

HVNL Industry Information Session

Fatigue and Fitness to Drive

ACKNOWLEDGEMENT OF COUNTRY

The National Heavy Vehicle Regulator (NHVR) acknowledges the Traditional Custodians of the lands across the nation. We recognise the deep and lasting connection that Aboriginal and Torres Strait Islander peoples have to the lands and waters across the country and thank Aboriginal and Torres Strait Islander people for caring for the lands for over 60,000 years. We also pay our respects to Elders past and present and to emerging community leaders. We acknowledge that many of Australia's major road networks are attributed to First Nations peoples having used star maps as way points on their journey through Australia's harsh terrain to reach landmarks such as watering holes.



Agenda

1. Fatigue Accreditation Changes
2. Work and Rest Hours
3. Written Work Diary Changes
4. Fatigue and Unfit to Drive Duty



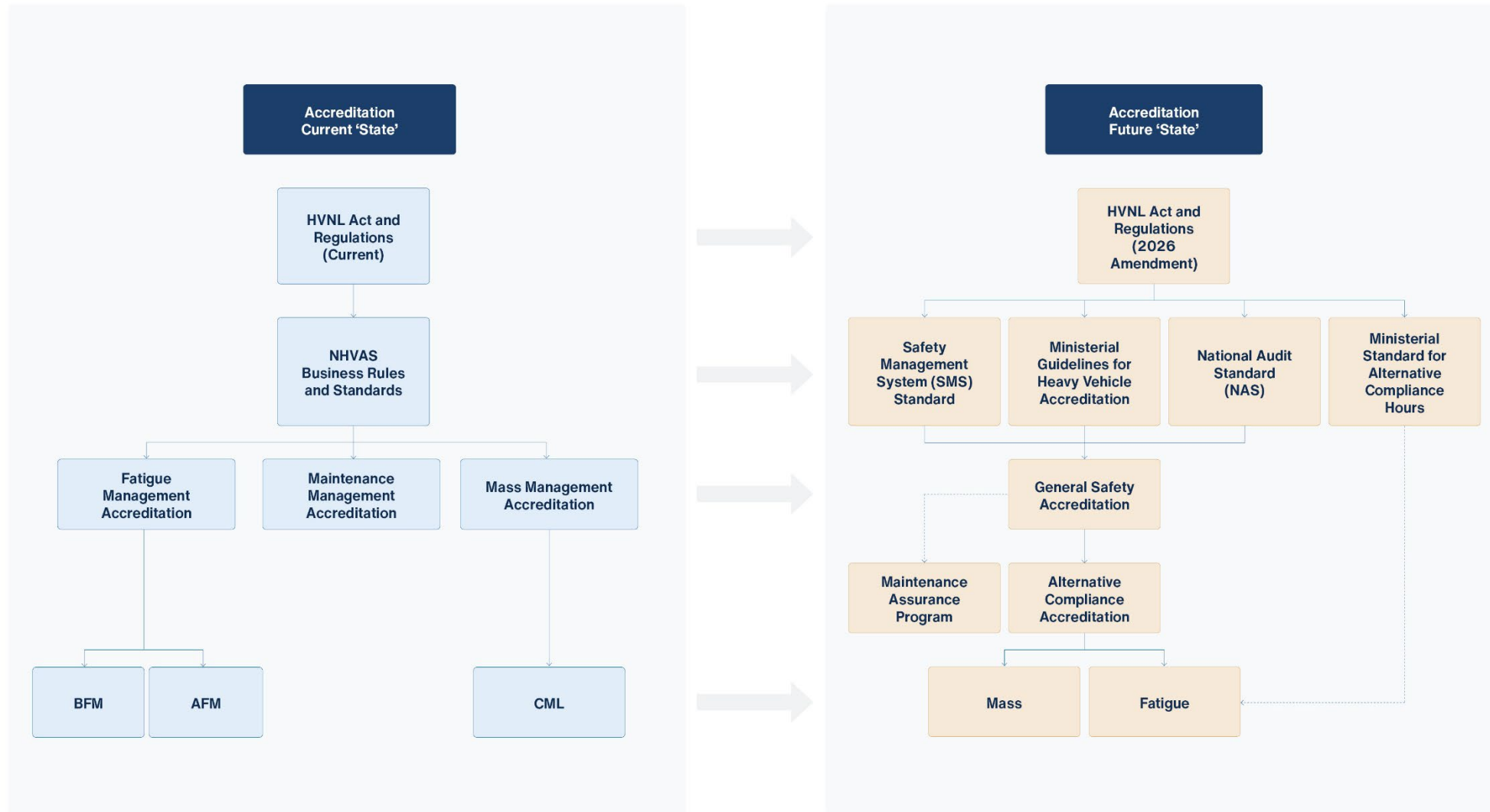
Industry Question



HVNL Industry Information Session

Fatigue Accreditation Changes

Fatigue Accreditation Changes





General Safety Accreditation

+ *Safety Management System*



Alternative Compliance Accreditation - Fatigue

+ *Safety Management System*

+ *Fatigue Risk Management System*

Mandated by...

Heavy Vehicle National Law

- Ministerial Guidelines for Heavy Vehicle Accreditation
- Ministerial Standard for Alternative Compliance Hours
- Safety Management System Standard

Supported by...

NHVR Industry Resources

- Safety Management Systems
- Fatigue Risk Management Systems



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Work and Rest Hours

Changes to Work and Rest Hours



Current HVNL

Standard Hours
(prescriptive)

Basic Fatigue Management (BFM) Hours
(prescriptive)

Advanced Fatigue Management (AFM) Hours
(bespoke)

Exemption Hours
(bespoke)

Amended HVNL*

Standard Hours
(prescriptive)

Alternative Compliance Hours (ACH) Templates
(prescriptive)

Alternative Compliance Hours (ACH) Tables
(bespoke)

Exemption Hours
(bespoke)

***Bound by Outer Limits**



Operators applying for ACA-Fatigue...



Choose from 10 ACH Templates

- Based on BFM and AFM
- Covers ~97% accredited operators

Create a bespoke table

- Subject to assessment
- Bound by outer limits





Similar to BFM...

(Templates 1 & 5)

- Reset rest break increased to 30 hours

Similar to AFM...

(Templates 2, 3, 4 & 6)

- 15.5 hours work in 24-hour period
- 9-10 days work in 14-day period
- May require minimum amount night rest

Extended work...

(Templates 7, 8, 9 & 10)

- 14-21 days on, 1-2 weeks off
- Greater amount of night work allowed



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Written Work Diary Changes

Written Work Diary Changes



Updates reflect HVNL amendments

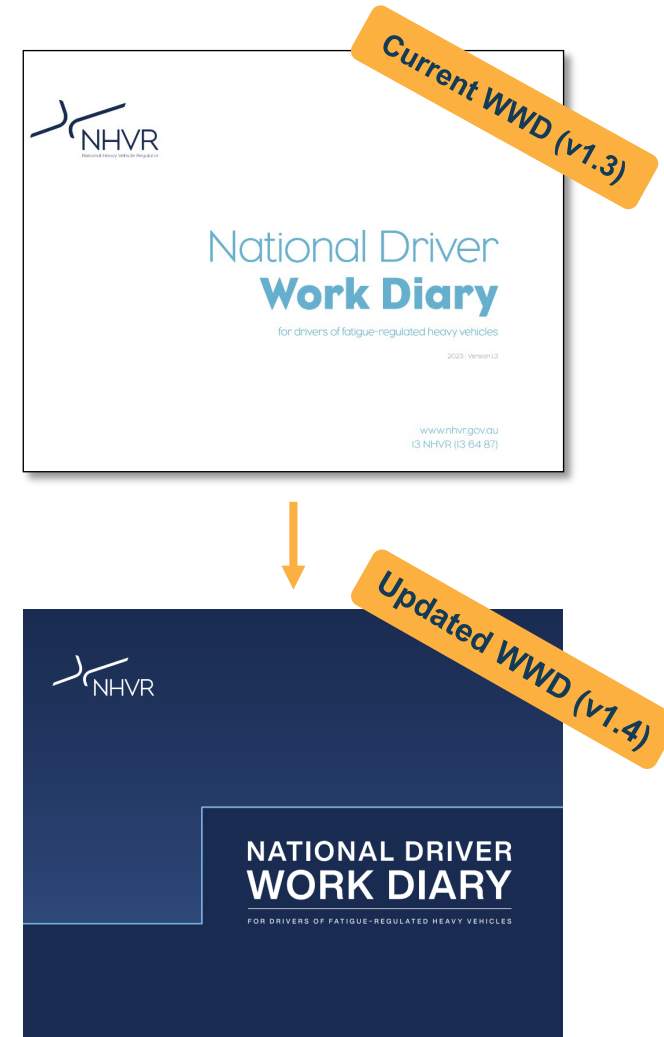
- ✓ Includes Alternative Compliance Hours (ACH)
- ✓ Marking the day of the week is now optional
- ✓ Marking standard hours is now optional
- ✓ Recording work and rest totals is now optional
- ✓ Overall updates to align with amended HVNL

Other Written Work Diary Changes

- Drivers are no longer required to return a lost or stolen WWD (if found/returned) to the NHVR

Updated Written Work Diary roll-out

- Updated WWDs gradually available from August 2026 as existing stock depletes
- Drivers can continue using current WWD until completed (including those transitioning to ACH from BFM or AFM)



Written Work Diary Changes – Daily Sheet



Current WWD Daily Sheet (v1.3)

ORIGINAL (to remain in the book) **NATIONAL DRIVER WORK DIARY DAILY SHEET** WORK DIARY NO. _____

DRIVER IDENTIFICATION

Driver's Name: _____ Date: _____ Day of the Week: S M T W T F S Driver: Standard Standard Bus Time of daily check (if required): _____

Licence No: _____ Number Plate: _____ Time Zone: State/Territory (Driver Base) BFM AFM _____

ACT NSW NT QLD SA TAS VIC WA Exemption hours (for this 24 hr period only)

DETAILS OF ACTIVITIES FOR THIS DAY

Number Plate Change and Comments (optional) (e.g. delays, authorised officer notes)

Odometer Reading _____ Space for you to calculate your work and rest hours (optional)

Name of Place at Work and Rest Change (e.g. rest area, truck stop, suburb or town)

Two-up _____

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight **All drivers: calculate totals.**

My Work _____ **Total Work:** _____

My Rest _____ **Total Rest:** _____

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight

DRIVER SIGNATURE: _____

To the best of my knowledge and belief the information I have recorded on this daily sheet is true and correct

TWO-UP DRIVER'S IDENTIFICATION

Two-up Driver's Name: _____ Two-up Driver's Licence No: _____ Two-up Driver: Standard BFM AFM Exemption hours

Two-up Driver's Work Diary & Page No: _____ Two-up Driver's Licence Issued: _____ Two-up Driver's Signature: _____

ACT NSW NT QLD SA TAS VIC WA

YOU MUST SIGN THIS SHEET BEFORE STARTING A NEW DAILY SHEET

Updated WWD Daily Sheet (v1.4)

ORIGINAL (to remain in book) **NATIONAL DRIVER WORK DIARY DAILY SHEET** WORK DIARY NO. _____

DRIVER IDENTIFICATION

Driver's Name: _____ Date: _____ **Day (optional):** S M T W T F S **Driver Hours Option:** Standard Standard Bus Time of daily check (if required): _____

Licence No: _____ Number Plate: _____ Time Zone: State/Territory (driver base) BFM AFM _____

ACT NSW NT QLD SA TAS VIC WA **ACH** Exemption hours (for this 24hr period only)

DETAILS OF ACTIVITIES FOR THIS DAY

Number Plate Change and Comments (optional) (e.g. delays, authorised officer notes)

ODOMETER READING _____ Space to calculate work and rest hours (optional)

NAME OF PLACE AT WORK AND REST CHANGE (e.g. rest area, truck stop, suburb or town)

Two-up _____

midnight 1 2 3 4 5 6 7 8 9 10 11 midday 1 2 3 4 5 6 7 8 9 10 11 midnight **Calculate totals (optional)**

MY WORK _____ **Total Work:** _____

MY REST _____ **Total Rest:** _____

midnight 1 2 3 4 5 6 7 8 9 10 11 midday 1 2 3 4 5 6 7 8 9 10 11 midnight

DRIVER SIGNATURE: _____

To the best of my knowledge and belief the information I have recorded on this daily sheet is true and correct

TWO-UP DRIVER IDENTIFICATION

Two-up Driver's Name: _____ Two-up Driver's Licence No: _____ Two-up Driver Hours Option: Standard BFM AFM **ACH** Exemption hours

Two-up Driver's Work Diary & Page No: _____ Two-up Driver's Licence Issued: _____ Two-up Driver's Signature: _____

ACT NSW NT QLD SA TAS VIC WA

YOU MUST SIGN THIS SHEET BEFORE STARTING A NEW DAILY SHEET



HVNL Industry Information Session

Unfit to Drive Duty



A person must not drive a **heavy vehicle** on a road while the person is impaired by fatigue or **unfit to drive**



Expands on existing duty:

- Applies to all heavy vehicles >4.5 tonnes
 - Recognises a person's health and fitness - not just fatigue - may impact their ability to drive safely
-
- A driver is unfit to drive if, at that time, they are not of sufficiently good health or fitness to drive the heavy vehicle safely
 - This may be due to a physical or mental health condition, temporary illness, injury, or the effects of alcohol or other drugs
 - The duty legally empowers drivers to not commence or to stop driving if their health or fitness affects their ability to drive safely



A medical episode or adverse change in medical condition

Example - A hypoglycaemic episode (low blood sugar) in a person with diabetes, which causes weakness, shaking, dizziness and light-headedness.



Being psychologically or emotionally distressed

Example - A distressing event at home (e.g. family conflict or receiving distressing personal news) that leads to inattention, reduced situational awareness and impaired judgement.



Side effects of or adverse reaction to medication

Example – An adverse reaction to a new medication that causes reduced alertness, slowed reaction times and impaired coordination.



What's not changing

Regulatory Area	What's staying the same
Impaired by fatigue <i>(Heavy Vehicle National Law)</i>	Drivers still have a duty to not drive while impaired by fatigue
Primary duty <i>(Heavy Vehicle National Law)</i>	CoR Parties must still ensure safety of transport activities, including fitness to drive
Heavy Vehicle Licensing <i>(State Based)</i>	Unfit to Drive duty does not change heavy vehicle licensing requirements
Work Health & Safety Law <i>(State Based)</i>	Drivers and employers still have safety obligations under WHS legislation

Thank you

For general information:

13 NHVR (13 64 87)

info@nhvr.gov.au

nhvr.gov.au

For specialist information:

fatigue.management@nhvr.gov.au

Question and Answer



Question	Answer
<p>If a driver deems themselves unfit for duty, what obligations does the business have in regards to paying the driver?</p>	<p>Drivers would be unfit to drive due to an issue with their physical or mental health. These would be situations covered by personal leave (sick leave). The awards or agreements that cover the driver's employment would govern how these leave arrangements apply. Nothing in the HVNL works to supersede these arrangements.</p>
<p>How is an authorised officer going to assess psychological/ emotional stress at a road side stop?</p>	<p>Compliance with the unfit-to-drive duty (like the current duty to not drive while impaired by fatigue) is most effectively achieved through proactive and preventative management by drivers and operators before a shift commences, rather than relying solely on on-road enforcement after safety risk has already emerged. While Authorised Officers retain the ability to intervene where a driver presents a serious and imminent safety risk to themselves or the public, the intent of the duty is to encourage earlier identification and management of unfitness before unsafe driving occurs.</p>
<p>Are EWDs compulsory under ACH?</p>	<p>No, EWDs are not compulsory under ACH. Both Electronic Work Diaries and Written Work Diaries will continue to be valid for recording work and rest hours.</p>
<p>Do the new WWD rules apply if I am still using my current WWD under Alternative Compliance Fatigue</p>	<p>Drivers may continue to use their existing WWDs after the amended HVNL commences. Once the amended HVNL is in effect, on 1 August the new requirements apply to all work diaries (both existing and updated), even if the existing diaries do not reflect these changes. Drivers who commence operating under Alternative Compliance Hours may also continue to use an existing work diary. The NHVR expects to release a WWD information sheet in the coming weeks providing further detail on this.</p>
<p>We need an official NHVR info sheet for drivers to carry to show police officers the new rules, for example that I do not have to tick the day of week or add up the total hrs work or rest each day. You can guarantee that many police wont know and will just fine drivers.</p>	<p>The NHVR expects to release a WWD information sheet in the coming weeks providing further detail.</p>

Question and Answer



Question	Answer
Do the Unfit to Drive changes to drivers still operating under NHVAS BFM or AFM	From 1st August, the unfit to drive duty for heavy vehicle drivers will apply to all drivers of vehicles >4.5 tonne, regardless of which work and rest hours option they are working under. The duty also applies regardless of whether they are driving a fatigue-regulated heavy vehicle, and regardless of whether they are completing local or non-local work.
How many different ACH options can a business operate under?	When applying for Alternative Compliance Accreditation - Fatigue, applicants can choose more than one Alternative Compliance Hour template, if they need multiple work and rest hours across different operations within their business. If there are multiple tables of work and rest hours, each of these are then displayed on the accreditation certificate. There is no limit on the number of templates that can be selected during the application, however, applications including multiple templates will require specialist review to ensure they align with business operations and safety systems.
How does the employer ENSURE drivers Fitness for Duty under the new requirements when they wont have or may not have any idea of homelife related distress if the driver does not disclose it	Ensuring drivers are fit to drive is part of an employer's Primary Duty now, because drivers are an important component of ensuring safety. A culture which prioritises safety and empowers employees is a critical first step, so employees know they can make the decision not to drive, or to tell their employer they are unfit. Employers need to engage with drivers about their health in a more active and meaningful way. Provide training and information about healthy habits and lifestyles, and create opportunities for drivers to attend appointments and manage their health. Work with drivers to implement health assessments aligned to the Austroads AFTD Standards. Interact with drivers before they commence their shift, and ask questions if they seem unwell, appear distracted, or don't seem like their usual self. None of the solutions need to be expensive or high-tech, but a check-box on a pre-start sheet is not enough. The Master Code contains a lot of useful guidance on this topic.

Question	Answer
<p>Are all heavy vehicles, greater than 4.5 tonne, operating outside the 100km radius required to use a work diary? Does this include higher rated utes?</p>	<p>You must record in a work diary if you will drive outside a radius of 100km from your base (100+km work) under standard hours.</p> <p>You must use a work diary if you work under BFM hours, AFM hours, ACH or exemption hours (regardless of whether or not you are driving outside a radius of 100km from your base).</p> <p>You are not required by law to obtain or record in a work diary if you always do local work (i.e. driving only within a 100km radius of your base) under standard hours. If you occasionally do 100+km work you must obtain a work diary and record all the required details on any day in which you do the 100+km work.</p> <p>Whether a 'higher-rated ute' is a fatigue-regulated vehicle depends on its mass and what it is carrying. Standard utes are generally not fatigue-regulated heavy vehicles, as their GVM is below the 4.5-tonne threshold. See further information on fatigue-regulated heavy vehicles below:</p> <p>A fatigue-regulated heavy vehicle is:</p> <ul style="list-style-type: none"> • a vehicle with a GVM of more than 12 tonnes • a vehicle combination, if adding the GVM of each vehicle in the combination, gives a total GVM of more than 12 tonnes • a bus with a GVM of more than 4.5 tonnes that seats more than 12 adults, including the driver. <p>A fatigue-regulated heavy vehicle is not:</p> <ul style="list-style-type: none"> • a vehicle built or modified to operate as machinery or equipment off-road, and is not capable of carrying goods or passengers by road • a motorhome

Question and Answer



Question	Answer
<p>We are currently accredited to run AFM. When we transition, do we have to choose from one of the new templates, or can we remain on our own current operating limits?</p>	<p>When transitioning to the HVA scheme, operators can choose one of the templates if it aligns with their current work and rest hours, or they can choose to create a bespoke table of work and rest hours for assessment. If they are currently operating under AFM hours that do not align with one of the templates, they can use their AFM hours to create a bespoke table for assessment. Bespoke tables must align with the legislated outer limits, as outlined in the Ministerial Standard for Alternative Compliance Hours.</p>
<p>Sounds great - will the guidance notes at the front of the NWD be updated to reflect the definition of "work" as set out in the HVN Law?</p>	<p>There has been a minor amendment made to 'work' in the updated WWD, however, the abrigment defition remains for practical purposes.</p> <p>The NHVR has recently released updated guidance on work and work time for industry - https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management/counting-time/definition-of-work-and-work-time</p>
<p>Is there any consideration to increase the limit to use a WWD from 100km back to 200km for operators that only drive shorter day run distances?</p>	<p>Not at present. There are no changes to these provisions under the amended HVNL.</p>
<p>Our current AFM ruleset allows 6 hour rest breaks on non consecutive nights. It was said earlier that 7 hours rest is enforced. Does this mean no options for any rest breaks other than 7 hours?</p>	<p>The Ministerial Standard for Alternative Compliance Hours outlines that there are minimum rest requirements for solo drivers (7 hours in a 24-hour period) and two-up drivers (5 hours in a 24-hour period). The NHVR cannot approve ACA-F applications that include work and rest hours that fall below these, even if previous AFM work and rest hours were approved to contain lower rest amounts.</p>

Question and Answer



Question	Answer
<p>If a driver is on ADHD medication, what are the requirements</p>	<p>For Drivers: The unfit to drive duty does not introduce any additional requirements regarding how drivers use legally prescribed medication. Many driver's routinely take legally prescribed medication to manage a health condition which does not affect their ability to safely operate a heavy vehicle. Drivers should always speak with their medical practitioner if a medication could affect their ability to drive safely. Drivers should only take medication that has been prescribed to them by their medical practitioners.</p> <p>For employers: Regardless of the condition, our overarching advice is to work with the driver, and their medical practitioners, to understand the nature of any condition and what it means in the workplace. If they are operating effectively right now, there might be nothing else you need to do. Knowing what potential issues could arise from a condition, and having a plan in place to respond, is part of your Primary Duty.</p>
<p>The serious risk for employers is when a driver does not disclose a home based distress or stress but is later involved in a fatality caused by distraction..... what will the employers liability be given the difficulty of proving they did not know about the stress. The fitness for duty declaration wont necessarily be sufficient defence.</p>	<p>A "fitness for duty declaration" is only a very small part of ensuring drivers are fit to drive. Engaging with your drivers before they start driving, checking-in on them at various times throughout their shift, and ensuring your workplace culture empowers them to disclose issues with their physical or mental health, are all critical parts of ensuring you are actively manage this potential safety risk as part of you Primary Duty.</p>
<p>Hello, we are currently on AFM and BFM that do not expire till 2027, 2028. I want to confirm that our drivers continue to operate under the existing Fatigue requirements till that expiry? Thank you</p>	<p>Current NHVAS accreditation will remain valid after 1st August until the certificate expires, the NHVR cancels it, or you choose to transition across to the new HVA scheme. Eligible drivers are able to continue operating under the relevant work and rest hours covered in these certificates while they remain valid.</p>
<p>Operating under BFM and AFM now commercial medical is required, but under standard hours the commercial medical may not be mandatory in most states, is it now going to be mandatory for all vehicles over 4.5t same as WA ?</p>	<p>Mandatory medical requirements remain in place for fatigue accreditation, including under the new HVA scheme. There are no changes to mandatory medical requirements for drivers who operate under standard hours outside of the accreditation scheme.</p>

Question and Answer



Question	Answer
<p>Can drivers be accredited for multiple ACH options? And use them alternatively from week to week?</p>	<p>If a driver has been inducted to an operator's Alternative Compliance Accreditation - Fatigue, they are able to work under any of the Alternative Compliance Hours included on the certificate that they have been inducted and trained for. Drivers may change between work and rest hours, as long as they meet certain work and rest requirements. For accreditation certificates that contain multiple ACH options, the rest requirements for changing between options will be specified on the certificate.</p>
<p>Will the 36 hour counting rule still be a thing</p>	<p>Some Alternative Compliance Hours work and rest options contain a 36-hour long/night work cap, but not all do. There is no 36-hour long/night work cap under Standard Hours.</p>
<p>Seeking confirmation that there are no changes to work diary requirements for drivers that do not travel more than 100km from their base. A National Work Diary is not required, but the record keeper (employer) may be required to provide evidence of compliance to the regulations with respect to fatigue.</p>	<p>This is correct, there are no changes to work diary requirements for drivers that do not travel more than 100km from their base.</p>
<p>Can you clarify why work and rest totals being recorded in WWD is "optional" this appears create a administrative impact on record keepers</p>	<p>The requirement for drivers to record total work and rest hours on the written work diary daily sheet has been removed under the amended HVNL. The updated daily sheet retains space for drivers to calculate and record these totals if they choose, but this is no longer mandatory.</p> <p>For record keepers, this will need to be managed through internal systems or processes. EWDs remain an alternative option.</p>
<p>If you currently have fatigue accreditation and would like to move to a new template what is the process as held of applying AFM due to changes</p>	<p>If you currently hold NHVAS fatigue accreditation (BFM or AFM) and want to start operating under one of the templates, you will need to apply to enter the Heavy Vehicle Accreditation scheme from 1st August, and gain Alternative Compliance Accreditation - Fatigue.</p>

Question and Answer



Question	Answer
any change on additional 1 hour for livestock drivers to attend to Livestock emergencies	There are no changes to the existing Livestock exemption notice, that is published on the Commonwealth Gazette. For operators who are applying for Alternative Compliance Accreditation - Fatigue, they will be able to select whether they are performing livestock transport. This will allow the NHVR to include the option to use the Livestock exemption on their accreditation certificate.
Also, FTD medical standards would change accordingly?	Assessing Fitness to Drive for Commercial and Private Vehicle Drivers is managed by Austroads and the NTC. The introduction of the unfit to drive duty does not affect the current guidelines.
Will there be information delivered to regulatory bodies including police on determining FFD as it could be subjective.	The NHVR is working closely with jurisdictions and the policing bodies to ensure amendments to the HVNL are aligned and well understood. The NHVR regularly consults with police about the development of training content for them.
Will EWD be mandatory in the future?	The amended HVNL does not change the status of Electronic Work Diaries, which remain a voluntary alternative to Written Work Diaries. Any future mandating of EWDs would be subject to future amendments to the HVNL, which process is coordinated through the National Transport Commission (NTC).

Question and Answer



Question	Answer
<p>Our drivers work between 8-10 hrs per day, what are the minimum rest breaks they must have in an 8 hr day, and the min rest breaks in a 10 hr day ? Also, if they are sitting in their truck with it turned off waiting to be loaded for say 15 mins, can this be counted as a rest break ?</p>	<p>Minimum rest requirements are outlined in either Standard Hours or in the relevant accreditation or exemption hours table, depending on what the driver is operating under. The NHVR website provides further information on what is classified as work time under the Heavy Vehicle National Law.</p>
<p>If you get an ACH accreditation, do you get access to all tables or selected tables?</p>	<p>You are able to select from the 10 Alternative Compliance Hour templates during the Alternative Compliance Accreditation - Fatigue application process. You are only able to operate under the template/s that you are approved to use and that appears on your accreditation certificate.</p>
<p>If a driver is operating a 4.5ton vehicle will they need to sign a fit to drive declaration?</p>	<p>The driver of any heavy vehicle (one greater than 4.5t) are required to ensure they do not drive if they are impaired by fatigue or are unfit to drive. If they are an employed driver, their employer has an obligation under the Primary Duty to ensure they are fit to drive before permitting them to drive. A "fit to drive declaration" might be one small part of how the employer discharges their duty, but actively engaging with employees about their health and fitness, providing opportunities for them to attend appointments to manage their health, and fostering a workplace culture where drivers are empowered and supported to disclose issues with their physical and mental health and to declare they are not fit to drive are all more important steps to take.</p>
<p>less than 12tonne vehicle drivers is a new capture for FFD, what is likely to be education roll out from NHVR?</p>	<p>The NHVR has now release guidance on the new Unfit to Drive Duty - https://www.nhvr.gov.au/safety-accreditation-compliance/human-factors/unfit-to-drive</p> <p>The NHVR is also running multiple industry engagement forums in the coming months that will cover fitness to drive for both drivers and others in the Chain of Responsibility.</p>
<p>When will information be available for the new obligations under the 'Safety Management System'?</p>	<p>This guidance material is currently being finalised and prepared for the NHVR website. Once available, the NHVR will promote this through our channels. You can expect this in the coming weeks.</p>