

17 May 2013

Mr Mark Earp
Chief Executive Officer
National Transport Commission
Level 15/628 Bourke Street
MELBOURNE VIC 3000

Dear Mr Earp,

As an operator of Fatigue Regulated Heavy Vehicles, RoadTek makes the following comments and suggestions regarding the proposed National Driver Work Diary changes.

The overall reduction of data entry requirements along with the allowance of commonly known abbreviations and minor spelling errors is a positive change and contributes towards focusing on the primary intent of the legislation which is to manage driver fatigue and protect road users.

Page 10 under 'Changing Work and Rest Options' paragraph two states;

'You may change from Standard Hours or FMR to another option, provided that you fully comply with the work and rest hours option to which you are changing. Alternatively, you can change from Standard Hours or BFM to another option if you have had a reset rest break of not less than 48 continuous hours stationary rest.'

The second sentence in this paragraph is unnecessary and may cause confusion. As stated in the first sentence a driver must comply fully with the work and rest hours allowed in the greater fatigue option, there is no need for a 48 hour reset rest period.

Removing the requirement for drivers to complete accreditation details will prevent operators who engage drivers under a sub-contractor arrangement from confirming accreditation details and as is required under the chain of responsibility ensuring drivers are compliant with the relevant approved work and rest hours.

On Page 13 under Other BFM and AFM Requirements there is no mention of an Intercept Book which is a requirement under the NHVAS Business Rules.

The inclusion of the *Number Plate Change and Comments* section would reduce recordkeeping requirements and ensure operators are made aware of the details of any interactions between drivers and authorised officers if this section is completed. In the past, authorised officers have refused to complete intercept reports when requested to do so by drivers even though it is a requirement for the driver to carry one under the NHVAS business rules. Page 11 states that a driver can ask an authorised officer to make a note of the intercept if they are stopped for more than 5 minutes. If this is outlined in the NDWD will authorised officers be required to complete this section on request and what steps should drivers and operators take if they consistently decline to do so? Consideration should be given to remove the requirement for intercept books and mandate that intercept details be recorded in the NDWD.

On Page 19 under *Providing Copies to Others in the Chain of Responsibility* it states that parties within the chain who are not your employer can request a copy of daily sheets however duplicates must not be used for this purpose. The prime contractor under a number of legislative acts assumes the role of employer and preventing drivers from supplying prime contractors with duplicate sheets would make the process for ensuring driver compliance difficult, creating delays and adding the additional administrative burden which is contrary to the purpose of the NDWD review. Although legislation only requires drivers to provide duplicates to their Record Keeper (as stated on page 19) it does not state that duplicates can not be supplied to other parties within the chain.

Yours sincerely,

Bill Lansbury
Executive Director (RoadTek North)