



# Heavy Vehicle Driver Fatigue Reform In Australia

**Paul Sullivan**  
**Chief Officer - Strategy**

# transport reform journey

- Australia's policy challenges
- reform in a federation
- heavy vehicle driver fatigue reform
- reform implementation challenges
- what next?



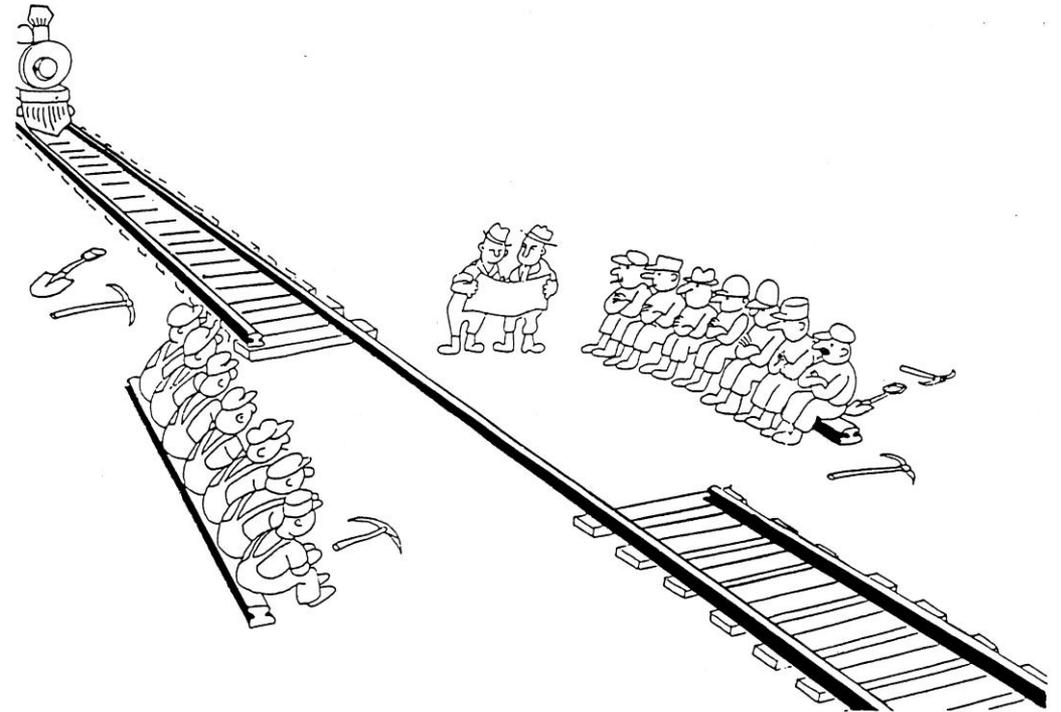
# Policy challenge: tyranny of distance



- 815,959 kms of road
- 22 million population (80% live in cities)
- fragmented industry

# Policy challenge: break of gauge

- three rail gauges in Australia



# Policy challenge: state borders

- Barney's barrow (1952)
- Hughes & Vale

Dear Sir,

Road Maintenance (Contribution) Act, 1958

Receipt is acknowledged of your letter of 16th June, 1960 in which you state among other things that payments of charges under the above Act are being made by you under protest and involuntarily.

Yours faithfully,

*W. A. Walsh*  
W. A. Walsh,  
Commissioner

A reply from the Commissioner for the Department of Motor Transport, NSW.



considerati  
conviction  
For a cc

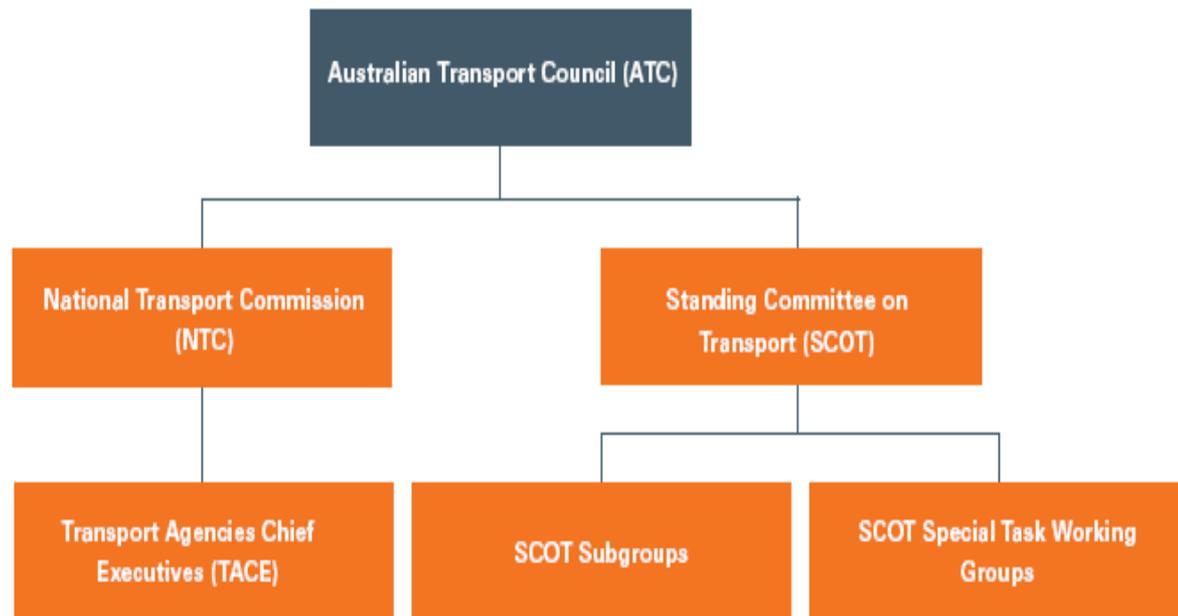
# Policy challenge: Regulatory barriers

- **Razorback blockade (1979)**



# Reform: National Transport Commission

- formed 1991
- independent commission
- intergovernmental agreement
- cooperative federalism!



# Reform: NTC role

## vision

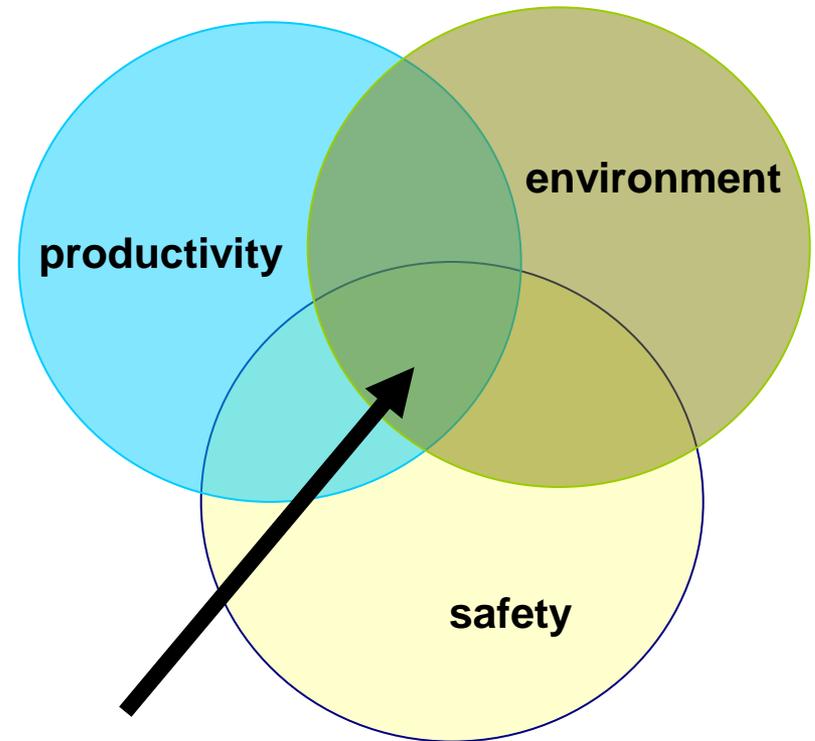
“the best transport outcomes for Australia”

## mission

“to lead regulatory and operational reform nationally to meet the ‘end-to-end’ supply chain needs of transport users and the broader community for safe, efficient and sustainable land transport”

## role

“to work closely in partnership with all stakeholders to develop and implement more consistent, practical and effective land transport policies, laws and practices”



***“optimal  
balance”***

# Reform: “best practice” model

- 3 year strategic plan and work programme
- discussion paper, draft and final RIS
- public consultation
- model legislation
- maintenance and review



# Integrated transport system: a journey

1950s  
Hughes  
& Vale

1970s  
Razorback

1990s  
national  
reform

2010  
modal  
regulators

all modes,  
national  
market



# Reform: Work programme in 2010

- Heavy Vehicle Pricing (MDL)
- National Heavy Vehicle Regulator
- Compliance Strategy
- National Rail Safety Regulator
- Supply Chain Productivity
- Land Transport Safety Strategy
- Moving People Strategy
- Monitor and maintain laws
- Reform evaluations



# Reform: implementation is hard ...

- national reform is like 'herding cats'
- nine governments (state, territory, federal)
- 700 local councils

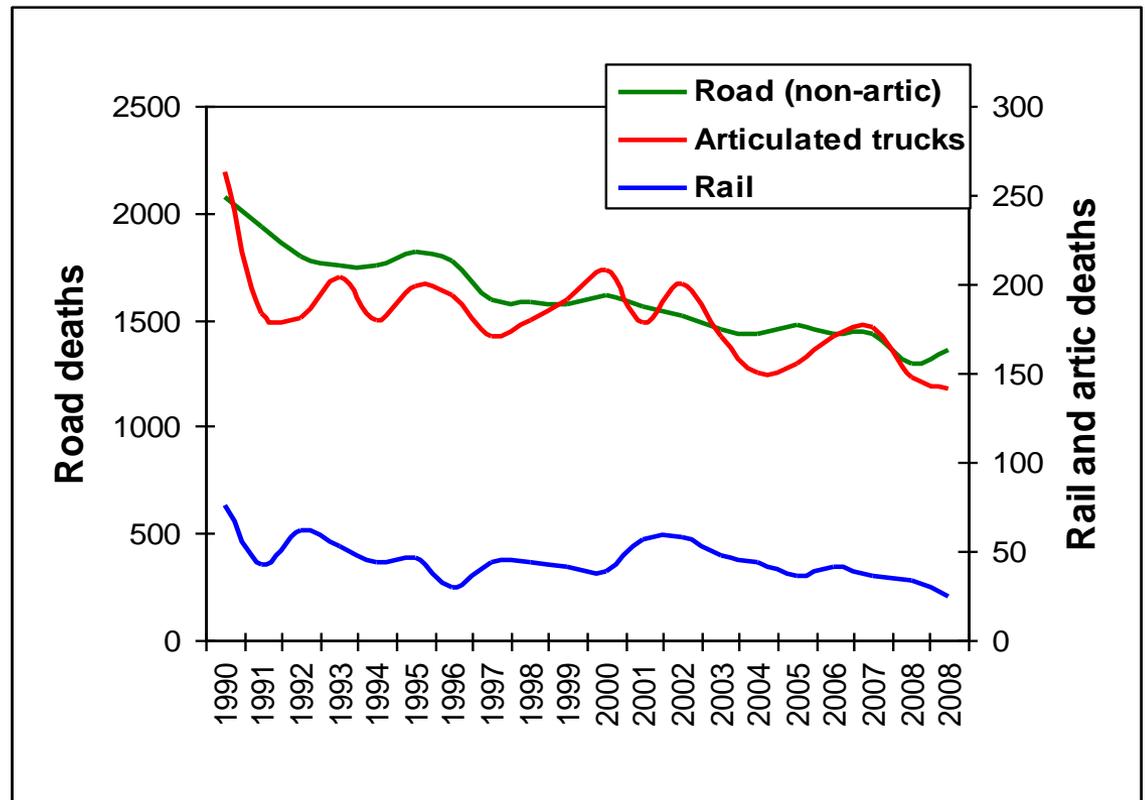


## IGA “get out of jail” clause:

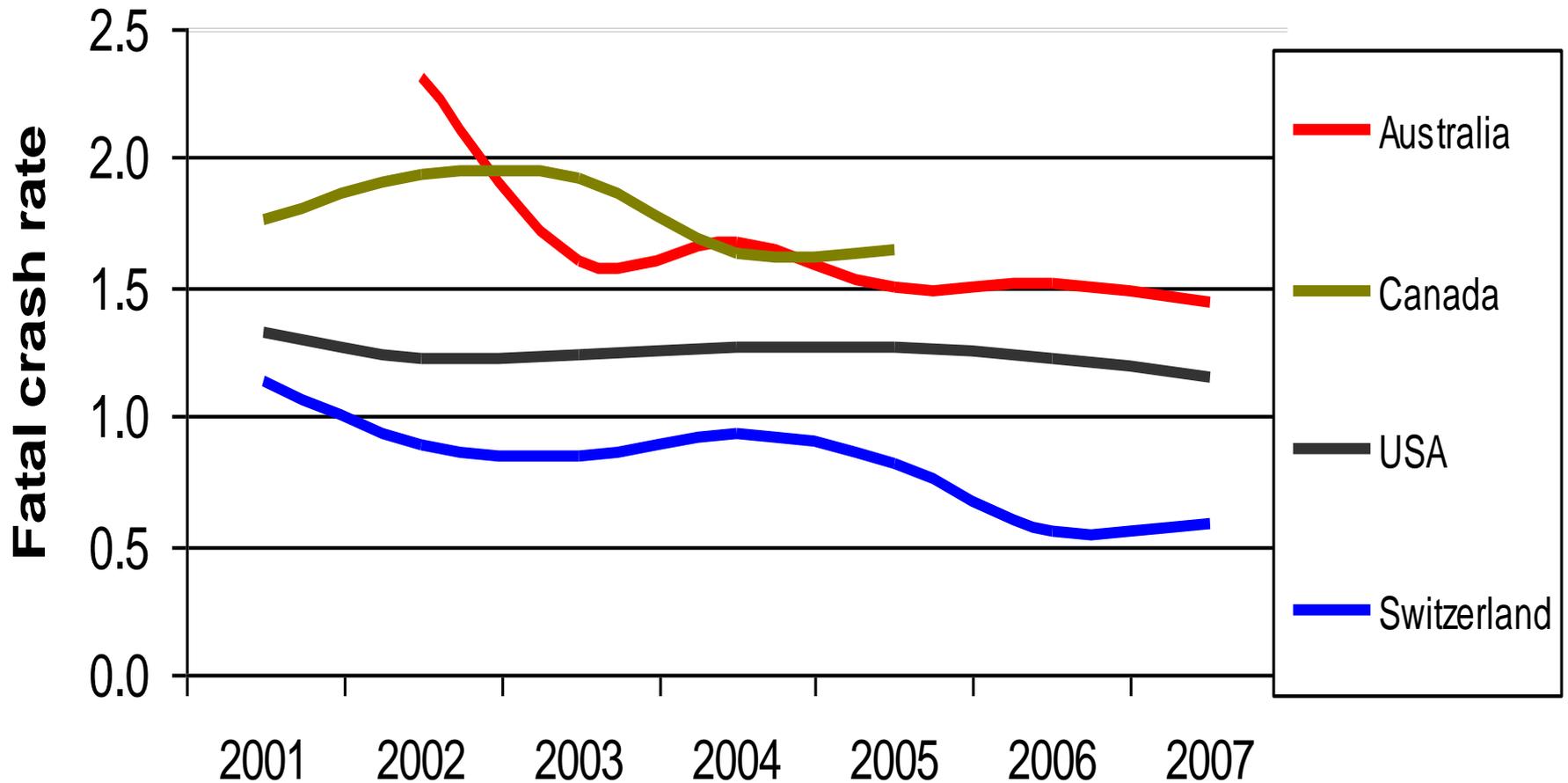
*“in exceptional circumstances.....due to policy or practical constraints.....does not intend or is unable to implement.....advise the Commission and the Council”*

# Reform: safety progress

- road safety initiatives
- growing freight task (B-doubles)

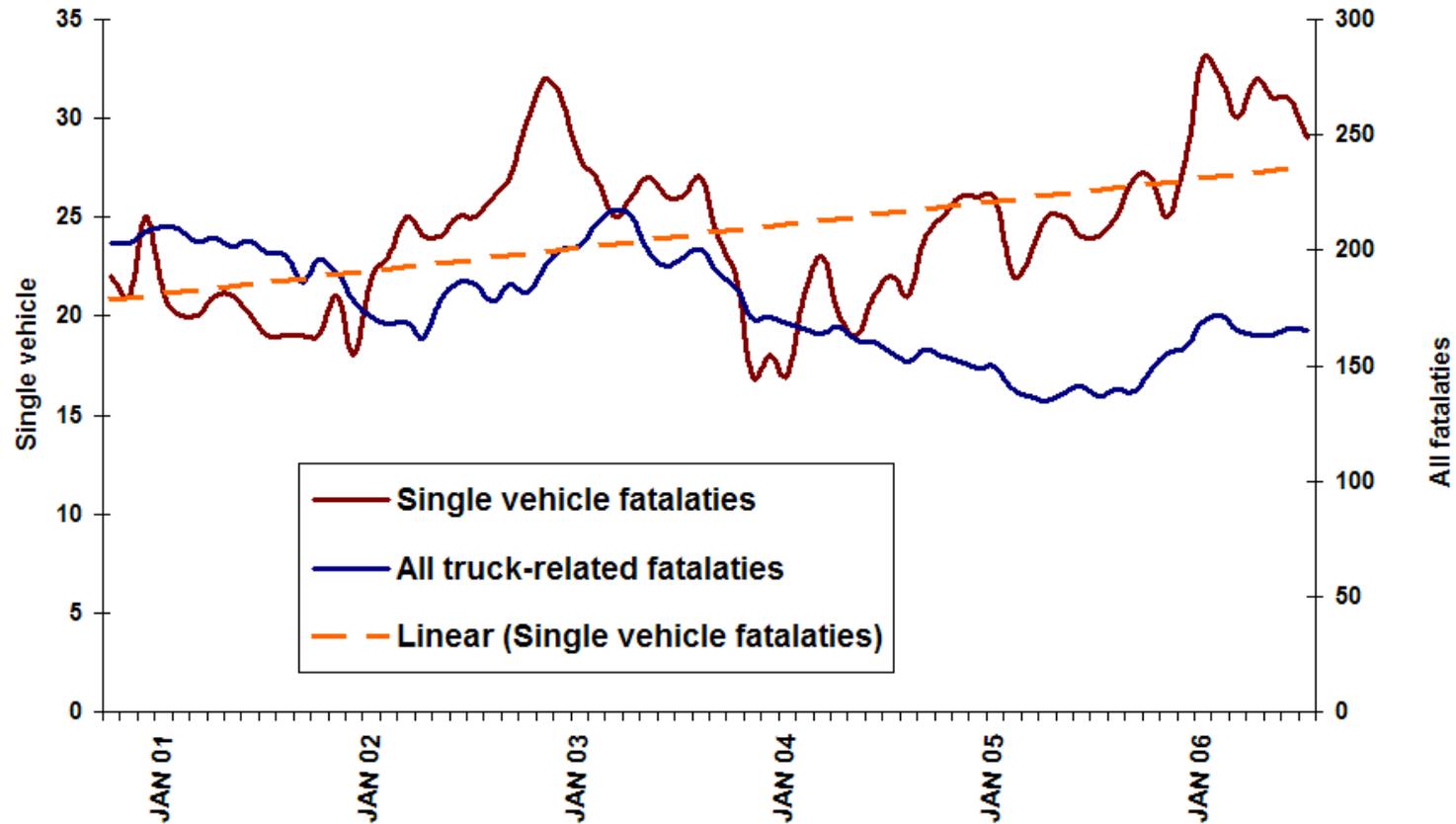


# Reform: safety challenge

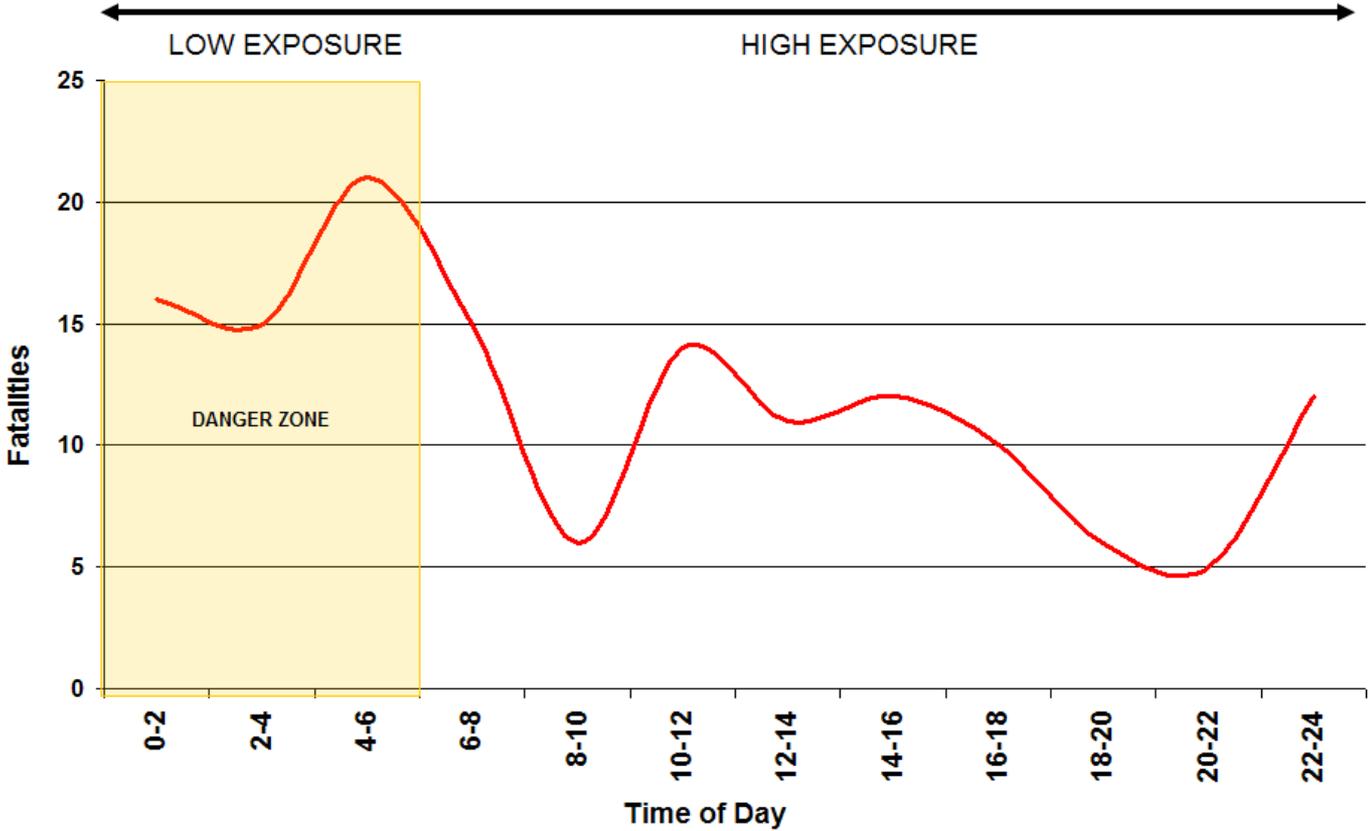


fatal truck crashes per 100 million vehicle-kms

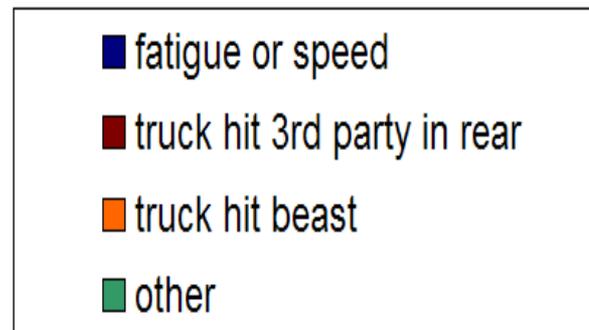
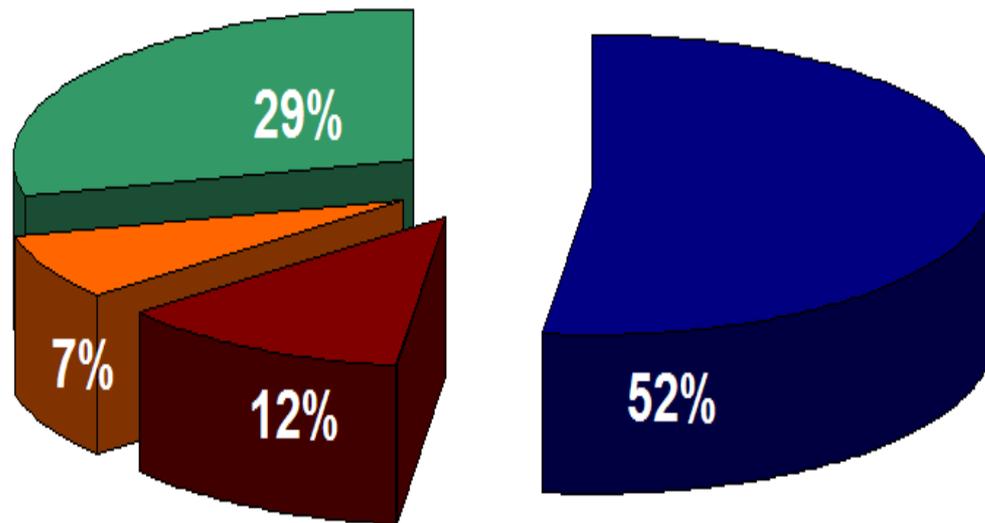
# Reform: single HV fatalities



# Reform: time-of-day impacts



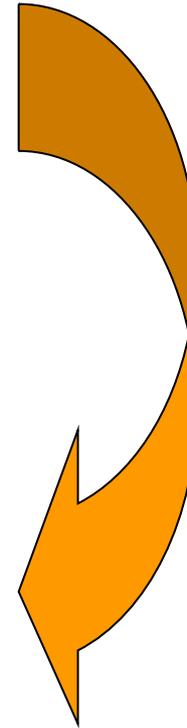
# Reform: fatigue + speed



(NTI 1998-2002,  
truck 500-1499 kms  
from base)

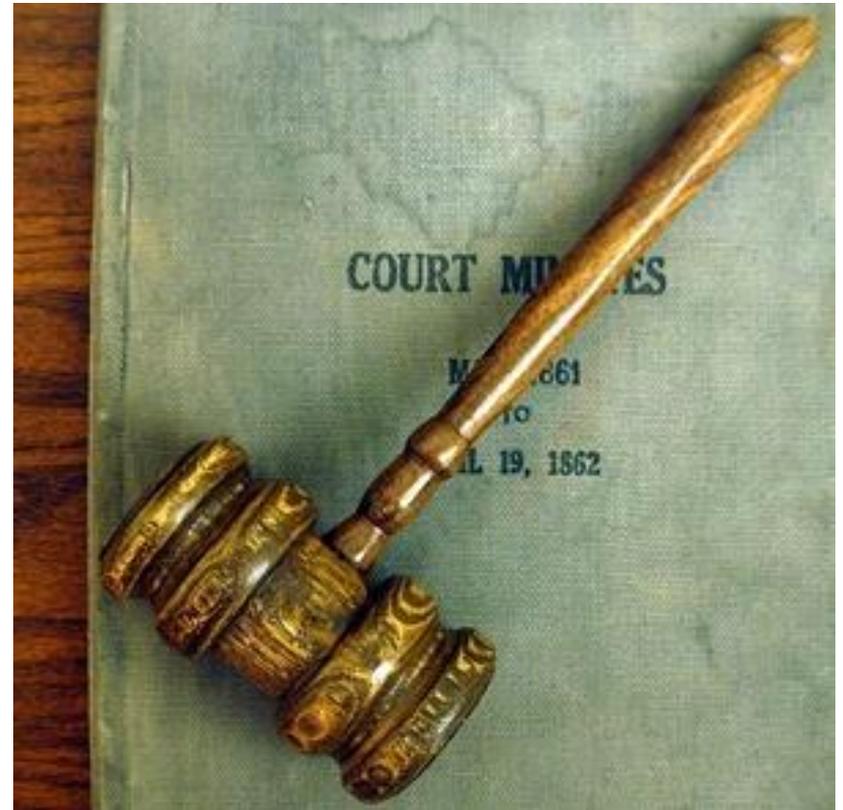
# Reform: early focus was “red tape”

- **1999: national laws, but with flaws**
  - only NSW, Vic, Qld, SA, Tas
  - WA/NT OHS laws
  - focus on drivers
  - based on geography, not fatigue science
- **Better laws?**



## Reform: case law

- OHS agencies slow to respond to “off-site” workplace safety
- inter-agency cooperation
- some prosecutions ... after big fatal crashes



# Reform: *Highway to Hell*

- *"Paul Barry, 60 Minutes ... you must be pretty tired, mate. You have driven 24 hours, 23 hours and you've been behind the wheel for 22 of them."* – Channel 9, April 24, 2005



# Reform: momentum for change

- **Growing body of research**
  - not just “time on task”
  - circadian rhythms
  - accumulated sleep deficit
- **Community concern/media coverage**
- **Ministerial pressure to “do something”**

**74%**  
of drivers think  
fatigue is a serious  
problem in the  
road freight  
industry



# Reform: underpinning policy principles

- **must be based on science**
  - but overlay pragmatism
- **address the problem, not the symptoms**
  - assign responsibilities to all parties in the chain
- **flexibility for “oncours”**
  - more flexibility for accountability



# Reform: advice sought from experts in sleep, shiftwork and human performance

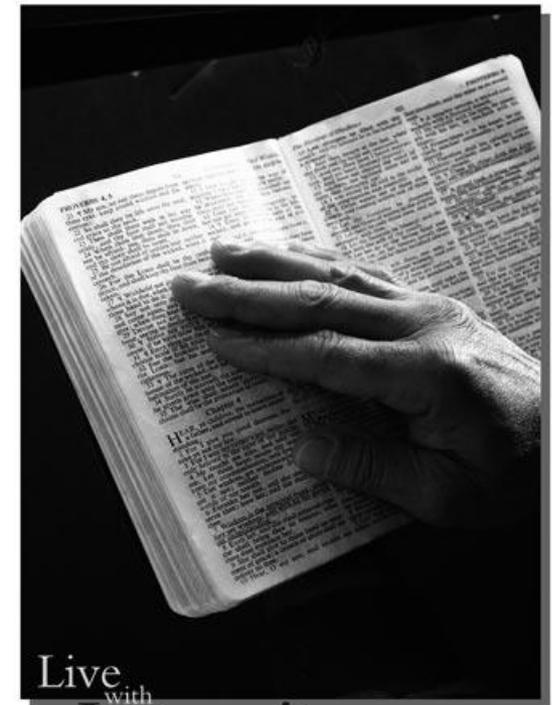
## FATIGUE EXPERTS

- Dr Drew Dawson, Centre for Sleep Research, University of Adelaide
- Dr Anne-Marie Feyer, Department of Preventive and Social Medicine, University of Otago, NZ
- Dr Philippa Gander, Sleep/Wake Research Centre, University of Otago, NZ
- Dr Laurence Hartley, Institute for Research in Safety & Transport, Murdoch University
- Dr Narelle Haworth, Monash University Accident Research Centre
- Dr Ann Williamson, School of Psychology University of NSW
  
- *Peter Baas, Transport Engineering Research NZ*
- *Darren Nolan, Nolan's Interstate Transport*
- *Chris Foley, LTSA NZ*
- *Chris Brooks, Australian Transport Safety Bureau*
- *Barry Moore (chair), NRTC*



# Reform: FEG design principles

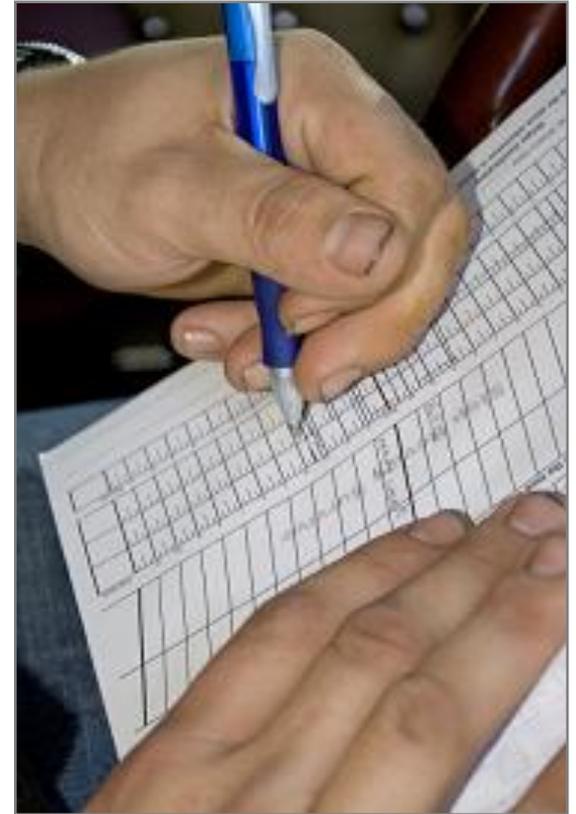
- it's about adequate sleep and rest, not just work
- prevent sleep loss adding up
- time of day is important (circadian biological clock)
- if you are not resting, you are working (eg: loading)
- preventative “power naps” can help



Live  
with  
**Integrity**  
Live a life worthy of the  
calling you have received.  
Ephesians 4:1 (NIV)

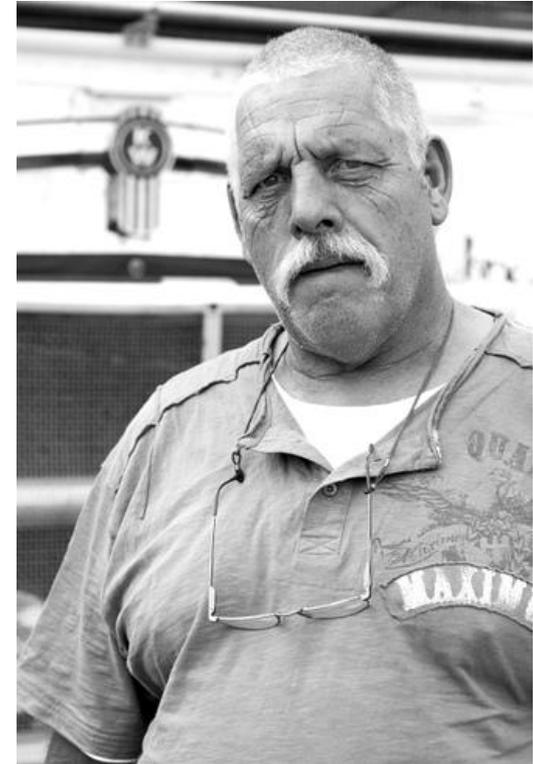
# Reform: one-size-doesn't fit-all

- **three work/rest options**
  - Standard Hours
    - basic work and rest limits
  - Basic Fatigue Management (BFM)
    - more flexible work hours linked to accreditation
  - Advanced Fatigue Management (AFM)
    - create your own fatigue management system and work hours linked to accreditation

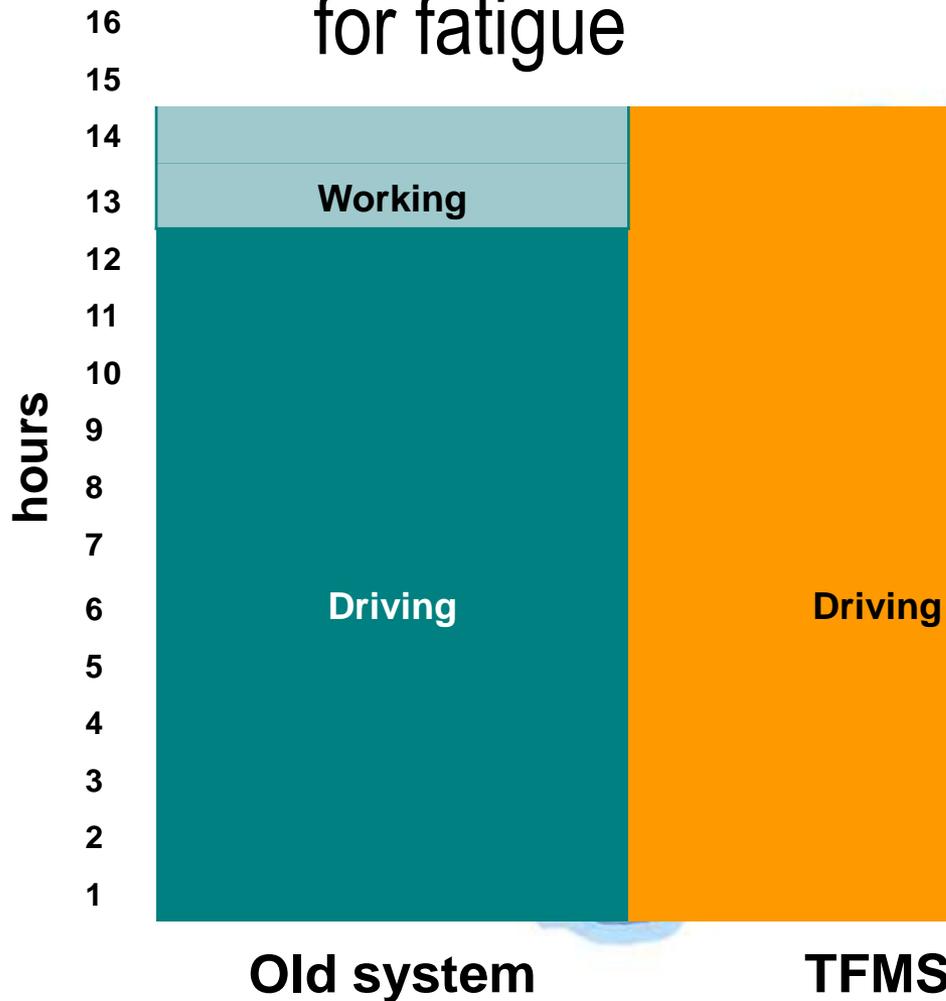


# Reform: the proposed package

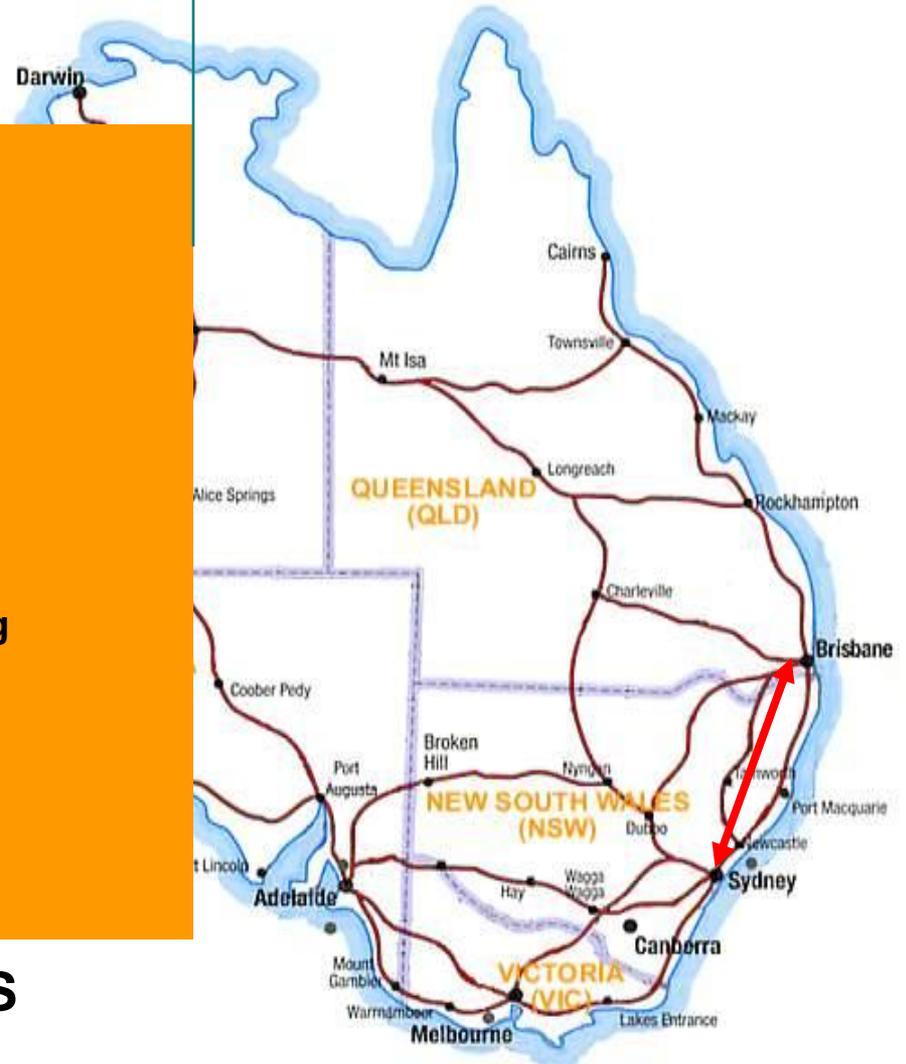
- **supported by –**
  - general duty to manage fatigue
  - chain of responsibility
  - risk-based categorisation of offences
  - 3<sup>rd</sup> party accreditation and training
  - strengthened record-keeping



... poor proxy  
for fatigue



## Reform: old system

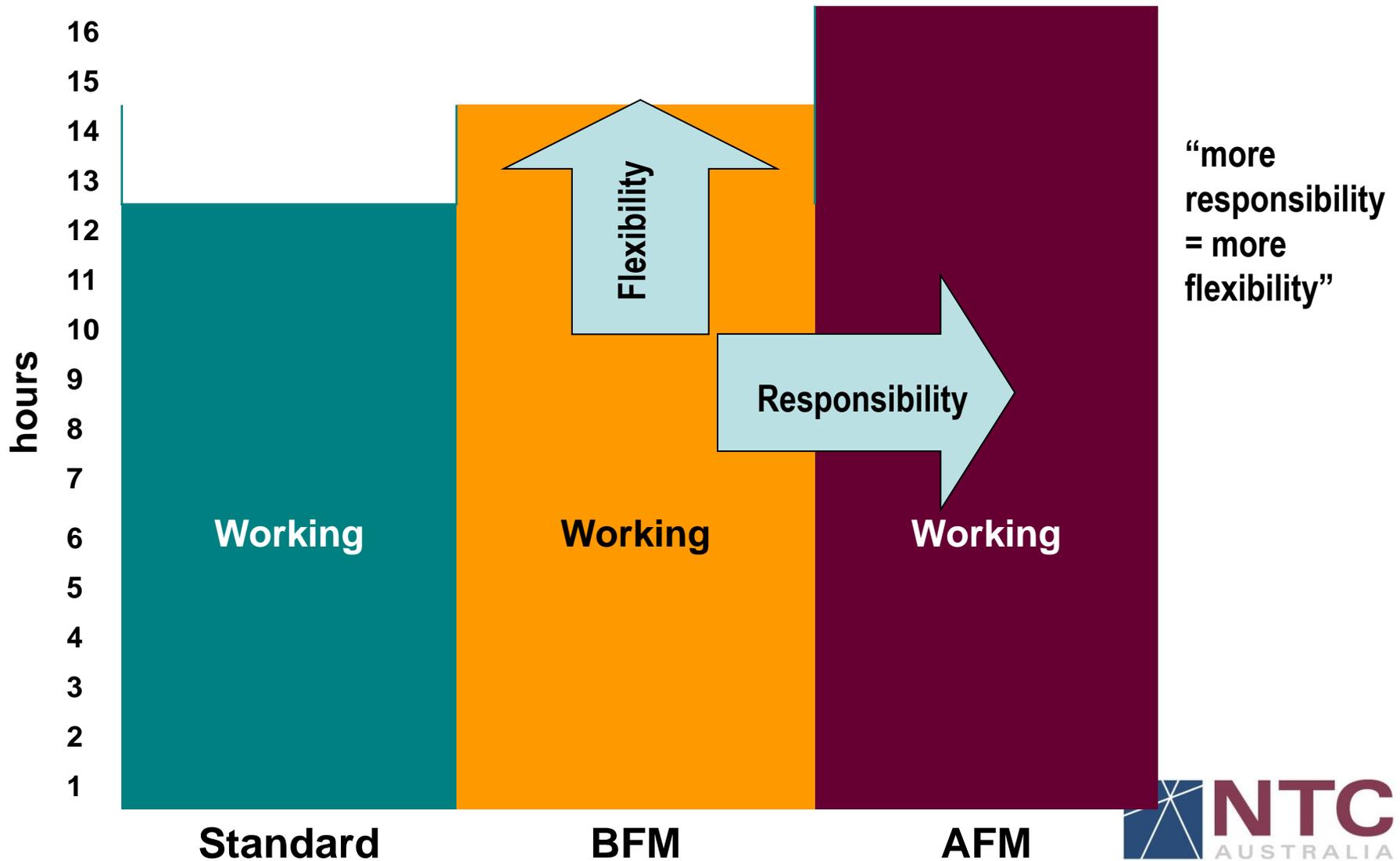


# Reform: changes to work and rest

- long rest break (+ one hour)
- driving and working (are the same thing)
- night driving restricted (BFM)
- two consecutive nights rest (in 14 days)
- accredited standards to manage risks
- more flexible short breaks



# Reform: managing fatigue risks



# Reform: Basic Fatigue Management

- **greater say in work and rest hours ... BUT**
  - comply with 6 audited BFM standards
  - third party audits
  - vocational training



# Reform: Advanced Fatigue Management

- **design schedule ... BUT**
  - comply with 10 audited AFM standards
  - third party audits
  - vocational training
  - approval from Fatigue Experts
  - high risk applications (eg: remote area livestock)

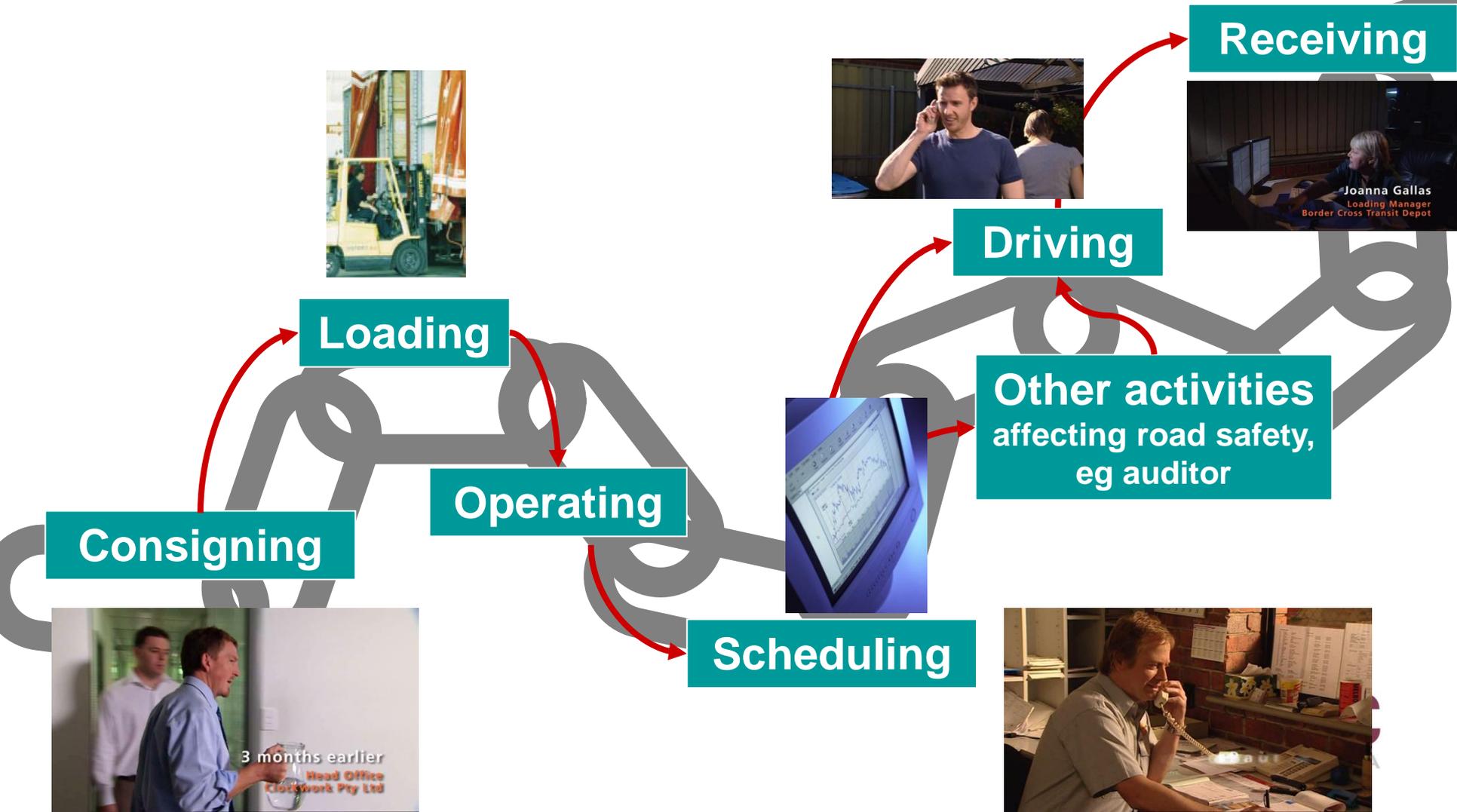


# Reform: Chain of Responsibility

- Drivers **'carrying the can'** for the failures of others
  - setting unrealistic schedules
  - poor scheduling, rosters
  - leaving drivers waiting around to load or unload

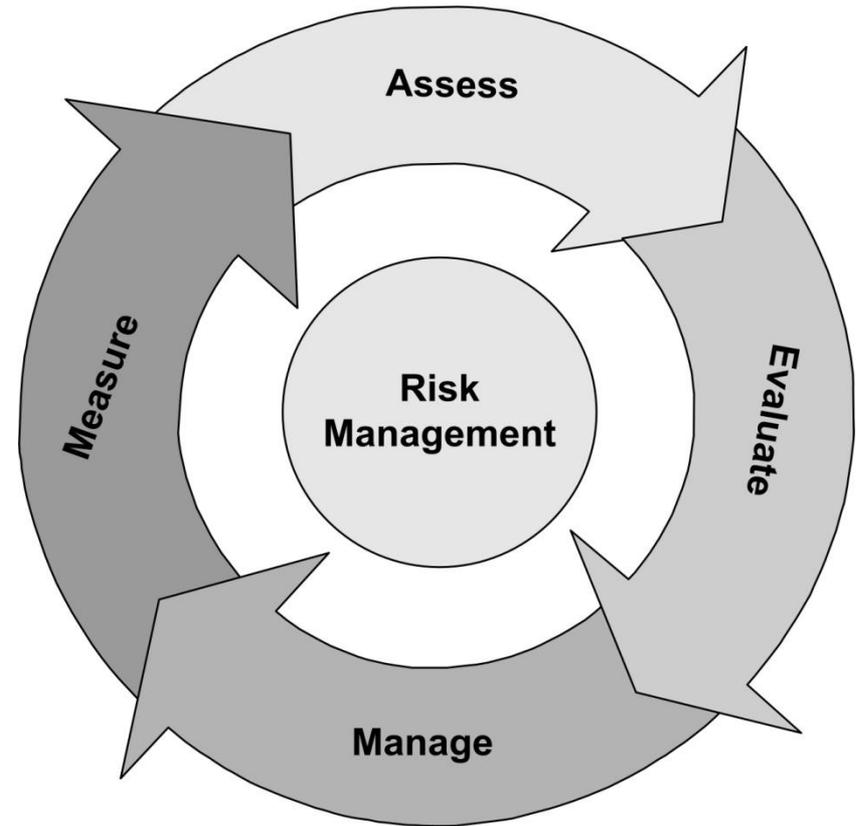


# Reform: Chain of Responsibility



# Reform: reasonable steps defence

- **IDENTIFY RISK:** What could happen?
- **ASSESS RISK:** How likely is it to happen?
- **CONTROL RISK:** What can we do about it?
- **MONITOR & REVIEW:** What do we need to change?



# Reform: Work Vs. Rest

- **Work time**

- is the time a driver spends **driving** a heavy vehicle (on or off the road) and
- any other time a driver spends **doing tasks** related to the operation of the heavy vehicle e.g.
  - Fueling and cleaning
  - Inspecting and servicing
  - Attending to the load
  - Loading and unloading
  - Waiting in a Queue etc

E.g. this is  
**WORK TIME**

- **Rest time**

- is time that is **not work time**



# Reform: General Duty

- **EVERYONE** in the supply chain has a 'general duty' to manage driver fatigue
  - Drivers must not work while fatigued
  - Everyone else in the supply chain must make sure drivers do not work while fatigued



# Reform: a new work diary

- strengthened record-keeping:
  - odometer reading

**ORIGINAL (To remain in the book):**

**NATIONAL DRIVER WORK DIARY** SECURITY NO. \_\_\_\_\_

Driver's Name: \_\_\_\_\_ License No: \_\_\_\_\_ State Issued: \_\_\_\_\_ RFM/AFM Accreditation No. \_\_\_\_\_  
Date: \_\_\_\_\_ Time Zone: \_\_\_\_\_ Day of the Week: **S M T W T F S** RFM/AFM drivers only. Pre-rip check (optional)  Yes  No  
State/Drive Area: \_\_\_\_\_ Time: \_\_\_\_\_

Number Plate (provide at start & end of trip & if work/trip changes) \_\_\_\_\_  
Odometer Reading (provide at start & end of trip & if work/trip changes) \_\_\_\_\_  
Name of Location at Work/Trip Change (street area, truck stop, suburb, city or town) \_\_\_\_\_

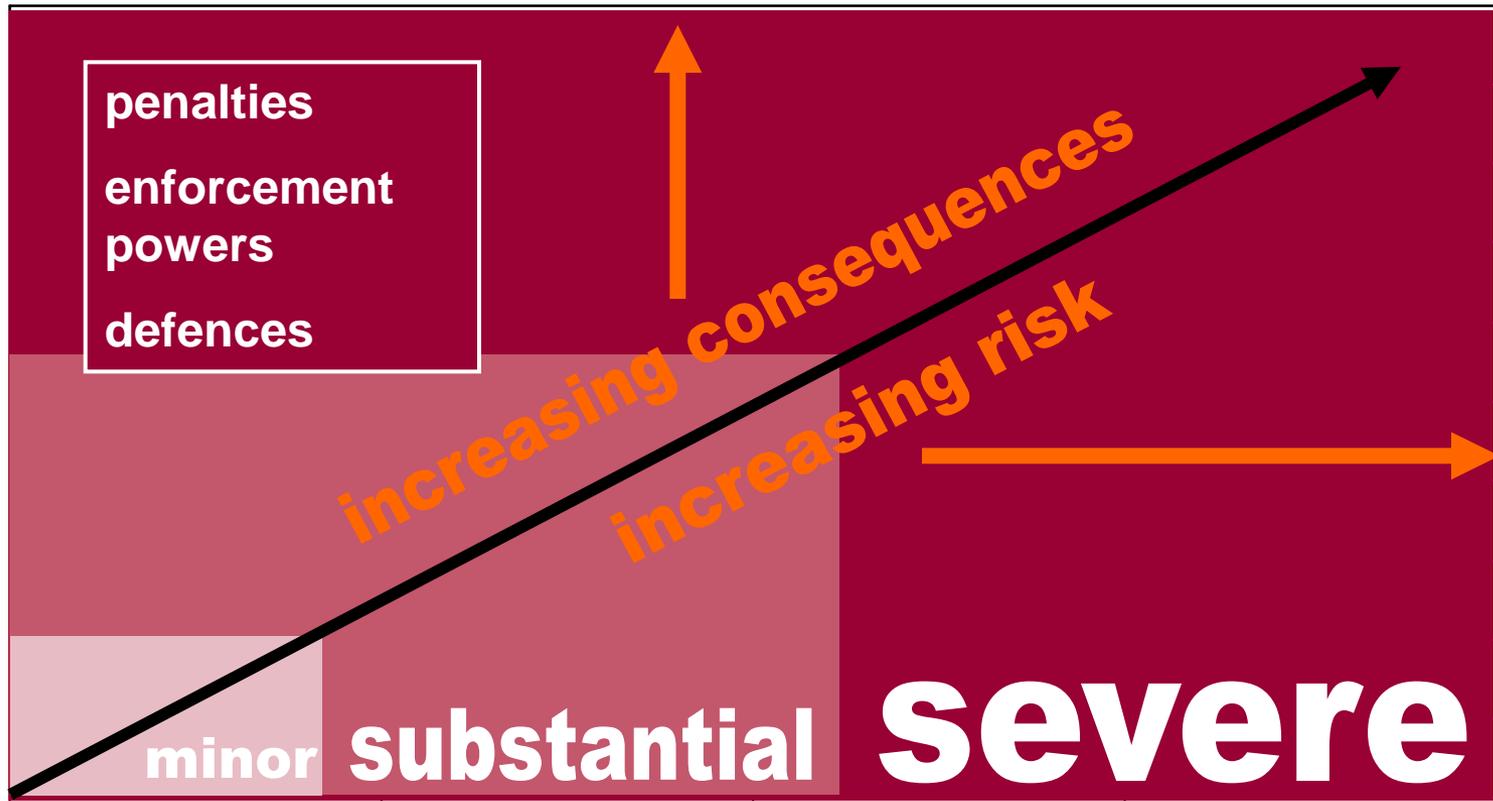
**DETAILS OF ACTIVITIES OVER 24 HOUR PERIOD** (record at start and end of each of change of activity in heavy vehicles)

	1	2	3	4	5	6	7	8	9	10	11	noon	1	2	3	4	5	6	7	8	9	10	11	midnight	
<b>Solo Work</b>																									
<b>Rest</b>																									
<b>Two-Up Work</b>																									
<b>Total Solo</b>																									
<b>Total Rest</b>																									
<b>Total Two-Up</b>																									

Driver Signature: \_\_\_\_\_ Time-up Driver Name: \_\_\_\_\_ License No: \_\_\_\_\_  
Work Diary No: \_\_\_\_\_ State Issued: \_\_\_\_\_ Two-up Driver Signature: \_\_\_\_\_  
I certify the above information is true and correct in every detail. **YOU MUST SIGN THIS PAGE BEFORE STARTING A NEW PAGE**

Form 4 (2016) drivers stop starting issues in 24 day summary

# Reform: risk-based penalties



# Reform: penalty toolkit



# Reform: key issues

- **consensus on general ‘intent’**
- **persistent industry themes**
  - drivers ‘carry the can’
  - flexibility to manage “oncers”  
not more hours
  - not ready for OHS approach
  - penalties should “fit the crime”
- **but some polarised views**
  - science versus “experience”  
(eg: long rest break)
  - 21,000 more rest areas ...
  - less hours = higher cost of  
bread and milk
  - AFM is “unsafe”



# Reform: winning hearts and minds

- long haul trucking lobby
- rural lobby
- safety advocates
- unions
- media (trade and mainstream)

TARCUTTA & TAMWORTH REMEMBER

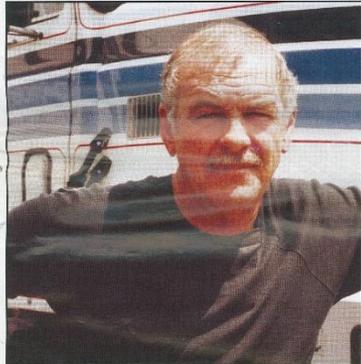
**NO BULL Classifieds**

**OWNER DRIVER** November 2001

DEDICATED TO THE SUCCESS OF THE PERSON BEHIND THE WHEEL ...

## DRIVERS AS LAB RATS

*Owner-drivers challenge the academic boffins behind proposed fatigue management reforms to GET IN A TRUCK before experimenting with driver's safety.*



**EXPERIENCE COUNTS**  
"When down breaks it's time for a rest. I know my body clock and I have my routine. I'm not about to kill myself, or anyone else, over a bloody job." — Norm Johnson, subbie

**ROD'S PACIFIC AUDIT 12**

**DRIVING KENWORTH'S RTA-BEATER 51**

Owner-drivers believe fatigue management proposals to restrict night driving are just as ludicrous as the much abused logbook. That is the message delivered loud and clear by operators responding to last month's "Dark Rules" cover story.

A National Road Transport Commission (NRTC) discussion paper on fatigue management reform outlines proposals for two nights restorative sleep after 18 hours driving between midnight and 6.00 am. It also suggests 70 hour week/12 hour day limits.

Interstate operator Russell Kyte, who runs overnight, is unequivocal. He claims a two night curfew for owner-drivers would be a disaster.

"I may as well pull the pin right here and now," he says. "I'd like to see the hue and cry if nightshift factory workers or cleaners were to have a compulsory two day break every 18 hours."

Owner-driver Wally Munday believes prescriptive regulations cause fatigue. He insists drivers should be allowed the freedom to make a mile when they feel good and stop when the body tells them.

"If the suggested (night-driving) restrictions are placed on owner-drivers they will not be able to comply legally," he warns.

Australian Trucking Association (ATA) owner-driver representative Graham Paton agrees. He says drivers must be allowed to manage fatigue flexibly, not be subject to more confusing (and unenforceable) regulations.

"I've no problem with 12 hours, or more if I'm able. On another day I may need to stop and rest before then — no two people are the same.

"Drivers are the best judge of what they are capable of."

Night driving restrictions would force a large proportion of freight onto congested daytime roads, restructure the whole supply chain and make it harder to attract drivers into the industry.

"Mixing heaps of cars with heaps of trucks is a recipe for disaster," Paton warns.

"The whole proposal lacks basic common-sense. I don't think the people who dream up these ideas have a clue about this industry. Maybe they should get in a truck and find out."

**"I don't think the people who dream up these ideas have a clue about this industry."**

Continued on page 10

**FATIGUE REFORM MUST INCLUDE:**

- Full fatigue management flexibility for drivers.
- Measures to reduce commercial pressures.
- Short haul drop-offs and pick-ups.
- Smart compliance, not revenue-raising.
- Stronger chain of responsibility laws.
- Education and training.

# NTC Model of **COOPERATION**

## **Understand before acting**

Build and maintain *relationships* with key stakeholders through regular 'check-in' discussions.

## **Involve before deciding**

All stakeholders impacted by a reform should be consulted to develop policy and, where possible, *resolve differences before public comment* is sought.

## **Discuss before implementing**

Use public consultation to seek wider public views on issues which could not be resolved during the policy development process.

## **Share before announcing**

Ensure there are 'no surprises'. Generally, stakeholders should not learn of key policy decisions and statements through the media or other channels.

# NTC Model of Cooperation

# Reform: industry support ... conditional

- **Stuart St Clair, ATA CEO**



# Reform: outcome of Vote

- **9 Ministers voted in favour but ....**



# Implementation: National inconsistency

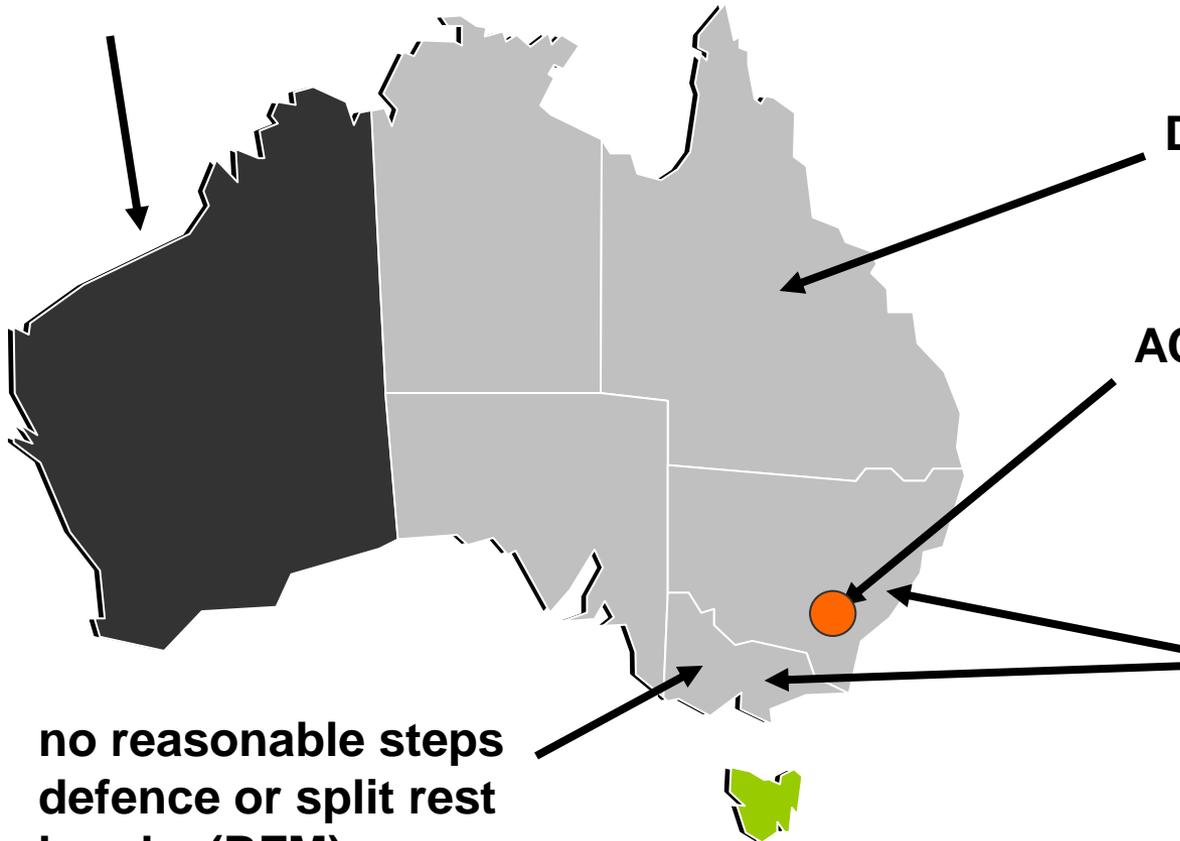
OH&S regs

Demerits policy

ACT – exempt

AFM outer limit?

no reasonable steps  
defence or split rest  
breaks (BFM)



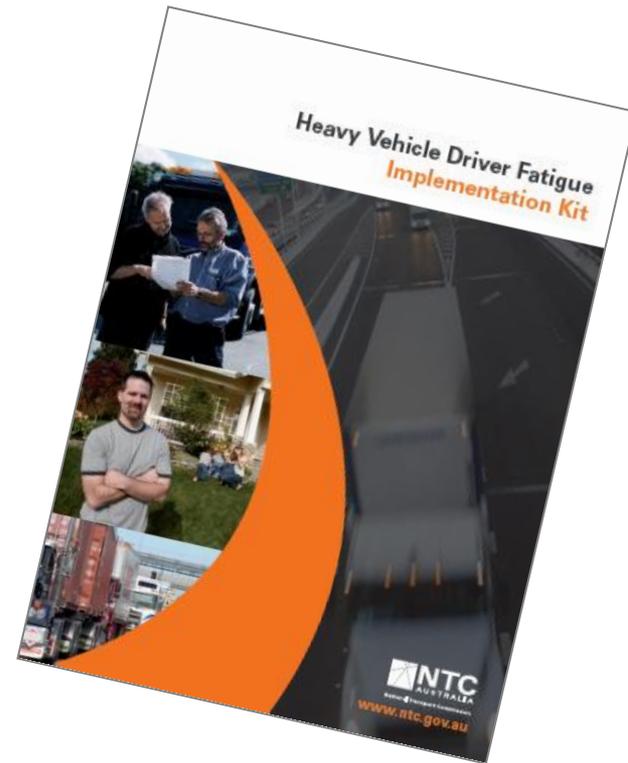
# Implementation: rest areas

- **need for improvement**
- **rest areas guidelines**
  - standard for road agencies
  - already approved and used
- **national rest areas audit 2007**
- **targeted funding**



# Implementation: communications

- **The NTC supported implementation**
  - Information bulletins/DVD
  - Advertising campaign
  - Fatigue and napping guidelines
  - Driver dashboard cards
  - Self-assessment checklists
  - Daily and weekly work/rest planning
  - Training and awareness presentations
  - Promotional material



- **[www.ntc.gov.au](http://www.ntc.gov.au)**

# Implementation: truckies shutdown!

- fringe groups (and infighting ...)
- list of demands (disband NTC No.1)



## FRESH PRODUCE UNDER THREAT

■ Truckies protest could shut down food supply transport

WHEN Mick Pattel woke this morning, he hoped Australia would be standing still.

Instead of Lockyer Valley trucks taking produce to market, Mr Pattel planned many to be at mechanic shops or in sheds.

"At midnight we will shut down trucks right across Australia," the National Road Transport Forum chief organiser said yesterday.

"We're looking at 50 per cent of drivers as an initial start-up figure and in the next few days it will grow. There are a lot of drivers who have already taken annual leave



**Elizabeth  
SPRY**

elizabeth.spry@qt.com.au

Richmond in north-west Queensland, said drivers were outraged by the National Transport Commission's (NTC) recommendation to increase multi-combination vehicles (B-doubles, road trains) registration fees and the

# Implementation: no shutdown

- “of the estimated 65,000 owner drivers across the country, fewer than 1,000 joined the rallies.”

## Truckies’ two-week protest strike falls flat

Elizabeth Gosch

A PLANNED nationwide two-week strike by truck drivers to protest against poor pay, high fuel prices and increased registration costs has failed to gain widespread support.

While thousands of truckers were expected to join protest convoys in each of the state capitals yesterday morning, the financial reality of losing a day’s work kept many drivers away.

Of the estimated 65,000 owner-drivers across the country, fewer than 1000 joined the rallies.

disbanding of the National Transport Commission, the scrapping of electronic work diaries and no demerit points on log book and driving hours regulations breaches.

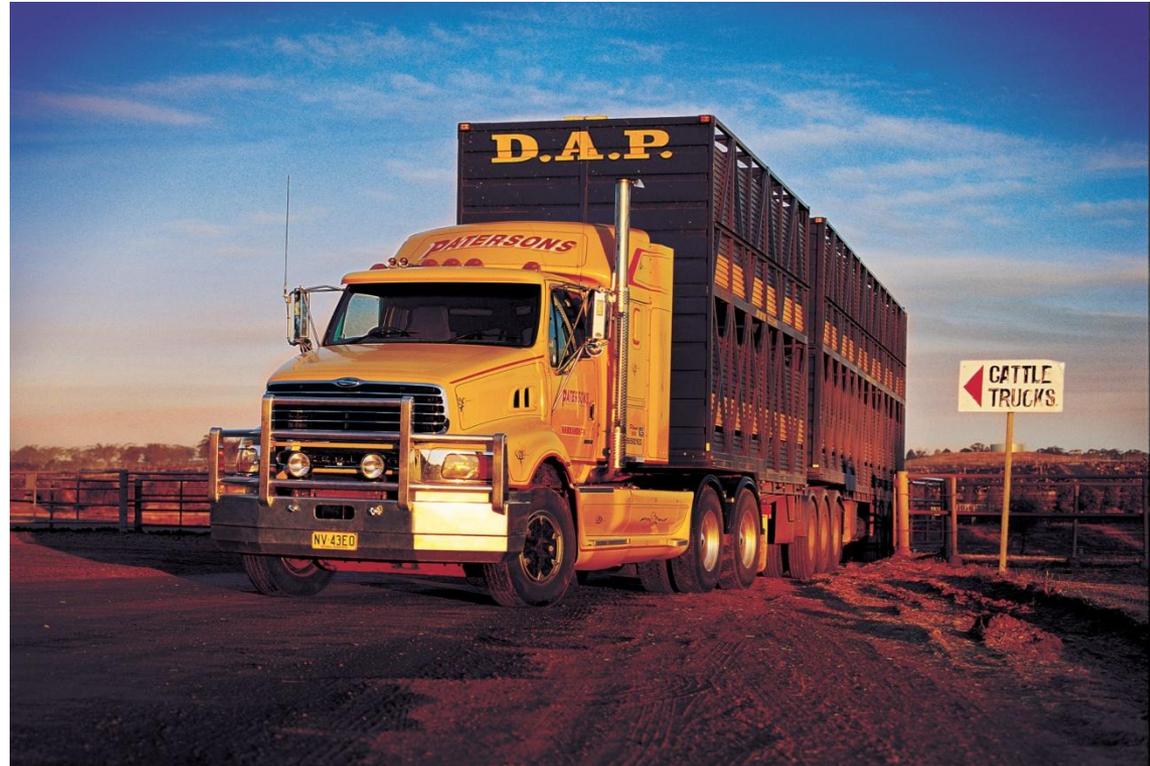
“We’ve really got to do this (strike) to highlight the plight of the industry. Hopefully the Government will come to the table fairly quickly,” he said.

Neither the Australian Trucking Association nor the 10,000-member Transport Workers Union supported the action.

ATA chairman Trevor Martyn

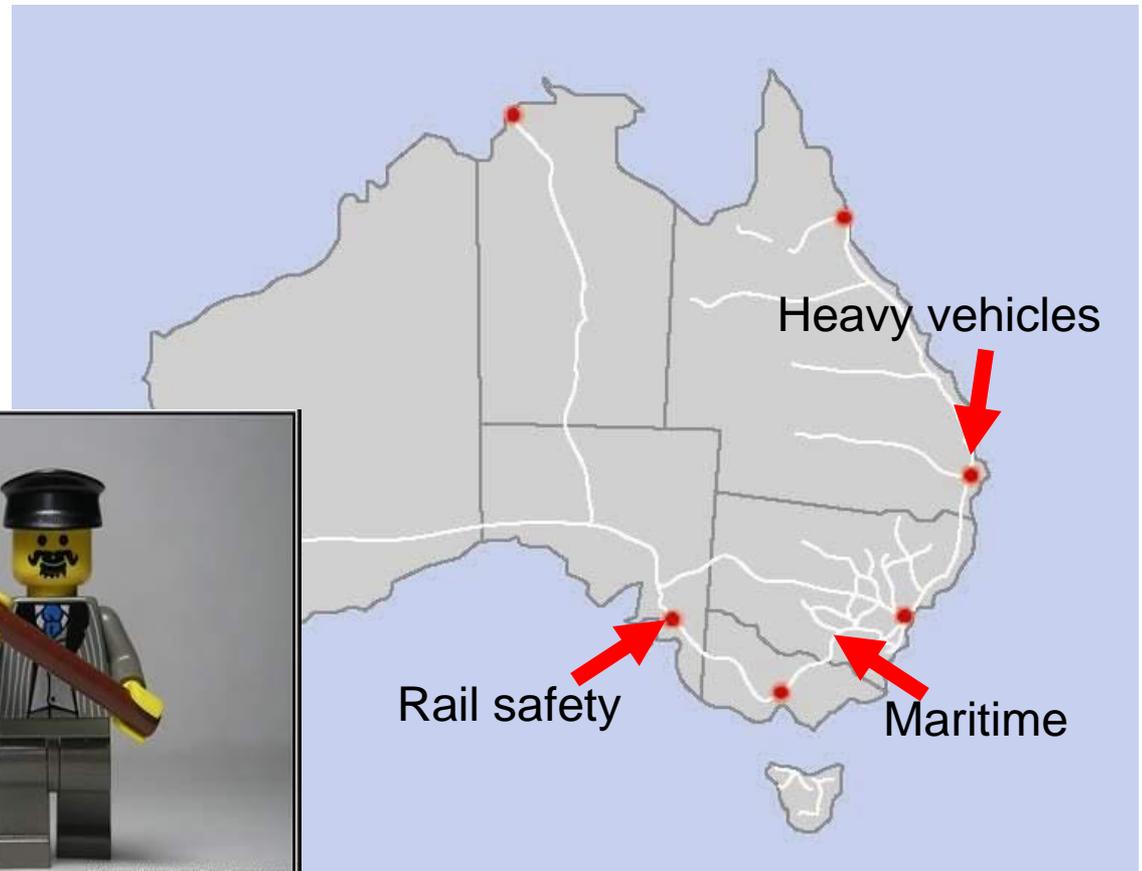
# implementation: the devil in the detail

- counting time
- BFM flexibility ...
- exemptions



# Next steps: national HV Regulator

- national regulation
- consistent enforcement
- better safety and productivity



# What next: Electronic Work Diary

- industry has technology but can't use it as EWD
- compliance and risk-management potential
- push from some to lift standards (mandate?)



# Next steps: EWD pilot

- **“equivalent” minimum standard for EWDs**
  - performance-based
  - encourage wide take-up (existing technology)
  - allows for roadside enforcement
  - no work diary needed
- **pilot to inform policy positions**
  - roadside printer?
  - sanction policies (one minute robots?)
- **court sanctions**
  - mandate EWD for offenders



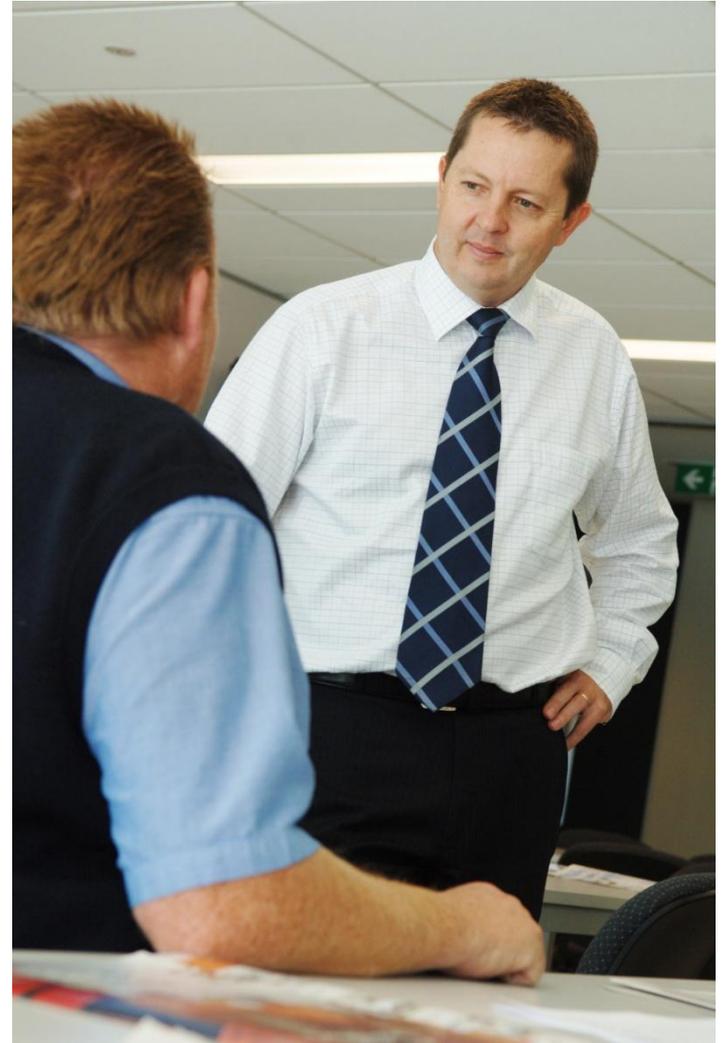
# What next: Safe payments?

- **NTC report to Ministers**
  - poor payment methods/rates can influence safety (hours, maintenance, speed)
  - owner-drivers have low bargaining power
  - voluntary approach has failed
- **C'wealth proposal expected 2010**



# What next: more risk-based approach?

- address regulatory overlap and compliance costs
- journey towards a more risk-based approach (eg: AFM)?



# What next: Compliance strategy?

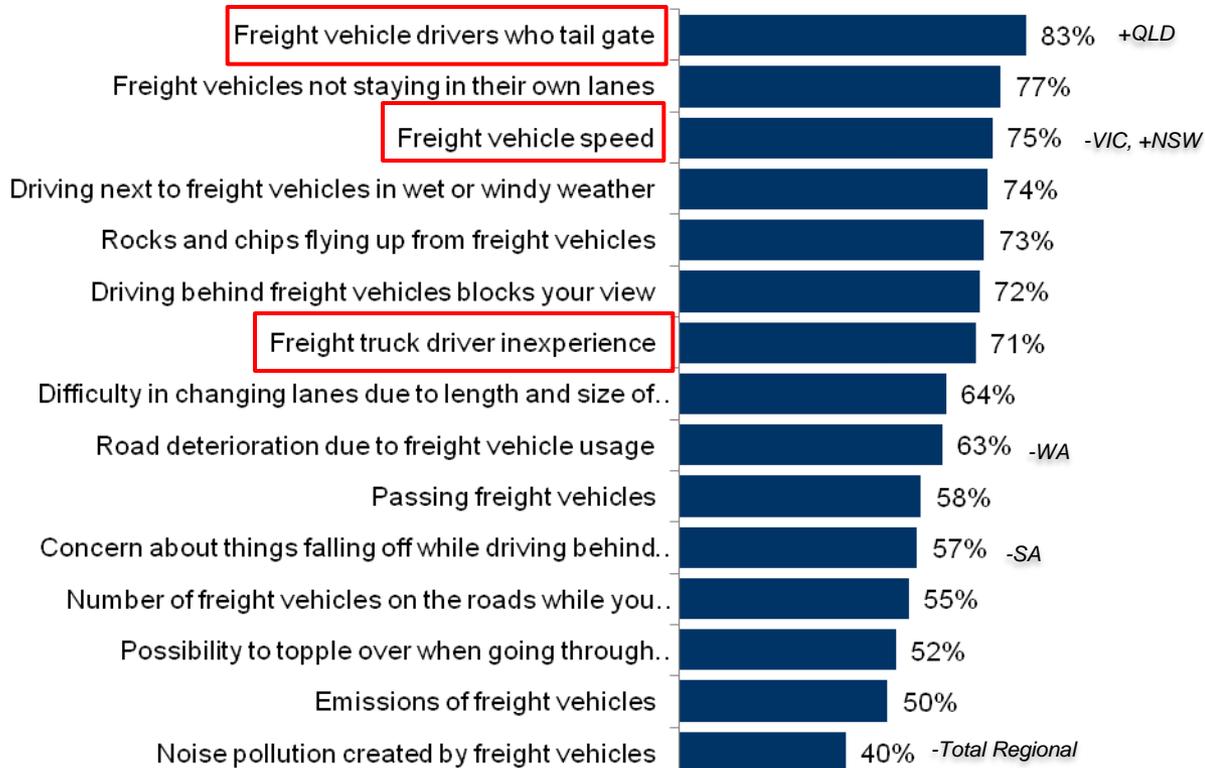
- **reward good operators**
- self-compliance “rewarded”
- SMART “intelligence-based” targeted enforcement (less on-road interceptions)
- operator rating systems?
- informed purchase of freight services



# What next: community confidence = productivity

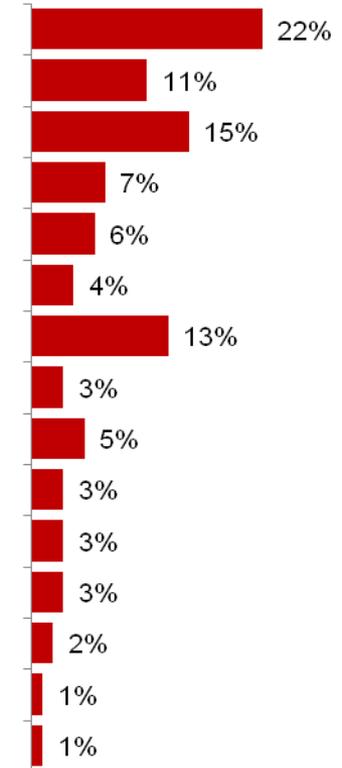
## Concerns whilst driving with Freight Vehicles

Q23: n=1521  
Top 2 box (Important + Very Important),



## #1 Concern whilst driving with Freight Vehicles

Q24 Rank #1 Nationally  
n= 1436 - % Respondents



# Implementation: Operation Seams

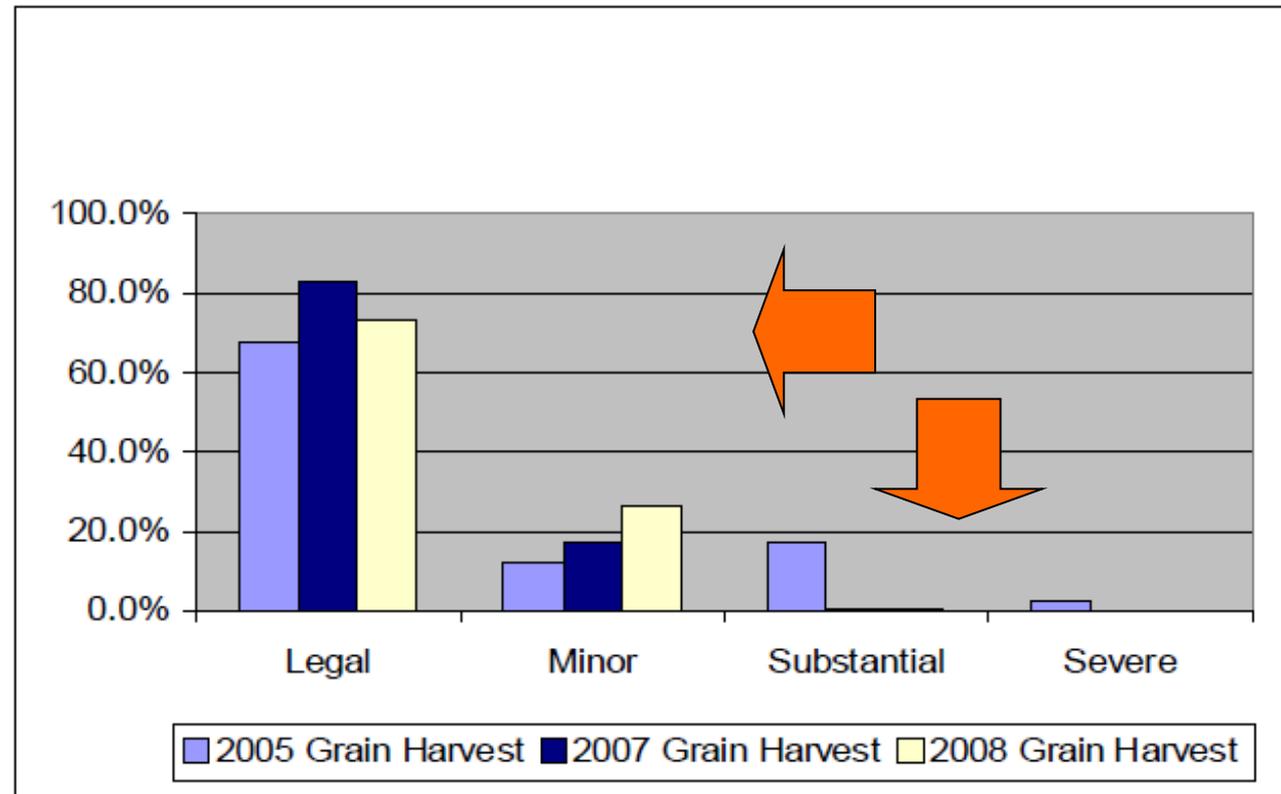
## CHAIN OF RESPONSIBILITY (2008)

- following conviction the carrier was dropped by freight owner
- freight owner changed its scheduling practices and introduced electronic monitoring for its sub-contractors



# Implementation: Chain of Responsibility

- audits of grain overloading in NSW
- compliance significantly improved



# Implementation: retail code of conduct

- Safe driving plans
- Timeslot booking
- Monitor transit times
- Random drug and alcohol tests
- Standards for treatment of drivers (including rest facilities if delayed)



# In a nutshell...

- changing the culture – everyone's responsible
- focus on fatigue risks, not hours
- flexibility if risks are managed
- wider penalty toolkit



it's all about taking...

**reasonable steps**

