

CASE STUDY

THE AUSTRALIAN EXPERIENCE WITH ROAD TRANSPORT SAFETY AND RELATED INDUSTRIAL REFORM



ITF

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David Peetz

Carmichael Centre, Centre for Future of Work,
Australia Institute, Griffith Business School,
Griffith University (Professor Emeritus)

Jack Boutros

Transport Workers' Union of Australia

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EXECUTIVE SUMMARY

This study focuses on Australia, the country where, at the time of writing, transport workers had perhaps advanced the furthest in terms of developing sustainable systems for protection of workers through safe rates.

It reviews the road safety and industrial relations situation in the country. It finds that Australian road transport faces major safety problems, with 983 Australians losing their lives in commercial vehicle crashes between 2017 and 2022. The rise of gig economy platforms has further eroded safety standards and working conditions in the transport sector.

However, significant advancements in protecting standards for truck drivers and improving road safety have been made, especially at the state level. The long-standing Safe Rates system in New South Wales has

demonstrably improved driver safety and pay, and has effectively reduced the number of fatal accidents involving articulated trucks, saving at least 205 lives in recent decades. The new Closing Loopholes Act No 2, which passed Parliament in February 2024, builds on the experience of the New South Wales system, most notably by strengthening supply chain accountability, and is expected to deliver similar results nationwide.

To ensure that the new system is effective, the federal government should provide adequate resources; complementary state laws should be improved; and the authorities established under the new legislation should begin work immediately, prioritising the creation of standards to deliver safe, sustainable, and viable practices in contracting chains and the gig economy.

The rise of gig economy platforms has further eroded safety standards and working conditions in the transport sector.



INTRODUCTION

This study focuses on Australia, the country where, at time of writing, transport workers had perhaps advanced the furthest in terms of developing sustainable systems for protection of workers through safe rates.

The key developments occurred in two jurisdictions. First, in the largest state, New South Wales (NSW), a system akin to safe rates, operating through that state's industrial tribunal, has been in place for over four decades. Second, in the federal (national) jurisdiction, legislation has recently been passed which establishes new procedures, allowing the federal industrial tribunal to apply safe rates to workers around the country. It is early days yet, so we cannot be certain what the outcome will be, but the construction of the federal system was built on the successes of the NSW experience as well as on learning from some of its shortcomings.

The data presented in this report essentially comes from historical and contemporary sources, including documents and oral testimonies of several road transport drivers during a Senate inquiry, as well as the experiences of the authors in the reform process.

The report commences with an outline of the road safety and industrial relations situation in Australia, including a description of the road transport sector. It outlines some of the key relevant research evidence on working conditions and the impact of industry structure on drivers' lives and driving behaviour, and includes testimony from road transport drivers. It details the push for safe rates in NSW, and its impact on road safety, as demonstrated by analysis of fatality statistics.

It then considers the subsequent phases of reform at the federal level, including the failed Road Safety Remuneration Tribunal and the successful passage, in 2024, of the Closing Loopholes legislation. This legislation provided new protections for gig workers and road transport workers who were not employees but were treated by the Act as 'regulated workers'. After analysing these provisions, the chapter concludes and includes recommendations for further action.

The construction of the federal system was built on the successes of the NSW experience as well as on learning from some of its shortcomings.



THE ROAD SAFETY AND INDUSTRIAL SITUATION IN AUSTRALIA

THE ROAD SAFETY SITUATION

The Australian Road Transport industry faces major safety problems.¹ By October 2023, 170 people had been killed in truck-related crashes that year.² In the five years 2017-2022, 983 Australians lost their lives in crashes involving either a heavy or light commercial vehicle.³ The fatal crash rate per million vehicle kilometres travelled for articulated trucks is three times that for passenger cars, despite trucks being controlled by professional drivers while passenger cars typically are not.⁴ Not included in these statistics are gig transport workers whose deaths in the road transport industry have not been identified or recorded as work-related fatalities. Personal injury among gig transport workers is endemic but hidden by the lack of workplace reporting, with a third of food delivery workers in one survey reporting being hurt or injured at work.⁵

Industry death and injury carries with it substantial human costs. In addition, there are significant economic and flow-on social costs. Heavy vehicle crashes alone account for AUD1.5 billion (USD955 million) each year.⁶ This figure does not include the costs associated with other commercial vehicle crashes. Nor does it mention the suffering experienced by families and communities affected by road injuries and deaths.

THE INDUSTRIAL LAW FRAMEWORK

The award system in Australia is a way of specifying minimum wages and conditions for an industry as a whole. Awards are somewhat like a decree regime, often found in continental Europe, extending the terms and conditions to an industry as a whole, but they are not necessarily based on conditions at any single enterprise.

Minimum wages in awards are set by tribunals — mostly the Fair Work Commission (FWC) — for large numbers of occupations and industries, and are varied according to the skill level of the job. These minimum wages were previously set through compulsorily arbitrated decisions that settled disputes and led to ‘awards’. These awards contained provisions for minimum employment conditions (which could be quite comprehensive) and minimum wages for different jobs (in effect, for different skill levels). These days no dispute is necessary for an award⁷ to be established or varied, but unions and employer bodies have the right to be represented in hearings over such matters. Actual rates of pay and conditions may, in practice, be set by collective agreements or individual contracts, but broadly these cannot provide for poorer conditions than those under the relevant award.

Separate jurisdictions regulate workplace health and safety and workers’ compensation.

THE STRUCTURE OF THE ROAD TRANSPORT INDUSTRY

THE ACTORS

The Transport Workers' Union (TWU), which originated as the Federated Carters' and Drivers' Industrial Union, was registered in 1906 as a union of mainly self-employed carters – the early 20th century version of gig workers. Over the following century, these contractors tended to become employees, as corporations found it easier to manage workers through the employment relationship and unions also found it easier to organise them as employees. As the union expanded and went through numerous mergers, the majority of its membership came to be employees.

By the 1970s, the Transport Workers' Union was one of the most powerful unions in Australia. It was organised along federal lines with state branches, the New South Wales branch being the largest. The TWU was affiliated to the Australian Labor Party (ALP), which formed state and federal governments at various times. This political link was crucial to the initial legislative impetus to provide a model of industry regulation for contractors in the trucking industry. The Australian system of awards was also an important factor in the development of this model.

DISRUPTION

In the 1970s, in order to minimise costs, corporations in the trucking industry began to switch from employees to owner-drivers. The industry, like many others, has exhibited a form of what can be called 'not-there employment'

— large firms (the 'core' capital in an industry) avoid employment responsibilities by contracting out work to individuals, franchises or sub-contracting firms.⁸ In this case, major wholesale, retail and logistics firms use both owner-drivers (independent contractors who own their own trucks) and employees of both core capital and peripheral firms (contract distribution firms) to transport goods. This phenomenon was not restricted to Australia. The trucking industry in many other countries is also characterised by a predominance of contractors, many of whom can be deemed to be misclassified employees. In the United States, for example, this process began in the early 1980s and the Teamsters union, which represents truckers, is now a shadow of its former self.⁹

The consequences of this change in employment regime have included poor driver safety, including a high occupational fatality rate;¹⁰ long working hours and low wages amongst employees;¹¹ low incomes, high debt and insolvencies amongst owner-drivers; and incentives to drive fast, skip breaks and engage in other risk-taking behaviours.

Yet regulation was made difficult, both by the contractor status of many workers and by Australia's federal system of industrial relations regulation, which meant that many employees were subject to different state laws (rather than a unified federal system).

WORKING CONDITIONS AND IMPACT OF INDUSTRY STRUCTURE ON DRIVERS' LIVES AND DRIVING BEHAVIOUR

The heavy vehicle road transport industry is characterised by serious health and safety problems.

Low incomes for owner-drivers¹² have contributed to the industry having the longest working hours and the most deaths — especially bystander deaths — of any industry.¹³ Long hours in the industry are linked to poor general health, severe psychological distress and near-misses.¹⁴ Over the period 2016–20, the road transport industry had the highest fatality rate per 100,000 workers of any Australian industry — higher even than agriculture, construction or mining.¹⁵ The road transport industry is Australia's deadliest industry to work in, with a fatality rate of more than 13 times the average.¹⁶

Safety problems have become evident in other aspects of road transport which are now relevant to contractor employment. In Sydney, for example, five independent courier riders died at work within three months in 2020.¹⁷ A further two died in Melbourne within two months in late 2020.¹⁸ One study found that 73% of food delivery workers feared being seriously hurt or killed every time they started work.¹⁹

In addition, the road transport industry has one of the highest rates of business insolvency,²⁰ with 367 transport companies filing for bankruptcy in the last financial year.²¹

RESEARCH EVIDENCE

An extensive body of academic research, judicial decisions, coronial inquests, and government inquiries has demonstrated that a major cause of road transport deaths is the unsustainable economic pressures that are placed on transport workers and the transport companies that engage them.

A non-exhaustive list of the evidence demonstrating the impact of these commercial pressures, and the source of these pressures and their relationship to road fatalities and other safety outcomes, is provided in Appendix A (listing 138 sources from 1970 to 2023, comprising peer-reviewed research, industry initiatives, media, and reports). For nine of the more substantial publications, comments are provided in the Appendix table summarising key aspects of the research.

The research has, for example, demonstrated a clear correlation between rates of pay and payment structures and the prevalence of risk-taking practices, such as forgoing vehicle and fleet maintenance, speeding, artificial stimulant use, and fatigued driving.

The ongoing safety crisis in the road transport industry is caused by economic pressures that either erode safe and sustainable industry standards or prevent them from arising in the



first place. For instance, pressures arising from unsustainably low rates or untenable contracting requirements set in transport supply chains force transport companies and workers to cut corners, take risks and reduce safety standards to remain commercially viable. Underpinning this dynamic is the large power imbalance between industry participants. Transport operators and drivers in the industry are price takers, forced to accept rates, terms and conditions in order to 'keep the wheels rolling', even where such acceptance does not cover costs. With low barriers to entry and a high number of sole proprietors in the industry, competition for work leads to an 'acceptance of non-viable rates, excessive and illegal working hours and stressed and chronically fatigued drivers'.²²

EMERGING DEADLY PRESSURES: CONTRACT CHAINS AND GIG WORK

There are two major sources of these deadly pressures in the road transport industry.

The first is those pressures imposed by contract chain actors in the transport industry, such as major transport clients. In the context of a hyper-fragmented transport market with low barriers to entry, major transport clients have market power to determine prices and therefore standards throughout their contractual chains. Transport companies tendering for the work of these major clients are increasingly pressured to undercut standards to compete for contracts through tendering cycles. As price-takers, transport businesses operate on low margins and the effect this has throughout the industry is destructive. The high level of control exercised by clients over the price, timing, destination, route and other general terms and conditions under which transport services are performed cause operators to bear the costs that ordinarily are borne by customers. As a result, unsustainable contracts, often below cost, are frequently awarded to companies which cannot profitably or safely provide the service. This in turn leads to pressures on those companies to further contract out part or all of the work that is commercially unviable. The result is a deadly downward spiral of standards that undermines industry and public safety.

The second source is the wave of market pressure being exerted by the rise of transport companies operating in the gig economy. Gig transport operations exploited loopholes in the current workplace system by directly engaging workers outside of the existing suite of employee protections and, instead, placing them on modest rates often accessible only after slabs of unpaid waiting time. This led to low pay, often well below the minimum wage, and dangerous work practices, as workers attempt to make a living and avoid arbitrary and unchallengeable 'deactivation' of access to apps on which their income depends.

The erosion of gig transport standards is alarming. A recent 2023 survey by the McKell Institute of over 1,000 gig transport workers in the rideshare, food delivery and parcel delivery sectors²³ found that:

- **81% of gig transport workers were highly dependent on the money they earn to pay bills and survive;**
- **74% of workers reported having to work long hours to make enough money; and**
- **36% had been injured at work.**

Gig transport companies hire workers as independent contractors, yet they are almost entirely reliant on the company that engages them. The gig transport company provides the technology. It dictates when and where the work is to be performed, the pay rates, and how quickly the work must be performed. And it can fire workers at will.

The net effects of these arrangements are two-fold. The workers are in danger and often exploited. The gig transport companies gain a significant competitive advantage – estimated by one industry source at around a 30% lower cost base – over transport operators engaging employees and providing appropriate and safer worker pay and protections.²⁴

This undercutting of the market on the basis of exploitative practices is resulting in a rapid expansion of gig transport arrangements, and is placing intense downward pressure on a transport market already collapsing under the burden of the commercial squeeze from the top of transport contract chains.

One estimate is that 45% (approximately 90,000) of on-demand transport workers in rideshare, food delivery and parcel delivery sectors earn below the Australian national minimum wage.²⁵ At the same time, 51% of all on-demand transport workers report having felt pressured to take risks to make enough money or protect their jobs.²²

A study by the Centre for Work Health and Safety found that earnings and time pressures were the two most important factors influencing safety in the food delivery industry.²⁶ In another survey, a third of food delivery workers reported being seriously hurt or injured, and a third of rideshare drivers reported being involved in a serious road crash.²⁷

Since 2020, gig transport platforms such as Ofload have steadily increased their footprint in the Australian trucking industry and now claim to work with over 1,600 carriers and deliver 10,000 shipments per month.²⁸ Uber Freight and Amazon Freight Partner have expanded rapidly in the United States and other foreign markets and should be expected to arrive in Australian shores before long.²⁶ The expansion of the gig economy into trucking and general freight would expand the negative effects on transport workers beyond those already affected in other gig transport sectors to date.²⁷

THE EXPERIENCES OF ROAD TRANSPORT DRIVERS

Some experiences of road transport drivers in regimes without safe rates were disclosed in evidence to the Senate Inquiry into the Closing Loopholes Bill in October 2023. One, Robert Ireland, said:

*"With the first business that I had, there was the pressure to breach fatigue rules, as my breaching them was literally the difference between having work or being let go. We were constantly pushed to do more, to overload, to miss breaks and to not record jobs in our logbooks in order to cover up the back-to-back runs that we were doing. For about 12 years, I was forced to operate this way as a driver and an owner-driver, but I don't know how I was functioning."*²⁹

He described long hours and the stimulants he was taking to keep going:

*"I would work without stopping, Sunday through to Saturday. To stay awake on the road, I turned to methamphetamines. On the Saturday, I would ply myself with alcohol to get some sleep for the whole week ahead; eight hours of sleep a week is what I lived on, and I'd drink something like 19 stubbies just to dissipate that effect. Once I was awake for 13 days straight. On the last run, I convinced my brother-in-law to come with me, because I knew that I wouldn't make it home alone."*³⁰

He discussed the circumstances in which he moved out of owner-driving work:

*"In 2003, a trucking mate of mine, Gary, took his own life—he wasn't the only one. That was enough for me. I got out and I didn't drive for a year. I turned to the industry as an employee...The first paycheque I got, I asked if they had accidentally overpaid me. The wages were more than I had ever seen or earned as a driver, because they pay the awards. The pressures in transport haven't gone anywhere; I just removed myself from them."*³¹

Another driver, John Waltis, who worked for a company that went into administration (bankruptcy), said:

*"The trucks never stopped. I had a truck that was two years old. We had 1.2 million kilometres on it in 2½ years; that is nonstop. I would get to work, hop in the truck and drive. I would get back and someone would hop straight into the truck. You never had time to check the oil, water or anything because the truck hadn't cooled down. There were pressures on people...to go longer and faster to get the job done. It was rampant in the place."*³²

"We were constantly pushed to do more, to overload, to miss breaks and to not record jobs in our logbooks in order to cover up the back-to-back runs that we were doing."

This had severe consequences for safety:

*"Unfortunately, people didn't learn to say no. During changeovers one bloke was unhooking his truck—I won't go into how to do it—and wound the legs down so he could pull his prime mover out. He walked out and got hit by a truck going up. One of the blokes who was there to change trailers with him cut him in two, from one end of the truck to the other; he was under it. It doesn't do much for the body. It is a shame that anybody gets killed out there. It was one of the worst things that ever happened."*³³



This was not the only death at that firm:

"A person called JC was the last person who died at Scott's. I was only there three or four years. We had five or six deaths in that three or four years. He was put under a lot of pressure. He had exhausted his hours. In the transport industry, the maximum you are allowed to work is 17 hours in any 24-hour period. By the time he got his produce on the truck, he was well and truly over his hours. There were a lot of recordings on phones with police and with Safe Work. He was telling the blokes he couldn't go on; he was tired, and he was going to pull over. They kept on saying, 'If you pull over, we're not going to have the contract anymore.' He had a deadline to meet. He was trying to meet that deadline. Unfortunately, he should have pulled over. The person who was talking to him on the phone and texting him should be held accountable for that. What happened to JC? He ran off the road, hit a tree and then burned to death...I have been to 52 other funerals in my lifetime of driving. It is a terrible feeling. The families are shocked. You should be able to go to work, not have this pressure put upon you, and get home safely."³⁴

Frank Black described some of the other financial pressures affecting safety:

"Fortunately, I am a mechanic and can do some of the repairs myself to keep my truck in a roadworthy state. Others aren't so lucky, though. I have even had mates ask me to talk them through repairs over the phone, after they have attempted to do some repairs themselves and things simply go wrong. They do the repairs because they cannot afford a mechanic. Then they botch it all up. This is really dangerous, especially if it involves things like adjusting brakes and one thing or another."³⁵

He spoke about how undercutting affected safety in the industry:

"That means we all lose. The destructive competition has turned owner-drivers against each other. The real issue is that we are scrambling to make a living while the wealthy owners of the freight we are carting continue to squeeze our rates to boost their own profits. They don't really care what happens out on the road. We're dispensable. If I go, the next driver will come along."³⁶

"When money is tight, it puts pressure on owner-drivers to work long hours, impacting on fatigue and keeping us away from home for long periods."

He also talked of the impact on relationships and mental wellbeing:

*"When money is tight, it puts pressure on owner-drivers to work long hours, impacting on fatigue and keeping us away from home for long periods. We miss family events. There is financial stress. I know of many relationships that have broken down, including my own. The pressure to stay in business impacts mental health. I know of drivers who have been killed on the job. One we suspect was suicide, by running his truck off the road. We will never know whether it was deliberate or because he had fallen asleep or some other reason."*³⁷

Yavuz Cikir was the uncle of a food delivery driver who was killed on the job:

*"When we sent his body back to his parents in Turkey, we had to wrap him up in plastic film to hold his body together, so they wouldn't see anything...[The company] never reported the death to the work health and safety regulator. They never sent a letter of condolence to the family. They never paid a single dollar towards his funeral expenses or anything else. They said Burak wasn't working for them at the time. The terms of employment for a food delivery rider are that he is only working for them within 15 minutes of a delivery; Burak was 10 minutes over that limit."*³⁸

A written submission to the inquiry by Mark Reynolds, an owner-driver and auditor within the sector, said:

"Anyone can start a transport company with no assets, experience, licenses, or insurance. They can then quote on, and win, work

*without any concept of the costs or operating conditions of a compliant, safe transport operator. We have operators like this dragging down the rates and conditions for the whole industry. By the time they either go broke or are forced from the industry by ongoing and continual non-compliance, the damage is done. The next operator will take their place, following their template. They conduct little or no maintenance and often have insufficient or no insurance coverage. No safety management systems or accreditation. Between sham contracting, drivers on student visas, no workers compensation and non-payment of super, these operators have a tremendous financial advantage over safe, legitimate operators... It is no exaggeration to say things are getting worse. The transport industry is plagued by poor health, bankruptcy, relationship breakdowns and mental health issues. Experienced operators...are often being replaced by the type of operator I have previously described."*³⁹

Another written submission by a former owner-driver and sector auditor, Glyn Castanelli, discussed how:

*"For decades, the inability for safe, viable and sustainable businesses has led to risk taking and carnage on our roads. You only have to stop at the many truck driver memorials around our nation to see the devastation left behind. Every one of these drivers killed pursuing their passion of independence on the road has left families broken and devastated."*⁴⁰

The oral and written testimony of participants in the sector illustrates the dangers experienced there and the factors behind it.

THE PUSH FOR SAFE RATES IN NEW SOUTH WALES

The situation for safety of road transport drivers changed for a minority of drivers – those engaged in intra-state transport within one state, New South Wales (NSW) – from 1979. Nationwide change now appears inevitable with the passage of new federal legislation, the ‘Closing Loopholes’ laws, in 2024. These have only recently come into effect, so their impact cannot be assessed. However, the NSW system has been in place for long enough for its effects to be fully assessed to the extent that available data permit.

Two central elements of the Transport Workers’ Union’s relative success were its long-standing ‘safe rates’ campaign, which sought to link drivers’ safety to their rates of pay, and the use of this campaign to push for protective legislation in state and federal jurisdictions.

THE NATURE OF SAFE RATES LEGISLATION IN NEW SOUTH WALES

Under pressure from the Transport Workers’ Union, the New South Wales Parliament in 1979 legislated to allow the New South Wales Industrial Relations Commission (NSW IRC) to regulate minimum terms of contracts for owner-drivers of trucks and other ‘contract carriers’.

Now known as Chapter 6 of the New South Wales Industrial Relations Act, this statute enables the NSW IRC to issue ‘contract

determinations’ that specify minimum standards for the workers concerned. These are analogous to awards in Australian labour regulation (minimum terms and conditions for an industry).

For example, the ‘General Carriers Contract Determination 2017’ establishes, for various types of owner-drivers of trucks, minimum rates of remuneration, comprising a per-kilometre rate, an hourly rate (both varying by truck size and type), allowances, and a minimum earnings guarantee, along with formulae to adjust them. It also establishes entitlements to annual leave, rest breaks and various minimum standards of work and obligations.

The Determination also establishes union representation rights, where sought by workers. The NSW IRC can also approve contract agreements, which are analogous to collective agreements in labour regulation, between owner-drivers and firms.

THE PROCESS OF IMPLEMENTING SAFE RATES IN NSW

The Chapter 6 legislation ensuring the application of minimum wages and conditions to owner-drivers in New South Wales has survived changes of government and sustained periods of conservative rule, including from 1988 to 1995 and 2011 to 2023.

The Chapter 6 system, which was developed over time, would not have delivered benefits to the union in the absence of alliances. These include shared interests among unions and those transport operators who would otherwise be forced to contract work out to compete against unsustainable contracting practices and low rates. The parties (the union, firms, employer bodies) prepare submissions to the NSW IRC as issues such as contract determinations arise. They seek agreement on some matters but on others, disagreement leads to arbitration. Once a contract determination is issued, they work together in maintaining it (in applying the formula to keep the minimum remuneration up to date, for example). As a result, support for the system has come from key companies who are able to obtain certainty through minimum standards and, to a certain degree, are protected from unfair competition.

Chapter 6 has also survived a conservative federal government's 2006 takeover of industrial relations which would have effectively put an end to the system, by rescinding the state governments' jurisdictional power to regulate standards for independent contractors. The Chapter 6 framework was exempt from the overriding effect of federal laws. It survived because it was able to appeal to the 'small business' ethos of some conservative politicians while mobilising owner-drivers and employee transport workers to protect the legislation. Indeed, in 1994, its scope was extended to encompass owner-drivers using other vehicles (including bicycles), and goodwill provisions were inserted.

This shared interest was further emphasised in the latest disruption from gig transport, against which Chapter 6 mobilising has proved a valuable weapon. The Transport Workers' Union has been able to effectively mobilise transport workers, including owner-drivers, in support of Chapter 6 at moments when the system came under threat.

Successive conservative governments in New South Wales have traditionally supported Chapter 6. Indeed, a conservative government was the most recent to bring positive

Support for the system has come from key companies who are able to obtain certainty through minimum standards and, to a certain degree, are protected from unfair competition.

amendments to the legislation by introducing the contract of carriage tribunal to deal with disputes over goodwill. When the Chapter 6 system was under attack in 2016 following the abolition of the Road Safety Remuneration Tribunal (discussed later), and at the same time as the parties were trying to update the General Carriers Contract Determination, the players within the system worked together to seek agreement on a new fit-for-purpose instrument. They also sought to show that the entire system worked, as there was pressure on the (conservative) state government to intervene and perhaps abolish the entire system. Major transport companies and employer organisations were involved in a three-week conciliation before the NSW IRC. Most 'good' employers wanted to retain the system to avoid unscrupulous operators taking advantage of an unregulated system, and appreciated the relative degree of certainty which was provided. Even when the 2016 attack was underway, the NSW Government vowed not to touch the system as it realised some of those reliant on it were its natural constituency, small business owner-drivers.

There are limits, however. The Chapter 6 framework provides little supply chain accountability, which would otherwise have shaped corporate decisions at the initial contracting stage. This issue was addressed in the short-lived Road Safety Remuneration Tribunal model in 2012, and more effectively in the Closing Loopholes legislation in 2024.



UNION ORGANISATION AND SAFE RATES

In pursuing this new form of regulation, the Transport Workers' Union (TWU) has kept the focus on safety and working conditions. For example, the home page of its safe rates campaign highlights that, in 2019, '58 transport workers were killed' and '318 transport companies went bankrupt'.

The approach opened up avenues for organising.

First, it facilitated organising groups of migrant workers for whom their status as independent contractors was a way to circumvent other barriers to employment, such as visa restrictions on working hours.

Second, the TWU built solidarities that would otherwise not exist. For example, owner-drivers and employees working for major transport and logistics company Toll Group simultaneously undertook industrial action in support of the common need for better conditions. There was also strong solidarity shown in owner-driver ranks when the Chapter 6 framework was under threat.

Third, the Chapter 6 framework also helped the TWU to organise and protect gig economy workers hired by firms such as Amazon Flex. In February 2022, the NSW IRC extended its coverage to encompass drivers of small trucks, including those hired through apps as contractors. This led to an increase in hourly pay of around 40% for many workers, and made Amazon Flex workers in New South Wales the first internationally to have enforceable minimum pay, bargaining and dispute resolution rights.

Finally, in another part of the gig economy, the TWU has been working with food delivery and rideshare workers to research and lobby on conditions for on-demand transport workers. These campaigning efforts, like earlier ones for owner-drivers, have highlighted the need to ensure safe rates for on-demand transport workers regardless of employment status. Food delivery workers are presently explicitly excluded from coverage by Chapter 6, so these groups are lobbying hard to get them included.

THE IMPACT OF SAFE RATES IN NEW SOUTH WALES

The Chapter 6 system in NSW has been in place long enough for its long-term effects to be adequately assessed.

GENERAL OBSERVATIONS ON EFFECTS

The Chapter 6 experiment has led to a demonstrable improvement in occupational safety for road transport drivers (and other road users) in NSW,⁴¹ along with improvements in pay, through raising the floor. Drivers have greater control over working time because of less pressure to deliver goods within a defined period, and in that sense have more autonomy. The maintenance of contractor status has also avoided the losses of autonomy that corporations fear-mongered about and owner-drivers feared could accompany employee status.

For the TWU, the main effect has been to enable its re-inclusion of a substantial number of owner-drivers. The union is able to enforce, protect and enhance the instrument.⁴² However, there is no bargaining stream which can either compel bargaining or allow owner-drivers to take protected industrial action, and some firms have been able to sack participating owner-drivers for breach of contract.

Regulation in this industry should also be seen in the context of power. Economic power is predominantly in the hands of the construction, wholesale, retail and logistics firms, while the small firms, especially the single-person owner-driver businesses, have very little power. Nationally, union power was once relatively strong, but it has fallen, along with the decline of over 50% in union density since 1979. The union has tried to reverse the decline in unionised employee-based firms (by building delegate structures, for example) but it has been threatened further by the fragmentation and use of not-there employment. The move to contract distribution, and the decline in union density, have increased the power of large firms.

The decline in union power may have been offset at least partially by the operation of Chapter 6 in NSW, as the instrument has increased the ability of the union to organise owner-drivers in that state. However, there are horizontal attacks on the Chapter 6 model from emerging platforms operating outside of it. Some firms have taken advantage of this and sought to increase unilateral determination of terms, conditions and resource allocation. These various factors have probably shifted power against the union more than the changes directly arising from Chapter 6 favoured it.

CONCLUSIONS FROM QUANTITATIVE ROAD SAFETY ANALYSIS

A major quantitative analysis has been undertaken of the effects of the safe rates regime in New South Wales, under what is now Chapter 6 of the Industrial Relations Act. The analysis is detailed in Appendix B.⁴³ The key points that arise from it are below.

It seems likely that occupational safety in heavy vehicle road transport improved with the entrenchment of Chapter 6 regulation in New South Wales. Since 1989, the average annual decline there in fatal accidents involving articulated trucks was around double the reduction in other fatal road accidents in the state, or in all fatal road accidents in the rest of Australia.

Heavy vehicle accidents accounted for a steadily declining share of road deaths in New South Wales, too, but not in the rest of Australia. The decline was far greater than the decline in the state's share in other fatal crashes. The long-term decline in articulated truck accidents in the state cannot be explained by any factors that influence general road safety in New South Wales or across the rest of Australia. It is likely that over 205 lives have been saved as a result of Chapter 6.

GENERAL IMPLICATIONS

The principle of identifying a regulatory model that can provide minimum safe rates standards for workers, regardless of whether they are contractors or employees, has proved workable, durable and effective. Its applicability to the gig economy is highlighted by its extension in 2022 to a group of workers recognised to be part of the modern app-based gig economy – those hired through their smartphones by Amazon Flex for parcel delivery gigs.⁴⁴ Taking detailed account of the circumstances in a particular sector, as occurs through the process of submission to an independent tribunal, enables (but does not guarantee) a sustainable improvement to be made to the pay, conditions, safety and security of people who may otherwise seem impossible to regulate.

The Queensland Government had decided in principle in 2021 to apply this model to independent courier drivers, and legislated to this effect, but delayed proclamation pending the enactment of federal legislation, discussed below. This was a further indication of its relevance to the gig economy. At a general level, this model has potential for application to other industries, but that has not yet been considered or advocated. Yet the principles behind it would appear to have support among gig economy workers.

The Chapter 6 model would benefit from greater arrangements for supply chain accountability, as the provisions are 'confined to regulating the direct contract worker/hirer arrangement and do not extend to regulate clients at the top of the transport supply chain'.⁴⁵ The absence of such accountability is a weakness in the model, especially in light of changes in the modern economy that have encouraged the growth of contractual chains as a means of reducing accountability and costs.⁴⁶ Nonetheless, its success showed that there is real potential for influencing road safety through regulation of driver remuneration, and that such effects can persist and even grow over the long term.

THE NEXT PHASES OF REFORM

THE FAILED ROAD SAFETY REMUNERATION TRIBUNAL EXPERIMENT

Despite the success of the NSW approach, regulation in this area has not been without pitfalls at the national level.

An attempt by the Transport Workers' Union at national level to use the safe rates principle to push for a national Road Safety Remuneration Tribunal for long-haul trucks was short-lived. Established by an Australian Labor Party government at federal level in 2012, it was abolished four years later by a conservative government after major national trucking and logistics organisations (politically different to their counterparts in New South Wales) and the federal Liberal Party opposed it. Focusing on weaknesses in the Tribunal's first critical determination, large corporations exploited a narrative promoting 'freedom' to great effect and mobilised opposition from owner-drivers.

It was in this context that the federal Labor Party, when in Parliamentary Opposition, sought to develop a new, national framework for safe rates that it could establish in government. This was then introduced in a larger set of industrial relations legislative reforms, known as the Closing Loopholes legislation. This ended up comprising two Acts of Parliament, one passed in late 2023 and one in early 2024, with the safe rates reforms in the Closing Loopholes No 2 Act of 2024.

BUILDING CONSENSUS AFTER DEMISE OF THE RSRT

Between 2022 to 2023, the TWU signed charters with a number of major gig transport companies, confirming their support for industry reforms. These charters, which were agreed with Uber, Doordash and Menulog, recognised the need for government regulation to ensure safety, rights and minimum standards for gig transport workers in Australia.⁴⁷ All these agreements supported the need to have an independent body with the power to establish minimum enforceable standards.

On 29 August 2022, a delegation of major representatives from all parts of the road transport industry presented the Minister for Industrial Relations, the Hon. Tony Burke, with a shared set of principles calling for reform to set enforceable standards across the transport industry.⁴⁸ The delegation included major road transport clients, the main road transport employers' association, major transport and logistics operators, representatives of small owner-driver operators, gig transport companies, and the TWU.

In a joint statement, this broad coalition called on the government to adopt and implement the full recommendations of the Senate Rural and Regional Affairs and Transport References Committee's report *Without Trucks Australia Stops: the development of a viable, safe, sustainable and efficient road transport*



industry.⁴⁹ It also called for the establishment of a body with specialist expertise in the road transport industry to set enforceable standards for all transport contract chain participants and for all road transport workers. Explicit references were provided to the rapid expansion of gig transportation and the need to include 'on-demand delivery and rideshare platform work' in these reforms.⁵⁰

Following this statement, in August 2022, Minister Burke announced his intention to empower the Fair Work Commission to deliver a 'Safe, Sustainable and Viable' road transport industry as one of the outcomes of the Jobs and Skills Summit. Subsequently, the Minister and the Department of Employment and Workplace Relations consulted further with the road transport industry through a series of meetings, consultation papers and written submissions to further consider how these reforms should be structured and implemented. This process culminated in the introduction of the Closing Loopholes Bill on 4 September 2023.

THE CLOSING LOOPHOLES LEGISLATION

Three months after the Closing Loopholes Bill was introduced into Parliament, and while debate was proceeding, it was split into two separate bills, referred to as Closing Loopholes No 1 and No 2.

Less contentious provisions were included in the No 1 Bill and passed in an amended form in December 2023. The more contentious provisions, including those discussed here regarding road transport workers, were amended and passed the Parliament in February 2024. Provisions regarding road transport come into effect on 26 August 2024.

The Closing Loopholes Acts, as they finally became, amended the Fair Work Act, so the provisions discussed here are now part of the Fair Work Act. The Closing Loopholes provisions built on the experience of NSW and learned from its mistakes – for example, regarding supply chain accountability.

The Closing Loopholes Act No 2 established a dedicated Expert Panel for Road Transport to establish enforceable standards to ensure 'safety, sustainability and viability' in the road transport industry. In performing this objective, the Expert Panel must consult with the Road Transport Advisory Group, which is made up of the relevant registered organisations (trade unions and employer associations for the road transport industry).

Firstly, this includes new protections for gig workers and road transport workers falling outside the category of employment (regulated workers). It focuses on vulnerable workers. This is shown in the way that the Act says that possible standards can only be established where the workers meet two out of four criteria: they have low bargaining power, are being paid less than equivalent employees, have little authority over their work, and/or meet another criterion that could be specified by regulation.⁵¹

The Expert Panel has the capacity to set standards for road transport workers who are also classified as employees. This is achieved by relocating Fair Work Commission's pre-existing Award-setting functions for road transport to the Expert Panel, giving it the capacity to set standards for all road transport workers, regardless of their employment status. This is predicated on the need to ensure that standards established are consistent across the road transport industry and can be set in tandem for workers who are engaged through different arrangements (for example, employees, gig transport workers, and traditional owner drivers).

The Act details the consultation processes the FWC must engage in before finalising a decision in road transport.⁵² It improves on Chapter 6 in enabling the FWC to make orders regarding participants in road transport contractual chains that apply to all road transport clients, business and workers (regardless of employment status).⁵³ It allows for collective agreements covering regulated workers⁵⁴ and, like Chapter 6, provides exemptions from Commonwealth competition law for matters relating to orders or collective agreements.⁵⁵

In the legislation, the FWC is instructed to avoid unreasonable adverse impacts upon industry participants, including on sustainable competition, business viability, innovation and productivity.⁵⁶ The legislation tells the FWC to tailor regulation to the circumstances of the workers and their industry,⁵⁷ and not give preference to one business model over another.⁵⁸ In other words, once costs are taken into account,⁵⁹ it should mean regulated workers receive similar pay to award-based employees performing similar work.⁶⁰ A corollary is that the starting point for regulation of vulnerable gig workers should be the standards that apply for relevant employees.

The legislation does not redefine any regulated workers as employees. Indeed, it prevents the FWC from using the regulated worker processes to do this.⁶¹ Elsewhere, the Bill attempts to revert to an expanded definition of employee (reversing an earlier contraction of it by the High Court of Australia),⁶² but it is mainly through the regulated worker provisions that road transport contractors will be protected.

The Loopholes Act provides some procedural rights that are analogous to rights otherwise only available to employees. For example, there is protection against unfair termination of contracts and unfair deactivation of access to apps,⁶³ broadly equivalent (but not identical) to protections against unfair dismissal available to employees. Disputes regarding the enforcement of orders can be lodged and resolved by the FWC.

That is not to deny the existence of some weaknesses in the approach. For example, the ability of the FWC to issue non-binding guidelines, as an alternative to enforceable standards, could dilute regulation, providing an 'easy way out' if the tribunal is inclined to look for one.⁶⁴ Conversely, the exclusion of some matters (such as overtime and rosters) reduces the flexibility of the FWC to find the best solution to the issues it encounters.⁶⁵ The Act could have been used to provide greater clarity over the alignment of award and contractor pay rates.⁶⁶

The provisions regarding contractual chains in road transport are an important innovation in labour law and reflect the fact that many decisions affecting the pay of road transport workers and businesses are actually made further up the contractual chain.

They are fundamentally important to ensuring whatever standards are set in the industry by the Expert Panel can be effectively enforced by the entities in contract chains which hold the effective commercial power to determine industry standards (such as transport clients). However, they are not the only aspects of the FW Act to deal with such issues. In particular, another section in the FW Act already holds a franchisor responsible for certain acts that occur within their contractual chain, even if they are not the formal employer of the workers involved,⁶⁷ and makes a holding company accountable for certain acts that occur within its contractual chain, again even if it is not the formal employer of the workers involved.⁶⁸ These provisions were introduced in 2017.⁶⁹

While the wording regarding contractual chains in road transport is not (and cannot be) identical to that regarding franchises and holding companies, it builds on those concepts: that entities who control conditions of work should not be exempted from accountability, simply by virtue of contractual arrangements that mean they are not the direct employers of the workers concerned. Contractual chains designed to minimise costs take many forms, such as franchising, holding companies, use of labour hire and sub-contracting.⁷⁰ Road transport is therefore one of many areas where contractual chains of various types are used to minimise costs, including cleaning, petrol and food retailing, hospitality and mining.

CONCLUSION AND RECOMMENDATIONS

The Closing Loopholes legislation took effect in August 2024. The next phase will involve hearing cases in the Fair Work Commission to examine which entitlements to establish (for example, through Minimum Standards Orders) for regulated road transport workers and contract chain parties. This will involve continuing consultation and co-operation with key road transport firms, though in the end consensus cannot be relied on to establish all rights and entitlements, and the FWC will be asked to arbitrate in establishing some. This will involve continuing research, advocacy and campaigning.

Further details regarding how the system will operate are also to be set out in regulations (which are given force through cross-reference in the legislation). These are not specified in detail by Parliament, but could cover matters such as dispute resolution within contract chains.⁷¹ Thus the legal framework is not yet fully settled, and will ultimately depend on further lobbying, consultation and campaigning.

Noting the urgent need for reform to address the deadly pressures facing road transport industry in Australia, this report recommends the following.

The Australian Government:

- ensures the adequate provision of resources to the Fair Work Commission, to enable the soon-to-be-formed Expert Panel for the Road Transport Industry to effectively perform its functions to ensure a 'safe, sustainable, and viable' road transport industry.

State governments:

- pass complementary legislation to modernise the existing state-based regulatory frameworks, such as Chapter 6, to fill any constitutional gaps to ensure coverage of all forms of road transport work and full supply chain accountability.

The Expert Panel for the Road Transport Industry:

- acts urgently to convene the required Road Transport Industry Group, with a view to creating standards which ensure the safe, sustainable and viable road transport industry practices; and
- prioritises creating standards to deliver this objective in:
 - contract chains, including for clients procuring transport work, recognising the commercial influence which supply chain actors maintain and their capacity to determine safety outcomes through supply chains; and
 - gig economy operators in the road transport industry, recognising the dangerous impact which such transport operators are having on safety through the erosion of industry standards.

APPENDIX A: PUBLICATIONS SUPPORTING SAFE RATES

No.	Name of document	Author	Type of document	When published	Comment
1.	Report to the Honourable E.A. Willis Minister for Labour and Industry on Section 88E of the Industrial Arbitration Act, 1940-1968 in so far as it concerns Drivers of Taxicabs, Private Hire Cars, Motor Omnibuses, Public Motor Vehicles and Lorry-Owner Drivers	NSW Industrial Relations Commission	Report	23 February	
2.	Long-distance trucking: why do truckies speed?	David Hensher & Helen Battellino	Working Paper	1990	
3.	Long Distance Truck Drivers On-Road Performance and Economic Reward	D Hensher, H Battellino, J Gee & R Daniels – Institute of Transport Studies, Sydney University	Research Paper	December 1991	
4.	Efficiency of the Interface between Seaports and Land Transport	House of Representatives Standing Committee on Transport, Communications and Infrastructure	Report	April 1995	
5.	Warehouse to Wharf Final Report	House of Representatives Standing Committee on Transport, Communications and Infrastructure	Report	November 1995	
6.	Strategies to Combat Fatigue in the Long-Distance Road Transport Industry: Stage 2 Evaluation of Two-up Operations	A Freyer, A Williamson & R Friswell	Research Report	December 1995	
7.	The Effects of Subcontracting/ Outsourcing on Occupational Health and Safety: Survey Evidence from Four Australian Industries	C Mayhew, M Quinlan & R Ferris – UNSW-Safety Science Journal	Journal Article	1997	

8.	Reference by the Minister for Industrial Relations Pursuant to s. 345(4) of the Industrial Relations Act 1991 Regarding the Transport and Delivery of Cash and Other Valuables Industry (Peterson Report)	Peterson J	Report to the Minister	28 February	
9.	Work Arrangements in Stevedoring	Productivity Commission	Research Report	April 1998	
10.	Regulating Private Security in Australia	Tim Prenzler & Rick Sarre –Australian institute of Criminology	Trends and Issues paper	November 1998	
11.	\$2.7M Heist Mystery – Armoured Van Driver Hijacked	P Doneman, N Maynard, A White & S Bradford – Courier Mail	Media Article	10 March 1999	
12.	Sweatshops on Wheels: Winners and Losers in Trucking Deregulation	Belzer M - New York: Oxford University Press	Book	January 2000	
13.	Development of measures of Fatigue: Using an Alcohol Comparison to Validate the Effects of Fatigue on Performance	A Williamson, A Freyer, R Friswell & S Finlay-Brown	Research Paper	July 2000	
14.	Beyond the Midnight Oil: An inquiry into managing fatigue in transport	House of Representatives standing Committee on Communications, Transport and the Arts	Report on Inquiry	October 2000	This Government report found that increasingly unsustainable levels of economic pressure originating from contract chains was one of the key causes of driver fatigue.
15.	Cash Transportation (Non-Armoured Vehicles) Interim Award		Industrial	2001	
16.	Report of Inquiry into Safety in the Long-Haul Trucking Industry, Motor Accidents Authority of New South Wales	M Quinlan - Motor Accidents Authority of NSW, (pp 117, 124, 130, 152-53, 62, 164, 180)	Report	January 2001	The Inquiry found that financial pressures incentivise
17.	Occupational Violence in Long Distance Road Transport: a study of 300 Australia Truck Drivers	Claire Mayhew and Michael Quinlan – Current Issues in Criminal Justice	Chapter in Book	July 2001	
18.	Driver Fatigue: A Survey of Professional Long Distance Heavy Vehicle Drivers in Australia	A Williamson, A Freyer, M Friswell & S Sadural –National Transport Commission	Information Paper	September 2001	
19.	Guidelines for the Security Industry in South Australia	Work Cover Corporation, SA	Guideline	October 2001	
20.	Cash in Transit Code of Practice	Work Cover Corporation, NSW	Code of Practice	2002	
21.	Paying for Safety: An Economic Analysis of the Effect of Compensation on Truck Driver Safety	Belzer M, Rodriguez R, Sedo S – United States Department of Transportation, Federal Motor Carrier Safety Administration	Research Paper	January 2002	This study found that driver pay had a strong effect on safety

22.	The Legal Framework for Regulating Road Transport Safety: Chains of Responsibility, Compliance and Enforcement	Richard Johnstone – National Research Centre for Occupational Health and Safety Regulation	Working Paper	March 2002	
23.	The effects of truck driver wages and working conditions on highway safety: A case study	D Rodriguez, M Rocha, A Khattak & M Belzer	National Academies: Transportation Research Record	January 2003	This research paper found that, all else being equal, higher pay rates are related to lower truck crash counts and a higher probability of no crashes occurring.
24.	Supply Chain Rationalization: Retailer Dominance and Labour Flexibility in the Australian Food and Grocery Industry	Wright C, Lund J – 17 Work, Employment and Society 137 at 142–51	Journal Article	March 2003	
25.	Truck Driver Occupational Safety and Health: 2003 Conference Report and Selective Literature Review	GM Saltzman., MH Belzer -US Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health	Research Paper	April 2003	
26.	Legal Implications of Fatigue in the Australian Transportation Industries	C Jones, J Dorrian & D Dawson – The Journal of Industrial Relations	Journal Article	September 2003	
27.	Fatigue and Performance in Heavy Truck Drivers Working Day Shift, Night Shift or Rotating Shifts	National Transport Commission	Research Report	December 2004	
28.	Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 No 221 (NSW) under the Occupational Health and Safety Act 2000 (NSW)	NSW Government	Regulatory Amendment	2005	
29.	Toward a Sustainable Transport Industry: Submission to 'Safe Payments Inquiry', National Transport Commission	Transport Workers' Union	Submission to the National Transport Commission	2005	
30.	Report of Inquiry: Owner Drivers and Forestry Contractors	Industrial Relations Victoria – Department of Innovation, Industry and Development	Volume 1: Report and Recom	February 2005	
31.	Work-related Traffic Crashes – A Record Linkage Study	Soufie Boufous and Ann Williamson	Journal Article – Accident Analysis	15 June 2005	
32.	Pay Incentives and Truck Drivers Safety: A Case Study	D Rodriguez, F Targa & M Belzer	Journal Article – Industrial and Labor Relations	January 2006	
33.	Transport Industry – Mutual Responsibility for Road Safety (State) Award and Contract Determination (No. 2) Re [2006] NSWIRComm 328	Industrial Relations Commission of New South Wales	Decision	February 2006	

34.	Economic pressure, multi-tiered subcontracting and occupational health and safety in Australian long-haul trucking	Claire Mayhew & Michael Quinlan – Employee Relations Journal	Research Report/Journal	May 2006	This study found that the intense economic pressures in the industry resulted in drivers accepting non-viable freight rates, taking on excessive and illegal working hours, and being chronically fatigued; all of which was found to result in higher incidences of truck crashes.
35.	Trucking Tragedies: The Hidden Disaster of Mass Death in the Long-Haul Road Transport Industry	Quinlan M, Johnstone R, Mayhew C, Tucker E – Working Disasters: the politics of recognition and response, Baywood, New York (pp 19-63)	Journal Article	June 2006	
36.	The Scope for Appropriate Cross-Jurisdictional Regulation of International Contract Networks (such as supply chains) – Recent developments in Australia and their supranational Implications	Igor Nossar	Research Paper	2007	
37.	The Regulation of Outwork and the Federal Takeover of Labour Law	Michael Rawling – Australian National University	Research Paper	2007	
38.	A Generic Model of Regulating Supply Chain Outsourcing	Michael Rawling – Australian National University	Research Paper	April 2007	
39.	Regulating Supply Chains to Improve Health and Safety	James P, Johnstone R, Quinlan M, Walters D – 36(2) Industrial Law Journal 163 at 175-176	Journal Article	June, 2007	
40.	Predictors of Psychostimulant Use by Long-Distance Truck Drivers	Ann Williamson	Research Paper	August 2007	
41.	Submission on Safe Payments Review for National Transport Commission	Ann Williamson	Submission	1 September	
42.	Freight rates in Australia 1964-65 to 2007-08	T Risbey, Cregan & D Mitchell – Bureau of Infrastructure, Transport and Regional Economics	Information Sheet	October 2008	
43.	Remuneration and Safety in the Australian Heavy Vehicle Industry: A Review undertaken for the National Transport Commission	Michael Quinlan and The Hon. Lance Wright	Report	October 2008	This NTC review found there was strong evidence which supported the claim that commercial pressures in the road transport industry directly affected the incidence of crashes and hazards. It also noted that

44.	Safe payments: Addressing the Underlying Causes of Unsafe Practices in the Road Transport Industry	National Transport Commission	Report	October 2008	This report found that the imbalance of market power translated to those in the bottom of the supply chain, trucking firms and
45.	Submission for the National Review into Model Occupational Health & Safety Laws in Relation to OHS within the Context of Contract Networks	TCFUA	Submission	31 October,	
46.	New South Wales Workers Compensation Statistical Bulletin 2007/08	Work Cover	Bulletin	2009	
47.	National Waste Overview	Environment Protection and Heritage Council	Report	2009	
48.	Armed Robbery in Australia: 2006 National Armed Robbery Monitoring Program Annual Report	Lance Smith & Erin Louis – Australian Institute of Criminology	Monitoring Report	2009	
49.	Occupational Health and Safety in the Banking Industry	Anna Bunn and Robert Guthrie	Paper - Curtin	2009	
50.	Report of Analysis: Truck Crashes and Work-Related Factors Associated with Drivers and Motor Carriers, Large Truck Crash Causation Study Analysis	Belzer M – Federal Motor Carrier Safety Administration (FMCSA)	Report	February, 2009	
51.	Short Trips and Long Days: Safety and Health in Short-Haul Trucking	A Williamson, P Bohle, M Quinlan & D Kennedy	Journal Article – Industrial and Labor Relations	April 2009	
52.	Safe Rates Safe Roads	Commonwealth of Australia	Directions Paper	2010	
53.	The Heavy Vehicle Study – a case-control study investigating risk factors for crash in long-distance heavy vehicle drivers in Australia	M Stevenson, L Sharwood, K Wong, J Elkington, L Meuleners, R Ivers, R Grunstein, A Williamson, N Haworth & R Norton	Research Paper	2010	
54.	Port Botany Landslide Improvement Strategy: Reforms are on the Way	Sydney Ports	Information Sheet	2010	
55.	Armed Robbery in Australia: 2007 National Armed Robbery Monitoring Program Annual Report	Lance Smith & Erin Louis – Australian Institute of Criminology	Monitoring Report	2010	
56.	Kink in the Chain: Interorganizational Relations in the Intermodal Supply-Chain	David Jaffee – Department of Sociology and Anthropology, University of North Florida	Research Report	June 2010	
57.	Guard shot dead in raid in money van	A Drummond & M Godfrey – Mercury	Media Report	8 June 2010	
58.	Cash in transit armed robbery in Australia	Lance Smith & Erin Louis – Australian Institute of Criminology	Trends and Issues Paper	July 2010	

59.	Final Report: External Influence on health and safety outcomes in NSW long distance trucking	Transport Workers' Union of Australia & A Williamson & R Friswell	Research Report	August 2010	
60.	Analyses of stevedoring productivity in Australia's five major container ports	G Lubulwa, A Lightfoot & A Malarz – Australasian Transport Research Forum	Research Paper	October 2010	
61.	National Ports Strategy	Infrastructure Australia and the National Transport Commission	Backgrou	December 2010	
62.	Cash in Transit Code of Practice Queensland	Workplace Health and Safety Queensland	Code of Practice	2011	
63.	Road Safety Remuneration Bill 2011 - Regulatory Impact Statement	Department of Employment and Workplace Relations and Price Waterhouse Coopers	Report	2011	
64.	Beyond the employment relationship: Collective bargaining and supply chain coordination	Wright C – British Trades Union Congress	Report	2011	
65.	Safe Rates Submission DEEWR	The Transport Workers' Union of Australia	Submission	11 February	
66.	Follow occupational health and safety procedures	Industry Skills Council	Educative Paper	20 July 2011	
67.	What motivates employers to establish preventive management arrangements within supply chains?	Walters D, James P – 49 Safety Science 988	Journal Article	August, 2011	
68.	Supply Chains and Networks	Michael Quinlan – Safe Work Australia	Research Paper	July 2011	This research report found that economic pressures in the transport industry were most acutely felt by those at the bottom of the supply chain, namely the trucking firms and their drivers. It attributed this pressure as one of the main causes of health and safety compromises.
69.	The Economics of Safety: How Compensation Affects Commercial Motor Vehicle Driver Safety	Michael Belzer	Safe Rates	November	
70.	Coroner's Report into deaths of Jordan Bridge, Makeely Bridge, David Bridge and David Carolan	Magistrate C Forbes – Bateman's Bay Local Court	Coroner's Report	17 November	
71.	Road Haulage in Australia: keeping vulnerable workers safe and sound	Michael Quinlan – School of Organisation and Management UNSW	Media Update	2012	
72.	Improving Safety and Fairness for Road Transport & Distribution Workers	Transport Workers' Union of Australia	Submission	2012	

73.	Regulating supply chains to provide a safe rate for road transport workers	Michael Rawling and Sarah Kaine	Journal Article – Australian Journal of Labour Law	2012	
74.	Cash in Transit	Comcare – Australian Government	Fact Sheet	January 2012	
75.	Port Botany Landside Improvement Strategy	Sydney Ports	Industry Update	February 2012	
76.	Australia's Bulk Ports: Report 135	Department of Infrastructure and Transport	Report	2013	
77.	Australian Sea Freight 2011-12	Department of Infrastructure and Transport	Statistical Report	2013	
78.	The Heavy Vehicle Study – Final Report	Jane Elkington & Mark Stevenson	Report	February 2013	
79.	Drayage Owner-Operators: Understanding Container Drayage Owner-Operators in Metro Vancouver	Asia Pacific Gateway Skills Table	Summary Report	July 2013	
80.	Report for Transport Workers' Union (Federal) Costings to Create a System of Safe, Fair and Sustainable Rates for Employed and Self-Employed Drivers in the Road Freight Industry of Australia (An Extract)	TransEco Pty Ltd	Research Paper	1 August 2013	
81.	Letter to Duncan Gay	Nic Moulis – Australian Convenience and Petrol Marketers Association	Correspondence	22 October 2013	
82.	Obesity and Other Risk Factors: The national Survey of U.S Long-Haul Truck Driver Health and Injury	W Siber, C Robinson, J Birdsey, G Chen, E Hitchcock, J Lincoln, A Nakata and M Sweeney – American Journal of Industrial Medicine	Report on Empirical Study	November 2013	
83.	Cootes Compliance Operation Sees Another Truck Grounded	Duncan Gay – Minister Roads and Ports	Media Release	5 December	
84.	Response to Press re Cootes Transport	Rohan Abeyewardene –McAleese Group (Cootes)	Press Release	6 December	
85.	Ports: job generation in the context of regional development	Department of Infrastructure and Regional Development	Information Sheet	2014	
86.	Containerised and non-containerised trade through Australian ports to 2032-33: Report 138	Department of Infrastructure and Regional Development	Research Report	2014	
87.	Safety management for heavy vehicle transport: A review of the literature	Mooren L, Grzebieta A, Williamson, Olivier J, Friswell R – 62 Safety Science (p.79)	Journal Article	February 2014	
88.	More Defects Found in Cootes Fleet	Duncan Gay – Minister Roads and Ports	Media Release	7 February 2014	
89.	Cootes Tankers Called in for Full Compliance Inspections in NSW	Duncan Gay – Minister Roads and Ports	Media Release	10 February	

90.	The explosive risk	Ann Arnold – ABC Radio National	Media Report	16 February	
91.	Associations Between Heavy-Vehicle Driver Compensation Methods, Fatigue-Related Driving Behaviour and Sleepiness	J Thompson & M Stevenson – Monash University Accident Research Centre	Research Paper	May 2014	
92.	Work-Related Fatalities Involving Trucks, Australia, 2003 to 2011/2	Safe Work Australia	Report	May 2014	
93.	What are the differences in management between characteristics of heavy vehicle operators with high insurance claims versus low insurance claims?	L Mooren, A Williamson, R Friswell, J Olivier, R Grzebieta & F Magableh	Journal Article – Safety Science	10 July 2014	
94.	Cash in Transit Code of Practice	Australian Security Industry Association Limited	Code of Practice	August 2014	
95.	Australian Code for the Transport of Dangerous Goods by Road and Rail (Edition 7.3)	National Transport Commission	Code of Practice	August 2014	
96.	Attitudes towards risk taking and rule breaking in Australian workplaces	Safe Work Australia	Research Report	December 2014	
97.	Interim report of the inquiry into the sectors in the cash in transit industry	S Hutchins & P Ryan – Road Safety Remuneration Tribunal	Interim Report	19 December	
98.	Report on Conferences in Relation to Party Proposed RSRO	Deputy President Asbury – Road Safety Remuneration Tribunal	Final Report	22 December	
99.	Final report of the inquiry into the sectors in the cash in transit industry	S Hutchins & P Ryan – Road Safety Remuneration Tribunal	Final Report	2 March 2015	
100.	Transport Workers' Union of Australia to the Waste Management Inquiry	Transport Workers' Union of Australia	Submission	20 March 2015	
101.	Research project on minimum payments for road transport contractor drivers: KPMG guidance material – Cost model outputs (per hour and per kilometer)	KPMG	Research Paper	April 2015	
102.	Research project on minimum payments for road transport contractor drivers: KPMG guidance material – Cost model outputs (single hourly rate)	KPMG	Research Paper	April 2015	
103.	Research project on minimum payments for road transport contractor drivers: KPMG detailed guidance material	KPMG	Research Paper	April 2015	
104.	Transport Workers' Union of Australia to the Inquiry into the Wharf and Ports Sector of the Road Transport Industry	Transport Workers' Union of Australia	Submission	1 April 2015	

105.	Suicide among male road and rail drivers in Australia: a retrospective mortality study	Milner A., Page K., LaMontagne A – Road and Transport Research 24(2)	Journal Article	June 2015	
106.	Regulating Supply Chains to Protect Road Transport Workers: An Early Assessment of the Road Safety Remuneration Tribunal	Johnstone R., Nossar I., Rawling M - Federal Law Review, 43(3) (pp. 397 – 421).	Journal Article	September 2015	
107.	Report in Conferences Regarding Matters RTD2014/2 & RTO2014/2	Hon Lea Drake & Paul Ryan	Report	14 December	
108.	Panel on Research Methodologies and Statistical Approaches to Understanding Driver Fatigue Factors in Motor Carrier Safety and Driver Health	Federal Motor Carrier Safety Administration (FMCSA) – Commercial Motor Vehicle Driver Fatigue, Long-Term Health, and Highway Safety: Research Needs	Report	2016	
109.	Interim Report – Inquiry into the sectors in the waste management industry	S. Hutchins & P. Ryan – Road Safety Remuneration Tribunal	Interim Report	18 February	
110.	Compromising Road Transport Supply Chain Regulation – The Abolition of the Road Safety Remuneration Tribunal	Michael Rawling, Richard Johnstone & Igor Nossar	Sydney Law Review Published Article	Volume 39 -2017	
111.	The Cost of Road Crashes in Australia 2016: An overview of safety strategies	Litchfield F	Report	May 2017	
112.	Estimates Show Commercial Driver Detention Increases Crash Risks and Costs, but Current Data Limit Further Analysis	Federal Motor Carrier Safety Administration (FMCSA), Office of the Inspector General (U.S. Department of Transportation) – Report No. ST2018019	Report	January 2018	
113.	Why do Long Distance Truck Drivers Work Extremely Long Hours	M Belzer, S Sedo Economic and Labour Relations Review 29(1) (pp 59–79)	Journal Article	March 2018	
114.	Driving Health Report, No 2: Work-related injury and disease in Australian truck drivers	Xia T, Iles R, Newnam S, Lubman D, & Collie A – Monash University	Research Paper	May 2018	
115.	Work-stress factors associated with truck crashes: An exploratory analysis	M Belzer – Economic and Labour Relations Review 29(3) (pp 289–307)	Journal Article	September 2018	
116.	Evaluating the Regulation of WHS through Supply Chain Codes of Conduct in the Retail Transport and Logistics Industry	L Thornthwaite – Centre for Workforce Futures, Macquarie University.	Research Report	January 2019	
117.	Returns to Compensation in Trucking: Does Safety Pay?	M Faulkner and M Belzer - Economic and Labor Relations Review 30(2), (pp 262-284)	Journal Article	March 2019	

118.	Submission to the Inquiry on the Importance of a Viable, Safe, Sustainable and Efficient Road Transport Industry – Senate Standing Committees on Rural and Regional Affairs and Transport	Transport Workers' Union of Australia	Senate Committee Submission	November 2019	
119.	Management of heavy truck driver queuing and waiting for loading and unloading at road transport customers' depots	R Friswell, A Williamson - Safety Science, Issue 120 (pp 194-205)	Journal Article	December 2019	
120.	Safe Rates and Unpaid Labour: Non-Driving Pay and Truck Driver Work Hours	T Kudo, M Belzer – Economic and Labour Relations Review, 30(4) (pp 532–548)	Journal Article	December 2019	
121.	The association between truck driver compensation and safety performance	T Kudo, M Belzer – Safety Science 120 (pp 447–455)	Journal Article	December 2019	
122.	Protecting Gig Workers through Regulatory Innovation	I Nossar, The Regulation and Management of Workplace Health and Safety	Book	2020	
123.	Economic Liberalisation of Road Freight Transport in the EU and the USA	M Belzer, A Thörnquist – The Regulation and Management of Workplace Health and Safety: Historical and Emerging Trends. New York: Routledge (pp 52-79)	Journal Article	June 2020	
124.	Associations of heavy vehicle driver employment type and payment methods with crash involvement in Australia	W Soro, N Haworth, J Edwards, A Debnath, D Wishart, M Stevenson – Safety Science, Issue 127	Journal Article	July 2020	
125.	Submission to the Select Committee on the impact of technological and other change on the future of work and workers in New South Wales	Transport Workers' Union of Australia	Report	October 2020	
126.	Work health and safety of food delivery workers in the gig economy	Dr Convery E, Dr Morse A, Dr Fung B, Wodak S, Powell Z, Dr Quinn V, Dr Taylor M, Dr Searle B, Vårhammar A – NSW Government, Centre for WHS, The Behavioural Insights Team, Macquarie University	Report	November 2020	
127.	Proposal for legal protections of on-demand gig workers in the road transport industry	Rawling M, Riley J – Transport Education Audit Compliance and Health Organisation (TEACHO)	Report	January 2021	

128.	Truck driver reported unrealistically tight delivery schedules linked to their opinions of maximum speed limits and hours-of-service rules and their compliance with these safety laws and regulations	G Chen, K Sieber, J Collins, E Hitchcock, J Lincoln, S Pratt, M Sweeney – Safety Science, Issue 133	Journal Article	January 2021	
129.	Economic Incentives and Market Pressure: Why Markets Require “Safe Rates” Regulation	M Belzer – Evidence before the Senate Rural and Regional Affairs and Transport References Committee Senate Standing Committee on Rural and Regional Affairs and Transport	Senate Submission	April 2021	
130.	Without Trucks Australia Stops: the development of a viable, safe, sustainable and efficient road transport industry	Senate Standing Committees on Rural and Regional Affairs and Transport – Inquiry on the Importance of a Viable, Safe, Sustainable and Efficient Road Transport Industry	Senate Committee Final Report	August 2021	
131.	Submission to the Select Committee on Job Security + Supplementary Submissions	Transport Workers’ Union of Australia	Senate Committee Submission	April 2021	
132.	Road Transport Regulation, Safety and Prospects for the ‘Gig Economy’	Peetz D – Australian Journal of Labour Law 35(3) (pp165-184)	Journal Article	2022	
133.	Fourth Interim Report: The Job Insecurity Report	Joint Select Committee on Job Security – Australian Senate	Report	February 2022	
134.	Constraining the Uber Powerful Digital Platforms: A Proposal for a New form of Regulation of On-Demand Road Transport Work	Rawling M, Riley J – University of New South Wales Law Journal 45(1) (pp7 -34)	Journal Article	April 2022	
135.	Impact of technological and other change on the future of work and workers in New South Wales - Final report - Workplace surveillance and automation	Select Committee on the impact of technological and other change on the future of work and workers in New South Wales	Report	November 2022	
136.	Compensation and Crash Incidence: Evidence from the National Survey of Driver Wages	W Ryley, M Belzer – The Economic and Labour Relations Review, 34(1)	Journal Article	March 2023	
137.	Tough Gig: Worker Perspectives on the Gig Economy	Mawhinney S, Reinhard J, Lefebvre M – The McKell Institute, Queensland	Report	April 2023	
138.	An examination of the relationship between financial performance and safety factors in the heavy trucking industry	W Sor., N Haworth, A Debnath, D Wishart – Safety Science, Issue 164	Journal Article	June 2023	This research paper found that financial pressures on trucking firms led to decreased investment into

APPENDIX B: QUANTITATIVE ANALYSIS OF EFFECTS OF SAFE RATES IN NEW SOUTH WALES

This appendix outlines the methodology for assessing the ultimate effects of the Chapter 6 provisions, and then considers the findings.⁷²

METHOD OF ANALYSIS

To assess the effects of the system on road safety, quantitative analysis of administrative data was undertaken.

It was possible to look at national road safety data to compare the experiences of New South Wales and the rest of Australia. For this purpose, the Australian Road Deaths Database (ARDD) on Fatal Crashes was accessed.⁷³ The ARDD provided data on each fatal vehicle accident since 1989, collated by the federal Bureau of Infrastructure and Transport Research Economics. At the time of analysis, the database contained basic details of 47,419 road transport crash fatalities in Australia, as reported by the police each month to state and territory road safety authorities. It provided data on the circumstances of each crash — for example, the date, location and crash type — up until July 2021. This enabled the authors to analyse crashes involving articulated trucks in New South Wales and the rest of Australia.

Of course, changes in crash rates may reflect a number of factors, including changes in road conditions, road rules and traffic density. Rather than seeking to model the effects of each such factor, we proxy the impact of such changes through the crash rates for other vehicles (that is, other than articulated trucks, which are the heaviest vehicle on the roads and the group most directly regulated by Chapter 6).

Two measures test for the potential effect of Chapter 6 on truck crashes:

- changes in the proportion of fatal crashes in New South Wales that involve articulated trucks, compared to changes in the proportion of fatal crashes in the rest of Australia that involve articulated trucks; and
- changes in the NSW share amongst Australian fatal crashes that involve articulated trucks, compared to changes in that state's share amongst Australian fatal crashes involving other vehicles.

These are imperfect measures of the safety effects of the Chapter 6 reforms. For one thing, many articulated trucks are driven by employees or other people not covered by Chapter 6 (which has quite a narrow definition of contract carriers that it covers). For another thing, many truck drivers covered by Chapter 6 will be driving non-articulated trucks that are thereby defined as other vehicles for the purposes of these data.

Both these features will tend to mask any effect from the Chapter 6 provisions and reduce the chance that a significant difference will be found. In addition, there may be some factors that affect road safety for articulated trucks in New South Wales but not for other road users, and not for articulated trucks in other states. Nonetheless, the data may assist in assessing the potential relevance to user safety of the Chapter 6 reforms.

RESULTS: SAFETY EFFECTS

Figure 1 shows, for the period 1989 to 2021, the proportion of fatal crashes each year that involved an articulated truck in New South Wales and the rest of Australia.

Ordinary least squares (OLS) trend lines are shown for each series. At the start of the period, a considerably higher proportion of fatal crashes involved articulated trucks in New South Wales than in the rest of Australia (the former was about a third higher than the latter); by the end of the period the proportions were almost identical. Over the period, the proportion in New South Wales fell by close to 0.1 percentage points per annum (as indicated by the slope on the trend line). For the rest of Australia, there was no discernible, consistent change over time.

Over the period 1989–2021, there were 1,586 fatal crashes in New South Wales involving articulated trucks. Had the share of articulated trucks in total crashes remained unchanged over this period at 12.0% (the level indicated by the OLS trend equation for the beginning), there would have been 1,757 fatal crashes involving articulated trucks, 171 more than actually occurred. As an average of 1.2 people were killed per crash involving an articulated truck in New South Wales over this period, this difference would be equivalent on average to about 205 lives. As Chapter 6 commenced 10 years before the start of the series, this number likely underestimates the impact of the legislation in reducing loss of life.

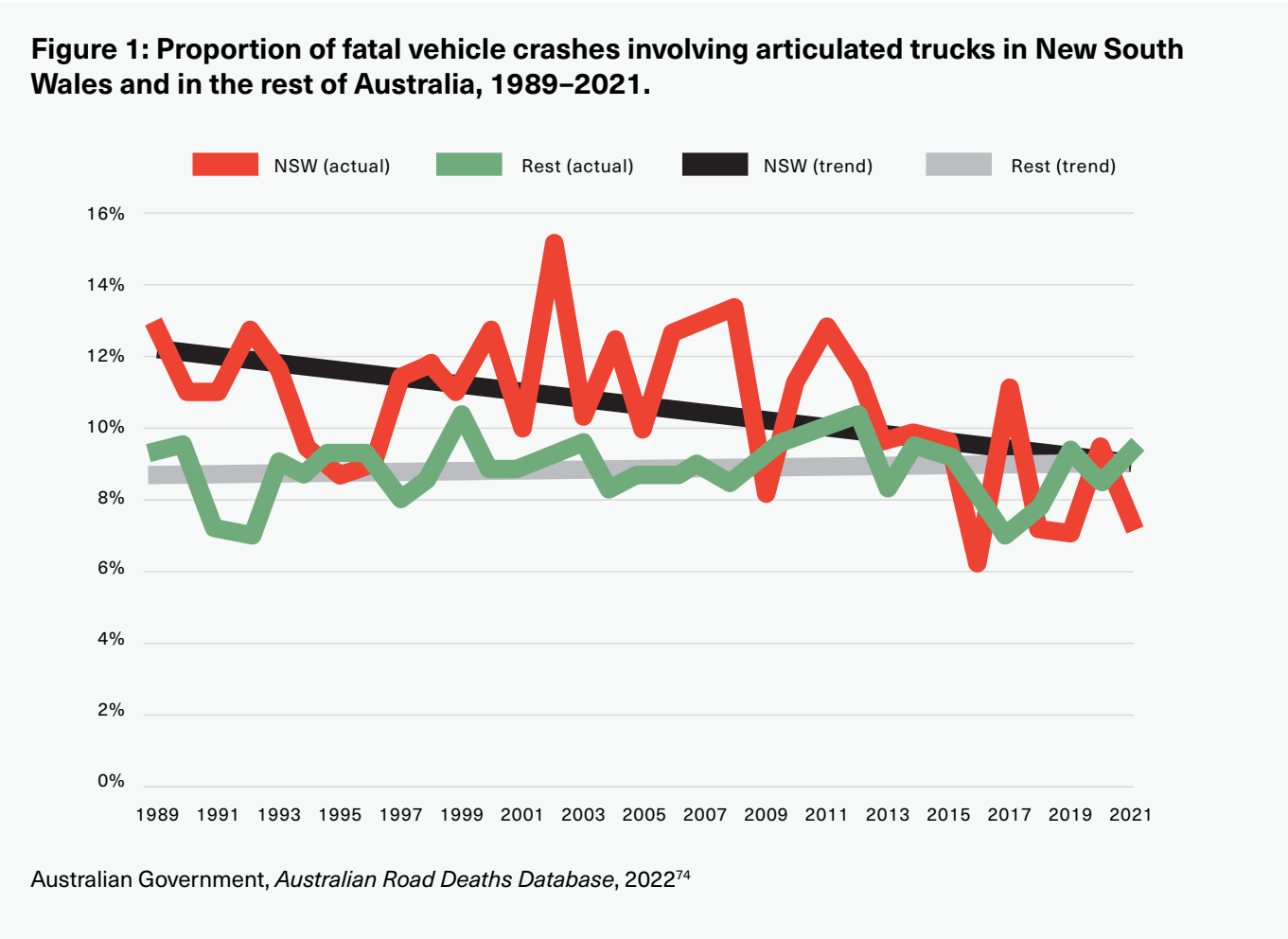


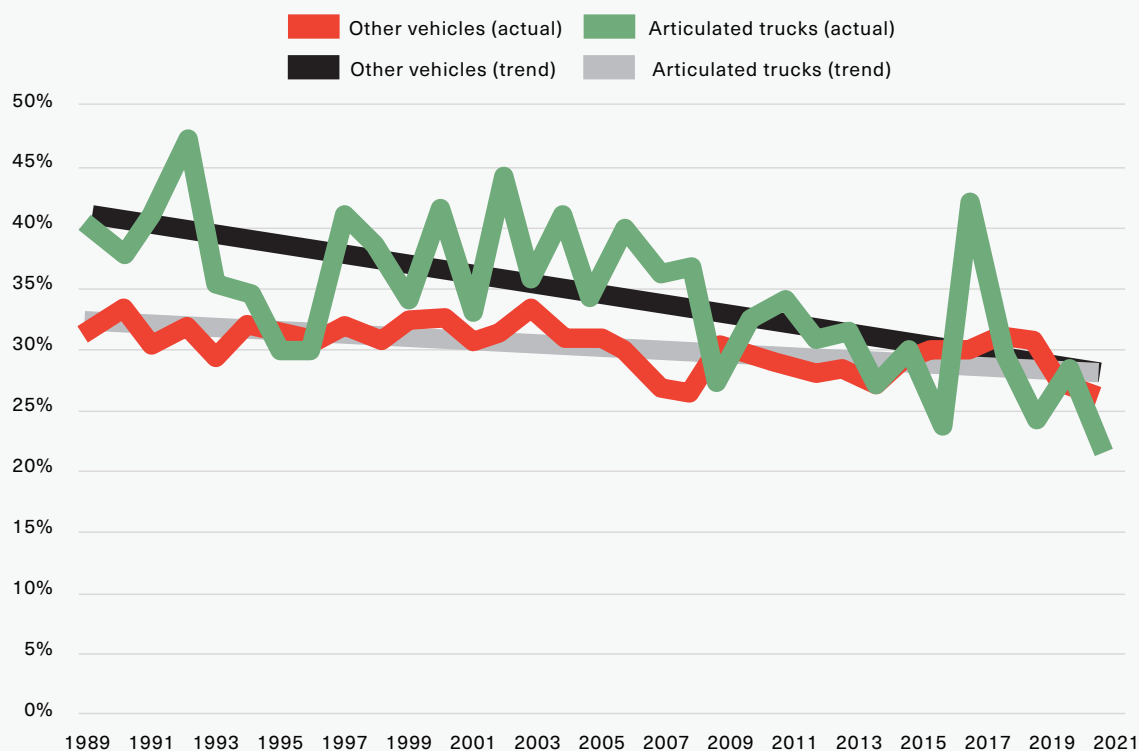
Figure 2 shows the data expressed in a different way: the proportion of fatal vehicle crashes in New South Wales accounted for by articulated trucks and by other vehicles.

In both series, the proportion of fatal crashes declines, but for articulated trucks the decline is quite large, about 0.38 percentage points a year according to the trend line, which is over three times the rate of decline for other vehicles, which is about 0.12 percentage points a year. At the beginning of the period, the share of fatal heavy vehicle crashes is nearly nine percentage points more than the share of crashes of other vehicles; by the end of the period, the proportions are almost identical.

While these data cannot be conclusive, because of the presence of non-Chapter 6 drivers amongst articulated truck drivers, the fact that a small proportion of drivers of other vehicles would be covered by Chapter 6 (both factors understating the impact of Chapter 6), and the possibility that other factors affected the safety performance of articulated truck drivers in New South Wales but not that of other road users in that state or of drivers of articulated trucks in other states, the data are nonetheless suggestive of a *prima facie* case that, over time, Chapter 6 improved road safety for truck drivers in New South Wales.

Additional regression analyses were undertaken to examine in greater detail the apparent decline in NSW fatal accidents involving articulated vehicles. For these, the total number of fatal accidents was the key outcome.

Figure 2: Proportion of fatal crashes accounted for by articulated trucks and by other vehicles in New South Wales, 1989–2021.



Australian Government, *Australian Road Deaths Database*, 2022⁷⁵

At the outset, it should be noted that fatal accidents have been in long-term decline in Australia, by slightly over 2% per year, since the data were first collected in 1989. So, first, the long-term declines in fatal accident rates were calculated for New South Wales and for the rest of Australia, by whether the accident involved an articulated truck, using OLS regression. The unit of analysis was the month, and the period covered was from January 1989 to December 2020, generating a total of 384 observations. In each equation, time (measured in years) was the explanatory variable and, as the long-term trend over time is the key item of interest, the natural

logarithm of the number of fatal accidents of that type of accident was the dependent variable. (For zero values, a proxy estimate of 0.01 was substituted to allow the observation to be included.)

The resultant estimates of average annual decline are shown in Table 1. They show that the average annual decline in fatal accidents involving articulated trucks in New South Wales was 5.0%, around double the average annual decline in other fatal accidents in New South Wales or in fatal accidents in the rest of Australia.

Table 1: Average annual decline in fatal accidents, 1989–2020

Type of fatal accident	Location	Average annual change
Involved articulated trucks	NSW	-5.0%
Other vehicles only	NSW	-2.6%
Involved articulated trucks	Rest of Australia	-2.0%
Other vehicles only	Rest of Australia	-2.1%

Table 2 shows regressions predicting the number of fatal vehicle accidents involving articulated trucks in New South Wales over the period 1989–2020.

The dependent variable is the number of accidents (not its logarithm), as the number of accidents on an individual quarter does not build on the number in the previous quarter (unlike in, say, a regression predicting wages or unemployment), and the numbers can vary substantially between months. Equation (1) shows that there is a significant negative trend over time (confirming the finding in Table 1), while Equation (2) includes other variables representing the number of other fatal accidents in New South Wales, and the number of accidents in the rest of Australia.

It shows that, while the number of heavy vehicle accidents in New South Wales tends to fall when the number of other accidents in the state do (reflecting the common effect of some road safety measures), the decline in heavy vehicle accidents is substantial even after this is controlled for in the equation. That is, the long-term decline in articulated truck accidents in New South Wales cannot be explained by any factors that influence general road safety in that state or across the rest of Australia.



Table 2: Regressions predicting number of fatal vehicle accidents involving articulated trucks in New South Wales, 1989–2020.

	Equation (1)	Equation (2)
Constant	6.291 (0.210)	4.74 (1.150)
Time	-0.137** (0.011)	-0.108** (0.022)
Fatal accidents, other vehicles, NSW		0.037* (0.016)
Fatal accidents, rest of Australia		-0.002 (0.010)
N	384	384
adj	0.273	0.280
F	144.808	50.639
F significance	0.000	0.000

(Standard errors in brackets)

* Significant at 5% level

** Significant at 1% level

ENDNOTES

1. An earlier and considerably shorter version of some of the material here appears in Peetz D and Boutros J (2024). Regulating and Organizing “Gig Workers” Since the 1970s: The Case of Owner-Drivers in New South Wales, Australia. In Laroche M and Murray G (eds). Experimenting for Union Renewal: Challenges, Illustrations and Lessons. European Trade Union Institute, Brussels.
2. Truck-related fatalities are monitored and collated by the TWU based on media reporting of truck crashes. Regular updates on these statistics are published on the TWU website at <https://www.twu.com.au/press/>.
3. Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (2021). National Crash Dashboard.
4. Bureau of Infrastructure, Transport and Regional Economics (2016). Heavy truck safety: Crash analysis and trends, Information sheet 78, Canberra.
5. See survey of food delivery riders by the Transport Workers’ Union, Delivery Riders Alliance, reported in TWU (2020). Submission to the NSW Legislative Council Inquiry into the Impact of Technology and Other Change on the Future of Work and Workers in New South Wales, Submission No. 30, Sydney, 7.
6. See pg.5, Department of Infrastructure, Transport, Regional Development and Communications (2022). Reducing Heavy Vehicle Lane Departure Crashes: Consultation Regulation Impact Assessment.
7. Now called a ‘modern award’.
8. David Peetz (2019). Realities and Futures of Work, Australian National University Press, Canberra.
9. Meyerson H. Why Trucking Can’t Delivery the Goods. The American Prospect (2022, February 7).
10. Safe Work Australia (2021). Work-Related Traumatic Injury Fatalities, Australia 2020, Canberra.
11. Australian Bureau of Statistics (2018). Unpublished data from Australian Bureau of Statistics, Employee Earnings and Hours, Australia, Cat No 6306.0.
12. Quinlan M (2001). Report of Inquiry into Safety in the Long Haul Trucking Industry, Motor Accidents Authority of New South Wales, Sydney.
13. M Quinlan. ‘FactCheck: Do Better Pay Rates for Truck Drivers Improve Safety?’, The Conversation, (2026, April 13); Australian Bureau of Statistics (2018). Employee Earnings and Hours, Australia, Cat No 6306.0, ABS, Canberra; Safe Work Australia (2015). Notifiable Fatalities Monthly Report; Quinlan M (2001) above n12.
14. Monash Insurance Work and Health Group (2020). Driving Health Study Report No 6: Survey of the Physical and Mental Health of Australian Professional Drivers, Monash University, Melbourne.
15. Safe Work Australia (2021). Work-Related Traumatic Injury Fatalities, Australia 2020, Canberra.
16. Safe Work Australia, (2019). Work-related Traumatic Injury Fatalities.

17. Palu K. Food Delivery Rider Hit by Truck Becomes Fifth Death in Three Months. Yahoo News Australia (2020, November 23).
18. Bonyhady N. DoorDash Reveals Second Courier Died in Two-Month Span. Sydney Morning Herald (2021, September 10).
19. TWU (2020). Food Delivery Rider/Driver Survey.
20. Australian Securities and Investment Commission (2019). Insolvency Statistics.
21. *ibid*
22. Mayhew C and Quinlan M (2006). Economic pressure, multi-tiered subcontracting and occupational health and safety in Australian long-haul trucking. *Employee Relations* 28(3), 225.
23. The McKell Institute (2023). Tough Gig: Worker Perspectives on The Gig Economy.
24. See for example brokerage rates reported at SupplyChainDive. Amazon launches digital freight brokerage (2019, April 29).
25. McKell Institute (2023). Tough Gig: Worker Perspectives on the Gig Economy.
26. Centre for WHS (2020). Work health and safety of food delivery workers in the gig economy. Sydney: NSW Government, 26.
27. TWU (2020). Survey Shows \$10 Pay for Food Delivery Workers as NSW Politicians Push for More Rights.
28. Ofload (2023). About us.
29. Senate Education and Employment Legislation Committee (2023). Official Committee Hansard, Fair Work Legislation Amendment (Closing Loopholes) Bill 2023, Sydney, 3 October 2023, 9.
30. *ibid*
31. *ibid*
32. *ibid*, 10.
33. *ibid*
34. *ibid*
35. *Ibid*, 11.
36. *ibid*
37. *ibid*
38. *ibid*
39. Mark Reynolds (2023). Submission into the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 (Provisions), Education and Employment Committee, Submission No 142, Canberra, September 2023.
40. Glyn Castanelli (2023). Submission into the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 (Provisions), Education and Employment Committee, Submission No 149, Canberra, September 2023.
41. Peetz D (2022). Road transport regulation, safety and prospects for the “gig economy”. *Australian Journal of Labour Law* 35(3), 165-184.

42. Kaine S and Rawling M (2010). Comprehensive Campaigning' in the NSW Transport Industry: Bridging the Divide Between Regulation and Union Organizing. *Journal of Industrial Relations* 52(2), 183-200.
43. This summarises the key quantitative findings from Peetz D (2022). Road transport regulation, safety and prospects for the "gig economy". *Australian Journal of Labour Law* 35(3), 165-184.
44. Transport Industry — Courier and Taxi Truck Contract Determination [2022] NSWIRComm 1003.
45. Johnstone R, Nossar I and Rawling M (2015). Regulating Supply Chains to Protect Road Transport Workers: An Early Assessment of the Road Safety Remuneration Tribunal. 43 FLR 397.
46. Peetz D (2019). *Realities and Futures of Work*. Australian National University Press, Canberra.
47. See Uber – Transport Workers' Union of Australia. Statement of Principles and Commitments for Workers in the On-Demand Economy (2022, June 28); Doordash, TWU Ink New Charter On How To Deliver Rights, Safety to All Transport Workers (2022); and Menulog – Transport Workers' Union of Australia Charter of Principles and Ongoing Commitments to Ensure Safety and Fairness for On-Demand Delivery Couriers (2023).
48. Road safety pay tribunal back on agenda after unions, industry, Uber agreement, SMH, (2022).
49. See Road Transport Roundtable: Agreed Principles for a Safe, Sustainable & Fair Road Transport Industry (2022, August 29).
50. *ibid*
51. s15P(1)(e) of FW Act (p128) of the amended Fair Work Act.
52. ss40E to 40G, s536KA to 536KD of FW Act and ss239 to 245 of the Loopholes Act No 2
53. ss40H and 40J of FW Act
54. ss 536JJ to 536JN and 536MH to 536MX of FW Act
55. s536JT of FW Act
56. s40D and s536JX of FW Act
57. s536JX(a)(vi) and (vii) of FW Act
58. s536JX(a)(v) of FW Act
59. s536JX(b)(i) of FW Act
60. s536JX(b)(ii) of FW Act
61. s536JX(a)(iv) and s536JX(b)(iii) of FW Act
62. s15AA of FW Act. The definition had been narrowed though interpretation by the High Court of Australia, so this provision largely reinstated, for most purposes, the definition that had been in effect prior to the High Court's decision.
63. ss536LD-LE of FW Act
64. ss536KR to 536KU of FW Act
65. s536KM of FW Act
66. See footnotes 57 to 59

- 67. sub-section 558B(1) of FW Act
- 68. sub-section 558B(2) of FW Act
- 69. via the Fair Work (Protecting Vulnerable Workers) Act 2017 (Cth).
- 70. Peetz D (2019). Realities and Futures of Work. Australian National University Press, Canberra.
- 71. The power to make these regulations is in s40J.
- 72. Much of this Appendix reproduces material that originally appeared in David Peetz, 'Road transport regulation, safety and prospects for the "gig economy"', Australian Journal of Labour Law, 35(3), 165-184, 2022.
- 73. Australian Government, Australian Road Deaths Database, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 2022.
- 74. ibid
- 75. Ibid

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49-60 Borough Road
London SE11DR
+44 (0)20 7403 2733