

Driving while fatigued or drowsy is dangerous. For drivers of fatigue-regulated heavy vehicles (heavy vehicles over 12 tonnes GVM and fatigue regulated buses), fatigue is managed by work and rest limits set in the Heavy Vehicle National Law (the HVNL).

Heavy vehicle operators can choose to use either a Written Work Diary (WWD) or an approved Electronic Work Diary (EWD) to record their work and rest to show that driver fatigue is being managed in accordance with the law.

An EWD is any electronic recording system approved by the NHVR as meeting the EWD Standards. This recording system can include portable devices like smartphones, tablets or more traditional telematics devices.

This guideline outlines

- how drivers of fatigue-regulated heavy vehicles can use EWDs to meet their record keeping obligations
- the legal obligations for a driver using EWDs.

The role of drivers

Drivers must not drive a fatigue-regulated heavy vehicle on a road while impaired by fatigue. To avoid this, they must work within set limits and keep a record of their work and rest activities.

Drivers have the same obligations to manage their fatigue using EWDs as they do for WWDs. However, EWDs will automate many of these functions, making day-to-day operations faster and easier.

EWDs:

- are easy to use and can save you time
- help drivers to manage fatigue rather than focusing on manually counting hours
- can be used in all jurisdictions (cross border travel)
- give real time alerts for upcoming potential fatigue breaches before they happen
- have consistent compliance views meaning faster reviews of driver records during on-road intercepts, getting drivers back on the road sooner.

EWD obligations

EWD operations involve five different functions:

1. **Setting standards** – ensuring that technology approved for use as an EWD meets performance based standards set by the NHVR.

2. **Deployment** – supporting industry to prepare to use EWDs as a voluntary alternative to paper-based work diaries.
3. **Day-to-day operations** – using EWDs to collect work and rest information.
4. **Assurance/enforcement** – using EWD information to check driver compliance with work and rest limits.
5. **EWD assurance** – checking that approved EWD continue to work properly.

The following sections outline the obligations for drivers for each of the five functions.

Setting standards

There are no specific EWD obligations for drivers in setting standards.

Approved EWD systems are listed on the NHVR website.

Deployment

Drivers should ensure they are adequately prepared for using an EWD. This includes:

- participating in training on the use of EWDs, including instructions on any conditions specific to the approved EWD and what procedures to follow in the event of the EWD not working properly
- being informed on how EWD information will be used and giving consent for information to be shared with the EWD technology provider
- receiving a secure authentication method to access the EWD and make records. This will be linked to a unique driver identifier managed across all approved EWD systems that the driver has been given access to and must not be shared with any other person.

Day-to-day operations

Day-to-day operation would include the following activities:

- **Log in to EWD** – drivers use their secure authentication method to access the EWD.
- **Retrieve past EWD information** – the EWD system will load the last 28 days of EWD information associated with the driver, using the unique identified. This includes automatically requesting EWD information from the technology providers of other EWD systems that have been used within the last 28 days.
- **Commence making entries** – drivers enter work and rest changes and/or validate pre-populated information using the EWD interface.

- **Submit daily records** – drivers must check entries and complete a declaration prior to submitting entries at the end of each day, or at log off. Drivers have an opportunity to correct entries once before submitting.
- **Alerts issued** – the EWD system alerts drivers of upcoming potential breaches and the time until maximum work and minimum rest limits are reached.
- **EWD information transmitted** – information is transmitted to the technology provider for storage—the driver’s EWD information is sent to the record keeper by the technology provider, at least once per day.
- **EWD not working properly** – an EWD is malfunctioning if system failures prevent it from being used for record keeping. When a driver becomes aware that the EWD is malfunctioning, they notify the record keeper or the NHVR and commence using supplementary records or a WWD.

Assurance/enforcement

Compliance activities

Compliance activities for EWDs have been aligned with existing practices for WWDs. A driver must:

- stop for an intercept, provide driver licence, EWD and any other forms of work diary in use (such as WWD or supplementary records) for the last 28 days, when requested to do so by an authorised officer
- respond to questions put by the authorised officer.

Presenting an EWD for inspection by an authorised officer

When requested by an authorised officer, the driver must present an EWD display interface that is suitable for viewing outside of the vehicle (daylight and night-time environments).

The authorised officer will use this device to view the *Compliance View*. Standard icons are available on the EWD to place the EWD into the *Compliance View* and for navigation in that view.

Any WWD or supplementary records used in the last 28 days may also be requested.

In the event of investigations or prosecutions, an EWD is assumed to be working and EWD information is assumed to be correct once the driver has declared and submitted the information.

EWD assurance

Drivers using an EWD must cooperate with NHVR and jurisdictional authorities during operations and investigations into EWD operations.

What are my obligations?

As described in the *EWD Policy Framework*, drivers are responsible for:

- maintaining a secure single unique driver identifier for all their work and rest under the HVNL, by advising employers of changed driver licence details
- operating an approved EWD in compliance with all conditions of approval and use to record their work and rest activities
- notifying their record keeper or the NHVR of any issues where the EWD is not working properly
- cooperating with authorised officers investigating the driver’s compliance with fatigue management obligations under the HVNL.

Where do I get help?

The *EWD Policy Framework* describes the obligations of transport operators to provide ongoing support, access to training and operation or user manuals, and ensure that drivers use EWDs in accordance with conditions of approval and use.

Visit www.nhvr.gov.au/fatigue for more information on fatigue management obligations under the HVNL.

Visit www.nhvr.gov.au/ewd for more information about EWD operations, including:

- *EWD Policy Framework*
- *EWD Privacy Policy*
- *EWD Compliance Policy*
- *EWD Standards* (inclusive of Schedule A)
- EWD Guidelines for Transport Operators, Record Keepers and Technology Providers
- A list of approved EWDs (with contact details for their approval holders)
- Frequently asked questions.

Visit www.nhvr.gov.au/ewd-notifications to advise the NHVR of an EWD that is not working properly.

DISCLAIMER - This guideline assists drivers to use electronic work diaries according to the law. It is not an exhaustive list of requirements. Drivers should ensure that they comply with all requirements in the Heavy Vehicle National Law, the Heavy Vehicle (Fatigue Management) National Regulations and other policies and standards.

This guideline is not legal advice. If necessary, you should obtain independent legal advice that takes into account your particular circumstances.