



Transport Workers Union

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National Heavy Vehicle Driver Fatigue Law - Transitional Arrangements

The new fatigue laws, which affect trucks and buses, were implemented in September 2008 and set new work and rest limits for heavy vehicle drivers.

The main changes introduced by the new fatigue laws focus on regulating hours to manage fatigue. Operators that manage their fatigue risk through accreditation schemes will have a greater say in when they can work and rest.

What are the options?

There are currently three options:

- **Standard Hours** (default 12 working hours a day). Standard Hours option sets out minimum rest and maximum work hours and contains basic record keeping requirements.
- **Basic Fatigue Management (BFM)** (up to 14 hours of work with accreditation). BFM gives operators a greater say in when they work and rest provided fatigue risks are properly managed.
- **Advanced Fatigue Management (AFM)** (accredited risk management approach). AFM is the most flexible option but requires operators to demonstrate greater accountability for managing fatigue risk. To access this scheme operators must be accredited and comply with 10 standards, including scheduling

and rostering, workplace conditions, fatigue knowledge and awareness.

The new HVDFRs require all parties in the supply chain to manage the causes of fatigue - **it is not just up to the driver**. If a persons action, inaction or demand causes or contributes to breaches of the law then that person can be held legally accountable.

In Victoria.....

Drivers operating Standard Hours post 29 September 2008 have:

- 90 days from 28 December 2008 to purchase and be using a work diary.

Drivers who were Transitional Fatigue Management Scheme registered prior to 29 September 2008 have:

- 14 days from 13 October 2008 to purchase and be using a work diary.

Drivers previously not required to carry a log book and those doing less than 100 km radius (Victoria only) local work under the 12 + 2 exemptions:

- must comply with minimum requirements for the verification of driving hours and rest breaks.

Drivers/operators who are BFM or AFM accredited are:

- required to obtain and complete a work diary from the date of becoming accredited.

If prior to 29 September 2008 you operated under the Transitional Fatigue Management Scheme, your transition

arrangements are as follows:

- there is a 6 month transition period for drivers working under TFMS prior to 29 September 2008
- during this period drivers can utilise the BFM work/rest hours option
- drivers must carry their driver certification manual
- drivers must record the operator's TFMS number in the work diary.

FURTHER INFORMATION

More information about the Heavy Vehicle Driver Fatigue Reforms can be found at the VicRoads web-site at www.vicroads.vic.gov.au or the National Transport Commission at www.ntc.gov.au.

There are differences in the transitional arrangements between states. For more information speak to Eugene Richards from the Union office on 1300 727 614.



**Authorised by:
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Branch Secretary**

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