

The issues paper again highlights the failure of the regulator to appropriately consult outside the commercial transport sector.

Fatigue-regulated heavy vehicles, Page 17

Text states incorrectly:

Although general safety duties apply to all heavy vehicles, the fatigue management requirements in the HVNL only apply to fatigue-regulated heavy vehicles. These are:

- *vehicles with a gross vehicle mass (GVM) of more than 12 tonnes*

On conversion to a motor home a bus becomes registered as a truck and can have a GVM of 21 tonnes (e.g. converted Volvo B10M tag-axle coach). This registered truck (motorised caravan) is not fatigue-regulated. There should be a distinctly separate registration category for motor homes so that motor home registration charges can be tied to risk. It would allow vehicle numbers to be tracked, age of these vehicles removed from the calculation of the truck fleet age, etc., plus allow motor home accident statistics, fleet numbers, etc., to be analysed.

For statistical purposes the ABS census data related to motor homes moves these heavy vehicles over 4.5 tonnes into the ABS 4.5 tonne category. There appears to be no relevant statistics on the size, risks, or vehicle age of the motor home heavy vehicle sector.

Controls, Page 19

Text states:

*Controls relating to driver health are covered under licensing (through the **Assessing fitness to drive** guidelines) and the fatigue management accreditation schemes. Most fatigue risk controls focus on preventing the driver from driving while fatigued, with responses to observed fatigue the only control able to mitigate the consequences of driving fatigued (see Figure 4). Fatigue observation relies on at least one of the following:*

- *a driver – who is impaired by fatigue – making a sound judgement*
- *an operator contacting the driver to 'check in'*
- *a roadside stop by enforcement officers.*

Effectively, the fatigue risk is controlled by an 'open loop', with extremely limited feedback to ensure the prevention controls are working as intended.

All vehicles (light and heavy) have the same probability of a roadside stop for speeding violations. A heavy vehicle motor home is not going to be stopped for log book checks, weight, load inspections, etc. Therefore a heavy vehicle motor home is probably the least likely heavy vehicle to be stopped by an enforcement officer. For a driver of a motor home there is no 'check in' with an operator and a roadside stop by enforcement officers for inspection of a log book is never going to happen. Therefore fatigue observation is not "at least one of the following:". Fatigue observation for a motor home driver is only "a driver – who is impaired by fatigue – making a sound judgement".

I reported myself for medical assessment otherwise there would not have been any monitoring. As it is the current medical scheme for motor home drivers appears to just be an ineffective, paper pushing exercise as effective as a fig leaf. Given that the risks for motor home drivers is so different from the drivers in the transport sector it would be appropriate to introduce a non-commercial **Assessing Fitness to Drive** standard for heavy vehicles. There appears to be no statistics available to justify the current medical standard for motor home drivers, nor on the basis of risk the current registration charges. There have never been any statistics produced to show heavy vehicle motor homes are a significant risk.

Since 2005 there has been remote monitoring capability in CPAP and VPAP machines available to the Australian market e.g. ResMed Series 8 had serial and USB interfaces. Obviously from the issues paper any discussion related to this technology is out of scope. This should have been acknowledged in the position paper to put aside concerns about possible big brother data collection of a driver's sleep.

Admittedly a heavy vehicle transport driver with time constraints stuck behind a slow moving motor home driver without time constraints is not going to be a happy person. Limited availability of rest areas should be acknowledged as a problem for all heavy vehicle drivers with recognition that enforced rest periods are not mandated for motor home drivers. By limiting the HVNL review to commercial operations the review fails to address interactions between all sectors.

4.5 Simple and flexible compliance options, Page 47

As they are out of scope, motor home drivers don't have to comply with the complex rules associated with commercial operations. The issues paper is so heavily focused on the transport sectors that the non-commercial heavy vehicle sectors are not addressed. For example:

The new HVNL should accommodate the diverse range of operators in the transport industry – from owner-drivers to large logistic companies to ancillary operators. It should respond to their differing operational requirements and compliance capacity and resources.

All these interrelated NHVL issues papers have the same flaw in that they ignore non-commercial sectors. There was, and still is no engagement with the motor home industry or drivers. The requirements of this sector under the NHVL were not captured when drafting the issue papers. There can not be a full range of relevant submissions when heavy vehicle sectors are ignored.