



HEAVY VEHICLE DRIVER FATIGUE REFORM Information Bulletin

July 2008

Standard Hours explained

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 Standard Hours option will suit most businesses. 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) options (see Table 1).

Table 1: Work and rest options

Module	Requirements
Standard Hours	Basic work and rest time
Basic Fatigue Management (NHVAS)	More flexible work hours linked to accreditation
Advanced Fatigue Management (NHVAS)	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 (see Table 2). Please refer to the NTC information bulletins 'Two-up driving explained' and 'Driving hours for the bus sector' for further information on Standard Hours.



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.

Work and Rest

Work time refers to all driving and any other tasks related to the operation of a heavy vehicle. All other time is counted as rest. Time is counted in 15 minute intervals and is recorded according to the time zone of the driver's base (e.g. a 30 minute rest break can be taken as 2x15 minute rest breaks etc but 7 hour or 24 hour rest breaks can not be split up).

Work is a maximum so is always rounded upwards e.g. a period less than 15 minutes is counted as 15 minutes work, a period more than 15 minutes up to 30 minutes is counted as 30 minutes work etc.

Rest is a minimum period so is always rounded downwards 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 etc.

The Standard Hours option gives drivers more opportunities to take short rest breaks when they feel tired especially later in a shift when fatigue starts to cut in. Drivers must take a minimum 15 minute rest break (under current laws this is 30 minutes) within the first 5 hours 30 minutes of work.

This shifts the emphasis to taking regular short rest breaks later in a shift when a driver starts to feel tired. Importantly this option provides a special defence for drivers (allowing up to 45 minutes additional driving) to ensure they are not unfairly penalised if a suitable rest area is not available (note: this agreed national provision will not apply in New South Wales or Victoria).

Night Work

Under the Standard Hours option a driver must take 4 nights rest including one pair of consecutive nights rest in any 14 day period. For example, in a 14 day period, a driver would be able to work up to 6 night shifts (between the hours of midnight to 6am) in 1 week and 4 night shifts the following week. Night rest is 7 continuous hours rest taken between 10pm and 8am (this can include a 24 hour continuous rest).

Work Diary

A new national driver work diary will replace the current driver log book. You must use the work diary if you are working:

- under Standard Hours in NSW or Tas (regardless of the distance travelled); or
- under Standard Hours working more than 100km from your base (200km in Qld); or
- under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM).



General Duty

Under the new laws a 'general duty' (similar to OH&S laws) requires all parties take reasonable steps to prevent drivers fatigue. For example, this means:

- drivers must stop if they are feeling tired or fatigued;
- operators and schedulers must plan when driver's rest;
- a loading manager must take steps to ensure queuing is managed properly; and
- contracts that require a driver to break the law are illegal.

More Information

The National Transport Commission has developed *Guidelines for Managing Heavy Vehicle Driver Fatigue* to educate everyone in the road transport supply chain on heavy vehicle driver fatigue. The 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.