

03 July 2021

MEMORANDUM

To: Lyndal Denny, CEO, Women in Trucking Australia

FROM: Highway Advocates Pty Ltd, an incorporated legal practice

RE: Introduction to Highway Advocates

Dear Lyndal and Board,

Thank you for the opportunity to bring our services to your attention.

What we do

Highway Advocates is an affordable legal service created exclusively for truck drivers and operators. We cover every State and Territory in Australia, and in most cases can appear for you whilst you keep working.

If you or your drivers get a fine or court notice for any road transport offence, give us a call – it will cost you nothing... We have a free 24/7 telephone advice service and will talk to you for as long as it takes to understand your case. We know that heavy vehicles operate in an enforcement-rich environment and are subject to hundreds of potential offences with huge fines, not to mention demerit points. In a year, a long-distance driver can travel more than 20 times the distance of an average car driver but has the same demerit point limit - this is simply unfair and discriminates against drivers and operators of heavy vehicles.

We can help with fatigue breaches, all camera-recorded offences, weighbridge avoidance offences, load restraint or dimension breaches, or any of the hundreds of other offences under the road transport legislation. We can also assist with negotiating payment arrangements for existing fines and cost orders, and in some cases, we can apply for complete or partial waiver of these fines.

We can help you whether you're guilty or not guilty

If you are not guilty or have a good defence, we can take your matter to court and contest the charge.

If you are guilty, we can still take your matter to court and get a good outcome. Some people believe there's no point going to court to plead guilty, and you should just pay the

fine. This couldn't be further from the truth. The court has a wide discretion, and we have the expertise to identify mitigating factors and what actions you need to take to persuade the court to be lenient.

With the right advocacy you can avoid a conviction, a fine and the demerit points. Our clients often get a positive outcome which literally saves their licences and their livelihoods. Remember, a conviction or fine will stay on your traffic record forever and will go against you if you go to court for another traffic offence.

Who we are?

Robert Bell is the CEO and a Director of Highway Advocates. Robert was a truck driver for more than 20 years and has been a long-term advocate for the industry, appearing in Senate hearings and industry focus groups. He has published several articles in the transport press and appeared on the ABC's 7.30 report. Robert's experience as a driver and his expertise in the road transport legislation make him a very powerful advocate for our clients. Robert is doing a law degree and regularly gets leave to appear in court. Robert can really advocate for truck drivers because he's been there, understands your issues and knows that most drivers simply make honest mistakes.

Adam Cockayne is the Legal Practitioner Director of Highway Advocates and is a lawyer with 25 years' experience in criminal and administrative law. A former managing prosecutor in a large government department, barrister and Court of Appeal criminal registrar, Adam founded the online legal service Fine Defender in 2016 to challenge unjust fines and enforcement. Adam has achieved considerable success and forced 5 Victorian Councils to refund \$25 million in unlawful parking fines. Now applying his legal expertise at Highway Advocates, Adam is determined to ensure drivers and operators are treated fairly and don't have their livelihoods jeopardised by simple mistakes. Adam regularly appears in court in all jurisdictions.

So, what sets us apart from other law firms?

- **We have an industry perspective**

Having an industry insider on our team gives us a unique understanding of our clients' situations, an ability to help them avoid the regulatory pitfalls and a genuine empathy. We recently appeared on the MMM Nightshift program and spoke about what we do differently. This appears to have struck a chord with the industry, who have long felt there is a void in this type of advocacy.

As an incorporated legal practice, we can offer other services in addition to traditional legal support. These services include compliance, auditing and training. Whilst you may already have these services in place, we consistently find that tailored services, especially offence-specific ones, offer benefits such as expert legal oversight. This can make all the difference if a matter is taken to Court (it can significantly improve your chance of having a charge dismissed instead of incurring a fine) or in negotiations with the Enforcement Agencies which are auditing your compliance.

- **We appear Australia-wide**

Highway Advocates is based in Melbourne (Adam) and Brisbane (Robert), but we can appear in all States and Territories. The courts have implemented audio-visual technology which allows us to appear in any court from a screen in our offices. We also travel to hearings, with a recent road trip last month down the Newell Highway. This resulted in two court dismissals on two separate fatigue matters.

One of these matters, at Dubbo Local Court, involved Rod Hannifey, a well-known safety advocate. By explaining the circumstances and mitigating factors, we were able to secure a dismissal without conviction or penalty.

In the other matter, at Narrandera Local Court, we appeared for a Townsville-based operator charged with a critical fatigue breach, which carries a maximum fine of \$17,000 and 4 demerit points. A critical breach, which is viewed very seriously by the courts, rarely results in a dismissal, but we were able to persuade the Magistrate it was appropriate in this case. Another factor of our representation was that the operator did not have to attend in person. This meant he could keep working which saved him thousands of dollars.

Working across the jurisdictions also helps us to identify the flaws in the different systems, and to develop specific legal strategies to overcome such barriers.

- **Our clients do not have to attend court – we can do it all for you**

It is a common misconception throughout the industry that is somehow easier and cheaper just to pay a fine. Nothing is further from the truth, with even minor infringements remaining permanently on your history. You rely on your licence for a living and cannot take the bus to work. Corporate penalties are significantly higher again, and Chain of Responsibility focused.

We can appear on your behalf without you having to attend in person. So, if you're a truck driver or operator in Melbourne and you or a driver gets booked in Tweed Heads, you'd normally have to take time off and travel all the way across the country. You don't have to do that. We can do all the legal work and appear for you.

- **We send detailed written legal submissions to the court in every case**

Adam and Robert work together drafting detailed written submissions. We have been commended by Magistrates for the quality of our written and oral representations. These form a vital part of our unique advocacy.

- **We have strong links with industry associations**

We are affiliated with the National Road Freighters Association, the Livestock, Bulk and Rural Carriers Association (NSW) and Women in Trucking Australia. We are currently in discussion with

other associations to offer the same service. We also publish a regular column in Owner Driver Magazine and feature in other industry publications.

- **We keep costs to a minimum**

We usually charge a fixed fee or an hourly rate which is a fraction of the rate commonly charged by other law firms. Our rate is \$200+GST per hour, however we negotiate special rates for our affiliated associations.

Relevant links

[Highway Advocates Website](#)

[Truckin with Kermie](#)

[Rod Hannifey's blog](#)

Thank you

Robert and Adam

Highway Advocates