

Motor Vehicle Registry Information Bulletin

V70 Heavy Vehicle Driver Fatigue

Effective Date: 21 August 2008

Introduction

As part of the National Transport Reform agenda, new model National Heavy Vehicle Driver Fatigue Legislation has been developed by the National Transport Commission (NTC) in recognition that driver fatigue is one of the main causes of crashes involving heavy vehicles. The new laws have been built on a foundation of safety, drawing on advice from fatigue experts and developed in consultation with industry and all States and Territories. These new regulations are aimed at getting drivers home safely.

Most states aim to implement the new driver fatigue legislation on 29th September 2008, however, the Northern Territory (NT) is not expected to be in a position to introduce the new laws before the end of 2009.

Current Occupational Health and Safety (OH&S) obligations for operators and drivers under the *NT Workplace Health and Safety Act* will continue to apply. Complying with the national regulations by adopting one of the National Heavy Vehicle Driver Fatigue options will ensure:

- operators are meeting their OH&S obligations in the NT;
- demonstrated compliance with interstate laws when crossing borders, and
- a smooth transition into the new road transport laws when they are introduced in the NT.

3 Tier Fatigue Management

The new driver fatigue legislation allows transport operators to choose from one of the following three tiers to manage driver fatigue:

- Standard Hours;
web link: <http://www.nt.gov.au/transport/mvr/vehiclestandards/infobulletins/ibv71.pdf>
- Basic Fatigue Management (BFM); and
web link: <http://www.nt.gov.au/transport/mvr/vehiclestandards/infobulletins/ibv72.pdf>
- Advanced Fatigue Management (AFM)
web link: <http://www.nt.gov.au/transport/mvr/vehiclestandards/infobulletins/ibv73.pdf>

Who it Will Affect

The new fatigue laws will apply to drivers of all Regulated Heavy Vehicles. These include Trucks with a Gross Vehicle Mass (GVM) over 12 tonnes, combinations if the total of the GVMs is over 12 tonnes and buses with more than 12 seats, including the driver. The laws do not cover plant items (machines or implements) or motor homes.

General Duty of Care

Under the *NT Workplace Health and Safety Act*, Transport Operators working within the Territory have a general duty of care to ensure, as far as reasonably practical, that workers and others are not exposed to risks to health or safety arising from the employer's business. To demonstrate this requirement transport operators need to have a fatigue management system in place which effectively manages the risks associated with driver fatigue.

The national driver fatigue legislation is consistent with current obligations under OH&S laws and will assist operators in demonstrating that they have taken reasonable steps in managing driver fatigue.

Further Information

Further information on OH&S requirements for employers, employees, owner/operators and supply agents can be accessed through the NT Worksafe website at: <http://www.worksafe.nt.gov.au>

Further information on fatigue and copies of the Information Bulletin '*Guidelines for Managing Heavy Vehicle Driver Fatigue*' are available from NTC website at: www.ntc.gov.au

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