

## **Submission to NTC regards Effective fatigue management**

I am a senior executive in the transport industry, speaking for myself and not the South Australian Road Transport Association of which I am a board member.

I have read the paper issued on this subject and submit the following;

### **Executive Summary – Managing fatigue in the transport sector**

I believe the primary goal to be incorrect. The primary goal discriminates against the driver of a heavy vehicle by not making legal requirements to aid the driver in gaining quality sleep and rest. The safety of the driver is not in the legislation, all care is towards others. Why is the welfare of the worker not one of our primary concerns? To care for the public we have to respect, care for the driver, and give them the best opportunity to work safely. Any worker in any industry will be at their optimum working level for a short period in their working day, the balance of the day (the largest proportion) will be below optimum working levels. This is a fact of life, they can be more or less fatigued, and it is a matter of whether they are able to work safely. If you are working safely you cannot work safer, it is an oxymoron.

The HVNL talks about rest. The driver does not simply need rest, they require quality sleep along with rest yet nowhere is this prescribed. To enable quality sleep and rest we as an industry need to legislate for appropriate rules to enable the drivers to gain recovery from their labour. I have read the submissions from drivers and a large quantity talk about appropriate bunk size, proper bunk cooling, short loading times and appropriate rest areas. If we do not have these items as mandatory, the law is setting the driver up to fail. Let us legislate these matters to enable the driver to succeed and bring about a safer nation.

The primary goal of the HVNL's fatigue management requirements should be to enable drivers to work safely and efficiently by gaining enough quality sleep and rest from the tools legislated. This in turn will reduce fatigue related incidents by enforcing the needs for these tools.

Efficiency is not another word for speed, the definition of efficiency is " **the good use of time and energy in a way that does not waste any**". Efficiency engenders safety as best practice is the most efficient method.

### **Examination of HVNL fatigue management**

The first paragraph states the law is not stopping people impaired by fatigue from driving heavy vehicles. As previously stated are drivers impaired by fatigue to the point of being unsafe or simply impaired to a level less than their optimum working level? The law will never stop an individual from making a bad decision it can only minimise the occurrences as it has done and hopefully will continue to do so in a better form. NSW has proved that tougher driver enforcement has failed in bringing about better outcomes; the focus needs to be elsewhere.

Technology does not have definitive answers, for example a digital pedometer (counting steps or distance). Six known brands were trailed by a British Medical team there was a 72% differential over all devices, the cheapest being the best, the dearest the worst, however none were accurate enough to create meaningful data from. I note from the submissions that we should take out the ability for human error, the technology is developed by the humans we are refusing to place our trust in. A computer programmer on the other side of the world who has nothing to do with Heavy Vehicles has no knowledge of climatic or road conditions has more experience and expertise in a truck than

my experienced drivers? No, they do not. The extract below is from a technology provider who admits there are issue.

Reliance on one element – eye-tracking data alone, for instance – “produces a lot of false positives” of fatigue, Palmer says. SmartDrive studied hard-brake reports from telematics units and determined that “87 percent were false positives,” where brake use was justified  
*Jason Palmer, SmartDrive COO*

Are we saying that technology never fails? The most accurate fuel economies are achieved by gathering fuel use and kilometers travelled manually rather than by GPS tracking (Dynafleet, MB Telematics and MT Data). The systems have errors which are not easy to diagnose, humans trained in this quantification have an immediate understanding whether the figure is correct or not and investigate. Simplicity is always best. Technology aids it is not the solution. I would rather place my trust in a single experienced driver who can cause one accident than an untrained IT officer in another country who can control 2,000 vehicles at one time if we unwittingly give them the access and ability to do so. Centralising data control for an entire network gives enormous power to small groups.

**Question 1** – In general terms I have discussed this in my preamble. In definitive terms;

- Legislate that an approved sleeper cab for greater than 2 nights in 7 days must have a 36” wide bunk or greater
- Legislate that the sleeper cab must have a bunk cooler that is powered by a deep cell battery separate to the crank battery with a BC/DC charger fitted to allow 8 continuous hours of life to allow for quality sleep and C-Pak machines for those with sleep apnoea to allow proper sleep. (cost \$1300-1500). Ice pack generator arrangements for the tropics.
- Legislate for appropriate rest areas in regards to distance, size, shade and facilities
- Legislate that consignors/delivery site must load/unload heavy vehicles within 2 hours of arrival as per COR legislation. If unable to do so the driver must then be at rest for a minimum of 2 hours and cannot be disturbed (a split rest break)
- Legislate that the NHVR can enter the consignor sites to audit these processes.

We now have the safe foundation for appropriate rest and sleep for the driver and have gained greater efficiency, the driver is now the focus. The driver submissions ask for greater flexibility, as the law as it stands can mean that the driver becomes further fatigued by the laws awaiting their legislated time to travel. I note that many drivers stated they used split rest breaks as their norm (not actually allowable under HVNL on a planned basis).

The recent NTI report states that fatigue related crashes took a real decline from 2009 when new amendments were introduced and have then plateaued in real terms. From this data we can assume that logbook diaries have had a positive effect on fatigue in the industry. What is difficult to define is whether the act and thought used when entering data into a logbook has created the positive effect or whether the rules themselves have brought about the change. If we listen to drivers, it would not be the rules it would be the train of thought required to fill out the form.

Believing the form is paramount we should continue with this process and change the rules associated with the diary to bring about better outcomes for the driver and the public, decreasing fatigue related incidents.

The ability to take split breaks, counting hours and night rest hours appear to be the three items that come most under discussion.

### Split rest breaks

- Creates flexibility to drive when the drivers feels at their optimum and rest when they are tired
- Creates the opportunity for better decision making when faced with road closures or unexpected events on road
- Creates opportunity to take rest at a time where quality sleep is more likely e.g. dusk rather than heat of the day.

### Night Rest hours

- Whilst data displays that more crashes occur either side of midnight, professional night drivers prefer to drive at this time and are experienced in doing so. The current law discriminates against these driver's abilities and earning capacity.
- Continue with this law but allow professional drivers who do this night express work continuously to be exempt
- Change the definition of night rest break to include 9pm – 8am so that market runners (due in at 4am) are able to have a 7 hour continuous break at the market they are entering at 4am

### Counting hours

- Allow an 8 hour continuous break to reset the clock on any day (quality sleep is the key to safe drivers)

### Change the format of the fatigue management and licencing structure;

- All heavy vehicle licence courses in Australia should be to NHVR specifications as presently licence holders have no knowledge of fatigue, maintenance, load restraint or how to fill out a logbook diary prior to being able to obtain a licence. This is unacceptable and needs to be changed immediately. This factor could decrease incidents in a very positive manner as presently the sector as a whole have not been trained at all or not to an appropriate standard prior to engagement.
- Standard hours management should be removed, with all drivers fully understanding fatigue management from the moment they get behind the wheel (BFM or AFM). Trained drivers means safe drivers. Current licence holders operating on standard hours would be required to pass BFM course by a stated date to continue.
- All commercial trucks should be fatigue monitored 4.5t and above. They may not require a logbook however there should be evidence that the driver has not worked (fatigue definition) greater than is safe. (Heavy rigid and below)
- Define working hours outside of driving in a fully encompassing prescriptive detail, e.g. lifting gates, pulling curtains, engine turned on. For example a driver can be running the engine to cool the cab and be at rest and still be in the driver's seat.
- Take away exemptions for those that are illiterate from filling out forms. If the person is unable to read road signs or paperwork they are a risk to themselves and the public.
- Legislate that a NHVAS BFM audit as the compliance tool for all transport companies (one audit, one process only)

The mental health of drivers is an area the industry needs to concentrate on however the HVNL is not the instrument to aid in this. A public awareness campaign regards cars driving around trucks

e.g. stopping distances, lack of truck agility is a must. The cessation of demonising the truck driver and realising the stereotype of a truck driver changed 30 years ago- most are professionals, is key.

Regards

Kym Mc Dermid

General Manager

Diamond Bros