

What records you need to keep: A guide for record keepers

FACT SHEET 8



Introduction

New fatigue laws, for implementation in September 2008, set revised work and rest limits for heavy vehicle drivers and require better management of driver fatigue. The fatigue reform makes all parties in the supply chain legally responsible for preventing driver fatigue.

This fact sheet is designed to highlight selected record keeping procedures included in the new laws. It does not cover all of your duties under the new fatigue laws. This should be read in conjunction with VicRoads Fact Sheet 9 – *'How to use and complete your new work diary'*.

Who is the record keeper?

Usually, the record keeper will be the person who employs the driver. Under the legislation an employer is anyone who engages a driver under a contract of employment, apprenticeship or training. This includes labour hire companies. However, there are two exceptions:

- if the driver is self-employed (an owner-driver) the obligation to keep records belongs with them; and
- if the driver is operating under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM) accreditation, the record keeper will be the BFM or AFM accredited operator. This includes subcontractor drivers working under their prime contractor's fatigue accreditation scheme.

Record content

Record keepers must keep the following information:

Drivers working within 100 km radius

- the driver's name, licence number and contact details;
- the registration number of the vehicle driven by each driver;
- the driver's rosters and trip schedules (including driver changeovers);
- the driver's payment records including timesheet records; and
- the driver's work and rest for each day and each week.

Drivers working beyond 100 km radius, operating under BFM or AFM

- the driver's name, licence number and contact details;
- the driver's rosters and trip schedules (including driver changeovers);
- the driver's payment records including timesheet records;
- copies of the work diary daily sheets if the driver is in Standard Hours and has driven outside the local area zone (see Fact Sheet 9 – *'How to use and complete your new work diary'*);
- copies of the work diary daily sheet if the driver is working under BFM or AFM accreditation; and
- other information required to be kept as a condition of BFM and AFM accreditation.



Obtaining records

It is the record keeper's responsibility to ensure the driver submits a copy of his or her daily work diary and any supplementary records *within 21 days* after that day.

Changing record keepers

If the driver has two or more record keepers on that day, a copy of the work diary and any supplementary records must go to each record keeper.

Before driving a heavy vehicle for another record keeper, the driver must also give the new record keeper a copy of the information recorded in any work diary for the previous 28 days. This will help the record keeper assess whether the driver can legally complete the work.

For example, a driver operating under standard hours has not had four nights rest over a two week period (including two consecutive nights rest) the new scheduler can use the records provided to the new record keeper to plan the driver's new roster so it is legally compliant.

The new record keeper must not allow the driver to drive a heavy vehicle unless the driver has provided the above details.

Storage of records

All work records, including work diary records, are required to be kept by the record keeper for three years after the record is created. Records are to be kept in a place that is accessible to authorised officers and police officers, and maintained in a readable and easily understood condition for use as evidence.

For example, a record keeper should keep copies of records in a storage facility that will ensure the records do not degrade or could become unreadable. This could include clearly scanning relevant hard copy records and retaining them in electronic format.

Normally records should be kept at the driver's base. However the record keeper may designate another location as the record location. In such cases, the record keeper must inform the driver of this location.

BFM and AFM accreditation records

If the record keeper is an operator working under either a BFM or AFM accreditation, he or she also has a duty to keep other records. Operators must ensure that each driver who is to work under the BFM or AFM accreditation is inducted into the operator's BFM or AFM fatigue management system and meets the requirements relating to drivers under the applicable accreditation.

The operator must therefore keep the following:

- a current list of the drivers under the BFM or AFM accreditation;
- records demonstrating that the drivers have been inducted into the operator's fatigue management system and informed of the operator's hours under the scheme;
- meets the requirements relating to drivers under the particular accreditation; and
- records relating to the operation of the fatigue management system, such as incident reports and risk management documentation.

Further information

This fact sheet does not explain all of your obligations under the new laws. For further information on managing driver fatigue contact VicRoads on 1300 360 745 or visit the VicRoads website:

www.vicroads.vic.gov.au

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