

river and social media - Michael Hogg

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How can we change our approach to fatigue management so we reduce fatigue-related incidents and deliver Australia's road transport task efficiently and safely?

What fatigue risks that are currently out of scope for the HVNL should be brought into scope? What is in scope that shouldn't be?

What are the key risk factors associated with long hours, night shifts and other work schedule factors? How do we account for the fact that not all work hours have the same risk without introducing excessive complexity?

How should a new HVNL address driver health and lifestyle factors? What kinds of controls could be effective?

How do we ensure the HVNL is agile enough to adopt best practice fatigue management as it emerges? How do we encourage continuous improvement? Can training help?

How can we better accommodate emerging technologies? How can the new HVNL get the best value from technology and data? Do you think fatigue monitoring technology can supersede work and rest hour requirements?

How can the new HVNL meet the needs of all Australian states and territories? What should the new HVNL adopt from Western Australia and the Effective fatigue management: issues paper May 2019 10 Northern Territory, other transport modes and other industries' fatigue management approaches?

Are prescriptive rules desirable in a new HVNL? If so, how can we simplify rules in the HVNL to make them easier to understand so that they're easier to comply with?

Would the compliance options described in section 4.5 be a more effective approach to regulating fatigue management? If so, what should be included in the new HVNL, its subordinate documents, or elsewhere, such as in work health and safety laws? How would the appropriate fatigue management option be allocated to an operator – by self-selection or other means?

Should the new HVNL give operators the option of taking full responsibility for risk management? What would be the roles of the regulator and roadside enforcement in such a system?

How can we get the best overall value from a compliance and enforcement strategy for fatigue management? How are scarce resources best allocated, and what tools do regulators need? What provisions in the law do operators need?

What else would you like to tell us about effective fatigue management?

I would like to see some attention brought to the legislation about the flexibility and discretion in relation to 15 minute breaches and infringements surrounding this,

My example.

In May 2019 I was intercepted by highway patrol and issued three infringements ,two of these were dated back in April 2018,I was not impressed as one I was completely unaware of the anomaly's and two this was over 12 months prior,so whatever risk this posed ,it posed the risk at least twelve months ago.

I decided to ask for a review in regards to fatigue breaks and how the legislation requires you to round up your work time but have no opportunity to get back the time later on that I have given away by law, I explained that if I was to have four breaks in my shift and had to round up at least four minutes each break there lies a fifteen minute breach while being compliant by the legislation but actually becoming an offender in the eyes of the law.

I received a response from the review,

Outcome of our review:

We considered the circumstances you presented. We also consulted the Caution/Review Guidelines, legislation and information provided by the issuing authority. Our investigations conclude the penalty still applies.

We acknowledge your comments indicating you have taken the required amounts of break time during a 24 hour period, but recorded the times as per requirements to the nearest quarter hour, however we are unable to cancel the penalty. You must ensure your actual and recorded break times reflect the required amount of break time.

With the reply I am confused I see in one way I am being told to make sure that my actual and recorded reflects the required amount of break time but if I pull up at 5 minutes past the hour legally I can't record that I have to round up hence putting any operator in a position to be an offender while abiding by the law.

This is something I would like to see looked at please. Thank you

Where did you hear about this submission process:

News media / newspaper article

Other: Rod hannifey