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Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON COMMUNICATIONS,
TRANSPORT AND THE ARTS

Reference: Managing fatigue in transport

TUESDAY, 9 NOVEMBER 1999

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON COMMUNICATIONS, TRANSPORT AND THE
ARTS

Tuesday, 9 November 1999

Members: Mr Neville (*Chair*), Mr Gibbons, Mr Hardgrave, Mr Hollis, Mr Jull, Mr Lindsay, Mr McArthur, Mr Mossfield, Mr Murphy and Mr St Clair

Members in attendance: Mr Gibbons, Mr Hollis, Mr Jull, Mr Mossfield, Mr Neville, Mr St Clair

Terms of reference for the inquiry:

- . Causes of, and contributing factors to, fatigue.
- . Consequences of fatigue in air, sea, road and rail transport.
- . Initiatives in transport addressing the causes and effects of fatigue.
- . Ways to achieving greater responsibility by individuals, companies, and governments to reduce the problems related to fatigue in transport.

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Committee met at 8.52 a.m.

CHAIR—I declare open this second day of proceedings of the House of Representatives Standing Committee on Communications, Transport and the Arts in its inquiry into managing fatigue in transport. I welcome everyone here today to this public hearing. In opening the proceedings I would like to emphasise that, in addressing the terms of reference, the committee has not prejudged the issue, nor is there any element of a witch-hunt. Members want to hear a full range of views and consider initiatives which are being or could be developed to better manage fatigue in transport. Managing fatigue is a very important issue in the workplace and it has ramifications for all of us.

Under the terms of reference, the committee has been asked to inquire into and report to the parliament on managing fatigue in transport by focussing on four areas: the causes of and contributing factors to fatigue; the consequences of fatigue in air, sea, road and rail transport; initiatives in transport addressing the causes and effects of fatigue; and ways of achieving greater responsibility by individuals, companies and governments to reduce the problems relating to fatigue in transport.

The committee has travelled extensively, gathering evidence from a wide range of individuals, companies, unions and those associated with air, road, rail and sea transport in general. The witnesses in today's program include the Department of Defence, which is one of the largest logistically based operations in the country involving land, sea and air forces. In addition, giving evidence today will be Airservices Australia and the Civil Aviation Safety Authority who are responsible for air safety. Also appearing is the New South Wales Department of Transport, including the RTA. We will be taking evidence from the Australian Trucking Association which has been playing an important role in trying to improve fatigue management in the road transport industry.

I would like to thank all those who have given generously of their time to come before the committee today to assist in its inquiry. This promises to be an interesting and informative day. On that note I welcome representatives of the Department of Defence.

[8.56 a.m.]

BROCK, Colonel Jeffrey, Consultant in Aviation Medicine, Defence Health Services, Australian Defence Force

COLLYER, Lieutenant Colonel Robert, Staff Officer Grade 1, Human Factors, Aviation Support Group (Army), Australian Defence Force

JURD, Wing Commander Keith, Deputy Director, Current Capability, Royal Australian Air Force

PRYKE, Mr Vincent, Staff Officer Grade 2, Logistic Requirement (Army), Department of Defence

SARGEANT, Mr Brendan, Assistant Secretary, Defence Personnel Executive, Australian Defence Force

TYE, Mr Glen Eon, Director, Defence Safety Management Agency, Defence Safety Management Agency, Department of Defence

WALSH, Commander Edward George, Director of Safety Management, Royal Australian Navy

CHAIR—Before proceeding, I have to caution all witnesses that, although you are not under oath, committee hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. I also ask that, should you use any proper names or quotations during your presentation today, you might refer to the *Hansard* reporters before you leave for the accuracy of the record. On that note, I once again welcome you before us today. Are you going to lead, Mr Sargeant?

Mr Sargeant—Yes, I would like to make an opening statement and then I suggest that, as questions come up, the relevant expert in the room would be the person to answer them.

CHAIR—Sure.

Mr Sargeant—The management of fatigue has always been a matter of great concern and priority for the Australian Defence Force and for the Australian defence organisation. The reasons for this are well-known and obvious but are perhaps worth restating in this forum. The effective management of fatigue contributes to the safety and wellbeing of the defence work force. As an employer, Defence has an obligation to ensure the safety of its work force. An essential element of this is managing fatigue through the implementation of policies and processes that ensure that people are not placed in a position where fatigue is likely to endanger themselves or others.

This imperative becomes more urgent in the current environment of great change and diverse challenges. The continuing introduction of new technologies and new management administrative processes creates work environments of great complexity. Such environments,

if not properly managed, can be very stressful. The consequences of uncontrolled fatigue can, in certain circumstances, be catastrophic. Recognising and managing fatigue is therefore an important management responsibility.

The management of fatigue can also have a direct bearing on operational capability. Part of a commander's responsibility is to ensure the effectiveness of the units and people under his or her command. There is a clear and measurable relationship between operational effectiveness and levels of fatigue. This means that managing fatigue is part of every commander's function. The nature of operational activity means that this is a demanding and challenging task with potentially major consequences if not done well. This is well understood in the Australian Defence Force.

Finally, it is a resource issue. Good fatigue management promotes a safe workplace and reduces resources tied up in accidents and compensation. Defence compensation liability is very big, so it is a big issue. Fatigue management in Defence has been dispersed. We do not have a central organisation with the overriding responsibility for policy or management in this area. The reason is that management issues associated with fatigue are very functionally specific, and management strategies have developed in that context.

At a more general level, the management of fatigue is clearly of vital concern to everyone, but the context in which that management takes place varies greatly. For example, the issues associated with fatigue management in an office environment are very different to those related to an industrial environment or those related to, and associated with, an operational environment.

Defence has therefore built considerable knowledge and expertise at the functional level over many years in relation to these issues. We do recognise, however, the value of developing a more strategic approach for the purposes of raising management and organisational awareness, of promoting best practice, of providing commanders and managers with access to tools and resources to help them discharge this area of their responsibilities, of ensuring that developments in knowledge or techniques in particular areas are widely disseminated and that lessons learnt are actually learnt across the organisation and of linking fatigue management to broader workplace safety issues. My colleagues here have specific expertise and functional responsibilities. We would be happy to discuss any issues you wish to raise.

CHAIR—Thank you for that. It is very hard to put a handle on managing fatigue in the Defence Force because you operate—this is just off the top of my head—at about three levels. You operate, first, in a passive way in your day-to-day activities like in any other business. Even in the field and in your barracks, naval bases and Air Force bases around Australia, you operate—perhaps not on a nine-to-five basis, but by doing a normal workday type activity.

The next level I suppose is when you have to test your operational effectiveness, exercises and the like, and these necessarily have to have an element of stressfulness in them if you are going to prepare your troops. Similar to that is when you are called out in an emergency. In a cyclone, flood or fire, you can't just say, 'We'll have the boys out at 9

o'clock this morning after they've all had a good sleep.' If they are pulled out at two in the morning, they are pulled out at two in the morning, aren't they?

Mr Sargeant—Yes.

CHAIR—The third level is like this Timor situation, where you are right at the coalface of operations, and fatigue is at yet another level again.

I suppose we are interested in all of those. You transport a lot of materials around Australia, and we have looked very hard at road transport. I live up on the coast just south of Shoalwater Bay, so I am used to the convoys on the road—and I might say that the drivers are not particularly polite. I imagine that when you are in convoy, it has some advantages if you have a breakdown or something like that, but it also has disadvantages if you are tired because you have to keep up, keep alert, and keep distances between vehicles and the like.

I would like to get a feel for that first level when you are just doing your day-to-day operations. What sort of fatigue management do you have in place there, where do you see glitches in it and where might other things impact on you? For example, if it takes you nine, 10 or 11 hours to get from point A to Shoalwater Bay or one of the training exercise areas, do you stop somewhere and break that up or do you say, 'These are fit men, and they're going to be properly rested when they get there. We'll get the whole convoy through in 11 or 12 hours'? I would like to get a feel for how you approach your day-to-day operations.

Mr Pryke—I can probably answer that for you. For the first two levels that you discussed—our day-to-day activities in barracks and exercises—the regime we have for fatigue management of road transport is much the same. We do not go on an exercise and waive any concerns or regulations that we have had. We apply them religiously. That starts at the very highest level when we do our planning.

So the headquarters that would plan a move from, say, Townsville to Shoalwater Bay, will factor in that we want convoys to go at only about 80 kilometres an hour. That is usually the speed we have them travelling at for set distances. We have them stop every two hours for 10 minutes, so we will factor in a 10-minute break in a safe area, where we think up to 10 vehicles can pull over at a time. I should say that these are all mandatory; they are not advice. We will never travel for more than five hours without having at least a 30-minute break as well, and we won't travel for more than 12 hours in a day. So we have a regime that is planned at the very top level and implemented at the coalface, so the line manager is organising this move.

We also have slightly different rules for heavy vehicle operators that are more stringent but along similar lines, with dedicated rest periods or mandatory rest periods according to the total amount of rest they need to have in a week. If they are doing continuous road movements, they cannot go for more than seven days without having a complete 24-hour removal away from the vehicle and a rest period. These are the sorts of management tools that we use, and I have to say they are mandatory. It is not like the line manager can say, 'My boss has told me that I am a bit behind and that I need to get to Shoalwater Bay quicker.' They have to be implemented.

CHAIR—I see. If you were bringing a convoy from, say, Perth across to the east coast and that was taking five or six days, at the end of that you would insist that that soldier would have a day's leave or a day on other duties.

Mr Pryke—A day on other duties. We will not allow that day's rest to be with the vehicle. So we won't say, 'You are going to have a day's rest, but you're going to do maintenance on the vehicle,' or something like that. It has to be physically removed from the equipment. With large moves, say, to the exercise areas we use—from Townsville, in your part of the world, across to Katherine, which is a popular exercise area for us—it is a six- or seven-day move. So you quickly get the feeling that—perhaps unlike the civil industry, where you get in the vehicle and do the bare minimum of whatever the rest periods are—it would be surprising if you did more than 400 or 500 kilometres in a day. However, having said that, the maximum speed we set for our vehicles is 80 kilometres an hour in convoy, so they are reasonably long days.

CHAIR—Let us say that what we have been examining is a chain of responsibility, a bit like the chain of command in the lay industry. When you have subcontractors, are you responsible for subcontractors when you are getting supplies in as part of an exercise or a major supply to an Army, Air Force or naval base and you have to coordinate a major dropping-off of supplies coming from interstate or wherever? To what extent do you scrutinise the time factors there? Do you leave that entirely to the transport company, or do you take responsibility and say, 'We will expect of these people a reasonable level of performance, but we won't do it in such a way that their drivers are stressed'? Does that come into it at all, if you are subcontracting?

Mr Pryke—If we are subcontracting for work, that responsibility is placed on the contractor. We will not impose a time frame knowing that to use surface transport he would have to go outside the regulations to do that. We will not say that in 36 hours we expect a road transport company to deliver spare parts from Sydney into Darwin, knowing that a truck cannot do it in that time. But we will not physically check that.

CHAIR—You would factor in breaks and so forth?

Mr Pryke—No, we wouldn't, I don't think. We would give it to the—

CHAIR—You would do it in the generality, but you would not particularise it.

Mr Pryke—We would choose another mode to move it, using airfreight or something like that.

CHAIR—When you are on exercise, do you only ever use your own vehicles?

Mr Pryke—No.

CHAIR—Do you sometimes use private vehicles?

Mr Pryke—We sometimes use contractors. We will not use private vehicles operated by military people generally.

CHAIR—Do the contractors drive military vehicles or do they drive civilian vehicles?

Mr Pryke—They will be complete subcontractors operating their own equipment.

CHAIR—And are they required to undertake the same convoy conditions?

Mr Pryke—No. They are obliged to follow the industry standards, not ours. They will never travel with a military convoy.

CHAIR—Right.

Mr JULL—How well do you check out those contractors? Have you got any specific criteria that you set before you give them a contract?

Mr Pryke—I would have to probably take that on notice and get back to you. My experience, operating in the Townsville region, is that the people who organise road transport and the use of contractors do not always go best price. There is a good corporate history in Townsville of who the best firms are for moving equipment. Generally, we develop who we are going to use by who provides the best service. When I say ‘best service’, I am not talking about being there in the quickest possible time; I am talking about the most reliable. Generally, the more reliable firms are the ones that are employing the standards that are out there.

Mr JULL—Because Defence rely to a very great extent on quality assurance in most of the things that they get into.

Mr Pryke—In the regime that we have for all contracting for supplies, movement or whatever, firms that are certified to 9001 are usually the firms that we operate with.

Mr JULL—Are there any transport companies that come in on that?

Mr Pryke—I could not tell you.

Mr JULL—If they did, do you reckon that would be a good way to go in terms of your contracting?

Mr Pryke—9001 has been identified across the board as a good standard to achieve. We know that, if someone can comply to that standard, they have a good management set up to ensure they meet the standards of the industry. How that specifically applies to transport, I could not answer for you though. But as a rule of thumb, 9001 is a good base standard to work from.

CHAIR—Just before we move on, I think this is a crucial point. This is a point we are putting to all witnesses. I would like you to answer it at two levels; I would like the military people in uniform to answer it at their level and then I would like to hear the policy people at their level.

We are considering as one of our options to recommend to parliament the very point that Mr Jull touched on of making fatigue management in transport companies a dimension of quality assurance, so you would not get that rating unless you had a fatigue management program in your transport company. I would like to hear what your view is—the military people first and then the policy people.

Mr Pryke—From our perspective, I have some experience with the Australian standard for quality on the maintenance side. It is equally applicable to our road transport operations and we can easily meet the Australian standard for quality.

CHAIR—I am sure you can.

Mr JULL—We are more interested in the private operators.

CHAIR—You are one of the few government departments, state and federal, and one of a few large companies who demand quality assurance in your purchasing or use of services. If we added fatigue management as a compulsory dimension of quality assurance, what would your view of that be? I am talking about private industry. I am not querying that you are doing it; I do not doubt that the Army is doing it. I want to know in respect of your subcontractors and suppliers.

Mr Pryke—In the short term, it would probably increase some of the costs associated with road transport for us, but in the long term I could only see that it would improve the industry across the board and provide us with a better service. I think the small increase in what it would cost us to move our freight around Australia would be inconsequential in the big picture of how much we spend on road transport. I think it can only be a positive aspect.

CHAIR—What do the Navy and Air Force think about that?

Cmdr Walsh—I would certainly agree with that recommendation. Having said that, what I see today is that ensuring that those quality processes that you are talking about are in fact taking place is very difficult to achieve. Certainly I find that in safety management in looking at contractors doing their work we do not have the resources to go and check, look, supervise, whatever you like to call it, to ensure they are meeting what they are actually contracted to do or what the contract says.

CHAIR—There are two levels to approach at. The first one is that, if there were some demonstrable failure by them to meet quality assurance standards, you would not employ them again. Also, within the quality assurance regime within their own companies, they are subject to periodic audit.

Cmdr Walsh—Let me answer that one by referring to the tragedy we had with HMAS *Westralia* and the companies we were dealing with there, who were 9001 qualified. When the board of inquiry looked into that, exactly as you said, Mr Chairman, they had been audited. The audit that was done of that company, of its 9001 accreditation, was not a quality audit. Indeed, the board very quickly picked holes and said, ‘Hey, you shouldn’t have been given that accreditation. Look where the failures were.’

CHAIR—It just was not in the actual pipe that blew up, it was in other procedures?

Cmdr Walsh—No, what I am saying is that managing, overseeing, that quality process does require quite a few resources.

CHAIR—So you are saying to us that if we put this recommendation forward we need to have in mind how it would be audited and demonstrated?

Cmdr Walsh—How it could be audited and managed.

CHAIR—It is a very good point you make.

Cmdr Walsh—I certainly would agree with the recommendation you are making, but it needs to be followed on farther so that it does not become just a paper exercise, that you see a piece of paper but have you gone and checked that if it stipulates a team management process it has actually—

CHAIR—We have companies that have virtually done this, like Nolans in Queensland who have a fatigue management thing that goes not just to the drivers but even to such things as counselling families on diet and all sorts of things for truck drivers. It is quite a serious approach. What do you think, Wing Commander?

Wind Cmdr Jurd—I would agree with the philosophy of using the quality standards and forcing fatigue management to be part of that. Specifically on the aviation industry and our use of contractors—

CHAIR—Critical in your case, isn't it?

Wing Cmdr Jurd—Yes. The aviation industry tends to be a lot more regulated than the road transport industry, for example, and I would imagine that, starting from the regulations that CASA has developed and then the process of providing a licence, particularly to the major operators, it drives them pretty well down that line as a matter of course. So I do not think such a system would impose a great impost, certainly not as great as it may in the road transport industry, on our use of civil aviation contractors. When we have contractors we tend to use them in supplementing our strategic air lift capability and, in that case, we end up dealing largely with the major carriers.

Mr JULL—The reality is that Defence would be a huge user of these contracted services, wouldn't they? The clout that would be there if Defence said, 'Hey, if you haven't got this regime in place we're not going to use you,' would certainly put a few stirs through the industry.

CHAIR—What do the policy people think about this?

Mr Tye—We certainly have an existing policy in contract management and we have come fairly recently to the conclusion that it does not go far enough. We well recognise that we have got a responsibility to contractors, as we have to our own employees, for that. The policy certainly determines that the people who let the contracts should ensure that all issues

relevant to safety are mentioned or covered in the contract and that there is a responsibility to do some monitoring of contractor performance. That monitoring of contractor performance, as Commander Walsh alluded to a while ago, is an area we are certain is not being covered very well.

We reckon there is a deficit up front in relation to the requirements written in the contracts, and we are working now with contracting policy to try and improve that, but the monitoring of contract performance and compliance with industry norms and safe practices is not something we do well. We are in the process now of calling together all the defence groups to see how we can advance this from a policy perspective. So there is a policy in place and it has been well regarded within the public sector, but we are confident now that it does not go far enough and we have got to try and find some answers in relation to the contract management.

CHAIR—What do you think of this specific suggestion?

Mr Tye—I think it is well warranted where we can set some standards.

Mr JULL—Can I move on to something that I think is a bit of a natural progression from that. With some of the evidence we have had, especially from the United States, we have been fairly impressed with the interaction that goes on. One of the things that really has impressed us in terms of the United States experience is that there seems to be a tremendous interaction between the military and the civilian organisations in trading knowledge, in joint ventures, on things like fatigue management. I was wondering just how much that goes on in Australia. We got part of the answer from Wing Commander Jurd in terms of your relationship with the private industry, but is that interaction between civilian organisations and Defence an ongoing thing? Is there any formal structure?

Mr Sargeant—It is not structured. There is a lot of contact in the context of the relationship with the industry as a purchaser of services and there are formal consultative forums at the high levels for things like industry policy, but they tend to be concerned with large scale procurement policy and those sorts of issues. There is not, that I am aware of, any sort of high-level formal structure for these sorts of issues, but it is certainly something that we would want to look at putting in place, particularly as we start to formalise our policies on this across the organisation and try to establish a vehicle where we can get access to best practice and ensure that best practice, either internally or externally, is well known and acts as a benchmark for the sorts of things that we do. So it is really in the realm of those initiatives that will naturally arise out of moves that we are making to develop a more strategic view on these sorts of issues.

Cmdr Walsh—I would answer you on that one, Mr Jull, in terms of how many are members of our reserve forces. In aviation, I suspect quite a few in the carriers are reserve members of the RAAF. Whether there are a number of reservists in the road transport industry I do not know. But that is the place for that type of interaction. I just throw that in for what it is worth.

Wing Cmdr Jurd—There are probably not as many as you would suspect of our reservists out in private industry in the air case. However, I would like to say that, in

developing our ideas on crew duty cycles and fatigue management, we certainly interact and look at what the major airlines do, particularly for long haul type operations, and we have contacts into their policy areas. We also look at what other defence forces do in trying to judge world's best practice sorts of issues.

On the research level—and you might want to add to this—there is quite a bit of interaction between research agencies. We recently commissioned the sleep research centre to develop an aid to fatigue management for us, and our Institute of Aviation Medicine maintains links with similar organisations. So I think there is quite a bit of that going on, but probably not in a formal sense at the higher level.

Lt Col. Collyer—I think that applies to Air Force, Navy and Army aviation, which have a lot to do with safety associations and meetings, accident investigation, health areas, aviation medicine areas and also research. Army has had university people come in from outside to give an external evaluation about the impacts of fatigue in maintenance. I have already mentioned the Centre for Sleep Research and the work that has been done, so there is a continuous scanning of the environment.

CHAIR—Has Professor Dawson worked with all three forces?

Lt Col. Collyer—My understanding is that he has worked through the Institute of Aviation Medicine, which is at RAAF base Edinburgh. The Institute of Aviation Medicine has a triservice responsibility in the aviation medicine area.

Wing Cmdr Jurd—It is the same with the Director of Flying Safety, which actually commissioned that work through the Institute of Aviation Medicine. It is actually the Director of Flying Safety-ADF, so it is a joint organisation. They also have very strong links into BASI and interact with them almost on a daily basis.

CHAIR—Do you use his computer program in assessing people in the transport sectors of the services: road, aviation and sea? Do you use his computer program in looking at rosters, et cetera?

Lt Col. Collyer—It is used in Army aviation at the operational level. It is being used in East Timor at the moment and within the other aviation operational units. It is also used in the aviation maintenance areas in planning ship schedules and things like that. I do not know whether it is used in the road operations.

Mr Pryke—I would have to find out and come back to you on that.

CHAIR—You wanted to say something before, Mr Pryke.

Mr Pryke—I was only going to say that the specific question raised was about the interaction between Defence, or the services, and contractors and what principles they have in place for fatigue management. I would probably say they are on two levels. I would say that, in Army's experience, we have what we loosely call in-house contractors whom we are working with every day. Those people who work within our facilities on a subcontract arrangement are meeting all that organisation's needs for safety.

I do not have an exact term for it but, if we have a need to move a piece of plant from Townsville to Darwin and it is a one-off contract sort of thing, we obviously have less interaction with a casual contractor. Certainly for those in-house contractors—and we have a lot of them that are working within our environment—I would say that we have very good interaction in making sure that they have the tools in place to manage fatigue along similar lines to the ones that we have across all safety aspects.

Mr HOLLIS—It must be almost impossible, though, to really manage fatigue in Defence. You can talk about the operational ones such as road transport, flying and things like that—you can understand that—but I think the chairman alluded to this in his opening statement that you are working on different levels.

Commander Walsh, when I was in Darwin recently, I went on the patrol boats. We were taken on the boats, and we were shown the sleeping conditions. I was on there for only two hours but I wonder what would happen if I were on one for several days with those sleeping conditions. You would have to get on terribly well with everyone else, but what happens if you are sleeping beside someone who is snoring? Is it difficult sleeping with the movement of the boat and things like that? I have only casually looked at submarines, but I think there must be a problem there. What happens on those boats? Has any study been carried out on, say, the patrol boats and the people who work there? Are people tested for their ability to sleep or are they just bunged in there and told, ‘Well, this is it’?

Cmdr Walsh—There is no testing but, certainly, the conditions that you recognise are indeed well-recognised within the Navy. It is something that is part of our business. As for sleeping close together, if somebody snores, you hit him over the head with whatever you have handy.

Mr St CLAIR—Have you ever done that?

Cmdr Walsh—I can go back to 1957—I will not say how far—when I was a young seaman. I slept in an aircraft carrier—it was in a hammock in those days—alongside the after lift. Every time that operated, there was this clunk, ding, ding, ding, and the bell would ring. But I still slept. If you ask sailors, it is when everything stops, all the noise stops, that everybody wakes up.

You do get used to it, but we do recognise the business of fatigue, particularly if the weather is pretty foul and there is a lot of movement in patrol boats. That does sap energy and of course we teach about that. We have programs to bring this to people’s attention. We say, ‘You will get tired, and you must recognise this.’ Of course that works at all levels. Not only will the young sailor get tired but so will the commanding officer. He must learn to pace himself because, when things are pretty tense, people will look to whomever their leader is. So we do have education. That is one big thing in managing fatigue. There are no simple answers. Education plays a big part. We have sent our teams off quite recently to re-evaluate what we teach and we put in extra modules from all the experience that we have learned over time.

Those problems are there. In the big picture what we see is, if you have ships in the front line fighting, if you do not bring them out after two to three weeks, then mistakes start

happening. People suffer from fatigue. Ships company do get great strength by being a band of people together, so they can draw strength from and help one another.

CHAIR—Do you test for the sleep disorder, sleep apnoea, especially in the Air Force and the Navy?

Cmdr Walsh—I am not aware that we do.

Col. Brock—Perhaps I could answer that one. There is no formal testing at a medical level. I am currently CO of health services in the Canberra area and Wagga, and we have seen an increase in the number of patients referred from respiratory physicians requiring CPAP machines. It is a vexed question whether we should allow people to deploy that have specialist recommendations to have CPAP.

There are two issues. There are the issues which medical specialists are worried about—the deleterious effects of sleep apnoea, that is, the risk of cardiac arrhythmia or a sudden death. Then there are the issues in an operational environment. Snoring is a problem, for example, in the infantry. Apart from sleep disruption, it can be a real giveaway in certain operational circumstances. We do not do any formal testing, and it is vexed question whether we should allow people to deploy if they require CPAP. It is an electrically driven device. It is a piece of kit. If an individual becomes reliant on those sorts of machines, you could argue that it is a case to keep them from being deployed if they are so dependent on it. It is better to fix the problem before you deploy them, if you can, and there are a few options there.

It is just an issue that I see at a clinical level which is now starting to surface. I am fairly conservative about allowing people to go into deployed areas if they require a machine. In fact, I will not let them until either we can deal with the matter surgically or, if there is no possibility of that, we can make them non-deployable, which has some adverse consequences for them for their future. We are seeing it quite frequently now.

If you talk to Drew Dawson, you will find he has done so much work in the area of sleeping disorders. It is a problem of epidemic magnitude, particularly in males, but it has never been addressed. It is only now that devices have become available. Technology is improving, but it is still no substitute for unaided sleep. It is a particular problem if we have to deploy people into operational areas. If people have to wear NBC protection for long periods in a deployment, we would have trouble if they had to sleep masked up and previously had reliance on CPAP machines. I agree that it is a big problem. I think a lot of it is also related to lifestyle.

Mr Tye—Mr Chair, you asked a question earlier about Drew Dawson. The Defence Safety Management Agency started work with Professor Drew Dawson in relation to the measurement of fatigue to get some information. We have for the first time deployed an operational safety team with the deployed force. We now have an operational safety team—and at the end of this week it will be three people—to provide safety advice to the commander of INTERFET in Timor. With them we have sent the latest of Drew Dawson's measurement tools to do some measurement of fatigue. We are also looking at the

practicality of doing some measurement using those bands where you measure work/rest periods. We are looking at the practicality of doing some of that measuring up there as well.

On Friday one of my wing commanders returned from Darwin at the request of the commander of NORCOM to look at safety in the support area. Darwin is basically a military town now. I received the report early this morning and have had a quick look at it. The major issue he comes out with is fatigue. So we recognise fatigue as a significant area of concern. We are trying to put together a general policy which is more an educative awareness type policy leaving specific issues to the areas of specific expertise like road transport and air. But we need to make sure that our commanders are aware of the latest research and advice on this. So the policy we will be putting together across the organisation will be more an educative and awareness type thing.

We will be providing the tools, if the tools are practical. We have an Internet site where we already provide some risk assessment tools. We are looking at perhaps providing, if it is practical, this fatigue management tool on the web for use by commanders and that.

CHAIR—Do you have limits within the Air Force? When you have intensive transportation, such as you had at the peak of the Dili incident, do you stick rigidly to the hours of work in those instances or is there a special operational limit when you are in an emergency situation?

Wing Cmdr Jurd—In terms of our policy, we have a defence instruction within the Air Force which is reasonably broad and meant to be educative. It refers also to a chapter in our safety manual which gives some more specific guidance.

CHAIR—How do your hours compare with civil aviation pilots?

Wing Cmdr Jurd—They are reasonably similar. At the lower level we have a group of instructions called standing instructions at the air command and training command level, and they address maximum duty periods and rest requirements in a one-off sense but also the number of flying hours that you can accumulate over certain periods of time—a week, a month and a year. Those limits are adhered to. There is some flexibility there for commanders to either make more stringent determinations—

CHAIR—When you have people at risk and you have to get them out quickly, does the Air Force have some mechanism whereby pilots are allowed to do an extra flight or whatever?

Wing Cmdr Jurd—Yes, in the instructions there is flexibility for commanders.

CHAIR—And did you exercise that flexibility in East Timor?

Wing Cmdr Jurd—I could not answer that now. I would have to get back to you.

CHAIR—Do you know whether that was exercised?

Mr Tye—I could not answer that.

CHAIR—I would be interested to know. I am not in any way being critical, we are trying to find out how the military compares with civil authorities in these matters and we recognise that sometimes you have other duties. One other question that is related to that: have you undertaken flight napping as part of your fatigue control? You know that the airlines now have this napping program, especially on international flights, where the pilot can have, I think, 20 minutes. There is a limit on it. The stewards or stewardesses have to check. There is a whole procedure. Do you have a similar one in the Air Force?

Wing Cmdr Jurd—We have a similar policy. We do have some areas that we need to address. One is the adequacy of the rest facilities in the aircraft for that style of activity. Our guidance includes the use of what we call augmented crew where you have extra crew members, not necessarily just pilots, on board such that the critical crew members, such as the aircraft captain, can be relieved so that he can have rest and our guidance allows moderate extensions to the crew duty time.

CHAIR—You allow napping?

Wing Cmdr Jurd—Yes.

CHAIR—You do allow it?

Wing Cmdr Jurd—Yes.

Mr GIBBONS—Getting back to a bit more practical level, with the hours of a Hercules, for example, which is your biggest transport aircraft, what sort of hours would a crew of pilot and co-pilot be actually at the controls, not so much in a Timor situation, but in an ordinary everyday situation on manoeuvres or moving the Air Force band around Australia or something like that?

Wing Cmdr Jurd—The limits we set are maximums and we put the onus on the commanders and the flight authorisation officers to assess each mission on its merits and the history of the crew using those tools that Professor Dawson has developed for us. For example, in a C130 crew there is a maximum of 17 hours. Normally we would not do that. For example, if they were doing a mission up to Darwin, which may be five hours or so, they may turn around and come back again. The times when you would have a crew doing that level of activity would be rare. We also do not allow that to be repeated at the expense of providing the crew with the opportunity to maintain some sort of stability in their routine so they can adjust to whatever circadian rhythm is required to get the job done.

CHAIR—You are pretty strict on the Falcons though, aren't you? We know from our own experience of travelling. This committee often gets a Falcon as we have to go fairly widely across Australia on communications and transport. Pilots are fairly strict. Do you use more of a civil aviation type regime with your Falcon pilots or what?

Wing Cmdr Jurd—Falcons are in a similar regime. Certainly the crew, except in unusual circumstances, cannot amend their crew duty times without reference back to their commanding officer. Certainly the crew would not be at liberty to extend their hours because

it is part of their requirements in the authorisation for that flight that they remain within those limits.

CHAIR—I am sorry, Mr Gibbons. I cut you off then.

Mr GIBBONS—Also with your aircraft maintenance divisions, what sort of fatigue management plans are there? Are they similar to what is happening in civilian flight industries? We have had some evidence from people involved in civil aviation maintenance where they have some reservations about rostering and things like that. Do you see it is equally as important as the aircrew to have a proper fatigue management plan for your maintenance crews?

Wing Cmdr Jurd—Yes, we do. One of the reports we submitted was a report that the Institute of Aviation Medicine did on fatigue in the maintenance area. It is not my area of expertise but it is certainly not as regulated in terms of formal instructions as is the aircrew, but once again—

CHAIR—And yet it is as equally important, isn't it?

Wing Cmdr Jurd—It is equally important. The COs of the maintenance squadrons would take into account the fatigue issue in developing their work routines.

CHAIR—I am speaking broadly here. I suppose it would be fair to say that we are more concerned about that than we are sometimes with what is happening on the flight deck of an aircraft.

Mr Pryke—On the maintenance side, whilst we might not have a regime in place that is as strict as it is with aircrews for the management of fatigue for the individual maintenance person, the system we have of signing off on that person's work to some regard would safeguard against that as well. As you would be aware, a tradesman doing work on an aircraft would have his supervisor sign off on it and a crew manager or a maintenance manager will then sign off on the aircraft as being untaskworthy or airworthy. That system would take into account the environment in which the person under them is working, if that makes sense.

CHAIR—But if you are doing a big exercise and you have done a night exercise the night before and the choppers come in at 11 o'clock at night and you have to have them ready for five in the morning, obviously that maintenance crew is going to be pushed overnight, isn't it?

Mr Pryke—Without doubt, but I have to say that people will not sign off on the aircraft, obviously, if it is not taskworthy. I know fatigue will come in at all levels in that system of checks and balances but when we are operating—

CHAIR—But you must be under huge psychological pressure. If you have got the Singaporeans or the Yanks or someone else there with you, there is an exercise scheduled over so many weeks, you have to have your choppers ready at five or six the next morning

and the other guys have got theirs ready, there is a big psychological pressure on you, isn't there, especially if you are the host nation as well?

Mr Pryke—You are correct.

CHAIR—You cannot just say, 'Old chap, I don't think we have got this one right. We will put it in the shed for the day.'

Mr Pryke—In a team environment there is always that will to put together a good team effort to represent ourselves and the like. In my experience on exercises, I have never seen—and I am in the maintenance part of the world—that influence outweigh safety measures. I have not seen it occur.

CHAIR—It is good to hear that.

Lt Col. Collyer—I have to say that there were a number of Army helicopter accidents in previous years where problems with maintenance were identified not as causative but as incidental findings and fatigue was raised as an issue. We started pushing guidelines that are published by the ACTU and the Australian Workers Union and the stuff that I got from Dr Yossi Berger and we used that material initially. Just recently I got a report from Professor Gerry Fogarty from the University of Southern Queensland, who took an outside view of Army aviation maintainers and the things that lead to error in their maintenance work and, in fact, fatigue was not raised as an issue except on operations, as has been talked about before. It does not seem to be a problem at all in the workshops. The procedures that Vince described do seem to work fairly well. What is more a problem is lack of supervisor training and experience at times as a result of turnover and things like that.

Mr Pryke—The weakness identified was a good example of where you could say we had some problems with fatigue because we were understaffed and because we cannot attract tradesmen and train them in time. One of the ways that was addressed was to introduce contractor support to workshops so there were more tradesmen to do the work to reduce the pressure on the uniformed tradesmen.

Mr JULL—In an operation like Bougainville where the helicopters are such a vital part of the whole thing, do all those conditions apply up there?

Lt Col. Collyer—In Bougainville they certainly do because Bougainville is actually a pretty benign operating environment for the aviation people in the sort of work that they are doing—and I have been there—

Mr JULL—So have I.

Lt Col. Collyer—When you look at other operations like Cambodia previously or Timor now, then that is a different story with the pressures.

I think it reflects on things that Commander Walsh and others have said earlier. You can provide all of the guidelines that you want but what you really have to do is get leadership and then policies and then procedures and then tools, particularly things like a structured risk

management tool that enables you then to pull in things such as the guidelines on hours and the consequences of performing or not performing that mission. In other words, what are the consequences? Is it that someone will not get their rations or is it that someone might die? And that varies the level of risk that is acceptable when a commander then makes a decision whether or not to extend the flying hours. Those are the sorts of things I think that are really crucial to safe operations, be it aviation, transport or any of those sorts of areas. A big thing with that is education and training.

CHAIR—I am sorry to intervene here but we are running out of time and two of my colleagues have questions. Mr St Clair?

Mr St CLAIR—I am interested that you have taken part of the question—that is, is fatigue an issue—and I think you have established that it is not necessarily an issue in your normal day-to-day operations, and you appear to have that covered. But it certainly appears to be an issue when you get into operations or areas of conflict. We have taken some evidence—and I just want to get your views on it—about the use of chemicals or compounds to reduce fatigue. What is your feeling on that?

Col. Brock—In general, whenever you resort to chemical manipulation of human systems, there is always a downside somewhere along the track. At present, performance enhancing drugs are available. They do have their place for very short-term or very specific uses in a controlled environment, or certainly in a highly supervised environment. But the downside is that the persistent use of these drugs can have deleterious effects. One-offs may have a place. The trucking industry runs on stimulants, and if you look at the general health of truck drivers you would probably find that because of lifestyle—and one of those outlets of lifestyle is the use of stimulants—they are in pretty poor shape.

In the military operations, where we have much more supervision—medical and psychological supervision of our personnel—I think there is a place for these sorts of chemicals for short-term activities to meet specific mission requirements.

Mr St CLAIR—We have taken evidence of modafinil—you have probably heard of it.

Col. Brock—Yes.

Mr St CLAIR—We were talking about operational situations where people can stay unfatigued for a period of up to four days.

Col. Brock—That is true, but the downside is that towards the end of that period you have to take those people out of circulation for a while. It may vary from individual to individual as to when you can get use of that individual again. And, superimposed on that, if you have got them doing, for example, reverse cycle operations, not only are you pushing them to work through much longer periods of continuous activity, if you then also work them at night and have their sleep cycles completely disrupted, the downside might be that you will need them to be out of action for 10 days or something. If you can factor that into your operational tempo, that is fine, but if you are going to rely on them because of shortcomings or shortages elsewhere down the track and think that you might be able to push the envelope, that is a worry. The temptation is always to push the human performance

envelope: if you think they are working for four days, try to get five out of them. We do not have enough experience at this stage to say that it is a safe practice, but given the fact that we are—the technology is there—we can.

Monitoring individuals—I was going to make the point earlier—is another aspect. We have very good systems monitors now in aircraft where we can health monitor any aeroplane in the air, basically. An airline has health monitoring going on as we speak—all automatically downloaded. Any flight engineer in Sydney, in Qantas, can look at the oil temperature at any stage of a turbine engine on any aircraft anywhere in its fleet at any time without even challenging the aircrew. It can all be done. That is a very useful tool for looking at, say, fatigue management in a mechanical system.

We do not have that luxury in human performance yet. I suppose that is another dimension in the future. If we had the ability to monitor certain physiological parameters whilst we are using these enhancements, we might be able to say, 'Things are going okay. We can push them a bit longer,' and be confident that they are performing at a reasonable level. But that is something for the future, I think—monitoring human performance.

Mr St CLAIR—But there is a place for it?

Col. Brock—Yes, I think there is.

Wing Cmdr Jurd—We do allow the use of drugs in the opposite sense to help manage sleep.

Col. Brock—We are doing that now.

Wing Cmdr Jurd—That is in our orders as an allowable—

Col. Brock—If I may interrupt here, because it is a point I am really keen to make before we wrap up: part of the fatigue management generally in the transport industry, regardless of service, I believe, needs to include drugs and alcohol monitoring. This may have been covered separately. If we are serious about pushing the industry to better standards, we must introduce mandatory testing for drugs and alcohol. That goes for prescribed medications as well because it is such—

Mr St CLAIR—At what point? At fitness for work when they turn up for work?

Col. Brock—There is a whole range of ways of doing it. Yes, there is this pre-employment screening which is a very important tool for looking at your work force. There are lots of barriers to this, of course. There is union resistance and even management resistance because of cost.

I was with CASA for three years as the Acting Director of Aviation Medicine and some of us within the organisation were pushing very hard because the fatigue issue was so chronic and endemic in the aviation commercial aspect of the aviation industry. We do not know whether pilots, for example, where the commercial operations were pushed to the edge, were actually resorting to the same behaviour pattern that truck drivers were—using

stimulants. There was no testing, no way of knowing what they were doing. All we knew was that there were a lot of unscrupulous operators out there that were pushing their pilots to the absolute limit because of the cost and because profit margins were so low in the commercial sector. There were lots of underhand practices going on, and probably still are with junior commercial pilots. It is very soft evidence but I would not be surprised if many of them were doing the same thing: using some form of cheap performance enhancement drug, like amphetamines, to actually fly long hours because it is not regulated that well.

Mr JULL—Random drug testing has come into the United States, hasn't it?

Col. Brock—Yes. The FAA have introduced it and they took the step several years ago. They targeted a very large number of occupational groups in the aviation industry right through from ground handlers and baggage handlers all the way up the chain to flight crew. I believe they have contracted their occupational target groups now, partly because of feedback that they had early and maybe because they were confident that some areas are just not a problem.

But there has been soft evidence over the years, particularly in Australia in our maintenance areas with the bigger airlines, that drugs are a problem and have been. Again, we have no monitoring in place and if we go down the pathway of using performance enhancing drugs, even though they are limited, we would need to scrupulously monitor people's physiology in that context. Outside of that, I believe, we have great control over people in the military. We have good medical surveillance and good psychological surveillance of people, but outside it is a free market.

Mr St CLAIR—But surely modafinil or others have become available for use. It is out there and it saves people crushing up Sudafed to get the yellow bits out.

Col. Brock—That is true.

Mr St CLAIR—The other issue that has been raised—certainly with me and I am sure with others—is the fact that if you took drugs out of the trucking industry, for example, you would end up with more trucks going off the roads than you have got now.

Col. Brock—Possibly. But they will always find a way. If the commercial considerations are being pursued because of profit margins and competitiveness, unless you can actually put curfews on people and ban them from driving after certain hours, there is no real safe way. They will always find a way to beat the system, you know, dual logbooks, even the monitoring of trucks. But, certainly, I think we need to develop drugs and alcohol testing and monitoring in the industry along with fatigue—it has to be part of the fatigue—

CHAIR—Would you go as far as Professor Dawson's testing monitor?

Col. Brock—Yes, you can. And that is another tool that you can use—a go/no go test, for example, even on a ramp check. He would advocate that there are tests around—and I have been talking to people at Monash University. There is a device called 'Cog screen' which is a fairly sensitive test which can be used to measure cognitive impairment, even subtle, in individuals. You could test people against maybe a background performance level

and you may actually be able to run a quick check on them before they blast off on a mission. There are tools out there now to look at the degree of cognitive impairment which may complement fatigue monitoring. There is a range of tools available.

Mr MOSSFIELD—I just want to come back to a few points we have already covered to get a few more details. The flight napping issue was one I wanted to come back to, not necessarily only in flight, but napping in general. My own personal experience is that if you pull off to the side of the road and fall into a deep sleep and then wake and get back into the traffic, you are not with it. I have found that myself, that I was quite dangerous once I got out there—your reflexes. Is there any scientific data on that sort of issue? I have some real doubts about napping and whether in the long run it is a good system to manage fatigue. What is the general view around the—

Cmdr Walsh—It is one of our training modules, particularly for the leaders and people who have those responsibilities. Whilst they are not physically doing something, they have the overall purview of what is going on at the operation. We would strongly advocate the business of catnapping—or napping—for 35 to 45 minutes if possible. It is a little different for us. In the extremis, when suddenly the enemy does appear over the horizon, you then really do need all your faculties about you. The more you can put in the sleep bank, the better off you are. Navy would certainly support that, and it is certainly one of the modules we have in our training.

Col. Brock—It has its limitations like everything else. It is also an adaptive mechanism that people develop if they have a free run. Airline pilots are very good at this. You will find that they supplement catnapping with an augmented crew. One of the things that is outstripping the human physiology and the limitations is the fact that we build aeroplanes that are capable of flying enormous distances and staying in the air. Because the engines are so profitable, it is profitable to keep them in the air.

The trouble is that, if you have two sets of crew on board with sleeping facilities, it is not a normal environment to sleep in. You have two crews fatiguing, perhaps one faster than the other. You can mix and match your crew around. I have done a lot of long sector flying with air crew and have watched how the captain, for example, will juggle his flight so that he can catnap or sleep. It is an adaptive mechanism and quite good when given free rein.

Pulling up on the side of the road is not a natural activity for the average motorist. It probably is for a truck driver because he has adapted his lifestyle to it. I find in my lifestyle that I have adapted to catnapping for work. Even though I am running a hospital and on call all the time, I have adapted over the years to falling asleep in the chair for 20 minutes and then waking up relatively refreshed by supplementing with coffee or some other stimulant to get me going.

Catnapping in the field might not be so good. If a soldier has to be vigilant instantaneously to fire a weapon it may not be such a good tool. Where you have a multi-crew operation, whether it be on trucks, trains, vessels or flight decks, and the micro-environment can be internally adapted, it has a good place, providing people have time to adapt to it.

Lt Col. Collyer—The NASA Ames Research Centre in the United States has done a lot of research on both long haul and short haul aviation with catnapping to the point—I cannot remember the figures—where they have identified the ideal periods of time. I think 39 minutes is about where they say the cut-off is, because this is related to the various stages of sleep that you go through and some stages of sleep are more restorative than others.

Mr MOSSFELD—Is that 39 minutes maximum or minimum?

Lt Col. Collyer—That is the maximum period, I believe. I would also like to say you ought to check the literature which is readily available through an Internet search under NASA Ames Research Centre and sleep research. A guy called Mark Rosekind is the primary researcher.

Mr MOSSFELD—We have had some submissions relating to aircraft maintenance engineers, the lack of legislative duty time and the fact that they are working 12 hour-shifts in that industry. Has anyone got any views as to whether there should be legislative maximum periods in which people should be on the job, just in a normal maintenance situation, not a combat situation?

Col. Brock—I believe there is no difference. They get fatigue as well. They are under different pressures. Depending on turnaround of aircraft in the commercial industry, a lot of maintenance is scheduled in anticipation. They can roster crews in anticipation of scheduled maintenance requirements for aircraft. It is the unscheduled maintenance that often catches them out, because the industry minimally mans its maintenance area. If there are any cost savings to be made that is one area that is always attacked—spare parts and maintenance. But yes, there should be a limit.

Mr MOSSFELD—You believe there should be a legislative limit?

Col. Brock—Absolutely.

Mr MOSSFELD—Is there any evidence that the accident you mentioned in HMAS *Westralia* related to fatigue at all?

Cmdr Walsh—No. There was no evidence of fatigue. I was just using that example with the business of regulation of ISO 9000.

CHAIR—I have one other thing on the matter of fatigue. What was the finding about when the helicopter with Prime Minister Keating clipped that tree?

Lt Col. Collyer—It was a combination of things but fatigue was one of those.

CHAIR—Is that true?

Lt Col. Collyer—Yes.

CHAIR—It just shows you.

Lt Col. Collyer—There was a series of them. As you are probably aware, fatigue was also an issue with the Blackhawk fatal accident in 1996.

CHAIR—In Townsville?

Lt Col. Collyer—In Townsville, and due to almost chronic fatigue rather than acute fatigue, which many people in the military suffer from.

CHAIR—Just a lack of judgment because of fatigue.

Lt Col. Collyer—Yes. But the risk management process that had been started before that really developed to fruition since then. That is what I was getting at before.

CHAIR—And you have really taken that on board in planning?

Mr Tye—Very much so. Our risk benefit policy has been written by Army and promoted very heavily in Army. It has been picked up by the rest of the organisations. We will be putting out the Defence risk management policy based on the Army policy of assessed risks which may be judgments.

CHAIR—I hate to bring this to an end. We have gone way over. I think it was important, because there are so many dimensions to your work. Thank you, Mr Sargeant and your team, for your attendance. We trust that if we require any other information we can come to you for additional information in writing or one of you could come in on a Wednesday on a sitting week.

Mr Sargeant—Yes.

CHAIR—Thank you for a very informative session.

[10.08 a.m.]

TOLLER, Mr Mick, Director, Civil Safety Aviation Authority Australia

ELDER, Mr Rob, Executive Manager, Government, Industry and International Relations, Civil Safety Aviation Authority Australia

CHAIR—Welcome. You are old hands at this game, but I must caution you that, although you are not required to give evidence under oath, these are proceedings of the parliament and warrant the same attention as is attached to the House itself. Any false or misleading evidence is a serious matter and could be considered a contempt of the parliament. Would you like to give us an overview of your submission?

Mr Toller—I will give you a few brief introductory comments.

CHAIR—We are a bit behind in time. Please give us a short overview and then we can get into the questions.

Mr Toller—Just to give you some of my background, I am a regulator by adoption. I have been an airline pilot for 30 years, so I bring to the table not only some regulatory experience that I have developed over the last year but also a lot of operational experience, both as a pilot and as an operations manager with one of the major airlines. As the regulator looking at the overall issue of fatigue in the aviation industry, I would like to say I think the industry is a very responsible industry and that should be recognised. That does not mean to say it is going to be totally compliant with all the regulations but, because of the implications of failing to be totally compliant, it does have a natural compliant nature and that helps our job to a certain extent.

Fatigue has to be looked at on a number of planes, and I am sure that you have recognised that during your sittings. We are here to learn as much as you are here to learn. We are certainly not the experts in fatigue. There has to be a regulatory element and that, if you like, sets the boundaries beyond which you cannot go. There has to be a very significant educational element, and part of our responsibility here as CASA is safety promotion and safety education. That is one of the roles that we therefore take.

The other two pillars, if you like, are operators' responsibility. I do not think that the operators could get away from the understanding of their responsibilities within fatigue management, and I think most of them do not. There is also the pillar of personal responsibility in that, however much the legislation may say, 'This is what you can and cannot do,' they were a lot weaker this Sunday morning after everybody had stayed up all night to watch the rugby than they would have been in a normal environment where people were taking normal sleep. There is that weakness.

The only other thing I would like to say is that historically I have found that when we were considering this issue, debating it with the people who are involved, there is always, as well as the safety, industrial and regulatory sides, grey areas in between. I have noticed, particularly in discussions with unions over the years, that cynically when they are talking about safety, the safety word comes off the table as soon as the dollar word goes on the

table. That is one of the problems that we have got—recognising that the unions take a stand which is not only looking at the safety and fatigue management issue, it is also about negotiating the working conditions for their members. That puts them in a fairly difficult position when we are talking about the boundaries of the fatigue issues. I am very happy to take questions.

CHAIR—Does your authority extend to aircraft maintenance or only to flying operations?

Mr Toller—No, we are responsible for all civil aviation safety issues.

CHAIR—So we can question you on your attitude to overnight maintenance?

Mr Toller—Certainly.

CHAIR—I understand the difference between the BASI and CASA relationship but that you are the primary regulator. At the same time I suppose there is an element of risk assessment at the back of your minds as you define and delineate boundaries of operations. First, what is your general view of the aviation industry itself, RPT aircraft, and then what are your concerns perhaps when you start getting into the small operators? This is probably where there is a need for some fatigue management. You have got these people who are taking around bank documents and so on, these fast freight services. I often get the impression that some of those pilots are pushed at times. Could I hear your view first on the RPT flights and then on the others?

Mr Toller—The RPT side of the industry I do not have any significant concerns about. I think they are very responsible in general. They are also audited to a high standard. They are required to operate to a high standard. There are two levels of air operator certificate: at the moment one for RPT and one for charter. The requirements for an RPT organisation are much higher than they are for a charter organisation. That includes systemic management issues. We are looking for a management structure within an RPT organisation. We are looking for them to have the right people in the right jobs to be able to do the job, and they are audited fairly heavily, particularly on their systems. In general, I feel fairly confident that the RPT industry is looking after its fatigue issues and is compliant with the rules as they exist.

CHAIR—What about in the charter end of commercial services?

Mr Toller—It is very hard to generalise. I think it is recognised that there will be always be the few people at the bottom end of the charter market who are out to break the rules rather than to comply with the rules. We aim as hard as we can to find out who they are and to take action against them when we find that they are breaking the rules. That is not to say that we are going to be able to do that perfectly, but it is something that we are very much aware of. It does not only go down to the bank runners and people like that; it actually flows further down than that into people like the mustering industry which we are having particular problems with at the moment. The underrecording of hours or non-recording of hours seems endemic within that part of the industry. It is something that we have recognised and we are working with the industry to try and find a way of managing that.

CHAIR—In rounding up cattle you would have to be very alert, wouldn't you, when you have to zoom down amongst trees and things?

Mr Toller—Also generally, particularly in difficult working environments, they tend to use the most underpowered and therefore the cheapest to run of the helicopters. They are living in glass bubbles where it is extremely hot and it is done in the outback at hot times of the year.

CHAIR—I will come to this point. I do not know whether you were in the room when I asked the question, but we have asked this of all the witnesses. I am not talking so much now about the RPT operations but more of the charter and these people who run commercial document services and so on in aviation. What would you think of the concept of making a dimension of their quality assurance rating that they have a fatigue management program? In other words, if you did not have a fatigue management program, a demonstrable and auditable one, you just would not be rated and, therefore, I imagine a lot of government departments and perhaps some banks just would not engage you. What is your view on that?

Mr Toller—I think conceptually I would agree with it. Practically we have to recognise that some of these companies are very small: they might almost be two-person or three-person operations. To talk to them about a fatigue management program would just go in one ear and out the other, so, therefore, we would have to find other ways of achieving the same thing.

One of the things we do when we audit the smaller companies is look very closely at their recording of flying hours. We look at the pilots' logbooks very closely, we look at the maintenance records very closely and the aircraft times very closely, looking to make sure that they are strictly staying within the rules as they exist. That is not a fatigue management program and I am aware that is not a fatigue management program: it is one way of trying to make sure that at least there is an element of compliance there with sensible limitations of hours of work.

Mr MOSSFELD—Would your organisation support the creation of, say, a national body to manage fatigue management under the occupational health and safety legislation to take it away from other groups in the industry and make it a specialised field?

Mr Toller—It is an interesting concept. One of the problems I would have with that is a dual regulation of the industry in that we have certain obligations put upon us. They are put upon us as a nation by the International Civil Aviation Organisation to put certain regulations in place. Within the aviation industry I think I would prefer that we kept everything in one place and within the civil aviation regulations. However, that is not to play down in any way the importance in my mind of occupational health and safety within the industry, but I think that the final regulation should probably stay within the authority.

Mr MOSSFELD—In view of that, what then are you doing to look at fatigue management into the future bearing in mind some submissions we heard, even previously, say that planes now are flying for longer periods. There is a deregulation of just about everything, fewer controls. What is your organisation doing to look at the question of fatigue management down the track?

Mr Toller—The regulations under which we are working at the moment are 1950s regulations. The civil aviation audit, CAO 48, dates back to the early fifties. It actually works pretty well—

CHAIR—It is well tested, isn't it?

Mr Toller—It is well tested but within a sphere of the industry. So when we are talking about working with the charter people and things like that, even most of the smaller RPT companies, right up to when you talk about people like Flight West, use it on their smaller fleets. When you get above that then there is a recognition that the whole world has changed. The CAO 48 says you cannot fly for more than eight hours a day. If you want to fly to Hong Kong there is a nine-hour flight so obviously it is not going to work. If you want to go to LA it is a 14-hour flight, so it is not going to work.

In the early nineties a set of blueprints for standard industry exemptions were worked out with the industry. There is one that is applicable for Qantas and Ansett, say—although I would even suggest that they have got very different problems for different reasons, which we can discuss later—there is one is available for the high capacity RPT, one for the lower capacity RPT. There are about eight of these. Operators have had the choice since the nineties to comply strictly with the CAO 48—which is fine; we are comfortable with that—or with one of the standard industry exemptions, which cover the different sorts of arrangements where CAO 48 does not work.

As you probably know, we are in the process of completely rewriting the civil aviation regulations at the moment, making them a lot simpler in general, more harmonised internationally, because I think we have to recognise the fact that the world is going to internationally harmonise regulations. Within that, there was obviously a need to look at our flight duty time limitations.

CHAIR—Do we tend to be stricter, more relaxed or in about the middle?

Mr Toller—I think we are probably about the middle. I think that other countries are ahead of us on the long-haul type flying, recognising more changes of time zones, effective jet lag, time of start of duty, things like that. In terms of rewriting the civil aviation safety regulations, this all comes into part 91—that is, the American part of the regulations. But, again, internationally everybody is starting to use the same part numbering. So, when we talk about part 91, the FAA are doing part 91 and the JAA—the European joint air worthiness regulations—will have a part 91. We put out in April of this year two discussion papers—and I do not know if the committee has yet seen these, but we have copies available—about what we have described as the proposed introduction of operator formulated flying duty time limitation schemes.

Mr JULL—That has been getting a fair belting, hasn't it? Can you give us the advantages of what you are doing?

Mr Toller—That is interesting. I would not have said it was getting a fair belting, so that is interesting.

CHAIR—I think there is a perception on the committee that you have been copping a bit of stick over this.

Mr Toller—Let us look at the philosophy behind it, then. CAO 48 says, ‘You shall not fly for more than eight hours; under certain circumstances, more than nine. Thou shalt not work for more than an 11-hour duty day.’ This does not work in certain circumstances, hence the industry exemptions we talked about earlier. If we have an operator formulated flying duty time limitation scheme, CASA will say, ‘Here are the boundaries. We are not going to approve a scheme that goes outside these boundaries but, within those boundaries, we recognise that probably every operation is slightly different. You can stick to a basic format, which we will give you, which will be equivalent to the industry exemptions. Or if you are somebody like Qantas flying 747-400s to LA and then through to New York you will have very different problems, and the best way to work those problems out on a long-term fatigue management basis is with your crews and your crews’ unions.’ You will then get limitations that are well inside the exterior box that CASA would recognise as being the ultimate that is accepted.

Within that discussion paper is an example of an operator duty time limitation. It actually is the current Hong Kong duty time limitation. Having come from Hong Kong, I am very much aware of the position that they are in. They are probably—in my view, at any rate—the world leaders at the moment in terms of recognising all of the different issues that go into making up the factors that can cause fatigue within aviation. A critical one is how many sectors are you going to do; how many take-offs and landings are you going to do? You go 14 hours from Sydney to LA, and you have done one take-off and one landing. Is that more fatiguing than somebody who in six hours goes up and down the east coast, landing every 20 minutes?

Mr JULL—Like the American Airlines MD80 the other day. That was just amazing, the number of—

Mr Toller—Yes, that is right, although they had been sitting on the ground for a long time. One of the things I would say from my personal experience is that the most fatiguing thing when you are operating is actually sitting around doing nothing.

Mr JULL—Hanging around.

Mr Toller—It is not so bad when you are actually flying. But, if you get a delay on the ground, that can be very fatiguing when nothing much is happening. So, within the philosophy of that, we believe that the smaller companies will just take the straight blueprint. They are not going to go to a situation where they are going to spend a long time discussing these matters with their pilots; they will just say to the pilots, ‘Here are the rules.’ And they will probably be very close to the old CAO 48 rules, except I would like to see some addition of issues like how many flights people are doing in a day, because that is fatiguing. As you get higher up the chain, there will be more and more discussion with the flight crews, until eventually you get, as I say, Qantas and Ansett with two different problems, because Qantas’s international route spreads much more around the world than Ansett’s does at the moment.

CHAIR—Ansett flights are generally north to south.

Mr Toller—Yes, generally north-south, which is very easy on crews. I was based in Melbourne and Brisbane for a time working out of Hong Kong. Apart from the fact that every flight home was a night flight, there was no element of jet lag whatsoever. But I watched my colleagues who were based in Europe and North America flying in and out of Hong Kong and saw how much sharper I was for the time—the 12 days or so—I was in Hong Kong than they were. That was recognised by both the Hong Kong department of civil aviation and the company as an issue to be managed within fatigue.

I think the point about this concept is that those who do not like it can actually fall back to a more prescriptive method if they do not want to do the work themselves. But for those that do, there is the ability to have sensible flexibility to cover differing working environments.

CHAIR—Do you have the right of intervention, though?

Mr Toller—Yes, absolutely. The final say will always be the authority's. If somebody wanted to go outside what we believed was the boundary, the initial answer would be, 'No but, if you really believe that it is beneficial, show us the case why it would be beneficial.' But the final word is ours.

Mr JULL—Within that proposal is there any capacity to audit?

Mr Toller—By definition, we are always auditing. Our requirement is to order an air operator's certificate. That includes the operations manual, and this would form part of the operations manual. So it would be audited annually and automatically. It just one of the things that would always be looked at.

Mr JULL—I think you were in the room when the previous witness made the statement that drugs are a problem in large airline maintenance. Have you got any evidence of that?

Mr Toller—We do not. I would obviously be interested if Dr Brock had any evidence, but we have not been aware of any evidence of that. I do not think I really can comment. I just do not know.

CHAIR—LAMEs' evidence before us is a bit disturbing compared with the other evidence we have received. You would have to get a sense there is something wrong there, and that is why I put the same questions to the Army and the Air Force. The plane has to come in at 10 or 11 at night, and it has to be out at five in the morning. They just do not have that many spare aircraft, and you just have to make everything work. I just wonder to what extent the boundaries are pushed, and whether they are pushed with drugs.

Mr Toller—I honestly do not know. If we found any evidence of it, then we would obviously have to act. One of the things that will go into the rules that we are writing at the moment for LAMEs—and it is very similar to a clause that is in the rules already for pilots—basically says:

(1) A person holding an AME licence or an AMS certificate must not carry out an activity that the person is permitted to carry out under these regulations if the person is suffering from fatigue, an illness or injury, or is under the influence of alcohol, a drug or any other substance . . .

That rule applies to the extent that the ability to carry out the activity must not be impaired. We can put a general rule in, which does not exist at the moment—

CHAIR—But that does not cover the circumstances where a guy starts at 11 o'clock at night putting a new engine in—

Mr Toller—No.

CHAIR—and is starting to get tired at four or five in the morning, but he has to get that engine in. If he has a certain pattern of work and cross-checking as he goes and you start changing maintenance engineers at three or four in the morning and the new engineer misses something, you have a more dangerous circumstance than letting the guy work on.

Mr Toller—It tends not to change in the middle of big jobs, from my anecdotal experience working with a big organisation. Once you have a team going on a big job they really would keep going.

CHAIR—It is not so much the drugs, but there is a question here that worries us that applies equally to the pilots. There has been some criticism by the Australian International Pilots Association that, if this CASA proposal we have been talking about is to be effective, it has to be linked to some sort of fatigue monitoring or auditing system. They suggest Professor Drew Dawson's system. I would like to hear your comment on that and also on whether that computer program should also be applied to maintenance, so that at least we find out where the fatigue levels are, if there are going to be new regulations limiting hours and so on.

Mr Toller—I will start with the second one first. I think the simple answer is we really do not know as much as we need to know about fatigue within the maintenance engineering side at the moment.

CHAIR—Are you familiar with Dawson's—

Mr Toller—Very much so.

CHAIR—That would pinpoint hot spots almost automatically.

Mr Toller—I think it should. I think that there may be within that side of the industry a sensible requirement that more research be done to find out just how prevalent the problem is.

CHAIR—Have you asked any of the airlines, for example, to implement a trial? Have you asked Ansett, Qantas, Flight West or anyone to implement this for a test period of three months on their rosters to see if there are hot spots in the maintenance area?

Mr Toller—We have not. We certainly talk to Ansett engineering and Qantas engineering all of the time about these sorts of issues, and we are aware of some of the work they do. Philosophically, I would tend to put the onus for these issues more on the operator itself. If we are going to have a fatigue management program, it should be part of the operator's overall view of safety management.

CHAIR—But you are the regulator.

Mr Toller—We are.

CHAIR—If we are moving into more relaxed and flexible types of rostering, then doesn't that presuppose there is a need for countermeasures? If you do not endorse the countermeasures in some way—even something as simple as asking them to implement pilot schemes in maintenance workshops across Australia, just to get a bit of a feel—and if you were to get the results and find that there is a big hot spot in a particular area in the servicing of—

Mr Toller—I certainly have no conceptual problems with what you are saying. It runs into the boundaries between BASI and CASA. If this is seen to be a safety issue, then BASI—ATSB—would tend to do the research on those issues and make a recommendation to us that we should regulate in such a way. Our job, though, is to ensure that we believe that the right systems are in place within the operator. That is done by virtue of the air operators certificate. If we had any suggestions that something like this should go ahead as a trial, I am sure that we could get one or both of the major airlines—or even one of the regional airlines—to participate. It would be very interesting to see what they came out with. As I say, this is where we are learning as much as you are learning. If this comes out as a recommendation from—

CHAIR—We are disturbed about this aspect.

Mr Toller—Clearly.

CHAIR—And we might even make a recommendation on it. We would just like to hear you views on whether you would see that as an appropriate measure.

Mr Toller—I think it is an appropriate measure.

CHAIR—Rather than us mandating it.

Mr Toller—Interestingly, nowhere in the world—that we can find, at any rate—is there actually any legislation of any significance covering maintenance engineering working hours or anything like this. As I say, we are aware of the 12-hour shift situation, but that is a union initiative, not a management initiative.

CHAIR—There was the classic case in Queensland of the Viscount that went down between Winton and Longreach. It would be 30 years ago, I suppose.

Mr Toller—Yes, a long time.

CHAIR—There was some sort of oil regulator that could be set in one of four positions. It had been forced into the wrong position, and the oil was not flowing through the engine. I think that was discovered in evidence to the inquiry. That was obviously a mistake made at maintenance level.

Mr Toller—Maintenance mistakes happen—that is a fact of life within the industry—and I would think that, if you took six causal factors for each failure, somewhere in there is probably a fatigue issue. It is hard to leap to the conclusion that it is a major issue. I do not think the evidence really exists to that extent yet, but maybe you have some within your committee. People get tired; there is no doubt about that. If you are going to work a 12-hour shift, you are going to be tired; that is a fact of life. Fatigue and tiredness are different. I always expected the crews of the aircraft I was flying on to be tired at the end of a flight, and we would take certain measures to make sure that we were as alert as we possibly could be. We have heard about napping and we have heard about augmented crews where you have an extra crew member, or even a double crew, on the longer flights—sensible countermeasures.

I do not have enough experience on the shop floor—and, in fact, I have no experience on the shop floor—to really be able to say how the maintenance engineers work that side of it. I know they countercheck each other's work; they countersign each other's work, particularly at the stage where somebody actually has to take the final responsibility and sign off. Then they are pretty focused because there is a comeback on them if anything goes wrong. So I think there is a high degree of professionalism within the licensed engineers that, to a certain extent, will counterbalance any issues they have about being tired. When your attention is focused on having to actually make the final sign-off and make sure that the job has been done correctly, it is a bit like when you are making an approach on landing—the mind gets sufficiently focused that it does tend to counterbalance, to a large extent, any tiredness issues.

Mr MOSSFIELD—My interest is in these 12-hour shifts. As you said, it may have been a union initiative at the time, but I think a lot has been learnt about fatigue management since that time. I think it was a lifestyle question, initially; it gave people more time off. But now it has been in operation for a while, I think there is a need to have a look at that. It is not always a 12-hour shift problem in itself. You have to tack on travelling time to and from work, and then you may have to tack on additional work in overtime if there is an emergency. This, maybe, is where the problem develops. Would your organisation be prepared to look at that question to see whether there is any evidence of that?

Mr Toller—We are certainly prepared to look at the issue—most definitely.

Mr JULL—In your opening comments you referred to the internationalisation that was taking place. That is pretty true. Are you really saying that, at the end of the day, there will be—dare I say it—a one-world order?

Mr Toller—No, not quite. Every country is a little different. Because aviation is such an international industry, as far as possible we are trying to make the basic rules the same and not overly prescriptive. The Americans and the Europeans have been attempting to harmonise their regulations now for some time. We keep a close eye on that; we are in close

contact with New Zealand and Canada, which we consider to have a very similar type of environment to ours. As I say, when we are rewriting the regulations, we will certainly be looking very closely. We do not want to encapsulate something that has been historically Australian just because it has been historically Australian. If the international community can teach us something about a better way to do it, then we will take that way.

Mr JULL—Our physical location in the world makes us really quite different, doesn't it?

Mr Toller—I do not believe it should, and I think aviation is the same. Flying from A to B is not particularly difficult. The country I like to compare us most with is Canada. Canada has the majority of its population in a very small band along the border there, along the east coast here, and it has a massive internal outback-type area. Our country happens to be red and hot, and theirs happens to be mostly white and cold but with very similar problems. We can learn a lot from each other and we do.

Mr JULL—I was thinking more of the long haul traffic. Some of the longest air routes in the world are in fact out of Australia and going through to Europe.

Mr Toller—Yes, but they are equally the same coming out of Europe and through to Australia—it is a two-way process. And there are the people who sit in the middle, like Singapore and Hong Kong—they were the people who started ultra long haul flying.

CHAIR—Australia to South America would be one of the longest hauls in the world, wouldn't it?

Mr Toller—I think the longest one was LA to Hong Kong and that it is now Chicago to Hong Kong. They are trying to do New York to Hong Kong, but that requires them to go transpolar, right up over the top of the North Pole, to do that one. In my Cathay Pacific days, in the middle of winter we would be talking about between 16 and 16½ hours from LA to Hong Kong, which is a long time.

CHAIR—There are a few other points I would like to touch on. What is your comment on these more flexible hours that were introduced in Europe and the US and then withdrawn?

Mr Toller—It is a comment about how difficult it is to get good flight duty time limitation.

CHAIR—You are confident, however, that your new regime will not encounter the same problems?

Mr Toller—The biggest problems you have got, both in Europe and America, are the size and diversity of the constituency. In Europe you were actually trying to get something like 21 different countries, who used to have their own stamp on how things were done, to agree on a single way of doing it. They achieved that, but they did not sufficiently discuss it with the unions and crews themselves, so that fell down for that reason. With regard to the States, we were all desperately hoping that the FAA would be able to give us a lead on this

one, and we were very disappointed when the FAA NPRM process—that is the notice of proposed rule making process—actually fell down, as it did about this time last year.

CHAIR—On the matter of air traffic control, do you have sector regulations for that as well?

Mr Toller—We are in the process of writing regulations for air traffic control service providers. In the split-up in 1995 of the CAA into CASA and Airservices, regulatory oversight of air traffic got a bit lost in the middle, if you like. The minister has now effectively said CASA must put down the basic rules and will become the regulator for all air traffic control providers, be they just air services or more. We are in the process at the moment of writing rules for the air traffic providers.

CHAIR—Can I bounce something off you. The committee has been to the TAAATS operation in Brisbane twice—when it had just been finished and was going into operational mode, and then more recently—and we have inspected the tower on two occasions as well. In respect of the TAAATS operation room, we got the impression that it was very well controlled. It has beautifully tinted windows, airconditioning, heavy carpeting, everything to induce total attention on the screens. I suppose that is what it should be. We felt it was a very orderly place. Yet the evidence we got from some of the operators was that it was stressful, that it was this and it was that, that they could not take a cup of coffee to their consoles—and there could be electronic reasons for that. We were just a bit disturbed to think that we have got two of those centres in Australia that control all the air traffic for Australia and for parts of the South Pacific, and there is this problem of the operators not being happy with it, which seems to me to be a very bad point to be kicking off with. What are your views on it? Have you gone and had a look yourself?

Mr Toller—Yes.

CHAIR—Have you heard some of these sorts of complaints?

Mr Toller—No, I have not. I have certainly seen the environment and I think it is very impressive. As a regulator, I do not think I am really in a position to answer you. That question needs to be asked of Airservices because it is more of an operational issue. Having been a pilot for years, I certainly understand the issues involved with coffee around electronics—we are very careful in cockpit environments.

CHAIR—Again, you are the regulator. This is the thing that troubles me. I know we are coming into a more flexible environment but there are some areas that have got to be spot-on and that is one of them, isn't it?

Mr Toller—Yes.

CHAIR—In aviation, there is very little room for error—

Mr Toller—No, there is not.

CHAIR—whether it is on the part of the pilot or the maintenance engineer or the controller at his control desk. It is more critical than any other mode of transport. For example, there was the BASI occurrence—I do not know whether you are familiar with 9302749—where a Boeing 747 and a 767 were on some sort of collision course and had to be separated out to 1,500 feet. The inquiry into that showed that evidence was available indicating that their errors were probably the result of accumulated fatigue brought about by the lack of sleep and the disruption of sleep patterns, lack of adequate rest breaks over both the long and the short term, and pressure caused by the additional tasks associated with the position as a team leader.

The point I am trying to make is that these guys can be fatigued and just as dangerous as a pilot or a maintenance engineer. I am interested to know whether you have had a look at it. I know you might say at the end of the day that it is a BASI problem at one end if something does happen, but you are the regulator and this is a new system of aircraft control. Surely, you have to look at those things.

Mr Toller—We do not actually have any regulatory authority at that level at this stage.

CHAIR—Is it proposed that you should?

Mr Toller—We are developing, certainly, regulations for the provision of air traffic services. Within those, we are looking at all the issues of fatigue management—shift hours, rosters and all that sort of thing. That is being done by a working group that has been set up which includes Airservices, obviously, the Air Force, which is also an air traffic provider for civil aircraft, Civil Air, the union and us. Dr Drew Dawson is also part of that. We will develop the regulations from that—

CHAIR—Is it possible in a thing like that where you go to great extremes with the consoles and set up a very calm environment that you make it so artificial and so unreal that that induces another form of fatigue? Is that possible? You have very soft carpets, tinted windows, temperature control and a sort of a sound absorption thing. Does all that create another level of fatigue?

Mr Toller—Armchairitis?

CHAIR—Yes.

Mr Toller—It is so comfortable you fall asleep. I think that is undoubtedly true. I cannot really comment on the actual operation of TAAATS. What we look more at is the outcome.

CHAIR—But if you say to people, ‘Get out of your car and have a cup of coffee,’ or to the pilot if he has had his 20-minute nap, ‘Have your cup of coffee,’ or you say to the maintenance engineer, ‘Always have your coffee break,’ but if you are a console operator you say, ‘No, you cannot bring coffee anywhere near the desk.’ As I said, there may be spillage problems and electronic reasons why that should not happen but it just seems to me that there is something wrong there that you perhaps need to look at.

Mr Toller—I think what you need to look at—and what we are looking at in that context—is how long somebody actually stays at the console before being relieved. What is the longest time anybody can actually sit at a console? The New Zealanders have done a lot of work on this within their oversight of air traffic control. They have actually got certain hours. Not only is it shift hours, it is also how long in total you can be at particular types of work within air traffic control because there are obviously different stress levels. I think these are questions that are better answered by Airservices in the practical terms but, in terms of the regulatory sense, yes, we will be including certain elements of this within the regulations as they come out of this working group.

CHAIR—Thanks very much. Sorry, Mr Elder, you did not get much of a go today.

Mr Toller—He is my minder.

CHAIR—But I looked at your face on several occasions to see if you were agreeing, and you were nodding at the right times.

Mr Elder—It was the thing to do.

CHAIR—Thank you very much for coming before us today. We have a lot of respect for CASA and the role that you have now in setting new boundaries. You will receive a copy of the *Hansard* draft of today's proceedings. We trust that if we need to come back to you on other matters, we can do so in writing—or perhaps we could ask you to come up and brief us at one of our Wednesday meetings.

Mr Toller—No problem. We would be delighted.

Proceedings suspended from 10.50 a.m. to 11.11 a.m.

ADAMS, Mr David Jeffrey, Director, Safety and Standards, Airservices Australia

DUMSA, Mr Adrian, Head Air Traffic Controller, Airservices Australia

CHAIR—I welcome to the table today Mr Adrian Dumsa and Mr David Adams from Airservices Australia. Thank you for your attendance this morning. I have to caution you that, although you are not under oath at these proceedings, they are nevertheless proceedings of the parliament and warrant the same respect that attends to the house itself. The giving of any false or misleading evidence is a serious matter and could be considered a contempt of the parliament. Have you got a short opening statement?

Mr Dumsa—Airservices Australia is responsible for the provision of air traffic services and aerodrome rescue firefighting services in Australia. Those services are provided under the auspices of the Air Services Act 1995 and its associated regulations. Formal standards for the regulation of air traffic service provision, including duty time limitations, are being constructed by CASA and it is anticipated that they will be in place by July of next year. In the meantime, Airservices is oversighted by CASA under the provisions of a memorandum of understanding. Airservices' primary responsibility is to ensure the safe, orderly and expeditious flow of air traffic in Australian administered air space. Safety is our primary mandate, clearly enunciated in the Air Services Act. Airservices provides air traffic services over 11 per cent of the globe's surface, extending from the South Pole almost to the Equator and from halfway between Australia and Africa in the west to halfway between Australia and New Zealand in the east.

The air traffic control services that we provide include tower control, terminal area control and en route control services. The services can be provided with or without radar, depending on the location. Service provision is gradually being transitioned to a new system known as the Australian Advanced Air Traffic System or TAAATS. This is a very sophisticated system of world leading technology and is scheduled for final implementation in January 2000. We provide services at 25 towers, four dedicated terminal control units and two major en route centres, and I understand that the committee recently visited one of our centres in Brisbane.

All air traffic controllers are required to work shiftwork. In many cases disposition of air traffic is such that the shiftwork does not include night shifts but is simply limited to the need to cover daylight hours, seven days a week. In the main terminal and en route centres, 24 hours a day coverage is required. However, the disposition of traffic again is such that the amount of traffic operating at night is a quite small percentage of our overall traffic management. Airservices is acutely aware of the need to continually monitor air traffic control and performance, both from a technical qualifications perspective and also from a fitness for duty point of view. We too share your concerns in relation to fatigue management but we believe that we have been somewhat proactive in this area and we welcome the opportunity to provide any assistance you may require.

CHAIR—Thank you very much. I had a pretty fair go this morning. Mr Hollis, are you ready for questioning?

Mr HOLLIS—Dealing with fatigue, you say that you are being very proactive in fatigue management. Could you give us a run-down. We would like to know what hours air traffic controllers work, what measures you have taken and what concerns you have with fatigue management.

Mr Dumsa—Fundamentally, the hours of work are regulated by our rostering principles. Our air traffic controllers are nominally limited to 72 hours of work per fortnight, which is made up of 35 hours duty time per week and one hour for handover-takeover duties—five lots of takeovers.

Mr HOLLIS—How long are they actually at the console?

Mr Dumsa—It depends on the shift length and it depends on the location at which they are working. In some cases they may work no more than an hour at a console; in some cases they may work three or four hours at a console.

Mr HOLLIS—But then they have breaks every so often.

Mr Dumsa—Breaks are rostered in. The rostering principles provide for a 20-minute break in an eight-hour shift and a cumulative one-hour break in shifts that are longer than eight hours. But in practice, and in all practice, controllers are given far longer breaks than that. We normally staff the rosters such that there are additional people in place to provide rostering breaks.

Mr HOLLIS—Have you identified fatigue as a problem with air traffic controllers? In your opening statement you did actually mention that you have been quite proactive in this.

Mr Dumsa—We have not identified it so much as a problem; it is more an issue to be addressed. It is something that we certainly do pay a lot of heed to.

Mr Adams—At worst, it is a sporadic problem. There are occasions when fatigue becomes an issue, but that is generally not the case. As Adrian says, it is more an issue that we seek to manage to ensure that it does not become a problem.

Mr HOLLIS—It is different from, say, pilots. There are no restrictions on air traffic controllers. They could be out all night or all day and then rock up to work at 8 o'clock. Is there a limitation on what they can do, drink or anything else, before they come on duty? I am not suggesting anyone would come on duty drunk.

Mr Adams—From a regulatory point of view, you are correct. We have no control over what the air traffic controllers do whilst they are off duty, and on rare occasions that does become a problem for us.

Mr Dumsa—I would add, though, that there are regulations governing the consumption of alcohol before shifts and there is a requirement for controllers to be fit for duty when they turn up for duty. It is incumbent upon our—

CHAIR—What is the alcohol requirement?

Mr Dumsa—It is the same as for pilots, exactly the same.

Mr Adams—Eight hours.

Mr HOLLIS—But you do not test them?

Mr Dumsa—We do not test them, no.

Mr GIBBONS—Have you any plans to test them in the future?

Mr Dumsa—No.

Mr MOSSFIELD—I think the chairman made remarks to the last group we spoke to about what might appear, to us anyhow, to be ideal working conditions—whatever that means—and that that in itself could lead to a type of fatigue. Do you agree that that is a possibility and how are you countering that if you do see it as a problem?

CHAIR—Did you hear my comments this morning?

Mr Adams—Yes. Most of the environment that the controllers work in has been ergonomically designed by experts who presumably know what they are doing. From an error point of view, it is relatively well known throughout the industry that errors by air traffic controllers usually occur at times of very high workload and also at times of very low workload. These things may not necessarily be related to fatigue in any way, but overactivity and underactivity are related in terms of errors.

Mr MOSSFIELD—Did you say that your operators work a 35-hour week?

Mr Dumsa—It is a 35-hour week acquitted over a six-week period. In some weeks they may work more and in some weeks they may work less than 35 hours.

CHAIR—What is the upper limit in a given week? Forty-five hours, 50 hours or what?

Mr Dumsa—It can be as much as 50 hours. They can work up to a maximum of five 10-hour shifts in a week.

Mr MOSSFIELD—Would you consider it necessary to have some regulatory limits on the number of hours people should work in any day or over any period of time, in the interests of fatigue management?

Mr Adams—In terms of specifying numbers of hours over a week or something like that, we would not be in favour of that. We would prefer to take a broader, less prescriptive approach to managing fatigue. There is no doubt that there has to be a management regime put in place to manage these issues but we would not choose to try to manage the problem in that way.

We have been looking, with quite a great amount of detail, at what is done around the world by other agencies. The UK is an example where they have relatively prescriptive duty

limit times for air traffic controllers at the moment built into their legislation. One of the problems they have is that they spend a lot of time issuing dispensations against that prescription because the prescription takes away a large amount of the flexibility that they may otherwise have in terms of managing the service.

We are looking more towards what the New Zealanders are doing at the moment whereby they are requiring—and they have got a paper out for consideration by the industry at the moment—the agencies to have a proper fatigue management regime in place which basically they have to approve. But that regime does not necessarily specify particular hours in a week or a month.

Mr St CLAIR—Mr Mossfield raised a very interesting thing in that question when you talked about fatigue. Can you expand on the question of whether fatigue is the problem or stress is the problem? Does the stress lead to the fatigue?

Mr Dumsa—I think the fatigue issue has got to be taken in the bigger context. There was some reference earlier to regulating outside activities. We have got to be very careful that we do not look at fatigue as just on-the-job stress and on-the-job fatigue. There is a more holistic view that we need to take and we are certainly proactive in educating our controllers as to their responsibilities as to what they should be doing in their off times and whatever.

Mr St CLAIR—Do you have a formal training?

Mr Dumsa—Yes, we do. There is formal training of the team leaders for each of the groups to monitor the air traffic controllers. We put out training guides and information guides for our controllers, particularly going in to the new TAAATS environment.

In terms of stress, no. We monitor stress and, in fact, picking up on what David said, quite often it is at times of low stress that we have incidents such as when there are only one or two aircraft on a console rather than 10 aircraft on a console. We monitor that very closely. In fact we are very keen to combine sector groups to combine the workload into one or more sectors so that we actually keep the workload up to a controller.

Mr St CLAIR—I am trying to get an understanding of your rostering system. Where one lot is in a tower and the other lot is in the control room, do you roster them to keep that level up or, in other words, monitor different sections of the air space to keep that level up? Do you shift them over to the tower and back again?

Mr Dumsa—The controllers are generally rated in a particular functional group. A tower controller is a tower controller, an en route controller is an en route controller and a terminal controller is a terminal controller. Generally the groups consist of a number of sectors, a number of suites and we would move controllers from position to position. We would move them from a busy position to a less busy position then to a stand-down position and then back into a busy position. The team leaders would try to rotate the staff as a fatigue management technique and as a workload management technique.

Certainly that is something that has been brought to our attention, and we have taken action on as a result of some studies that were done on TAAATS. In fact I have copies for you of the Mark Dohrmann report. Mark Dohrmann and Partners are ergonomics and safety engineers that have provided us with a great deal of advice on how to manage that issue.

Mr St CLAIR—Do the traffic controllers make much comment that they, in communicating with aircraft, talk to tired pilots? Is it something that is raised? Does someone say, ‘Well, that bloke has had it’ at the end of a flight? It amazes me when we hear evidence that the end of a long haul flight is when he is going to be at his most stressed. Landing this billycart is the area that really needs his attention and his wakefulness or alertness.

Mr Dumsa—I cannot speak for all controllers. I am a controller, and I have been a controller for a while and, certainly when I have been working I have been aware of the level of skill, the level of awareness of a pilot, and you treat them with caution. If a person has flown 14 hours across the Pacific from Los Angeles to Sydney, then you treat him with a little bit more caution than you would a pilot coming from Brisbane to Sydney. But it is built into the way you do business.

Mr Adams—It is an intuitive thing more than anything.

Mr St CLAIR—Yes, and therefore not recorded in any way, shape or form if you have got someone that is—

Mr Dumsa—No, not unless it causes an incident and then it would be recorded and investigated.

CHAIR—Is it part of the training to be alert to those people on long hauls?

Mr Adams—Not as far as I am aware. We have got a new training program which we are about to launch shortly, which is a human factors course in its own right, and we have got slabs in that of fatigue management but, in general, no.

Mr St CLAIR—It is just an issue. The other one was fitness for work, and we talked about this, and the holistic view of the lifestyle, et cetera. Do you believe that there should be mechanisms in place for those particular types of important jobs, to have a fitness for work test? I will use that as a word; I do not like ‘regulation’ anyway.

Mr Adams—It is an issue that comes up every now and then and is debated. I guess it is a question of the validity of a test. What is the test you are going to use and is it really going to be valid for the purpose you use it? What we have tended to do is encourage the staff and educate the staff as much as we can. We provide them with information, we provide them with facilities. You would be aware that Brisbane and places like that have their own gymnasiums, et cetera, so we have tended to go down that route. The issue of testing them comes up, but it really becomes a question of what test you are going to use and how you know it is going to be valid.

CHAIR—Are you familiar with Professor Dawson’s work?

Mr Adams—Yes, we have been using it.

CHAIR—What about the monitor that he has developed for alertness?

Mr Adams—I am not aware of it in tremendous detail. Drew Dawson has, in fact, been advising us in some of our work, and he is now working for the Civil Aviation Safety Authority in the development of the regulations, so we are involved in that working group as well. I cannot answer your question specifically about the monitor at this point.

CHAIR—Just on the point of alcohol, what point is there having a rule like that when you do not even have so much as a spot check? Do you think that would cause undue industrial relations problems, or do you think that you just rely on their professionalism not to touch alcohol eight hours before?

Mr Adams—I suppose to this point we have relied on their professionalism. Certainly, there would be industrial issues there, but I do not think we have ever gotten that far down the line of even thinking about those sorts of issues. It has been a question of having a professional work force whom you treat professionally and whom you trust to do the job, and in 99.9 per cent of their cases they have done that over many years.

Mr JULL—Can I just move on to the BASI investigation of the Sydney control unit where they said that in three recent accidents or incidents fatigue was a factor. They then brought in a consultant, I think. Can you give us the results of that? What in fact happened? Were there new rosters, were there new regulations that came in as a result of those incidents?

Mr Adams—Is this the report referring to Sydney specifically?

Mr JULL—Yes.

Mr Adams—There was one particular recommendation there, which was recommendation 980160, which said that:

Airservices Australia consider restructuring the current roster operating in the Sydney TCU to ensure that contemporary fatigue management research is translated into meaningful duty hour regulations. In any restructure of the roster, BASI recommends that Airservices Australia expand its absentee management program to include individuals who expose themselves to the risks of fatigue by participating in excessive amounts of overtime and/or emergency duty.

We made changes to the roster, we responded to BASI, and BASI have listed their response to us as closed-accepted. So they have accepted the changes we made. Mr Dumsa can probably tell you a bit more about the detail.

Mr Dumsa—That is right. As a result of those recommendations, we actually changed the rosters and, as a result of consultation with the staff, we allowed the staff to develop three rosters. They voted on those rosters and they have accepted the one that they favour most. It reduces the number of one-day breaks and provides a three-day break, which had not been in the previous roster. It has been—I don't want to use the words 'temporarily suspended'—shifted slightly because we have just taken Sydney across into TAAATS. Now

that we have gone across the line, we are working to reconsolidate the roster and get back onto that roster. But the staff are more than satisfied with that.

Mr GIBBONS—Is it only in Sydney where you have changed the roster?

Mr Dumsa—We monitor the rosters at all locations. But this was in specific response to the BASI recommendation.

Mr Adams—The BASI recommendation was specifically talking about the Sydney roster, in fact, the Sydney TCU roster.

Mr GIBBONS—It was the Sydney tower, wasn't it—not in the operations room?

Mr Adams—It was the TCU roster. Their recommendation actually says:

Airservices Australia consider restructuring the current roster operating in the Sydney TCU to ensure that contemporary fatigue management research is translated into meaningful duty hour regulations.

CHAIR—Did that just apply to Sydney, or did you have to generally alter rosters across Australia as a result of it?

Mr Dumsa—Each individual unit has an individual roster. The problem occurred in the Sydney roster itself in the way it was developed. The other rosters appear to be functioning well.

Mr GIBBONS—That is not what the Civil Air operators tell us. They have some major concerns with the principles of the rostering agreement. What are you doing to allay their fears? What sort of dialogue are you having with them? Have you read the evidence?

Mr Dumsa—I have. It is an interesting comment from Civil Air, given that they are involved in the development of the principles of rostering and have been for the last 20 years. They have had every opportunity to alter the principles of rosters. We do have local rostering committees at each of the locations which have a Civil Air representative on them. We have a national rostering committee.

Mr GIBBONS—In relation to the Sydney Olympics, for example, obviously you will have to devise special rosters. Will there be extra people brought on? What changes will you make, given the huge increase in traffic we will experience?

Mr Adams—I cannot answer that question. I would have to take it on notice. That is certainly being looked at. At this stage, we do not expect that there will be any changes to the hours of operation at the airport, for instance. So, from that point of view, we are looking not at extended hours but maybe heightened traffic levels.

Mr GIBBONS—But the traffic level will increase dramatically and that will increase stress on the controllers. So what mechanisms will you have in place to try and—

Mr Adams—It may well. I would have to take that on notice. We are looking at it but I do not specifically know the answer to that question.

Mr Dumsa—I know that Sydney is looking at taking on some additional staff and will be bringing them in from Melbourne or Brisbane—certainly in relation to activities at Bankstown, Camden and other locations. I think what probably needs to be understood is that the stress levels of Sydney are actually managed outside of Sydney. Sydney controls a 45 miles radius of Sydney. If there are pressure problems at Sydney, they are pushed back into the en route sectors from Melbourne and Brisbane. It is not just a case of managing Sydney's workload; it is really a holistic problem. We will certainly be looking at that very closely.

CHAIR—I would like to pursue this matter of the Civil Air Operators Association. They claim that you do not really have a fatigue management training program. Is there a culture of fatigue management? Do you have a program in which the staff participate with you in these matters? Would you perhaps involve the wives or the husbands of the operators? For example, I will use the case of Nolan's Transport who have a very well layered system. You can read their evidence early in the inquiry. They involve the families. It gets into diet. It gets into all sorts of things.

Mr Dumsa—We have an occupational health and safety program.

CHAIR—No, I think this goes beyond occupational health. They are the actual safety aspects. This is controlling their fatigue, some of which may be self-induced. If you sit up and—

Mr Dumsa—Watch the rugby.

CHAIR—Yes, or if you watch the tennis for six consecutive nights when the tennis is on in London you are going to come to work fairly stuffed, for want of a better expression. Do you have a fatigue management program as such as distinct from occupational health and safety where management and staff and union are all involved?

Mr Dumsa—We have a cell that is labelled 'Fatigue management cell', and has management and air traffic controllers and the union. The answer is probably no.

CHAIR—I think it is probably something worth investigating.

Mr Dumsa—But in terms of whether Airservices is responsible and does manage fatigue, I believe we do. I believe that we have processes in place.

CHAIR—This is a matter of dispute with your employees.

Mr JULL—You said a while ago that the new manuals were coming out and that there were great chunks related to fatigue. What is happening with that?

Mr Adams—This is a human factors training course which has been developed for us by consultants. The first training for this new course will be next month. Previously we have

relied on what was contained in the OH&S-type manuals and training and also in the documentation that we provided to air traffic controllers. The question about whether we get into the family level issues as you suggested with Nolan's Transport—

CHAIR—You see, fatigue management is not a prescriptive thing. It is an involvement. It is a proactive thing. It has got to be.

Mr Adams—Yes. We agree.

CHAIR—That was the purpose of my last question. Let me say that I inspected Brisbane just before it got fully operational and we have been back since as a committee. We have twice inspected the tower up there. I have got to say that your operation room there is very impressive and it gives the impression of great calm and focus, and I think that is what it is all about—carpets, tonings, layout, tinted windows, everything about it. Any training or simulation is done in an adjoining room away from the real activities. I think all that stuff is fantastic and I would have thought the staff would have been just brimming with enthusiasm. But that is not the impression we got from the evidence. There were things like having coffee at their consoles.

We tell people to get out of their cars at driver reviver and have a coffee. We tell pilots to have their catnap and they must have a cup of coffee when they come out of it. We are telling people at all sorts of levels that it is not an answer to total fatigue but it is a stimulant to get you going again. Yet we say to the staff there, 'No. You can't bring a drink anywhere near.'

Mr Adams—When you refer to the evidence, are you talking about the Civil Air evidence before the committee?

CHAIR—Yes. They said to us that they cannot bring coffee to the consoles.

Mr Adams—We have gone through their transcripts and there are sections of that which we quite clearly disagree with. Adrian can give you an example of the coffee, for instance.

Mr Dumsa—We do allow controllers to take drinks to the console, provided they take them in spill proof containers. We have actually issued them all with spill proof containers.

CHAIR—What is a spill proof container?

Mr Dumsa—A cap on the top so that, if they knock it, it will not inadvertently spill liquid into the—

CHAIR—You drink out of it like a—

Mr Dumsa—A lidless container, yes.

Mr Adams—And Airservices issues those to the air traffic controllers so the statement—

CHAIR—Is that to protect the electronics, is it?

Mr Dumsa—Yes.

Senator GIBSON—When did you implement that?

Mr Dumsa—As soon as we opened TAAATS. From the first day we had TAAATS.

CHAIR—So that evidence which was given before us was false, was it?

Mr Dumsa—As far as we are concerned, yes.

CHAIR—Do you have the same rule in Melbourne?

Mr Dumsa—Yes. The same rule in all TAAATS centres.

CHAIR—The same cups?

Mr Dumsa—Yes.

CHAIR—What about in the towers?

Mr Dumsa—I would have to take that on notice.

Mr MOSSFIELD—Would there be any reason why the staff would not have been aware of that regulation?

Mr Dumsa—I would be careful of using the term ‘staff’. If the evidence was given by Civil Air it would be slightly different from taking evidence from the staff.

Mr Adams—That is why I asked that question whether the evidence was from Civil Air, because we do not get that feedback to anywhere near that degree in a general sense from the staff.

Mr MOSSFIELD—So what is the problem with Civil Air?

Mr Adams—I am not sure. I could guess but that is all I would be doing.

CHAIR—Please speculate. We want to come to grips with it.

Mr Adams—Unless the staff are telling them something that they are not telling us—that is one possibility—we are certainly not getting that type of feedback. Certainly, we get grumbles. But we are not getting feedback from large numbers of staff saying that this is a big problem. It just does not come to us. Unless they are getting that and we are not, the only other possibility is that the whole environment for air traffic controllers can potentially change in the near future with contestability and maybe they are looking at—

CHAIR—You are not getting any feedback at all that they are unhappy about not having—

Mr Adams—Certainly, we are getting some feedback. We get gripes every now and then but nothing major.

CHAIR—Normally it is not a thing that would concern a parliamentary committee, but there are three levels of aviation. There are the pilots in the cockpit, the maintenance engineers who get the aircraft ready for service the next morning, and there are people at the console guiding all air traffic around Australia. They are three absolutely critical areas of aviation. When you build these magnificent centres, as you have in Melbourne and Brisbane, and you get the sort of evidence we got and the grumbling, it seemed to us to be more than just union tit for tat stuff. It seemed to me to be a basic disagreement with management on some things. We were anxious to know what your comment was on it. Is there some undercurrent there that needs to be addressed?

Mr Adams—Unless it is just a straight industrial issue, we are not getting the feedback that these are big issues or that they are necessarily overwhelmingly safety issues. We have a number of different reporting systems within Airservices. We have a system called the ESIR2 system which is an electronic safety incident reporting system whereby air traffic controllers can report anything that they believe is a safety issue. That information electronically goes straight to CASA and to BASI.

CHAIR—Is that on a no-blame basis?

Mr Adams—It is on a no-blame basis in as much as the air traffic controllers are required to put their name when they submit that incident.

CHAIR—But not on the basis that if they were in some way contributing to the failure they were going to put their jobs or promotions at risk?

Mr Adams—Some people may fear that but that is not going to happen.

Mr Dumsa—We encourage our people to submit the ESIR—

CHAIR—Do you have a policy of no-blame reporting?

Mr Dumsa—Yes. We also have a confidential system whereby controllers who feel that they might be threatened in some way can submit confidential reports.

CHAIR—Are you familiar with BASI Occurrence 9302749 involving a 747 and 767 on a collision path that had to be separated?

Mr Adams—In 1993, no.

CHAIR—It has been quoted to us by BASI themselves. The evidence was available which indicated that the errors were probably a result of accumulated fatigue brought about by lack of sleep, disrupted sleep patterns, lack of adequate rest breaks over both long and short term and pressure caused by the additional task associated with the position of team leader. If you had a fatigue management practice that would be less likely to happen, would it not?

Mr Adams—Yes, it would. I must admit I heard you ask that question of CASA and I immediately thought to myself—

CHAIR—You are not familiar with that incident?

Mr Dumsa—It was in 1993.

CHAIR—It is a fair way back.

Mr Adams—We would have to go back through our records, basically take the question on notice, have a look at the BASI report and what our response to BASI was, if in fact BASI made any recommendations. Because it was a 1993 incident, neither of us could remember it.

CHAIR—I would like to go back to this business of rostering. Your part of the industry in a way is fairly predictable. You know all the airline schedules and, short of Christmas, Easter, a special long weekend or the Melbourne Cup—there would be half a dozen hot spots in the year—you know all the airline schedules all over Australia. You can predict when you are going to require assistance. Why is it that there is such great variation in rostering and why is there so little time for a break? I am staggered that you mandate only 20 minutes in eight hours. You say in practice it is more than that but why wouldn't you mandate a reasonable time? We had a 20-minute break here before you came on. I would imagine it would be a very similar situation for your staff. I had to walk back to my office, go to the toilet, make a cup of tea and a phone call, and I was flat out getting back here in 20 minutes.

If I were a bloke who was sitting at a console for eight hours a day, I would want more than a 20-minute break, I can tell you. I just wonder why you mandate it down to 20 minutes. Why wouldn't you say 45 minutes, or even 30 minutes? I know that in sugar mills, for example, employees say, 'We'll forgo the hour break in favour of a half-hour break and finish half an hour early.' That is by mutual consent. But you are dealing with highly technical stuff. I would have thought that a proper break in the middle of the shift was a critical feature. What is your response to that? Why is it 20 minutes, and why do you have this business of a 35-hour week but you can extend it to 50? I just see it as an imbalance in the rostering; have I got it wrong?

Mr Dumsa—There are issues around rostering which I am sure you have heard in evidence from other organisations. There are optimum rosters, there are the best rosters which are forward rotating, there are the optimum for the person who is working shiftwork, which is backward rotating so that he can have the maximum amount of time off. The challenge for an organisation is to find the one that suits the organisation and the employee best. That is really what we have done.

CHAIR—Has the union agreed to this 20-minute thing?

Mr Dumsa—Yes, the rostering principles have been agreed. It is in the industrial agreement with the unions.

CHAIR—I would think in a fatigue management program that would be pretty hard to justify.

Mr Dumsa—If we thought that we were only providing a 20-minute break in actual operational practice, then I might agree with you, but in fact we do not have experience of only providing 20-minute breaks during the busy hours. There will be times on night shifts when a person physically does not get a break, but he is not talking to any aeroplanes, he has got an opportunity to get up, walk around and do all of the things that you are required to do to manage fatigue—take a cup of coffee or whatever.

CHAIR—What would be a typical working day for an operator?

Mr Dumsa—Again, it depends on the centre. We might have a shift that starts—

Mr Adams—It depends on whether you are talking about an air traffic controller in a tower at Karratha or whether you are talking about—

CHAIR—No, one of the operational rooms in Melbourne or Brisbane.

Mr Adams—TCUs or something like that.

CHAIR—Yes. Just give us a bit of a feel for it.

Mr Dumsa—Let me give you an example of a sector. One of the Queensland sectors has five sector suites—five control consoles—as part of the group, but they roster six people on in the morning, plus a team leader, so they come to work, the person sits at the console and then, almost immediately, the team leader is setting about trying to arrange the breaks. So after the first hour, say seven or 7.30, 8 o'clock in the morning, he is looking at the business, he is putting the spare controller in, giving that guy a break for half an hour, he goes off, comes back, relieves the next guy and it cycles through. At the same time you have a team leader who has the capacity to jump in and give toilet breaks or whatever. We try to engineer it so that you do not get too many breaks, because too many breaks in the system can be as bad as having too few breaks because you break the concentration, you increase the amount of risk—

CHAIR—You know where all your aircraft are on your screen.

Mr Dumsa—at transition time. I guess that would be typical.

Mr Adams—Because of the difference in the amount of air space that centres are controlling and the difference in traffic flows and so forth, what a controller in one centre in Brisbane can be doing can be quite different from the workload of the same person in Melbourne. It is hard to give you a clear answer to that.

Mr St CLAIR—On this question of workload, I come through Sydney occasionally. Sydney seems to have an enormous amount of traffic at the 6 a.m. start when all the international flights are starting to come in. Do you have a special roster and say, 'All right,

we're going to be busy for that period of three hours from six to 10,' for four hours or whatever, then you go into a slower period?

Mr Dumsa—We roster more people on in the morning and more people on in the afternoon to catch that afternoon peak between 4 o'clock and 7 o'clock in the evening. During the day the amount of staff tends to taper down a little because the traffic is down. We do that at all of our centres: we match the staffing to the traffic, picking up on the point that you made, Mr Chairman.

CHAIR—With overtime provisions, you say a typical week is 35 hours but you can be requested to work up to 50 hours a week in a five-week cycle, I thought you said?

Mr Dumsa—No, it is not quite like that.

CHAIR—It is averaged out.

Mr Dumsa—It is acquitted over a six-week period.

CHAIR—Six weeks. Sorry, I had it wrong.

Mr Dumsa—So it is 210 hours or thereabouts in a six-week period.

CHAIR—Do you have any provision for two-day breaks?

Mr Dumsa—Yes. They are required as part of the rostering principles.

CHAIR—Do most of them get two? Is there any circumstance in the six weeks where they might get a three-day break?

Mr Dumsa—Yes.

CHAIR—Is overtime paid or do you have to acquit the six weeks before overtime applies?

Mr Dumsa—No, your roster is written on the basis of the six-week acquittal. If you work overtime on top of any particular shift you get paid as you accrue it.

CHAIR—When does that occur—at eight hours or what?

Mr Dumsa—It depends on the shift length. You could be rostered for a six-hour shift, you could be rostered for a seven-, an eight-, a nine-hour shift, whatever. The moment you go beyond that period of time, you are eligible for overtime.

CHAIR—If your total number of hours for the six-week period exceeds the 50 hours you also get overtime—is that it?

Mr Dumsa—It would be paid as it is accrued.

Mr St CLAIR—So you could work it in four weeks, 55 hours a week, to get up to 210 hours, but you are actually getting 20 hours of overtime a week?

Mr Dumsa—Fundamentally, yes.

CHAIR—How do you control the eager beaver who wants to come in and do extra shifts—do you place some limitation on that or do you again rely on their professionalism?

Mr Dumsa—We rely on the professionalism of our supervisors to ensure that we do not end up with one person working continuous shiftwork.

CHAIR—There is shift loading, for evening shifts and things like that?

Mr Dumsa—No. All of that has actually been wound up into their total salary package. There is no additional loading.

CHAIR—What would a team leader earn in a year and what would a typical console operator earn in a year?

Mr Dumsa—Starting salary for air traffic controllers is \$50,000; team leaders, typically between \$100,000 and \$110,000 a year.

CHAIR—And what would it be not for a senior one but for, say, someone after four or five years service as a console operator?

Mr Dumsa—I would say a typical controller salary is around \$75,000 to \$80,000.

CHAIR—And a team leader?

Mr Dumsa—More.

CHAIR—\$110,000 or so?

Mr St CLAIR—Plus overtime?

Mr Dumsa—Plus overtime. But no shift load—the shift loading is in his salary. A contributor to the apparently high salary is the fact that the nominal 30 per cent shift loading has been—

Mr St CLAIR—I hope they are very happy with their salary. Every time I am in the air, I hope they are very comfortable; the same as the bloke up the front.

CHAIR—We take this particular segment of the inquiry very seriously, particularly with regard to you, the aircraft maintenance people, the LAMEs and also the pilots, because you are right at the cutting edge of the safety problem. We would be interested to hear the outcome of that incident that I referred to. The secretariat can give you the number of that incident. I would counsel you to read the Nolan brothers evidence, not because there are any

similarities between air traffic control and trucks, but it is the culture I am referring you to. It is a very positive culture and it is having very good effects.

Mr MOSSFIELD—Do you monitor overseas experiences at all, particularly in the area of fatigue management, and are there any lessons to be learnt from that monitoring?

Mr Adams—Yes, we do and, yes, there are. We are looking quite closely at what the UK have done, where the US FAA are going, what is happening in New Zealand and Canada, et cetera. Yes, there are lessons to be learnt. Because the UK have got a fairly prescriptive regime, one of the things we are looking at is how often they have to issue dispensations to get over those prescriptions.

Mr St CLAIR—Are there any 24-hour airports?

Mr Dumsa—Yes. The main capital city airports are all 24 hours a day, plus Cairns. Canberra is not.

Mr St CLAIR—Do you find any problem there with the circadian rhythm for the ones who are on the dog shift, so to speak?

Mr Adams—There is always a problem with that type of roster.

Mr St CLAIR—Lack of aircraft, lack of things going on.

Mr Adams—That is always something that has to be even more carefully managed than daytime shifts.

CHAIR—Do you have team leaders on those shifts or just individual console operators, or do you have a team leader that might oversee a number of sectors at night?

Mr Dumsa—If the team leader himself is working at night, fine; if the team leader is not rostered on to work that night shift, then it will be the room supervisor who will assume that responsibility.

CHAIR—From a technical and information point of view, you have virtually divided up Australia and a big slab off to the east. Do you have an arrangement with New Zealand to do another slab? Do they use the same console system as us or are they using something different?

Mr Dumsa—No. Australia has been assigned what we call a flight information region, or two flight information regions, by the International Civil Aviation Organisation, and that is what we are responsible for. New Zealand has its own FIR and they are responsible for that. The equipment that they use to provide the service is different to our equipment. Our equipment, through TAAATS, is the most sophisticated in the world at the moment. I think the New Zealanders would like to have it.

Mr JULL—Is TAAATS going to Oakland?

Mr Dumsa—We would like it to go into Oakland but no decision has been made on that.

CHAIR—Oakland in the US?

Mr JULL—Yes—in California. Wasn't it part of the exercise to virtually have us controlling half the Pacific and Oakland controlling the other half?

Mr Dumsa—We are part of a big team to provide services in the US.

CHAIR—How far east do you go at present on the Brisbane zone?

Mr Dumsa—We go 163 degrees east, which is halfway between Australia and New Zealand.

CHAIR—Does that take in Noumea, Fiji and places like that?

Mr Dumsa—Not quite—Noumea is just on the other side of our flight information region and Nadi is a little further out to the east.

CHAIR—Who looks after that?

Mr Dumsa—Fiji.

Mr GIBBONS—I have a question in relation to the union's evidence to this inquiry. They were cautioned, like everybody else, about giving misleading information, yet they made those comments. You have refuted them. What sort of grievance procedure do you have in place to deal with these sorts of things? How often do you meet with the union to try to sort matters out?

Mr Dumsa—We meet with the union regularly on a whole range of issues both at a national level and a local level. They are involved in many of our processes, even in the development of the guidance material for controllers to work at the consoles. Some of the shiftworking guidance, for instance, which we produced in the northern district—that is the Brisbane centre—and which has been taken out through Australia was produced in conjunction with Civil Air.

Mr GIBBONS—When you say regularly do you mean monthly?

Mr Adams—There is no schedule, other than when it comes down to negotiating the next agreement, but on an unscheduled basis we would probably meet with the union once a week. I cannot sit down and tell you the dates and who was there, but it is a working relationship that is ongoing.

Mr GIBBONS—It just worries me, because of the conflicting evidence we have received, that there may not be the mechanism to fix these sorts of problem.

Mr Dumsa—I did mention before that we had some reports commissioned by Mark Dohrmann and Partners. The information that came out of that certainly was put to Civil Air and large sections of the report have been incorporated into the guidance material for our shiftworkers in TAAATS.

Mr Adams—I will give you one example. One of the working groups that has been put together by CASA to look at the issue of regulation of duty limit times for air traffic controllers has on it one or two members of Civil Air. Even outside of our organisation they participate in most of the forums in which we sit down to negotiate, and we welcome that.

CHAIR—On that note, thank you very much, Mr Adams and Mr Dumsa, for your evidence. If we have any further questions we trust we can contact you in writing.

[12.08 p.m.]

CARSELDINE, Dr Don, Manager, Licensing Policy, Roads and Traffic Authority

CRAWFORD, Ms Margaret, Director, Driver and Vehicle Policy and Regulation, Roads and Traffic Authority

HALL, Mr John Reginald, Executive Director, Transport Safety Bureau, New South Wales Department of Transport

MURRAY, Mr John, Director General, New South Wales Department of Transport

CHAIR—Welcome. Your submission numbered 105 has been received by the committee and authorised for publication. I have to say to you—and it is not said in a sense of criticism—that you have to be aware of the realities of the pressures we are under when we are holding these inquiries. Not all of us have had a chance to see your paper, and we normally need three or four days as a minimum—hopefully a week—because the amount of paperwork that crosses our desks is quite extraordinary. We recognise your organisation—what you do—as being very important. In fact, we had evidence today—or we might have picked it up from your evidence—that 80 per cent of the traffic along the east coast travels between Brisbane and Melbourne, and most of that through your area, so you are a very important player in this game in the field of transport and fatigue, in particular.

Being members of the bureaucracy, you will be aware that I have to caution you that, although you are not under oath, these are proceedings of the parliament and warrant the same attention as would attach to proceedings of the House of Representatives itself. The giving of any false or misleading evidence is a serious matter and could be considered a contempt of the parliament. Mr Murray, are you going to lead?

Mr Murray—I would like to introduce a few items before asking the roads people to lead and the rail people to follow.

CHAIR—Could you give us about a five-minute overview of your submission, please, Mr Murray?

Mr Murray—Yes. Fatigue management, in the context of overall transport safety regulation and management in New South Wales, is divided in its exercise between the road and rail modes of transport. In the road sector, safety management and regulation, including the overwatch of fatigue, is on a prescriptive basis, as agreed through the standards and regulations of the National Road Transport Commission. This is essentially a prescriptive approach. There is only one departure in New South Wales from those NRTC rules, and that is in relation to coach and long-distance bus driving.

In the rail sector a somewhat different approach is used. The rail sector is in a coregulatory environment where applicants for safety accreditation must put their safety case to the regulator. The standard applied in the assessment of that case is Australian standard 4292, which has now been agreed by all the safety regulators and, indeed, by the industry as the underpinning safety standard for the rail industry. That has been adopted nationally. In

addition, in New South Wales the requirements of the rail safety act apply. These are general requirements in respect of fatigue management. That is a general background to our approach. I would now invite the RTA element of our team to speak to some specific roads issues.

Ms Crawford—Just very briefly, I would like to explain why the New South Wales RTA has such an important focus on heavy vehicle fatigue management. As you pointed out previously, around 80 per cent of all interstate road freight movements pass through New South Wales. Also, of course, the state itself is very large and its position on the eastern seaboard means that heavy vehicles have to travel long distances and there is a lot of activity and congestion in urban areas.

The safety performance of the heavy vehicle industry over the last 10 years has improved quite dramatically. However, fatigue is still a factor in a number of heavy vehicle accidents. In fact, averaged out over about the last six years, 81 heavy vehicle casualty crashes per year involve a fatigued heavy vehicle driver. I suppose in a sense each of those crashes, as they occur, are a reminder also of the tragic bus crashes that happened in 1989 in New South Wales.

Those factors, I think, go a long way to explaining why the Roads and Traffic Authority places such an emphasis on the management of heavy vehicle driver fatigue. It is within that context that we have what I would like to describe as a multifaceted approach to managing that issue.

Firstly, as Mr Murray said, we have adopted the national regulations for work and rest hours. I would like to emphasise that those regulations provide for maximum working hours in any day and minimum rest requirements. It is important to note that they do not in any way overrule the onus on employers under occupational health and safety laws to provide a healthy workplace for all their employees. Our regulations, while they are specific to the road transport industry, are certainly within the context of occupational health and safety.

Obviously the RTA plays a role in enforcing those regulations. We do that in partnership with the New South Wales police. Our vehicle regulation inspectors—and there are some 300 of them in the New South Wales RTA—are multiskilled. In addition to fatigue, they are looking at issues such as vehicle condition and weight—those sorts of matters. They perform that function from a number of fixed checking stations throughout the state and they also do what we call on-road inspections.

In addition, it is important to note that we now support that role much more with audits of operators, trying to move the emphasis as much as we can to the owner and operator of vehicle rather than always targeting the driver. That work is very much supported by the network of Safe-T-Cam cameras throughout New South Wales and also by other intelligence we might get from drivers.

We also support those two roles with information, education and research. Clearly, we use multimedia more to target light vehicle drivers, when trying to encourage rest breaks, et cetera. In relation to heavy vehicles, we tend to focus more on the industry press. We also do a lot of work at industry conferences and workshops. Our Safe-T-Cam people go out and

talk to industry quite often, and we use the usual brochures and information that we can give to drivers from our checking stations and the like. Just recently we produced a driving hours tape that aims to explain to drivers the national driving hours. We give those tapes to drivers at the roadside. We have brought a package of those information sources for members of the committee. Just very briefly, we are also supportive of research efforts and have joined with the Federal Office of Road Safety—it now has a new name—in supporting the evaluation of the fatigue management pilot project.

Rest stops are also part of the RTA's role. I am advised that we have something like 310 rest stops of various standards scattered throughout New South Wales for both heavy and light vehicles. We are funding new and upgraded rest stops every year. We have taken the decision recently to do some further consultation with industry and with the TWU to look at establishing priorities for rest stops over the next few years.

Work is also being done on the road environment to try to make that a little more friendly to fatigued drivers, recognising that people do get fatigued and perhaps stray off the road. There are initiatives such as the raised profile line marking used on stretches of the road that are known to be fatigue risks.

That is really where we are at. I suppose the question is: where to from here? Probably our position at the moment is that we would stick with the duty and rest hours regulations. In lots of ways they are the best we have at the moment. We think those regulations are the one thing that counters the economic pressures on industry to drive longer, further and faster. They also, in our view, support the culture change occurring in industry supported by the occupational health and safety laws.

We are scheduled to review the specifics of those driving hours requirements to make sure they reflect the best research we have on fatigue. New South Wales continues to participate in the fatigue management pilot project run out of Queensland, and we will continue to do that because we particularly want to see that pilot properly evaluated.

The other thing is that we will use more and more technology, not just from an enforcement perspective, but also to assist industry in better managing drivers and their rosters, et cetera. From a New South Wales perspective, we will continue to maximise Safe-T-Cam monitoring devices and that sort of technology to help us in the fight against heavy vehicle driver fatigue.

Mr Murray—I will now ask Mr John Hall to speak to rail safety.

CHAIR—Mr Hall, I do not think we need an overview on rail. In our previous inquiry we have been very close to New South Wales rail. I do not want to waste the time. We want to talk to you but I would be happy to have your overheads.

Mr Murray—By all means.

CHAIR—Our emphasis, while it will be partly on rail, is mainly on road in this particular instance.

Mr Murray—I can offer, in relation to rail, one specific example of the complexity of fatigue and that is related to the Beresfield coal train accident nearly two years ago. On the surface it looked simply like a case of a driver passing a red signal but the analysis of the shift pattern in the previous two weeks indicated a systemic fatigue generator in the structure of the roster. This came about through some deep analysis by the Bureau of Air Safety Investigation and also Professor Drew Dawson from Adelaide.

CHAIR—I noticed in your submission and you have now touched on the subject of the Queensland pilot scheme. We were surprised when we were taking evidence in the northern half of New South Wales that people in the field, senior police officers included, had no knowledge of it at all. We also had evidence from truck drivers that they encountered hostility sometimes when they came into New South Wales and said they were part of the pilot scheme.

We went out into the field deliberately to speak to people. We went to Guyra in the middle of the night and talked to quite a group of truckies, some at the tables having a meal. We conferenced until about a quarter to 12 at night with another group. We went out and talked to them in their trucks. There was not a good understanding of the scheme and that was the first major stop across the border. There were drivers from Queensland who were familiar with it but there did not seem to be a good interactivity on that matter. Would you like to comment on that and would you like to say too how your model differs from the Queensland model?

Ms Crawford—If I may, I will pass to Dr Carseldine to take your question.

Dr Carseldine—The issue of the Queensland fatigue management program has been something of a problem for our enforcement people because it has been operating at a very low level in New South Wales for quite some time. Until very recently there was only one operator who was approved to operate under FMP conditions in New South Wales. We certainly made sure that the RTA enforcement officers were aware of the FMP. They had the required training and understanding of what the FMP was about and what they were to do when they encountered somebody who was in the FMP but they were only 300 officers in the RTA.

It is much more difficult with the New South Wales police. They have 1,000 highway patrol officers plus numerous general duties officers. We provided a training package for them but I think what has happened is that, because it is so infrequently that any of these police officers would actually see somebody who was in the fatigue management program, they would have very little knowledge and experience of it.

As to how New South Wales differs from that Queensland model, our fatigue management program is really based primarily on the traditional prescriptive approach where drivers are allowed a certain amount of work per day and must take a certain amount of rest per day and per week and so on.

We have been participating in this Queensland pilot model and I have been personally involved since 1995, I think. I have attended dozens of meetings where that Queensland

program has been developed and, as it started operating, the operations of it have been monitored, evaluated and so on. New South Wales certainly has been a part of that program.

In looking at the committee's transcripts I have noticed that there has been some criticism of New South Wales's participation in this program in that we have placed certain restrictions on the way the Queensland FMP model operates when drivers are in New South Wales. In order to be approved to operate under the Queensland Fatigue Management pilot in New South Wales, there is a range of conditions that have been approved by our minister that those operators must adhere to. It is somewhat more restrictive than I think many of the participants or potential participants in the program would like.

The New South Wales approach has been, 'Yes, we are willing to give the Queensland approach a try.' It is radically different from what has traditionally been the method of managing fatigue in the road transport industry. As I said earlier, we have been participating in it. Our approach is that we want to make sure that the New South Wales road users are safe—not just the truck drivers themselves, but other road users who are sharing the roads with those people participating in the program—hence the package of restrictions as approved by the New South Wales minister. It just places some borders around what it is possible to do under the Queensland Fatigue Management scheme. It restricts the maximum amount of work that a person can do in a 24-hour or a two-week period and makes sure that they have adequate rest.

CHAIR—Mr St Clair has been interested in this field himself so I might start with him.

Mr St CLAIR—I will take up a couple of your points. If you have a fundamental belief that there should be flexibility—in other words, that fatigue affects a professional driver at different times of the day or night depending on when they are actually getting in—have you thought of any way of dealing with that in a flexible way? I am trying to get to something between that and saying, 'Five hours—have a half-hour rest; five hours—have a half-hour rest; no more than 12 hours.'

Dr Carseldine—I think the limits that are placed under the prescriptive regime are somewhat overplayed as a restriction on how industry operates. They are a maximum amount of driving and work and a minimum amount of rest. There is quite a bit of flexibility built into the way the prescriptive regime works. Industry has plenty of opportunity to manage the way it operates within those limits. Indeed, as was mentioned earlier, occupational health and safety considerations would require that, even operating within those limits, drivers and operators have to be conscious of their occupational health and safety obligations—their duty of care. It may well be that a driver is staying within the 12 hours maximum driving allowed in a 24-hour period but nevertheless is unduly fatigued because of the nature of the work that they have been performing, the conditions under which they have been driving or what they have been doing in the 24 hours preceding the current 24-hour period.

What I think is happening is that industry is asking for even more flexibility. To an extent, the prescriptive regime, as we have implemented it in New South Wales and as has been agreed nationally, provides that. You would be aware by now that there is a standard prescriptive driving hours regime under the national arrangements. There is also what is called the transitional fatigue management scheme that moves the industry somewhat in the

direction of the full Fatigue Management program that Queensland is working on by requiring operators to meet certain fatigue management standards with their drivers. They are not especially onerous. They require medical check-ups. They require training of the drivers and the rostering of staff and so on. They require an audit after a period of time to make sure that those systems are in place and operating correctly.

CHAIR—But hasn't it got to go beyond prescription to a culture?

Dr Carseldine—Hopefully, yes. I certainly agree with you, Mr Chairman, that it does need to go into the culture. Fatigue needs to be taken seriously by everybody in the road transport chain.

CHAIR—I give Mr St Clair a lot of credit for this, because the Guyra community has made a point of attracting truck drivers to live in their community and to build a super truck stop with a pool and gymnasium, those sorts of things. It is on the drawing board. There seems to be an involvement there of a culture to try to get people to recognise everything from rest to being able to carry out their transactions at a bank on the road so that you take the stress out of their lives. It is a very good model. I would hope that the New South Wales department would embrace it readily. Mr St Clair has been at the forefront of that, both before and since being elected to parliament.

Dr Carseldine—As Margaret Crawford was pointing out earlier though, the New South Wales approach is multifaceted. Certainly we have prescriptive driving hours and certainly we are participating in the Queensland Fatigue Management scheme, but there are other elements to the program as well which involve getting the message through to drivers, operators, others in the transport chain, the freight forwarders, the consigners and even the customers who are asking for the products to be moved by road transport. We want to make sure that they all understand that they have a responsibility for occupational health and safety. Also, in our road transport law, as the committee has already heard, there are legal provisions that deal with the whole chain of responsibility to make sure that any person—not just an operator or a driver—who causes a driver to keep driving outside of the limits is culpable, is responsible legally.

Mr St CLAIR—I am not suggesting at all that we should do away with it. I am just trying to think of a way, particularly as you start to meet accreditation. TruckSafe is a program, for example, where you are able to go in and audit. There has to be some reward at the end of the day for those who are doing the right thing and severe penalties for those who are doing the wrong thing. I am wondering whether we should not be more flexible, to reward people by having a more flexible plan on operating hours and penalise the ones who are abusing the system.

Dr Carseldine—Certainly we are looking at this idea of providing greater flexibility, which is really what the Queensland Transport, Australian Trucking Association model is all about. But, as I said, the New South Wales approach is a cautious one so far as this is concerned. We are coming down on the side of safety. At this stage we are applying certain restrictions to the way that scheme operates in New South Wales. We are not saying we do not want any part of it. As I said earlier, we have been participants right through from the very early development stage.

Ms Crawford—If I could just pick up on that, the flexibility component is what we have tried to build into that cautious approach. One of the principles that guide us on FMP is that we put an outer limit on the amount of hours we think are appropriate for any driver to drive in one day, but within that outer limit it is totally flexible. That is the approach we have taken. We do not want a situation where operators come to us and try to trade off extended hours on the road in return for participation in FMP.

Mr MOSSFIELD—What the committee is really looking at is: can we have both a prescriptive aspect and a culture aspect together? That will probably give us the ultimate that we are looking for.

Mr Murray—In New South Wales over the last few years, one of the contributing factors to the track record has been that the bulk of the journey has been on road and rail between Brisbane and Melbourne. At some stage in the shift roster on road or rail, fatigue inputs would become extreme in some part of the journey in New South Wales and that contributes to the accident trend, which is still not encouraging.

CHAIR—I take your point that you are not grappling with that for just your own New South Wales citizens but for other users.

Mr Murray—That is right.

CHAIR—And the impact on your citizens as well.

Mr Murray—That is right. We will not compromise on safety and, in considering an approach from the industry—be it road or rail, we think we must take the position that the onus is upon the industry to make their safety case for the proposal they want considered.

CHAIR—Can I say this to you, and I would like your response to this—and this comes from the rail inquiry as well as this one: Australia has got to move on. We had this so-called seamless four foot eight inch track from Brisbane to Perth which was anything but seamless—23 operating standards, 14 radio systems. But everyone still, as we probe them, is hanging on to theirs. Your rail track corporation was one of the most difficult to deal with. I do not mean that they were not doing their job or that they were trying to be obstructive, but they seemed to have a heavy-handed approach to it.

Mr Murray—I understand exactly what you mean.

CHAIR—If you do not weld these things, not just at the physical level but at the emotional level across Australia, nothing is going to happen. For example, there is not one dedicated private train going either from Melbourne to Sydney, from Sydney to Brisbane or, for that matter, from Melbourne to Brisbane, because of cultural differences.

What we as a committee are interested in in this matter of fatigue is to try to get a feeling for where the states and the Commonwealth might move. We have got to make recommendations as to where there can be a cultural change. We have attacked the matter of alcohol on the roads, we have attacked the matter of speed on the roads, we have attacked the matter of vehicle design. This is the fourth pillar of the thing. If we get that fatigue pillar

up, we could cut the road toll by 20 per cent. What I am saying to you is that if we are probing your prescriptive outlook, it is because it does not seem to mesh in with what we are hearing elsewhere in Australia.

Mr Murray—Yes, Mr Chairman, I can respond and I will ask Margaret to respond in some detail on the education campaigns which are included in the package of information. Let me assure the committee that New South Wales is not fixated on a prescriptive program in road or in rail. However, we would adopt the general doctrine that, until we can see a more positive safety outcome from a particular proposal, we would rest with the status quo.

CHAIR—Okay.

Mr St CLAIR—Ms Crawford mentioned 81 casualty crashes over the last six years, roughly.

Ms Crawford—That is an average per year.

Mr St CLAIR—Over how many—81 out of?

Ms Crawford—It is as a percentage. The detail is in our submission. As a percentage, I think from memory it was about 7.8 per cent of heavy vehicle crashes. Is that correct?

Mr Murray—That sounds right to me.

Mr St CLAIR—Who actually said that fatigue was the issue?

Ms Crawford—That is based on the road safety people's data which they collect from police at the side of the road—

CHAIR—It is at the top of page 3 in the submission.

Ms Crawford—and our own inspectors.

Dr Carseldine—It would come from one of two sources. Either the police officer attending at the scene reported that the driver was asleep, drowsy or whatever, and the other way it is determined is by the nature of the accident—if the vehicle ran off on a corner with no sign of braking or whatever. It is a standard method that is used by our statisticians when they are looking at the crash database to determine whether it is a fatigue-related crash or not.

Mr MOSSFIELD—It would be interesting to have the national figures on that, and for the other states.

Mr HOLLIS—That coincides with the figures that the national people gave yesterday. They said between six and eight per cent.

Mr GIBBONS—We have had New South Wales freight giving evidence. Can you tell us what method you have got in place to control fatigue in passenger services, both metropolitan and country?

Mr Hall—Are you referring to road or rail?

Mr GIBBONS—Passenger rail.

Mr Hall—New South Wales has a coregulatory regime for rail safety, which means that the operator, regardless of whether he operates a freight or passenger service, comes to us with a safety case or a submission as to how he is going to operate safely. We then take that apart and work through it with him so that we fully understand the implications of it. It is on that basis that we allow the operator to operate. Any changes are very closely screened, because they are the areas where we are most at risk—areas of change—and any areas of interface between the rail organisations are also the areas where we are most at risk. They are the areas that we are looking at particularly closely to try to guard against fatigue issues coming forward.

Mr HOLLIS—I would like to talk about rest stops. I note, Ms Crawford, that you mention those. Giving you the American figures, the chairman will hit you with a question some time this morning. Based on the difference in the Australian population, he will ask whether you feel that we have sufficient, so I will let the chairman do that after I finish.

CHAIR—You are anticipating me, Mr Hollis.

Mr HOLLIS—When we were taking evidence in Kempsey, the truck drivers there were very critical of the provision of rest stops. We had a look at the commercial centres of Guyra and Clybucca. As to the other centres, I know that you cannot, out of your 308, identify individual ones. They said that, as well as opening centres, you were closing down centres and were very critical of one that you closed at Kew.

I do not expect you to be aware of this but there has been a lot of criticism of rest stops—the positioning of them—and comparison between New South Wales and Victoria. We have not seen them yet but Victoria's are more off the road where people can actually have a rest, whereas between, say, here and Sydney all you have is just a place at the side of the road. I drove down this morning and had a look at a whole lot of trucks lined up just out of Marulan. People have put to us the suggestion of having toilets there and tree shades. It has been put to us that all that happens is that the RTA just takes a bit of a diversion off the road and calls it a heavy truck stop.

Ms Crawford—Okay. Is there a question in there?

Mr HOLLIS—No, I was asking for your comment. Is that true or do you have something planned? Are you going to have all these whizzbang places?

Ms Crawford—I guess there are probably several answers. There is great variability, clearly, with the quality of rest stops throughout New South Wales. The figure that I have been given is 310, but I would suggest that that is very variable. There are some very good

rest stops. There is a very expensive one on the Hume now, and I think \$4 million was spent on the development of it. In our work developing new highways, certainly rest stops are being built in.

I think, in the past, it is probably fair to say that it has been a little ad hoc. The developments have happened as our road builders were working on a particular area. They certainly did do things like just make provision at the side of the road, and that was quite deliberate in order for truck drivers to be able to stop, get out, check their load, check the vehicle and then move on. Then there are the rest stops with better facilities.

As I said in my opening comments, I think there is a real commitment now within the RTA to really address the availability of rest stops, both for heavy vehicles and for light vehicles. I know it is a particular passion of our minister. We are moving forward, as I said, in discussions with the Transport Workers Union and with the heavy vehicle industry to set the priorities for where the best locations are for rest stops in the future so that we can do more work to either rebuild or extend that network of rest stops.

Mr HOLLIS—Yes. All you have said is that it is this vision thing—

Ms Crawford—I think it is a combination of a reality and the question of where we go to from here to improve it.

Mr HOLLIS—What have you got planned? All you have said to us is, ‘It is something we are going to have discussions on.’ I can understand the commercial stops, and that is fine, but I am more interested in what the government—the RTA—is doing, and you have said, ‘Oh, well, we have got it in mind.’

Ms Crawford—With respect, sir, I am saying that there is already a large network of rest stops. They are of varying standards—

Mr HOLLIS—Yes, well give us a good one and—

Ms Crawford—For what it is worth, I have a map here with dots on it. I also have a list of projects that are currently in the works program. If you would like me to, I can take you through them.

Mr HOLLIS—Okay. From your view, which is the better of those dots? If I am going to go somewhere could you suggest a good one that I should have a look at?

Ms Crawford—It is probably not my area of expertise, but I am advised that there is one on the Hume Highway down south. I would need to get the location, but I can provide that for you.

CHAIR—Would any of your advisers be able to comment?

Mr HOLLIS—This is actually quite a serious issue that has been put to us. Every time we talk to truck drivers, they always put to us about the rest stops. We had a look at the one at Clybucca, which we were quite impressed with, but it is only fairly small, and we had a

look at the one at Guyra. I am familiar with the one at Marulan, but the interesting thing about the one at Marulan is that commercial people stop there but there are a dozen trucks a kilometre up the road, just off the road—right beside the road. If you are driving back this afternoon, have a look at it. Just as you come over the hill at Marulan there is a place where you will find a dozen trucks parked day or night. That is a comment.

It has also been put to us that some of these places should have toilet facilities. It is all right to get out and kick your tyres, but you might want to do a little more. Is there any provision for that, or any plans?

Ms Crawford—I would have to refer to information provided by the area responsible within the RTA.

CHAIR—None of your advisers here today have any knowledge of this?

Ms Crawford—We come from a different area of the RTA.

Mr HOLLIS—Would it be possible for us to get, say, one page on the vision for rest stops in New South Wales for RTFs?

Mr Murray—Mr Chairman, I think we would be pleased to supply a supplementary submission.

Mr St CLAIR—Can I give an indication to the committee? There are two, for example, on the New England Highway that you have done. One is at Glencoe and provides toilets, which is very good. It is also an RTA checking station, so it is available. The other one, which is now in the process of completion, is at the top of Bolivia Hill on a disused section of the New England Highway itself because the new one has gone through. You are actually constructing toilets there right now under that Windyloo type design that you have.

Mr HOLLIS—I have just two more questions. One issue—and I am not quite sure how you regulate this—is that the truckies always say to us that the worst thing is a car and caravan parked in the middle of that heavy duty area.

CHAIR—They would like them to be trucks only.

Mr HOLLIS—I do not know whether there can be any regulation. Another thing is with regard to your road and traffic inspectors. What is their main priority when they are pulling up trucks? Is it the condition of the driver, is it fatigue, is it overweight or what?

Ms Crawford—I think it is fair to say that it is probably all of those. Different operations at different times have different targeted issues that they are focusing on. For instance, for about the last 12 months, we have had what is called Operation Pacific happening on the Pacific Highway just south of the Queensland border. That operation is specifically targeting driver fatigue. It is a 24-hour program. There was a whole series of heavy vehicle accidents in the Burringbar Ranges on the Pacific Highway. To counter that, the RTA has put together, again, a varied strategy that has some roadworks, environmental works and some fixed speed cameras in the ranges. Along that road, before they enter the

hills at Burringbar, we have had a 24-hour operation with our vehicle inspectors where they are checking logbooks. We have found that to be highly successful if for no other reason than the drivers, before they enter that risky part of the road, are forced to have had their required rest break.

It also provides us with a benchmark for the rest of those vehicles' travels throughout the state, because we know that, at that point, our inspectors have checked their logbooks before they have moved on. In terms of infringements, I think there was only something like two per cent of the many thousands of vehicles pulled over in that operation.

Mr HOLLIS—What, in your view, is the greatest contributor to accidents since 1981, or this seven per cent of accidents? Is it driver fatigue or do you think it is a slightly overweight vehicle?

Mr St CLAIR—Or is it a car crashing into a truck?

Dr Carseldine—Certainly, overweight vehicles are a problem; I think less so from the point of view of crashing—

Mr HOLLIS—In what way; from a safety point of view?

Dr Carseldine—As I understand it, it is more to do with damage to the roads rather than safety as such. Of course, damaged roads then become a safety issue in themselves if they are subject to a lot of overloaded vehicles. But we have got an indication here that we have provided for you in the report of what proportion of all crashes involving heavy vehicles was related to a driver having fatigue.

Ms Crawford—And speed, too.

Dr Carseldine—That is right. There are two sides of the coin to this pressure that is put on drivers to drive for a long time, work for a long time, not take sufficient rest. That is part of the pressure that is put on them. The other part of the pressure, of course, is to speed. Certainly, speed is a major safety problem in so far as heavy vehicles are concerned, even more so than with light vehicles, simply because of the physics involved with heavy vehicles. Any heavy vehicle crash tends to be a severe one, and that shows up very clearly in our crash statistics. If you get a heavy vehicle speeding and it crashes, it is going to be a very severe crash. There is a high likelihood that there will be injuries and deaths.

CHAIR—I would like to pursue this matter of rest stops because—and Mr Hollis certainly did anticipate me well on this—Professor Dinges says that in the United States they are about 24,000 rest stops short, and if you extrapolate that to Australia, purely on a population basis, you would say that we would be 2½ thousand places short. Some people have said to us it is probably higher than that because we have still got the distances of the United States as well. I think it needs a bit of a leap of faith in all roadside stopping. For example, as Mr Hollis said, one of the techniques is that if you have straightened the road up a bit, the bit that you cut off is suddenly called a truck stop area—and that may be appropriate in some instances.

In our rail inquiry, when we were looking at passing loops—Mr Hall would appreciate this—quite frankly, on the main trunk routes we did not have big enough passing loops for trains and it requires 1½- and two-kilometre loops. It is the same with these trucks: you cannot have 10 and 12 trucks lined up along the highway. There has to be a leap of faith. If we are going to encourage a road transport industry, surely we are going to have to have more truck stops. You might think that 310 is not a bad effort, but if New South Wales is about a sixth of Australia, and there are another 2½ thousand required, we could say that you have got another 400 to put in, as a minimum.

We also hear from drivers that they require some sort of shade, and I see very few of those with a row of trees on each side of the road. In other words, they have not been planned to be in areas where there is a bit of timber around to provide a bit of shade. Is there a proactive policy to put sufficiently large loops on the road for drivers to have shade, to have toilets and perhaps to exclude lighter vehicles in some instances—to have certain ones dedicated to heavy vehicles only? Is there a policy that would take those things specifically into account?

Ms Crawford—I do apologise, Mr Chairman, because Don and I do not represent that side of our organisation, so I really do not have detail. I am part of—

CHAIR—Could we have a one-page policy on that?

Ms Crawford—Exactly.

Mr HOLLIS—Let me give you an example: the state and federal governments have spent millions of dollars duplicating the highway. Around Lake George at the moment, within I suppose 10 or 12 kilometres, there are three car stops, named after VCs. There are two along there and there is one up on the hill. There is no truck stop. The only truck stop is on the highway where it leaves Goulburn and comes down. It is just before Lake George. As you come over a bit of a bendy hill, there is a truck stop there, and you would be flat out getting two trucks in there. I have never seen more than one truck there.

I think that is the only truck stop on that highway from Goulburn to Canberra—and you have a look at the number of trucks coming down there—but there are any number of car stops. As I say, on the new \$120 million highway around Lake George, there are three places for cars to stop but nowhere for trucks to stop.

Ms Crawford—We will provide a separate submission.

CHAIR—The other thing I would like to talk about—I found this personally very frustrating, as did the secretariat—is that we could not get any information from any state RTAs on their policy on driver reviver stops. With the persistence of our secretary, eventually we did get some. It was very difficult to get any sort of handle on it at all, and on what the philosophy was on it. We really would like to have a vision of what is going to happen with the driver reviver scheme, whether we should get a national standard and whether we should look to areas with shade, toilets and the like.

Mr St CLAIR—And is it any good? Does it actually work or does it encourage people to drive longer?

CHAIR—We heard someone question the validity of it yesterday by saying it may encourage people to think that, because they have had a cup of coffee and walked around for 10 seconds, they could suddenly get back into their car and be right for another four or six hours, which was not the intention at all. Do you have a policy on driver reviver from a departmental level? Bear in mind, too—and this applies very much to Queensland and New South Wales—we are now constantly bypassing cities and towns. These driver reviver stops, to my way of thinking, are useful, especially during school holidays, long weekends, Easter and Christmas when we get those horrific accidents. It is not a real big cost to government—they are volunteers—except perhaps for a bit of bitumen to get the thing set up.

Mr Murray—I would like to speak about the bypassing that is occurring with major infrastructure. There is no doubt that in rail and possibly in road, where I am personally less well informed, a number of what are in fact economic issues are being represented as safety issues. For example, recently in Victoria a rail safety symposium was held and, of the major issues presented, two, which were put as very solid safety cases, were in fact related to disputes about access to the rail track. In the case of the road infrastructure, it might be fair to say that the industry is continuously pressing—and good on them because in some markets they are at world's best practice in Australia—for world quality infrastructure to meet end market needs for delivery time. I think that is great, but the risk is that we introduce long stretches without natural breaks such as used to occur in towns.

CHAIR—I have one of these in my own electorate. Even before the bypassing of towns, we seemed to be that area four or five hours north of Brisbane, between Gin Gin and Miriam Vale on highway 1. The road is not particularly bad but we have some horrific accidents. It is put down to the fact that it is a fatigue zone; they now have signs saying that. We have to manage that. Do you have a policy towards these driver reviver stops, making them attractive to people to stop and not just sit in their car and have a coffee but walk around?

Dr Carseldine—Mr Chairman, the RTA does have a very clear view on what it wants to do with driver reviver stops. I can get a statement for you on that. I cannot personally give you the detail today, unfortunately.

CHAIR—I assure you we have had a lot of difficulty getting the data, not just from New South Wales but from all states.

Dr Carseldine—I assure you that I will provide you with the information you need.

Ms Crawford—It is a major part of our road safety strategy.

CHAIR—We have the impression as a committee that it was very much on the backburner.

Mr Murray—We will provide the submission as soon as we can, Mr Chairman.

Dr Carseldine—Regarding your remark that there was evidence given to you that maybe driver reviver stops might encourage people to keep on driving too long because they have had a cup of coffee, the message we try to get across at our driver reviver stops is that it is important to take regular breaks. Of course, the people who run the driver reviver stops—as you say, they are volunteers—know what the facilities are nearby for people to stop and stay the night or whatever if they need to. They have good local knowledge, so they are in a good position to help these people if they want to find a good place to take a rest.

CHAIR—We have also examined that in the evidence. It is very interesting that there is this dichotomy between Queensland and New South Wales: you have this idea of getting them reasonably close to town so that people go on and stay longer, whereas Queensland takes the view you get them as close as you can to the middle of the stretch so that you break the trip. It would be interesting to know which is the more effective over time.

Dr Carseldine—Of course, there are a couple of issues there. One is that sometimes it is difficult to get the volunteers to go out in the middle of nowhere and perhaps stand for hours in the middle of the night without seeing a vehicle. So that is part of the consideration of where to put these stops.

CHAIR—I was telling the committee yesterday that the one at Granite Creek, again in that stretch I was telling you about between Gin Gin and Bundaberg, involves the Lions club from Miriam Vale travelling 28 kilometres to man it. There might be three shifts overnight, so each one of those guys has to drive 28 kilometres.

Mr St CLAIR—I think a policy would help all of us, particularly as local members, because everyone wants to do the right thing by the community and everyone wants to rush out and put a driver reviver up. Some of them may not necessarily conform to where you as professionals need them, if you know what I mean, and you cop pressure. So if there is a policy out there I think it makes cooperation between all three levels of government much easier to implement.

Mr MOSSFIELD—Could we just have some views on the question of the effectiveness of logbooks? We have had some criticism. Would you like to mount a defence of the logbook system? It seems to me something that you in New South Wales are supporting.

Dr Carseldine—What I will say is that we do not feel that logbooks and prescriptive driving hours are the whole answer to managing fatigue in road transport. I think it is very important that we make that point up-front. As I said before, we take a multifaceted approach to dealing with fatigue. It is the mainstay at this stage of the way that we deal with heavy vehicle drivers. We also endeavour to encourage that culture change that the chairman was talking about before. I think the Queensland fatigue management scheme, if it has done something useful at all, has been to increase the profile of driver fatigue as a road transport issue.

Coming back to the logbooks in particular, we are aware that there is a lot of cheating on logbooks, and there always has been. Going way back to the early 1950s or so, when I think New South Wales introduced logbooks, I can imagine that there was probably little or no enforcement at that time, and probably a culture has grown up where the logbook is the

cheat book, the book of lies. We are having to do a lot of work, of course, to turn that around so that the logbook is an accurate record of what that person is doing, both for enforcement purposes and for the person, the driver, to keep track of what he or she is actually doing. It is a way of them monitoring themselves, if you like.

CHAIR—A form of self-regulation.

Dr Carseldine—That is right.

CHAIR—I just have to say that the evidence we got is more the other view—that it was considered a sort of necessary evil and if you wanted to doctor it you felt free to do so. That was the sort of flavour of what we received at these truck stops.

Dr Carseldine—That is where I was coming to because I think we are moving into an environment where it is much more difficult, certainly in New South Wales, to cheat on your logbooks. That has a lot to do with Safe-T-Cam, for example, and I hope that you have learned a bit about Safe-T-Cam.

CHAIR—We thank you for your offer to give us an on-the-spot demo. Even if we do not take it up in the context of this inquiry, we will come down on a briefing day one day and have a really good look at it, for the wider knowledge of the committee and its work. So please do not think we are not interested; we just have not been able to fit it in to date.

Ms Crawford—I have an additional comment in regard to Safe-T-Cam. At the moment we are trialling having Safe-T-Cam available to our enforcement officers at the roadside. It means that when they are dealing with a driver—talking to a driver and looking at a logbook—they actually have access to Safe-T-Cam data right there and then. We are finding that that is really opening a few eyes.

Mr MOSSFIELD—What about employers, the unions and employees? Are they supportive of the logbook system? A lot depends on the all-round acceptance of such a scheme as to whether or not it is successful.

Dr Carseldine—I find that difficult to comment on. I think that there may be some ambivalence in the unions because, on the one hand, drivers want to make a lot of money; but, on the other hand, unions are certainly interested in keeping their membership safe. They are interested in occupational health and safety. So there may be a bit of ambivalence there. I do not know.

One point that I do want to make—coming back to the idea of logbooks and prescriptive driving hours—is that I have noted from the transcripts that a very strong case was put to you by Dr Williamson and Professor Dinges. Both of them made a very strong case that it is important to have limits on the amount of work and the minimum amount of rest that drivers have. The prescriptive regime that we have at the moment may not be the perfect one, but you have heard experts say to this committee that it is absolutely essential to have those limits. The prescriptive regime helps to provide those limits. Now we need to do as much work as we can to help people to understand that it is not just a matter of observing those legal limits but a matter of managing fatigue in its fullest sense by making sure that drivers

arrive at work fresh and ready for a full day's work at the wheel, by making sure that employers do not press drivers to exceed those limits, and by making sure that operators do not punish drivers who, for whatever reason, have become fatigued during a trip and feel it necessary to stop and take a rest.

CHAIR—A no-blame type environment.

Dr Carseldine—That is right.

Mr Murray—I should add, by way of example, that the National Rail Corporation in its education campaign on shift rosters is educating the family as well as the employee on the importance of taking adequate rest around the shift roster.

CHAIR—We could almost do a session on your field alone, Mr Murray. I must say that I have found it very difficult in this inquiry—and this is not a criticism of your group—that, with too many people at the table from multitudinous divisions of the one body, you only get a veneer of evidence. We need to probe certain areas. That is not said with any disrespect to you, as we are very proactive on rail on this committee. We may even have to get you back, Mr Murray. I understand where you are coming from. It is moving towards a culture and we had heard about that.

Mr Murray—Good.

Mr St CLAIR—Could I just take it to the next step, which is the issue of the RTA or working with the warehousing companies—in other words, the companies that are putting the pressure back on to the drivers to perform. Have you done any work on that? We have taken evidence here—and of course it is pretty glossy: 'She's all right' and 'Everyone turns up on time' and 'Not a problem'—but we know, as I am sure you do, that someone has a booking for 10 o'clock in the morning and they may be sitting there in the line until two or three o'clock in the afternoon. They might have to shift their truck up all the time. I am wondering whether you feel you might have an influence on those people to take some of the pressures off.

CHAIR—Sort of passive work.

Mr St CLAIR—Yes.

CHAIR—That same guy that Mr St Clair is talking about might get down the other end, having lined up at the warehouse to get his load, and then spend another two or three hours getting to the supermarket at the other end. Who accounts for those seven hours on his roster?

Dr Carseldine—One thing that the new national law for hours of duty and rest does is to make it clear what happens in situations like that where a driver is in a queue and moving the vehicle up the line; that is, if a driver is sitting behind the wheel and the engine is running, that driver is working. So if he is being asked to get in a queue and move the truck up a few inches every five minutes, then he is working for the whole of that time, insofar as the prescriptive regime is concerned. Only if that driver turns the engine off, gets out from

behind the wheel or maybe just sits in the passenger seat and rests, shuts his eyes, or goes for a walk and has a coffee is that person resting.

So in that way I guess we have made it clear to the industry what is expected of them. Certainly this is an area where I think we can do more in terms of education. Clearly, outside the transport industry itself—in the warehouses, as you say—people need to understand that they have got to put systems in place. We have got to put the pressure on them to put the systems in place so that drivers can actually stop work and truly rest by having a drink of coffee in a cafe or whatever, or by just closing their eyes while sitting in the truck as the queue is moving up, with their position in the queue preserved by a number system or whatever.

In this regard, I know the committee has had some evidence from the excellent work that has been done by BHP in terms of looking at the whole chain of transport, including the businesses at either end—for instance, the customer that is having their goods transported by road—and I have to say that New South Wales has been quite active with BHP on that project.

CHAIR—That slotting problem seems to be almost as fundamental as the work on the road, doesn't it?

Mr St CLAIR—Can I just ask one more question? If you took the drugs out of the trucking industry in New South Wales, what would happen?

Dr Carseldine—I would be concerned if you snapped your fingers and made all the drugs disappear, because I think that there are still drivers in the industry using drugs. It is clear from various prosecutions that have taken place and so on. They admit to taking drugs when you ask them. It is to keep them awake because they are being expected to work too long and rest too little. It has developed as a kind of crutch for drivers to get through their job. If you take it off them just like that, with a snap of the fingers, I think we would have problems with drivers driving fatigued.

Mr St CLAIR—Is there a place for chemicals or compounds?

Dr Carseldine—Certainly there are many chemicals and compounds that drivers are using that I think are entirely inappropriate and can lead to long-term health problems and, what is more, be a danger to other road users if they start, for example, hallucinating, or if the drug sharply and suddenly wears off and all of a sudden the driver is overcome by fatigue. I think those sorts of situations are very dangerous. We are hearing this from the experts on managing fatigue and sleep, particularly those in the United States—people like Professor Belenky, whom I visited in the United States along with our colleague from the Australian Trucking Association. They are looking at the kinds of drugs that can be used safely by people, such as truck drivers, to help them do their job safely.

I am afraid that there is an element in the industry at the moment that are using it as a crutch because they are working too long and resting too little, and that is clearly dangerous. Some of the drugs that we are talking about that might well be useful in the longer term are drugs that we all use—caffeine, for example. That is one drug that Professor Belenky, who

works for the air force in the United States, advocates. Proper use of caffeine can be of considerable assistance.

Mr St CLAIR—Modafinil?

Dr Carseldine—That is a drug that Professor Belenky has been investigating. It is not available in Australia, or it shouldn't be at the present time.

Mr St CLAIR—I will not take you up on either of those issues.

Dr Carseldine—As far as we know that is a relatively safe drug, but I do think that there is a real danger in using drugs as a crutch to push—

CHAIR—Let us get back to the matter of a culture. You have admitted this yourself that the counter-culture has built up to the point where, if you snapped your fingers tomorrow, you could create an even more dangerous situation than we have at present.

Dr Carseldine—That is right if drivers persist in driving extremely long hours and taking too little rest.

CHAIR—I was telling the committee yesterday that my son manages a major construction in Central Queensland. A big building is going up there at present, and he is drawing a lot of his supplies from a warehouse in Melbourne. He is allowed certain times to get this heavy equipment up to Central Queensland and, after allowing for breaks and rests and so on, some of the trucks are arriving 12 and 24 hours early. There is almost a culture of pushing the envelope. If this is done in conjunction with the culture of fatigue management, we can wind it back. I do not know if you can do it with prescription—this may not be the right terminology—or hiding behind occupational health and safety. It has to be something more than that.

Dr Carseldine—I agree with what you are saying, in broad terms. I come from a road safety background where one of the things that you learn very early on is that there is no one answer for any road safety problem. It always has to be a multi-faceted approach. This is just one of those areas. I think prescription can work and I think New South Wales is doing a better job of making it work than probably anywhere in the world, with Safe-T-Cam and the type of law that we have in place now, and so on. But I am not saying that that is the whole answer. It is very important that you understand that we are not saying that that is all we need.

We would not be participating in the Queensland Fatigue Management scheme, for example, if we did not think that there was a possibility that that might be a way to go in the future. Even then, you need to understand the way that that model has been designed. The Queensland Fatigue Management scheme was meant to be a model for a very small percentage of industry who we can trust to do the right thing. Once they have shown us that they have all the systems in place and so on, we are prepared to trust them—to a degree, because we still audit them. But under the Queensland model, the vast majority of operators would still be under the prescriptive regime. So the Queensland model does not throw out

the prescriptive regime; it is another layer. You have the best performers in the fatigue management scheme and all the rest in the prescriptive regime.

CHAIR—I am sorry we have to bring this to an end. We have gone well over our time. I regret that we have not been able to touch on rail, but I thank you for your attendance here today. Dr Carseldine, I also thank you for those tapes and brochures. I call on my colleagues now to move that the committee accepts as evidence documents in the form of tapes and booklets presented by the New South Wales Department of Transport's RTA for inclusion in the committee's record as exhibit No. 39 in its inquiry into the managing of fatigue in transport.

Mr MOSSFELD—I so move.

CHAIR—It is so ordered. Is it the wish of the committee that the document commencing with the page headed 'Size of the problem' dealing with the New South Wales Department of Transport's road and rail regime be incorporated in the transcript of evidence? There being no objection, it is so ordered.

The document read as follows—

CHAIR—We will now adjourn for lunch and once again thanks to the RTA.

Proceedings suspended from 1.19 p.m. to 1.57 p.m.

ANDERSON, Mr David, Executive Director, NatRoad

APPS, Mr Michael Shane, General Manager, Australian Trucking Association

HIGGINSON, Mr Andrew, Chief Executive, Australian Trucking Association

McIVER, Mr Bruce, Managing Director, McIver Corporation

CHAIR—Welcome. Thank you for giving us your time to assist us with this inquiry. Before you commence giving evidence I have to caution you that, although you are not under oath, these proceedings are proceedings of the parliament and warrant the same respect as attaches to the House of Representatives itself. The giving of any false or misleading evidence is considered a serious matter and may be taken as a contempt of the parliament. Mr Higginson, on behalf of your team, would you like to add any comments about the capacities in which you appear?

Mr Higginson—Thank you for the opportunity to appear before the committee. NatRoad is a long distance member organisation of the Australian Trucking Association. McIver Corporation has several transport operations and Bruce McIver is a former chairman of the ATA and one of our founding fathers.

CHAIR—Are you going to lead for the team?

Mr Higginson—Yes, I am.

CHAIR—Would you like to give us a five-minute overview of your submission?

Mr Higginson—Yes. As part of that, can I pass on the apologies of Ron Finemore, our chairman. He is otherwise detained today, but he has offered that if the committee would like him to appear, following on from the evidence already given by Finemores, he is quite happy to make a visit to Canberra to fit in with your schedule.

CHAIR—Thank him for that.

Mr Higginson—Certainly. I would also like to note on the record the sad passing of one of our colleagues, Craig Roseneder, who was an industry champion of this fatigue issue. He died in the last two weeks, aged 39 years. He was the founding father of our movement into the fatigue area. It was a sad occasion and we will miss him in this area, but I am sure he would have been happy to see this inquiry going along as part of his work.

I understand the committee has seen many industry representatives already, including the Transport Workers Union, people like Terry Nolan and some of the trucking clubs. We will try not to repeat a lot of their evidence, but I think it is appropriate that I go through a few things, especially the significance of the inquiry at this time. It is 10 years since we had the bus and truck accidents in Kempsey, et cetera, and the ATA was actually born out of those episodes so its focus has very much been prioritised by safety, safety, safety as our lead issue or key result area in terms of the way we have progressed issues over the last 10 years.

As the committee has already discussed—we have heard some of the evidence—the culture change process has been our main goal in life in terms of pursuing safety in the industry. You can have all the regulation and the best intent, but you actually have to get down and change the culture within the industry. Bruce McIver heads one of the companies that was one of the founders of the fatigue management program—it was one of the first companies in that program along with Nolans—and he will be able to give you some first-hand experience on the sorts of challenges that face companies going through that process in managing their people and managing fatigue.

I would also like to put on record—and I presume other people have also done so—that the reduction in fatalities in our industry over the last 10 years has been nothing less than startling. There has been a reduction of over 50 per cent in fatalities involving articulated trucks. Whilst we are very happy with that fact, we would also like to stress that the next 10 years are just as important in keeping that reduction going. From our discussions around our council table, we think it is one of the major issues the industry has to face. It is all right talking about productivity and efficiency, but unless we keep improving our safety record and keep the community and governments on side as partners in that area, we will be failing in our job.

In terms of some general points from our submission, there are some key issues that we need to put on the record. The first one is the freight task. Over 80 per cent of the freight task moves less than 100 kilometres from its origin. Only trucks can do this work so, in terms of handling fatigue, we need to not only look at the long distance sector but to make sure that we take the urban sector fully into consideration. That is probably one of the sleeping dogs in the fatigue area—understanding what the fatigue issue is in urban areas and how we address it.

You could say that trucks think they have got a competitive advantage in managing fatigue and that a truck driver can pull over any time, any place, as long as he can find a space on the side of the road, whereas other modes do not necessarily have that advantage. We have got to grow on that understanding and get truck drivers and companies to understand that it is the same as the oil light coming on in the truck—that is, when the oil light comes on, the instruction is to pull over so you do not blow the engine up. We have got to get the same philosophy into all our drivers, that when they are tired they pull over and rest.

Many factors do impact on fatigue of the driver and in associated activities. I do not think it is any surprise to anyone here that people get tired towards the end of the day. We all know we are in the low point in the circadian rhythm at that time of day and we have got to educate our drivers about those sorts of things, as well as about diet, how long they can work and what the fatigue issues are in order to address this. Also, as Dave Dinges pointed out, fatigue really comes down to alertness. Somebody can be tired, but it is their level of alertness that is one of the most important characteristics—somebody can be tired but still alert.

We would say that our drivers, being experienced on the road, know how to manage their fatigue if they are given that possibility. That is what the fatigue management program is all about—letting companies manage fatigue, rather than putting it into a prescriptive

environment. You let people use the mechanisms they know, such as napping, to address the fatigue issue. That is something drivers have told us about for the last decade, but the researchers have just agreed in the last 12 months that it is a good philosophy. So we have to make sure we are not just taking a research approach but are using the evidence and the knowledge of the people who actually drive the vehicles to drive the fatigue management area.

Australia is definitely a leader in the fatigue management area. We actually have on-road trials. The Queensland Transport ATA fatigue management trial has been mentioned throughout the inquiry, and we think that is an important base stone in terms of further developing our approach to fatigue in this country.

Fatigue is more than driving hours. It is a regulatory environment, it is a culture in the industry, it is a culture amongst our customers and it is a culture right across the board. That is how you are going to drive further results in the area of fatigue. We hope the inquiry continues or adds to that value rather than, as some might suggest, reinvents the wheel. From the evidence I have heard and seen of the inquiry's proceedings over the last day, I am very impressed with the type of questioning and the depth of understanding committee members already have in the area.

There are some key factors in the fatigue issue, and I will make three or four points in relation to what we think they are. There are many factors in the fatigue issue, including the customer. There is no single solution. But while commercial gains exceed the penalty in many areas, we are going to get people who want to break those rules. While people do not think the enforcement is there, that is always going to be a problem. So enforcement and making sure that penalties actually match the commercial gain is an important issue that we push throughout the whole process.

Getting the right statistics, or the right analysis, and understanding what the problem really is is another factor. You have heard various statistics throughout the inquiry: some say the road toll is up, some say it is down; some say this, some say that. We have to get a better hold on what the problem actually is by getting a more consistent analysis of the road accident statistics. Maybe we could pick up on some of the points coming through the inquiry that we are quite happy to have a more detailed examination of some of the actual crashes in order to get a better feel for some of the actions we need to put in place. It is quite easy for many regulatory authorities to talk emotionally, but we need the hard facts to make sure the industry drives the right solutions in that area.

I have pointed to the urban sector and to the long-distance sector as both being important but requiring different answers in terms of managing fatigue. If you look in your own electorates, whether urban or regional—and you were talking about rest areas earlier today—how many rest areas or spots are there for truck drivers? In urban areas it is even worse than in regional areas. If you look at any urban area and ask, 'Where can a truck driver rest, have a shower or go to the toilet?' you can see it is a problem. In terms of rest area philosophy, that is something we need to address as well as looking at the open highway issue.

We had the opportunity to listen to you talk with the New South Wales Roads and Traffic Authority this morning. Whilst they might not have all the answers now, I think the

regulatory structure has been getting there over the last decade. The industry, the regulators and people in places such as the parliament have a far better partnership in addressing these issues. We, as an industry, are committed to continuing that partnership. I think it is important that the trust continues to grow. Whilst the spotlight is sometimes on the regulators, we do think the partnership that has been developed through the National Road Transport Commission process, et cetera, has actually delivered a lot of positive gains to the industry and to the actual progression of these types of issues. I do not think there was any such push a decade ago. It was all process.

That is all I would like to say in opening. I know you want to take a questioned approach rather than our preaching our point of view. We have a list of issues on what we think needs to be addressed from an industry and regulatory point of view which we might leave to the very end.

CHAIR—I suppose one of the things that disturbed us was the TWU survey. I understand that sometimes there are problems between union and management, but they do raise some disturbing features if they are correct. I would be interested to hear what you really think about that: whether those sorts of hours are being triggered by some cowboys in the industry or whether you think the figures are a bit rubbery—whatever it might be. Coming back to the cowboys, if we want a non-regulatory culture of responsibility in fatigue management, how are we going to achieve that?

Mr Higginson—I think there are a number of issues there. I should mention that the ATA is a unique industry organisation in that it pulls the employers and the employees into one body. The industrial issues are left aside, and we pick the common issues we want to progress together. Safety has been one of the key areas where we have worked together with the TWU and actually introduced many important programs to address those issues.

CHAIR—It is a bit of each, isn't it?

Mr Higginson—That is right. You will often get a situation where there is an intent over here to do something about a problem—that is, the community, the regulators and the industry see the problem but someone over here makes a law to fix the problem. The real question is: how do you actually give people the tools to manage and address the issue? Up until five years ago the industry did not have any tools. While we might have had a regulatory objective or a community objective, people just felt hopeless about how to do it. They were working 14 hours a day and asked, 'How do I find time to actually do this?' I think the industry organisations as a whole have started to address those issues. David's organisation, NatRoad, is one of the major players in rolling out a product called the TruckSafe Accreditation Program which actually gives people some of those tools. Maybe we could use that as an example of how to drive an industry culture change, and then come back to the TWU fatigue issue.

CHAIR—Sure.

Mr Anderson—NatRoad, along with a number of other member organisations of the ATA, has been rolling out TruckSafe for some time. It is an industry accreditation program designed by the industry for the industry, taking its particular operational pressures and

requirements into consideration. It has four core modules that go to maintenance, management, health and training. We are endeavouring to get operators to codify these practices and to manage them in a way that gets them good operational performance within their companies. First of all, that will go a long way to improve the culture within their organisations, as Andrew pointed out, but it will also give them the tools to look after their duty of care.

That is something we have been hammering very heavily with our members and with the industry generally. It is most important not only that they look at these practices within their operations and codify them so that they understand and organise their businesses better—and sometimes that means they actually do get a good bottom-line result simply as a result of optimising their maintenance and writing down what they do rather than just doing maintenance on a needs basis or whatever—but also that they realise this equips them to demonstrate in a documented form how they conduct their business and so on.

If you take the health module, for example, that goes to the gamut of good practice within operations whether they be in the yard or on the road. It does, for example, introduce the notion of regular medical check-ups for drivers. Of itself, that might not seem very much, but in actual fact it has produced quite positive results. I think we have actually quantified those. But it goes to all sorts of things. It might pick up heart conditions early on, it might pick up symptoms of chronic fatigue, it might pick up symptoms of early diabetes and it might even pick up small skin cancers that can be treated very early on and therefore lengthen the working life of the drivers concerned. That, in itself, has been quite a challenge: simply getting people to accept within the workplace that regular medical check-ups are actually a good idea. NatRoad has now recruited some 200 companies into that program, and we have found terrific benefits from that very simple practice being introduced.

Another one is pre-trip checks. Each driver is required, before he or she goes out onto the road, to do a simple pre-trip check of his vehicle. If a driver goes down the road and is pulled up for any reason or unfortunately has some sort of crash, it can be demonstrated that that check was done prior to the journey commencing.

In introducing these practices within companies and, as I said, getting them to actually codify them—and we are very hopeful, of course, of getting TruckSafe recruitment to some sort of critical mass—we are driving some quite significant cultural changes throughout quite a number of operations.

Mr Higginson—We use that as an example. I think fatigue is a symptom of other issues within the company. People drive longer maybe because they are not managing their business properly and they need to push the line to actually make the dollar to keep going. Within the TruckSafe program we are introducing new standards in the occupational health and safety area and in driving hours area to keep big companies more aware of these issues. Bruce is probably the best one to comment on the specific company area. From having run a livestock business and a long-distance business, he can tell the committee about the culture change process needed to introduce the fatigue management program within his own company and the problems he has had.

CHAIR—Where is your business based, Mr McIver?

Mr McIver—In Queensland, Mr Chairman. I used to be the largest livestock carrier in Australia—in Queensland, the Northern Territory and the top end of Western Australia—but I sold out in 1997.

CHAIR—What city are you based in?

Mr McIver—I live in Brisbane but I have got no vehicles in Brisbane. Today, I operate from six locations in the north-west of Queensland—Cloncurry, Mt Isa, Charters Towers, Middlemount, Moonie oilfields and Eromanga oilfields.

CHAIR—I think it was Vaughan Johnson who referred to the fact that you just could not leave a trailer-load of cattle at the side of the road while someone had a snooze. I think he might have referred to you in that regard.

Mr McIver—Yes. As Andrew said, my company got involved early on. As a matter of fact I was Chairman of the Australian Livestock Transporters Association 10 years ago when the accidents happened on the Pacific Highway. The leaders of the different organisations around Australia got together and formed the ATA. A lot of this has been developed from that original meeting, 10 years ago this month.

As I said, I operate from six locations. Some of my vehicles on the major highways today have six trailers on them. You might say that is a bit unusual, and it is. But we have been able to do that through innovative things. I was number two in the fatigue management approval in Australia. We operate out of Queensland, and I heard this morning or this afternoon that there was only one operator in New South Wales. We do not have any business in New South Wales, otherwise we would want to operate down here.

I was in the first 29 companies in the pilot scheme for the TruckSafe program. We set up a pilot scheme of 29 companies for TruckSafe, and I was in that. Today, I am vice-chairman of the ATA and also involved with the BHP logistics fatigue management program. I am the chairman of that group on behalf of the ATA. As Dr Carseldine said this morning, he was involved with it as well.

So I have been involved right from day one with these issues—from the accidents on the Pacific Highway to where we are today. With respect to the improvement that Andrew has outlined that has come about, we think it has come about because there has been a cultural change going on in our industry—some sort of a revolution, you might say. If I take my own company as an example of what has happened, I come from a company which previously had no regard whatsoever for driving hours, because out in western Queensland and in the Northern Territory basically there is nowhere to pull up and eat, there is nowhere to pull up and rest. You just keep driving. Our drivers used to cook their own meals on the side of the road. So they managed their own fatigue in their own way, but it was right outside anything to do with logbooks.

I had to look at my own company and myself 10 years ago and ask, ‘What changes should I make?’ So we have made changes from within. We decided to change the culture of our business right from within—a complete revolution has happened to our company. We include the drivers, very much so, and the drivers’ families today. As David pointed out,

with respect to health issues in drivers' families, we found that quite a lot of our drivers had sleep apnoea. I did not even know what sleep apnoea meant 10 years ago. We found that through doing health testing for our FMP and TruckSafe. We make sure now that the drivers have family times. We work a roster system whereby you work six days on and three days off, so you get some quality time with your families. That has been at a cost to me, as an individual, but I have had to talk to my customers about those issues, and have said, 'Okay, let's together try and lift the standard.' Again, this has come from within the industry; it has nothing to do with government whatsoever.

Just to give you an idea of how much support we have had from government, I would say that government has been very supportive, particularly the Queensland government, I have got to say, in a lot of the initiatives. We have had an accredited FMP since 1996—number two in Australia. Only last week I got a letter saying, 'You can now use it to put in tenders and to tell your customers that you are accredited.' I got a letter of support, three years later. I think that we in companies have got to get a cultural change—

CHAIR—Perhaps they were fatigued!

Mr McIver—Perhaps they were.

Mr JULL—That was from the Queensland government?

Mr McIver—That is true—from the Queensland department, actually. Incidentally, both sides of politics have been in power during this time, too.

CHAIR—I think we have got a bit of a feel for where you are coming from but I would like to get into some specific issues. You were here this morning when we were talking about road stops. Do we have enough pull-over areas and road stops for truck drivers? Should we have ones specifically limited to truck drivers?

Mr Higginson—Mr Apps is probably our expert. He has been trying to get the regulatory authorities to look at this issue, Mr Chairman, so maybe he can give you some thoughts on the matter.

CHAIR—You might tell us, Mr Apps, whether they have been cooperative—and don't be inhibited, either.

Mr HOLLIS—You have got parliamentary privilege.

CHAIR—Yes, so go for your life.

Mr Higginson—He has to go back and work for them.

Mr Apps—Not being cooperative is not the right phrase. I think there is genuine interest in trying to do the right thing. I just do not think that they have had the enthusiasm or the will to give it the priority that it deserves. So some basic thinking has gone into it. I think Colin asked this morning: where are the main ones? What are you doing? That actually

highlighted the issue that there has not been the focus required to address that issue. I think that applies not only to New South Wales but across the board.

CHAIR—Do you agree with Dinges' view that if we extrapolated the 25,000 truck stops in the United States to Australia we are possibly about 2½ thousand short?

Mr Apps—Yes, I think we are short and I do not think there is a consistent policy approach to it. Therefore, nothing has flowed out the other end.

CHAIR—Did you want to ask any questions on this, Colin?

Mr HOLLIS—I thought that Ms Crawford highlighted it today. They were going on and on about how important it was, but we asked them to specify not only where they were but whether they had some strategic thinking about what should be there. The chairman referred to trees, whether there should be a toilet or a shower out there, and whether they have thought about vandalism there. All they could say was, 'Oh well, someone spent \$4 million.' So they were getting the commercial ones confused with what they were thinking that they were going to do with the RTA. I think you are 100 per cent right: I think they have got a vision but they have not started to think about it yet. It is something that they will eventually address.

Mr Apps—I think you are right.

Mr Anderson—I think my members would agree very much with Mr Hollis. We get a lot of anecdotal stuff coming off the roads about rest stops. Certainly, the signs for rest stops seem to be improving. You have only to look around some of the roads, particularly in Victoria, to understand that. There are simple things like a driver ringing me up and saying, 'Why the hell did they put it there? It's on the crest of a hill and every time I try to go to sleep somebody's lights shine right into my cabin.'

Mr JULL—The classic is the ring road going into the Gateway Bridge in Brisbane. I went out to the airport yesterday at about quarter to four in the morning and counted 13 of them. There was ordinary traffic going past left, right and centre.

Mr Higginson—That is part of the awareness that we are trying to build. The industry has as much responsibility as the regulators to do that. That partnership has to deliver those results. Michael has been involved over at least the last six years probably in trying to get them up to the mark. We get them up to the mark a bit, then the officers change and it drops off. Even getting down to the basics of the people who design the roads—they were not even thinking about putting rest areas in. Now the designers are making the side strips narrower so that they cannot even stop on them. There are lengths of road here now that just go on and on. Even if they get tired, they cannot stop. It is that understanding and thinking about getting the issue on the table and getting something happening.

CHAIR—I think some of the banks are actually dangerous, not only for trucks but for cars. If you go a bit over that edge, it is not a gentle glide down to the bottom of the gully; you could flip straight over with no trouble at all.

Mr Higginson—It is also an enforcement issue. It is very hard for cars or trucks to be pulled over by the enforcement officers in a safe way. I imagine there is some duty of care in the minds of the enforcement officers or in the instructions they get about where they can pull people over.

CHAIR—Do all of you agree that, in reinforcing this culture of anti-fatigue, we need to address pull-over areas—and not just some area, as Mr Hollis put it this morning, where they cut off a bit of road and just patch it in there, but to think about how many trucks might conceivably want to stop there, whether it is 10, 20 or 16, and build accordingly.

Mr Higginson—Definitely, both in regional and in urban areas.

Mr Apps—I think it is important in what we have identified. We did a survey of drivers in 1994 which was based on answering those questions which you have just asked: where should they be, what should be there and what can you expect when you get there? Really, it is based on the view that we need to put in people's minds an innate understanding that, whilst they are driving, they know what types of rest areas will be there, what they can expect when they get there and how far apart they are. The policy that we have adopted involves everything, right down to a national and consistent approach to signage so that you do not go past the entrance without realising it was there. It is based on a philosophy of three basic types of rest areas: a pull-over area for trucks, a basic one that provides toilets and garbage and that type of thing, and the super truck facilities that the member for New England would be aware of. We have worked closely with him on the Guyra facility and, similarly, the one in Tarcutta.

So I think we have tried to drive a very strong principled view that these are the things that need to be considered by the authorities. It is just that it has not made it over the line in terms of making this an important component of addressing the overall issue of fatigue.

Mr Higginson—That survey Mr Apps mentioned was actually undertaken by the New South Wales Roads and Traffic Authority, in cooperation with us, at the end of 1994. So the detail is there to actually drive a rest areas strategy at a state level as well as a national level.

Mr HOLLIS—Could we get a copy of that?

Mr Higginson—Certainly.

Mr St CLAIR—I have a point that I think needs to go on the record; that is, the RTF or the ATA has certainly taken a lead. It has been proven over the years that these people have been involved in the actual question of managing fatigue and the question of truck stops, pull-over areas, et cetera. That is something that really has been—and I have worked with them for many years now—very much to the fore. I just wanted to take it a little bit further if I could. What is the ATA, the Australian Trucking Association, doing with warehouse slot management? How far have you gone down that path? It is fine to bash the drivers over the head; it is fine to bash the trucking companies over the head. We asked the RTA this morning what they have done, and I just wondered where you are up to.

Mr Higginson—It is a very good question and it is probably best for one of us industry bureaucrats, rather than the operators, to answer. I would say that over the last decade we have addressed a lot of our internal issues and that the next step is to actually look at the other influences on a task. In the supply chain, the trucking company handles only four out of the 10 issues that actually impact on the driver's fatigue. The other ones are outside influences. The question of dealing with our customers and their knowledge of the transport task is one of the big challenges we have in front of us.

On a daily basis, the most complaints we get from operators are about simple things—as Mr St Clair has mentioned—such as queuing. The customers are not thinking about the basics of these things. They make the trucks line up and every five, 10 or 20 minutes they move down the next step. If they do not move, they actually lose their spot in the line. Instead, they could have a simple delicatessen system, where they get a number and go off and rest and come five hours later.

So they are fatigued, and you will see trucks continuously and consistently sitting in lines for six to eight hours before they even start their journey. It can happen at both ends, as was mentioned in the evidence this morning. Anecdotal evidence suggests that customers do not know and a lot do not really care. From our perspective, it is one of the major issues. I think the government can show some leadership in this area because some of our biggest problems are in grain receival areas and those sorts of things. They accept overloaded trucks—

CHAIR—It is not just in the cities?

Mr Higginson—That is right. It happens all around the place. Another key recommendation we would like to see—

CHAIR—Slotting is a key issue, isn't it?

Mr Higginson—It certainly is.

CHAIR—Because no matter how well a company might roster its drivers, if they do not get the cooperation at the start and end points with the customer, you corrupt the whole process. Even though it might be passive work, on its own it might not be a serious matter, but when you add it to 14 hours of driving it becomes very fatiguing.

Mr Higginson—I was interested in reading some of your transcripts that one of the major customers of the company said they have a very good system in place, but other evidence from the industry side in Queensland says that they are one of the worst for delaying trucks in that particular slotting area.

CHAIR—I would be interested if you would advise the secretary of that particular company so we can get a letter off to them and just see what their response is.

Mr GIBBONS—It might be well wide of the mark—I suppose the cost would be prohibitive—but could you have a situation like we have in rail? Could you have a shunting service where you could have a truck that does nothing else but shunt those trailers for the unloading purposes? So you would have a driver who was unhooking his trailer connect up

to an empty one and go away and get another load. Is that something that might be feasible in the future? I understand you would have to have standardisation of all the couplings and all of that.

Mr McIver—It is probably not feasible to do that because there are that many different options you can have there—the B-doubles with single trailers and whatever.

In this logistics module—we are working through the first one with BHP—it is staggering to see some of the costs that BHP themselves and their customers have identified when they started to look at the whole supply chain. That is being driven by our committee looking at fatigue in road transport drivers. Some things they are now starting to schedule are those that earlier, if they wanted them, would come in on a truck and wait in a line to be unloaded. They might get unloaded at 11 o'clock but not be wanted until five the next afternoon. Why not get the truck to deliver it at five next afternoon and take it straight in? They can cut a lot of costs as well as help our fatigue problems. That is the sort of thing that we believe we can start to identify when we look at the chain of responsibilities and get the customers to take their duty of care along with the operator and the driver himself.

Mr GIBBONS—Are there any other areas that you could point to that may assist in that process or any other ideas that can reduce that six- or eight-hour wait period?

Mr Anderson—I think that whole BHP model will act as the protocol for us to work in with other customer organisations. In discussions with the New South Wales Roads and Traffic Authority, they have agreed to undertake some pilots with other customers to pick that BHP model up and test it on a broader range of organisations.

Mr Higginson—I think we can build on that. There are probably 10 protocols that have come out of that process and I think that documentation will be available in the next month or so as it is signed off.

CHAIR—Do you want to make a comment on that?

Mr Anderson—When a comment was being made before I was reminded of some very good work that this very committee did some years ago when problems on the waterfront were more diabolical than they are now. There was this issue of all the parties in the waterfront chain constantly saying it was someone else's problem when there were truck queues or whatever. This committee got them together and virtually did a bit of head banging, which produced some very good results. This area we are talking about now does bear some similarities.

The other point I wanted to make is that a lot of my members are out in rural Australia and incurring precisely the same problems with the bulk grain handling facilities. I have written to quite a number of them talking about the notions of duty of care and so on in that we could address this question of fatigue if we could have a bit more operational efficiency at that end. That message is proving very difficult to get across.

Mr St CLAIR—Who is stopping it? Where do you think it is being plugged up?

Mr Anderson—The problem is that there has been a history where there have been delays in the transport chain, of transferring the cost of those delays to the road transport industry. If you do not have to bear the cost, then you do not have to worry about it and I think that, in part, is the problem. A warehouse will say, ‘It is not our problem. It is not our cost, even if we tell you you have got a slot at 2 o’clock and you do not get out the gate until six—not our problem, not our cost.’ I think that is largely the answer.

CHAIR—There has to be more accountability at that level?

Mr Anderson—Exactly, and the chain of responsibility legislation hopefully will help us address that.

Mr Higginson—Until the customer bears the cost or the liability, it is a non-issue to them.

Mr Anderson—That is right.

Mr GIBBONS—I would just like to take Mr McIver back. You mentioned that your roster changes are one of the major components of your fatigue management program. What other areas have you implemented which are working and how could they be passed on to other companies?

Mr McIver—It is right across the whole broad range of the way you operate your business. It would be better to look at every angle of it. Obviously, TruckSafe and the FMP that we designed are an integral part of it. The program is much more flexible than anything New South Wales would try to put on us; the Queensland government has agreed with it and given us the tick on it. We add on to that our quality systems. Obviously, we investigate every incident that happens. We also investigate near misses. When we started doing this and doing our whole FMP business, the drivers got very suspicious and asked, ‘What are you doing here? What is going on?’

Mr GIBBONS—Time and motion study, they thought.

Mr McIver—We got a lot of the wives involved with the health aspect. We asked the husband and wife together to come along to the doctor. We have had it said to us by wives, ‘When he asked my husband the question, "How is your health?" he said, "Fine" and I said "No, tell him about this; tell him about that."' The wives have been really the ones to help us drive a lot of those initiatives.

People thought that because we were wanting to investigate near misses that we were wanting to spy on people. We have had to change the cultural perception. A near miss is not anyone’s fault. We want to look at a near miss to see if there is an improvement that will reduce the opportunity for an accident, whether that be fatigue related or some other way related. It is really looking at everything in your business and trying to change it from within.

I have to say that we do not get the incentive by governments to do it. I think you saw some of that demonstrated here before. They are really not there saying, ‘Let’s get more

truckstops for your fatigue.’ As an operator, I feel we need that same cultural change and effort to be put in by government agencies.

CHAIR—It has been suggested to us that one of the things we should look at is to make one dimension of quality assurance to be having a demonstrable and auditable fatigue management program within all transport companies. That is, if you do not have that program within the company then you just do not get your quality assurance. Coming from your side of the agenda, it is a pretty heavy requirement. I imagine some of you at the better end of the industry are probably doing it anyhow, but is it possible to implement that across an industry?

Mr McIver—Personally, I think it is a waste of time to implement it on a mandatory basis like that. You have to have it coming from in here.

CHAIR—If you do not have quality assurance rating to a particular level, some companies like BHP and state and federal government departments will not let you tender for contracts and so on. You might say that quality assurance to some people does not mean much but it does in this instance. Defence was saying this morning that they could give a lead on this and say, ‘If you want to get Defence contracts or subcontract to the Defence department to carry materials or anything and you do not have a fatigue management program within your quality assurance regime, you are just not eligible to bid and not eligible to tender.’ You say you do not think it would be of any value. Tell me why. Is it the quality assurance that would not be of any value or the fatigue management program or that you cannot marry them effectively?

Mr McIver—I think you can marry them both but you have to have a different reason to do it, other than just to get a tender. We have seen it many times in this industry. You have a logbook and you are right. We heard this morning that people call it a cheat sheet and that sort of thing happens. If you have a requirement on a company or an individual that he must have a piece of paper to do something, it is a recipe for just short circuiting. He will have the piece of paper.

I was in Europe and looked at tachographs on trucks earlier this decade. Tachographs are all the go in New South Wales. They want to put tachographs in everything to monitor what trucks are doing. I was in Scotland and saw a taxi driver who drove trucks. I hopped in his taxi and I did not know he was a truck driver until we started talking. He took me round to his truck and showed me how he took computers from Gourock in Scotland to Italy and brought back printers for the same computer company with no rest. It is an eight-hour limit and yet he complied with all the tachograph rules. He showed me how he did it. If you bring rules in, nothing is necessarily going to happen. We have to make this industry change. When we sat down in 1989 in a hangar at Mascot to set this up—

CHAIR—But not all guys are as proactive as you and Nolans and people like that.

Mr McIver—True, but give us some incentive. That is what I would say to you. Give the companies that want to do the right thing some incentive and set your policing on the other ones. Give them some incentive.

Mr HOLLIS—I believe in giving them incentive. But don't you think that by putting a regulation there, even if in some cases it is abused—and what isn't abused?—at least it is forcing people to comply. People say you cannot regulate against discrimination but at least if you have the regulation there it forces people to comply, often reluctantly. In the end it becomes part of the culture that you are talking about and then you can do away with it because there is no need to have it.

Mr McIver—It has to help, I suppose—I would have to acknowledge that in that regard—if you include TruckSafe in it. We would not want to stop just with quality assurance or FMP. You would have to have something that is really relevant to our industry.

Mr JULL—If you want an incentive, is there a role for the insurance companies to play?

Mr McIver—There is and there isn't. I will use my own company as an example again because that is all I can really speak of personally. I have not had an accident in 18 months. Previously, I was having 10 to 12 a year. My insurance premium did that, so I got the incentive from the insurance company. But, if we can get some more out of them, yes.

Mr Higginson—I think the principle is broadly supported in that sense, but I would say a lot of it is already indoctrinated in occupational health and safety laws and TruckSafe that people are meant to have these standards. We are happy to take it to another level, clarify it and make it a bit more specific about fatigue management type proposals. What we have seen is that people quite often want to make laws without that middle thing of giving people the tools to educate themselves and to understand why. That is what Bruce is getting at.

It is similar with the logbook system. People need to understand that the logbook system is not a logbook system to catch them out but actually an indicator that says, 'Once you go beyond this, you should look for the fatigue dangers,' and to see it as a positive thing rather than, as the New South Wales people said this morning, 'It is seen as an enforcement tool, and every Australian wants to beat those enforcement laws.' If they actually saw it as something that could save their lives, it might be viewed differently. I think that is the point Bruce is making: let's make it a positive tool rather than just a stick.

Mr MOSSFIELD—We have had some suggestions that some methods of payment for drivers could contribute to fatigue. It has been recommended that the hourly rate be removed from the awards, leaving established cents per kilometre as the applicable rate. Have you got any views on that at all?

Mr Higginson—From an official ATA perspective, we are a non-industrial body. We bring both groups together, and some of that falls into an industrial area. David, you might like to comment from a NatRoad perspective, but from a principle perspective, whether it is hours or kilometres, the more hours you work or the more kilometres you drive, the more dollars you get paid. I do not know if there is evil or good in either system. David, I will hand over to you on that.

Mr Anderson—That is something we are obviously very interested in, and we have been talking to both the union and other people about it. It is a very complex area and I would

not want to avoid the question, so I would really prefer to come back and give you a written response to that, if I may, and I will certainly do so.

Mr JULL—Are AWAs a problem? This month's edition of *Truck & Bus* suggests that some road transport companies do not comply with pay provisions and awards and that this contributes to fatigue because drivers have to drive longer hours to earn a decent wage. Is there room to move within the AWAs to make sure that this does not happen? Is there room in the AWAs to put in some provision for fatigue management?

Mr Anderson—My response to that is fairly simple. If you were to put an AWA or an EBA within your company, those agreements would be subject to certain checks and balances, including things like the no-disadvantage test. Consequently, our policy view on that is that, because of those checks and balances, more often than not the AWAs—that is the whole idea of them—are tailored to meet the particular operational requirements and operational characteristics of the transport companies concerned. That is the whole idea of having that flexibility behind them. Again, it is a very complex area but our policy is certainly to reject the notion that AWAs systematically and routinely infringe decent provisions, because of those checks and balances to which they are subjected, including the no-disadvantage test.

Mr Higginson—I would have to add there that that is a NatRoad position rather than an ATA one. The ATA is a non-industrial organisation and does not enter the argument about whether certain industrial systems are right or wrong, because we are trying to find that commonality in area. It comes back to that culture thing again. No-one in our industry wants to go out there and kill someone. They want to get home safely. They have families. They are like everyone else in the community. So they are all driving for a safer environment. There are lots of different things and symptoms that impact on that, whether it is rates of pay or the customer trying to compete in the global environment. You have to understand that it is not just a small pocket that is impacted on here. It can be a customer trying to survive, which then puts the pressure back onto the transport company. There are so many different factors that impact on that issue. I am not sure what the answer is.

Mr Anderson—There are all sorts of things, like the average kilometres per hour in agreements.

ACTING CHAIR (Mr Gibbons)—What do you think of the TWU idea of replacing the hourly rate with some form of remuneration for the kilometres covered?

Mr Anderson—It depends on what award you are talking about.

ACTING CHAIR—The long distance award.

Mr Anderson—You can have access to both, depending on what your position is, but, as I said, it is a very complex area. It is one that we are having a look at at the moment in terms of our actual position. Our bottom line is that we will probably oppose the TWU position. But, if it is okay with you, Mr Chairman, I would be very happy to come back with a written response on that, so I can spell out very clearly what we believe the arguments are.

ACTING CHAIR—We would appreciate that.

Mr St CLAIR—We have talked to the RTA and others about having different hours for those that work in metropolitan areas, for example, as against those in the more remote areas. We have taken evidence in the case of the livestock industry, where you might have road trains operating out of Woop Woop and all they have got to worry about are kangaroos. Do you believe there should be some flexibility in that?

Mr Anderson—I think the short answer to that is yes. At the remote area conference in Alice Springs at the end of June, a lot of these issues were discussed. We debated long and hard about the extent to which you might want to make more flexible design conditions and other operational conditions for remote area operators as distinct from those who might be operating in more built-up areas and the problems you would come across when you move from one area to another. There has been a whole range of issues—ABS braking on B-doubles—which Mr McIver would be very familiar with.

In some instances, there are certainly strong cases for applying different conditions to remote area operators as distinct from those who operate in more built-up areas. In this Holy Grail of national uniformity, which we all pursue and support, to some extent we sometimes have to make compromises because of that, particularly when people with vehicles are moving from one area to another. But you do have a set of conditions. For example, people who operate in remote areas sometimes find the lighting too low. I think ADRs are a bit silly, Bruce, because lights have to be so low that they are then simply covered in dust and things of that nature. At the moment, there is a remote area group which has been reinvigorated with the support of a ministerial council—that is to say, ministers who have responsibilities for remote areas—to look at these very issues. I think they will address those in some detail.

Mr Higginson—I think, Mr St Clair, the best answer is that it is not the hours they work but the quality of their rest. It does not matter whether you are in an urban or remote area, you need to manage that rest. We talk about fatigue management not being the journey but what you do before, during and after the journey. It has nothing to do with whether it is 12 or 14 hours. Some freight task could be 19 or 20 hours. It has to be done. If someone has rested beforehand and taken the appropriate rest during that time and after it, and it is managed and it is auditable, that is what we should be looking for. The system is saying there are 24-hour rolling periods from midnight to midnight and a driver is forced to do his 14 or 15 hours in that time—great. That forces him into an environment that is not right.

This morning we heard New South Wales talking about a prescriptive regime, saying, 'The driver must come to work at that time, fit and ready to work.' He might need another two hours sleep, but because of the current driving hours restrictions and for him to get his number of hours in a day, he has to start at a certain time to get it into that 24-hour rolling period. The system actually adds to fatigue rather than addresses it.

Mr St CLAIR—Do you think the Safe-T-Cam has been successful? If you do, do you think it should be rolled out all over Australia?

Mr Higginson—If you did the cost benefit analysis on the amount of money that has been spent on Safe-T-Cam over the last seven years, you would be horrified in terms of trying to find a value for it. I think the New South Wales RTA would be the first to acknowledge that they had this view that the industry would come up worse than it has in relation to the Safe-T-Cam. Having said that and having the thing in place now, I think it can be a valuable tool and the industry has accepted to work with government on it.

I think the point that Margaret Crawford made this morning about actually having real-time information from the Safe-T-Cam for the officers on the side of the road is going to drive some better solutions there. As a note of caution, they have to use that information properly. I would hate to see them say, 'You were meant to have a break after five hours. It is five hours and five minutes. Therefore, here's your ticket.' It has to be used in a judicious way. The history has shown that they are actually looking at the overall record of companies that come up on Safe-T-Cam rather than knocking off individual offences. So we very much support that. They are actually shown as sending out due cause letters to companies, and they are actually working with them to address those safety issues, which is very positive. We would strongly support the continuation of that.

Mr St CLAIR—What is your feeling on cruise control on highway vehicles?

Mr Higginson—Let us give way to an operator on this issue.

Mr McIver—I notice you said on highway vehicles. I do not know what mine are classed as, probably off-highway, but in the road train areas—

Mr St CLAIR—Sorry, yes. I will be much more specific. Obviously you are not going to use cruise control as much when you are driving around the metropolitan areas of Sydney as you are either on interstate runs, on the transport corridors as such, or in more remote areas.

Mr McIver—Together with a properly managed FMP TruckSafe company, I would say yes. Without that I would have a lot of scepticism about it.

Mr St CLAIR—Could that be used as an incentive? Do you see that companies that do not have accreditation or part of TruckSafe as an incentive or a disincentive?

Mr Higginson—It comes down to the individual. Some say it is a great benefit, and others say they would never use it. I know a company north of Newcastle that has taken it out of all their vehicles because it was causing problems. Whether they were symptoms as a result of something else, they are not managing fatigue properly; therefore, they are having accidents. I can think of nothing worse than going to sleep when the truck is still doing 100 kilometres an hour. That is the issue I think you are getting to. My evidence is only anecdotal. Some say, 'It has actually reduced my fatigue,' because they do not have to keep their foot on the pedal all the time, and others are saying, 'It is a dicey issue in my company.' So it is only anecdotal evidence.

Mr St CLAIR—Yes, it is only anecdotal evidence that I have heard, too. I just wondered what you thought.

Mr HOLLIS—I have a question for you, Mr McIver. We have mentioned logbooks here a lot today. When my friend and I were up in Queensland, they were telling us how useless—I do not know if useless is the right word—they are. They were bringing them in on the cattle trucks and, because of the logbook requirement, they might have to stop and rest for X number of hours an hour before. They were putting to us that the enforcement with the logbooks is far too rigid and there has to be much more flexibility. I wonder if you could give us a bit of a spiel. Was it your company they were talking about? It was the shadow minister, wasn't it?

Mr St CLAIR—Yes, Vaughan Johnson was talking about it, but it may not have been McIver, it might have been—

Mr HOLLIS—Can you give us a bit of a run down on that?

Mr McIver—It certainly is a major problem in the livestock industry. It is a major problem in any industry, but particularly in livestock—

Mr HOLLIS—Yes, he was talking about the livestock industry.

Mr McIver—or produce—anything where you have got something that is not bricks or steel. You have to really stop. You could be an hour from your destination and you have got to stop and unload or whatever you have got to do. In reality, that does not happen, because the drivers do not.

Mr HOLLIS—I think that was the point he was making as well—that it is a bit of a myth that they are abused. He was saying that with cattle you have got to get the cattle to where they are going. If it is an hour or more, he was making the point that they were far too inflexible with the logbooks.

Mr McIver—Yes, we would agree with that 100 per cent. That is one of the reasons that we, as a company, chose to go straight into FMP. When it was first mooted they wanted some guinea pigs, I put my hand up and said, 'We'll be one.' That was really on our livestock transport business, because we were faced with the situation where, if we were going to try to have any duty of care and fix our chain of responsibility issues, we had to start with our driving hours. Being a livestock carrier, it was just completely impossible unless we had some more flexibility.

Mr Apps—It is not just livestock transport. It was mentioned before that quality rest should be more about quality rest than about managing fatigue. It is a similar situation for a driver who, an hour from home but out of driving hours, has to make that decision. So there is no flexibility. If he is at home in bed, he is going to get the better rest if he has got to get up the next day. So it is not just about livestock where there is a welfare issue; it is actually about the driver himself. So they are the kinds of things.

Mr Higginson—I think that is the quandary that everyone came to in trying to come up with a driving hours regime that picked up everyone. There are going to be people who want to sit outside the system and who will need a regulatory environment. The enforcement needs to target those people who do less than 12 hours and those sorts of things, moving

from the TFMS into full-blown FMP. But the industry has also got to understand that it has a responsibility to have some parameters around how it manages fatigue, if it wants holistic flexibility. Whether it is livestock or others, they have got to say, 'Here's our code of conduct.' I think in Queensland they have a code of conduct similar to the Northern Territory and Western Australia, which have codes of conduct to manage fatigue. Those things are coming from the Queensland example.

We are not saying that one shoe fits all. There are different horses for courses in terms of managing fatigue. These are core issues. We were here yesterday when the AMA was speaking about their code of conduct. The AMA actually came and looked at our FMP project in developing their own approach to fatigue. It is interesting for truck drivers to be teaching doctors, but that is the process we went through. We worked closely with the AMA in putting that stuff together. It is a long road to home.

Mr HOLLIS—I think you are right when you say 'horses for courses'. To come back to you, Mr Apps—and I do not know if the research shows this—we have heard that it is often that last hour of the driver pushing to get home to have that quality rest when the accident happens.

Mr Apps—They are the decision making processes a driver has to make, I guess. In some sense, fatigue management programs address the overall trip, schedules and rosters. So you would hope that the driver would not be put in that position.

Mr HOLLIS—What you are saying is that, if it were properly managed and you had the roster, there would not be that push on the driver to push himself to get home to have that rest because he would be managed properly on a rostered system.

Mr Apps—In an overall process, his fatigue would be managed rather than putting him in a regulatory regime that says, 'After this length of time you have got to stop.' He might be saying, 'I'm fine.' He might be tired as well.

Mr HOLLIS—Sure.

ACTING CHAIR—You would be familiar with the Western Australian model—non-prescriptive, very flexible. Is that the way to go? Could that be applied in Queensland and everywhere else?

Mr Higginson—That is a very good question. We have worked closely with all the regulatory authorities to address the current approach to driving hours. We understand that, given the nature of the trucking industry and transport—in general, 24 hours a day, 365 days a year—it is very hard to have an enforcement process to fix it up. So you need some boundaries on those people who cannot show by other means, such as an FMP, that they are doing the right thing. So you do need some boundaries in there somewhere.

Mr McIver—One of the areas that everyone focuses on all the time in relation to road fatalities and that sort of thing is accidents. I alluded to it before that a part of our quality system and TruckSafe procedures, if you are looking at improvement opportunities and near misses, is that we include workplace health and safety issues in relation to incidents or to

injury of workers in the workplace. We have noticed with our change in culture a great reduction in injury related incidents and, in fact, workers compensation claims. If you look at companies that are not doing the right thing, they will have a high accident record and they will also have a high workplace health and safety injury record. So you have got to look at both.

I may say in finishing that we would like to see fewer accidents and fewer trucks on the road and all of those things, as well as an industry; but the freight task is growing, as Andrew pointed out before. One of the things that we badly need as an industry—and if your committee can do anything to help us here—would be the mass limits review. We need it right across Australia. It will mean fewer trucks on the road. I think the figures that were given to me recently would mean there would be 10 per cent fewer trucks on the road, and it will also mean \$1.5 billion in productivity gains for Australia per annum. That is something we really do need as well.

ACTING CHAIR—Is there anything else you would like to put on the record before we finish?

Mr Higginson—In closing, I have a small list for the industry and regulatory authorities. As an industry, I think we have got to take accountability and not blame other people for anything. We have got to take leadership. I think the ATA and its member organisations have shown that over the last decade. We need more training internally on what fatigue is. I do not think that as a community we understand that in moving into the 24-hour society. Professor David Dinges and others have pointed to the dangers in that area and how we manage those. We have got to educate our people.

We have got to support the regulatory authorities in their push and, likewise, they have got to support us in making sure we do continue to lead in lifting standards in the industry. We have got to talk to our customers more. Maybe we can look at running customer awareness months, where, instead of the operators doing it, because they do not want to lose their contracts, we work with government and industry to have information going to the customers and making them aware of their need for diligence. I think that is a critical issue for us.

We do not want anyone supporting those who break the rules, and as long the commercial benefit outweighs the penalty we are going to have problems with that. We quite often find that government is the blocker on getting the right penalties in place because they have a platform or a legal thing saying, 'Because the penalty for this is that, we cannot have that being worse.' Queensland has led the way, increasing penalties in the mass area recently so that the commercial benefit is not so big. We would like to see that principle adopted right across the whole thing.

We talked about a lot of symptoms in the industry in terms of fatigue, et cetera. Our industry has to learn more about knowing its costs and operating a viable business. As organisations, we are trying to lift the business skills of industry. Government needs to help industries and, support or not the tax package, it is providing a good opportunity for us to get out there and teach people about their costs and systems.

For governments, there must be more focus on rest areas and there must be a strategy for that. That is a critical issue for us. We are very happy the committee has highlighted that because we do not think enough is done in that area. It is an issue in both urban and regional Australia. Also, there must be a greater focus on statistics and target initiatives to make sure we know what the problem is and we put strategies in place to deal with it. Let us not have a gut feel that because there is an accident on the side of the road you put all this penalty on the industry. We have got to understand what we are treating and why we are treating it. There is Mr McIver's point of more benefit for good operators. You have got to reward those people who are doing the right thing and target enforcement against those who are not.

In looking at the statistics relating to fatalities and accidents involving the trucking industry, you will find that over 70 per cent of the accidents are the fault of the other vehicles but we are consistently told that is not a big road safety problem. The general community does not understand how to interact with trucks. Unless we get more dollars coming into that public education area, we are not going to hit the right people. There must be more compliance by government and more leadership in the customer focus area, the government reception area. They have got to lead the way, not turn a blind eye to those problems.

We talked about culture change in the industry. The regulatory authorities need to change the culture of their enforcement people. We have TruckSafe accreditation people go through independent audits, they put a TruckSafe sticker on the side of the truck and it is like a target—the enforcement people want to prove they are doing the wrong thing, rather than show they are doing the right thing and targeting the others.

My last point is for more road funding. We can solve a lot of our problems in black spots and other areas through decent road funding. So much tax is collected from the trucking industry across the board, excessive tax, which in turn impacts on the customers we serve which then impacts on their ability to operate globally. If we put more funding into roads we are not only going to solve safety problems, we are actually going to get a better return on that dollar as well. I think I got them all out there.

ACTING CHAIR—You would be happy with that, Mr St Clair.

Mr St CLAIR—Absolutely.

Mr Higginson—There is one last issue—log checker. I do not know if you heard about log checker; you have talked about logbooks. I mentioned Craig Roseneder before. He developed a simple system where people put their hours into a simple computer model and it comes out red and green when they rest and when they drive. They can do it on a weekly or fortnightly schedule. It might be something the committee wants to look as a valuable, simple tool that people can use to help manage their fatigue.

ACTING CHAIR—Thank you very much for that. That was very informative—it is one of the most informative sessions we have had.

Mr Higginson—I could not say anything else but yes to that! Thank you, Mr Chairman, for the opportunity.

ACTING CHAIR—If we need to come back to you with further requests, I trust we can do that in writing and get a response.

Mr Higginson—Not a problem at all.

ACTING CHAIR—Thank you very much for appearing.

Resolved (on motion by **Mr St Clair**):

That this committee authorises the broadcasting of this public hearing and the publication of the evidence given before it at public hearing this day.

Committee adjourned at 3.05 p.m.

