

Controversial history of Road Safety Tribunal shows minimum pay was doomed from the start

Written by The Conversation USA

The federal government is rushing to abolish the Road Safety Remuneration Tribunal (RSRT) after the tribunal issued a controversial pay order establishing a national minimum pay rate and unpaid leave for truck drivers. This latest move is not surprising as the tribunal has had a short history plagued by controversy.

The government has indicated that, in legislating to abolish the RSRT, it will shift some of its functions to the [National Heavy Vehicle Regulator \(NHVR\)](#). The NHVR's role is usually holding various stakeholders, like trucking companies and owner-operator truckers, accountable for implementing safe work practices, but its jurisdiction doesn't extend to pay orders.

Given that abolition of the RSRT is foreshadowed because of its role in setting pay rates for contractor drivers, it is very unlikely the government will seek to add this function to the NHVR.

The history and purpose of the RSRT is rooted in addressing the problem of a uniform pay for truckers. When it was established in 2012, it was tasked with promoting safety in the road transport industry, primarily through pay.

It was created after the National Transport Commission [found in 2008](#) that there was a link between driver remuneration and safety outcomes for truck drivers. The commission recommended a national scheme to set minimum safe rates for employee and owner drivers.

The tribunal is independent from the Fair Work Commission and regulates both employee drivers and contractor drivers, their employers and hirers and participants in the supply chain, such as supermarkets.

At first the RSRT spent time examining a broad range of stakeholder submissions from all parts of the road transport sector and engaged in widespread and lengthy consultation with industry stakeholders. From this, the main outcome has been two orders: the Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014 (Road Transport Order) and the most recent Contractor Driver Minimum Payments Road Safety Remuneration Order 2016 (Payments Order).

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The tribunal had only been established for 14 months when the Abbott Coalition government in 2013 contracted Jaguar Consulting to assess the RSRT's operation. In April of that year, [Jaguar Consulting reported that](#) the tribunal had achieved little of a concrete nature (it was yet to issue the 2014 order).

For the Jaguar report authors, only evidence of a decline in collisions and fatalities among truck drivers would have been valid indicators of whether the RSRT had improved road safety. Given that the RSRT had been in operation for such a short time and had yet to make any orders, that sort of data did not yet exist.

The Jaguar report did provide data showing that heavy vehicle collisions and fatalities had declined in recent years by a similar proportion to other forms of road transport. It attributed this to improvements in road safety generally. However, the the latest data on which it drew was from 2012, prior to the establishment of the RSRT.

In making its first order in 2014, [the Road Transport Order](#) , the RSRT set out minimum entitlements and requirements such as safe driving plans, payment time, drug and alcohol policies, training, whistle-blower protection and dispute resolution. The only specific provision regarding remuneration was Part 4, which imposed a requirement that when owner drivers issue invoices for payment they must be paid within 30 days.

[The payment order in 2016](#) , now the subject of considerable political discussion, established national minimum rates and unpaid leave to come into force on April 4, 2016.

It is not surprising that some owner drivers are anxious about this payment order and want its operation delayed. These drivers are probably among the most poorly remunerated in the industry and have extensive debt wrapped up in their trucks. Many are making a marginal living at best.

However, this situation cannot go on forever. Their situation will not improve until the supermarket chains, product manufacturers and other organisations at the top starting negotiating decent pay into their contracts. If the RSRT is abolished, these corporations will continue to avoid responsibility.

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To assist in this transition, the federal government should be looking at developing a structural adjustment policy to ease the concerns of owner drivers as change occurs. Instead, the government is proposing to abolish the RSRT and transfer its powers to the NHVR.

The NHVR is a national body set up by an intergovernmental agreement between federal, state and territory governments. It relies upon matching legislation passed in each jurisdiction. Gaining agreement to substantial changes in its role cannot be done overnight or by the stroke of a pen in Canberra.

If, as the National Transport Commission said in 2008, the remuneration of drivers is linked to safety outcomes, owner driver safety will remain a long way off.

Louise Thornthwaite does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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