# The Changes Ring In

David Lalic writes in Owner Drive -

***A new set of fatigue regulations means a new set of headaches for truckies.***

DRIVER FATIGUE and its management has been debated for some years. Self regulation has not balanced the competing priorities of the owners and the drivers. Owners find themselves under increasing pressure with delivery targets and the drivers risk injury.

Part of the answer to the problem would be the introduction of a National Safe Rates Scheme as promoted by the Transport Workers Union.

The Federal Government has responded by introducing a set of regulations, under the Act, whose purpose is to provide for safe fatigue management of heavy vehicle drivers while they are driving on the road. We are yet to see if the government's response is effective to deal with the problem.

This is the first of a series of articles that will outline the regulations, how they impact on the owner and what the rights of the owner are under the legislation. Later articles will deal with particular sections in more detail.

The Act not only applies to drivers, but to persons whose activities influence the conduct of drivers in such a way as to affect the drivers' fatigue when driving on the road.

The regulations set out the duties to avoid or prevent drivers from driving heavy vehicles while they are fatigued. Fatigue and 'impaired by fatigue' are defined.

Not only do employers have obligations to protect drivers but schedulers, consignors, consignees, and loading managers, also have duties. For example; "the consignor or consignee each must take reasonable steps to ensure that the terms of consignment, for example delivery times, will not result in, encourage or provide an incentive for the driver to:

- drive while impaired by fatigue; or
- drive while in breach of his or her work/rest hours option; or
- drive in breach of another law in order to avoid driving while impaired by fatigue while in
- breach of his or her work/rest hours option"

The most important concept in the set of regulations is accreditation. Without accreditation, standard hours apply when determining rest. Under the standard hours rest provisions, in any period of five-and-a-half hours there must be 15 minutes of continuous rest for a solo driver.
In the case of a solo driver where there is BFM accreditation, the period changes to six-and-a-quarterhours and the rest period is 15 continuous minutes.

In the case of an AFM accredited driver, the first period of time is extended to seven hours with a 45 minute rest.

There are many other time periods and obligatory rest periods that vary between accredited heavy vehicles and those that do not have accreditation.

The regulations set out what must be done to gain accreditation. Application must be made and evidence given of the systems that are in place. Because of the advantages of having AFM accreditation, the requirements are more strict. For an AFM accreditation, for example, the risks involved with working under the proposed work and rest hours limits and the proposed countermeasures that are designed to manage those risks, must be set out.

In the regulations there are provisions for the review of decisions that relate to accreditation.

Compliance with the regulations will be in the hands of authorised officers or the police. A driver can be directed to have a rest break if they have not had one at the time of inspection or the driver can be directed not to work for a specified period of time if it is believed they are fatigued.

There are financial penalties ranging from $1,000 to $10,000 plus $1,000 per 15 minute breach.

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