

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:

- resources available to technology providers to develop electronic recording systems in accordance with the requirements for approval for use as an EWD
- the application and approval process (see [Appendix](#))
- the legal obligations for technology providers to manage EWD operations if their system is approved.

The role of technology providers

A technology provider is any individual or business that develops an electronic recording system for approval and use as an EWD, or is an approval holder.

Technology providers are responsible for:

- developing an electronic recording system in accordance with the *EWD Standards* (inclusive of Schedule A)
- applying to the NHVR for approval of the candidate EWD system
- participating in the NHVR assessment and providing evidence of meeting the requirements.

Once granted EWD system approval by the NHVR, technology providers are responsible for:

- maintaining EWD systems and operations in accordance with the conditions of approval and use, including any specific conditions applied as part of the approval
- implementing and adhering to the *EWD Privacy Policy*
- performing the duties of a record keeper as outlined under the HVNL (where engaged as a record keeper)
- providing training to drivers, record keepers and transport operators on the use of the EWD, including actions to be taken when the EWD is not working properly.

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 written 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 EWDs continue to function properly.

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

Setting standards

There are no explicit obligations for technology providers in setting standards for EWDs.

However, technology providers should be aware they must develop their EWD system to comply with the *EWD Standards* (inclusive of Schedule A).

Technology providers may be requested by the NHVR, during the regular review cycle, to provide feedback on the implementation of the regulatory framework for the approval and use of EWDs.

Deployment

Once a system is approved, in collaboration with transport operators, technology providers must:

- **Establish agreements** – negotiate contracts with transport operators for the provision of EWD services. Transport operators are advised to consider:
 - purchase and installation costs and any service fees
 - roll out and installation
 - training of drivers, record keepers and other affected staff
 - maintenance and repair/replacement of EWD units that are not working properly
 - access to and storage of EWD information
 - use of driver's EWD information by the technology provider for other commercial purposes
 - role of the technology provider in record keeping.
- **Install EWDs** – fit in-vehicle units to fatigue-regulated heavy vehicles nominated by the transport operator or supply approved EWD applications or devices to the transport operator, as agreed.

- **Register driver** – receive nominated driver’s credentials and establish the unique driver identifier (UDI) within the EWD system, as specified within the *EWD Standards*, if it has not already been established.
- **Provide driver access** – issue secure authentication details for access to the EWD for each driver, linked to the UDI of that driver.
- **Prepare driver** – provide driver training on the use of the EWD, including operational requirements set by conditions of approval and use, and actions to be taken in the event of the EWD not working properly.

Day-to-day operations

- **Retrieve past EWD information** (on driver log-in) – on receipt of an authorised request for EWD information associated with a driver’s UDI, identify relevant records for the last 28 days.
- **Request past EWD information** (from other approval holders) – if required, request EWD information associated with the logged-in driver’s UDI, from other approval holders. To avoid conflict, EWD information from the most recently used EWD System should be used.
- **Retrieve past EWD information** (for another approval holder) – on receipt of an authorised request for EWD information associated with a driver’s UDI, identify relevant records and transfer them to the requestor, using the data transfer method specified within the *EWD Standards*.
- **Provide driver alerts** – monitor driver compliance with the driver’s nominated work and rest hours option and provide distinguishable messages to give the driver sufficient feedback to maintain the work diary.
- **EWD information transmitted** – receive new EWD information from the EWD system and store in accordance with record keeping obligations.
- **EWD report transferred** – deliver all EWD information for the past 28 days for drivers to their record keeper.
- **Rectify issues** – at the request of the record keeper, restore the EWD to full working order within the timeframe nominated by the NHVR. Technology providers have legal obligations to rectify issues and notify record keepers if unable to rectify issues within the nominated timeframe.

Assurance/enforcement

In relation to the NHVRs compliance activities technology providers may be required to provide expert testimony on the operation of the approved EWD.

EWD assurance

It is a requirement of holding an EWD approval that technology providers:

- comply with conditions of approval and use and maintain records that demonstrate compliance
- cooperate with NHVR and jurisdictional operations and investigations into EWD operations.

Technology providers may notify the NHVR of performance issues experienced in relation to the request and retrieval of EWD information from other technology providers.

Where do I get help?

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 requirements, including

- *EWD Policy Framework*
- *EWD Privacy Policy*
- *EWD Compliance Policy*
- *EWD Standards* (inclusive of Schedule A)
- *EWD Self Assessment Checklist*
- EWD Guidelines for Drivers, Record Keepers and Transport Operators
- Frequently asked questions.

Contact the NHVR via fatiguemanagement@nhvr.gov.au to obtain the *Application Toolkit*, which includes

- Standard Hours and Basic Fatigue Management (BFM) rule sets
- Test data for the rule sets
- Guidance on avoiding driver distraction
- Training Standards for Drivers, Record Keepers and Transport Operators

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

DISCLAIMER - This guideline assists technology providers to develop and manage electronic work diaries according to the law. It is not an exhaustive list of requirements. Technology providers must 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.

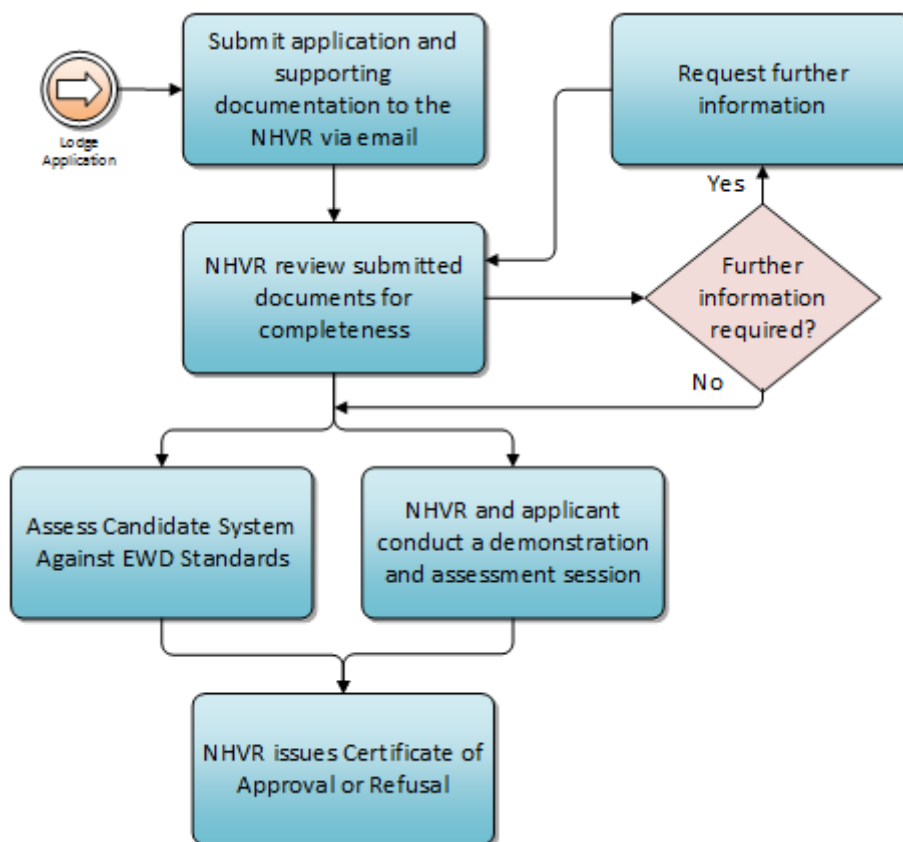
Appendix – EWD application and assessment

Prior to applying for approval, technology providers and transport operators intending to develop an EWD are invited to register a notice of intent with the NHVR.

Note: A notice of intent is not an application for approval.

On request the NHVR will provide technology providers who have registered, with an Applicant Toolkit.

The following diagram provides an overview of the EWD approval process.



For detailed information on the notice of intent, applications and approvals visit www.nhvr.gov.au/ewd