

New regulations to manage driver fatigue

ADVANCED FATIGUE MANAGEMENT



SEPTEMBER 2008



From 29 September 2008, the Road Transport (General) Regulation 2005 will contain new provisions relating to the management of heavy vehicle driver fatigue. The regulations apply to drivers of:

- heavy trucks with a Gross Vehicle Mass (GVM) over 12 tonnes or a truck and trailer combination with a combined GVM over 12 tonnes; and
- buses that seat more than 12 adults (including the driver).

The regulations set maximum hours of work and minimum rest periods and provide three work and rest hours options: Standard Hours, Basic Fatigue Management (BFM) and Advanced Fatigue Management (AFM). The regulations place duties on parties in the 'chain of responsibility' to take all reasonable steps to prevent driver fatigue and to ensure that a driver does not drive while fatigued or drive in breach of his or her work and rest hours option.

What is the Advanced Fatigue Management work option?

Advanced Fatigue Management (AFM) allows the management of fatigue risk rather than prescribing work and rest hours. It offers more flexible hours than the Standard Hours or BFM in return for the operator demonstrating greater accountability for managing fatigue risks.

Operators must submit a fatigue management proposal to the RTA and meet 10 accreditation standards under the National Heavy Vehicle Accreditation Scheme covering:

- Scheduling and rostering
- Readiness for duty
- Fatigue knowledge and awareness
- Responsibilities
- Internal review
- Records and documentation
- Health
- Workplace conditions
- Management practices
- Operating limits.

The RTA will seek the advice of the Fatigue Authorities Panel in the case of an operator intending to operate under AFM in more than one state or territory.

Key features

Operating limits and outer limits

AFM uses a system of operating limits and outer limits in order to balance work and rest hours. Operators are required to develop sets of:

- Operating limits – these are the limits used to guide the scheduling and rostering of drivers and are the limits required to do the job in most circumstances.
- Outer limits – these are individually tailored to meet the needs of the drivers and operators. These limits will take into account:
 - the time required to perform the task safely
 - provisions for adequate rest periods to recover from the effects of fatigue
 - the cumulative effects of fatigue over time; and
 - the effects of time of day on fatigue and quality of sleep.

The AFM option does not specify the hours of work and rest, only the maximum outer limit of 15 work hours in 24 hours.

Only in exceptional circumstances will a driver be allowed to work between the normal operating limit and the outer limit. For example, in the case of an unforeseen and lengthy delay in loading or unloading the heavy vehicle which greatly extends the driver's work schedule.

The operator's fatigue management system must describe how the additional fatigue risk will be managed and ensure that the driver takes additional 'recovery' rest. The operator would be required to document the details of the incident causing the delay, the breach of the operating limits and the actions taken by the operator to address the risk.

If a driver exceeds the normal operating limit more frequently than agreed in the terms of the operator's accreditation, the operator must raise a non-conformance report which is then produced for external audit.

AFM Limits

Parameter	Normal operating limits	Frequency for exceeding normal operating limit	Outer Limit
Minimum break in a 24 hour period	Operator to propose	Operator to propose	6 continuous hrs stationary ¹ rest or 8 hrs stationary rest in 2 parts
Minimum continuous 24 hour period free of work	Operator to propose	Operator to propose	4 periods in 28 days ²
Minimum opportunity for night sleep (between 10pm and 8am)	Operator to propose	Operator to propose	2 periods in 14 days
Maximum hours work in a 24 hour period	Operator to propose	Operator to propose	15 hrs ³
Maximum hours work in 14 days	Operator to propose	Operator to propose	154 hrs
Maximum hours work in 28 days	Operator to propose	Operator to propose	288 hrs

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

2. First 24 continuous hours stationary rest must be taken after 84 hours work

3. The outer limit for NSW and Victoria's is 15 work hours in 24 hours (16 hours in other states).

Split rest

Under the AFM option, drivers are allowed to split their continuous rest break for more flexibility.

Customised safety management systems

The AFM option allows an operator to develop a customised and auditable safety management system with controls that are specific to the fatigue risks of his/her particular business. Limits are set on a case-by-case basis and are dependent upon individual circumstances and the countermeasures proposed by the operator to manage the higher risk. Operators will need to specify the normal operating limits for each of the parameters in the table above and the frequency these may be exceeded.

Definitions

Operating limits and outer limits

'Normal operating limits' are used to guide operators when developing everyday schedules and driver rosters taking into account any contingencies and reflecting the inherent fatigue risks (e.g. the amount of night driving balanced against longer rest breaks).

'Outer limits' represent the point past which further driving or work poses an unacceptable fatigue risk. In NSW the outer limit of 15 work hours in 24 hours cannot be exceeded. These limits must not be scheduled and must only be used in emergency situations.

Time

Time is counted in 15-minute intervals and is recorded according to the time zone of the driver base.

Work

Work time is not just driving time, it is the time that the driver spends driving the vehicle and any time spent on other tasks related to the operation of the vehicle. Driving includes being in the driver's seat while the engine is running and instructing or supervising the driver of the vehicle. Work time includes:

- loading and unloading
- inspection, servicing or repair work
- attending to the load or to passengers
- cleaning or refuelling
- performing marketing tasks
- recording information.

Work is a maximum period so is always rounded upwards e.g. a period less than 15 minutes is counted as 15 minutes work; a period more than 15 minutes up to 30 minutes is counted as 30 minutes work etc.

Rest

All other time is counted as rest. Rest time is always rounded downwards: a period less than 15 minutes, for example, does not count as rest, while a period of more than 15 minutes but less than 30 minutes is counted as 15 minutes rest. The rest requirement is a minimum; if you feel tired at any time, you should stop and take a break.

Where to find more information

Further information on fatigue is available from the RTA at www.rta.nsw.gov.au and from the NTC website www.ntc.gov.au. The Road Transport (General) Regulation 2005 containing driver fatigue regulations can be found at www.pco.nsw.gov.au

