



HEAVY VEHICLE DRIVER FATIGUE REFORM

Fatigue Risk Management Forum, Melbourne

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Background to fatigue reforms

- **Significant community concern arising from horrific accidents**
- **Current regulations have little basis in safety**
 - **Governments have safety regulations in place that are known to be unsafe**
- **Internationally, fatigue is a major safety issue**
- **2000 House of Reps Transport Committee**
 - **“The effective control of fatigue in land transport alone could see a 20-30 per cent drop in accidents”**
- **NSW ‘Quinlan’ Report**
 - strong association between commercial practices and safety.

Historical background

- **1999 – Current Regulations enacted**
- **2004 – Policy approved**
- **2007 – Fatigue Package approved**
- **2007/8 – Amendments**
- **2008 – State legislation, getting the system in place**

The case for change

- **Illicit drug use over 30%**
- **Court cases and Coronial Inquests**
- **Road safety datasets**
 - Major contributor to crash causation
- **Private sector initiatives**
 - NTI won't insure without fatigue management and training
 - Many companies elect to limit driving to far more conservative limits that are regulated



The case for reform

- In a 2007 study 36% of heavy vehicle drivers admitted to “nodding off for a moment” behind the wheel
- Anecdotally, drivers are leaving the industry in droves

Structure of the new legislation

- **Hours options (3 alternatives)**
 - Traditional prescriptive (standard hours)
 - Limited flexibility (BFM)
 - Outcomes/process based (AFM)
- **General duties (alignment with Occupational Health and Safety laws)**
- **Chain of responsibility**



Hours options

- **Standard Hours**
 - Basic work and rest limits
- **Basic Fatigue Management (BFM)**
 - More flexible work hours linked to accreditation
- **Advanced Fatigue Management (AFM)**
 - Create your own fatigue management system and work hours linked to accreditation

Underpinning principles

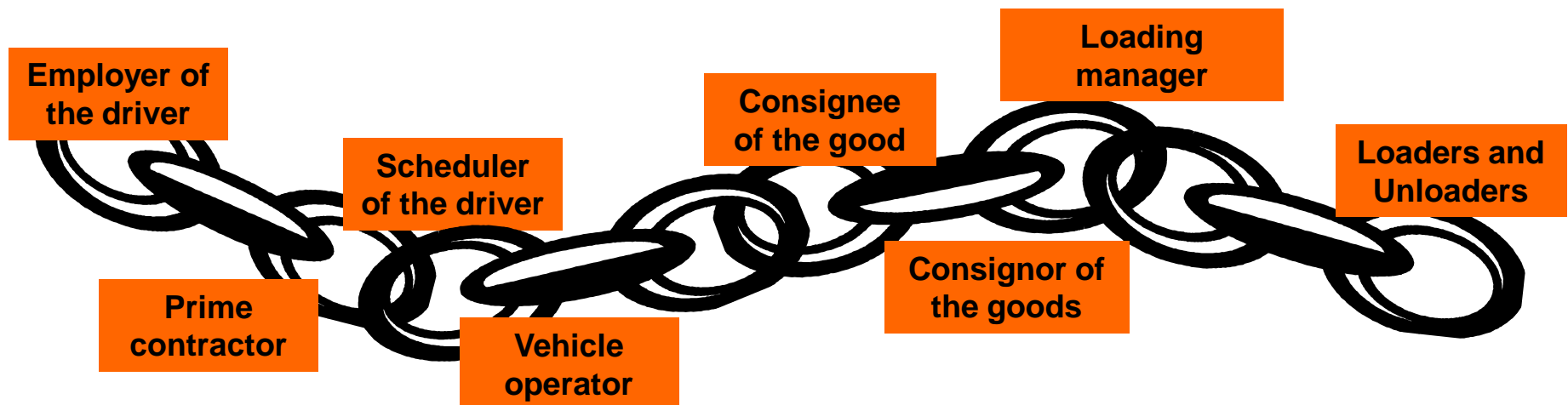
- **Based on consensus of international scientific opinion**
 - **Minimum sleep**
 - **Maximum working hours**
 - **Night work**
 - **Sleep debt**
 - **Short breaks**
- **All three hours options seek to balance these principles**
- **Shift from primary reliance on limiting driving hours**

General Duties

- **General duty to manage driver fatigue**
 - Duty imposed on all parties in the chain
 - A driver may not drive while fatigued, and no one may let a driver drive while impaired
 - Expressed in similar form to OHS general duty
- **Specific duties placed on parties in chain, relating to how their role impacts on driver fatigue**

Chain of responsibility

- Under the new reforms not just the driver is responsible for managing fatigue. Other parties also have responsibilities to ensure that drivers do not drive while fatigued.





COR

- **Legislation drafted such that it is the nature of the task performed by the party, rather than the job title**
- **Each party may be more than one chain party, and therefore hold more than one duty**

COR – The livestock industry

- **Farmer**
 - **employer, prime contractor, consignor, consignee and vehicle operator**
- **Stock Agent**
 - **scheduler, consignor, loader or unloader**
- **Sale yard manager**
 - **loading manager**
- **Abattoir**
 - **prime contractor, vehicle operator, consignor, consignee, loading manager, loader or unloader**

COR – Specific Duties

- **Under s 32:**
 - **a consignor or consignee must ensure scheduled delivery times etc, do not cause a driver to drive while fatigued. Cannot make demands, requests, contracts that may cause fatigue.**
- **Under s 33:**
 - **a loading manager must take reasonable steps ensure that long queuing does not leave drivers fatigued .**
- **Under s 35:**
 - **Any party cannot enter into a contract that will have the effect of causing a driver to drive while fatigued.**

Basic Fatigue Management (BFM)

- **More flexibility offered in exchange for more onerous duties**
 - **Requires being accredited in NHVAS auditing scheme fatigue module**
 - **6 Standards**
 1. Scheduling and Rostering
 2. Fitness for Duty
 3. Fatigue Knowledge and Awareness
 4. Responsibilities
 5. Internal Review
 6. Records and Documentation

Advanced Fatigue Management (AFM)

- **Fundamentally different approach**
- **Particularly suited to unique operations**
 - E.g. Remote area livestock
- **Adopts a risk management approach**
 - Potential for adoption of innovative approaches, including monitoring technologies, scheduling methodologies and integrated fatigue risk management
- **Proposal requires assessment by fatigue expert**

Advanced Fatigue Management (AFM)

- **Propose your own scheme (within outer limits)**
- **Maximum flexibility – most onerous duties**
 - **Again, NHVAS accreditation**
 - **10 standards**
 1. Scheduling and Rostering
 2. Readiness for Duty
 3. Fatigue Knowledge and Awareness
 4. Responsibilities
 5. Internal Review
 6. Records and Documentation
 7. Health
 8. Workplace Conditions
 9. Management Practices
 10. Operating Limits

BFM & AFM Training

- **Part of the NHVAS fatigue module requires training**
 - **Delivered through VET sector**
 - **Required of both drivers and *schedulers***
 - **Same training module for both BFM & AFM**

Future activities

- **Roll out 29 September in participating jurisdictions**
 - Qld, NSW, Vic, SA
 - NT & Tas will join later
 - WA will retain it's OHS approach, but there are agreements in place for transborder operations
- **Still significant work to be done in complimentary areas**
 - Fitness for duty
 - Framework for 'safe' payment rates and awards
 - Cultural change

Thank you



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