

A close-up photograph of a teal semi-truck. The truck features a large chrome exhaust stack with 'WESTERN STAFF' written vertically. The word 'TOLL' is printed in white on the teal door. A chrome fuel tank is visible on the right side of the door. The truck is parked on asphalt, and a driver is visible through the window. The background shows a clear blue sky.

**TOLL**

## **Toll Group**

**Submission on:**

***Developing a Heavy Vehicle Fatigue Data  
Framework Discussion Paper, August 2015  
October 2015***

## 1. Toll Group

Toll Group is the Asian region's leading provider of integrated logistics services. With annualised revenue in excess of \$8 billion, we employ around 45,000 people through a network of 1,200 sites in more than 50 countries. Toll Group's substantial international presence makes it one of the most geographically diverse Australian multinationals. In Australia, Toll Group directly employs around 25,000 people.

Toll Group is an iconic Australian company with a 125 year history of providing transport, logistics and warehousing services. The company has an extensive commitment to a safe, secure and sustainable road freight industry and welcomes the opportunity to provide a submission to the National Transport Commission on the *Developing a Heavy Vehicle Fatigue Data Framework Discussion Paper* (August 2015).

## 2. Introduction

Toll Group operates in all Australian states and territories and strongly emphasises compliance with the law. The current fatigue regulatory regime is characterised by multiple and overlapping statutory instruments. For example, fatigue-related rules and regulations that govern Toll's operation include:

- The Western Australian *Code of Practice: Fatigue Management for Commercial Vehicle Drivers*
- The Northern Territory *Road Transport Fatigue Management Code of Practice*
- The Heavy Vehicle National Law (HVNL) and supporting driver fatigue regulations and guidelines
- Basic fatigue management as defined within the Heavy Vehicle National Law (HVNL) and accredited by the National Heavy Vehicle Regulator
- Safe driving plans as stipulated by the Road Safety Remuneration Tribunal's first order
- Occupational health and safety laws
- Industry-specific fatigue regulations such as the *Guidance Note for Fatigue Risk Management* imposed in Queensland under the Mining and Quarrying Safety and Health Act 1999 and the Coal Mining Safety and Health Act 1999.

The sheer number and complexity of fatigue rules creates compliance challenges. Toll would welcome a policy overhaul in the fatigue space and recognises the need for credible, sufficient data to justify and drive such an overhaul. Toll therefore welcomes the proposal to create a fatigue data framework.

## 3. Focus of the Framework

The *Fatigue Data Framework* discussion paper is very timely for Toll Group as we are currently undertaking a review of fatigue management practices across Toll's Australian business units.

Although in its early stages, the review tends to support the NTC's view that there are unresolved policy questions around fitness for duty, regulatory thresholds (especially around why fatigue laws apply at 12 tonne but not at 4.5 tonne), and nose-to-tail shifts.

However, the Toll review also suggests that there are key areas of fatigue risk not canvassed in the NTC paper worthy of inclusion in the fatigue data framework. These include:

- The fatigue management practices of sub-contractors, and in particular how work and rest hours are managed for 'non-captive' sub-contractors (i.e. subcontractors who work for multiple operators)
- The risk factors involved in working to Western Australian hours of work and rest as opposed to working to HVNL hours<sup>1</sup>
- The impact of lengthy commutes on fitness for duty
- The relationship between fatigue and distraction
- The adequacy of approved sleeper berth design rules for fitness for duty and restorative rest (for example, the fact that sleeper berths are not required to be air-conditioned)
- Instances where the dangerous goods rules may conflict with rest requirements in the HVNL
- The relationship between use of safe driving plans as required by the Road Safety Remuneration Tribunal to fatigue outcomes.

#### 4. The need for a co-ordinated approach

Toll Group notes that there are several current projects that potentially compliment or overlap with the proposed Fatigue Data Framework. For example, Austroads recently released a research report that canvassed issues around coding of fatigue data ([Road Crash Injuries Cost and Prevention](#)). The National Road Safety Partnership Program is running a [benchmarking project](#) which may also overlap in the area of fatigue. The Electronic Work Diary project being co-ordinated by the National Heavy Vehicle Regulator could also be relevant, especially with regards to collection of data around nose-to-tail shifts and rest breaks under BFM.

It is important to co-ordinate the government effort in the space to minimise duplication and the potential for confusion.

#### 5. Further specifics

While Toll is broadly supportive of the fatigue data framework, more information is required on:

- the costs of the project and who will bear them
- the timeframe for the development of the framework
- accountability for building and maintaining the framework
- who will have access to the data. The discussion paper indicates that the data should be accessible to policy makers and academics. Toll believes that industry should also have access to the data to drive refinement of operators' fatigue management policies.

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<sup>1</sup> We draw the NTC's attention to the most recent National Transport Insurance report which found that Western Australia had the highest proportion (30%) of major crash incidents attributed to fatigue. National Truck Accident Research Centre, *2015 Major Accident Investigation Report*, 2015, p.7

## 6. Conclusion

Toll Group thanks the National Transport Commission for the opportunity to make comment on *Developing a Heavy Vehicle Fatigue Data Framework Discussion Paper*. We support the framework as a necessary preliminary step to overhauling the currently complex and confusing fatigue regulatory regime.

Please direct any queries arising from this submission to:

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