



HEAVY VEHICLE DRIVER FATIGUE REFORM Information Bulletin

July 2008

Basic Fatigue Management explained

It's time to manage heavy vehicle driver fatigue. New national road transport Heavy Vehicle Driver Fatigue laws to commence on 29 September 2008, set revised work and rest limits for heavy vehicle drivers and require better management of driver fatigue. The reform makes all parties in the supply chain legally responsible for preventing driver fatigue.

BFM accreditation offers more flexible hours and retains the ability to work 14 hour shifts. BFM gives operators a greater say in when they can work and rest providing the risks of working long and night hours are properly managed. If your operation requires more flexibility than available under Standard Hours or BFM you should look at the Advanced Fatigue Management (AFM) option. AFM may also be suitable for operators with specific needs such as remote areas livestock transport (see Table 1).

Please refer to the NTC information bulletins *'Two-up driving explained'* and *'Driving hours for the bus sector'* for further information on Standard Hours.

Table 1: Work and rest options

Module	Requirements
Standard Hours	Basic work and rest time
Basic Fatigue Management (NHVAS)	More flexible work hours linked to accreditation
Advanced Fatigue Management (NHVAS)	Create your own safety management system and work hours linked to accreditation

Operators will need to be accredited in the National Heavy Vehicle Accreditation Scheme (NHVAS) and comply with six BFM standards covering scheduling and rostering, fitness for duty, fatigue knowledge and awareness, responsibilities, internal review, and records and documentation.

It is also anticipated that, in the future, members in an alternative accreditation scheme that is deemed equivalent to BFM may get entry into the NHVAS via that scheme.

Working long hours and night shifts is widely recognised as high risk. Operators and drivers who 'do the right thing' by managing fatigue risks have a greater say in when drivers can work and rest and will now have access to a reasonable steps defence.

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The basis for operating under BFM is working safer, not less hours. Operators who take basic steps to manage the risk of driver fatigue – such as planning trips and schedules, training drivers and schedulers and checking records – can schedule up to 14 hour shifts.

Work and Rest

Table 2 sets out the minimum rest and maximum work hours for BFM. Work time refers to all driving and any other tasks related to the operation of a heavy vehicle. All other time is counted as rest.

Under BFM a driver can work up to 14 hours in 24 hours. Drivers must also have a 7 hour continuous rest break in 24 hours but will have the ability to split this rest break (does not apply in Victoria). Split rest breaks can not be scheduled but can be taken by a driver if necessary if for example their rest is disturbed and the driver needs to move their vehicle. Drivers splitting their rest will need to have a total eight hours rest with one part of at least six hours.

Under BFM drivers are required to have 2x24 hour break (the first after maximum 84 hours work) and at least four nights rest (two nights consecutive) in each 14 day period (this can include a 24 hour continuous rest).

There is also a restriction (36 hour rule) on the amount of night work and long shifts which a driver can work in any seven day period to the greater risk of fatigue from this combination.

Table 2: Basic Fatigue Management – Solo Drivers

Time	Work	Rest
In any period of...	A driver must not work for more than a MAXIMUM of...	And must have the rest of that period off work with at least a MINIMUM rest break of...
6 ¼ hours	6 hours work time	15 continuous rest time
9 hours	8 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
12 hours	11 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	14 hours work time	7 continuous hours stationary rest time ¹
7 days	36 hours long/night work time ²	
14 days	144 hours work time	24 continuous hours stationary rest time taken after no more than 84 hours work time <u>and</u> 24 continuous hours stationary rest time <u>and</u> 2 x night rest breaks ³ <u>and</u> 2 x night rest breaks taken on consecutive days

¹ Stationary rest time is the time a driver spends out of a regulated heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

² Long/night work time is any work time in excess of 12 hours in a 24 hour period or any work time between midnight and 6 a.m. (or the equivalent hours in the time zone of the base of a driver)

³ Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

Combining Long Shifts and Night Work

The '36 hour rule' is a term used to assist drivers in managing the risk of working long hours in combination with night shifts. A night hour is any hour worked between midnight and 6am. This time is also counted in 15 minute periods. A long

hour is any hour worked above 12 hours in 24 hours (this time is counted in 15 minute periods). For example, if a driver works a full 14 of 24 hours, the additional two hours worked are counted as 'long hours'. If a driver works 13 hours and 30 minutes, this is counted as 1.5 long hours and so on. A driver can only work up to 36 long and night hours in any 7 day period.

Table 3 summarises a 14 day work period for a driver. Night and long hours worked on various days count toward the 36 hour limit in **any 7 days**. For simplicity, it is assumed the driver has not worked in the 7 days before.

Night hours and long hours worked each day are added across (highlighted in red). On day 1 the driver worked a total of 13 hours (including 5 night hours and 1 long hour). The 5 night hours and 1 long hour are added together to total the long/night hours totaling 6 accumulated long/night hours.

The numbers highlighted in blue show a 7 day period (days 1 to 7) and how a driver can reach 36 hours very quickly when working nights and long days as shown above. In this example, the driver reaches 36 hours in only 6 days and must take a days rest.

The green area shows the same principle applied over a 14 day schedule. The numbers highlighted show another 7 day period (days 8 to 14) and show that even though the driver has taken 3 x 24 hour rest breaks (in the 7 day period highlighted) the total accumulated hours is 28. In this example, the driver could have worked another 8 night and/or long hours as long as fatigue was managed.

It is important to remember your total night and long hours are accumulated over any 7 day period. For example, if you wanted to know your total on day 10 you would need to add the night and long hours worked over the previous 7 days (including day 10) so you would add up days 4 to 10 totaling 30 hours.

Table 3: Example of the 36 Hour Rule

Day	Hrs worked in one shift	Hours worked in one Shift (showing night and long hours)		Accumulated night and long hours worked in any 24 hours	Total accumulated night and long hours worked in a 7 day period
		Night hours worked (Midnight to 6am)	Long hours Worked (hours worked over 12 hours in 24 hours)		
1	13	5	+1	=6	6
2	14	6	2	+8	14
3	13	5	1	+6	20
4	13	5	1	+6	26
5	13	5	1	+6	32
6	13	3	1	+4	36
7	Day/Night Off			+0	=36
8	Day/Night Off			0	30
9	13	5	1	+6	28
10	14	6	2	+8	30
11	14	6	2	+8	32
12	13	5	1	+6	32
13	Day/Night Off			+0	28
14	Day/Night Off			+0	=28

Scheduling and Rostering

The operator must plan, document and review driver schedules and rosters to ensure they comply with the operating limits under the new regulations.

Fitness for Duty

The operator must put in place a program to ensure drivers are in a fit state to perform work duties and also have required medical assessments.

Responsibilities

All responsibilities and duties identified for BFM must be up-to-date, clearly defined and all staff must understand and carry out their duties.

Internal Review

Operators must have a system to identify non-compliances and verify that the activities comply with the BFM standards and the operator's fatigue management system. Incidents must be identified, investigated and reasonable steps must be taken to manage any problems. Internal audits must be undertaken at least every 12 months.

Records and Documentation

Operators must develop policies, procedures and instructions covering all activities required to meet BFM standards and keep records to provide evidence of compliance. These could include work hours records (e.g. work diaries, rosters, schedules), a review of the fatigue management system in place and compliance checks. All managers, supervisors and drivers taking part in BFM must demonstrate they are competent in managing driver fatigue.

Work Diary

A new national driver work diary will replace the current driver log book. You must use the work diary if you are working:

- under Standard Hours in NSW or Tas (regardless of the distance travelled); or
- under Standard Hours working more than 100km from your base (200km in Qld); or
- under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM).

General Duty

Under the new laws a 'general duty' (similar to OH&S laws) requires all parties take all reasonable steps to prevent the fatigue of heavy vehicle drivers. For example, this means that:

- drivers must stop if feeling tired or fatigued;
- operators and schedulers must plan when driver's rest;
- a loading manager must take steps to ensure queuing is managed properly; and
- contracts that require a driver to break the law are illegal.

More Information

The National Transport Commission has developed *Guidelines for Managing Heavy Vehicle Driver Fatigue* to educate everyone in the road transport supply chain on heavy vehicle driver fatigue. These Guidelines provide guidance for drivers, employers, operators and schedulers, as well as users and customers of road transport on managing heavy vehicle driver fatigue and on the responsibilities of each of these parties under the new laws.

This bulletin cannot explain all of your obligations under the new laws. Further information on fatigue and copies of the Guidelines are available from your local road agency authority or may be obtained from the NTC website

www.ntc.gov.au

Disclaimer

This bulletin does not constitute legal advice. Details are subject to amendment. Check your local legislation or contact your local road agency if you want more information.



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