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National Transport Commission (NTC)
Level 3, 600 Bourke Street
Melbourne, VIC 3000

Submission – Effective fatigue management review

To Whom It May Concern:

Thank you for the opportunity to provide feedback and opinions in relation to the Review of the Heavy Vehicle National Law (HVNL)

Freightlancer is a Freight marketplace with the belief that Road transport can be made safer with increases in technology into the industry along with stricter rules and regulations on the grey areas, Freightlancer marketplace promotes safer operation for its users.

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?

The introduction of the electronic log books (EWD) was a good first step, however as many drivers probably know taking the time to fill these out and ensuring accuracy is part of the problem. The EWD needs to have a schedule of a set period of time where it will be mandatory to operate a commercial vehicle eg. A period of 24 months before the EWD is mandatory for all commercial operations.

The EWD should be focused on safety and reducing risks for drivers and companies, using GPS and telematics in trucks along with "Fit to drive" confirmation each driver logs into the vehicles system with the work listed that needs to be carried out, all actions are then recorded to the onboard EWD system which is real time and can also be accessed by home base and stored securely, reminders for rest breaks and alerts when required actions aren't taken. This would obviously come with some negative reactions due to costs or impact on companies and day to day operations however a life on the road is worth the short-term impact of a technology boost in the industry. There were the days when some unruly drivers kept two log books, the real one and the one for the regulators, technology fixes this, and also ensures our roads are safer.

The cost impact of Heavy vehicle related crashes is estimated at \$3.8 billion each year, can't we invest a small portion of this to technology to reduce the risks of fatigue related incidents?

Fatigue management shouldn't be targeted as a penalty approach, why wait for someone to do the wrong thing to penalise them, drivers push the boundaries in order to make ends meet financially, there is a constant push in the industry to be the cheapest, with the cheapest getting the job at the end of the day. What does that say for compliance and safety? getting a driver that is skilled at his job in transporting the items/equipment is better for the company, for road users and for everyone involved.

Having a national law that standardizes requirements to operate heavy vehicles and commercial transport vehicles is needed, look at the USA, they have a USDOT and MC number system, in order to obtain these and operate commercial transport you need to have, insurance, select which commodities are transported (DG's require additional info) registered company, surety bond, How many trucks you operate, are you a broker or own trucks etc while it's not a bullet proof system it's a better standardisation of what the transport industry in Australia needs. This model can be built on to ensure its even more effective by ensuring all transport companies have a minimum insurance coverage. It's hard for drivers currently to compete with other Drivers that don't have insurance, don't have a maintenance schedule and the result is pushing the boundaries on fatigue to make a dollar.

Focus on the underlying issue of why drivers and companies neglect or push boundaries on fatigue management.

Another approach or item to look at is hours of service in a heavy vehicle, an option could be to add a third accreditation scheme for younger or inexperienced drivers, similar to hours of flight time a pilot requires to operate larger aircraft, in order to progress up weight class and fatigue accreditation the operator needs to complete minimum hours of training in the class he/she wants to operate and also a minimum amount of hours on the current fatigue scheme over a certain period of time, new and young inexperienced drivers shouldn't get night shift.

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?

There is a lot of push around penalising the wrong doers which is actually hurting the ones that are doing it right, as mentioned in my previous section, look at the source of fatigue issues, why are drivers and companies pushing the boundaries on fatigue?

Education rather than penalisation, educate operators on what the symptoms of fatigue are, I'd bet there are many operators that are fatigued that don't actually realise, introduce technology to track fatigue and prompt when fatigue levels' reach critical status.

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?

Its known that our bodies and minds are wired to sleep at night and be awake during the day, having excessive times at night, also switching too much between day and night shift plays a huge role in fatigue on the mind and body.

"On average night shift workers get 2-3 hrs less sleep" *Better health Victoria.*

There should be a split of fatigue for Day shifts which could be on the hours of 6am to 6pm or whatever 12 hr time is appropriate; day shift have longer hours for operation whereas with night shift the hours are reduced to account for the increased risk of fatigue.

A consideration for traffic and high-density areas needs to be looked at too, sitting in traffic is a big factor in fatigue.

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

Promote more frequent and better equipped truck stops throughout Australia, better services at each stop, e.g. exercise rooms, sleep pods, healthier food options. This isn't an overnight fix and

will take the resources of many to make it possible as there would need to be government investment and also investment from the public / private sector.
In a Fatigue management policy, there should be an area of fitness and access to educating drivers on eating and exercise routines.

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?

Training will always help, increase the number and location of “information days” get buy in from the industries big players to sponsor events, handout information on diet and exercise, spend weeks in regional areas to get a feel for the areas these drivers spend their time in, the empty roads, truck stops and fuel stations.

Adopt a continuous improvement policy, I’d recommend researching John Doer “Measure what matters” it’s a look at not only exponential growth but keeping a continuous improvement mindset.

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?

There is a technology downside in Australia, we don’t have the access or the investment as a nation in technology, look at the last 5 years of technology booms, Australia is not in the running, its increasing but we are still very much behind the rest of the world, this would be a first critical step, but its bigger than the NTC and NHVR.

Overhaul on TMS systems, the industries systems are mainly built on old technology and solutions to adapt to changes, we don’t need to re-invent the wheel here but a fresh look at TMS systems without adding to dated technology.

Look at the international market for technology in the Freight / transport space, self-driving trucks, alternate sources of transportation, rail system for all general cargo and consumer goods, faster, cheaper and less impact on the roads.

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?

All states and territories need to collaborate together on an equal table, WA do a lot of good things but also many that aren’t just like all states, one thing is for sure is that there needs to be a united organisation for all of Australia and not different laws for each state.

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?

In a way Yes, there should be prescriptive rules around the key areas of what the HVNL is set to uphold and protect, the more that is left open to interpretation the easier it will be for individuals and companies to abuse the system, while that is not to say that every minor task needs to be strictly ruled the rules need to be clearly laid out and with as little legal jargon as possible.

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?

There should be at least 3 options for this based on company size, determined by employee count and annual turnover. Allowing too much flexibility opens up the risk of those who will go against the laws/rules to their own benefit, etc. A fine line to walk between over regulating those that follow the safety and laws to leaving too much up to the individuals to make their own rules, as a society we are not quite there yet.

There could be the option to as a company or corporation put forth an application for a specific company Fatigue scheme but that would need to be processed and reviewed by NHVR and perhaps an independent inspector to ensure the proposal is safe for workers and for the general public and doesn't breach any HVNL, then it would need names of all operators under the scheme and strict review dates and data recording, to do this an effective tool would also be the EWD and driver fatigue monitors at a minimum, for drivers hours of service need to be recorded and training and simulation need to be brought in as mandatory 1-2 times per year to measure and ensure a minimum level of knowledge, pilots do this and so should commercial transport operators.

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?

No, not full responsibility but a shared one, if anything it should be the company with named individuals linked to the scheme, quarterly and yearly reviews would need to be implemented too with random roadside and office checks on compliance. Drivers should also complete risk management as part of everyday work especially once reaching heavy haulage and specialist operations.

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?

This is where technology, AI and machine learning can play a pivotal role in the countries transport future, if google assistant can order a pizza by having a conversation with a real person I think there is merit to invest into this technology as a first step in the regulatory requirements on compliance checks. Monthly a sample report of EWD can be uploaded to the regulatory system for analysing, any anomalies are then referred to an officer for checking and processing, with a random number of all cases sent for verification by an officer.

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

Focusing on enforcement strategies like fines aren't being effective enough, it's almost a set up for failure, we need to refocus and approach as a preventative measure, not an afterthought biased by revenue gain.

Look at what causes operators and companies big and small to breach fatigue laws, in many cases this is attributed by money and workload, so many operators that don't have insurance or conduct regular maintenance and that run dodgy work diaries undercut law abiding operators just

to make a few dollars, doing 2 things, taking work from reputable operators and drivers and driving pricing down to a point where reputable people can't operate at a profit, so in order to get by in some cases they have to run a few more hours each day to make up time, push a little harder. I don't think fatigue management will be solved by executives or a single government department, it will be by collaboration and I commend these studies to do just that.

Regards

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