

# Heavy Vehicle Driver Fatigue Laws

## (Requirements for working within a 100 km radius under standard hours)



### Introduction

New laws implemented in September 2008, set revised work and rest limits for heavy vehicle drivers and require better management of driver fatigue.

Drivers of the following fatigue regulated heavy vehicles, are required to comply with the Driving Hours requirements:

- a motor vehicle with a GVM of more than 12 tonnes;
- a combination with a GVM of more than 12 tonnes;
- a bus with more than 12 seats including the driver.

The laws do not apply to plant equipment (machines or implements) or a motor home.

### Working Within a 100km Radius

Drivers who work to Standard Hours solely within 100km of their driver base must comply with the work/rest hours contained in the *Road Safety Act 1986*. The Act specifies the maximum work and minimum rest times for a driver (see Table 1 and Table 2).

The driver base can be:

- the place from which the heavy vehicle driver normally works and receives instructions;
- the garage address of the heavy vehicle; or
- the place where records are kept.

When calculating the hours of work, the following times must be included:

- driving the vehicle;
- loading or unloading the vehicle;
- inspecting, servicing or repairing the vehicle;
- attending to the passengers of a bus;

- cleaning or refuelling the vehicle;
- performing marketing tasks in relation to the operation of the vehicle;
- helping with, or supervising, an activity mentioned above;
- recording information, or completing a document;
- being in the drivers seat of a heavy vehicle while the engine is running; and
- instructing or supervising the driver of a heavy vehicle.

Rest is any activity not defined as work.

Drivers who operate at Standard Hours within 100km from their base are not required to complete a work diary. However, they are required to have records specifying:

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

The records are the responsibility of the record keeper for an employed driver. However, if the driver is self employed the records must be kept by the driver.

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, if the driver is self-employed (an owner-driver) the obligation to keep records belongs to them. 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.

Records are required to be kept for three years.

Drivers operating under the Basic and Advanced Fatigue Management options are required to carry and use a work diary at all times regardless of whether they are working inside or outside the local area zone.

### Further information

For further information on managing driver fatigue contact VicRoads on 1300 360 745 or visit VicRoads website:

[www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

**Table 1: Standard Hours (solo drivers)**

Time	Work	Rest
In any period of...	A driver must not work for more than a <b>MAXIMUM</b> of ...	And must have the rest of that period off work with at least a <b>MINIMUM</b> rest break of ...
5 ½ hours	5 ¼ hours work time	15 continuous minutes rest time
8 hours	7 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	12 hours work time	7 continuous hours stationary rest time <sup>1</sup>
7 days	72 hours work time	24 continuous hours stationary rest time
14 days	144 hours work time	2 x night rest breaks <sup>2</sup> and 2 x night rest breaks taken on consecutive days

**Table 2: Standard Hours (Bus and Coach Option)**

Time	Work	Rest
In any period of....	A driver must not work for more than a <b>MAXIMUM</b> of ...	And must have the rest of that period off work with at least a <b>MINIMUM</b> rest break of ...
5 ½ hours	5 ¼ hours work time	15 continuous minutes rest time
8 hours	7 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time
24 hours	12 hours work time	7 continuous hours stationary rest time <sup>1</sup>
7 days		6 x night rest breaks <sup>2</sup>
28 days	288 hours work time	4 x 24 continuous hours stationary rest periods

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

<sup>2</sup> Night rest breaks are seven continuous hours stationary rest time taken between the hours of 10 pm on a day and 8 am on the next day (using the time zone of the base of the driver). These breaks can be part of a 24 continuous hour stationary rest break.

For further information: Please visit [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au). Telephone: 1300 360 745