Advanced Fatigue Management explained

It’s time to manage heavy vehicle driver fatigue. New national road transport Heavy Vehicle Driver Fatigue laws to commence on 29 September 2008, set revised work and rest limits for heavy vehicle drivers and require better management of driver fatigue. The reform makes all parties in the supply chain legally responsible for preventing driver fatigue.

The new laws include three work hours options, linked to safety, that you can choose from to suit your business. Advanced Fatigue Management (AFM) brings a genuine risk management approach to managing fatigue, rather than prescribing work and rest hours. It offers more flexible hours than Standard Hours or Basic Fatigue Management (BFM) in return for the operator demonstrating greater accountability for managing fatigue risks. Under AFM drivers may be allowed to split their continuous rest break for more flexibility.

To access this scheme an operator must be NHVAS AFM accredited and comply with ten AFM standards including scheduling and rostering, operating limits, readiness for duty, health, management practices, workplace conditions, fatigue knowledge and awareness, responsibilities, records and documentation and internal review.

AFM encourages an operator to develop a customised and auditable safety management system with controls specific to the fatigue risks of a particular business. Limits are set on a case-by-case basis and are dependent upon the individual circumstances and the counter measures proposed by the operator to manage the higher risk.

Operators will also need to specify the normal operating limits for each of the parameters in Table 2 and the frequency these may be exceeded. The operator’s fatigue management system must also contain the proposed countermeasures to mage these limits.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Normal operating limits</th>
<th>Frequency for exceeding normal operating limit</th>
<th>Outer Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6 continuous hours or 8 hours in 2 parts</td>
<td></td>
</tr>
<tr>
<td>Minimum break in a 24 hour period</td>
<td>operator to propose</td>
<td>operator to propose</td>
<td>4 periods in 28 days</td>
</tr>
<tr>
<td>Minimum continuous 24 hour period free of work</td>
<td>operator to propose</td>
<td>operator to propose</td>
<td>2 periods in 14 days</td>
</tr>
<tr>
<td>Minimum opportunity for night sleep (between 10pm and 8am)</td>
<td>operator to propose</td>
<td>operator to propose</td>
<td>16 hours</td>
</tr>
<tr>
<td>Maximum hours work in 24 hour period</td>
<td>operator to propose</td>
<td>operator to propose</td>
<td>154 hours</td>
</tr>
<tr>
<td>Maximum work in 14 days</td>
<td>operator to propose</td>
<td>operator to propose</td>
<td>288 hours</td>
</tr>
</tbody>
</table>

Table 2: AFM parameters

Table 1: Work and rest options

<table>
<thead>
<tr>
<th>Module</th>
<th>Requirements</th>
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<tbody>
<tr>
<td>Standard Hours</td>
<td>Basic work and rest time</td>
</tr>
<tr>
<td>Basic Fatigue Management (NHVAS)</td>
<td>More flexible work hours linked to accreditation</td>
</tr>
<tr>
<td>Advanced Fatigue Management (NHVAS)</td>
<td>Create your own safety management system and work hours linked to accreditation</td>
</tr>
</tbody>
</table>

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AFM Limits

AFM operates against two sets of limits to manage the higher fatigue risks (see Figure 1).

Figure 1: Normal operating and outer limits

Normal operating limits are used to guide operators when developing everyday schedules and driver rosters taking into account all reasonable and foreseeable circumstances. Operating limits can be breached with risk assessment and counter measures documented.

Outer limits represent the point at which further work poses an unacceptable fatigue risk. The national outer limit of 16 hours cannot be exceeded. This limit is based on robust advice from fatigue experts, and experience from current transport industry practices.

Only in exceptional circumstances would a driver be allowed to work between the normal operating limit and the outer limit. For example, in the case of an unforeseen and lengthy delay which greatly extends the driver’s work schedule.

The operator’s fatigue management system must describe how the additional fatigue risk will be managed and ensure the driver takes additional ‘recovery’ rest. The operator would be required to document the details of the incident causing the delay, the breach of the operating limits and the actions taken by the operator to address the risk.

A typical AFM application would include a description of planned operations (for example major routes) with distances, details of the freight task, the locations of depots and driver numbers. The operator would have to identify the key fatigue risks and propose counter measures to address those risks.

AFM template applications

Industry developed AFM templates could form the basis for individual safety management systems. This alternative can simplify the accreditation process for individual transport operators wishing to operate under AFM who can use an industry developed template as a basis for developing their fatigue management systems.

Audits and Sanctions

The accrediting agency conducts entry audits and annual compliance audits. The accrediting agency can also request other audits at any time. If an operator is found to have too many non-compliance reports then steps are taken to address the problem such as providing counseling, issuing improvement notices, suspending or cancelling the operator’s accreditation and as a final step—court prosecution.

Work Diary

A new national driver work diary will replace the current driver log book. You must use the work diary if you are working:

- under Standard Hours in NSW or Tas (regardless of the distance travelled); or
- under Standard Hours working more than 100km from your base (200km in Qld); or
- under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM).

The next step is to prepare an AFM application. This will include the proposed operating limits, the frequencies these can be breached and the proposed fatigue management system for managing the fatigue risks. The operator then submits this application to the accrediting agency for in-principle approval. The accrediting agency conducts an entry audit and the final application is then approved.

If an operator intends to operate in more than one State or Territory the accrediting agency must first forward the application to the national Fatigue Authorities Panel (FAP) for advice. The accrediting agency takes the advice of this Panel before approving the final application.

Accreditation

Transport operators wishing to operate under AFM must be accredited under the National Heavy Vehicle Accreditation Scheme (NHVAS). For operators, the first step in this process is attending an information session on AFM.

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Health
The operator must put a driver health management system in place to help drivers manage their health. As part of this, drivers must be certified by a doctor as being fit to drive a heavy vehicle and their required duties. The driver medical assessment must include an assessment for sleep disorders, and must be conducted every three years (annually for drivers over 50).

Workplace Conditions
The operator must put arrangements in place to manage driver fatigue such as sleeper berth facilities.

Management Practices
The operator must develop management practices to minimise driver fatigue such as matching drivers to the freight task and good communication practices between drivers and base.

General Duty
Under the new laws a ‘general duty’ (similar to OH&S laws) requires all parties take reasonable steps to prevent drivers fatigue. For example, this means:
• drivers must stop if they are feeling tired or fatigued;
• operators and schedulers must plan when driver’s rest;
• a loading manager must take steps to ensure queuing is managed properly; and
• contacts that require a driver to break the law are illegal.

More Information
The National Transport Commission has developed ‘Guidelines for Managing Heavy Vehicle Driver Fatigue’ to educate everyone in the road transport supply chain on heavy vehicle driver fatigue. These Guidelines provide guidance for drivers, employers, operators and schedulers, as well as users and customers of road transport on managing heavy vehicle driver fatigue and on the responsibilities of each of these parties under the new laws.

This bulletin cannot explain all of your obligations under the new laws. Further information on fatigue and copies of the Guidelines are available from your local road transport agency or may be obtained from the NTC website

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Disclaimer
This bulletin does not constitute legal advice. Details are subject to amendment. Check your local legislation or contact your local road agency if you want more information.
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