this, perhaps the minister can outline some plans going forward in either her second reading reply or a brief ministerial statement, because it would be interesting to know whether there are any plans to look at that part of the industry to understand what might be in play going forward for that side of road freight.

As I said, the opposition will be supporting the bill. I do not think there is any need to hold up the house any further, because most of what I want to delve into is best dealt with in consideration in detail. With that, I conclude my contribution. No doubt, there will be discussion from other members and, hopefully, we can move into consideration in detail at some point today.

**MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary)** [11.29 am]: I rise to make a contribution on this excellent legislation, the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022. I thank the member for Moore for indicating that the opposition will support the legislation. I am grateful to him for articulating that road safety is very important and that owner-drivers are in a unique negotiating position; both are sentiments that I agree with. I will open the batting for the government speakers in support of the legislation. I suspect it will be more Geoffrey Boycott than Richie Richardson when it comes to flamboyance!

**Ms R. Saffioti:** You didn't choose Viv Richards?

**Mr S.A. MILLMAN:** No, Viv Richards always batted at first drop, whereas Richie Richardson sometimes would —

**Mr D.A. Templeman:** You are more Chris Tavaré.

**Mr S.A. MILLMAN:** The Owner-Drivers (Contracts and Disputes) Amendment Bill 2022 will amend the primary act, which established a framework for the regulation of contractual dealings between independent contract owner-drivers and their hirers. It promotes a safe and sustainable road freight transport industry in Western Australia. The bill provides additional protections for those small businesses, and will resolve some of the questions that have arisen concerning aspects of the act's operation.

Members, as we have come to appreciate in recent times, and as the member for Moore said, in light of COVID we have had a lot of pressure on our freight supply chains and transport industries. We know that these supply chains and industries are key to our economic success and are critical to meeting our growing and varied freight task. Owner-drivers play a vital role in our road freight transport supply chain, but there is successive contracting out of work on every step along that chain. As each contracting-out process takes place, there is a commensurate reduction in the negotiating power of the participants. Commercial power decreases at every successive step, and at the end of the chain are the most vulnerable and least protected. They bear the brunt of structural factors in the road transport sector. They are isolated, and turnover is high. This lessens their bargaining power in a competitive market, and the result is often that equitable contractual arrangements are difficult to achieve. The relative unequal bargaining power between owner-drivers and hirers combined with fierce competition in the industry, means they may be forced to accept work at below market rate. The amendments proposed in this bill seeks to greater protect the position of owner-drivers and enhance the legislation's operational efficiency.

One of the problems that we have as a result of the reduction in the bargaining power of owner-drivers is that transport is already a very unsafe industry. I listened with great attention to the member for Belmont's grievance to the Minister for Industrial Relations this morning, in which the member for Belmont articulated quite clearly just how dangerous the agricultural industry is for workers. Members here are aware—or will be as a result of the member for Belmont's grievance—that there is a significant number of fatalities in the agriculture, forestry and fishing industry, with the highest fatality rate per 100 000 workers in the country. The latest figures I have from Safe Work Australia are that in 2020 agriculture, forestry and fishing had 46 fatalities at a rate of 13.1 fatalities per 100 000 workers. The second highest rate of fatalities per 100 000 workers was in the transport industry, which had 7.8 fatalities per 100 000 workers—although the overall number of fatalities in the industry was actually higher than the agriculture industry, with 49 people killed in the course of their employment in the transport industry in 2020.

I am indebted to the Transport Workers' Union of Australia for a survey that it conducted that highlighted some of the reasons that the road transport industry is very dangerous. The article states —

**Trucking is the most deadly job in Australia. This survey shows just how much reform the industry needs.**

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags Krishnan; Mr David Michael

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If an industry-wide push towards insecure work succeeds, we are only going to see more deaths. We surveyed over 1100 truck drivers around Australia, and the shocking results showed desperately we need better standards in road transport—for workers, for families, and for the greater public on our roads.

According to the results of the survey, 41 per cent of truck drivers know a truck driver killed on the job and 55 per cent of owner–drivers delay maintenance they cannot afford. The member for Moore mentioned not replacing tyres in a timely fashion, and the evidence of the survey conducted by the Transport Workers’ Union bears that out. One logistics truck driver said —

“The whole industry needs to be overhauled. I work anywhere from 12–17 hours a day, up to 6 days a week... To put that into perspective, I’m fatigued every day I go to work, but I’m still expected to turn up and do the job.”

Meanwhile, one in four of the truck drivers surveyed have been involved in a crash while working.

I congratulate the minister for bringing this legislation before Parliament. By virtue of empowering the position of owner–drivers when they come to negotiate their contracts, this legislation strengthens their arm for that negotiation. It will provide them with a solid foundation to enter into contractual arrangements that will not push them to undermine safe work practices and a safe workplace. The TWU has identified some of the concerns that are driving unsafe work practices. I just wanted to spell out some of these because these will be the sorts of things that a strengthened negotiating position will hopefully ameliorate. According to the TWU, truck drivers deal with —

... Economic and contracting pressures. A survey revealed shocking pressures drivers face which force them to cut corners on safety and drive to exhaustion.

**Race to the bottom**—Wealthy clients at the top of the supply chain squeeze transport contracts to make more profit. Operators including owner–drivers are then forced to undercut each other to win work

**Low maintenance**—For operators to survive, maintenance is delayed and workers are pressured to work longer and drive faster to make ends meet.

One of the changes that we have seen in the industrial landscape over the last 30 to 40 years is the move away from the traditional employer–employee relationship. Initially, we saw a move towards subcontracting arrangements. We saw the rise of subcontractors after the Hawke–Keating federal government. This rise of subcontractors exists now in not only the transport industry but also the communications, building and construction and electrical trades industries. We are now seeing a further change in the nature and landscape of employment and work relations in Australia. Although we were able to respond to the rise of the subcontracting arrangement in 2007 with the original iteration of this legislation, to give additional bargaining power to truck drivers, we are now seeing a further change as we move towards what has been referred to as the gig economy. One of the reasons that I am so impressed with this legislation is that it does exactly what a good government should do. It takes the circumstances that we are presented with at the moment and will update good existing legislation for the twenty-first century conditions that we are confronting.

The reason that this industrial landscape needs a legislated response, is that under the traditional employment relationship of employer and employee, trade unions had an automatic right to represent workers. Reforms in work health and safety and reforms in industrial relations have highlighted that. But in the subcontractor arrangement, the rules of most trade unions will not provide for subcontractors to be members of the union or be entitled to industrial representation. This point is accentuated and exacerbated when it comes to the gig economy. That is why I was very, very disappointed to see the decision of the Full Bench of the Fair Work Commission from yesterday, 17 August 2022, in the case of Deliveroo Australia Pty Ltd v Diego Franco [2022] FWCFB 156. I will provide a copy of the reasons for the decision to Hansard, but I do not propose to quote from the decision. Rather, there is an excellent summary of the decision in *The Sydney Morning Herald* from Nick Bonyhady. I will quote from the article. It states —

Gig economy companies have been cleared to keep classifying their riders as independent contractors rather than full employees entitled to minimum wages and protections after a ruling by the nation’s industrial tribunal.

The ruling turns the focus to the federal government’s promise to legislate new rights for gig economy workers, a move that the powerful Labor-aligned Transport Workers Union declared was now “urgent”.

The Fair Work Commission on Wednesday overturned a previous ruling that a Deliveroo rider, Diego Franco, was an employee ...

At first instance, the Fair Work Commission held that, because of the nature and extent of the control exercised over Mr Franco by Deliveroo as the employing authority, he was an employee and therefore he was protected from unfair dismissal. Had the ruling been upheld, it would have forced Deliveroo to make back payments to its drivers and recognise their industrial rights and interests, including basic things that those of us who have been employed

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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take for granted, such as sick leave, annual leave, access to workers' compensation, payment of superannuation and those sorts of things, which, it turns out, the union movement has campaigned for on our behalf. Unfortunately, at first instance, the decision was appealed by Deliveroo and the full bench of the Fair Work Commission overturned that decision. What is now required is the sort of action by the federal government in response to the rise of gig economy workers that we see the state government taking in order to protect owner-drivers in the transport industry when their negotiating position is undermined. In exactly the same way that unions are prevented from representing owner-drivers in a manner equivalent to how they represent employees, unions are also prevented from representing gig economy workers at a federal level. What we hope to do with this legislation as a state Parliament is put in place those necessary protections that would otherwise be part of the industrial landscape. If the decision of the full bench of the Fair Work Commission is allowed to stand, the federal Parliament will have to do the same thing in order to protect gig workers.

Although Deliveroo did the wrong thing in appealing the decision at first instance, another gig economy employer, Menulog, did the right thing. A media release issued by the Transport Workers' Union of Australia issued on 28 January 2022, headed "Menulog riders win minimum rights and protections for the first time" states —

The TWU says the extension of minimum rights and protections to riders employed by Menulog is a monumental leap forward in the industry, after the Fair Work Commission held food delivery riders were covered by the *Road Transport and Distribution Award*.

TWU National Assistant Secretary Nick McIntosh welcomed the win as a testament to the bravery of food delivery riders who fought for years to lift industry standards.

"Today's decision —

I am quoting Mr McIntosh —

is a momentous win in the fight to end insidious exploitation in the gig economy. This decision is confirmation of what we have always known: that food delivery workers are entitled to the same minimum rights and protections as other workers in the road transport industry".

The press release continues. When I saw that press release from the Transport Workers Union, I went to the Fair Work Commission website to look at the application that had been made by the employer, Menulog—a form F1 application to register an award. I thought that even though this application had been provided by an employer, the thoughtful and articulate way in which it was framed was worth commendation. Paragraph 8 of Menulog's application states —

8. The On Demand Industry is part of the gig economy, an economy which, at the time of the award modernisation undertaken by the Australian Industrial Relations Commission in 2009 either did not exist or was in its infancy in Australia and globally.

...

10. Menulog is proud to be the first On Demand Business in Australia to take steps towards employing couriers to perform on demand delivery.

11. Menulog is committed to engaging with interested stakeholders with a view to achieving a fair set of minimum employment standards that are sustainable and fit for purpose in the On Demand Industry. With this in mind —

This is the bit that I wanted to emphasise —

Menulog has been engaging in ... discussions with the Transport Workers Union, which it recognises as the employee organisation representing the interests of couriers working in the On Demand Industry.

I wanted to note that and congratulate Menulog for the different way it has approached this predicament, which is cast in stark relief to the attitude adopted by Deliveroo. There are some cowboys in the industry and there are some people who recognise the rights of workers to organise on behalf of their members.

With that mind, I wanted to commend Western Australian Senator Glenn Sterle. In the time that he has been a representative, he has been a tireless advocate for the road freight industry in federal Parliament. He knows firsthand the risks that drivers confront. When I was working as an industrial lawyer at Slater and Gordon, I had the great privilege of acting on behalf of the TWU on a number of occasions. Its advocates and officials have always been front and centre of campaigning to get their workers and members a better deal. I wanted to place on record my appreciation for the efforts of Paul Aslan, Mick Connolly, John Cutrali, Josh Dalliston, Mick Knowles, Ray MacMillan and secretary Tim "Smoky" Dawson, all of whom have taken up the issue on behalf of workers assiduously and diligently. It is a testament to them that, even though owner-drivers are not specifically covered

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags Krishnan; Mr David Michael

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in the rules of the union, the TWU has the interests of these truckies front and centre. They have participated in this tribunal since its inception in 2007 and they continue to advocate on behalf of employee truck drivers and owner–driver truck drivers.

I have taken less time than I thought I would.

**Mr P. Papalia:** Oh!

**Mr S.A. MILLMAN:** This is an important reform.

**Mr P. Papalia:** Geoffrey wouldn't have done that!

**Mr S.A. MILLMAN:** I know; he would have kept going. Perhaps David Boon, minister.

This is an important reform; it speaks to important structural reforms and to the importance of having a diligent cabinet that identifies where legislative reforms are needed. Sometimes we can assert our rights through the judicial process in courts. Sometimes we need to assert our rights industrially by talking to our union and taking industrial action. Sometimes we need to lobby the government of the day to ensure that those we represent and even those close to those we represent have a framework in place in order to protect their rights and interests for the benefit of the whole community.

I want to finish by saying that the Labor Party will always stand with those who understand that trade unions are best placed to advance and protect the interests of working people. I want to congratulate the minister for bringing this legislation forward and the TWU for its tireless advocacy for gig economy workers and the road freight transport industry, not just in Western Australia but nationally. I commend the bill to the house.

**MS M.J. HAMMAT (Mirrabooka)** [11.46 am]: I also rise to make a contribution in support of the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022. I am very sorry that I cannot continue the cricket analogy, not having sufficient knowledge of the game or opening batsmen to be able to make any comments. You can pass judgement on my contribution in cricket terms, and I will have no idea what you are saying!

I am very pleased to have the opportunity to make a contribution to the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022, which will amend the Owner-Drivers (Contracts and Disputes) Act 2007. I also want to congratulate the Minister for Transport for bringing this very important piece of legislation to the house. It is very timely and very important. I will outline the reasons I think it is important, overlapping some of the ground that has already been covered so capably by the member for Mount Lawley.

*Visitors — Kapinara Primary School*

**The ACTING SPEAKER (Ms C.M. Collins):** On behalf of the member for Churchlands, I welcome the students from Kapinara Primary School.

*Debate Resumed*

**Ms M.J. HAMMAT:** One of the things we have all learnt in the last few years is the fragility of supply chains and the importance of making sure they are robust and adaptable to the circumstances. I think the members for Moore and Mount Lawley commented on how we have experienced breakdowns in those supply chains in recent times and how quickly we have seen the results of that on the shelves in our supermarkets. We were unable to deliver essential goods that are important to keeping our economy functioning. It is important to ensure that families and individuals can continue to buy essential supplies. We saw that during various stages of the pandemic, and we clearly saw it in Western Australia earlier this year when we had a break in the main rail line. We quickly saw disruption to the supply of goods. Making sure we have strong, robust and adaptable supply chains is critical to our everyday interests, and this bill is about making sure that our road transport industry remains strong, able and robust.

The bill establishes a framework for regulating the contractual dealings between independent contractor owner–drivers and their hirers. It is an important way to promote a safe and sustainable road freight transport industry in Western Australia by providing additional protection for small businesses. I believe this bill will also resolve some questions that have arisen concerning aspects of the act's operation.

At its heart, this bill provides greater protection for the position of owner–drivers. We have had a couple of contributions on this point, but it is important to reiterate that owner–drivers are an important part of the road freight transport supply chain; however, because of their position in the supply chain and the successive contracting out of work, they often have weaker bargaining power and are the most vulnerable and least protected in the sector. They are often very isolated, and turnover can be high. That lessens their bargaining power in what is a very highly competitive market for transport services and one that is becoming increasingly competitive over time. The unequal bargaining power between owner–drivers and hirers, combined with the fragmented and competitive nature of the industry, means that owner–drivers may be forced to accept work that is unsafe, accept it at unsafe levels or choose to have no work at all.

If transport drivers are employees, they are protected by a network of legislative safety nets, like awards, occupational health and safety legislation, workers' compensation legislation and superannuation legislation. All these things provide a safety net for people who are considered to be employees. They are a part of an employment relationship and will have some assurance that their work conditions are safe and, at the end of the day, they can take home at least a minimum wage, which is annually adjusted by an independent tribunal.

No such safety net exists for independent contractors, which are particularly owner-drivers in the context of the transport industry. Their safety net is essentially only what exists in the content of the contract they negotiate. When contracts are entered into between parties of roughly equal bargaining power, parties have the ability to negotiate an outcome that protects their interests for fair remuneration, safety or any other aspect of the arrangement. When contracts are entered into by parties with unequal bargaining power, the least powerful party in the negotiation can face adverse outcomes. Adverse consequences can also flow on to the general community.

If pay rates are inadequate for a living wage or the terms of the contract are so difficult as to make them unsafe, independent contractors do not have a minimum set of standards that employees would. Concerns about how contracts entered into with unequal bargaining power lead to adverse outcomes for not only owner-drivers but also the general community are particularly true in the transport industry, given that cars and individual drivers share our roads with heavy transport vehicles. We are very mindful of the effect of the road toll and steps that can be taken to reduce it.

I want to acknowledge the work of the Transport Workers' Union, particularly their WA secretary, Tim Dawson, and his team. I also want to acknowledge that the Transport Workers' Union has for some time been campaigning nationally, via what it calls its Safe Rates campaign, to highlight the consequences of unequal bargaining power on the safety and sustainability of the transport industry in WA and Australia. I want to commend the union for its work on this campaign. My first appreciation of the challenges faced by the road transport industry came from hearing a story about a truck driver who was a Transport Workers' Union member in New South Wales. He lost his life in an accident as a result of working long hours that had been forced on him by the demands of his contract. It was a very personal story; it was very emotional and it stayed with me because it profoundly illustrates the difficult choices that owner-drivers are often forced to make to keep their contracts when they face significant pressure from the big corporations and supply chains. I want to commend the work of the Transport Workers' Union for taking this issue and explaining the consequences in a way that can and should be easily understood by the everyday person. People can understand that the consequences accrue to not only the people who drive the trucks but also anyone who is on the road.

Many big corporations are putting downward pressure on their supply chains, and they are doing it in an effort to reduce their costs to consumers. It is true that we all love a bargain, but perhaps we do not always stop to think about the consequences of the cheaper prices down the supply chain. We do not think about how it might affect people in the supply chain. When big corporations put their contracts out and seek to cut costs, those cuts in costs are passed down the supply chain. In the logistics industry, in particular, owner-drivers are often at the end of the supply chain and are forced to accept lower costs for the contracts. They are often trying to deliver their contracts with either reduced time for maintenance, reduced time for deliveries—often working very extensive hours to meet the delivery schedules that they have been forced to agree to—or reduced pay. Indeed, it is often a combination of trying to manage all those things and still run a profitable and sustainable business. It all contributes to the fact that drivers are often tired, overworked and in vehicles that have not been adequately maintained. All of this combines to increase the likelihood of road accidents.

We heard a very good contribution from the member for Mount Lawley, who talked about how the road transport industry is one of Australia's most dangerous industries. The Transport Workers' Union estimates that transport workers in Australia are 15 times more likely to die in their industry. It is really important to recognise that when those accidents occur on our roads, there is a real prospect that other road users will also be involved as everyday people go about their business on our roads. Of course, we know that road deaths and injuries have significant personal costs, and people often bear the scars of road deaths and injuries for a lifetime. Significant economic costs also arise. It is for this reason that I think this is an excellent bill and a really sensible reform measure that will protect our owner-drivers and will also ensure that our road transport industry is safe for all road users.

It is worth acknowledging that another consequence of the unequal bargaining power and the potential for unreasonable contracts is that owner-drivers might elect to exit the industry because it is simply not worth their while to perform that work anymore. They will seek work in different industries altogether. That, then, has the consequence of leaving us with significant gaps in our supply chains, which become increasingly difficult to fill. It would make even more common the kinds of disruptions and scarcity that we experienced during COVID and earlier this year when we had the break in the railway line. It is in our collective interest—for the safety of road users and for the safety and security of our supply chains—to ensure that we have sensible reform measures such as the

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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ones contained in this bill, which not only protect owner–drivers but also protect the safety of road users, protect the security of supply chains and protect our economy.

In my comments today, I also wanted to look a little bit more broadly. The issue of decent work and road safety is not one that has been pursued only in Australia. It is something that has been discussed around the world. Today, I wanted to particularly refer to a September 2019 report by the International Labour Organization, which convened a meeting of experts to adopt some guidelines on the promotion of decent work and road safety in the transport sector. The terms of reference for that meeting were to —

... “convene ... a tripartite meeting of experts to elaborate and adopt a code of practice or guidelines on best practices in road transport safety with the objective of protecting the community and road transport workers from all health and safety hazards, preventing accidents and promoting safe and fair remuneration”.

The work undertaken by the International Labour Organization and its panel of experts led to the production of a very interesting report that had at the centre of its consideration of road transport safety the question of safe and fair remuneration, or, to use the language of the report, the question of decent work. The report begins by identifying that many people around the world are killed or injured on roads. It estimates that commercial vehicles are involved in approximately 10 to 22 per cent of crashes around the world. The report identifies traffic injuries as being the eighth-leading cause of death globally. This tripartite panel of experts made it clear that what it called decent work deficits present such sufficient risks to road users that they have become a public policy concern. “Decent work deficits” is the language the panel used to describe employment standards below what we would consider to be an acceptable standard. The panel made a number of important observations about the nature of the transport industry and particularly how it has changed over the last 20 years. I will quote from the document and again use its language. It states —

Developments in the last 20 years have had a strong impact on the composition of the industry.

That is, the road transport industry. It continues —

Fragmentation presents a particular set of challenges. Segmentation and fragmentation levels, for instance, including the increasing use of subcontracting, have intensified competition. Non-wage earning CMV drivers —

That is, commercial motor vehicle drivers —

and small and medium–sized enterprises make up the majority of the freight transport industry.

That finding absolutely reflects the basis of this bill—that the fragmentation of the industry has driven competition, and that competition has put downward pressure on prices, particularly for independent contractors. The report is not all negative. It goes on to say —

Workers in the sector, including dependent self-employed workers, are vulnerable, as they often must absorb the costs of ownership, maintenance and other vehicle operating costs while they may not be able to participate in social dialogue and may not benefit from the protection, including social protection, provided to other workers. Nonetheless, the presence of well-designed and regulated non-standard forms of employment in the road transport sector does not necessarily translate into poor working conditions or entail illegal operations, provided that the employers do not misuse them to circumvent their legal and contractual obligations and other employment-related responsibilities. Operating a small road transport business, including as a self-employed worker or owner–operator, can be the road to opportunity, financial independence and flexibility. A strong framework of business and safety regulations can encourage these ... businesses and ensure they comply with national laws and regulations.

The report points to the fact that it can be a very successful way for a business to operate, provided there is adequate regulation. It reports very much on the role of government and what it calls social partners and transport chain partners in ensuring that there is a framework that supports decent work, and thereby road safety.

This bill will make an important contribution by ensuring that we have fair contracting arrangements for owner–drivers that will allow them to flourish as successful small businesses, rather than being subject to exploitation and downward pressure due to the unequal bargaining power between parties. The bill will ensure that we take reasonable steps to make sure that our roads are safer for all road users and that our supply chains are more stable for all consumers. The bill will introduce a number of important provisions that will grant greater protection to owner–drivers. As others have said before me, many years of work have gone into the development of this bill, including extensive consultation with the industry.

I want to highlight a few of the provisions that are designed to address the unequal bargaining power. The first is minimum notice periods for termination. For contracts of greater than three months, there will be a 90-day minimum termination period or payment in lieu of that notice. If a contract is for less than three months, the termination notice period will be seven days. This is important, given that owner–drivers have so much of their capital tied up in their

vehicle, and that even if it is not being used, they are still required to make significant repayments for that vehicle. A minimum period of notice will provide some certainty to those owner–drivers and give them an opportunity to source other work because of the need to continue to meet those capital repayments.

[Member’s time extended.]

**Ms M.J. HAMMAT:** The amendments in the bill will also deal with unfair or unjust contract provisions. Clarifying the relationship between provisions by using the terms “unjust” and “unfair” will ensure that such conduct can be a matter that the Road Freight Transport Industry Tribunal considers when making determinations, particularly about unconscionable conduct. The bill also introduces the notion of misleading and deceptive conduct, which is now well established in a number of other areas of life and law. The legislation will adopt that concept and ensure that contracts are negotiated without deceptive or misleading conduct. Importantly, the bill will ensure a workplace right of entry to investigate payment circumstances. Workplace right of entry is well established in the Industrial Relations Act and has been fundamental in ensuring fairness for working people for many years. This right ensures that there is an opportunity for independent inspection and oversight of records relating to pay and conditions. Having a workplace right of entry will draw upon a well-recognised right for workers in Western Australia and, indeed, around Australia, regardless of where someone undertakes their work. This is a really important extension of an employment right to owner–drivers. The bill will also introduce provisions relating to discrimination, which is of course outlawed. Those provisions will be included in the act.

This is an important piece of legislation. It seeks to bring to the owner–driver industry an opportunity to balance the very unequal bargaining power that exists between owner–drivers and others in the road transport industry. It has come about following extensive advocacy by the Transport Workers’ Union of Australia over many years, which highlighted the challenges of supply chains and downward pressure from often large corporations that particularly impact owner–drivers, who are often at the bottom of those chains. It is an important piece of legislation. It will protect not only owner–drivers, but also our community, our economic interests and anyone who seeks to use roads in Western Australia. It strikes an appropriate balance. It will provide a strong framework for negotiations to be conducted. I think it is a particularly important piece of work in that it recognises that safety is critical in workplaces, regardless of where they are conducted. With that, I will bring my comments to a conclusion, other than to reiterate once again my congratulations to the Minister for Transport for bringing such an important bill to the house. I thank her for her extensive consultation and the work that has gone on behind the scenes in bringing this bill to this place. It will be important legislation that will provide a safety net by setting a floor for the safety and security of owner–drivers in Western Australia.

**MS K.E. GIDDENS (Bateman)** [12.08 pm]: I am extremely pleased to rise today to contribute to the debate on the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022. I think it is fair to say that during the COVID-19 pandemic, we learnt a lot about ourselves and each other. We learnt, for example, that the average Western Australian household requires about 200 rolls of toilet paper in reserve. I learnt that the two-packet-a-day pasta limit in supermarkets was not enough to feed my three hungry children. We were also reminded, if we needed it, of the amazing work that our health professionals do to support our community and keep us safe. The efforts that they went to, particularly in the early days of the pandemic when a lot was unknown, and people across the country were dying, to continue to turn up to work and serve our community were exceptional.

Other people also stepped in during that period. We had the frontline retail staff, who did not have the option of working from home and had to deal with angry and panicked shoppers. We had the teachers in our schools, who had to not only deal with the anxiety of families and students, but also transition quickly to online learning, and achieved an incredible amount of work. We also had the efforts of the WA Police Force in managing the emergency controls that were put in place to keep Western Australia safe.

However, there is another group of workers whose contribution often goes unacknowledged. That is our transport workers. The COVID pandemic was possibly the first time that many Western Australians have considered the security and reliability of our supply chains. That is now probably front and centre of much of our awareness when we go into shops, want to purchase a new car or are waiting on parts for our computer. That is certainly something that we are now very aware of. Nothing in our economy can move without transport workers. Without transport workers, our economy would stop. We would be unable to export goods from Western Australia for our iron ore and agricultural industries. We would be unable to get the things that households rely upon for their quality of life, such as goods from the supermarket; our televisions, our couches and our cars; and construction materials to build a new home or do renovations.

During the recent winter recess, I did a road trip. I wandered out yonder. Our state has vast distances. Those distances are covered by our transport workers, who have to travel for hours to get goods across our state. For a long time, our transport workers have done their work perhaps unrecognised and under-recognised. Their conditions are tough, as has been noted by the members who made contributions before me. A landmark 12-year study into

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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the health and wellbeing of Australia's truck drivers revealed that they have a 13-fold higher risk of dying at work than any other Australian workers, making it the most dangerous occupation in the country. Truck drivers have long working hours, have to spend a lot of time sitting, have potentially poor nutrition, have social isolation, have shift work and time pressures, have low levels of job control, and also, of course, have the risk of being in a road traffic crash.

Since coming to government in 2017, the McGowan government has sought to improve some of these conditions. For example, it invested over \$30 million in 2018 on 15 road projects, rest stops and road assembly areas; it invested \$50 million towards the Pinjarra heavy haulage deviation to deliver a safer alternative route for heavy vehicles; and it engaged with industry and other stakeholders, particularly during the early days of COVID, to identify and supply freight movement challenges. As a result of that, in 2020 the Minister for Transport approved a planning change under the state of emergency to provide exemptions to vehicle operating hours to allow the supply of essential goods and services to supermarkets 24/7.

Just like any other business or any other worker, owner-drivers rely on a decent rate of return in order to be viable. Currently, as has been noted, owner-drivers have uneven bargaining power, often sitting at the bottom of a lengthy chain of contractors and subcontractors, which leaves many of them in a take-it-or-leave-it position, often pitted against large multinationals whose bargaining and contractual power is so much greater. The proposed amendments in this bill will strengthen the ability of owner-drivers to negotiate on a more even playing field. In particular, the amendments will clarify the jurisdiction and powers of the Road Freight Transport Industry Tribunal, introduce a right-of-entry provision, set minimum notice periods for termination, and address procedural deficiencies and operational inefficiencies.

The notice period for termination is an important consideration. Sometimes, owner-drivers have a contract to transport quite specific goods that require amendments or changes to their trucks. We can imagine that if they have invested significantly in their capital and infrastructure and lose a contract at short notice, that does not necessarily give them the opportunity to transition to providing a service to deliver other types of goods and services, and certainly not without considerable cost.

The amendments in this bill will expand the scope of the tribunal to determine unconscionable conduct by hirers. That is also a very important provision. An owner-operator might enter into a contract with a hirer, and the costs of providing that service might increase significantly beyond that owner-driver's control. An obvious example is the fuel price increases that we have seen. That may have run-on effects on the viability of that contract. The expanded scope for the tribunal to determine this matter is an important provision to ensure that owner-drivers are in the best position to secure a fair return for their work.

Not only is it a basic principle that people should receive a fair return for their work and services, but also in the transport industry it is an essential safety element. This was noted by the member for Mirrabooka in her contribution and also by the member for Mount Lawley. If a person is operating a truck and their contract does not enable them to meet the requirement to maintain their vehicle, they will potentially push that maintenance schedule. Another impact is that they may work longer hours on top of what we know in the industry are already extremely long working hours. I know that I would not want to be on the roads with a truck operator who is extremely stressed, tired and wondering how they are going to make ends meet. A consequence is that an increasing number of truck drivers are leaving the industry. As has already been noted, given the critical role that transport operators provide in our economy, this shortage of workers will have dire consequences across the economy. When transport operators have safe and fair conditions, it will improve safety for all road users.

Currently, the proposed amendments in this bill do not extend to vehicles below the 4.5-tonne gross vehicle mass limit. I note the commitment by the McGowan government and the Minister for Transport to introduce further amendments to expand the current owner-driver laws to broaden the scope of the act beyond the current limit. I look forward to seeing what the Minister for Transport brings to this house, and I know she will consult widely, as is her strong record.

It would be remiss of me to talk about improving conditions and safety in the transport industry without mentioning my good friend Senator Glenn Sterle. Senator Sterle is an intergenerational truckie and has also been, and remains, a staunch advocate for the rights and conditions of drivers and the industry. He has been campaigning tirelessly on many issues of importance to the industry. That includes his very successful campaign to improve the sometimes atrocious conditions truck drivers face at rest stops across Western Australia and the country.

Senator Sterle puts his money where his mouth is, and between sitting weeks in Canberra is still an active truckie. As we speak, he is driving a road train to Fitzroy Crossing in the Kimberley to deliver over 250 new and unused mattresses and bed bases which his office collected and loaded and which will be distributed to families across the Fitzroy Valley. On this particular trip, Senator Sterle has been supported by Bed Shed, KEYS The Moving Solution,

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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and Centurion Transport. I rang Senator Sterle at about 7.00 pm last night to say hello and check in, and he was still on the road at the end of a long day on his way into Mt Magnet.

This trip is just one of the regular runs that Senator Sterle makes into the regions of Western Australia. I recently put out a call to my constituents in Bateman for donations of used furniture to support Senator Sterle's next trip, which is for the Waste to Wages program. That is operated in connection and in partnership with East Kimberley Job Pathways, an organisation in Kununurra that provides training and employment throughout the East Kimberley. Waste to Wages trains and employs Aboriginal youth to collect and repair recyclable items for its store, Revive. I would like to thank my very many generous Bateman constituents who have committed used furniture for this program, and of course I send my sincere thanks to Senator Sterle and his partners for this and the other fantastic programs that he supports.

I would also like to acknowledge the Transport Workers' Union of Australia and its WA state secretary, Tim Dawson, for its continued fight to improve the conditions of Transport Workers' Union members, and also for the broader industry. As I have said, a safe and fair transport industry benefits everyone, and it is essential to not only the sustainable future of the industry, but also our economy and the safety of all road users.

On that note, I would like to congratulate the Minister for Transport for bringing this very important bill to the house, and I certainly commend the bill to the house.

**DR J. KRISHNAN (Riverton)** [12.19 pm]: I rise today in support of the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022. This bill will establish a framework for regulating the contractual dealings between owner-drivers and their hirers, making for a safe and sustainable road freight industry in Western Australia. The bill will also provide additional protections.

We often ignore or do not understand the complexity of this industry. There is a producer and there is a consumer, and the complete gap between the producer and the consumer is bridged by this industry. I thank the owner-drivers and the drivers of the transport industry, who have done a magnificent job, particularly during COVID, in making sure our supply chain was maintained and all of us got what we needed without disruptions.

I have been fortunate to closely interact with some former patients of mine who work in this industry. I can remember one couple in particular. Their routine job was to drive from Perth to Melbourne, rest for a couple of days and then drive back from Melbourne to Perth. It was not an easy job to do continuously. Being a health practitioner, I could understand the difficulties they were going through in managing their health. The member for Bateman mentioned in her contribution the fact that the risk of dying increases 13 times for truck drivers. There are various reasons for that. They cannot stick to a regular diet. They cannot stick to a regular exercise regime. They cannot stick to a regular routine of sleep. All these things have an impact on their health, and a tremendous effort goes into working in the industry. I have heard stories about how much they work in the background and the process they go through to save the money to be able to own a truck or vehicle. It is important that the government recognises such efforts and provides the necessary legislation for protecting their rights and protecting the industry.

At this juncture, I would like to share a very sad story. A friend of mine, who was only 42 years of age, worked in a different industry, as a railway engineer. His name was Saravanan Paramasivam. Both he and his wife drove a taxi to make ends meet. They worked very hard, sometimes starting at four in the morning. They shared the workload and worked late, up to 10 o'clock at night. He wanted to expand into the courier industry, and in that desire he bought a car in Adelaide. When he brought it to Western Australia, he realised he could not register it, because the car had a report on it. After a stressful week of arguing with the car yard salesperson, he decided to drive the car back to Adelaide to return it. He only reached there at 5.30 pm; the car yard had closed at five o'clock. He had something to eat. He called his wife, Valli, and spoke to her. He decided to sleep in his car and meet the person the next day. My friend Saravanan Paramasivam did not wake up. His body has just arrived in Perth, and the viewing is happening this evening. The funeral is on Saturday.

The point I am trying to make is that people make extraordinary efforts to be able to own a small business, particularly a transport business. If people had the money to invest big lump sums, they might enter a different business. Someone who is investing in this particular industry has gone through a lot before making that decision. As a government, it is our responsibility to protect them. When the Deputy Leader of the Opposition made his contribution, he said there are about 7 000 people who have invested as owner-drivers in Western Australia, of which 70 per cent are owners. That further indicates that there is not a lot of capital coming from the multinational companies. It is the mums and dads. It is the small business owners. It is the people who have saved to create a business for themselves. Only 30 per cent of capital in this industry is contributed by multinational companies or bigger corporates.

Logistics is very critical. An owner-driver may not understand the logistics of working out a schedule to transport consumables or whatever it is from the producer to the consumer. Logistics companies are the ones that work out

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags Krishnan; Mr David Michael

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those processes. There are different layers of contracting in this industry, and the deeper the layer the lower the bargaining power for the owner-operator to get what he or she fairly deserves. This bill is about regulating that to protect them and allow them to get their fair share, which they thoroughly deserve after putting in not only the capital investment, but also the manual effort. It is about giving owner-drivers bargaining power and empowering them to understand what the layers are. That is what this bill will do.

This bill has come to the Parliament after extensive consultation, commencing sometime in 2018. The government not only intends to support the changes to the Owner-Drivers (Contracts and Disputes) Act 2007 in the bill before us, but it also intends to make further amendments to increase the scope of the act beyond the current 4.5-tonne gross vehicle mass limitation. The state government supports the measures that will facilitate the Road Freight Transport Industry Tribunal performing its functions by mediating and taking the appropriate actions to support owner-drivers getting their fair share.

I take this opportunity to thank the Transport Workers' Union of Australia, the Western Roads Federation and industry representatives who have contributed to the consultation process and bringing about this bill.

Before I conclude, it is a big step for anybody to move from being an employee to being a self-employed person. There is a risk involved and a responsibility that needs to be taken. Capital needs to be invested. That responsibility has a flow-on effect to the worker's family. These owner-drivers take all these steps to make a better life for themselves. It is our responsibility to give them their fair share by putting the right systems and processes in place, and that is what this bill will do.

I thank the Minister for Transport for bringing such an important bill to this house and I thank you for the opportunity, Madam Speaker. I commend this bill to the house.

**MR D.R. MICHAEL (Balcatta — Parliamentary Secretary)** [12.30 pm]: It is an honour to be able to speak on the Owner-Drivers (Contracts and Disputes) Amendment Bill 2022 today. I had to think what I might talk about. I thought about the recess we have just had. Google tracks my movements on my phone, so every month I get an email with a heat map of where I have been on Google Maps. When I check, being very much a city slicker, my heat map is very much in my electorate where I live—all the local clubs and schools, my house, where I eat and where I have the odd beer in my electorate—and, obviously, West Perth, when we come to this place, but not much anywhere else. I do not get out a great deal, especially not into the regions. Over the winter break, all members would know that Lenda and I took a road trip to Broome and back. I see the member for Moore in the chamber. We drove up along the North West Coastal Highway and came back through Karijini and Newman on the Great Northern Highway. I do not think in my life I have ever driven a car above Geraldton. I have been to places, I have flown into Broome and other places, but I have never driven a car, I do not think, that I can remember. I am telling this story because when we think about transport workers, I have very much a new appreciation—I had an appreciation already—for those long drives we took, which I think for a transport worker would not be that long, with four or five-hour jumps as we drove from Geraldton to Monkey Mia. Geraldton was good fun. I found the member for Moore marauding the streets of Geraldton one night. It was good to catch up in Geraldton and solve the problems of the world.

**Mr R.S. Love:** It was a very tasty pizza.

**Mr D.R. MICHAEL:** It was a nice pizza at that little venue after the Dockers draw. Driving as we did, and inflicting Lenda to my 1990s ska music that I had the foresight to download before we lost mobile access, the long stretches of road, the hours and hours that I know transport workers spend behind a wheel in normal times—I will get on to the pandemic in a second—is something that I can see on a map. I can see how many kilometres there are between towns. We planned our trip to have four or five-hour jumps, but I know that transport workers work a hell of a lot more than that and endure harsher conditions. Especially up north, I think there were 60-metre road trains, and the skill required to drive those even in good conditions is unbelievable. We have heard today about some of the safety issues that transport workers face in our state and our country, and the terribly high death rate in that industry. As a member of the Labor Party, something that I firmly believe in, and that this bill will hopefully go some way to addressing, is that a worker should get a fair day's pay for a fair day's work, and that they should have the right to come home at night or after their shift or swing to their family safe and without injury.

In the transport industry, I think the member for Riverton mentioned a few of the health issues that transport workers already face. I know that the isolation contributes to mental health issues. I saw a statistic—I think it might have been from the Transport Workers' Union of Australia—that one in four transport workers has been involved in a crash. I presume that in a lot of those instances, it would not be their own fault, as it is probably the fault of drivers who do not know how to overtake correctly or some other kind of incident, and those incidents cause trauma. Transport workers already go through a lot. Then we come to owner-drivers. As we have already heard, owner-drivers have an enormous investment in their rig, in continuous replacement of parts, repairs and maintenance, and in fuel, which has not been cheap for a long time, let alone what has happened over the last six months. We know that

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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there have been problems with fuel additives and the shortage of AdBlue in Australia last year. As we have heard, if an owner–driver is unable to get their truck onto the road, they lose income. These people have a small business, they have invested in their small business, and, like any small business, they have to work. But the more they work in this industry, the less safe it becomes. They have to drive longer hours. It is unsafe for them and obviously for all road users. That is why it is very important that we pass this bill for all road users, but particularly for those owner–drivers.

Obviously, during the COVID pandemic, as we have heard, truck drivers were a vital part of WA’s response. When I think about the heroes of the pandemic, which we are still going through, I think of cleaners, teachers, police officers, nurses, retail workers and transport workers. We have heard about shortages. When I was going to Woolies in Dog Swamp trying to buy loo paper, nothing was on the shelf. Then there was a shortage of pasta, and for me, given what I eat—or what I do not eat—cans of beans. There was a shortage of those kind of things. We would go into the shops and think, “Oh my goodness!” We have never experienced this before. I think that the last time any Australian experienced anything like it would have been the rationing in World War II, which most people nowadays obviously would not remember. We know that transport workers kept driving, especially in those early days of the pandemic. Like a few members here, a lot of my recollection of the early days of the pandemic is of actually being in this chamber. I was the government Whip at the time. I think that all of us were a little bit scared; we did not know what this thing was. We had half the members in here. Vulnerable members and regional members were not coming to Parliament. We were sitting hours just to pass COVID legislation and nothing else, and not socialising as we usually would. During that period, truck drivers and transport workers were at the forefront getting supplies to our supermarkets and shops so that people could eat. People could order their groceries online and pick them up, and I think that shops had seniors’ mornings so that seniors could come in safely to get their shopping. The transport workers were doing their job when a lot of the rest of us had the luxury of being able to watch the pandemic while locked down at home. We were concerned at home, but at least we knew we were safe. Transport workers were out there doing a hard job, driving, getting produce and products to stores and supplies to other industries, including health supplies. All of that entailed risk. Again, when none of us were vaccinated and we were dealing with the earlier strains of the virus that were more deadly, they were out there having to talk to other people and go about their business. Transport workers do an amazing job in our community, and they continued to do an amazing job during the pandemic, while still dealing with all those issues that they already had.

I will go through some of the provisions in this bill very quickly, because they have already been covered by a couple of members. The legislation includes a minimum notice period for termination, which is something that a lot of other industries would take for granted, but, given that these are small businesses, that currently does not exist for them. There will be a 90-day minimum termination notice period or payment in lieu of such notice. The legislation also includes unfair or unjust contract provisions, and a clarification so that the Road Freight Transport Industry Tribunal can take dodgy contracts into consideration when it makes determinations. Misleading and deceptive conduct is again something that is well established in other law and in parts of our lives, but the act will now align with those other laws and make sure that that behaviour is specifically prohibited in this industry.

I think the member for Mirrabooka talked about the workplace right of entry, which, again, a lot of industries and workers take for granted. It was hard-won over the years by the labour movement. If there is a need to investigate the pay and conditions and contracts of an owner–driver, there must be a right of entry for an authorised representative so that they can find out whether any dodgy practices are going on, which, hopefully, will reduce the incidence of such practices. The Owner-Drivers (Contracts and Disputes) Amendment Bill 2022 will also outlaw discrimination, a provision that is in many other acts.

Obviously, the discovery of noncompliance with guideline rates is important when bargaining for rates of pay to ensure that the minimum rates for owner–drivers are adhered to. I think the member for Moore talked about the uberisation of the freight industry. Our Parliament—indeed, all Parliaments—will have to deal with the gig economy for many years to come, no matter what sector the gig economy is in. We will probably have to deal with it in sectors that we do not know about right now. With new technology in apps and the rest of it, whether it be Uber, Menulog or in the transport sector, the people doing the work should have proper pay and conditions. Often legislation lags terribly behind new technology in the real world, and that is something we have to deal with. It is great that the Owner-Drivers (Contracts and Disputes) Amendment Bill will deal with it for the owner–driver and the transport industry. The bill also provides changes to the tribunal’s powers and jurisdiction so that it is better equipped to deliver just and efficient outcomes in dispute resolutions.

There has been some comment about the government’s commitment to introduce further amendments to beyond the scope of 4.5-tonne gross vehicle mass limitation. I welcome the minister’s comment in her second reading speech. The Transport Workers’ Union of Australia has been pushing for that for a long time. More and more we are seeing the uberisation of the freight industry, especially for smaller trucks that deliver stuff around the metropolitan area. I suspect that a lot of those drivers are not getting the right pay and fair conditions. It is the Amazon effect; we all use these products. I use Uber and Amazon from time to time. We want to make sure that when we order from

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags Krishnan; Mr David Michael

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those platforms, the employees or contractors of those companies are being treated fairly. I welcome the minister's comments. I know there needs to be more consultation with the industry about vehicles under 4.5 tonnes and the owner-drivers who use those vehicles. I also note the federal inquiry into the trucking industry under the former Morrison government, which ignored most of the recommendations of that inquiry of a year or two ago. I know that the Transport Workers' Union will work hard with the new federal government to deal with some of these issues at the federal level. I wish it all the best and I hope that the federal government is able to look at those matters.

A good friend, Senator Glenn Sterle—he has been mentioned before—is a former transport worker. As the member for Bateman said, I think he is in a truck up north at the moment doing good work as a senator. When I did the road trip to Broome a few weeks ago, I stopped at some roadhouses along the way. There have been issues with roadhouse trucking facilities and driver amenities—showers, toilets and the like. Senator Glenn Sterle has been an incredible advocate for those issues all around Australia. He frequently names and shames truck stops on his Facebook page. He is getting results because things are being cleaned up. He is doing a great job for transport workers. I wish him the best as he continues to do that in federal Parliament.

I had a think about some of the other things that the government has been doing, particularly the road safety initiatives that the Minister for Transport, who is in the chamber, has been championing in my electorate such as bettering intersections, expanding Stephenson Road and finally building Stephenson Avenue. It has been a ghost road in the UBD and on the Stephenson plan for 50 years.

The state government is doing more for transport workers. I recently had the pleasure of representing the Minister for Transport at the Transport Workers' Union WA conference at Lathlain Park. I thought I would go through a couple of other things that the state government is doing for transport workers to get them on the record, because it is important that they know that we have their back. There are skill shortages everywhere. Following approaches from the Transport Workers' Union and the Western Roads Federation, our government established a heavy vehicle driving operation skill set program in June 2020. The \$6.1 million program will train up to 1 000 workers so that they can help to fill skill shortages in the heavy transport industry. Participants gain real hands-on experience with practical hours in heavy vehicle operations. It is especially designed to help young people get their foot in the door of the transport industry, which is so important. I am sure that once they have a foot in and they go out on the road, a lot of them will eventually become an owner-driver, which is another reason why this legislation is so important.

A few members mentioned some of the health issues that are faced by transport workers. Mental health is one of them. Truck driving is an isolated job, with truck drivers spending long hours away from their family and social networks, often driving all hours of the night and travelling incredible distances. I know that through the Minister for Mines and Petroleum, WorkSafe and the TWU, this government is supporting the Steering Healthy Minds initiative to educate and help, and provide support for, transport workers to make sure that they look after their mental health and to remove some of the stigma that exists around those things. Again, that is a very important thing that the government is doing.

[Member's time extended.]

**Mr D.R. MICHAEL:** I mentioned safe roads. I know that through the minister, the government is delivering a tonne of new infrastructure and upgrades across the state to improve road safety. I read out some of these projects at the TWU conference a month or so ago. I have now been to some of these roadhouses. I watched trucks going in and out as I ate my corn jack and drank a Powerade. It was great to see some of the improved roads and facilities around the state, especially those made to trucking routes. I will go through some of the most important ones, including the \$352 million rollout of the regional road safety program in 2022–23 and 2023–24. By mid-2024, more than \$827 million will have been spent on upgrades to some 9 000 kilometres of regional roads, including sealed road shoulders and the recently put in audible edge lines, which I saw everywhere, minister. That will help to reduce the risk of run-off and head-on road crashes.

The government is also investing heavily in major critical freight routes, including upgrades to Great Eastern Highway, with bridge replacements and widening. There will be road reconstruction on that highway as well. Upgrades to the 30-kilometre section of the Coolgardie–Esperance Highway at Emu Rocks have probably been done, with a reconstruction realignment of the road and passing lanes installed. I drove on Great Northern Highway from Newman to Perth on Friday a week and a bit ago, which was a long drive. The next stage of upgrades between Muchea and Wubin in the wheatbelt is currently in project development, with works underway around New Norcia to prepare for the construction of the Bindoon bypass. In the Pilbara, the federal and WA governments have joined forces with BHP to deliver safety improvements at three key rail crossings and for the realignment of Great Northern Highway and construction of two bridges over the railway line, which is set for completion late next year.

In the Kimberley, stage 3 of the planning and development for the section of the Great Northern Highway that will cross the Ord River is underway. It will include widening, construction of north-bound passing lanes and bridge

Mr Shane Love; Mr Simon Millman; Ms Meredith Hammat; Acting Speaker; Ms Kim Giddens; Dr Jags  
Krishnan; Mr David Michael

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upgrades. The list goes on and on. The minister has a list of roads that she has championed and is upgrading as long as several people's arms.

**Mr D.J. Kelly:** The Romans would be very proud.

**Mr D.R. MICHAEL:** The Romans would be very proud, minister!

I mentioned Senator Sterle earlier. The McGowan government is investing \$50 million to construct and upgrade several truck rest areas across the state, including improvements to 10 key heavy vehicle sites in the Pilbara, the midwest, the Gascoyne, the goldfields, Esperance and the south west.

Debate interrupted, pursuant to standing orders.

[Continued on page 3834.]