



**Statements from owner-drivers
Impact of Road Safety Remuneration Tribunal Act on their personal
lives**

These statements are 'cut and pasted' from emails sent to Independent Contractors Australia between 9 April 2016 and 14 April 2016.
(full names and addresses removed for privacy)

Presented to High Court Chief Justice 15 April 2016 in our application for an injunction against the RSRT.

1. Suzie: NSW

Hi Ken,

There are 3 stories , about our business within this letter.

We, John & myself live in Tomingley, we do a monthly run to Darwin & return, with a triple roadtrain, with loading beginning from Newcastle,(5 hr drive to even go & load) , we now have NO freight home, a long way to go with no return freight !

3 weeks ago we were sent paperwork requiring us to complete & sign. The first part of our paperwork, was to sign a binding 3 month contract (we have NEVER been asked to sign anything prior) This contract holds us to each other for a minimum of 1 month, before each other can give notice of dismissal on the other.

The second piece of paper, was a questionnaire wanting to know the running of our business, (company, partnership or owner driver, in which we are all 3, I will explain if you need further clarification)

Our run starts in Newcastle, we load 3 trailers for K&S freighters, we also top load any freight we can find to take to Darwin. We deliver anywhere along way, on the trip. Once in Darwin , we usually load back out of Darwin to MacArthur river mine for tolls, that freight is now gone! We would then run empty to Mt Isa & reload there for Sydney/Newcastle. That freight is also now gone.

So , we are held in contract to run to Darwin , with no return freight . We also usually top load home , with cars , boats, 3 or 4 pallets of stuff ,whatever we can find for the trip home, now this is also a problem with the RSRT order, how do possibly do it legally. We cannot charge for a full load of \$7000.00 for 1 car for example, it just crazy & completely unfair , as obviously it prices us out of the market !

The next problem we have is that I, Suzanne also have my own road train & do harvest work, the fact that I'm an owner driver means that the RSRT Order will also, put me out of work. I simply work the 2-3 months that the grain harvest runs for & I usually earn anywhere between \$15,000-\$50,000 per year, just on harvest. The Order will stop me, with the 500 klm range that it specifies, plus the fact that I'm an owner driver.

The next problem, is that within the family partnership, John's brother David, who runs a stock truck has now also lost his work with small independent farmers, who he used to carry their stock for. He can no longer trade with those farmers, as they cannot afford to use his service, now that the order is in. His truck is sitting, costing us money.

This is where our family partnership is at stake. We simply cannot go to work. We are not viable, due to this Order.

I sincerely hope, that you have success with your bid, as we have no voice & I've emailed hundreds of people, who have been so against this order. People who not even in the transport sector, who are worried that if this makes it through, then who's next. We have joined the ICA for a period of 3 years, hoping you can help us with a possible contract that hangs in the balance here. Good luck,

2. Gary Queensland

My name is Gary. I am an owner driver. I am a long distance interstate operator that mainly focuses on far North Queensland, the Northern Territory and the Southern States ie: Sydney and Melbourne. The usual configuration I run is either a B Double or A B Triple.

The new rates that the RSRO 2016 imposes on me means that my clients can not afford to hire me as I am too expensive, by law they must charge the minimum rate or higher, or put themselves and me in a position to be fined large fines for non compliance of the RSRO 2016, while the large transport companies that are immune from using the RSRO 2016 for quoting and charging prices can charge the pre RSRO 2016 prices or for that matter whatever price they choose to charge.

I am priced out of quotes to go down to the southern states so that means that I also do not get back loads back from there, it is not profitably to go down empty hoping to get a load back. With the pricings working on km's and hours it also means less money heading up to far North Queensland if companies and clients choose to pay only the minimum rate that is quoted on the RSRO 2016 compared to what I use to be able to negotiate, by stating a minimum price it gives the impression to the customer that is all they are required to pay. With these new rates it costs more money to the clients to back load their loads which means the growers direct or distribution companies aren't going to use me as they can get their produce down cheaper using large transport companies that the RSRO 2016 doesn't dictate prices too.

Previously we could work out prices using pallet spaces or tonnage this allowed for

fair pricing to the clients, for multi customer loads on the one load or multi drops for the one customer, this new RSRO 2016 doesn't cover any of that and doesn't allow us a way to charge accordingly or fairly. For example Mareeba to Sydney new price \$6042.02 my old price \$5600.00 a difference of \$442.02. Mareeba to Melbourne new price \$7083.36 my old price \$6400.00 a difference of \$683.36 These prices may look like only a small increase but for the farmers that have to compete for fair prices in a tough economic climate these added costs make a huge difference to their income and they will have to go with whoever can move their produce the cheapest. which will be the larger transport companies.

The RSRO 2016 is worked out using km's and hours worked and the amount of trailers used but doesn't consider weight of the load, lighter loads use less fuel and less wear and tear on equipment especially tyres this would of been taken into account previously when quoting prices to a client. Also the location of where the load was been delivered to would of been a deciding factor in quoting previously, not all locations are able to offer a back load back, they are often in extremely remote locations or the season isn't right for loading back or it may be that the type of trailers you used to deliver the load aren't suitable for using to obtain a load back. That is why you have to factor this in to a quote not just a standard hourly rate and km rate.

Kind Regard,
Gary

3. Yogi: Western Australia

Morning Ken,

I am an owner driver and this RSRT order will effect our business.

We move oversize farm machinery all around WA and across the country. As of the introduction of the RSRT we now have to quote from Perth to Melbourne a safe rate of \$6,389.08.

Which is a skinny margin but...

My concern is that a company can quote just under the safe rate and we will lose the west to east freight which in turn will stop us earning the better money from Melbourne to Perth of around \$9,000 a load.

This has the potential to stop me earning around \$150,000 per year on East/West freight.

I am all for a 'base' rate but everyone need to be on the same page!!

I live in the real trucking world of a 100 percent independent owner driver who quotes to a different customer each and every day!!

If there is anything I can help you with please email or ring me.

4. Gerard: Queensland

Hello

My name is Gerard

I have been an owner driver for 30 years. In that time I have contributed to Australia through Income Tax, PAYG, paying GST, paying sales tax in earlier years. Purchasing new vehicles, paying government stamp duty, fuel from local suppliers, repairs and maintenance with local industries and tradespeople.

In the thirty years, I have carted many products including
*Tonnes and tonnes of grain for harvest along Eastern Australia, to end users such as export to Port of Brisbane for grain containers. include Inghams Chickens, Steggles, local feedlots)
from Brisbane to local farmers in 400km radius
*road base & sand in local area within 400km radius
*flat top work including cotton to gin and then at times processed cotton on to the Port of Brisbane

Being an owner driver without any employees much of the work is undertaken on a sub contract basis.

The impact of RSRT is that organisations whom i currently sub contract to have indicated they will not be part of this – hence limiting income/work options.

The vehicle and machinery I have for my business will be worthless taking values from currently around \$1million to \$100K (that is if you can find room at an auction yard...potentially less if it becomes scrap metal)

Impact on debt payments will be very challenging given less income. At the same times less to no incentive to upgrade and support local businesses.

At the same time registrations of \$25K pa are still due. + payments.

Warm regards

Gerard

5. Adrian:

To whom it may concern

With my understanding of the RSRO, I can not see how the company that I subcontract to can possibly continue to use myself, my truck and trailers.

This is because with the RSRO, the hirer has to by law ensure they pay me the safe rate for the work I perform, even though this may be for work over a 28 day period or for each load. Part of our problem is that we work in the produce industry which is seasonal, so we may have 9 good months a year and 3 months which will fall short of

Safe Rates.

As Safe Rates only apply to contract drivers and not all parties in the industry it will make more sense to the hirer to use someone who does not fall under the RSRO to do the job that I now do because that will remove all the problems for the hirer having to determine whether or not the work will meet Safe Rates or whether they will have to pay more for that load to meet Safe Rates

To keep my truck working as is, I will have to employ a full time driver and get a job myself driving for someone else to make income. How fair is all of this? I have been an owner driver for 30 years and have been operating my own business successfully up to now.

I do not feel any of this is going to help in any way whatsoever in making our roads safer to drive on. If I am forced to go down this path, this will put more pressure on me as I will still be controlling my business while being employed by someone else.

Adrian

6. Craig: Queensland

I am an owner driver with one truck and some trailers; I do a range of work as a small family business for a number of small operators which are also family business, now that this order is in place my business cannot compete with the larger companies when quoting for work.

I do not work for large companies but work in groups of smaller owner operators which still do a range of large work in Queensland. These companies set about put together loads with smaller amounts of freight to make up a load, but the big companies can go and do pickups and put all the part loads together and make up a load but I am not allowed to do this, I have to charge more than Mr. Toll down the road, how **discriminative** is this it is suppose to be a **Fairwork place** so how fair is this, I have no problem with the order if it was **fair an equal playing field** it should be right across the transport industry if we need to change anything it need to be everybody accountable for what is paid to anyone not just an **owner driver why should we be singled out**.

This is all one sided and that is larger transport operators getting a 100% there way. What will happen to the flow on effect from no work for the small guys? Deliveries of Chep pallets to the DC for Coles & Woolworths are nearly all owner drivers prime mover are towing bigger company trailer so they all loose there jobs. Deliveries to Supermarkets same deal Owner Driver towing trailers for Coles & Woolworths or Companies that work for those companies. Milk deliveries how does the milk get to the Paul's & Parmalate delivered by small business. Nobody has taken a look at the flow on effect that this will bring to the industry.

To close my business will cost my family its living, my house and will not allow for my family members to continue and make a living from the transport industry. So I

am left without a job from the 7th April I will have to hand back my truck & trailers to the banks along with my house and left with no living except to go find a job with someone else.

At the end of the day after 10 years in the Defence Force working for the government the government is going to shut down my small this is not the Australian Way to do business, I thought that if you work hard you get results but the union don't want this they do not want owner driver.

This order is unworkable and will not get freight rates to where they should be it will only make the bigger companies such as the Toll Linfox Woolworths & Coles have a monopoly over the entire transport chain this will not fix the queuing at supermarket chains it will only stop the owner driver queuing because there will be no owner driver.

This order will close my business and a lot of other smaller business such as truck parts small mechanical electrical & tyre business that all make up a part of the Industries of owners of small business this is not just about Transport but anything else that is linked to Transport with the flow on effect.

I only hope that the government is ready for the 35,000 to 45,000 owner drivers or (contractor drivers) with unemployment benefits that are going to be paid to everyone out of work after the overturning of the order on the 7th April. The country is just a joke our government are happy to let the unions run our country.

Craig

7. Kevin: North Queensland

The RSRT order has already had a major effect on my small transport business I loaded in north Queensland the morning of the 7/4/2016 before the Federal Court announced at 4 15 that afternoon that the stay of the RSRT order was lifted and the order is now in place I unloaded at Woolworths Larapinta on the Morning of the 9/4/2014 knowing that this could be the last job that I will carry .

On the 8/4/2014 I contacted the main transport company that I work for Drader Logistics ad was told that due to the RSRT order im no longer employed as a subcontractor and the reason given is that the RSRT rate is much higher than what he charges his customers

example he gets \$1850 for a load Brisbane to parkes in New South Wales I get \$1450 plus GST if its on the RSRT rate he would have to pay Loading time 2 hours \$78.62 11.75 Hours drive time \$461.89 955.5 kilometers \$1396.86 unloading time 2 hours \$78.62 legal ret periods on trip ½ hour x2 \$39.31 total for hole trip on RSRT rate to Parkes from Brisbane \$2055.30 the RSRT rate is far beyond what Drader Logistics gets payed as a prime contractor and you can see why I am not employed anymore

from these figures I then go to Melbourne empty to load frozen food to Brisbane now I cant do my regular Melbourne load as I cant get there ad ifi wet to Melbourne empty

to load my regular frozen load out of Melbourne after paying fuel registration insurance tyres wear add wear and tear maintenance on a klm basis it works out a minus \$ value

ive tried to get other work but been told by major transport companys that im registered to load with sorry we cannot load owner drivers ay more due to excessive RSRT Rates

so no work bank payments wont be able to be meet or truck payment registration meaning in a short time banks and finance companys will take possession of every thing under finance then they will sell me up leaving me a older person of 65 with nothing

Kevin

8. Denise: Queensland

Dear Ken,

As a financial partner in my sons business I am extremely distressed about the legality of this order and what it is doing to him as an owner driver and to all other owner drivers with in Australia.

Malcolm has only been in business since 25th February 2015 and is just getting going, I financed him with my super to set him up expecting to have a return by the middle of this year. At this point I am unlikely to get any money back and he will probably go bankrupt.

Already it is impossible to get any loads due to the set prices owner drivers now have to charge, which are quite unrealistic and who has the right to tell them what they must charge anyway, what other small business is there that is told they must charge a certain price for a service?

Trucking is the lifeline in Australia for moving any sort of freight and already it is being compromised no one wants to pay these exorbitant prices, their trucks will be worth nothing on the market and where are 35,000 drivers going to get work , many will loose their houses because with out work they will default on mortgages truck , trailer and insurance payments not to mention servicing, fuel and tyres which keep them safely on the road.

I trust that this will help in your quest to get this order overturned should you need any further information please don't hesitate to let me know

Regards Denise

9. Karen and Mal: Queensland

Hi Ken and Senator Xenophon.

As owner operators of our small family trucking business, my husband and I are extremely fearful for our future.

We have been in business for just over a year and are concerned that the implementation of the 2016 RSRO will result in the closure of our business within weeks if something is not done to overturn this ruling.

We have already felt the impacts of the order over the past few days with customers refusing to pay the rates we now have to charge, and hirers we have previously used telling us that regretfully they are no longer allowed to work with owner drivers. Hirers have actually told us they 'hate' the new order. Customers - the general public - have advised they a) have not heard about the order at all, or b) have heard something, but did not realise it would increase the rates for transporting their goods when utilising owner drivers.

As a new business, every cent we earn goes straight back into paying our running costs - we do not have cash reserves on hand to prop us up while we wait for customers to hopefully accept the quotes we submit at the new rates. As mentioned above, every quote we have submitted over the last few days has been declined as the new rates are far too high - especially for customers only wanting to transport goods that would previously have been charged at a part load rate. The order dictates that each load regardless of size /type must be charged the same rate. Customers do not want to pay, what is for all intents and purposes, a full load rate for a part load. Their argument is, and will continue to be, that they haven't in the past, so why should they now? The rates for full loads are also too high for some customers, with the charge to transport their item(s) costing more than the items themselves.

The continuation of the order will see us defaulting on all payments due for the coming month and, if we are not able to negotiate agreements with these invested parties, this will also mean the repossession of our truck and trailer at minimum. We are hopeful this will not happen, however, unless we can secure any loads at the new rates, this seems the likely outcome.

We just do not understand why owner drivers are being targeted with this two tier rate system that only serves to support big business and the unions, while sending small business to the wall. We just want it to be fair across the board. One rule for all in this industry. How the TWU and the RSRT can truly believe that dictating to us how we should run our businesses is fair is beyond me. As one of the truckies on the news said last night, this order is like telling IGA and ALDI how much they are allowed to charge for products, yet Coles and Woolworths can still charge whatever they want. What ever happened to giving everyone 'a fair go'?

Your assistance in voicing our concerns and your support of Australian small businesses like our own is greatly appreciated.

I have also attached the email received from Senator Glen Lazarus following our

signing of his petition regarding the 2016 RSRO for your information. This is just one of the many petitions out there in support of owner drivers.

We will continue to fight for what is right.

Many thanks and kindest regards,

Karen & Mal

10. Darrell: Victoria

Hi Ken,

My name is Darrell. I have been an owner driver for the last 17 years.

For the last 3 years I have been working fully as an independent contractor with a mix of my own work (about 15%) and sub-contract work.

The first 14 years were as a “tow operator” meaning I towed someone else’s trailers.

During this time I have paid off 3 trucks that were all purchased brand new. My wife and I just visited the Kenworth factory at Bayswater Vic on Friday to see our new truck come off the production line.

We are now in limbo as to whether or not we will be able to take delivery of the new equipment. Deposits have already been paid and may not be refundable due to the fact it is a custom spec truck.

During the last 3 years I have had a total of 4 nights where I have not been able to get work. Since the announcement of the RSRO on 4th April 2016, I have been held over for 2 nights. This is just the start as companies come to grips with the order.

I cannot even do my own work according to the RSRT because a lot of it is not full loads. Due to this fact I now have to charge them a full load rate (approx. \$1700) even when it is only for 2 pallets (about \$300). I think you know what their response will be.

Adding more problem to this is the fact that the main company that I would usually fill the rest of the trailer up with, now cannot afford to pay me the RSRO rate. This would apply to them whether or not it was a full or partial load.

About one third of my Melbourne to Sydney work is above the ordered rate but the rest isn’t. All of my Sydney to Melbourne work is below the ordered rate. Even after the order had been “stayed” on the 4th, there were still companies that I have been working for constantly wouldn’t load me because of fears about the order.

I think you can see that after 17 years in the business we must be doing something right. The rates we get are not huge but we do make a comfortable living. If the order is about safety, I can tell you the I haven’t lost a single demerit point in over 8 years or 2,000,000 km’s. The only defect notice regarding truck maintenance during that

period was for 1 cracked windscreen. Also not a single log book fine for over 10 years.

The claims about pay rates and safety just don't add up. The 330 deaths they talk about are figures from 1999 and include any fatality involving a heavy vehicle or bus. The number of truck drivers killed is far less, and a lot less for owner drivers which they will never give a breakdown of numbers.

If this order stays in place I cannot see us surviving. The current truck we have is worth about \$85,000 now but will be worth about half that value once the market is flooded with other drivers trucks. It won't take long to eat up our savings with no income coming in and loan repayments going out.

I have never seen my wife as stressed as she has been the last three weeks. It is going to be hard both financially and mentally.

It's not fair for a third party to come in and say what we now have to charge. We know how to run our business and we don't need a union backed tribunal to tell us how to run it into the ground.
To help assist in the legal challenge I am about to join ICA after sending this e-mail.

Please feel free to contact me if you would like any extra information.

Please get rid of the RSRT for us and all owner drivers. I am extremely worried about what actions will be taken against me as I lodged 2 submissions to the tribunal to have the order date varied.

Regards
Darrell

11. Angela

Hi Ken,
I am writing this email as a result of a number of conversations with our contractors recently.

I am the director of a small transport business that transports caravans, boats, horse floats and other similar sized items both intra state and interstate. Straightshot Transport has grown to the point where we were unable to meet the needs of all of our customers, so we have been using a number of contractors to help with transporting, alongside the drivers Straightshot Transport employs.

As a result of the Road Safety Remuneration Tribunal's decision to direct safe rates in the Order 2016, I now need to identify whether or not it is still viable to continue using the Owner/Drivers that we use from time to time. There are no contracts with these contractors, apart from the contract that is made when the driver picks up an item and transports it to the destination for or on behalf of our company.

Tonight, I had a contractor on the phone crying. He is a sole trader and has leased a

truck he uses so he can work for a living. His house is being used as collateral for the leasing company for the truck.

We did a number of calculations on the pricing we currently pay for a trip between Victoria and Queensland. The agreed amount is currently \$1870.00, and we try to arrange more freight for the return trip, so the contractor gets paid for a load on the way back again. He can also do work for anyone else at any given time. Under the RSR Order 2016, we would need to pay him a minimum of \$2063.59, depending on how long it takes him to deliver the item.

The figure of \$2063.59 is purely based on the time it takes him to deliver the item and distance according to whereis, which does not include loading an unloading, mandatory rest breaks to be compliant with his log book, and a number of other issues , including health problems requiring him to take additional breaks. This then blows out the cost to our business, and makes quoting for our customers mightily complex and ambiguous

For a small business hiring contractors, the minimum pay rates for the contractor is not viable as the difference in pricing is too big for the number of trips this driver does for our business each year. In this financial year so far, he has completed approximately 75 transports for our business. Just calculating on the absolute minimum safe rates, that could increase the cost to our business an additional \$14,519.25 for just this owner/driver. Multiply that by the number of contractors we use (an average of about 5 contractors), and that amounts to approximately \$72,596.25. As a small business, we are not going to be able to sustain paying these prices.

We also use other vehicles that do not fall into the Order 2016. The pricing at this stage is the same for our owner/drivers and other transport businesses. This order also impacts on the business's that are not covered by the Order 2016. Because we pay them the agreed amount, and not the "safe rates" amount, they have said to us they want to be paid the same amount for the same job type and description. As a result, these companies are frustrated and annoyed for not being paid the same amount for an identical transport job that the owner/driver did.

Overall, at this stage we have had to make the heart breaking decision to NOT use the contractors that fall within the Order 2016 requirements.

Please feel free to contact me if you would like, or need, any other information.

Regards Angela

12. Peter and Ranea: Western Australia

Peter & Ranae Russo owner operated company since 2004

The current introduction of RSRT instigated "safe rates" will absolutely have direct negative effects on our business. We will almost certainly lose work purely caused by

it's introduction. As an owner operator, I pride myself on providing the best service for the transport industry, successfully completing regular audits and accreditation reviews for more than 5 years. My business could not be any safer and is highly likely, far safer and regulated than any big business I compete with for work. I strongly believe the force driving these changes to rates and payments are hiding behind a notion that it will make Australian roads safer in an attempt to boost the big businesses and to regulate the industry for no good reason. It's a politically driven control issue which will have dire effects on owner-drivers and their families Australia wide.

It would be common knowledge to most that truck drivers, particularly owner-drivers are hard workers who reap few benefits from the transport industry. We pay our taxes honourably, there are no opportunities for cash payments unlike many other blue collar trades and industries. We fill in log books and audits. We maintain safe vehicles. There is no way the introduction of safe rates will improve the industry. What I do believe, without prejudice, is it will encourage large companies to employ cheap drivers with little knowledge of vehicles and ROADS! Takes the "Safe" out of Safe Rates in my opinion. It is proven that the majority of road accidents involving heavy vehicles are in fact employees of businesses, NOT owner-drivers which quashes the reasoning behind it's introduction is to make roads safer. A meeting this afternoon regarding the safe rates and it's introduction this afternoon saw 40+ owner-drivers attend with not one experiencing any kind of severe road accident under all sorts of road conditions and travelling millions of kilometres. That in itself proves owner-operated vehicles and businesses far exceeds the efficiency of an employee based transport company .

Short term loss of income and long term bankruptcy is a very real threat to us and will certainly create unnecessary strain on our family. It is imperative that the RSRT Safe Rates be scrapped so we can provide a cost effective, fair and proficient service to our transport companies. It is a national disgrace that we are being denied a fair go to run our small businesses, one that will see us as self-funded retirees and little burden to the government in years to come.

Peter

13. Craig and Rhonda: Western Australia

Hi Ken

My name is Craig and with my Wife Rhonda and 3 children. We run a small heavy haulage contracting business partnership called, CR3 Contracting.

We predominately subcontract our Prime Mover 90% of the time to multiply clients and the other 10% as prime contractor quoting on cartage in direct competition with others.

We are a small but profitable business and had just before we even heard of the RSRT tribunal, negotiated and successfully won a new 2 year contract with a prime

contractor for 60 % of our prime movers allocated work time over local and long distance.

That was until the RSRT minimum rates order had come into our operation and lives.

Due to myself being the driver of our prime mover and the other subcontractor working for the same prime contractor being a fleet owner and not subject to the minimum rates. I will no longer be allocated long distance trips of more than 500km return journeys.

This has now left a significant short fall in our income and will have serious consequences to our house and car repayments. We are lucky that we own our prime mover outright, but cost of insurance and registration will not change for this.

I have attempted to quote on other work but the calculator at this time makes it hard to work out / quote, for multiple loads and different clients on a single trip across WA etc. I cannot predict when roads are closed for flooding, Cyclones and fires etc.

The RSRT order was unheard of in Western Australia till about 3 weeks ago as we do not follow the industrial relations site as we do not employ anyone, or was we looking to in the near future.

No one that I have spoken to was aware or are ready for this RSRT order.

This will wipe us out financially and emotionally as we have invested everything we have into the business hoping to have our children take over one day.

Our business name stands for Craig, Rhonda & 3 Children.

We have a highly regulated business as we always get audited by Main Roads Western Australia for Maintenance, Fatigue Management Ourand Compliance and the Mines Department as we cart Dangerous good and Security Risk Substances which also requires high security checks on myself by different state and Commonwealth departments.

Our Audits since we started this transport business in 2011 after 20yrs of working for others in transport and civil contracting, has always been 100% compliance across the board.

Our truck has been pulled over on many occasions all over Australia and has never been issued a defect notice.

And I have a full medical every year plus on going random drug testing by clients and have never found to have illicit drugs in my system.

I have never had an accident in my truck or had a life endangering near miss due to maintenance or falling asleep in 33yrs of driving trucks.

Yet this order implies that myself and other contract owner drivers are a higher risk and we have more accidents that kill us or others.

I have not seen any independent figures to back up these accusations or do I believe this allegation.

If these minimum rates are based on safety they should apply across the whole industry but I believe that is against free trade and price fixing.

We as a family and myself are in limbo and feel as we are no longer part of Australia and have been let down by our government with this attack on our business in collusion with the TWU and other advocates of this order.

We feel that this is unconstitutional, unjustified, unwanted and we don't know where to go from here.

We have always been honest, community spirited and have loved working in our chosen field.

I hope all is not lost.
Yours Sincerely

Craig

14. Greg: Queensland

To Whom It May Concern

I have been an owner driver for the last 35 years within the transport industry.

The last 13 years I have employed my brother as a driver.

Currently over 50% of my work is sub contract to larger transport companies. My brother and I are classified as contractor drivers under the new RSRO.

With the order coming into place I now have to charge more than the companies that have employee drivers, which in turn makes my business unviable. Having to use the calculated pricing structure of the RSRO I am now required to charge between 18% and 30% more.

As I pick up part loads from many different sources, this sort of loading under the RSRO will have me priced out of the market.

I fail to see how this RSRO contributes to road safety, I am feeling that I'm being discriminated and bullied by the introduction of the RSRO.

Regards
Gregory

15. Paul:

To whom it may concern

My name is Paul. this company of mine was formed on the Eighth day of September 2004

With my brother Greg I do all the driving and loading and unloading Greg does all the maintenance of the truck and administration

Greg also works for ... concreting as a workshop Forman we started with our first truck towing a trailer for Loading Agencies

Which was loading and unloading General Freight for many years we wear paid once a month and carried our own fuel this was never a problem payment was never late we had an agreement that they would take a percentage of each manifest at the time.

fuel was a good Price never ever missed a truck payment then after some years JNH Loading Agencies had a partnership as split which Greg and I decided To move on to the new Company MR EXPRESS with the same agreement this also went on for some years we paid off the first truck then Decided to trade In and update but pulling a longer trailer which was a 24 pallet trailer not a 22 pallet trailer which meant we were paid More for the extra two pallet space as time went on we had a full out over the rate so we decide to move on thinking this was a good Idea at the time this was not at all we had ran into a bad payer. yes that right a big company that had over 30 trucks at the time this cost us \$18 thousand dollars which is still outstanding for over 18 months buy this stage I was over general Freight I needed a change so I found a job towing a refrigerated trailer for a company in south Australia this started off good a lot of owner driver there over 30owner driver and only 4 company trucks this was all good for the first time we ever got paid every fortnight payments wear slow but always paid. the only thing was, this was seasonal work so the work ended Greg and I decided we need to do something very quick so we went back towing a trailer for MR EXPRESS sat down worked a rate and told the payment had change to so much up and so much back and with payment it was no longer monthly it was weekly which was very good cash flow never late plenty of work until now on Friday the 8th of April when I was told no load I asked why there was no comment but was told I was not the only one the other owner driver no load

I find this very upsetting due to a loading Agencies is now not loading any owner drivers but not sacking me or others just saying I have No loads I am not the only owner driver the other dropped his trailer went home bob tail.

Owner driver are just victimised and being Pushed out of the industry under the RSRT Contractor driver payment there is no safety in this at all this will not keep road toll down

This should have been for every one right across the whole industry it's not only owner driver this will effected it will all so effect banks, finance, companies, truck and trailer dealership

thank you for your time please help

16. Daniel: Queensland

Dear Ken,

I have been advised to write to you on the subject of the RSRO and how it will affect me.

I am a small business owner and owner driver of that business which has been successfully established since January 2012. At the present moment my business runs for one company as a tow operator, with the introduction of this RSRO, the hirer of my company has said they will not be able to load me unless I have a driver in my truck to do the job. this is costing me a great deal of money, and will not be viable in the long term future with only one prime mover.

To loose my truck to the bank will also result in the loss of my house and many other items that i have worked hard to achieve and own over the coarse of my life.

I also do not agree with the rates that have been proposed and implemented in the order as in my case at the present moment they are to high, but in other cases they are to low and will implement a new minimum rate across the industry which will not be viable for operators.

For example I have currently been running as a tow operator for over 4 years with a single trailer for \$1.34 / klm plus a fuel levy plus GST. The new rate is at \$1.41 / klm plus an hourly rate of (roughly) \$24.00 / hr. In my line of work this outprices me as my hirer has stated he can replace my truck with his own at a cheaper price. This price has been feasible to me and the truck maintenance has always been up to date. However if I was to have my own equipment the rate is set to low to manage it properly and because it is an enforced order it will push people to run for a lower rate from there customers. My belief is for the order to be scrapped altogether as the rates will never be right for anybody and it is extremely hard to set the right rate across the board.

I also ask that if you fight this in court you look at this being against the constitution on discriminative purposes as it sets different levels of rates for transport operators doing the same job with different operators in the vehicle, again as an example where i contract to has two tow operators myself as an owner driver and another prime mover with an outside employee driving the truck. For both companies to work there my rate must now be set higher than the rate with the other company with a driver in there vehicle.

I would like to thank you for your time to hear my concerns on this matter, from me and my young family, thank you.

Sincerely
Daniel

17. Wade and Andrea: Tasmania

Hi Ken,

My name is Wade I live in Tasmania with my Wife and three Kids, I am Third generation Owner/Driver, I Brought a new K200 Kenworth a little over a year ago and contract to Cooltrans carting bread and flour. Cooltrans owner Russell Hookway is first class operator who has given me a start and always pays me on time and up to date, We have an agreed rate and this works well with me grossing approximately \$300,000, When all my costs are deducted including fuel and truck repayments I profit about \$100,000, With the RSRO I will need to receive about \$70,000 more a year which will price me out of the job, As Russell said he can't pass on the extra cost as we will lose the contract.

With my job I do Annually 180,000km's and work on average 60 hours a week. There many other company drivers in Tasmania working longer hours than I do.

If you need any more information please contact me

Thanks Wade

18. Justin:

Hi

I am an owner-operator and do sub-contract work for a local company carting general freight. That was until Friday! I now don't have any work because the local company cannot afford to pay me to do the subcontract work under the new RSRO!! They cannot afford to send me from Adelaide to Melbourne any more because they have no idea if I will be held up while in Melbourne (they would also have to pay me for that time). Therefore, they cannot accurately quote for the freight because they have no idea what it's going to cost them to begin with, which means they could be running at a loss!! How backward is that??!!

I WAS a proud owner-driver. I spent time and money making sure my truck was well maintained and well presented. Do you know why? **Because if it's not on the road, it's not earning money!!** It was in my best interests to look after it! You will find that most owner-operators have this attitude and their trucks are among the safest on the roads. The last thing they want is for something to go wrong - they have their livelihood and families to consider! A broken down or damaged truck is of no use to anyone, least of all a single operator who doesn't have any other trucks to fall back on Of course they're going to look after their truck!!

Now my truck is parked in the shed and I'm left wondering HOW, HOW, HOW am I going to pay for it without any income???! Will the bank be my friend?? Will they allow me extra time to make payments?? I don't think so!! And I'm only one of tens of thousands of truckies in this country who are affected!!! I WAS proud to call Australia home, but it has become a dictatorship, even trying to tell me how to run my own business. Up until now I have managed perfectly well to make the payments on my truck and to have some \$ spare to make it all worthwhile. NOW I have a truck,

but soon I will have NOTHING! The bank will move in and take my truck, then they will take my home, my farm, my family, my life.

I call upon you Ken, to help the truckies of Australia to fight for their rights.

If I can do anything to help you, please let me know.

Kind regards,

Justin