

CORRECTED VERSION

ECONOMIC DEVELOPMENT COMMITTEE

Inquiry into Labour Hire Employment in Victoria

Melbourne – 28 July 2004

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Mr B. Noonan, Secretary, Victoria-Tasmania branch; and

Ms M. Abate, Researcher, Transport Workers Union.

The CHAIR — We welcome Bill Noonan, secretary of the Victoria/Tasmania branch of the Transport Workers Union, and Maria Abate, a researcher with the union. Welcome, Bill and Maria, to the Economic Development Committee's formal hearings on our inquiry into labour hire in Victoria. As you know, we have been given a reference by the Attorney-General to have a look at issues pertaining to labour hire. Our guiding instructions are to deliver a report back to Parliament by Christmas. We have received extensive submissions, spoken to a number of people, and interviewed a number of people informally here, in Sydney and in Canberra. Today is the second of two days of formal hearings. We will have other formal hearings in August and September.

What is being said today in these formal hearings is being recorded by Hansard and you will be given a copy of that in about a week's time, so you will have the ability to correct any errors or misunderstandings. Anything you say today in the proceedings is covered by parliamentary privilege. It is a privilege that finishes as soon as your evidence finishes, so that is 5 o'clock. We do not expect that you will need to worry too much about that. We received your submission, and we appreciate that. I think committee members have had a chance to read it through in the last week or so. We will allow you to speak to that for 10 or 15 minutes and then we will have questions and answers.

Mr NOONAN — Thanks, Chair. A couple of things at the start: I should apologise to the committee for our submission being a little late. For our sins, a year or two ago we picked up Tasmania, and you quite rightly introduced me as the Victoria/Tasmania branch secretary. I never aspired to that, but what happened was that the Tasmanian branch fell over and because, geographically, we were the closest to Tasmania I found myself as the Victoria/Tasmania branch secretary. Of course I picked up all of the inherent problems that a branch has when it falls over — all the money that was owed to start with — and then there were all of the issues in Tasmania concerning log trucks and all those things. If there is ever an inquiry about the regional forest agreement, I would be the guy to give you all the background because I have had a crash course in forests over the last year or so.

Maria has done a fantastic job in helping me draw all of this together. I suppose the other thing I should say is that, relative to footy, as a Western Bulldogs supporter for about 55 years I stopped talking about that about three months ago.

With respect to our submission, it is pretty simple and straightforward. I guess that is how we tend to do our business. We tend to be very straightforward in our views. Firstly — and this is very important relative to casual work and labour hire in the transport industry — as we say in our submission, the transport industry is a very diverse industry. We say that in clause 1 and 2. We have members in big and small yards right across Victoria, and indeed in Tasmania, and it is quite a dangerous industry to work in as well. If you look at the stats relative to workplaces put out by WorkSafe and people like that, you will find that we are not too far behind the mining industry, across the board, relative to the industry.

If you think the industry through, we really operate in three places: the places where we start work, the places we deliver to and pick up from, and, of course, the road system. This leads us to take a very active and strong involvement in things like road safety — for instance, yesterday we had a seminar at Moonee Valley which attracted about 650 people. We talked about saliva testing which will be introduced into Victoria in the not-too-distant future. That is the sort of activity that we, as an organisation, get ourselves involved in, as well as chairing things like the Transport Industry Safety Group, which is a group of stakeholders in the transport industry who meet on a regular basis at the morgue, in conjunction with the coroner. We try to improve safety in the industry by becoming very aware of the recommendations of the coroner, and because of his capacity we think he is well placed to uncover those things that can be very useful to us.

We interface, of course, with the building industry. We go into farms to pick up bulk milk. We are involved in armoured cars, airports and buses, and, as we say in our submission, pretty much anything with wheels on it is our domain. Delivering goods and services to the community is our bailiwick, so we are a service-dominated industry. We are 24 hours, seven days a week. I think we discovered 24/7 about 10 years before everyone else.

What all that leads me to say to you is that casuals are really a feature of our industry. Casual work is part of our operation. I want to emphasise that we are not here today to say to the committee in any way that what we are about is trying to stamp out casual work. I do not know what other submissions the committee has had, but what I can say to you is that we are aware, for instance, that school buses in the country area are generally run by casual drivers. They have been as long as I have been involved in this industry, which is 40 years this year, I hate to say, because it comes with this colour hair.

Mr JENKINS — My heart bleeds for you.

Mr NOONAN — Bulk milk carting tends to be a seasonal operation and we have members right across Victoria who might work 2 months, 3 months, 6 months, 8 months of the year. Armoured car work has traditionally been 25 per cent permanent, 75 per cent casual, so it is quite important that I lay that clearly on the table for the committee. However, what we have found in the last number of years — I am not going to try and put a time on it — is that there has been an encouragement of labour hire over, perhaps, direct casual employment in our industry. That has come at some detriment to the people who have been involved in that situation. Perhaps we could lead on by asking, ‘Why’? I guess what our submission is about is safe work practices and natural justice. I think if I had to sum it up they would be the words I would use.

Looking at our recommendations, Recommendation 1 really goes to the certainty of setting time limits and working conditions of labour hire employees. We have struck labour hire companies that have been less than prepared to meet their obligations relative to workers, particularly those involved in hazardous workplaces. If you look at the Maxwell report, perhaps I can refer you to a few cross-references. Clause 72 of the Maxwell report talks about precarious employment.

He says that of 159 studies included in a recent review of the academic literature, 88.6 per cent found a clear, adverse association between precarious employment and work-related injury and disease. It seems to be a fairly high number whichever way you want to add it up. There were a lot of studies which in turn give you a fairly reasonable statistical outcome.

The second recommendation is one which perhaps leads off that, and clause 80 of the Maxwell report refers to accidents in the first month of work. Again, with the transport industry safety group we have found that within the first 14 days in our industry is when either a permanent or casual labour hire person is likely to be injured in a foreign workplace. Why is that so? What you are dealing with are forklifts, dangerous goods, work procedures, which you might think would be the same across the board, but believe me Linfox and Toll and TNT all work a little bit differently. All the depots are a bit different. I am not going to say they do not work at it; they work at it very well. The truth is, what we say is what we have done at Australian Personnel Solutions which is a labour hire company, we have signed an understanding with them to support Australian Personnel Solutions in the transport industry as a result of their commitment to send one of their management people into a workplace, to guarantee that that workplace is safe before they assign any workers to it. I think that is a reasonable thing for APS to expect. Similarly item 3 leads on from item 2 where we talk about properly inducting into host workplaces. WorkSafe have just introduced a program of electing some more occupational health and safety representatives in the work place. All the literature will tell you that where there is an occupational health and safety rep in a workplace, the workplace is going to be safer. We think labour hire people ought to be inducted so that they know where the first aid is and the dangerous goods are and all those things that I referred to before.

Our recommendation is about equity — work of equal value being paid at an equal level. We think the labour hire workers should not be used to undercut wages in the workplace. If there is an enterprise bargaining agreement, it is only fair and reasonable that the worker receive at least that level. Item 5 talks about labour hire workers being employed as permanent employees by the labour hire company. We have that situation at APS where they have a group of workers employed down to P & O at Laverton. They are actually employed by APS on a permanent basis and assigned to that workplace. We have got to go through the experience of being a casual worker, going off and trying to get a home loan and the other things that perhaps we would take for granted, so that we come to terms with the importance of permanent employment. We think item 5 is a reasonable thing to ask, as is item 6. I think it is unfair if the labour hire person, let us say, works 10 or 11 or 12 months as a labour hire person in the workplace. I think there has to be a cut-off point. If we are going to say that these people have peaks and troughs, well then we have to come to terms with that. Item 7 is a bit unusual, but when you think about enterprise bargaining, Australian workplace agreements, awards — call it what you want — there is a settlement disputes procedures in most of them.

Clause 86 of the Maxwell report talks about labour hire employees being, or maybe being, ostracised by permanent staff, and we think that is something that ought not occur. Indeed as a union what we continually impress upon our delegates is that they need to embrace labour hire people to show to them that they are actually part of the work force; that they are not out there on their own, and that they will be looked after as workers in the workplace.

On item 8 — I do not know whether anyone has put that to you — quite clearly the hire industry is a dynamic industry and is more and more competency based. It is a matter of no skills, no work, with more technology in the industry, and again Maxwell covers that at clause 76. What we say is there ought to be five days paid training in occupational and safety training each year, so you can maintain contact with the industry trends and competency standards.

The union has developed itself as a registered training organisation. We are able to deliver that, but, of course, if you are not getting any payment in the period that the training is going on it is quite hard to keep competency-based standards up. Lastly, we say that the adoption of guidelines governing labour hire operations would be a significant step forward in addressing the issue of labour hire employment, so I guess I finish as I started on what we are about. I like to think that it is simply about safe work practices and natural justice in the context of employment of these particular people.

The CHAIR — Thanks very much, Bill. I do appreciate the fact that you have put recommendations forward. One of the things worth noting is that of all the people who have made submissions to us, very few have actually laid out precisely what it is they think ought to happen. It does help us that people have done that — in your case you actually put your recommendations up. I am sure the recommendations that you have put forward will attract a lot of discussion around the table, and that is exactly what they should do.

Mr NOONAN — Could I just make one comment at this point? In our organisation I have been on the executive for 10 years, and if you talk to the people around me you would find that the way we operate is that people do not come along and give us five options, they come along and give us a recommendation. I think it is most important that you do that. It is no good me coming along and giving you five or six options about which direction you ought to go. I think it is important that if you go to the trouble of talking to one another, it is critical for you to know what the Transport Workers Union thinks as far as the direction is concerned.

The CHAIR — I want to just kick off before we have questions around the table with OHS. My understanding is that under the Occupational Health and Safety Act in Victoria with regard to labour hire firms there is a joint responsibility. That notion is understood, both with the client firm and the labour hire firm. Do I understand that the Transport Workers Union position is that this ought to be maintained as a notion within the OHS legislation?

Mr NOONAN — Yes, we are very strongly down the path of duty and care and shared responsibility and that with people working collectively there should be that joint responsibility.

The CHAIR — I will come back to a couple of OHS issues as well, but we will start with questions.

Mr ATKINSON — Your industry is obviously broken up fairly substantially. It is a fairly fragmented industry in terms of employment approaches or models of employment. You obviously have a lot of subcontractors as well. You have raised a number of different employment positions in your industry in terms of transport. Couriers occur to me as well as an area that you would cover, which is significantly casualised as a work force. I guess one of the areas that I am really interested in in terms of where you see labour hire specifically going in the future relates to the current interest in supply chain management and logistics overhaul by a number of companies, probably driven significantly by large consumer goods-moving companies like Coles and Woolworths, which are really looking very heavily now at supply chain management. It occurs to me that one of the ways that they are going to look to try to get some efficiency into their system is to tackle this transport area. How do you see that going in the future in your industry? Do you see that labour hire is going to be more significant as one of those components in your industry in the future.

Mr NOONAN — I think it will be part of the future. I reckon if you were sitting here in 10 years time there would certainly still be labour hire and casual work in our industry, but I think if you had the crystal ball out and you were looking at supply chain management and you were looking at trucks that are the size of B-doubles worth \$300 000 with the similar amount of freight in the back, but perhaps not to that value you would always have a strong component of permanent employment. You have a work force which is fairly highly trained in the use of technology, very committed to get the job done — —

Mr ATKINSON — When you move on — and I do not want to distract you — could you also explain who does that training, because I am also interested in the training in that industry as well?

Mr NOONAN — The training really is across the board, and done by a lot of different operators. There is the Driver Education Centre of Australia, or DECA, and there are private providers people like Kangan Batman at TAFE colleges. We have formed a link with Kangan Batman to push some of that training into our industry

As a registered training organisation we have five-day occupational health and safety course which is an accredited course. But I think what we have to come to terms with as people is, if you take the Melbourne waterfront, for instance, particularly if the channel deepening goes ahead — and perhaps even if it does not — we are going to find that the number of containers coming off the Melbourne waterfront over the next seven or eight years will double. About 30 per cent will go on the rail and about 70 per cent will go on trucks. In that sort of environment you are still going to have a pretty strong component of permanent drivers because of the continuation and importance of the work, but it will always be supplemented by people working in a casual environment. What we are about is trying to build the structure around them to protect them as they go forward. I do not know whether I have missed the answer to your question.

Mr ATKINSON — No, that is fine. It occurs to me that a lot of people in your industry are actually owner-drivers who run by themselves and have a whole range of problems in terms of managing their status as a business, if you like — you know, managing contracts. They are very often good drivers, but are not necessarily business people. I wonder to what extent some of those people might in fact be swept up by labour hire companies and so forth in the future as part of an exercise by client companies to improve training and safety and ensure that particularly occupational health and safety and WorkCover issues are addressed and understood by the drivers. I wonder whether or not there are going to be some shifts in those areas as well?

Mr NOONAN — There could well be, but owner-drivers generally work in a sort of a patent and tied operation and a sort of an unpatented and untied situation. If you went into TNT, Toll, Linfox and companies like that, you would find probably 25 per cent of the people there would be owner-drivers today. It has been like that for the last 30 years. As I said, for 30 years I have been an official of this union, and 40 years I have worked in the industry, and we have always had a component of owner-drivers. What you will find is that employers like Toll and Linfox tend not to differentiate when it comes to training and competency standards and occupational health and safety. They do not differentiate between employees and owner-drivers. It is in their interest to have the same level of competency and they are aware of the welfare needs of all those around them, so I think there is some legislation that Rob Hulls is looking at at the moment relative to owner-drivers, ensuring that they have a fair contract basis and an opportunity to settle disputes that we would certainly support. We are not about deeming them employees, which is a nonsense.

Our industry is quite vital and we continue to impress on employers — and indeed I can say that Victoria is unique. I have been a federal official also, as well as a state official. The stakeholders in Victoria, like the employers, WorkSafe, the police, and VicRoads tend to work together to improve the level of the industry. That seminar we had yesterday was really driven by us as a transportation safety group in conjunction with the police and VicRoads. I think that sets us apart as Victorians. We tend to understand that everyone has a role to play and we tend to try to keep pushing the base up, if you like, rather than pegging some to go forward and some being left behind. It is an interesting industry to work in.

Mr DELAHUNTY — I read with interest your submission. I want to focus on Recommendation 5, where you said labour hire workers should be employed as permanent employees. I go back to your submission where I believe from 1 January 2004 casual employees under your awards had the opportunity to choose whether they stay casual or become permanent. I was just wondering if you have any data to say what has happened since then? How many people have taken up the opportunity to transfer into permanent employment or stay as totally casual employees?

I think the dilemma of the order is that it is a matter of option. It is a matter of the employer making that permanency of employment available. Concurrent with this situation there has been an increase in the percentage paid to casual employees. It used to be 20 per cent to cover things like annual leave, long service leave et cetera. It is now increasing to 22.5 per cent and 25 per cent. I think there needs to be a little bit of encouragement, perhaps from a committee such as your own, to encourage some employers to put people on a permanent basis rather than go on week by week, day by day, month by month without taking the step to employ someone on a permanent basis. Workers in that environment can be in limbo. I have not got any data with me at the moment that would accurately say that — —

Mr DELAHUNTY — Why I am asking is that if we have examples now that there is an award which says they have got to be offered permanent employment after 12 months, I just wondered how many have taken it up, because here we are going to put a bit of pressure on labour hire people to say they have to be automatically from day one a permanent employee. So I am just worried how we are going to marry those two together.

Mr NOONAN — Yes, it is a matter of steps and stairs. As I said to you, if you took the bulk milk area and you said someone worked there for a couple of months to top the season off, as you would be well aware, that is one thing. But if you worked for 11 months of the year as a casual and then you had the other month when you would normally take your leave I think as Australians we say that a fair go would demand that that person should become permanent — —

Mr DELAHUNTY — Or should have the option.

Mr NOONAN — Should have the option to become permanent. If you look at all the data, and I can only go on what I read, overwhelmingly the people who are casual are seeking permanent employment. I have not had too many people come to me in my career as a union official and say to me, ‘I am a casual; I want to stay a casual. The employer wants to put me on as a permanent but I do not want that’.

Mr JENKINS — I suppose one of the issues is that everybody who has made submissions has talked about how you go about satisfying the occupational health and safety issues, so it defended the record of labour hire agencies. Others have said there are cowboys and there are more legitimate operators. I would have thought that is not necessarily always able to be resolved by regulation. If the industry is reasonably tightly regulated in terms of occupational health and safety then it is less of an issue how people are going to be employed, whether they are going to be employed by a labour hire agency or by the employer. My vague recollection from having been more involved with the unions is that the transport workers unions internationally have always held a lot of discussion. There are occupational health and safety regulations that apply to the transport industry throughout Europe, where they go from one jurisdiction to another. There seems to be some standardisation there. Have you got any handle on how you go about that sort of regulation and whether that would solve some of the issues that may not be able to be resolved by regulating labour hire?

Mr NOONAN — I suppose I have an old-fashioned view, and I do not apologise for it. I think some of these things cannot be handled through regulation. I think there is a fair bit of education and encouragement required. I think at this point of time there is no-one saying to employers, ‘If a new worker, whether they be permanent or labour hire or casual, starts with your company, there should be some statutory induction procedure and the like that needs to be followed across the board relative to their industrial rights and occupational health and safety’. Quite clearly, a number of the major employers would have a process in place, whether it would perhaps be a senior driver or someone who would put their arm around a new employee, whether they be permanent or casual, and lead them through so they do not get run over by a forklift or something like that in their first couple of days. But our evidence, from experience, tells us that there are many more employers out there who perhaps say to a driver who might have been an experienced driver at another company, ‘Look, mate, you will understand what we do here. There is your truck. There are your keys. Away you go’. Again the evidence says to us that that is unsatisfactory for inducting anyone into a workplace, so I come back to where the Transport Industry Safety Group is. It is a group of people that I chair. Perhaps I ought to tell you who is on that. For the record there is the Victorian Transport Association, which is the road transport employer; the Bus Association of Victoria; VicRoads; Victoria Police; WorkSafe; and Monash University Accident Research Centre. The coroner attends meetings. He claims he is in attendance, which is fair enough.

Certainly if those people were here with me they would say to you that in 1996 we established a guide to occupational health and safety in the transport industry. I can explain why we did that, if time permits. In 2001 we reviewed that, and in 2004 we did it again by bringing about 600 people to Moonee Valley, working through a facilitation process and then rewriting it. The reason we did it in that form was so that participants would have ownership of the document rather than have a document which is going to be imposed on them. What the document is all about is encouraging and embracing new people and safe work practices in our industry. I do not think you can do anything in our industry and walk away from the safety aspects of it, but one thing the committee could do for us would be to develop an ethic in our industry where employers across the board had a role to encourage and educate workers in their first couple of days in the workplace. That would be a tremendous step forward to support the work we have been doing. I apologise for the long answer, but I get a bit passionate about some of these things.

Mr JENKINS — So that induction would be of employees in the workplace?

Mr NOONAN — It has to be a workplace. I look at my industry and there are many workplaces — thousands of them — and each and every one of them is different. Perhaps a simple example would be if you walked into Grenda's Bus Services and you were going to become a bus driver, that would be one thing; if you walked into Murray Goulburn at Rochester and you were going to be a bulk milk driver; if you walked into Melbourne Airport and you were going to be a baggage handler — I could probably go on and give you about another 18 instances — each and every one of them needs a process in place where a worker has explained to them what their rights are, what the workplace does and what the safety mechanisms are in that place.

Mr JENKINS — Does that responsibility lie with the labour hire firm or with the workplace or have you got an agreement?

Mr NOONAN — Australian Personnel Solutions. We say that each and every labour hire company should have a process in place with the name of the person in the transport industry and they give them their own induction in their own labour hire area; they as a labour hire company should send one of their management people to the host company — I guess we can use that as a term — to ensure that that host company has in place proper workplace procedures. Then when the labour hire person arrives at the workplace the occupational health and safety or union delegate or management put that person through the process to ensure that they understand what that workplace does. Perhaps some people might say that that is a fairly onerous situation. I do not apologise for that, because it is really needed. The challenge is when you think 24/7: that you might have to do that at 5 o'clock in the morning or at 10 o'clock at night, but you cannot resile from your responsibilities relative to the duty of care.

The CHAIR — Before we go back to Hugh, I will follow up on that conversation on OHS. In all that has been put to us so far, I think only Skilled Engineering has referred to an Australian standard, and that was so far as safety accreditation was concerned. From everyone else all I can gather is that at best there are professional practice codes that association members sign up to, and these sorts of induction procedures are presumed to happen, or happen in a variety of manners.

It seems to me that where you have labour hire employees placing into foreign work sites that the labour hire firm might not necessarily be familiar with, and certainly the worker may not be familiar with, there is a higher standard required insofar as both researching — as you said in your draft recommendation 2 — that work site and undertaking some induction. I am interested to know whether there is an Australian standard of any description, or an international standard, that does entail those sorts of things. I can quote to you: Skilled Engineering referred to AS/NZS4801. I am no expert so I do not know what that actually entails, but it seems to me that maybe the way of dealing with this obligation is to say, 'Here is a standard, and it will need to be met by labour hire firms'.

Mr NOONAN — I am not sure that there is a standard in place relative to induction. You would find that there would be, for instance, a code for the movement of dangerous goods by road and rail. It started out in draft form in about 1995, and today I think it is in about its fifth edition. But just in terms of work in the workplace, I am not aware of an Australian code. What I was talking about before was a guide that we produced in consultation with all of those other people I talked about. Firstly, in 1996, then in 2001 and 2004. I think there are adequate standards under the Occupational Health and Safety Act for people to meet. I guess what I am saying is that my experience is that permanent employees of companies tend to be embraced by those, but visitors such as casuals and labour hire people tend not to be.

Mr DELAHUNTY — Going on from that, on Recommendation 3, I pick up your point, that is about the induction. I would imagine you are also advocating that anyone who starts in a workplace should go through a similar process.

Mr NOONAN — Absolutely.

Mr DELAHUNTY — I have a question about recommendation 8. What is the award now for permanent, direct employees? Are they also entitled to five days' paid industry and occupational health and safety training?

Mr NOONAN — Yes.

Mr DELAHUNTY — Is that what they get paid?

Mr NOONAN — What you would find is that in a lot of our enterprise bargaining agreements that is the common clause. You would find that if someone gets elected as the union delegate there is a three-day course they attend. There is a five-day course for occupational health and safety representatives.

Quite frankly, our experience is that employers are very keen for their newly elected people to attend those courses because what we are able to do is explain to them exactly what they ought to be doing, and what they ought not to be doing. As an organisation we tend to play things by the rules. As to settling dispute procedures, we understand what they are, and also it is most important for an organisation like ours to demystify things. With things like discrimination, EEO and all of these things, quite often you can get led off into different directions by someone coming to the union delegate saying, 'I have just been discriminated against'. It is important for the union delegate to understand right then and there whether the discrimination is actually a matter of what is in the act, or whether it is a matter of what is in the mind. Our experience is that employers tend to support their delegates coming into that environment, the union environment, so we properly train them.

Mr DELAHUNTY — What I am trying to get at is that what you are asking for there is exactly the same for any other employee — —

Mr NOONAN — Absolutely.

Mr DELAHUNTY — It is not an addition to that?

Mr NOONAN — No, there is no ambit in it. It is not an ambit claim.

Mr DELAHUNTY — No, I am not saying it is. I am just saying it is not in addition to what permanent employees do have now?

Mr NOONAN — Awards traditionally have had trade union training in them. It would be fair to say that we probably struggle to extend it right across the board, but our experience with employers has been that because of the growth of the technology in the industry they would be very keen to train people to cope with that technology. Indeed when we come back to it, if you have got a B-double truck and you are going to send it from here to Brisbane with a load of freight on it and then you are going to get it back from Brisbane with a load of freight on it, you want to make sure that the driver is across the board with all the responsibilities that go with the task. So training becomes a part of the course.

The CHAIR — You have connected that very well. A comment that was made to us was actually in the submission of the Victorian Automobile Chamber of Commerce — and we spoke about it earlier today — in relation to its experience with a number of panel shops. There is a tendency within the panel shops for operators there to encourage employees to become contractors. I might have this slightly wrong. They have to keep reminding some of their members that there are distinctions between employees and contractors and you cannot simply substitute one for the other. There are difficulties with it. Is that something that arises in the transport industry? Is it a constant source of friction that companies are saying, 'Well, really this person will try and make them a contractor because it lessens our obligations into the future in terms of unfair dismissal and so forth'?

Mr NOONAN — It is not something that we have a lot of problems with. From time to time we might perhaps have an interstate transport company which suggests it is actually employing contract drivers. The drivers might own some dogs, chains and tarps and a few things like that. It is quite clear as to what a contractor is and what an employee is. There is all of those issues of right of control, where a person works every day et cetera. Our people tend to be contractors when they have a truck. That is the transport experience. They tend to be owner-drivers because they have a truck which is with them when they come and do their work. I understand that the panel shop is a situation that from a distance — and I am not saying I am an expert at it — is not something that we have a great deal of difficulty with. There has been plenty of law about what constitutes an employee and what does not. There would be a lawyer or two amongst you. I am sure you understand.

Mr DELAHUNTY — We are all bush lawyers.

Mr NOONAN — I think it was the Brodribb case that everyone quotes.

The CHAIR — Yes. We have already had some discussion about that in Canberra and Sydney. Thank you very much. I am out of questions and I do not think that anyone else has got any questions. Is there anything that you want to say in conclusion?

Mr NOONAN — I guess as an old trade union bloke you always try and have the last word.

The CHAIR — We are letting you!

Mr NOONAN — I just want to say that I really look forward to the recommendations of the committee because, as I have said right through my submission, we are an industry that really has a mix of people. Our whole goal as a union working in the transport industry is about safe work practices and natural justice for people who work in it. This committee in having regard to the importance of the industry is well placed to bring forward some really good recommendations that we could take with us into the industry in the future.

The CHAIR — We have almost got the last word because I have just remembered that I wanted to say something else and that is that we are hearing from a number of sources and yes, there are shonky operators. Even labour hire firms themselves are acknowledging that there are some shonky operators. Skilled Engineering calls them third tier operators as a euphemism. It helps us if our knowledge of them can become more first hand rather than second hand. It is all fine for our purposes to say, 'Oh well, there are shonks out there and we want to try and stop them'. We would like to try and develop an understanding as to precisely what it is that drives the shonks and what characterises them. If you get any information you want to pass onto us at some stage down the track, even informally, about the sorts of bad practices that are going on — and if you want to put a company name to that — you are more than welcome to do so. We do want to extend our investigations there if we are able to, so feel free to get back in touch with us.

Mr NOONAN — Thanks for the opportunity.

The CHAIR — Thank you.

Committee adjourned.