

## Senate Inquiry into Workforce Challenges in the Transport Industry

ATA further information as requested see outline in Hansard:

### 1. What is different in each state in the new heavy vehicle driving hours and driver fatigue management laws:

Details of the outcome of the Australian Transport Council vote on the National Transport Commission's recommended package of Fatigue management related reforms.

National Transport Commission (NTC) Proposal	Outcome of Vote
Heavy Vehicle Driver Fatigue reform comprising the model legislation; Business Rules and Accreditation Standards for Advanced Fatigue Management and Basic Fatigue Management options; the Guidelines for Managing Heavy Vehicle Driver Fatigue; and the example page of the work diary.	Approved 9/0
Affirm the commitment to the provision of adequate rest areas to enable rest requirements to be met, including meeting the COAG requirement for the construction of rest areas to agreed national standards.	Approved 7/2 (NT and TAS dissenting)
A common implementation date consistent with COAG requirements (14 February 2008).	Approved 6/3 (NSW, NT and TAS dissenting)

Several Ministers noted the difficulty of achieving the COAG imposed implementation timeline, but agreed on the importance of a common implementation date. NTC has a process underway to achieve a common implementation date. We understand implementation is now likely to become September 2008 as NTC is about to seek ATC endorsement to new timeframe.

The Western Australian Minister noted that WA's existing occupational health and safety legislation which regulates hours of work for heavy vehicle driver in that state is consistent with the key aspects of the national proposal and therefore meets the Council of Australian Governments' direction for equivalence.

The Queensland government announced that it would impose automatic demerit point "fines" for log book offences, including loss of/failure to produce log book, incorrect entries, entries omitted etc. This is outside of the national model regulations which advocate the use of demerit point "fines" for serious offences where penalties are decided by a court.

The ACT Minister noted that while ACT will not be implementing the package under road transport law, it would make administrative arrangements to ensure it does not become a 'weak link' in the national regime.

The NSW and Victorian Ministers both raised issues relating to specific matters of detail rather than the underlying policies:

#### 1. Operating limits:

- **Basic Fatigue Management (BFM):** VIC has indicated it will not implement split rests in BFM
- **Advance Fatigue Management (AFM):** VIC & NSW say they will not implement the 16 hr outer limit and NSW wants to impose 84hr weekly limit.

2. **Defences:** NTC proposed that to allow more efforts to be focused on those parties with negative influences, drivers would have some defences. NSW and Victoria lodged objections

to new defences that the NTC reform provides, as summarised below. This raises issues of equity. Without appropriate rest areas, drivers, and the industry generally, faces great difficulties in complying with the driving hours/rest rules – maybe these laws are unconscionable as a result?

New defences available to drivers

Defence	NT	NSW	QLD	SA	TAS	VIC	Cth
Reasonable Steps Defence	✓	✓	✓	✓	✓	✗	✓
Rest Areas Defence	✓	✗	✓	✓	✓	✗	✓
Split Rests Defence (BFM)	✓	✓	✓	✓	✓	✗	✓

## 2. Other examples of dis-uniformity between the states in road transport laws:

Examples of dis-uniformity continue in road transport rules to be common. For example:

- Differences in allowed operating weight for truck & trailers (e.g. 45 tonne v 48 tonne GCM 6 axle combinations).
- State based variations to the nationally agreed rules that allow higher masses on some vehicles. Victoria has these Higher Mass Limit (HML) vehicles on most of its road network, but at the other extreme NSW and Queensland has continued to have a very restricted HML access since the reform was agreed in 1999. NSW has recently added additional and more restrictive rules to HML access outside the national framework.
- Unchecked state specific policy development outside national processes where NSW requires pre-enrolment in a (yet to be operational) Intelligent Access Program (IAP) as an additional condition of access – IAP is an unproven, vehicle tracking and automated enforcement system.
- Policy departures in allowing network access for safer higher productivity vehicles such as B-triples. These vehicles operate on road train routes except in NSW.
- Departures when implementing important safety reform such as Chain of Responsibility (CoR) where Victoria and NSW break the nationally agreed balance between responsibility and accountability. Delays in implementing these reforms in other states and territories, as only SA, NSW and Victoria have implemented CoR model provisions to date.
- Different driving hour rules currently apply and as noted above, uniformity was not the outcome of the NTC's review of these controls and safety will remain less than ideal as a result.
- Numerous variations are present in the application of the nationally agreed vehicle standards rules (AVDRs) and agreed National Road Rules generating less than ideal outcomes where heavy vehicle drivers go from being legal to illegal just because they cross a state border.

Further the dis-uniformity even includes areas that have been unified by earlier NTC reforms but now regressed into dis-uniformity. For example, the treatment of oversize and overmass vehicles under annual permits, notices and single trip permits continue to face increasing dis-uniformity as

some states advance more sensible regulations and other do nothing, awaiting NTC lead maintenance processes, or worse still act to undermine previous practices. NTC lead maintenance processes are at best very slow. Recently not all road agencies were able to identify a current network for 25 metre long single articulated vehicle combinations that operate under gazette notices – a former reform.

See

also

[http://www.atatruck.net.au/policies\\_submissions/submissions/ata%20response%20to%20the%20australian%20government%20regulation%20taskforce%20november%202005.pdf](http://www.atatruck.net.au/policies_submissions/submissions/ata%20response%20to%20the%20australian%20government%20regulation%20taskforce%20november%202005.pdf)