

14 August 2019

National Transport Commission Level 3,

600 Bourke Street

Melbourne, Victoria 3000

*Effective Fatigue Management Submission.*

*To Whom It May Concern:*

*Thank you for the opportunity to make a submission pertaining to effective fatigue management. Prescriptive and regimented fatigue laws have proven to be ineffective at reducing the crash rate of heavy vehicles under all conditions. For every one person that the law prevents from driving whilst fatigued it seems to then cause another person to drive whilst fatigue. Furthermore setting maximum driving hours tends to create the illusion that it's always safe to do the maximum hours available when this is not the case. Likewise there are also times where the opposite is true and a driver would safely be able to exceed these hours and still not be fatigued.*

*As with every other heavy vehicle operator in the country I am a firm believer in the introduction of flexibility to help driver's manage their own fatigue. One of the biggest problems with setting maximum driving hours is that larger companies then expect their drivers should just be doing those maximum hours all the time. Drivers tend to think that if they don't achieve these hours that they run the risk of losing their employment.*

*I believe there are 2 ways to help reduce fatigue related accidents:*

- . 1) Introduce flexible driving hours.*
- . 2) Make the driving hour times that companies can schedule much less then the legal allowable driving hours.*

*I feel that the following flexible arrangements should be made:*

- . 1) Driving period should be over a 48 hours not a 24 hour hour period. I.e. Instead of 14 hours (from the end of a major break) in a 24 hour period change to X hours driving (from the end of a major break) in a 48 hour period. The X should be determined by consultation with fatigue experts.*
- . 2) Continue with the 7 hour break in any 24 hour period.*
- . 3) Remove the requirement for 24 hour breaks and introduced 12 hour breaks. Instead of 2 x 24 Hour breaks drivers*

*should have to have at least 4 x 12 hour consecutive breaks per week regardless of Standard, BFM or AFM hours. The problem with the 24 Hour break is it tries to swap around a driver's circadian rhythm within a very short time period. E.g. if a driver's stops driving at 7PM after a days work they go to bed and have a decent sleep, wake up in the morning and then have to sit around the entire day before they can legally commence driving again at 7PM. The*

*driver can now drive 14 hours when they should actually be looking at going to bed. This also has a huge effect on drivers of Over Dimensional vehicles who cannot travel at night. Some of these drivers are forced to remain stationary for almost 36 Hours because of these rules.*

- . 4) Allow drivers to use the vehicle for personal use to access facilities (Food, Showers, Toilets etc.) Drivers are currently being forced to park for 24 hours with no facilities and with no way to access them.*
- . 5) Introduce a 48 Hour Reset break. Any driver that has had a 48 Hour consecutive break should have a full reset of their driving hours.*
- . 6) Modify the counting rule. Rounding up and Rounding down is actually causing drivers to take less shorts breaks. This is because drivers know they are going to loose too much time every time they take a break. The current method is simply not practical.*
- . 7) Remove the night hours and long hours. These are to hard for enforcement to calculate on the side of the road and are rarely looked at. The introduction of the 12 hour breaks would also help remove the need for this.*
- . 8) Put a defence in legislation that allows drivers to exceed driving hours by up to 15 minutes if they have a legitimate reason.*

*The second part of helping to reduce fatigue related crashes is to establish and enforce restrictions that prevent people in the chain of responsibility from scheduling anywhere near the maximum driving hours. Despite there being a general duty to not operate a heavy vehicle whilst fatigued and for people in the chain of responsibility to also not allow a driver to operate whilst fatigued this rule seems to be continually overlooked. The entire industry and enforcement themselves still seems to think that if a driver is within legal driving hours and an accident occurs then the accident is basically 100 percent the drivers fault.*

*By establishing maximum scheduling hours this will give driver's opportunities to take more or longer rest breaks without fear of losing their employment. Some examples of this could be:*

- . 1) A driver cannot be asked to drive more than 10 hours in a 24 hour period if they do not wish to.*

- . 2) A driver must be given enough time to have a 9 hour consecutive rest break in any 24 hour period
- . 3) A driver cannot be asked to drive more than 3 hours without being able to take a 15 minute break.
- . 4) No driver should be made to drive between the hours of midnight and 6am if they do not wish to.

*All these are just examples and are completely open to discussion. It's hard to see how anyone in the industry can say that they are serious about preventing fatigue if these sorts of provisions are not included. This is especially true for the driver's that have to drive overnight. The human body is simply not designed to be awake during these hours. Some people in the industry can still justify that these actions are acceptable despite knowing the risks. Companies that expect drivers to drive all night without providing a clause that allows the drivers to have a decent rest are the single biggest cause of fatigue related crashes and clearly show that they still think that a driver is expendable and that a certain amount of deaths are perfectly acceptable. This problem is compounded by the continued failing of all forms of enforcement to bring about any prosecution (even a small fine) against people in the chain of responsibility.*

*It is important to also recognise the mental health issues that drivers suffer from at the hands of enforcement. This leads to a huge amount of unnecessary stress. Whilst I commend the NHVR on its efforts to improve relations between driver's and Inspector's it seems that a few rogue police officers are intent on undoing any of the good work that has been done. You only have to look at the amount of Western Australian truck driver's who refuse to drive in the Eastern states for this very reason to see just how big a problem this is. All of us know just how much more relaxing and safer it is to drive in Western Australia just because of the greater respect you receive not just from transport inspectors but also the police.*

*There is also a severe shortage of rest areas. We are not asking for anything too special. Dirt rest areas with all weather access are acceptable if it means we can get a lot more rest areas built. It's great to see the states that have adopted Rod Hannifey's green reflector's and it would be good to see this initiative extended nation wide.*

*Regards*

*Chris Fletcher*