



The Honourable Scott Emerson MP
Minister for Transport and Main Roads

Our ref: PET12774

Your ref: 10.4 Petitions

4 SEP 2014

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
Brisbane Qld 4000

Level 15 Capital Hill Building
85 George Street Brisbane 4000
GPO Box 2644 Brisbane
Queensland 4001 Australia
Telephone +61 7 3237 1111
Facsimile +61 7 3224 2493
Email tmr@ministerial.qld.gov.au
Website www.tmr.qld.gov

Dear Mr Laurie

I refer to petitions numbered 2293-14 and 2136-13 lodged with the Legislative Assembly by Mr Jon Krause MP, Member for Beaudesert on 6 August 2014 about fatigue management for heavy vehicle operators and requesting that Queensland adopt an approach similar to Western Australia.

In Western Australia, heavy vehicle driver fatigue is legislated under workplace health and safety legislation and not transport legislation as the case in Queensland under the *Heavy Vehicle National Law Act 2012* (the Act). The Act is based on previously agreed national model laws that were implemented in Queensland, and does not vary significantly from those laws.

The fatigue management provisions of the Act were developed in consultation with independent fatigue experts, jurisdictions and industry, and are designed to provide an appropriate balance between promoting industry productivity and efficiency, and driver wellbeing and road safety.

The standard hours available to all drivers of fatigue regulated heavy vehicles (that is, vehicles or combinations with a gross vehicle mass of 12 tonne or over) are set out in Schedule 1 of the *Heavy Vehicle (Fatigue Management) National Regulation*. This provides for the maximum limits for time spent driving and working in relation to the heavy vehicle, and minimum rest requirements. In no way does the Act require a driver to perform driving and work tasks within set time limits or drive while feeling fatigued. Drivers and operators are free to organise schedules and manage their time within the regulated work and rest limits.

Under the Act drivers and operators who require additional flexibility may apply to the National Heavy Vehicle Regulator (NHVR) for accreditation in either the Basic Fatigue Management (BFM) or the Advanced Fatigue Management (AFM) modules of the National Heavy Vehicle Accreditation Scheme.

These more flexible work options include many of the features that are included in the Western Australian fatigue regulations. However, accreditation under the Western Australian Heavy Vehicle Accreditation (WAHVA) Scheme is mandatory for all individuals and organisations that perform any transport task as part of a commercial business or for profit within Western Australia, including interstate operators.

WAHVA requirements for the fatigue management module are substantially the same as those of the BFM accreditation available to operators under the Act. Similar costs for driver medicals, training and record keeping would be experienced by operators under each scheme. The costs to industry as a whole under the Western Australian approach would be higher due to the mandatory nature of that scheme.

The NHVR is also developing a range of industry specific AFM templates, which will provide operators the opportunity to adopt an "off the shelf" fatigue management system which has been designed to meet the needs of their particular industry. The NHVR has recently announced that the first of these options which will become available across Queensland, New South Wales, Victoria and South Australia by the end of 2015, in the form of a national Livestock and Rural Transporters Fatigue Management Scheme.

With regard to clerical errors, changes to penalties introduced with the Act now allow administrative paperwork offences to be addressed differently from safety-related offences. As a result, the penalties that may apply to heavy vehicle drivers operating in Queensland are lower for some offences, when compared to the previous state-based laws, and licence demerit points have been removed from work diary offences.

Queensland continues to support the regulation of fatigue management under the Act administered by the NHVR.

Yours sincerely



Scott Emerson MP
Minister for Transport and Main Roads