

Heavy Vehicle Fatigue Management

Fatigue-regulated heavy vehicles

The National Heavy Vehicle Regulator (NHVR) administers one set of laws, the Heavy Vehicle National Law (HVNL) for heavy vehicles over 4.5 tonnes gross vehicle mass.

The HVNL (being the *Schedule to the Heavy Vehicle National Law Act 2012 (Qld)* and four regulations) commenced on 10 February 2014 in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria. Each of these states and territories passed a law that either adopts or duplicates the HVNL (with some modifications) as a law of that State or Territory.

The HVNL has not commenced in Western Australia or the Northern Territory, however the HVNL applies to vehicles from those jurisdictions when they cross into one of the states or territories where the HVNL applies.

National heavy vehicle driver fatigue laws apply to fatigue-regulated heavy vehicles, which are:

- a vehicle with a Gross Vehicle Mass (GVM) of over 12t
- a combination when the total of the GVM is over 12t
- buses with a GVM over 4.5t fitted to carry more than 12 adults (including the driver)
- a truck, or a combination including a truck, with a GVM of over 12t with a machine or implement attached.

The HVNL sets three work and rest options:

- Standard Hours
- Basic Fatigue Management (BFM) and
- Advanced Fatigue Management (AFM).

Links to NHVR website and Regulation:

[Heavy Vehicle \(Fatigue Management\) National Regulation](#)

<https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management>

The laws cover all aspects of work and rest relating to heavy vehicles including:

- [work and rest hours](#)
- [recording work and rest times](#)
- [fatigue management exemptions](#)
- [Chain of Responsibility obligations](#)
- [Standard hours daily work and rest hours planner - NHVR –](#)

A driver must not drive a fatigue-regulated heavy vehicle on a road while impaired by fatigue.

Standard Hours:

The table below applies to **solo drivers**.

Time	Work	Rest
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
5 ½ hours	5 ¼ hours work time	15 continuous minutes rest time
8 hours	7 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	12 hours work time	7 continuous hours stationary rest time*
7 days	72 hours work time	24 continuous hours stationary rest time
14 days	144 hours work time	2 x night rest breaks [#] and 2 x night rest breaks taken on consecutive days

The practice of two-up driving is used to cover long distances. Two-up driving has some safety advantages over single driver operation due to the presence of another driver in the vehicle and reduced driving time managed in shifts.

The below table applies to **two-up drivers**.

Time	Work	Rest
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
5 1/2 hours	5 1/4 hours work time	15 continuous minutes rest time
8 hours	7 1/2 hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	12 hours work time	5 continuous hours stationary rest time* or 5 hours continuous rest time in an approved sleeper berth while the vehicle is moving
52 hours		10 continuous hours stationary rest time
7 days	60 hours work time	24 continuous hours stationary rest time and 24 hours stationary rest time in blocks of at least 7 continuous hours of stationary rest time
14 days	120 hours work time	2 x night rest breaks [#] and 2 x night rest breaks taken on consecutive days

Basic Fatigue Management (BFM)

The below table applies to solo drivers.

Time	Work	Rest
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
6 ¼ hours	6 hours work time	15 continuous minutes rest time
9 hours	8 1/2 hours work time	30 minutes rest time in blocks of 15 continuous minutes
12 hours	11 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	14 hours work time	7 continuous hours stationary rest time*
7 days	36 hours long/night work time**	No limit has been set
14 days	144 hours work time	24 continuous hours stationary rest time taken after no more than 84 hours work time and 24 continuous hours stationary rest time and 2 x night rest breaks# and 2 x night rest breaks taken on consecutive days.

The below table applies to **two-up drivers**.

Time	Work	Rest
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
24 hours	14 hours work time	No limit has been set
82 hours	No limit has been set	10 continuous hours stationary rest time
7 days	70 hours work time	24 continuous hours stationary rest time and 24 hours stationary rest time in blocks of at least 7 continuous hours of stationary rest time
14 days	140 hours work time	4 night rest breaks [#]

BFM Standards

There are six fatigue management standards that you need to comply with for BFM.

1. **Scheduling and rostering** – scheduling of individual trips and rostering of drivers are to be in accordance with limits prescribed in legislation
2. **Fitness for duty** – drivers are in a fit state to safely perform required duties and meet the specified medical requirements
3. **Fatigue knowledge and awareness** – personnel involved in the management, operation, administration, participation and verification of the BFM option can demonstrate competency in fatigue knowledge relevant to their position on the causes, effects and management of fatigue and the operator’s fatigue management system
4. **Responsibilities** – the authorisations, responsibilities and duties of all positions involved in the management, operation, administration, participation and verification of their operations under the BFM option are current, clearly defined, documented and carried out accordingly
5. **Internal review** – an internal review system is implemented to identify non-compliances and verify that the activities comply with the BFM standards and the operator’s fatigue management system
6. **Records and documentation** – the operator will implement, authorise, maintain and review documented policies and procedures that ensure the management, performance and verification of the BFM option in accordance with the standards.

For more information about what operators need to do in order to qualify for accreditation and to stay qualified, download the [Basic Fatigue Management Accreditation Guide \(PDF, 3.58MB\)](#).

Advanced Fatigue Management

Advanced Fatigue Management (AFM) accreditation brings a risk management approach to managing driver fatigue. Rather than setting work and rest hours, AFM offers the flexibility to propose your own hours as long as the fatigue risks of those hours are offset by sleep, rest and other management practices in a compliant fatigue management system.

[AFM Transitional Operators Workshop - Fact sheet \(PDF, 124KB\)](#)

Downloads:

- [Advanced Fatigue Management Business Rules \(PDF, 322KB\)](#)
- [Advanced Fatigue Management Standards \(PDF, 454KB\)](#)
- [AFM Transitional Operators Workshop - Fact sheet \(PDF, 124KB\)](#)
- [Countermeasures currently in use by operator \(PDF, 385KB\)](#)
- [Example safety case \(PDF, 431KB\)](#)
- [Risk Classification System Tool \(PDF, 192KB\)](#)
- [Risk Classification System for Advanced Fatigue Management Evidence Statement \(PDF, 527KB\)](#)
- [Risk Classification System for Advanced Fatigue Management Policy \(PDF, 855KB\)](#)

Fatigue-regulated driving hours in WA and NT

WA fatigue management regulations require that there can be no more than 17 hours between breaks of at least 7 continuous hours of non-work time; also a Commercial Vehicle Driver must have 27 hours of non-work time in any 72 hour period. It is possible to work for 17 hours on two consecutive days but no more than 11 hours the next day.

There must be at least two periods of 24 continuous hours of non-work time in any 14 day period and a maximum of 168 working hours in any 14 day period. Working hours include driving hours and work incidental to driving, so time on a header operating other equipment (agricultural equipment, earthmoving equipment or a forklift) counts as working time therefore is included as part of the 17 hours.

All operators entering WA must ensure their drivers meet the requirements of the WA Commercial Vehicle Driver Regulations in order to operate under the WA fatigue system. This includes completing the Worksafe WA online assessment. All operators of RAV combinations must be a member WAHVA (in addition to WA Commercial Vehicle Driver Regulations requirements) to use the WA fatigue system.

The Northern Territory does not regulate driving hours under transport law. The NT has adopted an outcome-based approach to managing driver fatigue. Under the NT Workplace Health and Safety Act, employers have an obligation to provide a safe workplace, which does not endanger workers or others. However operators complying with national regulations by adopting one of the National Heavy Driver Fatigue options (Standard, Basic and Advance), will ensure they are meeting their OH&S obligations in NT.

WA road transport law and HVNL

Context

Western Australia (WA) has developed a road access regime which allows larger vehicles than other jurisdictions in Australia. Use of high productivity vehicles in WA adds significantly to the efficiency of the supply chains. While successive Federal Governments have sought national uniformity in transport regulation around the country, the productivity levels achieved by heavy road transport in WA support a stand-alone WA policy approach. The distinctive nature of supply chain operation in WA means that a one-size-fits-all approach to national freight and logistics policy is not always appropriate.

[Code of practice - Fatigue management for commercial vehicle drivers WA](#)
[FAQs fatigue management of commercial vehicles](#)

Fatigue

- **WA** regulates fatigue through its Occupational Safety and Health (OSH) legislation not road transport law. This fatigue management system focusses on scheduling and rostering practices that take fatigue into account before the truck leaves the depot. The WA regime focuses on non-work rest time which by default leaves time available for work. Although work diaries are not required there is a requirement to maintain a work/driving record. Specifically, the fatigue system is:
 - Regulated via WA OSH Act 1984, and detailed via the Commercial Drivers Code of Practice (2004) issued by the WA Department of Mines, Industry Regulation and Safety
 - Code specifies operating standards and fatigue management planning
 - Worktime, non-worktime and breaks from driving
 - Applies to 4.5 tonne and above
 The employer/prime contractor are held accountable (to a criminal standard of proof).

- **HVNL** legislates maximum work requirements and minimum rest requirements (standard hours, Basic Fatigue Management solo, Basic Fatigue Management two-up, Advanced Fatigue Management and prescriptive work diary requirements). HVNL fatigue laws apply to vehicles with a Gross Vehicle Mass (GVM) of over 12t.

Maximum hours & minimum rest

Legislation	Maximum Hours	Minimum Rest
WA (OSH)	168 hours in 14 day period	Two periods of 24 hours continuous non-work time
HVNL Standard Hours	144 hours in 14 day period	<ul style="list-style-type: none"> • 2 night rest breaks; and • 2 night rest breaks taken on consecutive days
HVNL BFM	144 hours in 14 day period	<ul style="list-style-type: none"> • 24 continuous hours stationary rest time taken after no more than 84 hours work time; and • 24 continuous hours stationary rest time; and • 2 night rest breaks; and • 2 night rest breaks taken on consecutive days

Accreditation

- **WA** has mandatory accreditation (via WAHVAS) for some classes of heavy vehicles and operators:
 - Three mandatory modules – Fatigue Maintenance, Vehicle Maintenance and Dimension and Loading – incorporated into daily work practices
 - One optional module – Mass Management (if operating within Accredited Mass Management Scheme - AMMS)
 - AMMS allows access to concessional mass limits (and higher tonnes per axle – AAMS participants operate under one of three levels)
 - The Harvest Mass Management system provides a 10% mass allowance for the transport of grain from a paddock to a registered grain receival operator. It also allows last mile access to and from properties on roads that are not on the RAV network for the harvest period, subject to certain conditions.

The National Heavy Vehicle Accreditation Scheme (NHVAS) is a compliance scheme. NHVAS is managed on a national basis by the NHVR.

- **NHVAS** accreditation is voluntary and enables operators to be eligible to operate under concessional limits for vehicle mass (Mass Management Accreditation - MMA), requirements for vehicle inspections (MMA) and extended driving hours (BFM and AFM accreditation).

Compliance and Enforcement (Chain of Responsibility - CoR)

- **WA** Compliance and Enforcement (CoR) only applies to Mass, Dimension and Loading requirements (MDL)
 - The WA approach to MDL CoR extends all the way down to light vehicles – so that all parties in the transport chain can be held accountable.
 - WA CoR extends the benefit of a reasonable steps defence to drivers in a broader range of circumstances compared to the model law.

Permits

- Main Roads **WA** is focused on efficiently issuing road access permits.
 - All permits are issued on the WA Restricted Access Vehicle (RAV) system and Over Size Over Mass (OSOM) business unit system
 - RAV Networks are maintained for the various types of RAVs and are published in the form of Road Tables and a RAV Mapping Tool (available on-line)
 - WA also allows road train access in metro areas.
 - WA has a risk based approach to low volume access in rural areas
 - MRWA can override local government if necessary
- **NHVR:** Responsibility for the issue of permits depends on the heavy vehicle class and the jurisdiction that will be accessed. Applicants apply to the NHVR or to a state road transport authority. Applicants may need to apply to the ACT/Qld/SA directly, NSW Roads and Maritime Services or NHVR. NHVR does not process cross border applications for the NT or WA.
- Low volume access is not specifically dealt with by the NHVR nor does it intend to.
- NHVR excluded by legislation from overriding road owner.