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INQUIRY INTO HEAVY VEHICLE SAFETY

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Submission to Staysafe (Road Safety) Committee Heavy Vehicle Safety Inquiry

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FATIGUE RISK MANAGEMENT

We thank the committee for this opportunity to comment on the legal provisions in NSW for heavy vehicle driver safety, particularly driver fatigue.

Heavy vehicle driver fatigue is simultaneously a road safety issue, an occupational safety (OHS) issue and, because of the demonstrated relationship between payment systems and other industrial arrangements and fatigue management (e.g., Quinlan and Wright, 2008; Williamson, 2007), an industrial relations (IR) issue. Consequently, it is appropriate that fatigue risk management should be addressed by legislation in each of these areas[1]. As well as the OHS and IR legislation that are the main focus of the current inquiry, driver fatigue in NSW is governed by the *Road Transport (General) Regulation 2005* under the parent *Road Transport (General) Act 2005 No 11*. Road transport legislation was revised at the end of September 2008 as part of the Australian Transport Council's undertaking to implement nationally consistent heavy vehicle driver fatigue law. Three other states thus far (SA, VIC, and QLD) have introduced similar legislation based on the National Transport Commission's Heavy Vehicle Driver Fatigue National Model Legislation.

The OHS, IR, and Road Safety legislation in NSW are consistent in that they encourage a risk management approach to driver fatigue and they recognise that driver fatigue management involves parties throughout the transport chain of responsibility.

The OHS regulations and IR legislation cover the broadest range of goods vehicles (over 4.5 tonnes Gross Vehicle or Combination Mass) travelling distances exceeding 500km. The Road Safety regulations are limited to vehicles over 12 tonnes Gross Vehicle or Combination Mass but apply to any distance driven[2]. In view of recent evidence suggesting that drivers of lighter goods vehicles and drivers undertaking short trips are also at risk of driver fatigue (Friswell & Williamson, 2008; Hanowski et al., 2003), any legislation aimed at ensuring effective driver fatigue management should apply to all types of professional driving operations, not just those involving heavy vehicles or long distance trips. The causes of fatigue are different for short haul trucking and include high pressure, high demand work rather than irregular and long hours of work. Heavy trucks

[1] **Road Safety legislation** - Road Transport (General) Regulation 2005 under the parent Road Transport (General) Act 2005 No 11. **OHS legislation** - NSW Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 under the parent Occupational Health and Safety Act 2000. **IR legislation** - Transport Industry – Mutual Responsibility for Road Safety (State) Award 2006, covering employee and labour hire drivers, and the Transport Industry – Mutual Responsibility for Road Safety (State) Contract Determination 2006, covering contracted drivers

[2] However, various exemptions have been granted for transport within 100km or 160km of the driver's base.

are commonly used for short haul road transport especially in rural areas where we know that fatigue risk is higher for all vehicles. The current fatigue management regulations in road safety will not address the causes of fatigue in short haul so additional efforts are needed to manage fatigue for this sector of the road transport industry. Additional provisions will need to be added to legislation to cover short haul trucking.

The high levels of fatigue and its effects on safety in short haul transport also provides good justification for including operations within 100km of the driver's base in legislation.

Part 4.5 (81D 4) of the OHS regulation regarding Driver fatigue management plans could be improved by including a requirement for contingency plans for common foreseeable delays en-route, for example, due to traffic congestion. This would be consistent with the duties imposed on schedulers under the Road Safety regulation. Currently, only loading, queuing, accidents and mechanical failures are included in the OHS regulation.

The OHS legislation allows authorised officers (WorkCover Inspectors) to inspect any place of work for compliance, and in this way has the most wide reaching enforcement provisions. However, it is unlikely that WorkCover Inspectors would be involved in roadside driver compliance checks. The Road Safety regulations allow Roads and Traffic Authority Inspectors to collect evidence around suspected offences, but these inspectors primarily work at the roadside with drivers and consequently are likely to play a limited role in assessing management compliance. The combined operation of the two sets of regulations offers the most comprehensive enforcement potential. Close and formal cooperation between the enforcing agencies would help to realise that potential. In addition, coordination between OHS and road safety authorities will have impact more broadly than fatigue management, for example, speeding and other risky behaviours and roadworthiness of vehicles.

To our knowledge there has been no published systematic evaluation of industry compliance with the 2006 OHS and IR legislative requirements and no evaluation of safety outcomes. National baseline surveys of drivers and companies have been conducted for an evaluation of the impact of the Road Safety legislation (AMR Interactive, 2007), but that legislation is too new for its impact to have been measured. There is clearly a need for evaluation research in the area of heavy vehicle safety regulation and in industry and company risk management systems and practices. This could include, for example, evaluation of compliance with the existing regulations by all relevant parties in the chain of responsibility and assessment of outcomes of the regulations which would include monitoring of crash and infringement rates for drivers working under different fatigue management options.

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References

AMR Interactive. (2007). *Reform evaluation survey on driver fatigue: A national study of heavy vehicle drivers*. Melbourne, Australia: National Transport Commission.

Friswell, R., & Williamson, A. (2008). Exploratory study of fatigue in light and short haul transport drivers in NSW, Australia. Accident Analysis and Prevention, 40(1), 410-417.

Hanowski, R. J., Wierwille, W. W., & Dingus, T. A. (2003). An on-road study to investigate fatigue in local/short haul trucking. *Accident Analysis and Prevention, 35*, 153-160.

Quinlan, M., & Wright, L. (2008). *Remuneration and safety in the Australian heavy vehicle industry: A review undertaken for the National Transport Commission.* http://www.ntc.gov.au/filemedia/Reports/RemunSafetyAustHVIndustryNov08.pdf

Williamson, A. (2007). Predictors of psychostimulant use by long-distance truck drivers. *American Journal of Epidemiology*, *166*(11), 1320-1326.