



# Advanced Fatigue Management Policy

March 2023

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Revision history

Last review date	N/A
Next review date	28 March 2023

## Advanced Fatigue Management

### Purpose

This policy outlines how the National Heavy Vehicle Regulator (NHVR) assesses applications for Advanced Fatigue Management (AFM) accreditation under the National Heavy Vehicle Accreditation Scheme (NHVAS).

### Scope

This policy applies to all NHVR employees assessing AFM accreditation applications under the Heavy Vehicle National Law (HVNL) and the NHVAS Business Rules and Standards.

This policy does not apply to the assessment of other accreditation modules, including basic fatigue management (BFM).

### Regulatory context

The NHVAS is a national scheme administered by the NHVR that recognises operators (registered companies and/or individuals) who appropriately manage the risks of their transport activities through specific controls and countermeasures.

Heavy vehicle operators can apply for accreditation under three modules, including Fatigue Management (Basic or Advanced). The NHVAS Business Rules and Standards outline the minimum requirements for entry to, and participation in, the NHVAS.

### Safety outcomes

The NHVR acknowledges that fatigue is a complex issue with multiple causal factors. The NHVR also acknowledges that AFM accreditation provides safety benefits for the heavy vehicle industry. Through AFM accreditation, the NHVR ensures that operators can manage and maintain a high level of safety whilst operating under a tailored set of work and rest hours.

While improved safety is the primary outcome of AFM accreditation, operators can also benefit from more efficient and productive transport activities as a result of their commitment to managing their fatigue risks.

### Advanced Fatigue Management

AFM allows the NHVR to give non-prescriptive, tailored work and rest arrangements to operators who adopt a performance-based risk management approach to managing driver fatigue. Operators can propose their

own work and rest hours based on their operational needs rather than using the prescribed hours stated in the HVNL.

For AFM accreditation to be granted, operators must demonstrate to the NHVR that they can identify, assess, and effectively manage the fatigue risks that are posed by their operation.

To ensure that safety is achieved and maintained through AFM, the NHVR assesses an operator's application and their supplied fatigue management system, including the risk assessment of their proposed work and rest hours. By assessing the fatigue management system in its entirety, the NHVR can determine whether an operator's relevant processes and policies (including the specific countermeasures and controls) are fit for purpose and meet the requirements of the HVNL and NHVAS Business Rules and Standards.

### Policy statement

1. The NHVR will ensure that all AFM applications are assessed using a performance-based risk assessment, with consideration given to the operator's driver fatigue management practices and their proposed work and rest times. The NHVR will review and assess the specific controls and countermeasures provided by the operator to mitigate the relevant high-risk elements of their proposed schedule.
2. The NHVR will assess the overall risk of the proposed work and rest schedule and assess an operator's capability to manage the fatigue of their drivers in line with the requirements of the HVNL and the NHVAS Business Rules and Standards.
3. The application will be assessed against the seven principles outlined below and apply the NHVAS Business Rules and Standards as minimum criteria for AFM accreditation approval.
4. The NHVR will ensure that all AFM accreditation decisions are based on an operator's understanding of the risks specific to their individual transport activities and their ability to control them effectively.
5. The NHVR requires that where an operator's proposed work and rest hours exceed a risk threshold as defined by the NHVR's Risk Classification System, the application will be referred to an independent specialist for advice and analysis prior to a decision being made. This is a requirement of the NHVAS Business Rules and Standards.
6. Enforcement and other administrative options will be undertaken in line with the HVNL, the NHVR's

Regulatory Intervention Strategy, and the NHVAS Business Rules and Standards in a risk-based and proportionate manner.

## Principles

When assessing an AFM application, the NHVR must assess whether the operator's fatigue management system adheres to the following principles:

### Work-related rest breaks

Principles 1 and 2 focus on work-related rest breaks from driving within the defined 'work opportunity'. The purpose of these principles is to reduce performance impairment due to an industry participant's extended time-on-task.

- **Principle 1:** Reduce the time spent continuously working in the work opportunity.
- **Principle 2:** The more frequent breaks from driving, the better.

### Recovery breaks

Principles 3,4,5, and 6 focus on sleep opportunities between work opportunities. The purpose of these principles is to ensure the applicant has enough time to obtain sufficient sleep in order to reduce the likelihood of unsafe levels of fatigue.

- **Principle 3:** Ensure an adequate sleep opportunity in order to obtain sufficient sleep.
- **Principle 4:** Maximise adequate night sleep.
- **Principle 5:** Minimise shifts ending between 00:00-06:00.
- **Principle 6:** Minimise extended shifts.

### Reset Breaks

Principle 7 relates to breaks in sequences of work opportunities to reduce the likelihood of an accumulation of unsafe levels of fatigue over an extended sequence of shifts.

- **Principle 7:** Prevent accumulation of fatigue with reset breaks of at least 30hrs (and include two night periods, 00:00 – 06:00) between work sequences.

## Driver fatigue management practices

As part of the assessment, the NHVR will evaluate the operator's driver fatigue management practices, looking specifically at their fatigue countermeasures and controls.

The NHVR will assess whether:

- the operator's fatigue management policies and procedures effectively manage the risk of driver fatigue
- the drivers operating under the AFM accreditation are likely to follow these driver fatigue management practices (as outlined in the operator's application) consistently and effectively
- the drivers operating under the accreditation are likely to comply with the proposed maximum work times and minimum rest times.

## Controls and countermeasures

Controls and countermeasures include actions, devices, procedures, and other measures that operators undertake or implement to mitigate an identified fatigue risk.

For the purposes of AFM, these controls and countermeasures may include, but are not limited to:

- Training and education
- Health and wellbeing
- Scheduling and rostering
- Use of safety technology
- Workplace conditions
- Management review and actions.

## Technology

AFM accreditation facilitates and encourages the use of technologies as a control or countermeasure option to assist with both crash avoidance and harm minimisation. Types of technology may include driver state sensing, protective technologies, and crash avoidance technologies.

## Responsibilities

The following positions are responsible for implementing this policy.

Position	Responsibilities
Manager, Accreditation	Approves applications based on advice from the Principal Fatigue Specialist and the Operations Advisor to determine whether the operator is granted AFM accreditation.
Operations Advisor	Assesses the AFM application (including risk assessment and driver fatigue management practices). Provides advice to the Manager as to whether the operator's driver fatigue management practices adequately control the risk posed by their proposed work and rest hours.
Accreditation Facilitator	Supports the Operations Advisor through relevant checks of business information and requests documentation from operators.
Principal Fatigue Specialist	Provides specialist fatigue advice and endorsement to the Manager as to the risk associated with the proposed work and rest hours and driver fatigue management practices.

## Definitions

The following terms are specific to this policy:

Term	Definition
Performance-based	Approaches to fatigue management available under AFM where operators can develop specific schedules that are not provided for under the prescriptive limits of Standard hours and BFM, provided they can demonstrate that their work schedules are 'safe'.
Fatigue Management System	An operator's management system for ensuring compliance with the Fatigue Management Standards (Advanced and Basic Fatigue Management) as defined in the HVNL.
Safety case	The document prepared by an AFM applicant to support the assessment of their AFM application. The safety

case should identify the hazards and risks of a particular proposed AFM schedule and describe how the risks are controlled and mitigated.

Advanced Fatigue Management	A non-prescriptive approach that allows the NHVR to give tailored work and rest arrangements to operators who adopt a performance-based risk management approach to managing driver fatigue.
Basic Fatigue Management	BFM Operators with BFM accreditation can operate under more flexible work and rest hours, allowing for (among other things) work of up to 14 hours in a 24-hour period. BFM gives operators a greater say in when drivers can work and rest, as long as the risks of driver fatigue are properly managed.

## Related legislation and documents

- *Heavy Vehicle National Law Act 2012*
- *Heavy Vehicle (Fatigue Management) National Regulation*
- NHVAS Business Rules and Standards