

SUBMISSION: EFFECTIVE FATIGUE MANAGEMENT

1. NTC's ACKNOWLEDGED FAILINGS OF FATIGUE MANAGEMENT UNDER THE HVNL

- The HVNL is not stopping drivers impaired by fatigue from driving heavy vehicles"
- Fatigue management under the HVNL is based on **deficient assumptions** about fatigue risks and causes"
- "Under the current framework a driver can be compliant with the prescriptive rules and still be impaired by fatigue"

***"A law based on deficient assumptions!!!
Laws should only be made on irrefutable evidence"***

2. INDUSTRY HAS OVERWHELMINGLY REJECTED NHVAS ACCREDITED FATIGUE MANAGEMENT OPTIONS

Standard Hours = 94.74 %	Basic Fatigue Management = 5.14%	Advanced Fatigue Management = 0.12%
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"Only 5 in 100 operators have taken up BFM and just over 1 in 1,000 for AFM!"

"I believe Fatigue management as a workplace hazard is sufficiently covered in Workplace Health and Safety laws. For the trucking industry to meet its obligations I advocate a mandatory and enforceable code of practice as part of a compulsory accreditation scheme (example below)."

DRAFT FATIGUE MANAGEMENT CODE OF PRACTICE (*1) (part of Australian Truck Rules)

The purpose of this section of the Code of Practice is to provide operators and drivers with a set of duties that they must apply in the management of fatigue.

A person or corporation commits an offence by failing to follow this Code of Practice.

Should an incident proceed to court, the court **must** look to this code as a benchmark of what would reasonably be expected of an operator in the management of fatigue.

The operator and driver will be required to produce evidence of compliance with the code

The code applies to all parties named in the Chain of Responsibility

The guiding principle in the management of fatigue in the Trucking industry is the ability and flexibility for drivers to stop and take rest when they themselves decide they need it and not when bound by prescriptive driving/working hours

The guiding principles include but are not limited to the following:

➤ ***Drivers must be in a fit state to undertake the task.***

- A driver where possible should be given appropriate time to plan and prepare for a working period involving long shifts;
- A driver must present in a fit state for work and must be free from alcohol and drugs;
- Drivers need to be adequately rested prior to commencing duty;
- Unfamiliar or irregular work rosters should be avoided;
- In night operations drivers, employers and freight forwarders need to take into account increased fatigue risks between 1am and 6 am;
- Drivers should be medically fit and should have regular assessments by medical practitioners;
- Drivers should have access to lifestyle information to assist in presenting in a fit state for work.

➤ ***Drivers must be fit to complete the task.***

- Provide appropriate comfortable sleeper berths if drivers will need to sleep or rest in the vehicle;
- Drivers should have access to information and assistance to promote management of their health;
- Provide vehicles and other accommodation with suitable facilities for rest;
- Provide air-conditioned vehicles where possible;
- Provide a working environment that meets Australian standards for seating and sleeping accommodation;

➤ ***All schedules should be flexible to allow drivers to rest when tired and take short breaks when required;***

- Where practicable, minimise night time schedules and rosters;
- Rosters and schedules, where possible, should be set sympathetically to take into account the rest habits and needs of individual drivers.

➤ ***Drivers minimum periods of rest.***

- Drivers need to take two periods each of at least 24 hours rest in a 14 day period;
- Drivers need to take at least 6 hours rest in any 24 hour period;
- Drivers need to monitor their own work performance and take regular periods of rest to avoid continuing work when tired.

➤ ***Code compliance (records to be kept)***

Business operators, including owner drivers, must ensure that the following records are kept and set out in a clear and systematic manner and be available for inspection by an inspector at all reasonable times and kept for at least 1 year from the date of the last entry on the record.

Records required:

- Driving records;
- Rosters
- Incident reports including record of investigation and action taken;
- Evidence of driver experience, competence and qualifications;
- Record of driver health
- Training records of supervisors and drivers.

*1. This draft is based on the NT Road transport code of practice

Yours sincerely,

Shane Jeffrey
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