

## Fatigue Safety Forum – Summary of Outcomes

### Introduction

On 2 and 3 October 2018, leading heavy vehicle industry representatives met in Sydney to:

- discuss future directions in fatigue safety for heavy vehicle drivers
- identify issues and actions required to improve fatigue safety.

The participants represented a diverse cross section of the industry—coming from different roles, states and territories, fleet sizes and types of operations.

This document summarises the:

- perceived barriers to fatigue safety (presented as current challenges)
- agreed outcomes of the forum and the NHVR’s response.

### Current challenges

Participants identified several potential barriers/challenges to achieving improved safety, including:

- the Heavy Vehicle National Law (HVNL), which they perceived as being an ineffective fatigue safety control because it:
  - relied too much on work and rest hours limits (not driver fatigue)
  - didn’t adequately recognise or encourage fatigue risk management or technological developments
  - was overly prescriptive (at just under 200 pages) and unnecessarily complex
  - was not uniformly applied across the nation and not integrated with other laws
- the regulatory framework built around the law undermined voluntary compliance because it:
  - focused on enforcement of rules, rather than the risk and control
  - was applied inconsistently, especially between police and authorised officers
  - created or limited disincentives to investing in positive safety controls (e.g. technology or Advanced Fatigue Management (AFM))
- insufficient or inadequate road infrastructure (including availability/design of heavy vehicle rest areas) to allow drivers to rest when required

- inadequate driver preparation/training to allow them to understand the rules, let alone the operational safety risks and controls
- inadequate industry education to allow operators to maintain basic safety standards.

### New fatigue regulatory framework

Participants unanimously supported the HVNL and fatigue management regulatory framework being reformed to:

- enable improved fatigue safety
- support industry in managing the risks of driver fatigue.

It was also agreed that industry participants must act in a way that fosters community confidence and supports their social licence.

Participants wanted the law to take an outcome focus—rather than the current prescriptive requirements focus—to allow heavy vehicle operators greater flexibility within the parameters.

The various discussions and workshops held during the forum culminated in the development of 11 key principles, representative of overcoming current challenges and moving forward to more effective laws, regulations and methods of operating.

### Industry’s 11 Key Principles

These are key principles agreed by representatives of the industry and associated supply chain as being desirable goals and outcomes:

- Culture of safety (not just compliance)
- Safe business systems that support drivers
- Safe drivers (providing flexibility when it is required)
- Safe infrastructure
- Safe trucks and buses
- Encourage technology
- Responsive and supportive supply chain
- Evidence and data driven
- Regulatory system that supports and rewards good actors and punishes bad actors
- Responsible community – those in and around trucks should acknowledge their responsibilities for safe behaviour
- Build partnerships and working relationships with Governments

## Consensus statement

Participants at the NHVR’s Fatigue Safety Forum agreed that:

- Good progress has been made in terms of reducing heavy vehicle driver fatigue as a cause of heavy vehicle crashes in the last 10 to 15 years but a better safety outcome is still possible.
- The current HVNL and fatigue management regulatory framework will not deliver better fatigue safety outcomes because:
  - compliant activities can be unsafe
  - non-compliant activities can be safe
  - the focus of the law is too narrow
  - the law is too complex to be applied consistently.
- Caps on hours are necessary and the current work limits are acceptable in most circumstances.
- The outer limits of current hours are acceptable however greater flexibility is required within these limits to appropriately address fatigue and meet operational requirements.
- The HVNL and fatigue management regulatory framework should reward those with good safety practices **and** discourage those with bad safety practices.
  - Operators must demonstrate their good safety practices to achieve more responsibility and flexibility in the work limits (e.g. through performance based standards on fatigue risk management and the adoption of technology).

- Regulators and industry should collaborate to
  - review the HVNL
  - implement immediate improvements to access greater flexibility under the current rules (e.g. AFM templates and exemptions).

## NHVR’s response

In response to the feedback received during the forum, the NHVR is:

- creating a fatigue safety strategy to promote industry adoption of strong safety culture and improved fatigue risk management
- trialling fatigue detection technology to support industry overcoming regulatory and operational issues associated with deploying this technology
- developing new promotional and educational materials to raise awareness of fatigue risk management options in the law and how to access them.

### For more information:

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**FORUM ATTENDEES** Front row: Ken Leacy, Louise de Plater, Peter Elliot, Nola Bransgrove, Mitchell Booth, Paul, Tim Heron. Middle row: Michael Apps, Andrew Higginson, Melissa Weller, Austin Vella, Jim Pearson, Ron Finemore, Peter Garske, Aaron Johnstone, Carolyn Walsh, Julia Collins, Louise Bilato, Matthew Squire, Craig Guthrie. Back row: Mat Munro, Graeme Nicholson, Robert Cavanagh, Gordon MacKinlay, Mick McCulloch, Tony Hopkins, Geoff Crouch, David Simon, Cam Dumesny, Paul Davies, Paul Felsovary, David Clark, David Smith. Not present for the photo: Chris Melham, Kathy Rankin, Mandi Mees.