

29 August 2019

National Transport Commission
Submission – Effective Fatigue Management
Level 3, 600 Bourke Street
MELBOURNE VIC 3000

SUBMISSION: HEAVY VEHICLE NATIONAL LAW ISSUES PAPER- EFFECTIVE FATIGUE MANAGEMENT

Cement Concrete and Aggregates Australia (CCAA) is the peak body for the Heavy Construction Materials Industry in Australia. Our members operate hard rock quarries, sand and gravel extraction sites, cement production and distribution facilities and concrete batching plants. The majority of material producers and suppliers form our membership, ranging from large global companies, to SMEs and family operated businesses.

Our sector is vital to the nation's \$200 Billion building and construction industries and underpins the development of Australia's physical infrastructure, generating approximately \$15 Billion in annual revenue and employing approximately 30,000 Australians directly and a further 80,000 indirectly. In Australia each year, the heavy construction materials industry produces approximately: 200 million tonnes of sand, stone and gravel (ie aggregates); 30 million cubic metres of pre-mixed concrete; and 10 million tonnes of cementitious material (eg cement, flyash).

Most of the material produced by the industry is transported via heavy vehicles (with a minor proportion transported by rail, and with some cement clinker transported by ship via ports) and in relatively short distances in urban and peri-urban areas (eg under 60km per delivery for aggregates and under 15km for pre-mixed concrete). There are about 100,000 average heavy vehicle movements in Australia per day (usually during daylight hours) relating to our industry. Our industry contributes up to 10% of total road freight by volume and operates a fleet of some 6,500 concrete agitators, 2,500 tippers and 1,200 cement tankers.

We welcome the opportunity to provide comment on NTC's issues paper on effective fatigue management.

OUR VIEWS ON EFFECTIVE FATIGUE MANAGEMENT

Whilst our industry agrees that fatigue and distraction are key factors in heavy vehicle and motor vehicle crashes and deaths, significant improvements can be made in how it is regulated. We would agree with many of the sentiments outlined in the discussion paper.

The Review is an important opportunity to modernise the approach to managing fatigue within a tiered fatigue risk management framework, which includes base fatigue training (e.g. fit for work) for all heavy vehicle drivers and greater operating flexibility where investment in systems and technology provides greater transparency and control.

In general, we believe Work and Rest Requirements are not well matched to the task of heavy vehicle operators in our industry. Many operators in our sector operate during daytime hours, for short distances of less than 100km, and they are often engaged in a variety of tasks. As such, their fatigue risks are different to many other heavy vehicle operators. They may also operate intermittently, dependent on the amount of work being undertaken that day. Many rarely work Sundays or Saturday afternoons. Also, concrete agitators (for example) have a "live" load hence making it sometimes difficult to turn the engine off, and they often travel to uncontrolled sites – such as construction sites in CBD areas or suburban sub-divisions. Like other drivers, an individual drivers' fatigue in our industry is affected by a variety of factors – not just work and rest hours.

In 2016, CCAA was able to obtain an NHVR Gazette Exemption Notice for Concrete Agitator Drivers in relation to how they took their Short Rest Break requirements which took account of the specific nature of the driving task and the practical requirements for the industry. After a two-trial period, after which it was reviewed and assessed, this Gazette Notice was continued. Whilst we commend the work of the NHVR in working with CCAA in putting in place this exemption, it would be preferred if the HVNL could allow such provisions to be put in place more easily. Our current exemption will conclude at the end of a three year period.

Furthermore, the current framework creates unintended outcomes in that compliant activities can be unsafe and non-compliant activities can be safe. This leads to outcomes where drivers are feeling targeted for minor administrative mistakes and companies are devoting significant resources in looking back rather than forward in managing fatigue safety.

For example, CCAA member feedback indicates that the regulatory framework is far too prescriptive, often encouraging poor behaviour and operators to "push on" when they are fatigued yet within regulations can continue. These decisions are made as they may be disadvantaged in the following 24 hours and required to take the same rest period to remain within parameters.

Similarly, the various measures of counting hours is far too detailed for the average operator to be across and compliant in the normal day to day function (eg night and long hours, work since last major rest, consecutive night rest per period, 24/48 hr rest per period). Operators may feel very alert and on-task, yet night hours may prevent them from continuing to operate, only to have to recommence working at the end of the night hour period to make their destination - when they may not have had sufficient rest. A clear option to address this would be the widespread adoption of Electronic Work Diaries.

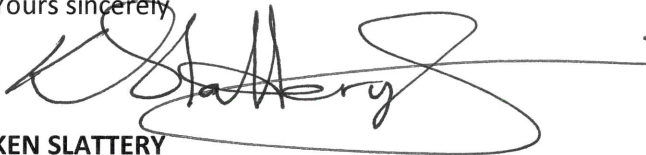
The new HVNL should also work seamlessly with the Chain of Responsibility (CoR) Legislation to ensure greater transparency is available along the whole supply chain to expose areas of higher risk. This is also key to deliver against the social licence from the community so that the shared responsibility concept applies to all, not just drivers and operators.

Given "on the ground" HVNL improvements from the current Review could be several years away, amendments to the current HVNL should be made to provide for incentives to encourage take-up of fatigue and distraction technology to deliver safer outcomes.

Finally, there needs to be scope within the legislative framework to cater for innovations and technology which are still very embryonic or early stages of development. Given the rapid pace of technological change, there needs to be scope to allow this change to be utilised in areas such as fatigue management as quickly as possible.

To discuss further, contact Aaron Johnstone on 07 3227 5210 or aaron.johnstone@ccaa.com.au.

Yours sincerely



KEN SLATTERY
CHIEF EXECUTIVE OFFICER
CEMENT CONCRETE & AGGREGATES AUSTRALIA