



# TRANSPORTER NEWS BRIEF

SHAPING THE OUTCOME BEFORE REACTING  
TO OPERATIONAL ISSUES.

This Copy – 8 Pages

Vol 28

No. 36 **UPDATED**

24<sup>th</sup> September 2008

## SPECIAL EDITION

### NEW FATIGUE REGULATIONS & DRIVER WORK HOURS

#### NEW REGULATIONS COMMENCE - 29<sup>TH</sup> SEPTEMBER 2008 WITH TRANSITIONAL ARRANGEMENTS

Over a long period of time QTA Ltd has reported to its members on our involvement at a State and National level in the process initially managed by the National Transport Commission, subsequently approved by Transport Ministers at the Australian Transport Council (ATC), and finally to be implemented in each State jurisdiction by the relevant State agency, on the implementation of the new Fatigue Management and Driving Hours Package. Considerable activity has occurred at a State level involving Legislation and Regulatory changes to Road Law over the last 12 months.

All businesses involved with road freight must understand their responsibility to manage Heavy Vehicle Driver Fatigue.

Trucking operators must assess their business and implement the driving and work hours option that will reduce fatigue risks and provide safety outcomes on the road.

Truck owners, driver supervisors, truck drivers, customers, forwarders, receivers and any person involved with the movement of freight by road must ensure they have the full facts, the knowledge and the ability to comply with the new regulations.

#### WHERE TO GO FOR SPECIFIC ADVICE OR INFORMATION

- **Queensland Transport Heavy Vehicle Fatigue Management Project Team**  
Email [qthvproject@transport.qld.gov.au](mailto:qthvproject@transport.qld.gov.au) Phone: 07 3253 4037
- **Queensland Transport** website <http://www.transport.qld.gov.au>
- General Information & Fact Sheets can be downloaded from **The National Transport Commission** website <http://www.ntc.gov.au>
- **Queensland Trucking Association** can provide information and advice to members -  
Phone 07 3394 4388 or Email: [jan@qta.com.au](mailto:jan@qta.com.au)

#### NATIONAL HEAVY VEHICLE ACCREDITATION SCHEME (NHVAS) APPLICATION FORM FOR BFM AND AFM

The following link has the National Heavy Vehicle Accreditation Scheme (NHVAS) Membership Application form (F3856) – Queensland Operators will need to apply to Queensland Transport and complete the NHVAS Application Form and submit the required documentation and Application Fees.

[http://www.transport.qld.gov.au/Home/Industry/Accreditations/National\\_heavy\\_vehicle\\_accreditation\\_scheme/](http://www.transport.qld.gov.au/Home/Industry/Accreditations/National_heavy_vehicle_accreditation_scheme/)

**FROM CURRENT REGULATIONS TO NEW REGULATIONS – IN QUEENSLAND**

<b>CURRENT WORK HRS</b>  Regs Expiring 28 <sup>th</sup> Sept 2008	<b>NEW SCHEME</b> operator is implementing  *BFM & AFM require NHVAS Accreditation	<b>WORK HRS</b>  in transition period starting 29 <sup>th</sup> Sept 08	<b>DATE TRANSITION EXPIRES</b>	<b>WORK &amp; REST REGS</b> you must adhere to starting 29 <sup>TH</sup> SEPT 2008	<b>NEW WORK DIARY</b>  Work outside 200klm	<b>NEW WORK DIARY</b>  Local Area Work	<b>TRANSITION DOCUMENTS FOR DRIVER</b>  STARTING 29 <sup>TH</sup> Sept 2008.
prescribed 12 + 2hrs	Standard	12 HRS	Commence Standard hrs 29 <sup>th</sup> Sept 2008.	NEW STANDARD	Yes	No	No
prescribed 12 + 2hrs	*BFM	12 & 2 hrs	29 <sup>th</sup> March 2009	CURRENT PRESCRIBED	Yes By 28 <sup>th</sup> Dec 2008	Yes By 13 <sup>th</sup> Oct 2008.	QLD Transport & other state exempt notices
prescribed 12 + 2hrs	*AFM	12 & 2 hrs	29 <sup>th</sup> March 2009	CURRENT PRESCRIBED	Yes By 28 <sup>th</sup> Dec 2008	Yes By 13 <sup>th</sup> Oct 2008	QLD Transport & other state exempt notices
TFMS 14hrs	*BFM	14hrs	28 <sup>th</sup> Sept 2009	BFM	Yes By 28 <sup>th</sup> Dec 2008	Yes By 13 <sup>th</sup> Oct 2008	Must carry DCM
TFMS 14hrs	*AFM	14hrs	28 <sup>th</sup> Sept 2009	BFM	Yes By 28 <sup>th</sup> Dec 2008	Yes By 13 <sup>th</sup> Oct 2008	Must Carry DCM
FMP	*BFM or *AFM	As per current exemption	28th Sept 2009	Current agreement	Current agreement except Vic <i>Refer to Page 3</i>	Current agreement except Vic	Must carry FMP ID & Accred. certificate
Other Schemes	*BFM or *AFM	As per current exemption	DATE ON CURRENT EXEMPTION	Current agreement	Current agreement	Current agreement	Must carry current scheme documents

**WORK DIARY INFORMATION for QUEENSLAND**

Drivers currently using a Log Book have **90 Days** starting 29<sup>th</sup> September 2008 to obtain and start using a New Work Diary.

Drivers Who **Do Not** Have A Current Logbook Have **14 Days** Starting 29<sup>th</sup> September 2008 To Obtain And Start Using A New Work Diary

In Qld - Drivers Must Apply For Work Diaries **In Person** At Queensland Transport Customer Service Centres Or QGAP

(Same procedure as how drivers currently purchase logbooks)

**POINTS TO CONSIDER**

- **New Work Diary** and new rules for completing work diary
- **Consecutive Rest Break** in 24hrs changes from 6hrs to 7hrs
- **Night Work** is between midnight and 0600hrs
- **Night Rest** is a 7hr consecutive rest break taken between 10pm and 8am – minimum of 4 night rests in a fortnight and 2 night rests must be consecutive.
- Drivers working **Long Shifts** (over 12hrs) will need to consider the "long shift" rules
- **After 84hrs of Work** a driver must have 24hr consecutive break – (BFM Rule)
- Operators choosing the standard hours will still be required to **educate drivers** on new Laws and new Work Diaries.

## TRANSITIONAL ARRANGEMENTS

### QUEENSLAND

The Queensland Government Gazette notice (No 25) released on 19<sup>th</sup> September 2008, includes the 3 page document required under the terms and conditions in which **drivers of Fatigue Regulated Heavy Vehicles must carry this notice at all times whilst working under the Class work/rest exemption.**

The Class work/rest hour exemption is known as Notification of Exemption under the Transport Operations (Road Use Management- Fatigue Management) Regulation 2008. Exemption Notice No LTS 08/03.

This notice is **only valid whilst the operator is operating a vehicle within the State of Queensland.**

The Exemption Notice is required to be carried by drivers transitioning from current prescribed hours (12&2) into BFM – the exemption allows the drivers to continue working under the Driving, Work and Rest times as outlined on page 2, section 6.5.

Drivers must comply with the conditions of this notice at all times, otherwise they must abide by the Standard Hours Regulations.

The Notice expires on 29<sup>th</sup> March 2009.

TFMS drivers are NOT required to carry this notice but MUST carry their Driver Certification Manual at all times and comply with the Transition Arrangements for TFMS drivers and operators.

For further information contact the Queensland Transport Fatigue Unit on Phone: 07 3253 4037 or Email [qthvproject@transport.qld.gov.au](mailto:qthvproject@transport.qld.gov.au)

**An electronic copy of the Queensland Exemption Notice will be available on the Queensland Transport and the Queensland Trucking Association website.**

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### VICTORIA

There is **no requirement to carry an exemption notice in the State of Victoria.**

If a driver or operator is not TFMS registered by 28<sup>th</sup> September 2008 – the driver must adhere to the Standard Hours commencing 29<sup>th</sup> September 2008.

TFMS operators and Drivers have a 6 months transition period.

#### WorkDiaries

- Drivers working under Standard Hours (12 hrs work), engaged in work more than 100km from their home base, can continue to use a Logbook for 90 days after implementation of the new laws on 29<sup>th</sup> September 2008.
- TFMS Drivers and FMP Drivers making use of the Victorian 6 month transitional period are required to complete a WORK DIARY as from 29<sup>th</sup> September 2008.
- TFMS and FMP Drivers making use of the Transitional Arrangements will have a 14 day grace period until Monday 13<sup>th</sup> October to obtain a Work Diary.
- Please ensure your drivers understand the Victorian Transitional Arrangements and if they are TFMS or FMP drivers and working in Victoria they will need to be using the new Work Diary by Monday 13<sup>th</sup> October 2008.

For further information on the Victorian transition arrangements contact Joe Bechaz, NHVAS State Coordinator, Road User Services Group, Burwood East

Ph: (03) 9881 8775 Fax: (03) 9881 8854 Email [Joe.Bechaz@roads.vic.gov.au](mailto:Joe.Bechaz@roads.vic.gov.au)

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### NEW SOUTH WALES

The NSW Roads & Traffic Authority have released information on their website regarding the changes to the Heavy Vehicle Driver Fatigue regulations and Transitional arrangements – this information can be found at [http://www.rta.nsw.gov.au/heavyvehicles/downloads/nhvd\\_f\\_industryupdates\\_d11.html](http://www.rta.nsw.gov.au/heavyvehicles/downloads/nhvd_f_industryupdates_d11.html)

One important point to be aware is that unless a driver is covered by a Work Diary exemption – all drivers of Fatigue Regulated Heavy Vehicles, including Standard Hour local area drivers are required to use a work diary.

#### **Standard hours - 12 + 2 hours work exemption notice**

Solo drivers operating under Standard hours will be permitted to drive for 12 hours and work for an additional 2 hours under this exemption notice.

During this 14 hour period, drivers must continue to take their prescribed rest breaks.

The exemption will be on the condition that drivers note in their work diary the part of the work time that is spent driving and that they carry a copy of the exemption notice while they are working under it. Drivers using a log book under the terms of the log book to work diary transition will be covered by this exemption notice. In the log book, drivers will continue to record driving and work separately.

This exemption notice is for 6 months and will cease at midnight, Saturday 28<sup>th</sup> March 2009.

### **Transitional Fatigue Management Scheme (TFMS) and Fatigue Management Pilot (FMP)**

A transitional period of 12 months will apply to TFMS and FMP drivers and operators.

During the 12 month transition period, owner/drivers registered in TFMS and TFMS drivers working for a TFMS operator, will be permitted to drive BFM hours on the condition that drivers continue to carry their driver certification manual (DCM) and a work diary.

Drivers and employers must also continue to meet all TFMS requirements (for example keeping medicals current, managing fatigue) during the transition period.

Drivers working under FMP will continue working under all FMP conditions (this includes using the FMP work diary).

This grace period will end at midnight, Monday 28 September 2009.

TFMS and FMP operators and drivers will revert to Standard hours at the end of the 12 month period if accreditation has not been obtained under BFM or AFM.

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### **SOUTH AUSTRALIA**

The following information from the South Australian Government (SA) can be downloaded at [http://www.transport.sa.gov.au/freight/driver\\_fatigue/index.asp](http://www.transport.sa.gov.au/freight/driver_fatigue/index.asp)

- **Heavy Vehicle Driver Fatigue Fact Sheets** - the fact sheets have been updated to reflect the final regulations and SA Dept Transport have included an additional one, **Transitional Arrangements (Fact Sheet 10)**.
- **Check List for Drivers/ Operators** - the check lists are designed to assist you understand some of the requirements to comply with the new laws.
- **Heavy Vehicle Driver Fatigue Legislation** - all the relevant Acts and Regulations which introduce the legislation to South Australia is available from this site. It includes the;
  - Road Traffic (Heavy Vehicle Driver Fatigue) Amendment Act (Commencement) Proclamation 2008
  - Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008
  - Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008
  - **Road Traffic (Heavy Vehicle Driver Fatigue) (Transitional Class Exemption) Notice 2008** ( you will find it at the bottom of SA Transport webpage)
  - Road Traffic (Miscellaneous) Variation Regulations 2008
  - Motor Vehicle Variation Regulations 2008
  - Road Traffic (Driving Hours) Revocation Regulations 2008.

TFMS drivers are NOT required to carry the SA Work/Rest Class Exemption Notice but must comply with the TFMS Transitional arrangements as per Fact Sheet No 10

Prescribed Hours Drivers (12 driving & 2 work hrs) MUST carry the SA exemption notice (Gazette Notice) and comply to the Transitional arrangements as outlined in Fact Sheet No 10.

**For further South Australian information** or assistance please contact the SA Heavy Vehicle Driver Fatigue Project Team on **1300 784 344** or by e-mail at [dtei.driverfatigue@saugov.sa.gov.au](mailto:dtei.driverfatigue@saugov.sa.gov.au)

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### **IMPORTANT INFORMATION**

- **If your drivers travel into other States** – you must abide by that States transition arrangements and exemption notice requirements.
- **If your drivers require exemption notices to be carried** – your driver will need the exemption notice applicable to the relevant state authority that he/she is driving in.

The Queensland, New South Wales and South Australian Exemption Notices can be found on the QTA website <http://www.qta.com.au>

**NOTIFICATION OF EXEMPTION UNDER THE  
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT –  
FATIGUE MANAGEMENT) REGULATION 2008**

- 1 Exemption Notice No.** LTS 08/03
- 2 Authority to grant Exemption** – *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*, sections 154 and 191.
- 3 Commencement** – This exemption commences on 29 September 2008
- 4 Eligibility** – For the purpose of this exemption, an **eligible person** is one who:
  - (1) operates a fatigue regulated heavy vehicle, and
  - (2) does not elect to work under Part 3, Division 2 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*; and
  - (3) is not working under:
    - (a) Part 3, Division 3 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008* - Basic Fatigue Management, or
    - (b) Part 3, Division 4 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008* - Advanced Fatigue Management, or
    - (c) transitional arrangements for Transitional Fatigue Management Scheme under section 192 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*, or
    - (d) transitional arrangements for Fatigue Management Pilot under section 193 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008* or
    - (e) transitional arrangements for other exemptions under section 216 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*
- 5 Exemption** – Eligible persons are exempt from compliance with the requirements of **Part 3, Division 2 – Standard work and rest arrangements (sections 46, 47, 48, 49, 50 and 51)** of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*, subject to compliance with the conditions set out below.
- 6 Conditions** – The following conditions apply to the exemption:
  - 6.1 drivers must carry a copy of this notice at all times whilst operating under this exemption.
  - 6.2 drivers must carry their logbook or work diary and driver's licence at all times that they are operating a vehicle under this exemption.
  - 6.3 when intercepted by an authorised officer or police officer, the driver must advise that they are operating under the exemption and must produce a copy of this notice, their logbook or work diary and driver's licence.
  - 6.4 drivers must record all driving, working and rest time in either a logbook or work diary
    - 6.4.1 drivers using a logbook must record driving and work time separately.


19 September 2008]

QUEENSLAND GOVERNMENT GAZETTE No. 25

397

- 6.4.2 drivers using a work diary must
- (a) indicate on the work diary page that they are working under the exemption by marking the work/rest hours exemption box.
  - (b) indicate a work/drive change by marking a vertical line across the work line at the time of the change and adding a notation to indicate which portion of the work line is work and which is driving. (for example either “W” and “D” or “Work” and “Drive”)
- 6.5 The driver must comply with the driving, work and rest times of regulated hours drivers as specified under Part 10, Division 2 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 1998*, as follows—
- 6.5.1 Regulated hours—maximum driving times  
**maximum driving time**, for a driver, means—
- (a) for any 24 hour period—12 hours; and
  - (b) for any 168 hour period—72 hours.
- 6.5.2 Regulated hours—maximum work times  
**maximum work time**, for a driver, means—
- (a) for any 24 hour period—14 hours; and
  - (b) for any 168 hour period—72 hours.
- 6.5.3 Regulated hours—minimum rest times  
**minimum rest times**, for the driver of a heavy vehicle (other than a bus), are—
- (a) for any 5.5 hour period—30 minutes, whether in a single period or 2 periods of 15 consecutive minutes; and
  - (b) for any 24 hour period—10 hours, including 1 period of 6 consecutive hours that is not spent by the driver in or on the vehicle, other than a vehicle with a sleeper berth complying with ADR 42; and
  - (c) for any 168 hour period—96 hours, including at least 1 period of 24 consecutive hours that is not spent by the driver in or on the vehicle.
- 6.5.4 **minimum rest times**, for the driver of a bus, are—
- (a) for any 5.5 hour period—30 minutes, whether in a single period or 2 periods of 15 consecutive minutes; and
  - (b) for any 24 hour period—10 hours, including 1 period of 6 consecutive hours that is not spent by the driver in or on the vehicle, other than a vehicle with a sleeper berth complying with ADR 42; and
  - (c) for any 672 hour period—384 hours, including at least 4 periods of 24 consecutive hours that are not spent by the driver in or on the vehicle.
- 6.6 If these conditions are not complied with, the driver may be liable to have action taken against them for failure to comply with a condition of an exemption under sections 167 and 168 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*.

7. **Expiry** – This exemption notice expires on 29 March 2009.

Issued by.....  .....

(Angus Draheim)

**Position** Assistant Director (Vehicle & Road Use)

**Location** Brisbane

**Terms and Conditions of Exemption**

**Responsibilities of Drivers Operating under Exemption** – The Exemption Notice must be carried at all times that a vehicle is being operated under the exemption. When intercepted, drivers operating under this Exemption must advise the authorised officer or police officer that they are operating under an exemption. They must produce the Exemption Notice, their logbook or work diary, driver licence and any documentation that is required to be attached to the Exemption Notice when claiming an exemption.

**Compliance with Conditions of Exemption** – The driver may be liable to have action taken against them under sections 167 and 168 of the *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008* if they fail to comply with a condition of an exemption.

**Identification of Exemption Holder** – When a vehicle is being used, operated or driven by a person under the provisions of an Exemption Notice, the person is required to carry and produce on demand the person's driver's licence to an authorised officer or police officer. No other form of identification is acceptable for the purpose of this Exemption Notice.

**Expired Exemption Notice** – Any person intercepted operating a vehicle under an expired Exemption Notice will be subjected to the normal standard hours requirements. The exemption notice will be deemed invalid and will be seized.

**Note: This Exemption Notice is only valid whilst the holder is operating a vehicle within the state of Queensland.**

**WHICH OPTION WILL YOU CHOOSE?**

