

### Tribunal decision win for Owner driver

**A contract does NOT have to be in writing**

**ADAM DZIEDZIC**

Many owner-driver contracts are oral, not written. If you're an owner-driver, you need to know your rights. A recent tribunal decision has ruled that a contract does not have to be in writing to be enforceable. This is a win for owner-drivers who often work on verbal agreements.

### We fuel up with pay rises at Cooles

**ADAM DZIEDZIC**

Cooles has announced a 3% pay rise for its drivers. This is a significant increase, especially given the current economic conditions. The union is pleased with this outcome and will continue to fight for better conditions for its members.

### Pilots Fear Airport Zappers

**RICK BURTON**

There are fears that plastic bombs hidden in aircraft underpans could be used to target airports. This is a serious security concern that needs to be addressed. The union is working with the relevant authorities to ensure the safety of all passengers and crew.

### Compo Age Limits Axed

**RICK BURTON**

The government has announced that it will axe age limits for compensation. This is a positive move that will ensure that all workers are treated fairly, regardless of their age. The union supports this decision and will continue to fight for the rights of its members.

### Cleanaway drivers resolve to fight for more money

**RICK BURTON**

Cleanaway drivers have resolved to fight for better pay and conditions. They are standing up for their rights and demanding that their employers pay them what they are worth. The union is supporting them in this fight.

### 4 We are due and we are ready 1 say refuse vehicle operators

**RICK BURTON**

Vehicle operators are saying 'no' to unfair conditions. They are demanding that their employers pay them what they are worth and provide them with better working conditions. The union is supporting them in this fight.



**TWU Assistant Secretary RICK BURTON talks to Qantas members at Perth Airport**

# QANTAS GOING CHEAP!

## Ground staff told airline wants to phase them out

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TWU members have access to discount tickets all-year-round at over 20 cinemas.

A family of two adults and two children can **save up to \$20 each time** they go to the pictures"

Ace Cinemas, Greater Union, Hoyts, Grand Cinemas, Reading Cinema and Lune cinemas are all involved.

Members also receive VIP discounts at Adventure World and on the Rottnest Express and Rottnest Fast Ferries.

The cheaper tickets can be obtained through our special arrangement with SmartClub. Call 9330 0784 and QUOTE YOUR TWU NUMBER!

Ticket will be posted to you on the day you order them.

# Two Great Discount Offers

## Rock-bottom prices on quality Colorbond Fencing

The TWU regularly adds to its growing list of discounts and this month we've got a couple of beauties.

If you are in the market for genuine Colorbond Fencing made from high quality **Bluescope Steel** you won't do better than the deal we've struck with Combined Metal Industries.

Your special price on a full 1800mm x 2370mm panel is an amazingly low \$71.90 plus GST.

You will pay a lot more than that at all other outlets.

To receive the Discount you must quote your **TWU Card Number** and **TWU A/C No T170**.

And the CMI discounts don't end there.



If you are building a shed, patio or even a house you'll save heaps on all their metal products including:

- Roof & Wall Sheeting
- Gutters & Downpipes
- Patio Tubing
- Fasteners, etc

When we say the TWU/CMI prices are unbeatable – we mean it.

## Up to 20% off at Harvey Norman

In another new deal, Harvey Norman is offering members big discounts on their massive range of Furniture, Bedding, Computers and Electrical

**20% off Furniture & Bedding and  
10% off Computers & Electrical.**



Simply show your TWU Membership Card at any local WA Harvey Norman store.

Call 1300 4642 7839 for your nearest store.

Please Note: **TWU discounts exclude** Apple, agency brands, sales items and already reduced items.

For information on all TWU discount offers please check out our Online Discount Directory at [www.twuwa.org.au](http://www.twuwa.org.au)

**For more information: [www.twuwa.org.au](http://www.twuwa.org.au)**

# Alarm bells clanging over



**Our number one fear is that Roy Hill could be just the thin edge of the wedge says a concerned JIM MCGIVERON**

Who could forget those 2010 television pictures of poor Gina Rinehart standing on the tray of a flat bed truck moaning on about Kevin Rudd's super mining tax.

"Axe the tax, axe the tax", she chanted, clearly living the dream and seizing her opportunity to act like Big Kev or Joe at a union rally.

Extraordinary stuff, I thought at the time and I wasn't **the only one struck by the sheer hypocrisy of the spectacle of a multi-billionaire whinging about having**

There she was screaming like a banshee for a fair go for billionaires

to pay a little extra for the right to keep plundering our non-renewable resources.

My old mate **Glenn, Sterle**, once a furniture removalist and union organiser, now a federal MP, was also gob smacked.

"There she was screaming like a banshee for a fair go for billionaires, wearing a tent and a pearl necklace with pearls big enough to choke a fat pig," he recalled

Glenn is **one of the few Labor MP's** to join unions in speaking out publicly against Labor's recent gifting to Gina of the right to bring in 1700 foreign workers to help run her Roy Hill project.

The Roy Hill deal is the first Emergency Migration Agreement approved by the



Gillard government. **There are lots more** waiting for signatures as miners queue for their cheap labour permits.

Gina and her new found mates in the Gillard Government claim the \$9 billion project will also create **6700 jobs for locals**, including 2000 training places for Australians.

There will also be **230 apprenticeships and 100 jobs for our indigenous** people. Or so they say.

They also argue that, without the imported labour, Roy Hill wouldn't get off the ground and that would mean no jobs at all.

Sounds like a pretty reasonable argument on face value but you should never judge a book by its cover and unions are right to express concerns.

Number one fear is that Roy Hill is **the thin edge of the wedge** that will eventually crack the dam wall wide open and flood Australia with cheap migrant workers.

In fact it's happening already on the Sino Project at Cape Preston in the North West where Chinese workers are being paid less than half of what their Australian counterparts earn.

Make no mistake "cheap labour" are the two key words in this story.

# Gina's 1700 foreign workers

❖ In these 'Twilight Zones' miners would employ as many foreign workers as they needed and not have to pay Australian wages ❖

Glenn Sterle recalls the full page advertisements Gina Rinehart and 30 of her wealthy cronies placed in Australian newspapers prior to the 2010 election.

The adverts called for the creation of **"Special Economic Zones"**

Under this Grand Plan, potential major mining projects would be **"ring-fenced"** from the rest of the community.

And in these Twilight Zones miners would employ as many foreign workers as they needed and not have to pay them Australian wages.

**The rich and rotund** would also be freed from such inconveniences as 'high taxes' and 'government red tape'.

When you consider that **the average wage in China** is not much more than \$3000 (AU) per year you can see how attractive overseas labour is to these greedy bludgers.

Not satisfied with earning \$52 MILLION A DAY from resources owned by the Australian people Gina wants more.

The future that Gina Rinehart and her mates are mapping out for us is scary and that's why unions such as the TWU have set **alarm bells clanging**.

Since the controversial Roy Hill announcement, Gillard and Co have given assurances that safeguards will be put in place to ensure Aussies get first grab at the mining jobs!

We remain sceptical about that. And also frightened about what Tony Abbott might do if he wins government now that Labor has opened the cheap labour door.

One thing's for certain: You haven't heard the last about Special Economic Zones or Emergency Migration Agreements.

## Can't find skilled people

in Australia, com'on Gina, my husband has paid \$1000's out in courses so he can gain employment in mining around Australia. We have been willing to pay for flights to and from WA for job interviews and he still he can't get a start.

He has 20+ yrs experience in construction , Standard 11, Coal Medical, Confined spaces cert, OHS Mines cert, working at heights, amongst other certs, he has excellent references. He is constantly being told **they have too many applicants for each job**.

This is an outright rort by the government. Shame on you Gina and the Australian Government! When is someone going to start standing up for Australians??

**H Bentley of Brisbane**

**One thing for the people** who support this move to remember, is that **all the money these 1700 workers earn will be going overseas**, not one cent will be spent in the local economy, so no flow on employment at restaurants, shops and businesses, all the government gets is the income tax.

**Adrian Bell**

## Govt says its job board will ensure Aussies get mine jobs first

One June 11 the federal government's new Jobs Board went live to help Australians make the most of employment opportunities in the mining boom.

The Jobs Board, which was one of the TWU's demands, is part of the Australian JobSearch website and allows people to apply for resource sector jobs, including those covered by Enterprise Migration Agreements (EMAs).

The free service provides practical features for job seekers and employers including:

- Workforce and recruitment advice;
- Information on government services available;
- The ability to track applications online; and
- A registration function allowing job seekers to record their qualifications and skills that can be searched by employers through the site.

The Resources Sector Jobs Board is available at [www.jobsearch.gov.au/resourcesectorjobs](http://www.jobsearch.gov.au/resourcesectorjobs) and is supported by a Job Seeker Hotline (13 62 68), Employer Hotline (13 17 15) and email enquiries ([jobsearch@deewr.gov.au](mailto:jobsearch@deewr.gov.au)).



**"Okay, which one of you chickens has been laying the hard boiled eggs?"**

# Mining jobs knockbacks get under John's skin

**Firm received 3,600 applications for 80 plant operator jobs**

**Wheel Editor PAUL ASLAN Reports**

Programmed Maintenance Services finds jobs for people looking for work in the booming mining industry.

Recently they received 3,600 applications from Australians for 80 plant operator jobs with WA miner Fortescue metals.

Chris Sutherland, the firm's CEO, said his firm has no trouble finding Australian workers for resources projects.

Mr Sutherland's comments back up anecdotal evidence from people who call radio talk back programs and complain about making dozens of unsuccessful applications for mining jobs up North.

Most say they are fully trained and qualified for the advertised jobs but often don't receive a reply to their applications.

The TWU also hears from members who have had similar experiences.

Like Port Hedland truck driver John Coyte who called to tell us he has been trying for years to get a start in the mines.

"I applied at least three times for jobs with Twiggy Forrest's Fortescue Metals Group but never heard anything since," he said

The interesting thing about John's FMG applications is that Twiggy is always boasting about the big number of jobs he creates for indigenous Australian.

John Coyte is indigenous – a First Australian – and he is very proud of his heritage and his work ethic.

**‘I applied at least three times for jobs with Twiggy Forrest's FMG’**

John's grandfather fought for this country in World War One and his dad took up arms to defend us in Borneo and New Guinea when the Japanese were trying to overrun us in the 1940's

A hardworking bloke, he has an MC licence, can drive front end loaders and other equipment and would be very handy on any mine site.

One thing for certain, if he works as hard as his hat has obviously worked over the years, he's definitely a hard yakka man.

But FMG couldn't even find the time to reply to his job applications.

So when John found out that Gina Rinehart had been given the green light to bring in 1700 foreign workers at Roy Hill he was more than a little pissed off.



"Roy Hill is only about 300 kilometres away from Port Hedland and I know a lot of indigenous people around here who would like to get work there."

But like the unions and a lot of working people John doesn't trust the wealthy miners word that they will exhaust all local job applications before bringing in foreign workers.

He's had firsthand experience in the matter and you can't blame him for being sceptical.

On a more positive note John called to tell us that he had just snagged a job up North carting side tippers.

However that will not stop him from speaking out against the Government opening the floodgates to cheap foreign labour. He's a principled man who sticks to his guns.

**Recently they received 3,600 applications from Australians**



Some of the drivers at the Malaga meeting

# Cleanaway drivers resolve to fight for more money

‘We are due and we are ready’ say refuse vehicle operators

When Rick Burton and I rolled up for a meeting with our Transpacific Cleanaway members at the firm’s Malaga yard we were heartened by the resolve of the troops.

And troops’ is probably the right word because the mood was quite militant.

The drivers had been talking to their counterparts in the refuse game and had come to the conclusion they were trailing behind in the pay stakes.

So after some robust debate they decided three big pay rises were needed to lift them up to where the competition is.

Nothing wrong with that, except the company was only offering them **3.6%+3.6%+3.6%**.



They argue that **they pay all of their drivers at the Grade 6 rate** regardless of what size trucks they drive, whereas competitors don’t.

Needless to say the drivers told Transpacific where they could shove their offer – and **without Vaseline**.

It was starting to look like we were heading for the garbage strikes of days gone by.

The boys made their position perfectly clear, “We are due and we are ready”

Transpacific had cried poor during the last round but this time the word was out

that the giant refuse firm was travelling well.

Fortunately, the company’s managers must have sniffed the wind blowing in from the tip and they didn’t like the smell going up their nostrils.

I think realism has dawned on them and **we’ll be getting a better offer** the next time we get together.

As we went to press the drivers were having a bit of a think about things.

Apart from the pay rises we still hadn’t resolved our differences over meal allowances.

Hopefully further negotiations will deliver a satisfactory outcome.

Thanks to our delegates, Tenacious **Tony Hill** at Malaga, **Ron Stobbie** from Maddington, **Eddie Kuznicki** our Mandurah man and the irrepressible **Graham ‘Mad Dog’ Madison** from the Bayswater recycling centre.

With lieutenants like them we can’t lose.

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# Qantas Profits Crash

## As Alan Joyce revs up flight to cheap labour

**No more ground services staff will be hired directly by Qantas, firm admits in Court**

**RICK BURTON Reports**

As Qantas employees hang out for their long awaited pay rise to be decided by the courts the firm's CEO Alan Joyce appears to be steering the iconic airline on a downward crash spiral.

Joyce recently announced that the airline's profits were expected to slump by a massive 90% this year.

The firm's shares slumped by 19% immediately after the release of the bad news **wiping \$600 million off the value of the company.**

All rather ironic, don't you think, considering Joyce pocketed a cool 71% pay rise last year just before he locked out our members, grounded the airline and completely pissed off thousands of passengers.

TWU national secretary Tony Sheldon summed up the situation rather well I thought in an ABC interview soon after the profits crash became public.

"We've seen the workforce have its work and conditions slashed. A workforce that's made the airline so safe and such an iconic brand throughout the world," said Tony

"And there's only one thing that's improved – not the shareholder value, that's gone down 19 percent in the last 24 hours; over 75% in the last five years.

"The only thing that seems to be going up is the executive pays and the number of executives they employ within the top echelon of Qantas."

Spot on Tony, **everyone's a loser except the bungling Joyce** and his high paid honchos.

There's also the Fair Work Ombudsmen decision to prosecute Qantas's cheap

## Qantas dives as loss looms



flights alternative, Jetstar, for crewing domestic flights with Asian flight attendants.

Cabin crew are allegedly being recruited in Thailand and are **working on domestic routes** at far cheaper rates of pay than Australian staff.

Some are apparently being paid as little as **\$400 a month** – That's right - \$400 PER MONTH.

The Ombudsman claims the Thai crews are owed thousands of back pay and is taking Jetstar to court to get it.

The Ombudsman will also ask the court to ban Jetstar's use of overseas workers at lower than Australian rates of pay and conditions.

And the airlines move to a cheaper workforce doesn't stop at Jetstar.

The company made an extra-ordinary admission at the Qantas pay and conditions hearing when they stated they would no longer be employing ground staff directly.

All future employees will be engaged through **Qantas Ground Services**, which is really a kind of **in-house cheap labour hire unit** set up within the company.

And of course the wages and conditions of the QGS employees are significantly

inferior to the directly employed ground staff.

As The Wheel went to press a meeting of all Qantas members was being held at the airport to update them on the latest from Qantas.

The culture amongst Alan Joyce and his top managers is seriously out of kilter with Australian values of a fair go and common decency.

This must change otherwise all that will be left of this Australian icon is a logo on a plane and a frequent flyer program.



**Elmer seemed to get a lot more attention from the ladies after he started wearing his colostomy bag o the front.**



# Sad End To An Era

For many years one of the best jobs you could score in the transport industry was driving for National Dairies. or Masters as they were once called.

That option will no longer exist when the company closes down its in-house delivery operations.

Linfox have won cartage contract and will take on the work on July 31st.

The bad news is that the Nationals drivers have all been given notice and will be finishing up with the company.

The good news is that, over the years, **the TWU has negotiated a very generous redundancy package.** In fact I don't know of a better one.

A lot of the drivers have been with the firm for donkeys' years and **some will need to bring a wheel barrow** to work to carry their cash to their car.

Of course, I'm only speaking metaphorically because their money will go into their bank accounts by Electronic Funds Transfer.

But you'll get my drift – some will get a shit load of dosh – and a couple are walking around with smiles wider than the Luna Park clown.

On the other hand there is a certain sadness about the change that is about to occur.

## But TWU negotiated redundancy payouts put smiles on faces of National Dairies drivers

Reports TIM DAWSON

These days, very few of the larger firms in WA have in-house transport operations and that is a shame.

In the old days working for Masters was like being part of one big happy family where truckies, factory workers and managers were all mates.

The drivers say that over the years the culture has slowly changed and the divisions have crept in. And that is a shame.

So on July 31 the Nationals guys will go their separate ways – some to retirement, some on holidays and other to new jobs.

Those looking for work will not have problems – experience like theirs is hard to come by these years and most will be snapped up quickly.

And life goes on. Before I can say Choc Milk I'll be at the Nationals yards signing up the new Linfox drivers.

And that's pretty good too because they'll be employed under a TWU agreement – and you don't get much better than that if you drive trucks.



**"Look at those dang fool teenagers, wearin' their pants hangin' down low like a coupla idiots!"**

# Linfox is a top firm to drive for says Darran

❗ If you have a problem nothing seems too hard to get fixed ❗

**TIM DAWSON Reports**

In the Wheel we always attempt to call a spade a spade and over the years we have given free bad publicity to more than a few companies for not treating their employees fairly.

But we have also always believed in giving credit where it is due and Linfox is one firm that has been doing a lot of things right lately.

**Darren Buckley** is a Linfox line-haul driver who we run into by chance on a visit to the firm's brand spanking new premises in Hazlemere.

A good union man, Darren was more than happy to give us his impressions of the company.

He told us he had been with Linfox for four months and runs road-trains to Port Hedland and Cloudbreak on the BHP and FMG contracts.

"I've been driving trucks for 20 years and this is easily the best mob I have I have ever worked for,"

"I've worked for other companies where the conditions were not the best. But Linfox are great.

"I like the fact that all **the vehicle maintenance is spot on**. They are really on the ball and most of the equipment is brand new."

Like most true professionals Darran is pretty finicky when it comes to looking after the gear he operates.

He says the Coronado Freightliner in our picture runs like a Swiss clock and is very comfortable to drive.

"I sleep in the truck. They've all got Icepacks and when a few of the boys complained about the mattresses that came standard with the trucks they immediately changed them for better ones.

"If you have a problem nothing seems to be too hard to get fixed." said the enthusiastic truckie.



"And I love the tool box meetings every week on a Monday. **Brett Cream** and **Elliot** do a top job. They deserve a big thumbs up!

"Other firms hold tool box meetings but often there is no follow up. Here, if they promise to do something they follow through.

"And they don't seem to rush you to get to the next destination. They want you and their equipment back in good shape.

"Nah, I couldn't be happier and the pay and conditions are excellent too. Credit to the TWU there!

"I'm 50 now and it's good to know that the company is in the process of **increasing their super contributions from 9% to 12%** by July next year. Not many companies are doing that". said Darran.

Sounds like Linfox could be the place to apply if you're looking for a firm that treats their drivers like human beings and not robots.

## Quicker Casual Conversion at Cockburn

We've had a bit of a breakthrough at Cockburn Cement where there have always been a heap of labour hire workers.

Some of the staff have been employed at the site for a long time – too long in fact.

But in talks involving the TWU and other unions we were able to convince

management to transfer them onto Cockburn's books.

This will mean **they will go onto the Cockburn roster** which is quite an attractive proposition.

Under their system the crews work two days on and two days off on a constantly rotating roster.

They also receive five weeks annual leave and all the other benefits the union has negotiated over the years.

But I'm sorry, there are **NO VACANCIES!**

Thanks again to our delegates **Dave Frame** and **Mario Giachetta**.



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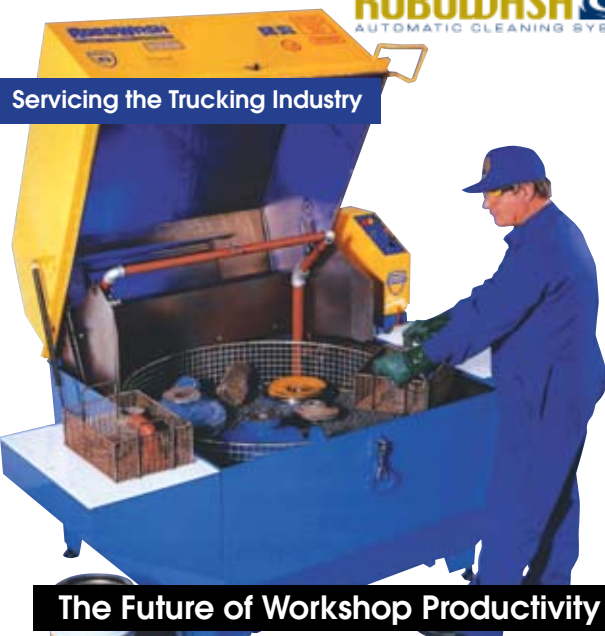
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# Hard yakka removalists demand better wages

Imagine humping  
a 10' x 5' state  
billiard table up a  
spiral staircase

TWU

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KEITH

SAUNDERS

Reports



You couldn't pay me enough to work as a furniture removalist because on a degree of difficulty scale of 1 to 100 their job rates 99.9!!

Imagine humping a 10x5 slate billiard table up a spiral stair case to a second floor and you'll probably get the picture?

Or packing up Gina Rineharts priceless antiques collection for moving to her winter mansion!

So when our members at Allied Pickfords decided to claim pay rises of 10%+5%+5% in a three year deal I thought, good onya boys, you deserve every cent.

Like other removal companies in Perth, Allied Pickfords are struggling to hold onto staff.

The company's CEO Nick Cinquina and eastern states' based HR manager Nicky Arnold have even admitted they are not in a good negotiating position.

Five years ago a new, "**you beaut**", **grading system** was included in Allied's enterprise agreement.

Under that system, employees were to be regularly assessed on a range of competencies to become eligible for pay rises of up to 36% on the old rates.

Assessments were meant to be done annually but the system has not operated as promised.

One removalist told me he had been with the firm 17 years and had only been assessed once.



*A few of the hard-working boys at Allied Pickfords. Including our delegates Paul Sharp and Neil Forbes*

So our members have become very **disillusioned with the incentive based scheme** which hasn't delivered the promised extra moolah. They now want the money up front in their pay packets.

As the wise man said, a bird in the hand is worth two in the bush.

Management are now saying they will conduct the assessments properly and have given someone the job of doing them.

Unfortunately, I think the bird has flown. Trust is a very hard commodity to get back once it is lost.

**Overtime loadings is another issue** that we want dealt with. We are seeking the same rates – time and a half and double time – that most transport workers get in their awards and agreements.

There's no doubt that we have got a big job ahead of us but we are determined to improve things for our members and they are pretty keen too.

## Toll neglects courier Australia subbies

A few years back Toll Ipec swallowed up Courier Australia and in so doing they picked up about 50 owner drivers.

Since then the TWU has achieved a few rates rises for them but only on the labour component.

There has been no compensation for all the other running costs such as fuel, vehicle registration, insurance, sickness and accident cover, accounting, etc.

That's really not good enough and the van drivers are feeling more than a little neglected and disenchanted.

Our concerns were first raised with Toll Ipec management **more than a year ago** but the issues remain unresolved. And that is NOT good enough.

Incredibly, they still haven't come up with a proper formula for calculating rates for the two tonne van drivers despite expert input from the TWU.

It really can't be that hard. Star Trak have settled on a rates formula for their two tonners, so what's holding the Toll managers back.

As well, the former Courier Australia drivers are not happy with Toll's invoicing system. There are some issues that need sorting.

Someone in Tolls upper echelons needs to bite the bullet and fix these long outstanding issues. The constant procrastination is creating poor morale and that is poor management.



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## Path the big winners in bus contracts battle

Well there were some awkward, emotional but nevertheless happy smiles at Path Transit on June 8 when news came that they had won the new Kalamunda contract (previously Belmont & Kalamunda) which will now take in the Welshpool and Kalamunda depots.

Having been on the receiving end last time around it was good for Path Management to score a win. Believe me they have been through their grieving with the loss of big chunks of their contract areas last year.

**Terry Scott** over at Veolia (Southern Coast Transit) was obviously also chuffed that they had retained their Fremantle (previously Fremantle & Cockburn) contract.

So, before we all get ourselves into a tizzy over what lies in store in the lead up to the **October 6 & 7 change-over**, let's get a few things straight.

A lot of lessons have been learned since last year's changes at Karrinyup, Joondalup, Wangara and Nowergup. Things certainly didn't go to plan for some drivers and there are still some lingering issues from that experience.

We have worked closely with the companies that were tendering to ensure that the same mistakes will not happen again..... hopefully!

But some things are impossible to predict as we saw. This time should be easier as it is only Path and Swan, not a three way tussle for drivers.

Path Transit have said that they will offer all existing Swan Transit drivers jobs. Basically, a pay and conditions agreement will be sorted in the next few weeks, **and it will be extremely similar** to what is already in place at Swan.

We will re-form the Enterprise Agreement Committee to talk over any issues with Path and the TWU will provide information conduits between the bus firms and from drivers.

by TWU bus industry

organiser **KEVIN STARR**

Exact details will be given to all drivers as part of the application package. The big ticket items, 5 weeks leave, additional super and Monday to Friday rostering will all remain as you have them now.

As for **who will and will not get jobs**, if it's anything like the last changeover, more drivers will be required around the network than there are currently. And it may be a good opportunity for a bit of a reshuffle for those drivers that aren't happy where they are.

There will be **Swan drivers who prefer to move to Path** and some that will stay with Swan. There may be Swan drivers from other depots who will transfer into Welshpool and Kalamunda depots to take up positions with Path.

**Neil Smith himself has stated** that there may well be more opportunities for those drivers seeking full time positions if they go to Path. Also a strange suggestion from Neil that Swan drivers, who have

maybe drawn the ire of the company of late, might like to seek positions elsewhere??

The details are still in the very early stages but depot meetings of staff are already being planned by Swan. Path will also set up an **information office** at Welshpool and Kalamunda depots or somewhere appropriate for drivers to visit.

Your TWU delegates, the EA Committee members and Path and Swan staff should be available for answering questions over the coming weeks.

We are told **no personal details will be swapped**. ALL drivers intending to go to Path will be required to fill in an application form, take a medical and Drug and Alcohol check. Good idea to bring your driving licence, Working with Children Card, a payslip and also your banking details as well to streamline the process.

We will work to keep members fully informed and will endeavour to ensure our members have every opportunity to have **jobs with the company of their choice**.



*"Explain to me again why a corporation can't have nuclear weapons."*

# Dear Jim,

## Letters to the Secretary JIM McGIVERON



### Breaking news from Mrs Cherry

Some very important news for The Wheel magazine.

My beautiful husband Frank Cherry has just celebrated **36 years as a bus driver**.

No acknowledgement from Southern Coast Transit of course. But that's private firms for you.

Frank says, he still enjoys driving buses and loves the job. **I must book him in for therapy.**

Have a great day. Love and best wishes

**Mrs Kerry Cherry**

*Thanks Mrs Cherry. Please pass on our congratulations to Frank on his 35 years of service to our community. Our bus drivers do a wonderful job.*

### My Husband has Huntington's Disease

I have asked my wife Pamela to construct this letter on my behalf due to my declining health.

I have been on sick leave at **Buttercup Bakeries** since April 2010 due to my Huntington's disease which has affected my mobility and ability to care for myself. My sick leave with Buttercup finishes in less than a fortnight. I am no longer able to work.

Therefore I resign from the TWU from 23 April 2012.

I wish to thank all staff at the TWU for your **assistance, support and excellent management**. I have been with Buttercup for over 30 years. You are much appreciated.

**Yours sincerely**  
**Mervyn Bell**

*Read our tribute to Mervyn and Pamela Bell in this edition of The Wheel.*

### An Absolute Gentleman Retires

Having turned 60 earlier this year, retirement has come sharply into focus.

With this in mind, I would like to tender my resignation from the TWU after **27 plus years**.

I would like to extend my thanks to all at the TWU and in particular, past organisers **John Cain** and **Glenn Sterle**.

**Paul Aslan** does a marvellous job with "THE WHEEL" and I would enjoy continuing to receive it if possible. And postage cost involved would gladly be met.

Of course **Jim**, many thanks go to you for steering a very steady ship over many years. **JJ O'Connor** would be delighted with your efforts.

**Best Wishes & Kind Regards**  
**Peter Deaves**

*Peter, we all wish you a long, healthy, happy and hard earned retirement. As for posting you The Wheel, that is a free service we extend to all our TWU veterans and we already have you on the mailing list. Thanks Mate. Jim*



*Terry caught up for a chat with our National Secretary Tony Sheldon in Perth*

## Terry goes back 43 years

I am retiring in the near future so I wish to resign from the Transport Workers Union. Thank you for everything over the years.

I started with Brambles in 1969 and have been with Toll since they took over in 1996.

I have always done the city and have noticed a lot of changes over time.

My fuel bill for the week was about five dollars and I would earn about \$120 with my four tonne truck back then. (Work that out on today's rates and see how much they have eroded.)

When I started everything was in the City. There were no big shopping centres. Morley was about the first and it was just being built.

The Kewdale industrial area had only just been started. Most transport companies were in Perth, Northbridge or Subiaco.

Most of the buildings had their own loading zones. Now loading zones are hard to find.

I would like to wish you and everyone there and all the people I have known over the years all the best and have a great life.

**Terry Butler**

*All the best to you Terry and thanks for your loyal membership over the past few decades. You are also a TWU Veteran and our Editor Paul Aslan has put you on the mailing list for The Wheel. Jim*

# Ya Jokin

• ADULTS ONLY • SOME OFFENSIVE LANGUAGE

Edited by Scoop Newsworthy



## Duties of Wives...

Three men were sitting together bragging about how they had given their new wives duties.

**Terry** had married a woman from **Greece**.

He bragged that he had told his wife she needed to do all the dishes and housework. He said that it took a couple of days but on the third day he came home to a clean house and the dishes were all washed and put away.

**Jimmie** had married a woman from **Italy**.

He bragged that he had given his wife orders that she was to do all the cleaning, dishes, and the cooking. He told them that the first day he didn't see any results, but the next day it was

better. By the third day, his house was clean, the dishes were done, and he had a huge dinner on the table.

The third man had married a **Australian girl**.

He boasted that he told her that her duties were to keep the house cleaned, dishes washed, laundry and ironing twice a week, lawns mowed, windows cleaned and hot meals on the table for every meal.

He said the first day he didn't see anything, the second day he didn't see anything, but by the third day most of the swelling had gone down and he could see a little out of his left eye, just enough to fix himself a bite to eat, load the dishwasher, and call a handyman.

## When is it time to 'Hang up your car keys'?



I say when your dog has this look on his face!

## HOW TO START A FIGHT

One year, I decided to buy my mother-in-law a cemetery plot as a Christmas gift...

The next year, I didn't buy her a gift.

When she asked me why, I replied,

"Well, you still haven't used the gift I bought you last year!"

And that's how the fight started....

---

I took my wife to a restaurant.

The waiter, for some reason, took my order first.

"I'll have the rump steak, rare, please"

He said, "Aren't you worried about the mad cow?"

"Nah, she can order for herself"

And that's when the fight started....

---

My wife sat down next to me as I was flipping channels.

She asked, "What's on TV?"

I said "Dust"

And then the fight started....

---

I rear-ended a car this morning.... the start of a REALLY bad day!

The driver got out of the other car, and he was a DWARF!!

He looked up at me and said "I am NOT happy!"

So I said, "Well which one ARE you then?"

That's how the fight started



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# Former Buttercup member was dealt a cruel hand

## But Merv and his loving wife Pamela have kept the sun shining through and lots of happiness in their lives



They say that behind every great man is a great woman and one bloke who fully appreciates that sentiment is former Buttercup Bakeries employee Merv Bell.

Merv toiled for Buttercup for 30 years but had to give up work two years back due to a very serious illness.

He has **Huntington's disease**, a genetic, degenerative disorder that affects muscle coordination among other debilitating conditions.

Any child with an affected parent has a 50% risk of inheriting the disease!

Merv's father had the affliction and he and his wife Pamela learned he had the disease about 15 years back.

Soon after the bad news diagnosis, Pamela commenced studies to become his carer knowing that ultimately she would have to look after her man full-time.

To say she has become Merv's rock is an understatement, unless you are thinking of that really big one in the Northern Territory.

From the time of diagnosis, the onset of the disease has been slow but relentless.

Bravely, Merv worked on for 13 years after finding out he had Huntington's.

"Buttercup management were absolutely marvellous and the TWU too, said Pam appreciatively.

"The TWU has helped us a lot over the years and we maintained our membership for as long as we could," said Pam.

"If something happened **Rick Burton and our union were always there for us.**"

There's no doubting that Merv and Pam are going through tough times but they have never let their lot in life beat them down.

They are a couple who live true to their wedding vows. "**You get married for better or worse**", says Pam and she means it.

Since diagnosis they have pulled out all stops to ensure there has been a lot more 'better' than worse.

Merv's superannuation enabled them to pay their house off and a disability insurance payout has helped the couple enjoy life to the full.

They have been around the world together and their travels have included eight cruises. Making the best of life has been their motto.

As Pam says, Huntington's disease takes away a person's independence.

It's a tough hand to have dealt to you but having Pam by his side has been a wonderful blessing for Merv.

Merv and Pam are a lovely couple – you can see it in their photograph – and we wish them as much happiness as they can possibly have in the coming years.

*FOOTNOTE: It's worthwhile, I think, to point out here that it was unions such as the TWU who fought for superannuation for blue collar workers back in the late 80's and early 90's. With the superannuation contributions came death and disability cover. Previously there was precious little of either. Without these entitlements Pam and Merv's journey would have been even tougher – and has certainly been tough enough!*

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# Willie is in WA's Top 25

BY PAUL ASLAN

WA has produced some fabulously talented indigenous footballers and over the years many have gone on to be stars in the AFL.

Names like Polly Farmer, Barry Cable, Phil and Jim Krakouer, Chris Lewis, Stephen Michael, Brian Peak, Bill Dempsey and more recently Buddy Franklin and the budding superstar Harley Benell

But it has always irked me to see the cream of our young stars being drafted by the Eastern states teams.

So when I watched the amazingly gifted **Brad Dick** playing sensational footy for Collingwood I'd think – gee, I wished we had grabbed him before the pies.

I've never seen a player enjoy a goal as much as Brad.

Then, when he was picked up by the Eagles in last year's rookie draft I was thrilled. But not quite as excited as Brad's uncle Willie Dick.

These days Willie drives trucks for **Skippers Transport** and is a staunch member of the TWU. Most are at Skippers thanks to our gun delegate **Johnny Davis**.

Willie Dick was a champion in his own right. He played **154 games** for the Perth Demons and 7 games for Essendon under Kevin Sheedy.



*Former Perth Demons champ  
a top clas truckie at Skippers*



*Eagles rookie Brad Dick*

His AFL career was cut short when he returned home and resumed his career at Lathlain Park.

He played his first game for the demons in 1985 and his last as a 34 year old veteran in 2000.

“Brad’s a really good kid - we are very proud of him”

Earlier this year he was named among the **TOP 25 WAFL players over the previous 25 years**. A huge honour for an absolute champion and a well-deserved one.

Willie still loves the game and is a very close to young Brad and his family. “

“Brad’s Father Kim is like an older brother to me and when we heard that Brad was coming home to Perth we were absolutely rapt.” said Willy.

“He is a really good kid – he doesn’t drink or smoke and he’s got his own unit. We are very proud of him, as are his parents,

*continued next page*

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continued

who stayed in Melbourne after Brad came back.

"Kim has a really good job in Melbourne and they are doing really well over there.

Willie is too modest to say it but he now plays something of a **mentoring role with Brad**. A recent newspaper article quoted Brad as saying he often goes to Willie for advice on his game.

There is a lot of love and respect between the pair and Brad drops in occasionally for a home cooked meal prepared by Willie's wife Delys.

They are a close knit mob and Willie is a top bloke.

He loves working for Skippers and says JD looks after everyone like they are members of his family.

Interestingly, you don't run across many indigenous truck drivers and Willy agrees they are few and far between.

He would like to see more aboriginal youngsters being **encouraged to give trucking a go**. And so would the TWU.

The AFL has certainly done a fantastic job in raising the profile and self-esteem of indigenous people who are an absolute ornament to our game.

It would be good to see some of the bigger transport firms develop programs to encourage more indigenous boys and girls into our industry.

Any employer that has a go will have the TWU's full support.



## Steve retires to become a "professional lounge lizard"

We had chat with Steve Osborne when he called into the TWU offices to sort out his superannuation with our super officer Jessica Phillips.

Steve has recently retired from Star Trak Express and now describes himself as a "professional lounge lizard".

By that he means he'll be spending more time on his recliner rocker operating a TV remote instead of a truck.

The veteran truckie earned his crust at **Star Trak for over 33 years** having started driving for them when they were called Multi-Group Distribution

They then became Discount Freight Express before switching to the current name.

But names have never meant much for Steve. The firm has been a nice place to work and he has been happy to pick up a decent pay packet each week.

Thanks to union agreements he says he has made a reasonable living and has managed to pay off his little unit.

At 66 he's eligible for the age pension and is appreciative of some of the government discounts on rates and utility bills he now qualifies for.

A single bloke with lots of friends who drop in from time to time he'll certainly be enjoying retirement.

Steve drove all types of vehicles having including semis on the East-West run over the paddock for quite a few years.

He told me a lot of stories about his experiences on the long hauls but warned if I put them in the Wheel, **he'd have to kill me**.

Having been born with a strong self-preservation streak I decided to leave them out. And that's a shame because they were real juicy.

All the best from everyone at the TWU Steve.



"Ronald, what gives you the impression I'm not happy with your work?"



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# POLITICALLY INCORRECT ZONE

Adults Only - Some Offensive Language



## "A Penny for your thoughts Angus"

A young Scottish lad and lass were sitting on a low stone wall, holding hands, gazing out over the loch.

For several minutes they sat silently.

Then finally the girl looked at the boy and said,

"A penny for your thoughts, Angus."

"Well, uh, I was thinkin'... Perhaps it's aboot time for a wee kiss."

The girl blushed, then leaned over and kissed him lightly on the cheek.

Then he blushed. The two turned once again to gaze out over the loch.

Minutes passed and the girl spoke again.

"Another penny for your thoughts, Angus."

"Well, uh, I was thinkin' perhaps it's noo aboot time for a wee cuddle."

The girl blushed, then leaned over and cuddled him for a few seconds. Then he blushed.

And the two turned once again to gaze out over the loch.

After a while, she again said, "Another penny for your thoughts, Angus."

"Well, uh, I was thinkin' perhaps it's aboot time you let me put my hand on your leg."

The girl blushed, then took his hand and put it on her knee. Then he blushed.

Then the two turned once again to gaze out over the loch before the girl spoke again.

"Another penny for your thoughts, Angus."

The young man glanced down with a furled brow.

"Well, noo," he said, 'my thoughts are a wee bit more serious this time.'

"Really?" said the lass in a whisper, filled with anticipation.

"Aye," said the lad, nodding.

The girl looked away in shyness, began to blush, and bit her lip in anticipation of the ultimate request.

Then he said, "Dae ye nae think it's aboot time ye paid me the first three pennies?"

## DO YOU TRUST YOUR HUSBAND

A wife comes home late at night and quietly opens the door to her bedroom.

From under the blanket she sees four legs instead of two.

She reaches for a baseball bat and starts hitting the blanket as hard as she can.

Once she's done, heart pounding, she goes to the kitchen to have a drink.

As she enters, she sees her husband there, reading a magazine.

"Hi Darling", he says, "Your parents have come to visit us, so I let them stay in our bedroom. Did you say 'hello'?"

## A KNOCK ON THE DOOR

There was a knock on the door this morning, I opened it and there was a young bloke standing there who said:

"I'm a Jehovah's Witness".

I said "Come in and sit down, what do you want to talk about?"

He said, "F\*\*\*ed if I know, I've never got this far before



**"R. Sims, A Man of Conviction" sounds better than "R. Sims. Prison Parolee."**

# And you thought WA Roads were bad

**LYNETTE NEWBY** says Queenslander's are far worse

Let's start with eastern states' roads....they are crap! Seriously, no-one should or can complain about the roads in WA. Even the worst bits we may still have between Perth and Wubin are gold plated in comparison to what are labelled 'National Highways' in the east!!!

Here they are horrible narrow gutted things that drop off onto the gravel. Some drops vary between 2 and 6 inches. No good for the tyres at all, let alone the truck and its suspension. Not forgetting the poor navigator that is getting thrown around trying to control the thing! Honestly, **the truckies here should get a 'chiropractic allowance' in their wages.** We certainly all need one. Lol...

I've recently driven back across from Perth to QLD and covered 4 states in 4 days, so I can definitely say that WA has the best roads, SA has nice wide open roads too. Parts of NSW were good, but some weren't. I came into QLD near Cunnamulla and in the southern end of QLD the roads are also nice and wide.

However the higher up you go, the worse they get. By about 300kms SW of Moura they totally turn to shit again. I've towed my van over 10,000 km's in the past and nothing has ever moved. When I got into Moura the fridge has dislodged itself, fallen over and was resting on the sink! Further proof that the roads definitely need some TLC!

The have Toll roads in QLD and what you pay is over the top. Regos for cars and trucks is way more expensive here also and for that you would expect the roads to be fabulous, but clearly **all the extra cash lines some fat cats' wallet and not the bitumen!** There are signs scattered everywhere which read "Better Roads

**'The truckies here should get a chiropractic allowance in their wages'**

for Queensland".... well that is the joke of the year... or maybe the decade!

Designated 'Oversize routes' are narrow and dangerous! It must take a lot of skill to not be falling over on their sides in some places. Credit to the drivers of these vehicles.

**Some of the pilots** wouldn't last 5 minutes in WA. OMG. Seriously, some will sit only 200-300 metres in front of their loads up to 4 metres. On the wider loads of 5-7 metres **they have real cops escorting them,**

instead of the sworn in Police Escorts we have at home. I find this strange too, as the real police should have more to do than ferry trucks around the countryside. Dealing with a lot of the dickhead drivers would be a good start!

Still on 'oversize' loads, some of them can still travel at night here too. It seems that up to 3 metres you can travel at any time day or night. I had to pull over the other morning at 5 am to let 2 x 7 metres and 2 x 6.5 metre loads past. Admittedly these guys had Police with them, but **it's still dark o'clock** at that time of the day.

With all the flashing lights in a spectrum of colours blinding you it's bloody dangerous. **Who makes these rules anyway?** Clearly another twit who spends their days in an office, with NFI\* of what goes on out here in the real world of transport. Really scary stuff....

Overtaking lanes aren't long enough in a lot of places over here, and like happens everywhere people choose to speed up to 100 whilst going through them and then **slow back down to 90 afterwards.** I think 'roadrage' may well have started in Qld!

In some areas you only get **300 metres notice of a truck parking bay approaching,** which doesn't really give you enough time to stop for it. On some roads these are few and far between.

**Fatigue laws and log books.....** In WA, we can do our F1 online and it costs us nothing. Over here they have 3 fatigue categories; Standard, Basic and Advanced. These all cost money to get and I think the Advanced course costs around \$400.

**Rockhampton seems to be the "P" plate capital of Oz.** I swear I've seen more here per capita than I've seen anywhere. I won't even start on that topic but I guess 18 years ago there must have been a lot of bored people or the TV stations went on strike! Lol\*\*...

Seriously they are everywhere. **It's like a road plague!** A few of them have unfortunately been killed since I've been here, so I guess that speaks for itself.

As with all interstate moving, licenses are a hassle. **The talk is that by 2015 we will**



Check out these cowgirl boots



**all be nationalised.** Well I'll believe that when I see it. I can't really see that happening when **each state can continue to rip you off to gain again**, a license or clearance card that you may have already held for years.

**My Dangerous Goods Certificate wasn't accepted here**, even though I've been carting nitrate off and on for over a decade. Here it's called an SSAN clearance. (Security Sensitive Ammonia Nitrate) You have to undergo the same checks and federal clearances that you do to obtain a DGSC.

Nevertheless, they will take your money all over again, and then make **you wait up to 3 months before they get their shit together** to issue it to you. Amazing.

Eastern staters' have been quick over the years to say that **WA stands for 'Wait Awhile'**. Well I can dispel that myth and say that in reality it stands for **'Way Ahead'**! We are really so far advanced in so many areas. WA may have dragged its feet behind the East for a few years, but **now the East is eating our dust that's for sure!!** Cough, cough!

I've found that the cost of living and fuel, is on a par with WA. There are mining towns here like Newman, Karratha and Pt Hedland that have **astronomical rental prices**. However that is to be expected.

‘ These signs are the jokes of the year ’

The **wages seem to be lower here** for the same or similar jobs in comparison to home. Although the penalty rates are what make good wages anywhere.

Overall **it's a nice place to park for a while** and I've met some great characters here. People have the laid back QLD attitude which is good... providing you can recline yourself to match! I've been to more rodeos here in the last 6 months, than I've seen in WA for the last decade. **I even got conned into buying 'cowgirl boots'** to fit the image, but I'm yet to buy the 'Akubra'!!! Lmao\*\*\*....

The man I'm working for here now is **an absolute gem** on legs. He is old school, straight down the line (just how I like people) and quite fair. He has never employed a female before and like his predecessors, I'm giving him a run for his money but it's all going well. (Onya Pete)

Although I have to say I've been very blessed with all my transport employers over the years. You've all been fantastic and the few know who you are. I've never worked for an asshole, so I consider myself very fortunate.... **even though I've struck a few in my 'out of work life'!**

Anyway, I'll finish this here as **I watch the cotton trucks going by**, leaving a trail of brown coloured little balls in their wake on their way to the bleaching place! It's the different things over here that make it quite special to be a part of for a while.

Wherever you are in Australia, this is definitely the best country to be in and we are all so very lucky to live here. Safe travelling everyone and "Let's keep 'em turned on 24/7".

Enjoy life and take care until the next instalment from QLD....



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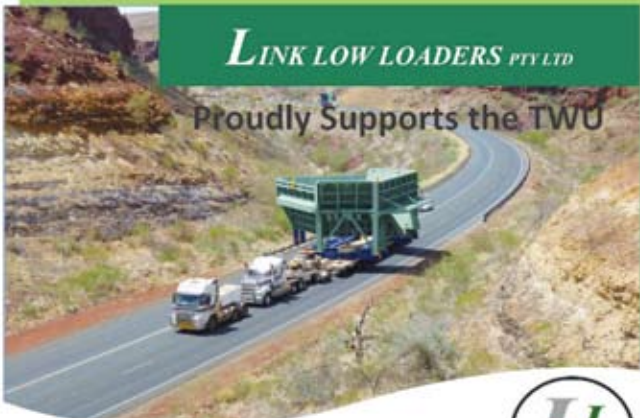
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# MPs come out punching over safe rates laws

TWU Sate Secretary

JIM MCGIVERON Reports

New national safe trucking rates laws will come into being on July 1 and it will be very interesting to see how they will impact upon our transport industry.

In the meantime I'd like to pay tribute to several MP's who made people look up and take notice when the laws were being debated in federal parliament.

Just in case you didn't know the Tony Abbot led Liberals and their National Party coalition partners opposed the laws.

WA senator **Glenn Sterle**, a former truckie and TWU organiser was involved in some fiery exchanges with opposition transport and right-wing Liberal MP Eric Abetz.

In fact we thought fisticuffs might be on when Sterle ordered Abetz to step outside the parliamentary Chamber.

"Let us take the fight out there, Senator Abetz. **Come on out mate**. You pick the states, you pick the trucking yards," Sterle thundered. "I will blue you, I will debate you."

"I'm sick of listening to your crap - You are an absolute disgrace".

"While Senator Abetz was playing kiddie politics in the Liberal Party in the Tasmanian University, or wherever he went, I was playing with road trains. Bring it on, Senator Abetz."

Sterle, whose dad was also a veteran truckie, says truck drivers need to be paid enough to make a decent living and support their family. He criticised those who dismiss a link between pay and safety.

"Do you think we truckies **got home feeling like trash** every week because we loved to feel like trash? We felt like that because our rates of pay did not adequately provide us with the ability to have a minimum of eight hours sleep," Sterle said.



GLENN STERLE

NICK XENOPHON

MARK FURNER

## It should give the industry the shake-up it needs

Abetz claims the tribunal will impose more regulation on the trucking industry without leading to any improvements in safety. He says heavy vehicle fatalities have fallen in recent years despite a rise in the number of trucks on the road.

The tribunal will be free to investigate individual sectors, practices and issues in the industry, such as waiting times and payment terms.

It will have the power to determine minimum rates and conditions for drivers, with decisions binding on all parties in the road freight supply chain.

And it should give the industry the shake-up it needs.

### Coles & Woolworths

Independent Senator **Nick Xenophon** threw his support behind the Bill, saying it represents an opportunity to "protect truckies from the insidious pressures that come down the supply chain".

His statements were quoted in popular transport publications ATN and Owner Driver:

"Our nation's truck drivers face unrealistic and often impossible deadlines and schedules. This results in truckies driving too far, too fast and for too long. In these circumstances our truck drivers are set up to crash, with deadly consequences," he says.

Xenophon targeted Coles and Woolworths, saying their market dominance allows them to dictate delivery schedules and rates.

"There is a real issue of drivers being forced to queue, unpaid, for hours to load and unload at the depots of Woolworths and Coles, forcing drivers to then work long hours to make a buck," he says.

Xenophon says the reform is about creating safer roads by protecting drivers from those in the supply chain imposing unrealistic schedules.

"I find it remarkable that we are here debating to give truckies a fair go, to remunerate them properly and also to remove those pressures on supply lines," he says.

Another former TWU organiser, Senator Mark Furner, said the government needs to protect truck drivers.

"Let's face it. Just about everything we use, everything we wear, everything we consume comes on a truck. This is why we need to look after drivers and ensure that they have the right to work in a safer workplace environment - the same basic rights that many of us already enjoy," he says.

More power to these advocates of Australia's hard working truckies.



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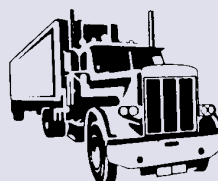
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# Pilots Fear Airport Zappers

‘They can find the plastic bombs hidden in grandma’s underpants’

RICK BURTON Reports

A call from the Australian & International Pilots Association has alerted us to serious health and safety concerns with the proposed X-raying of passengers and airline staff at Australian airports.

The surveillance machines were banned in Europe last November.

The TWU has around 200 pilot members including those flying aircraft for Skywest, National Jet/Cobham and Skippers Aviation.

As all of us who travel by air know, the current airport screening involves going through a metal detection system.

No x-raying is involved in this process and no radiation waves. But that could be about to change and the move to x-raying is of particular concern to pilots and flight services staff.

By the very nature of their work people in these occupations are required to frequently submit themselves to the x-raying apparatus.

Alarm bells are ringing and a quick google on the internet will reveal that the concerns of AIPA and now the TWU are shared by many other groups.

According to one website blog, “the proposed X-ray machines are **hugely expensive, closet-sized zappers** that can find the plastic bombs hidden in grandma’s underpants, while delivering a smacking dose of ionizing radiation to her breasts and thyroid gland.

“The snooper X-rays **penetrate a few centimeters into the flesh** and reflect off the skin to form a naked body image for security personnel to inspect.

“These machines are already being field tested at several U.S. airports, including JFK, LAX and Orlando.2

“A company engineer quoted says, “**some fliers could be “fried” several times in one day.** Frequent fliers could get hit hundreds of times each year. Pregnant women, infants, the chronically ill and immune suppressed would get the rays.



“Officials must naturally defend compulsory passenger X-rays as harmless. But they are signing no guarantees because ionizing radiation in the X-ray spectrum damages and mutates both chromosomal DNA and structural proteins in human cells.”

Heavy stuff, but where there is smoke there is fire and the TWU will be joining

other unions in demanding a NO RISK TO HEALTH GUARANTEE from the relevant authorities.

If those guarantees are not forthcoming we will certainly be taking a stand against the machines. And that may mean advising our members to **ban them**.

## Compo Age Limits Axed

Thanks to strong campaigning from unions, workers aged 65 and over will gain the right to workers compensation – regardless of their age.

Prior to legislative changes in October 2011 injured workers over 64 in Western Australia workers only 12 months of weekly income payments.

The WA Government has acknowledged that the workforce has changed and now includes an increasing number of workers over the age of 65 years.

The skills held by older workers are important to the State’s economic

and social life. In recognition of this the Government has removed age based limitations from the Workers’ Compensation Act.

The removal of the age-based limit will not operate retrospectively. The changes will take effect for injuries that occur, including noise-induced hearing loss suffered, after the October 2011.

Injured workers 65 years and older have always been able to make claims for medical expenses and permanent disability entitlements, irrespective of age, on the same terms as other injured workers and there has been no change to the Act in these respects.

# Tribunal decision win for Owner driver

## A contract does NOT have to be in writing



Reports

TWU Lawyer

ADAM

DZIECIOL



Many owner-driver contracts are of indefinite duration, that is, the owner-driver only undertakes work for a single hirer, and this sometimes lasts for several years.

Even though there is this ongoing relationship between the parties, in quite a number of cases the dealings between the parties are **mostly verbal**, and there is **no written agreement**.

Like most arrangements, **when things are going well** and the hirer is paying the owner-driver's invoices on time, the lack of a written agreement is of no concern to the owner-driver.

**However, when problems develop**, whether it is about payment, or something else, one of the parties may try to use the absence of a written agreement to try to get out of its obligations.

I would like to end once and for all, the misconception that there is no "contract" unless the agreement is in writing.

We do not need Mythbusters to tell us that **the "myth" about all contracts having to be in writing** is well and truly **"busted"**.

If it was true, then the economy would very quickly grind to a halt.

As a very basic example, every time that you buy a cool drink, a pie, or whatever, you enter into a contract with the seller. Just imagine how long the transaction would take if it had to be in writing!

A **verbal agreement** concerning the provision of services worth tens of thousands of dollars is just as much a contract as an agreement to buy a cool drink for two or three dollars.

Although the law requires that certain contracts must be in writing, contracts for the transport of goods do not fall into that category.

Therefore, a contract between an owner-driver and a hirer that is made verbally is just as valid as a contract that is set out in a 50 page document.

However, **it is always preferable if there is something in writing** in relation to the agreement, **even if it is only one of two pages**, so that if a dispute does arise you have something to fall back on.

If there is nothing written down there can be conflict as there was in the Sim's Metals case. See next page.

**If you have any questions** on this issue please give me a call at the TWU on **9328 74 77**.

## We fuel up with pay rises at Cootes

A new agreement for the Cootes fuel tanker drivers was a long time in the making but it turned out quite well in the end.

The national three-year deal includes pay rises of 4%+4%+4% and a boost in the firm's superannuation contributions to 10%.

The pay rises are well ahead of the latest annual inflation rate which came in at 1.6% nationally and 1.9% in WA.

Of course people will argue that those statistics are bull-dust, given the cost of living here in the West and I'm not getting into that argument.

There were a couple of other improvements with all the allowances to be increased at the same rate as the pay rises

Cootes drivers are paid an all-in hourly rate but we also got the company to agree to lift the Sunday loading to 25% in 2013 and to 30% in 2014. And that will happen next year.

Importantly the blokes seemed pretty happy with what we achieved. Around 95% of the WA drivers voted in favour of it.

Whichever way you look at things, we keep improving the earnings and buying power of our members and that is what counts.

Many thanks to Laurie Cook and Shannon Morris who flew East to represent their workmates at the national bargaining table.

And the efforts of our delegates Kelly Sharman and Matt Magro are always appreciated.



**"How worse? Give me the worst-case scenario."**

# Sims ordered to pay owner driver \$10,814

by ADAM DZIECIOL

## Firm had to give Alan reasonable notice to terminate contract

In a case before the Road Freight Tribunal in April it was confirmed that where an owner-driver contract is of indefinite duration then the hirer is required to give reasonable notice to the owner-driver to terminate the contract.

In that case, the TWU represented owner-driver Alan Hajje in a dispute with Sims Metals.

Alan had been providing services to Sims as an owner-driver for **nearly four and a half years**, and had purchased a new truck to undertake the work.

There was **no written agreement** between Alan and Sims.

Unfortunately, **Alan had some health problems** and he was given "leave" by Sims for the period he needed to get treatment and to recover so he could return to work.

After several months away Alan overcame his health problems and was able to return to work.

However, Sims told him they had no work for him.

That is, Sims terminated Alan's contract. But Sims did not give Alan any notice of termination of his contract.

The TWU sought damages against Sims for breach of contract.

I argued Alan's case with assistance from the TWU Organiser, **Tim Dawson** and Industrial Officer **Jessica Phillips**.

**Sims argued** that the arrangement between Sims and Alan was that Alan provided services to the company **on an "as required" basis**, and therefore, there was no "ongoing" contract.

This was because the work the drivers did on a particular day was allocated to them on the previous afternoon, and



**‘If a hirer terminates an owner-drivers contract the owner-driver must be given reasonable notice’**

**there was no guarantee of ongoing work.**

This was despite Alan having undertaken work for Sims on just about every working day for nearly four and a half years.

Not surprisingly, the **Tribunal** found that **the contract between Alan and Sims was an ongoing contract.**

Accordingly, the Tribunal held that there was an implied term in the contract that Sims had to give Alan reasonable notice to terminate the contract.

In this case the period of reasonable notice was held to be two months.

Accordingly, as Sims had not given Alan any notice, the Tribunal made an order that Sims pay Alan damages for breach of contract totalling **\$10,814.00**, including interest.

This case shows that owner-drivers who are doing work for the same hirer on an ongoing basis do have some rights, even if the contract is not in writing.

In particular, where the hirer wants to end a contract which is of an indefinite duration the hirer must give an owner-driver "reasonable notice".

What is "reasonable notice" will depend of the circumstances of each case. However, I consider that in most cases where the owner-driver has been doing work for the hirer for **several years** the period of reasonable notice will be **at least two months**.

If a hirer terminates an owner-drivers contract without giving the driver any notice then the owner-driver may be able to claim damages.

The damages will be the amount that the driver would have earned during the period of reasonable notice, less expenses such as fuel, oil, repairs and maintenance, and tyres.

In such a case the driver should contact the TWU as possible after the termination of the contract to seek advice about the matter.

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# New Man an Old TWU Hand

Although I was only recently employed as a TWU organiser some people may remember my face from a previous time.

Roughly a decade ago I was an industrial officer with the union and was pleased to be able to help out a lot of members.

The TWU is a great union and I am thrilled to be back on board.

And it's certainly been a busy start as I have spent the past month introducing myself around the depots and picking up from the previous organiser.

I've already got a fair bit on the go including:

- Meeting drivers at Brunswick Junction involving the BIS drivers employed on the dairy and mining contracts.
- Talking about rates with the Specialised Container Transport owner-drivers.
- Pay talks at Jolly's and WA Freightlines, plus their subsidiaries.
- Negotiations with Hansons involving their quarry employees, tipper drivers and concrete agitator truck operators.



- Trying to ensure that members working at SCT Rail pick up decent pay rises in the latest round of bargaining with that firm.

And of course dozens of the small – but always important – issues that delegates and members raise with us on a daily basis.

As I say, It's busy but it's great to be back and I'M LOVING IT.

If I'm responsible for looking after your workplace, you can contact me on **0422 838 475**. Cheers.

## 1st FLEET TRUCKIES IN DEMAND

On the morning 1st Fleet Transport was put in the hands of administrators the TWU switchboard began buzzing with calls from employers wanting to employ those who had lost their jobs.

We were really quite amazed by the demand for truck drivers in Western Australia, mainly due to the mining boom.

To the best of our knowledge all our 1st Fleet members have now been employed.

The TWU has also assisted the drivers in making applications to the administrators and the General Employees Entitlements & Redundancy Scheme seeking full payment of wages, superannuation and other entitlements owing to them.

## Drug Testing

I have had several cases recently where members have been tested and found to have drugs or alcohol in their system.

Of course different firms have different D&A policies these days and many take a ZERO tolerance approach.

So if you feel you are not in a fit state to work, please stay home, get yourself right and call in sick if necessary.

Or, if you have a mechanism to self-test, please do so.

## Cashing Out Annual Leave

A call from a BIS member has revealed that some employers are **not paying the 17.5% Loading** when their workers cash out annual leave.

For those not in the know, employees can cash out their annual leave under certain rules.

- You must always have **at least 4 weeks accrued annual leave** remaining after the annual leave has been cashed out.
- For example if you have **6 weeks** in accrued annual leave you can cash out up to two weeks.
- There must always be **4 weeks left** for the purpose of taking **actual holidays**.
- And when you cash out the leave - your employer must pay you the same as if you had actually taken the leave. And **that includes** your **annual leave loading**.

If you have any questions about cashing out annual leave call our industrial and legal experts at the TWU on **9328 7477**.

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## NSW police to prosecute four trucking firms

POLICE and the NSW government have launched more than 1000 prosecutions against the directors and owners of four trucking companies, alleging they are responsible for speeding offences committed by their drivers as far back as January 2011.

The crackdown aims to prove that "chain of responsibility" provisions in the law, means owners and directors of trucking firms and the companies that use them to transport goods are all responsible for speeding offences.

Since 1988 all trucks in Australia have fitted speed limiters to restrict their top speed to **100km/h**, but the limiters can be tampered with and police have caught drivers travelling at speeds above **140km/h**.

The prosecutions follow the deaths of three people on the Hume Highway at Menangle in January after a truck veered out of control and into their vehicle. The day before the truck had been recorded at 133km/h.

Two hundred and forty six court attendance notices were lodged against NSW firm Lennons Transport, and its owner Anthony Lennon, for speeding and speed limiter offences.

The other charges were laid against Scotts, based in Mount Gambier, and two Victorian companies, Damorange and Fred's Interstate Transport.

Owners and directors of all other companies denied they condoned speeding or tampering with speed limiters.

The TWU will be watching the outcomes of these cases very closely and will provide Wheel updates.



## Something's rotten in Queensland

### *Refuse firm wins "Australia's Worst Employer Award"*

A national refuse firm who ordered a driver to sit in a tip and blow a whistle for nine hours to scare birds off has won the inaugural Australia's Worst Employer Award.

The Award is the brainchild of our TWU counterparts in Queensland.

On this occasion the Award was **a box of rotten tomatoes** delivered to the premises of the company JJ Richards.

TWU Queensland state secretary **Peter Biagini** said the company had gone to great lengths to win the 'dishonour'.

"It has been in the vanguard of the war against workers and families, and gained national notoriety when it refused to bargain with its employees, fighting their fundamental workplace rights all the way to the Federal Court.

"But drivers have won at each step, and will win the final battle in the High Court.

"However, the company still wields enormous power to treat drivers unjustly in its operations.

"In this one yard, JJ Richards ordered a driver to sit in a tip and **blow a whistle for nine hours to scare birds**. It refused to call an ambulance when another driver fell from her cab and sustained serious head injuries."

The firm delayed calling an ambulance for 25 minutes insisting she be interviewed by someone with first aid qualifications.

After she was eventually hospitalised, company representatives fronted up at her hospital bed in an attempt to get her to sign paperwork the company of any blame.

These actions almost defy belief. Evidence is being gathered by the TWU, and the appropriate action will be taken against the company wherever necessary.



"Rex, come here and mark your territory."

# Caltex tanker drivers demand pay catch-up

**'You can't let your mind stray for a split second'**



**Pay negotiations are underway at Caltex Energy after the fuel giant bought back the business from Coopers Dysaght.**

The drivers believe their wages have fallen behind industry standards so we are playing a serious game of catch up.

Our claim includes an upfront pay rise of 14% plus two annual 4% increases.

Caltex have countered with a 10%+4%+4% offer. They have also increased the Overnight and Overtime Meal Allowances.

But the boys aren't budging on the 14% up front rise so it's a bit of a standoff at present.

As a former fuel tanker driver I know it's not a job anyone can do. It is highly regulated because of the strict safety requirements and you certainly earn your money.

When you drive a tanker loaded with **40,000 litres of highly inflammable and potentially explosive liquid** you can't let your mind stray for a split second.

And you don't have the luxury of pulling over for a half hour lunch break, which is another bone of contention.

It is custom and practice for the Caltex drivers to work through from start to finish.

The job requires they stay with the vehicle at all times. They can't just park up and wander off into the local Hungry Jacks for a sit down meal. **And they certainly can't drive their rig through the drive-in takeaway.**

So they soldier on! But Caltex reward them by docking them 30 minutes a day from their pay which is wrong.

With Caltex refusing to budge on the unresolved issues we are considering Protected Industrial Action as a means of breaking the deadlock.



## Boost For Biowise Boys

**We're chasing parity with SITA**

**Says MICK CONNOLLY**

**And Visy & Regals Next Cabs Off My Rank**

**I'm working on getting up new rates... agreements in the next few weeks.**

**May be the big cardinals... and they are operators in O'Connor, Carrington and Fremantle.**

**The current agreement... applied recently and I am getting the 10%... some much needed extra money in my pocket.**

**Their current hourly rate is about \$22 and I like to push it up closer to the \$24 mark.**

**I hope to report a good outcome in the next weeks.**

**All good stuff, well and truly on the parking side, but great for the night garden I'm sure.**

**But the small is only part of the problem. The real issue is the Biowise pay and conditions agreement.**

**The boys are paid a flat rate of just \$23.50 per hour with AG, O'Connor, SITA, they have worked 30 hours a week.**

**Due to our negotiation the company has agreed to pay them overtime rates and the \$2,000 annual bonus our SITA members get.**

**But in return they want to reduce their hourly rate to \$22.25.**

**We have said, sorry that's unacceptable. We want parity with our SITA members.**

**After all, the last time I was there I didn't see a queue of people outside the gate waiting for work.**

**The local community is up in arms over the small and the dust, so the working conditions are not exactly perfect.**

**Negotiations are continuing on The Wheel next to press.**

## An Excellent Outcome

**Says MICK CONNOLLY**

In the last Wheel I spoke about the problems we were having with pay negotiations at Biowise, a small subsidiary of refuse firm SITA.

Well I am happy to report an excellent outcome.

In brief, these were the improvements achieved in the boys pay and conditions.

- Their flat hourly rate was increased from \$23.50 to \$27 which has added an extra \$300 to their weekly wages.
- Back pay to January 1st.
- Plus an additional weekly allowance they call a Service Recognition Payment.
- \$2000 in bonuses paid in four \$500 payments throughout the year.
- A further 4% pay rise on July 1 this year followed by another 4% next July.

Furthermore their weekly pay has been annualised which will mean they will get more spending money when they go on annual leave or sick leave.

The blokes were absolutely rapt with the outcome.

A special thank you to our **Sita delegate Steve Edwards** who gave the Biowise boys great support.

## Flustered and Embarrassed

A young man moved out from home and into a new apartment, all of his own. He went proudly down to the lobby to put his name on his mailbox. While there, a stunning young blonde lady came out of the apartment next to the mailboxes, wearing only a robe.

The boy smiled at the young woman and she started up a conversation with him. As they talked, her robe slipped open, and it was obvious that she had nothing else on. The poor kid broke into a sweat trying to maintain eye contact.

After a few minutes, she placed her hand on his arm and said, "Let's go to my apartment, I hear someone coming."

He followed her into her apartment; she closed the door and leaned against it, allowing her robe to fall off completely.

Now nude, she purred at him, "What would you say is my best feature?"

Flustered and embarrassed, he finally squeaked, "It's got to be your ears."

Astounded, and a little hurt she asked, "My ears?!?!?"

"Look at these breasts, they are a full 39 inches and 100% natural."

I work out every day and my ass is firm and solid.

I have a 28 inch waist.

Look at my skin - not a blemish anywhere.

How can you think that the best part of my body is my ears?

Clearing his throat, he stammered...

'Outside...when you said you...heard someone coming...that was me....'

# Good wages boost for CRT members



**TWU**  
**Organiser**  
**DAVE SHEAF**  
**Reports**



*Some of the better looking boys at CRT*

As we went to press national pay and conditions negotiations with CRT were moving closer to finalisation.

We have an offer on the table from the Queensland Rail owned company and while it is quite reasonable, it is not everything we had asked for.

But there are some good things.

Skills based pay rises offered will effectively push up the truck drivers Grade 6 rate by 9% on 1 July this year.

And this would be followed by two more 4% annual pay rises.

The Grade 2's and Grade 3's also stand to win pay rises totalling around 17 % during the life of the three year agreement.

This will be close to parity with their counterparts in NSW, the highest paying state.

CRT has also offered to increase super contributions from 9% to 10.5% within two years.

Our members will be making a decision whether to accept the firm's offer or not.



## WE VISITED GIACCI'S IN GERALDTON

*It's always great to catch up with our members in Geraldton. The town is going ahead in leaps and bounds and we like to get up there as often as we can. Our Assistant Secretary Rick Burton took this shot of some of the Giacci boys with our new Geraldton man, Glen Barron (right).*

## Ensign improves wages and casuals job security

We have just completed a new agreement for Ensign Work Wear employees who are part of the Spotless Group.

The three year deal includes four 4.5% **pay rises totalling 18%.**

The first 4.5% will be backdated to September 2011, with the second to be paid this coming September and so on.

The company has also agreed to give casuals the opportunity to convert to full-time if they so wish.

Thanks to our Ensign delegate Ian Young for his assistance with the negotiations.



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## Compassionate Leave Laws

### *What are the minimum entitlements to compassionate leave?*

An employee (including a casual employee) is entitled to two days of compassionate leave per year to spend time with a member of their **immediate family or household** who has sustained a life-threatening illness or injury.

Compassionate leave may also be taken after the death of a member of the employee's immediate family or household.

An employee may take compassionate leave for each occasion as:

- a single continuous two day period or
- two separate periods of one day each or
- any separate periods to which the employee and his or her employer agree.

### *What payments are required when compassionate leave is taken?*

If an employee (other than a casual employee) takes a period of compassionate leave, the employer must pay the employee at the employee's base rate of pay for the ordinary hours they would have worked during the period.

As mentioned above, casual employees are not entitled to any paid personal/carer's leave or compassionate leave.

However, casuals are entitled to **unpaid** carer's leave or **unpaid** compassionate leave.

### *Are there notice and evidence requirements?*

For all periods of personal/carer's leave or compassionate leave, an employee must give his or her employer notice of the taking of such leave.

The notice must be given to the employer as soon as practicable (which may be a time after the leave has started), and must advise the employer of the period, or expected period, of the leave.

An employer is entitled to **request evidence** that would substantiate the reason for leave. A failure to either provide notice or, if required, evidence that would **satisfy a reasonable person** to substantiate the reasons for the leave, means the employee is not entitled to the leave.

An award or agreement may include terms relating to the kind of evidence that an employee must provide in order to be entitled to paid personal/carer's leave, unpaid carer's leave or compassionate leave. For example, an employer may request that the employee provides a medical certificate.

## Major Enquiry into Workplace Bullying



19 year old Brodie Panlock was subjected to the most humiliating bullying before throwing herself off a multi-story carpark

Rae and Damien Panlock have campaigned with great courage and dignity for laws to protect Australian workers from the the dreadful kind of treatment that led to the tragic death of their daughter Brodie.

Since Brodie's death in 2006 they have led an ongoing fight for tougher federal and state government laws against the scourge of bullying in the workplace.

The brave couple joined Prime Minister Julie Gillard and IR Minister Bill Shorten at a recent press conference where it was announced that a parliamentary enquiry would be held into the issue.

The PM said the enquiry would enable people to come forward, tell their stories, help us work out the prevalence of bullying in workplaces.

Brodie Panlock, 19, was subjected to the most humiliating bullying by her workmates at a Melbourne café before she threw herself from a multi-storey car park.

She had been spat on, called ugly and, on one occasion, had fish

oil poured all over her hair and clothes.

One tormentor even told her to take rat poison.

According to a report in the Melbourne Age, Brodie was no different to most teenagers her age. She was an enthusiastic youngster working for her future.

She was working to save money to travel and find a boy-friend to love – and be loved.

A friend described her as, “a buoyant, chirpie, compassionate, patient giving girl. **She was a little ray of sunshine.**”

Four of her former workmates – if you can call them that – were charged in relation to her death and they all pleaded guilty

Three employees received fines of between \$10,000 and \$45,000.

The café owner was fined \$30,000 and his company \$220,000.

Brodie Panlock's parents have called for changes to the law **so courts can jail workplace bullies.** We hope they succeed.

**FOOTNOTE: Workplace bullying is out-lawed in WA.**  
**If you feel you are being bullied at work, please call the TWU.**

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# In the Brotherhood

‘It’s a tough life for U.S. truckers who are not in the teamsters,’ says Manny Valenzuela

by PAUL ASLAN

Manny Valenzuela, is a former truck driver and a straight shooting good guy who now works as an organiser with the International Brotherhood of Teamsters in the US.

I caught up with Manny on his first visit to Australia as a guest of the TWU at our National Council Conference.

The Teamsters are one of the biggest and strongest unions in the US with 2.7 million members at a time when few more than 8% of the nation’s workers are unionised.

Life has always been tough for US unions and it was made even more difficult after Republican president **Ronald Reagan deregulated the labour market** back in the 80’s.

Among other things the laws, which were drafted heavily in favour of employers, made it extremely difficult for unions to access workplaces.

The laws strongly back the union busters. If you can’t speak to workers it is very difficult to unite them and get them to fight for higher pay and conditions.

But the Teamsters, have a reputation for toughness that dates back to the days of Jimmy Hoffa. Back when industrial disputes were settled with fists and guns. You’ve probably seen the movies.

Of course the modus operandi of the union has changed considerably since those days, although union **organising US style is not for the faint hearted.**



**Manny (second from right) with TWU National Secretary Tony Sheldon, Jeff Farmer also from the Teamsters, Prime Minister Julia Gillard and Senator Glenn Sterle**

More strategic, non-violent methods are now used in the ongoing fight for a fair go for the country’s working class people.

The Teamsters have always held their ground and smart and determined operators like Manny Valenzuela work long hours to ensure they do.

Manny is a **Vietnam Veteran who was raised in a union family.** His father was a truck driver and staunch member of the Teamsters.

He is a fourth generation American, of Mexican Heritage who speaks Spanish. And that helps because there are thousands of Hispanics in the US trucking industry.

“After I came out of the Army dad got me a start where he worked. First thing I got was my union card and two days later I was given the truck keys and told to get on with it.

“I was driving semis, 18 wheelers, 53 footers and you had to catch on fast. It was tough but **the old guys took me under their wing** and things worked out OK.

“Most importantly you were taught the principles of unionism and that sticking together was the best way of looking after each other.

“Back in the late 70’s union truck drivers were earning good money. \$100 per turn around delivering container loads.

“Over 30 years later drivers are lucky to be getting \$65 per load for the same run. Things are not easy for us and the Global Financial Crisis has made things worse.”

Manny is hoping Barack Obama will win a second four year term when his nation goes to the polls later this year.

He says **Obama is the best chance** his members – mostly transport workers – have of improving their lives.

United States citizens do not have the free public health system Australians enjoy. Benefits that many of us take for granted.

“Obama is committed to introducing health insurance for all but he came to power after the country’s economy collapsed and the Republicans are fiercely opposing his initiatives.” Manny said.

**continued next page**

## Poor can't afford to get sick in US

**continued next page**

"So in the US if you don't have a union pension plan that has been negotiated with your employer, or if you are not wealthy, it is almost impossible to access proper health care."

Health care is outrageously expensive in the States and no one understands that better than Manny.

His daughter Melissa, herself a registered nurse was diagnosed with a **death threatening blood condition**. Her white blood cells were not turning to red and without operations and blood transfusions she was unlikely to survive.

The cost of having the treatment - **\$980,000**. That's correct almost ONE MILLION US DOLLARS.

Fortunately Manny's health cover with the Teamsters, coupled with Melissa's nurses insurance paid nearly all bills. If not he would have sold his house to save his daughter.

The vast majority of Americans are not as lucky and the consequences for them don't bear thinking about.

No wonder Manny has been so impressed with Australia. **"You have a very progressive country with an exploding economy."** He told me.

"But these are the good times for you and it is very important that you take advantage of the opportunity to organise those companies that are still not unionised.

"I can see that **the TWU is a great union with a lot of energy** and you have dedicated people running it. Your national secretary **Tony Sheldon** and president **Jim McGiveron** have a genuine commitment to helping working class people and I think that is fantastic."

Maddy Valenzuela flew back to the US the day after our interview. But he left behind sincere friendships forged at meetings and after work discussions that carried on into the wee small hours.

Our world is becoming more and more globalised by the day – that may not be what we want but it is an unfortunate fact of life.

And to be able to counter the challenges that lie ahead for working class people we must continue to develop our international links with unions such as the Teamsters.

## Badly injured forklie wasn't wearing seatbelt

A South Australian employer that failed to ensure employees complied with its "ambiguous" forklift policy has been fined \$72,000, after a worker was crushed by a reach truck.

Cater Plus Pty Ltd, trading as Bidvest Australia, pleaded guilty to breaching the State OHSW Act following the incident, and was fined in the Magistrates Court.

The Court heard that the worker was reversing the two-tonne reach truck down a ramp when it hit a loose metal grate over a drain and tipped over.

As the vehicle was falling, the worker was unable to stay within its confines because **no protective restraints were provided**.

He tried to push himself clear but fell, and the overhead framework of the truck smashed his upper leg and pinned him to the ground.

The worker initially lost the use of his leg and was confined to a wheelchair. He has since "gained considerable use of the leg but still suffers a range of significant restrictions, symptoms and difficulties".

Industrial Magistrate Stephen Lieschke heard that at the time of the incident the employer had a policy that stated, **"When not carrying a load: reverse up a ramp and drive down a ramp"**.

"[The employer] submitted that this policy was intended to convey to its

employees that they should drive forward or **times first** down a ramp when unloaded," he said.

"Despite this slightly ambiguous written policy no steps were taken by [the employer] to check operators' practice against the policy, or to enforce the policy.

"Nor was there any signage to this effect."

Indeed, Industrial Magistrate Lieschke found a nightshift supervisor was aware that it was common practice to reverse reach trucks down ramps, and believed this was the safest technique.

He also found the loose grate was a foreseeable hazard to operators.

"If the grate had been fixed to the concrete ramp the reach truck would have remained upright and [the worker] would not have been injured," he said.

"In my view [the employer] was clearly negligent in allowing the grate to reach this poor condition."

In determining the penalty, Industrial Magistrate Lieschke noted the employer had provided the worker with \$15,000 as an ex gratia payment recognising his loss of wages.

"In my view that is a real demonstration of contrition and is worth far more than the mere words often spoken at sentencing hearings of safety prosecutions with little regard for the plight of victims," he said.





## Pay Talks at PFD

Negotiations are underway at PFD Foods and we are confident the company will do the best they can.

The firm operates out of a big factory in Banjup and they generally do the right thing by our members.

Among those pictured are our delegate **Paul Tiler**, second from left and his deputy **Brett Davis**, third from left.

We expect to have a good PFD story to tell in the next edition of The Wheel.

## Hats off to Kev

We take our hats off to **Kevin Main**, second from right, who is leaving us after 25 years with Skippers Transport. Kev's wife **Margaret** is not too well and Kev will be devoting himself to her care. Pictured with him are **Jamie Evans**, **Donna Proctor** and that fine figure of a man **George Roberts**.



## Toll Coles in strong hands

Our members at Toll Coles are well looked after with delegates of high calibre such as **Andrew Thomas**, **Peter Friend** and **John Mansbride**. Andrew and Peter are pictured to the left with their fellow drivers. We only picked the best looking roosters for the pic.

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# Plenty of years left in Percy

‘The young fellars today wouldn’t know what hit them says CRT driver’

Percy Dewar turns 65 later this year but hanging up his steel-capped boots is the last thing on his mind.

The CRT – Queensland Rail driver is as fit as Black Caviar and he’s absolutely loving his job.

He’ll probably hang in doing his job until 90 like **Prince Phillip** – well maybe not that long. Truck driving is a bit tougher on the body that trailing around after the Queen of England cracking jokes.

Percy has always been a hard worker and a TWU member for 38 years – we just posted him his TWU Veteran’s key ring.

He got his start in truck driving with Houlahan’s Transport in Fremantle when he was 20 years old.

“They employed me as a labourer at first paving parking areas and laying concrete kerbs – Houlahans used to do a bit of that” he recalled.

**“But I got fed up with standing around in the rain and the heat** and when a truck driving job came up I couldn’t jump into the cab fast enough.

“My first truck was an old Foden – they were a bit primitive back then – none of the fancy stuff you’ve got today like air-conditioning and power steering.



“You virtually had to stand up to steer them. They were freezing cold in the winter and stinking hot in summer.

“The young fellows today wouldn’t know what hit them if they were asked to drive one of them.” Percy suggested.

But the Fodens must have been **better than laying concrete kerbing** because he has stuck with trucking ever since and the trucks keep improving.

“Variety is the spice of life” seems to be Percy’s motto because he moves around a bit. **A change of underpants is as good as a holiday**, or something like that.

Don’t get me wrong though, Percy Dewar is a darned good truck driver. A true professional, who could walk into just

about any transport yard and get a start.

With the shortage of drivers in WA his kind are a valuable but endangered species. Maybe they should make all the young bods train in Fodens before they give them a licence.

Anyway, Percy loves being on the road. “You meet people, the customers and that and you get to see a bit of the place.”

“It’s a lifestyle thing and **it sure beats hanging around home doing the gardening**.

“I had a couple of jobs where I was delivering for the Margaret River wineries and it was fantastic – I loved it”

With an attitude like that it is no wonder Percy stays young.

His wife Kaye works too. Both enjoy what they are doing. So why not stick at it.

After all, they say 70 is the new 60 don’t they? Keep up the good work Perc!




*Fodens like this were hard to handle*



*Are you ready to let me buy a new outboard motor yet?*

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## RIP George Gales - Passed away 8th June 2012

My deepest condolences go to Maggie and family members for the loss of a loving father and grandfather, mate and work colleague to many within the transport industry.

My personal association with this wonderful man began nine years ago when I first laid eyes on him. At the time he was a fueller in Swan Transit and I thought then, '**what a grumpy old bugger**'.

If you happened to leave your car where George needed to park a bus you found it extremely hard to get your car out. Hence you made sure you didn't park anywhere where George had to go.

In George's case the old saying "you can't judge a book by its cover" WAS SO VERY TRUE. Once you took the time to get to know this lovely man **you uncovered a heart of gold**.

Over the next few years we became good friends and I found the same MONTY PYTHON style of humour that dwelt within us both. We enjoyed lots of great pranks upon drivers and many laughs with others at the depot.

The jokes also flowed thru to some of our passengers, well the ones that had a sense of humour anyway. George maintained his **grumpy old bastard bus driver reputation** outside the depot as this was continuously confirmed by many of my regulars and always produced a laugh or two when replayed to George.

Due to the departure of one of our delegates there was a call for another to step up to the plate. Knowing that George would make a great candidate I strongly suggested that he stand.

However he replied "only if you stand as my second" Little did I know what George had planned for me in the future

With my building trade background and the two greatest great mentors any man could ever have in **George Gales, Keith Bean**. We



*George with one of this many mates*

became known as the three wise men who **fought for the under dogs** with the aid of the TWU.

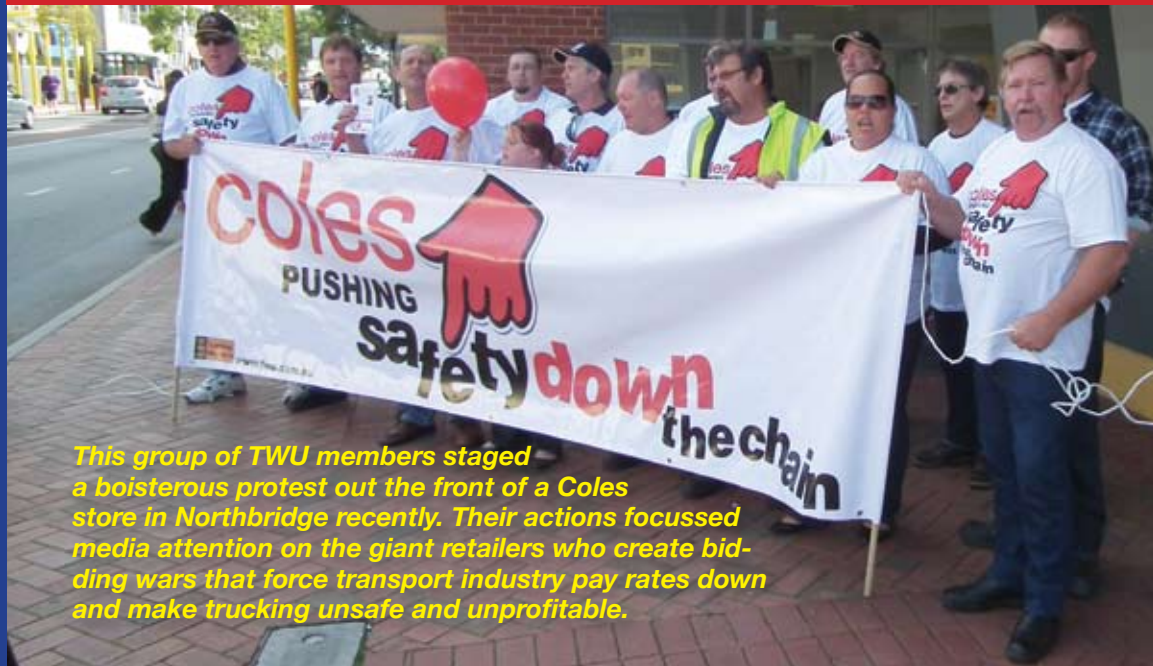
A strong foundation was built in that time where **members were protected from unfair treatment** and enjoyed a FAIR GO ! George moved depots a few years later and much to my wife's displeasure I became the senior delegate for the rest of my years spent in Swan Transit and still continue to be a member of the TWU today.

Time moved on, Keith retired, we all stayed great friends and enjoyed each other's company; socialising with many great dinners that seem to go on forever. George and I became more like brothers.

I cannot measure the loss and emotional drain George's passing has caused other than to say **I'm glad my brother's suffering has ended**. Doctors tried most diligently to cure or at least slow down the terrible cancer but to no avail.

George Gales was the best friend and brother any man could ask for in this life. In so many ways he demonstrated this with action, with kindness, a heart of gold, with **care and attention for others** even in his last days. You are greatly missed mate. **By Fred Morgan**.

## Protest over Coles Treatment of Truckies



*This group of TWU members staged a boisterous protest out the front of a Coles store in Northbridge recently. Their actions focussed media attention on the giant retailers who create bidding wars that force transport industry pay rates down and make trucking unsafe and unprofitable.*

# LAST LAUGH



## Not with a \$280,000 Mortgage

For his birthday, little Joseph asked for a 10-speed bicycle.

His father said 'Son we'd give you one but the mortgage on this house is \$280,000 and your mother just lost her job. There's no way we can afford it.'

The next day the father saw little Joseph heading out the front door with a suitcase. So he asked 'Son where are you going?'

Little Joseph told him; 'I was walking past your room last night and heard you telling mum you were pulling out.

Then I heard her tell you to wait because she was coming too. And I'll be damned if I'm staying here by myself with a \$280,000 mortgage and no bloody bike!

## Bad Body Shape

I feel like my body has gotten totally out of shape, so I got my doctor's permission to join a fitness club and start exercising. I decided to take an aerobics class for seniors. I bent, twisted, gyrated, jumped up and down, and perspired for an hour. But, by the time I got my leotards on, the class was over.



Elmer seemed to get a lot more attention from the ladies after he started wearing his colostomy bag to the front.

## WINDOWS FROZEN

Wife texts husband on a cold winters morning, "Windows frozen."

Husband texts back, "Pour some lukewarm water over it."

Wife texts back, "Computer completely f\*\*ked now."

## Bedside confession

Jake was dying. His wife sat at the bedside.

He looked up and said weakly:

'I have something I must confess.'

'There's no need to,' his wife replied.

'No,' he insisted, 'I want to die in peace.'

I slept with your sister, your best friend, her best friend, and your mother!'

'I know,' she replied.

'Now just rest and let the poison work.'

## Politically Incorrect

Following the tragic death of the Human Cannonball at the Travelling Circus, a spokesman said "We'll have to get another man of the same caliber."

★★★★★★

My son was thrown out of school today for letting a girl in his class give him a hand-job.

I said "Son, that's three schools this year! You'd better stop before you're banned from teaching altogether."

★★★★★★

Just been to the gym. They've got a new machine in.

Could only use it for half an hour, as I started to feel sick. It's great though. It provides me with everything I need - KitKats, Mars Bars, Snickers, Potato Chips, the lot."

★★★★★★

A wife says to her husband

"You're always pushing me around and talking behind my back."

And he says "What do you expect? You're in a wheelchair!"

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