

Hon Kate Doust MLC

Member for South Metropolitan Region

Deputy Leader of the Opposition in the Legislative Council

Shadow Minister for Industrial Relations; Commerce; Small Business; Trade; Electoral Affairs



17 December 2014

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament of Western Australia
GPO Box A11
Perth WA 6837

Dear Simon

Petition No 70 – WA Truck Drivers' Workplace Safety

Thank you for the invitation to provide a submission in support of the above mentioned petition. The key matters that require investigation and consideration are:

- the number and appropriateness of rest stops facilities throughout the major freight routes in Western Australia;
- the recording of data in relation to accident or incidents involving working truck drivers as workplace accidents, and any death of a truck driver whilst working is considered a workplace death; and
- that WorkSafe WA is made responsible for investigating any incidents or fatalities of working truck drivers in Western Australia.

There has been an increasing number, about 80 per year, of truck driver road fatalities and sadly three more deaths have occurred in recent weeks. I believe that it is an appropriate time to investigate some of the causes behind these truck driver fatalities such as fatigue, rosters, shift periods, the spacing of rest breaks and access to appropriate rest break facilities as well as placement of rest break facilities around the state.

Long haul drivers can be required to drive anywhere from 13–15 hours on a shift, it is questionable whether this is a safe practice given fatigue, and usually solitude, on the job. If a shift ceases, but the driver is still on the road, he or she is required to stop driving and take a break for a period of time. If this happens to be in the middle of nowhere they cannot just drive on to the nearest roadhouse or truck stop, they just have to stop driving. If there is no access to shower and toilet facilities or food, that is deemed to be unfortunate and they just have to wait until their break is over before they can proceed onto these types of facilities further down the road.

The other matter that needs to be resolved is that if a driver is killed on the road whilst working, their death is treated as a road traffic statistic and not a workplace death. It is investigated by police not WorkSafe WA. This means that there is little capacity for the industry as a whole to determine causes of workers fatality and identify solutions that may make the work safer and reduce or prevent driver

deaths on the roads. Also, WorkSafe would approach the accident from a different aspect, a safety aspect, than the police.

Truck drivers are employees in the same way as any other employee for the purpose of the Occupational Safety and Health Act.

In the *Occupational Safety and Health Act 1984* it defines workplace to mean "a place, whether or not in an aircraft, ship, vehicle, building, or other structure, where employees or self employed persons work or are likely to be in the course of their work."

It defies logic that workers covered under this definition who are using a vehicle for the purpose of their work are not under the umbrella of WorkSafe for the purpose of occupational safety and health processes and investigation in the situation of a workplace death but rather the major crash unit of Western Australia Police (see Western Australia Parliamentary Debates, Legislative Council 24 June 2014, question without notice number 672).

It would be useful for drivers to be treated as other workers and have access to WorkSafe. If not, an appropriate explanation as to why they are excluded would be appreciated.

Given the ever increasing number of vehicles on our roads both metropolitan and regional both road safety and the safety and wellbeing of truck drivers in these instances should be a priority.

While there has been some commitment made by both Federal and State Governments in 2013 to funding of additional rest break stops it would be useful for the committee to seek information on the progress and implementation of the facilities. But more needs to be done.

I thank the committee for its consideration of the petition and look forward to your response.

Yours sincerely



Hon Kate Doust MLC