

## INQUIRY INTO HEAVY VEHICLE SAFETY

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Mr Geoff Corrigan MP  
Chair  
Parliamentary Joint Standing Committee on Road Safety (Staysafe)  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Corrigan

### **Inquiry into Heavy Vehicle Safety**

Thank you for the invitation to provide a submission to the Parliamentary Joint Committee on Road Safety (Staysafe) Inquiry into Heavy Vehicle Safety.

The National Transport Commission (NTC) was responsible for developing the new national Heavy Vehicle Driver Fatigue model legislation. It has been widely acknowledged by governments, industry and transport unions that there were many problems associated with the old requirements for managing fatigue. The new driver fatigue reform (which came into force in some states on 29 September 2008) represents significant efforts by road transport regulators and industry across Australia to develop a framework that can be considered world best practice in fatigue management, but also offers flexibility so that the level of risk management required is proportional to the size and needs of the individual transport operator.

NTC understands that in 2005 NSW introduced the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*, to ensure that operators took steps to better manage fatigue. NTC views this regulation as a logical progression in the process to achieving better fatigue management, but not the end point. While duties were introduced similar to those in the new model legislation, other prescriptive measures may limit the way that an operator can meet the requirements of the reform. Fully implementing the new national reform will take NSW further toward a best practice approach to fatigue management by cementing chain of responsibility obligations and introducing a risk-based approach to managing safety.

More specifically, some of the advantages of the national Heavy Vehicle Driver Fatigue reform are:

- it is underpinned by expert advice from sleep scientists, using the body clock and human limitations as the basis for the framework, rather than focussing on 'hours of work';
- it encourages operators to actively 'engage' with managing their risks (by requiring risk identification and proposing appropriate countermeasures to manage risks) rather

than requiring discreet prescriptive requirements that are taken as proxy that risks are being managed;

- flexibility is possible. Previously operators sought exemptions from regulations, however the new Advanced Fatigue Management option allows for unique operating conditions without sacrificing safety;
- it can be tailored to suit the actual risks of an individual operator rather than being 'one size fits all'. In particular, this means that compliance costs are kept to a minimum for small or straight forward operations, whereas operators with unique profiles can have much more flexibility;
- it introduces the concept of chain of responsibility whereby parties in the transport logistics chain are responsible for managing driver fatigue, with a general duty (and associated penalties) to actively manage the risk, rather than ignoring it or transferring responsibility; and
- the description of chain parties in the model law uses contemporary terms to identify nine separate parties. Unfortunately, the terms differ from those in the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*. Harmonising these terms would great assist industry in achieving compliance.

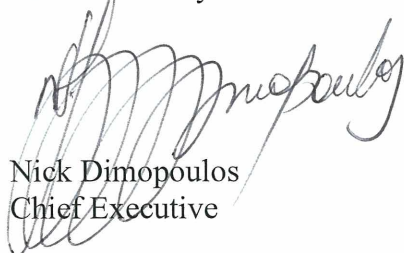
NTC firmly believes that implementing the national reform will substantially improve safety outcomes across Australia, as well as in NSW. It is also preferable that all jurisdictions are faithful to the nationally agreed approach to ensure that compliance is easy, and costs are kept low, for industry.

Regulatory requirements are not the only factor influencing the safety of road freight operations. I would also like to draw your attention to some work the NTC undertook late last year into the issue of how remuneration and payment methods in the trucking industry contribute to driver safety outcomes. Copies of the report, and a consultant's report, are available from the NTC website at:

<http://www.ntc.gov.au/viewpage.aspx?AreaId=35&DocumentId=1713>.

Thank you for the opportunity to contribute to the work of the committee and its inquiry into heavy vehicle safety. Should you have any queries relating to the matters raised in our submission please contact Tim Eaton, General Manager Safety and Environment ([teaton@ntc.gov.au](mailto:teaton@ntc.gov.au) or (03) 9236 5045).

Yours sincerely



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