



HEAVY VEHICLE DRIVER FATIGUE REFORM Information Bulletin

July 2008

Which Option Suits You?

It's time to manage heavy vehicle driver fatigue. New national road transport Heavy Vehicle Driver Fatigue laws to commence on 29 September 2008, set revised work and rest limits for heavy vehicle drivers and require better management of driver fatigue. The reform makes all parties in the supply chain legally responsible for preventing driver fatigue.

The new laws are consistent with current obligations under Occupational Health and Safety (OH&S) laws that also require employers and employees take all reasonably practicable steps to manage driver fatigue.

The reform changes the focus from regulating hours to managing fatigue. Working long hours and fighting your body clock at night is widely recognised as high risk. Operators and drivers who 'do the right thing' by managing those risks through accreditation schemes will have a greater say in when they can work and rest.

In a nutshell...

There are three options for maximum work time and the minimum rest time to choose from (see table 1). The Standard Hours option will suit most businesses as it sets default limits for work and rest. If you need more flexible hours, you can consider applying for Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM).

Table 1: Work and rest options

Option	Requirements
Standard Hours	Basic work and rest time limits
Basic Fatigue Management (NHVAS accredited)	More flexible work hours linked to accreditation
Advanced Fatigue Management (NHVAS accredited)	Create your own safety management system and work hours linked to accreditation

The Standard Hours option sets out minimum rest and maximum work hours and contains basic record keeping requirements.

BFM offers more flexible hours and includes the ability to work shifts of up to 14 hours. BFM gives operators a greater say in when they can work and rest providing the risks of working long hours and night shifts are properly managed.

AFM offers more flexible hours than Standard Hours or BFM in return for the operator demonstrating greater accountability for managing fatigue risks. Rather than prescribing work and rest hours, AFM takes a risk management approach.



Standard Hours

The Standard Hours option for solo drivers sets out minimum rest and maximum work hours and includes basic record keeping requirements (see table 2). The Standard Hours option is also available for two-up and bus drivers (refer to the NTC information bulletins '*Two-up driving explained*' and '*Driving hours for the bus sector*').

Table 2: Standard Hours – Solo Drivers

Time	Work	Rest
In any period of...	A driver must not work for more than a MAXIMUM of...	And must have the rest of that period off work with at least a MINIMUM rest break of...
5 ½ hours	5 ¼ hours work time	15 continuous minutes rest time
8 hours	7 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	12 hours work time	7 continuous hours stationary rest time ¹
7 days	72 hours work time	24 continuous hours stationary rest time
14 days	144 hours work time	2 x night rest breaks ² and 2 x night rest breaks taken on consecutive days

¹ Stationary rest time is the time a driver spends out of a regulated heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

² Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

Basic Fatigue Management (BFM)

The BFM option offers more flexible hours than Standard Hours, including the ability to work shifts of up to 14 hours. BFM gives operators a greater say in when they can work and rest providing the risks of working long hours and night shifts are properly managed.

Basic steps to manage the risk of driver fatigue include planning trips and schedules, training drivers and schedulers and checking records.

To access BFM, operators will need to be accredited in the National Heavy Vehicle Accreditation Scheme (NHVAS), and comply with six BFM standards covering scheduling and rostering, fitness for duty, fatigue knowledge and awareness, responsibilities, internal review, and records and documentation.

The BFM option is also available for two-up drivers (refer to the NTC information bulletin '*Two-up driving explained*').

If you are currently working under the Transitional Fatigue Management Scheme (TFMS), you may be able to transition across to BFM.

Table 3: Basic Fatigue Management – Solo Drivers

Time	Work	Rest
In any period of...	A driver must not work for more than a MAXIMUM of...	And must have the rest of that period off work with at least a MINIMUM rest break of...
6 ¼ hours	6 hours work time	15 continuous rest time
9 hours	8 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
12 hours	11 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	14 hours work time	7 continuous hours stationary rest time ¹
7 days	36 hours long/night work time ²	
14 days	144 hours work time	24 continuous hours stationary rest time taken after no more than 84 hours work time and 24 continuous hours stationary rest time and 2 x night rest breaks ³ and 2 x night rest breaks taken on consecutive days

¹ Stationary rest time is the time a driver spends out of a regulated heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

² Long/night work time is any work time in excess of 12 hours in a 24 hour period or any work time between midnight and 6 am (or the equivalent hours in the time zone of the base of a driver)

³ Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.



Advanced Fatigue Management (AFM)

The AFM option brings a genuine risk management approach to managing fatigue, rather than prescribing work and rest hours. AFM accreditation offers more flexible hours than Standard Hours or BFM in return for the operator demonstrating greater accountability for managing fatigue risks. Under AFM drivers may be allowed to split their continuous rest break for more flexibility.

To access this scheme an operator must be NHVAS AFM accredited and comply with ten AFM standards including scheduling and rostering, operating limits, readiness for duty, health, management practices, workplace conditions, fatigue knowledge and awareness, responsibilities, records and documentation and internal review.

Operating Limits

AFM work and rest hours (operating limits) must be approved by the Fatigue Authorities Panel. In approving an AFM application, authorities will consider whether the fatigue risks associated with the proposed operating limits can be managed or mitigated.

Approved AFM operating limits may allow for some additional flexibility, for example in the case of an unforeseen and lengthy delay in loading or unloading which greatly extends the driver's work schedule. Outer limits represent the point past which further driving or work poses an unacceptable fatigue risk. The national outer limit of 16 hours (15 hours in New South Wales and Victoria) cannot be exceeded. This limit is based on robust advice from fatigue experts, and experience from current transport industry practices.



To be approved, the operator's fatigue management system must describe how additional fatigue risks associated with the proposed hours will be managed and ensure the driver takes additional 'recovery' rest. More detail can be found on the NTC information bulletin '*Advanced Fatigue Management explained*'.

Table 4: Outer limits

Parameter	Normal operating limits	Frequency for exceeding normal operating limit	Outer Limit
Minimum break in a 24 hour period	operator to propose	operator to propose	6 continuous hours or 8 hours in 2 parts
Minimum continuous 24 hour period free of work	operator to propose	operator to propose	4 periods in 28 days
Minimum opportunity for night sleep (between 10pm and 8am)	operator to propose	operator to propose	2 periods in 14 days
Maximum hours work in 24 hour period	operator to propose	operator to propose	16 hours (except NSW and VIC)
Maximum work in 14 days	operator to propose	operator to propose	154 hours
Maximum work in 28 days	operator to propose	operator to propose	288 hours



Work and Rest

Work refers to all driving and any other tasks related to the operation of a heavy vehicle. Work time is the time a driver spends driving a heavy vehicle (on or off the road) and any other time a driver spends doing tasks related to the operation of the heavy vehicle including fueling, inspecting, servicing, attending to the load, cleaning, loading, unloading, queuing etc. All other time is counted as rest.

The legislation requires work and rest to be counted in a certain way. Time is counted in 15 minute intervals and is recorded according to the time zone of the driver's base. Work is always rounded upwards to 15 minutes e.g. a period less than 15 minutes is counted as 15 minutes; a period between 15 minutes and 30 minutes is counted as 30 minutes etc. A 30 minute rest break can be taken as 2x15 minute rest breaks etc but 7 hour or 24 hour rest breaks must be taken as a continuous period.

In contrast, rest is always rounded downwards to the nearest 15 minutes e.g. a period less than 15 minutes does not count towards rest while a period of 15 minutes but less than 30 minutes is counted as 15 minutes rest.

Further information

For specific queries about the fatigue legislation applicable to you, please consult a solicitor or the Legal Aid organisation from your local State or Territory.

The National Transport Commission (NTC) has developed *Guidelines for Managing Heavy Vehicle Driver Fatigue* to educate everyone in the road transport supply chain on heavy vehicle driver fatigue. These Guidelines provide guidance for drivers, employers, operators and schedulers, as well as users and customers of road transport on managing heavy vehicle driver fatigue and on the responsibilities of each of these parties under the new laws.

This bulletin cannot explain all of your obligations under the new laws. Further information on fatigue and copies of the Guidelines are available from your local road transport agency or may be obtained from the NTC website

www.ntc.gov.au

Disclaimer

This bulletin does not constitute legal advice. Details are subject to amendment. Check your local legislation or contact your local road agency if you want more information.