

NATIONAL TRANSPORT COMMISSION  
Level 3 600 Bourke St,  
Melbourne VIC 3000

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## **SUBMISSION** to Risk Based Approach to regulating Heavy Vehicles

The creation of the National Heavy Vehicle Law in many ways is a duplication of existing laws. Chapter 6 of the NHVL duplicates what is already legislated in various state Workplace laws. "Speeding" and "driving while Fatigued" is covered by the Australian Road Rules.

My view comes from a Heavy Vehicle drivers perspective, where I have 40 years of experience is in the areas of Fresh Produce, Overnight Express and interstate food supply chains. All high risk and requires 24/7 scheduling, with shifts mostly divided by 7-8hr sleep period and always covering 72-84 hrs per week.

The NHVL has only achieved one outcome for me, and that is to force schedulers to comply with existing Workplace laws. ie 14hr max. shifts. Meal and rest breaks are covered by the same Workplace laws.

The NHVL failed to address an ongoing major Fatigue causing event in the Transport Industry. A regulated heavy vehicle driver can work a regular job during the day and then do night work in a heavy vehicle. Additionally, a scheduler can hold a driver on-call for hours even before commencing a long distance journey. It was not uncommon for drivers to wait at truck stops for 8-10hrs while fully rested and then to commence a 12-14hr shift. Meanwhile the Work diary is fully complaint.

I believe a solution is to REPEAL Chapter 6 of the NHVL 2012 and simply amend the current Workplace laws surrounding work hours to state minimum sleep period of 7hrs or a split break (NHVL rule 255)

Enforcement of the Workplace laws would then bring Truck accidents into the realm of "workplace incidents" and investigated to reveal the true cause and parties responsible.

New drivers into the transport industry need to be trained on low risk tasks, before allowed to engage in high risk tasks, ie overnight express.

I suggest there be a graduated fatigue management system, where new driver, 0-2yrs be restricted to a 12hr daytime shift, 2-5yr experience to a 14hr open shift. Experienced drivers with 5yrs and upwards to a 16hr open shift. All with the ability to have a Split Break as a standard option....Rule 255 has been very effective in my experiences.

I see the necessity for some form of work diary to record sleep/rest periods ONLY...

The NSW RTA did say "only sleep cures fatigue".

Without some form of work diary, schedulers may return to pushing drivers and demanding unrealistic work time.

However, the penalties currently listed involve a "commercial advantage" component... The NHVL failed to address a driver on personal, non-commercial time being subjected to the same penalties, just for the choice of vehicle driven during a non-commercial activity This factor is a nonsense when prescribing penalties.

Mandatory 24hr breaks is an absurd requirement. Often this rule impacts family time at home.

It may work for city folk, but does not work for regional workers. Why should we be penalised and grounded when we are NOT tired. Often these breaks occur at Truckstops and sometimes only 4Hours from home. Why should a delay from 5 days ago, stop me from going home? Every other worker on in the nation, does not have this rubbish to deal with, why discriminate against truck drivers?

If I work a trade part time, then drive trucks at night, I could work 100plus hours legally. But as I only drive a truck, I am subject to a max. of 84 hrs. This rule is a nonsense and discriminatory forwards full time truck drivers.

If a heavy vehicle driver has the regulated period of sleep, Fatigue is not effected by what vehicle they drive...The execution of the NHVL chapter 6 appears to be designed to confuse and to entrap heavy vehicle drivers, with rules that do not have any validated connection to Fatigue. Perhaps the previous lawmakers have a misunderstanding of what Fatigue is and what activities cause Fatigue in the transport industry.

The NHVR has received many examples of how the NHVL increases fatigue, places undue stress on a driver, which impacts sleep quality and a driver's Mental Health. For these reasons, the NHVL needs to be repealed and existing Workplace laws amended and enforced correctly.

Regards  
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Long Distance driver