



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

**12th Assembly**

**'Ice' Select Committee**

**Public Hearing Transcript**

9.30 am – 10.00 am, Monday 7 September 2015

Litchfield Room, Parliament House

- Members:**
- Mr Nathan Barrett, MLA, Chair, Member for Blain
  - Ms Lauren Moss, MLA, Deputy Chair, Member for Casuarina
  - Mr Francis Kurrupuwu, MLA, Member for Arafura
  - Mr Gerry Wood, MLA, Member for Nelson
- Witnesses:**
- NT Road Transport Association**
  - Louise Bilato: Executive Officer

**Mr CHAIR:** On behalf of the committee, I welcome everyone to this public hearing into the prevalence, impacts and government responses to the illicit use of ice in the Northern Territory.

I welcome to the table to give evidence to the committee from the Northern Territory Road Transport Association, Louise Bilato, Executive Officer. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today. This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. A transcript will be made for use of the committee, and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

I will ask you to state your name for the record, and the capacity in which you appear. I will then ask you to make a brief opening statement before proceeding to the committee's questions.

Could you please state your name and the capacity in which you are appearing?

**Ms BILATO:** My name is Louise Bilato and I am the Executive Officer of the Northern Territory Road Transport Association. The Northern Territory Road Transport Association is the peak industry body representing the road transport industry in the Northern Territory.

**Mr CHAIR:** Would you like to make an opening statement?

**Ms BILATO:** The NT Road Transport Association has been in place since 1978. We have a large representation of most of the road train operators in the Northern Territory. We do not necessarily have, as our members, smaller local truck delivery drivers and around-town type truck companies, but we do have most of the large operators that travel throughout the Territory and interstate as well.

**Mr CHAIR:** Ice use is very topical at the moment across the country, and recent data has suggested that the road transport industry is one where use of this drug is increasing in the number of people using ice across the country. In the Northern Territory have you experienced that and is it topical - companies or drivers are talking about? Is it something you are seeing more of?

**Ms BILATO:** It is not something that our operators are seeing coming to the fore, and we understand that the road transport industry is a microcosm of the broader population. However, in the Northern Territory - and I have spoken with the majority of my members as well. I was in Alice Springs for the Road Transport Hall of Fame, which was an opportunity to speak more broadly to other people in the industry from outside the Territory, and the general consensus is no, we are not seeing widespread usage of crystal meth in the road transport industry at all.

There is a perception in the broader population that truck drivers use drugs to stay awake because they work long hours, and that perception has tended to roll into ice usage. In fact, that is very different and the ice usage demographic would seem to be quite different to the road transport workforce. A lot of our guys are getting older and we are addressing the ageing workforce, but they are in their late 40s, 50s and even 60s, and that is not the essence of the ice user demographic.

We also are very aware that contracts are very competitive. The majority of our operators have said that people, essentially, self-select and are selected out. As soon as someone is volatile or moody or difficult they almost are moved along by their colleagues. We have had two operators who have told me that they recruited people who subsequently they found out were using ice and they again quickly did something about that because both of those companies were in heavy vehicle accreditation schemes with safety management systems that required them to implement their drug and alcohol policies and so that was something that they deliberately attended to.

The emphasis that I did want to make is that in the road transport industry in the Northern Territory a lot of our contractors work in multiple domains. So any company that has contracts that go out onto any of the mine sites, that go onto the port, that go to the rail yard in Alice Springs, that deliver fuel to the airport, for example, all have stringent drug and alcohol testing regimes in place. That also is a clear indicator to those drivers that if they are not being tested today they could be tested tomorrow. People will invariably be aware that that is a very high likelihood. Probably in excess of 10 of the 15 companies that I spoke said their drivers had been tested three and four times this year by various companies that they do work with, which is quite significant when you look at the broader population. Me, I have never been drug tested,

never had a requirement to, whereas in their daily work they have that higher requirement that they will be tested and urine testing picks up methamphetamines.

**Mr CHAIR:** The Victorian Police have noted the number of heavy vehicle drivers caught operating while on drugs has almost doubled in the last 12 months. I would like to say that it is because of the testing regimes that exist I do not really think it is an issue. I think it is an issue across Australia. What you are saying is that your operators in the Northern Territory do not think that this is really affecting them because of the drug testing regimes?

**Ms BILATO:** I think also there is a component of the culture and the nature of work that is required in the Northern Territory. A lot of our operators will only employ experienced road transport operators because the nature of our work and as we have had many conversations over the years with Mr Wood around the fact that 70% of our road network is not bitumen. So we need operators who are versatile, who are salt of the earth, multi-skilled, capable and that does not necessarily lend itself to someone who is then becoming very volatile and erratic, because they could easily do a hose line or have a breakdown on a remote road and need to get back.

The increase in the number of our operators and especially those that cross borders who are in accreditation schemes has placed more responsibilities also on operators to have very comprehensive journey management plans. Those journey management plans dictate fatigue, rest stops, etcetera, so overall there is more, not regimentedness, but there is more accountability as to where drivers are. I have read that information about the Victorian drivers as well and there is probably an increased amount of roadside stoppages there. What I was getting and have been getting from our industry operators, though, is that what we do in the Territory is still challenging at times, the freight task, and our operators have to be competent to do that job.

**Mr CHAIR:** In terms of the testing regimes that exist up here, can you outline for us what the testing regime is and what your average transport company will do for their drivers up here?

**Ms BILATO:** Drivers that are in an accredited scheme, they have to have medicals annually for anyone over 50 and every three years for anyone under 50. Those medical assessments are very comprehensive in multi-combination licensed drivers. The starting point is they are medically assessed, and that includes urine analysis. Some drivers have, at different times, used marijuana and they have to have those drugs out of their system. I think it can detect up to three weeks where there has been marijuana use.

Beyond that, in the accreditation system the drug and alcohol policies have to be very comprehensively provided through inductions and training regimes. The biggest issue with road transport drivers is zero alcohol, so they have to have zero alcohol content to hold onto that driver's license when they start work each day. As part of that responsibility and the record keeping every driver, when they start their shift, besides doing their pre starts, must sign on their trip sheet that they are fit to carry out the task. Included in that fit to carry out the task on the checklist that they are signing is that they are free of drugs and alcohol, they are aware of the company's drug and alcohol policy and that they can be randomly tested. That operator knows every single time they start their shift that they have to take that personal responsibility.

An area which I was hoping to touch on and you might get to question me about is where people are found on the side of the road - if random drug testing is occurring - to be in breach then the industry may well support an immediate suspension of licence pending a court process. Again, from our perspective, the last thing the industry wants to see is a rogue driver using ice behind the wheel of a heavy vehicle.

**Mr WOOD:** Louise, there has been some discussion about whether the transport industry is involved in the transport of illegal drugs. In other words, people get it on the back end of a truck somewhere. The driver may not have it in his bloodstream but he may or may not be part of a system involved in moving drugs from one state to another. Do you have any comments on that?

**Ms BILATO:** Yes, I did want to raise that as well. Again, we understand that there are some trucking companies interstate - none that I know of here and certainly none of our members - who are owned by some of the criminal bikie gangs like other businesses that are used for laundering money. It is not something I am familiar with so I cannot talk on the subject, but I understand some of the materials for ice production are not large in size and probably more likely to be transported by vehicles other than large trucks. Having said that, it is not something I am personally familiar with and not something that our transport operators have described as of concern for them.

We have plenty of line haul trucks from Adelaide, Queensland, Sydney or Perth into the Territory every week. There is that possibility, but my understanding is that the drug paraphernalia is not hundreds of kilograms or tonnes of material. We are suggesting that there is probably a greater likelihood of it being transported by simpler means.

**Mr WOOD:** From our dealings with the federal and Northern Territory police there are now discussions about drug routes coming under special legislation. Has that been discussed with the road transport industry?

**Ms BILATO:** Yes. Again, what the road transport operators have said to me is that they will cooperate with whatever is applied. By far, the majority of our operators are very keen to do whatever it takes. We see in the media this issue of ice being a serious emerging issue for the nation and the transport industry, as a part of the community, needs to do its bit. We need to take responsibility in whatever way we possibly can.

As I was saying before, we believe the nature of the business in the Northern Territory makes it far less likely that people who have serious ice addictions will be able to retain work in our industry because of the nature of the work. That is not to say that people who have had an ice habit may not seek work in the industry. Our operators need to be continuously educated about that subject and it is something that we, as an industry association, believe is part of our responsibility to carry out. If there are recommendations out of this inquiry that the industry needs to be giving increasing education we will very happily do that.

**Mr WOOD:** Thank you.

**Ms MOSS:** I have a question on a slightly different topic but something you have touched on of where an issue might be identified with an individual within the workforce. What generally would the response be, and is there any referral to other services involved in that?

**Ms BILATO:** I can only make comment on the two examples that two of our operators have given me. Both of those were casual drivers they put on as a favour to other people in their workforce. It was interesting that people who knew people were seeking employment for those two drivers. Then it quickly became clear that those people had other problems.

I am not sure whether they were referred to third-party service providers, but both of those operators said they could not afford to 'go above and beyond' at the expense of their solid workforce because their job was to look after and protect their other workforce.

In one example an administrative staff member was abused. The driver was being paid casually and he was demanding his payment immediately. The admin person explained that it went into his bank on a Friday just like everyone else's even though he had only worked three days and it was casual employment. It was unfortunate but probably a lesson for both of those operators that what is going on in the broader community is going to impact, and they need to check their systems and see that those systems do work.

**Mr CHAIR:** It what people have to do in any heavy industry - I used to work at the port; it was the same there - when you come to work for one of these larger organisations that have fleets, not the smaller owner/operator people, they have drug testing as part of their induction medical. How would you feel about a drug-testing regime that was more thorough in being able to pick up drugs over, say a six-month period?

If they could do a hair follicle drug test which could pick up drugs for months, how would the industry feel about being able to say, 'This person has taken ice at some point in the last six months'? Do you think they would look at it and say, 'Well, they are not on ice at the moment', or 'I do not want somebody as part of my company who has taken this drug. Can we trust this person will not do it while in our employ?'

**Ms BILATO:** Mr Chair, that question has so many facets to it. If we step back from a broader societal perspective that someone who has undertaken rehabilitation and who may well have been able to work through some of their issues perhaps needs to be given a second chance. I hear what you are saying about more thorough testing regimes, and am already aware that some companies take more significant testing.

I sit on a national Assessing Fitness to Drive committee which last looked at fitness to drive in 2011 and it is being reviewed again. We have been covering health issues like sleep apnoea, diabetes and cardiovascular disease and the ageing population. It is not just heavy vehicle driver's licences but car licences and how we keep the community safe. I am aware of the different regimes we are looking at - trying to get GPs and then medical specialists to determine the community's fitness to drive a vehicle.

Going back to the comments about thoroughness, if an individual has misled an employer then that speaks to other issues and concerns. If someone has a right to privacy and is taking clear steps to do what they need to do to be safe in the workplace that is a separate issue as well.

**Mr CHAIR:** As part of the committee that looks at fitness to drive, have you looked at longer term drug tests? Not P6s, but something like a few days. Have you looked at things that would be more accurate over a longer period of time regarding ice?

**Ms BILATO:** No, absolutely not. That body has been looking at obesity and broader lifestyle health issues. It has not perhaps drilled down to that level of specificity that you are describing in comprehensive drug testing and the implications of that. Getting GPs to take responsibility - if someone has had a psychotic episode - for their capacity to drive is a significant step too. Even that will be quite a significant shift for education and training and awareness.

**Mr CHAIR:** When they are in the employ of the larger ones - the average standard test and employment forms they fill in - do they ask if they have taken drugs in the last six months?

**Ms BILATO:** Yes. My understanding - and I have seen quite a lot of the companies' recruitment application forms, and again companies have, by necessity, had to take legal advice on their recruitment forms so they are not discriminating against individuals. Have you had a work injury? Have you lost your licence? Have you had rollovers? All things which are relevant to that person's employment including their driving history is relevant to the company's assessment of risk and determination of whether they can accommodate that risk within their business profile. Certainly drug and alcohol checks are in that as well - questions are in their recruitment applications.

**Mr CHAIR:** It is not yet on the agenda to look at drug testing and test the validity of their answers?

**Ms BILATO:** As I said, all the companies in either national heavy vehicle accreditation, TruckSafe or the Western Australia heavy vehicle accreditation have mandatory health assessments. Most companies that operate intrastate that have business on any of our mine sites, the port or the airport, even trucks that are going to Shoal Bay dump are required to have drug testing. Our intrastate operators who do not have mandatory accreditation are still exposed to workplaces that require them to have drug and alcohol testing, and medicals.

**Mr CHAIR:** Is that at every entry?

**Ms BILATO:** No. That is random.

**Mr CHAIR:** It is random?

**Ms BILATO:** It is random. Yes. That is an expense for companies. Again, you would have probably spoken to some of the subcontractors who have worked on the INPEX site. Some of those guys have said they had three and four tests randomly done this year. They are either going out to Jabiru, on to the INPEX site, to the wharf, etcetera ...

**Mr CHAIR:** Can I ask how many drug tests have pulled a positive result in the Northern Territory?

**Ms BILATO:** I would not know that, I am sorry. I am probably not the best person to ask that.

**Mr CHAIR:** In the industry?

**Ms BILATO:** Not in the industry. I do not know that number currently. No.

**Mr CHAIR:** Okay. Gerry.

**Mr WOOD:** Are there any other issues that you might like to raise?

**Ms BILATO:** Yes, thank you. There was one that I thought was pertinent to this. We are talking with parliamentary privilege. I am very aware of my position as the Executive Officer of the NT Road Transport Association. I held a position on the Work Health and Safety Advisory Council as a nominated member. It is a ministerial appointment. That position had a two-year tenure. The Work Health and Safety Advisory Council has not met since last November 2014, and our tenure of the council expired in May 2015.

In July, I received a letter from the minister for Work Health, minister Styles, saying the Legislative Assembly was going to be looking at amalgamating the Work Health and Safety Advisory Council, the Work Health Rehabilitation Council and the scheme monitoring committee for insurance; changing the structure of those three separate committees, which are enshrined in legislation, and looking at having one committee.

Whilst there is merit in reviewing the structure of those committees, the skills of the scheme monitoring committee are very different from work health and safety or work health rehabilitation. I have some concerns about that. Also, in this environment one of the responsibilities of the Work Health and Safety Committee is to do the forward projecting so that we, as NT employers, have a way of getting safety initiatives and facilitating safety in businesses, looking at what is on the horizon. Over the years we have done different things like manual handling or looking at load restraints which are very specific, knowing what is coming ahead with major projects and where the momentum is travelling with our workforce. That committee is able to influence the minister where especially education and training monies should be directed, as well as more inspections should be occurring, and where work health and safety resources need to be targeted. There is forward planning around that. At least 12 months of planning is often required in order to get the runs on the board and to reduce the risk of incidents occurring. My feeling is we have taken our eye off the ball; that there has not been the opportunity to do some of that projecting, and this subject is impacting highly on families and businesses. I am not aware that it is impacting on the transport industry dramatically in the Northern Territory right at this moment, but as I said we are a microcosm of the broader community and this advisory council needs to be there in whatever form to do that forward planning and projecting. Without it, some of the work you are doing now is what is occurring and we need to not take our eye off the ball.

**Mr CHAIR:** It is after 10 am. Thank you for coming in. We appreciate you sharing your thoughts with us. Hopefully we can come up with some good recommendations to address the problem.

**Mr BILATO:** Thank you for asking me.