

National Heavy Vehicle Accreditation Scheme (NHVAS) & Advanced Fatigue Management (AFM) Standards Temporary Change to driver medical requirements

Sections 654 and 655A of the Heavy Vehicle National Law

Temporary minor amendment of criteria for Standard 2 “Fitness for Duty” of the NHVAS BFM module and Standard 2 “Readiness for duty” of the AFM module.

Background

1. The COVID-19 pandemic limits the ability of drivers under the National Heavy Vehicle Accreditation Scheme’s (NHVAS) Advanced Fatigue Management (AFM) and Basic Fatigue Management (BFM) modules to book and secure a mandatory medical examination in a timely manner.
2. This affects operators’ ability in the BFM module and AFM module to comply with, respectively, Standard 2 for the BFM module in the NHVAS Business Rules and Standards and Standard 7 of the *Advanced Fatigue Management (AFM) standards*. (AFM Standards).
3. The NHVR Board hereby approves minor amendments to the NHVAS Business Rules and Standards and to the AFM Standards, being on the below terms.

Approved Minor Amendments – BFM

4. The NHVR Board approves minor amendment to the criteria in numbered paragraph 2.1 of ‘Basic Fatigue Management (BFM) Standards’ under ‘Appendix 1: the Standards’ of the NHVAS Business Rules, being as follows (the amendment appears in underlining):

2.1 drivers are certified as being fit to drive a heavy vehicle by a medical practitioner according to the Assessing Fitness to Drive by Austroads (or equivalent document approved by the Australian Transport Council). The examination must include an assessment to detect drivers in the high risk group for sleep disorders. Examinations are to be conducted, as a minimum, once every three (3) years for drivers aged 49 or under, and yearly for drivers aged 50 or over.

However, should a certification of a driver have expired, given the COVID-19 pandemic and limited availability of medical practitioners, the expired certification is taken to satisfy the criteria in this clause 2.1, provided that (1) the certification expired on or after 1 January 2020 and (2) under the expired certification, the driver was certified as fit to drive according to the Assessing Fitness to Drive by Austroads (or equivalent document approved by the Australian transport Council).

5. This amendment is effective as of 25 March 2020, expiring on 30 September 2020, after which it will lapse.

Approved Minor Amendments – AFM

6. The NHVR Board approves minor amendment to the criteria in numbered paragraph 7.1 of ‘Health’ in the AFM Standards, being as follows (the amendment appears in underlining):

- 7.1 *drivers are certified as being fit to drive a heavy vehicle by a medical practitioner according to the Assessing Fitness to Drive by Austroads (or equivalent document approved by the Australian Transport Council). The examination must include an assessment to detect drivers in the high risk group for sleep disorders. Examinations are to be conducted, as a minimum, once every three years for drivers aged 49 or under, and yearly for drivers aged 50 or over.*

However, should a certification of a driver have expired, given the COVID-19 pandemic and limited availability of medical practitioners, the expired certification is taken to satisfy the criteria in this clause 7.1, provided that (1) the certification expired on or after 1 January 2020 and (2) under the expired certification, the driver was certified as fit to drive according to the Assessing Fitness to Drive by Austroads (or equivalent document approved by the Australian transport Council).

7. This amendment is effective as of 25 March 2020, expiring on 30 September 2020, after which it will lapse.

Final

8. The NHVR Board is authorised to make the approvals herein by delegation of the responsible Ministers pursuant to section 655A of the *Heavy Vehicle National Law*.
9. Accredited operators are required to do everything reasonably practicable to ensure drivers are fit for duty by conducting suitable risk assessments and obtaining a current medical as soon as practicable.
10. The examination must include an assessment to detect drivers in the high risk group for sleep disorders.

Declaration

Delegate of the National Heavy Vehicle Regulator