Attachment A

TMR response to *'Developing a heavy vehicle fatigue data framework' discussion paper*

<table>
<tr><th></th><th>Question</th><th>Response</th></tr>
<tr><td rowspan="2">1</td><td>Do you agree with the fatigue issues identified in the discussion paper?</td><td>Yes, the Department of Transport and Main Roads (TMR) agrees with the identified issues.

In relation to 3 Priority issues with current laws, TMR believes an increase to the minimum major rest period would provide increased sleep opportunity ('wind down' and 'wake up' time). Increasing the minimum major rest period would also help to minimise the potential fatigue impacts of nose to tail shifts.

Practically, however, further investigation on the impacts to industry of effectively reducing the available spread of work hours in a 24 hour period on industry productivity and efficiency, would be required.</td></tr>
<tr><td>Are there any other issues that should be included?</td><td>Jurisdictional discussions in recent times have included the issue of 'single driver' in a two up scenario. The focus was on whether or not the second driver could achieve an adequate 'rest break' whilst sleeping within the cabin.

Discussions resolved that a fatigue breach in these instances would be difficult to prove and that any action would not necessarily result in any benefit to the transport industry, however, there remains concern that these drivers may not be sufficiently rested prior to commencing 'work'.</td></tr>
<tr><td>2</td><td>What is your view on the proposed prioritisation of fatigue issues identified in the discussion paper?</td><td>TMR agrees that 'nose-to-tail' schedules should be a priority but of lower importance. TMR is of the opinion the risk associated with nose-to-tail shifts is not greater than with regular extended work opportunity schedules. For example where a daily courier style delivery driver spreads 12 work hours over 16/17 day hours employing longer short rest breaks, or more frequent short rest.

Driver well-being and fitness to work should be of higher priority. HV drivers should be required to have more frequent medical fitness checks (even annual) to detect health issues which may impact on fatigue factors earlier.

Likewise, 'minimum rest times for BFM two-up drivers' should be number 7 rather than 4 with respect to the issue of BFM two-up drivers' lack of regulated short rest periods. TMR is of the opinion that, in practice, drivers are unlikely to routinely use15-30 minute rest periods as this limits the overall continuous operational time on road. Anecdotally, the more likely situation is balanced periods of 2-5 hours driving and 2-5 hours rest where both drivers get less fatigued and better rest.
<table>
<tr><th>NTC Priority</th><th>TMR Suggested priority</th></tr>
<tr><td>1 Nose-to-tail</td><td>3</td></tr>
<tr><td>2 Quantity & quality of sleep</td><td>1</td></tr>
<tr><td>3 Continuous hours of work</td><td>2</td></tr>
<tr><td>4 No two-up BFM short rest</td><td>7</td></tr>
<tr><td>5 Night time driving</td><td>4</td></tr>
<tr><td>6 Impact of local work</td><td>5</td></tr>
<tr><td>7 Threshold application</td><td>8</td></tr>
<tr><td>8 Driver wellbeing</td><td>6</td></tr>
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	Question	Response
		Rationale for TMR priority suggestion: **1. Quantity and quality of sleep attained in major rest breaks:** data is required to further understand the extent to which heavy vehicle drivers are only **resting** to the minimum hours required in the regulations, which results in insufficient **sleep** as well as the quantity and quality of sleep obtained within the sleep opportunity. **2. Continuous hours of work – including Basic Fatigue Management (BFM) and Advanced Fatigue Management (AFM):** assess the impact of working additional hours, including BFM and AFM – in particular the impact of working additional hours without an additional sleep/rest opportunity to offset the fatigue risk. To be able to report statistically on the number of fatigue-related crashes caused by drivers working under BFM or AFM, agencies would have to request this specific information and record it in crash reports. **3. Nose-to-tail schedules:** assess if there are any residual fatigue risks which can arise from legal patterns of work under the counting time rule. In particular, if the ability under the current rules to work two long periods in a 24-hour period has an unacceptable level of fatigue impairment. **4. Night time driving and ending shifts in the early morning:** assess the impact of time of day on alertness, particularly when ending a long shift between midnight and 6am. **5. Impact of local work:** assess the impact of local work on driver fatigue. In particular, there are two areas of concern raised by TMR stakeholders: 1) fatigue issues associated with working in congested traffic and meeting tight delivery deadlines; and 2) fatigue and enforcement issues associated with working both 100+ km and local work and not recording local work (in the work diary or as an adjunct to the work diary). **6. Driver wellbeing and fitness to work:** improve our understanding of driver wellbeing and fitness. TMR stakeholders have concerns regarding heavy vehicle driver fitness before starting a shift and the over-representation of undiagnosed and untreated medical conditions, including sleep apnoea. **7. Minimum rest times for BFM two-up drivers:** assess the fatigue impact of two-up drivers operating under BFM that are not required to take minimum rest times within 24-hour periods. **8. Threshold application of fatigue laws and work diary record-keeping:** linked to the issue of local work are threshold parameters more generally. This could include an assessment of the 100+ km threshold for work diary record keeping and the 12-tonne threshold for application of the fatigue laws as it applies to the definition of a fatigue-regulated heavy vehicle driver.
3	What other data collection activities exist in government or industry that the data framework should consider?	Insurance claims – lodged and/or paid. OHS reportable incidents and investigations. Coronial reports in relation to heavy vehicle incidents Industry fleet and driver monitoring systems.

	Question	Response
4	Do you agree with the need for more comparable and accessible fatigue data to underpin future reforms?	YES - Industry should be encouraged to provide de-identified data – without any fear of repercussions from a compliance/enforcement perspective. The CRC Alertness forums have proven to be a proactive way for industry and C&E representatives to engage in open debate and enhance the 'evidence base' for fatigue management.
	If not, what alternative approach do you propose?	N/A
5	Do you support an open data approach to fatigue data? *Consider in your response the benefits and challenges of open data compared to other data handling approaches.*	TMR agrees with this approach. It is essential however, to ensure data "owners" are included throughout the development process, their concerns are addressed and that there are sufficient checks and balances in place to ensure the anonymity of all parties subject of the data and commercial confidentiality. TMR is of the opinion that all government data is moving towards open source, and fatigue related data should not be an exception.
6	What is your view on the proposed framework methodology relating to proposed terminology and coding, proposed system changes and proposed process changes?	TMR agrees with the overall principles of the framework using a straight forward project/program methodology. However, the proposed standard three crash report questions (Table 5) should be increased to include time of day of crash, duration of driving since last sleep.
7	What is your view on the validity and characteristics of a fatigue likelihood scale?	In the absence of hard data, TMR agrees a likelihood scale would be a useful tool in determining crash cause. However as the scale can only be focused towards research related activities at this time, its application for operational compliance and enforcement activities remains to be proven. The scale should include feedback from this round of consultation and input from fatigue experts and not limited to the three basic questions mooted.
8	What is your view on the proposed framework principles?	TMR agrees with the principles as stated but note there remain unresolved issues including those relating to role responsibilities and funding. Also, as previously stated as the scale appears to be more focused towards research related activities its' application for operational C&E activities is unclear.

	Question	Response
9	What is your view on the data collection and research activities proposed in the discussion paper?	TMR agrees with the proposed data collection and research principles, and strongly supports the development of ethical guidelines and participant agreement. Queensland maintains a positive and proactive relationship with university researchers, for example CARRSQ, who could also be included in the Group 2 activities. TMR is supportive of the concept of using work diary data as a tool to better understand the impact of rostering on fatigue levels. Sample size would determine the value of this concept, however with sufficient participation comparisons would be possible on a number of variables including shift length, time of day, route characteristics (monotony), and familiarity with route and so on. Any data collection through this means would require appropriate confidentiality assurances to encourage participation.
10	How best should the data framework be funded and governance arranged?	As the data gathered will be a tool used in future analysis and review of the HVNL, Queensland believes the administrative and ICT functionalities should be funded through the framework owner – that is maintenance funding of the NTC. Once the framework is finalised and a databank developed, an expression of interest could be extended to the NHVR for the ongoing maintenance of the data. Investigations could also be undertaken into opportunities to leverage off road safety research funding, nominating the project through the Australian Research Council, tertiary institution and insurance sponsored research.
A	General Comment	TMR received stakeholder comment and agrees that the HV fatigue data framework cannot be achieved in isolation. The progression of 'intelligent telematics' will gradually provide a level of standardisation, however, the National Data Sharing Protocol and Electronic Work Diary must be delivered in conjunction with the fatigue data framework if they are to achieve any actual beneficial outcomes to on-road compliance and enforcement (C&E). The related, yet still outstanding matters of standardisation/harmonisation of C&E procedures, counting time and nose-to-tail shifts, when resolved will have an impact of data collection and need additional consideration at that time. TMR believes there will be a need for re-prioritisation of fatigue issues, or inclusion of others, in the future and will be determined through interception information collected through the implementation of this project.
B	Collection of information other than through enforcement or research.	TMR Compliance and Enforcement officers within regions from time to time present "tool box talks" for operators. Stakeholder engagement such as this may be a way of obtaining 'desensitised' information from the industry such as collection of data noted in item 9. Other jurisdictions would possibly have similar access.