

1. Context

Fatigued drivers are disproportionately represented in fatal and serious injury crashes on our roads. Driver fatigue is often experienced as a combination of being tired, drained, or exhausted and can lead to poor judgement, slower reactions to events, and decreased driving skills.

2. Scope

This procedure applies to all Clenton's Transport's operations, transport activities and associated persons and contractors, including:

- Employees involved in the Chain of Responsibility (CoR);
- Contractors and supply chain partners whose activities are directed by, or may impact upon Clenton's Transport's operations and employees, including fatigue management processes; and
- Contracted drivers of heavy vehicles driving for, or on behalf of Clenton's Transport.

As a minimum, this procedure applies to all fatigue-regulated heavy vehicles, however, it is recommended that the concepts introduced in this document are used as a guide for all heavy vehicle operations.

3. Primary Duty

The primary duty of all relevant duty holders in the CoR is to ensure that heavy vehicle drivers are able to complete all heavy vehicle journeys at all times within legal working hour requirements and are at all times 'fit for duty', including not being adversely affected by fatigue.

4. Specific HVNL CoR Duties

No driver is to drive, and no person can request a driver to drive, if to do so would result in the driver breaching their applicable work/rest hour limits. Work and rest requirements set out the maximum work period and minimum rest periods that must and will be observed by Clenton's Transport and persons/parties in its CoR.

Certain drivers are required to maintain work diaries and records of their work/rest hours.

It is an offence for any person to offer any encouragement, incentive, or reward for a driver to drive in breach of their relevant applicable work/rest hour limits.

Various parties in the CoR have legal duties to ensure that the primary duty fatigue obligations are complied with and that the terms of any business practices, consignment, driver's schedule or loading arrangements will not cause a driver to drive whilst fatigued. This includes the employer of a driver, prime contractor of a driver, operator of a heavy vehicle, scheduler, consignor, loading manager, loader, unloader, and consignee.

5. Acronyms, Definitions and References

Advanced Fatigue Management (AFM) - Those operating under NHVAS with Advanced Fatigue Management (AFM) accreditation adopt a genuine risk management approach to managing heavy vehicle driver fatigue. Rather than prescribing work and rest hours, AFM offers more flexibility than standard hours or BFM in return for the operator demonstrating greater accountability for managing their drivers' fatigue risks.

Basic Fatigue Management (BFM) - Those operating under NHVAS with Basic Fatigue Management (BFM) accreditation can operate under more flexible work and rest hours, allowing for (among other things) work of up to 14 hours in a 24-hour period. BFM gives operators a greater say in when drivers can work and rest if the risks of driver fatigue are properly managed.

Contractor - as referred to in this procedure is any person not directly employed by Clenton's Transport undertaking transport activities on behalf of Clenton's Transport.

CoR: Chain of Responsibility.

CoR Parties are described in the Transport Safety Policy of our Safety Management System and include Registered Operator, Prime Contractor, Transport Operator, Consignor/Consignee, Loading Manager, Loader and Unloader, Scheduler, Packer, and responsible persons.

Electronic Work Diary (EWD) - is an electronic device or system approved by the NHVR, to monitor and record the work and rest times of a driver and is a voluntary alternative to the written work diary.

Executive Officer of a corporation means a director of the corporation or any person, by whatever name called, (director or not), who is concerned, or takes part, in the management of the corporation. This includes for example owners, directors, managers, and operators.

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

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

Heavy Vehicle – a vehicle with a Gross Vehicle Mass over 4.5 tonnes.

HVNL: Heavy Vehicle National Law.

National driver work diary - A work diary is evidence a driver's work and rest hours are compliant with the law and their fatigue is being managed. All drivers of fatigue regulated heavy vehicles who drive more than 100km from their home base, or operate under Basic Fatigue Management (BFM) or Advanced Fatigue Management (AFM), must complete a work diary to record their work and rest times unless they have a work diary exemption (either through a notice or permit). A copy of the yellow page, which is marked DUPLICATE, must be given to the record keeper within 21 days of the date recorded on the daily sheet.

NHVAS: National Heavy Vehicle Accreditation Scheme.

Rest time is all time that is not work time.

Standard hours - Standard hours are the work and rest hours allowed in the HVNL for all drivers who are not operating under National Heavy Vehicle Accreditation Scheme (NHVAS) accreditation or an exemption. They are the maximum amount of work and minimum amount of rest possible that can be performed safely without additional safety countermeasures.

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Transport activities under HVNL means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road.

Work time includes all tasks to do with the operation of the fatigue-regulated heavy vehicle. Driving is obviously work time, but work time also includes tasks, whether undertaken on private property or on a road or road related area, such as:

- loading and unloading the heavy vehicle
- queuing or waiting to be loaded or unloaded
- inspecting, servicing or repair work
- attending to the load
- cleaning or refuelling the heavy vehicle
- instructing or supervising another person including learning to drive a heavy vehicle, learning a new route, making deliveries etc.
- recording information or completing a document (for example a work diary).

REFERENCES for this procedure include:

[Heavy Vehicle National Law \(NSW\) No 42a](#)

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

6. Procedure

Clenton's Transport and its contractors, as required under HVNL, will ensure the following measures are implemented throughout the supply chain relating to the management of fatigue.

6.1 Record Keeping Requirements

6.1.1 **Record keepers** must keep a record of specific information for drivers of fatigue regulated heavy vehicles. A record keeper may be the:

- employer, if the driver is employed
- accredited operator if the driver is working under BFM or AFM accreditation
- driver (as a self-employed or owner driver).

6.1.2 The record keeper must at a minimum obtain from drivers their completed work diary pages every 21 days.

6.1.3 For each driver, the relevant record keeper keeps records of:

- the driver's name, licence number and contact details
- the dates fatigue regulated heavy vehicles were driven
- the registration number of the heavy vehicle(s) driven
- the total of each driver's work and rest times for each day and each week
- copies of duplicate work diary daily sheets (if applicable)
- driver's rosters and trip schedules (including changeovers)
- driver timesheets and pay records
- any other information as required as a condition of an accreditation or exemption (such as driver training and health assessments).

6.1.4 Any contractors used by Clenton's Transport must ensure drivers provide their record keeper with their relevant work and rest hour totals and any other relevant heavy vehicle information the record keeper requires.

6.1.5 **The record location** is determined by the record keeper and notified to the driver. The record location is usually the driver's base.

6.1.6 All records must be:

- kept for three years after they are created
- kept at an accessible location
- in a format that is readable and reasonably assumed it will be readable in at least three years from the date of its creation.

6.2 Scheduling

6.2.1 Clenton's Transport utilises Freight Tracker U-Track program to manage fatigue and scheduling.

Driver fatigue may be adversely affected by set:

- pick up times or windows
- journey times or windows
- delivery times or windows.

Ideally, pick up, journey and delivery times, or windows, will be flexible.

However, where any one or more are fixed, the following requirements of this section concerning scheduling applies.

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6.2.2 When scheduling heavy vehicle times, or booking slots for loading or unloading, that a driver can reasonably rely on such bookings to happen at the agreed time, so as not to adversely affect the driver's fatigue or, work and rest requirements. **This should be done in consultation with the driver wherever possible.**

6.2.3 Any person scheduling a heavy vehicle journey or setting any time for pick up, journey or delivery time ensures its business practices permit the scheduling of journeys so they can be completed in time and at all times in accordance with any applicable driver work/rest hours (see Appendix A for work and rest hour requirements), including:

- allowing reasonable time for any necessary site induction, completion of all processes required by any Transport Safety Management Plan or equivalent, loading, driving, rest time and waiting; or
- having procedures implemented to respond to any journey delays (including weather, traffic, mechanical breakdown or fault or site delays).

For any scheduled heavy vehicle movement, an estimated trip time should be calculated, considering the above allowances, for the heavy vehicle to:

- reach its pick-up location;
- complete its journey; and
- reach its delivery destination.

6.2.4 There will be a system implemented for monitoring and notification of any interruptions or delays to any scheduled heavy vehicle movement and for making appropriate scheduling adjustments or alternative arrangements.

6.2.5 A dedicated point of contact will be maintained (in-vehicle telematics preferred) for such notifications and ensure that all contractors are aware of those details.

NOTE: 'Fatigue' is not caused by merely driving in excess of applicable work/rest hours. Drivers can be adversely affected by fatigue even when well within their work/rest hours limits.

6.2.6 Systems and processes, such as training, awareness and communication with drivers will be implemented, to ensure supply chain parties are aware of the visible or 'soft' signs of fatigue and report any instance where they reasonably suspect driver fatigue may adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public.

6.2.7 The terms of engagement of any Subcontractor (at any level) performing any part of or providing any plant, materials or equipment for the transport task do not force, encourage, induce or reward any driver to or for exceeding their applicable work/rest hours or to drive whilst affected by fatigue that may adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public.

This includes **scheduling and payments** tied in whole or part to meeting schedules.

6.2.8 Systems and processes will be implemented at any loading or unloading site operated by Clenton's Transport to inform drivers or transport operators, as far in advance as possible, of any delays or queues at the site which would likely result in a driver waiting for more than 30 minutes.

Where delays of more than 30 minutes are likely:

- queuing will be avoided so far as reasonably practicable;
- truck and driver waiting, and resting areas will be provided for use; and

- a system used for drivers to be notified by the site when the site is ready to load or unload their heavy vehicle. This system will not require the driver to have to periodically or continually check in with the site which may lead to interrupted rest.

6.3 Training & Competency

- 6.3.1 Any person responsible for ensuring compliance with any fatigue management accreditation under the NHVAS must certified as competent in:
- TLIF0005 - Apply a fatigue risk management system; and
 - TLIF0006 - Administer a fatigue risk management system, or an equivalent qualification.
- 6.3.2 As a minimum, any person responsible for ensuring compliance with any fatigue laws should receive awareness training regarding recognising the visible or 'soft' signs of fatigue, requirements for work and rest hours and the escalation process to follow in the event they believe a driver is fatigued or unfit for work.

6.4 Driver Fitness for Duty

- 6.4.1 Driver fitness for duty covers:
- Licencing
 - Fitness for duty assessments & fatigue compliance declarations pre-start
 - Being drug free and not exceeding any applicable alcohol limits
 - Recent work history and ability to drive the route planned
 - Medical fitness validation.
- 6.4.2 Evidence of valid and current driver licencing will be obtained at the time of employment and monitored throughout the driver's employment at an interval of no greater than six months to ensure currency.
- 6.4.3 All drivers are bound by Clenton's Transport's Drug and Alcohol Policy.
- 6.4.4 Clenton's Transport and its contractors must and will ensure that drivers declare on the load or route planning documentation that they are medically and physically fit to drive and otherwise reasonably fit to drive in all other material respects
- This includes being drug free and not in excess of any applicable alcohol limits – (ideally drivers should be required to also be alcohol free).
- If a driver is unable to work for any reason, they must notify their supervisor immediately. This notification must be recorded.

6.5 Compliance Monitoring

- 6.5.1 Clenton's Transport and its contractors will conduct random or risk-targeted inspections of a reasonable sample of drivers and journeys to ensure compliance with applicable fatigue and work/rest hour requirements.
- 6.5.2 Records of such inspection must and will be retained, and may include:
- Verification of actual departure, journey or delivery times against those recorded in the load or route planning documentation;
 - Comparing recorded departure, journey, delivery and work/rest times (as recorded in load or route planning documentation and/or driver work diaries) against GPS, or other location and heavy vehicle activity/usage monitoring system, for the

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journey, both to verify that the records/data match and that the driver is within relevant applicable work/rest hour limits;

- Verification of the currency of a driver's or transport operators' enrolment in BFM or AFM;
- Verification of the currency of a driver's licence, both generally and for the class of heavy vehicle being driven (both by confirming this as against the licence details already obtained and a visual inspection of the driver's licence);
- Conducting visual inspections for 'soft' signs of fatigue and drug or alcohol usage where reasonably suspected to adversely impact the safety of any heavy vehicle journey, the driver, other road users or the public;
- Conducting random drug and alcohol testing of drivers, performed by independent NATA accredited testers; and/or

6.5.3 Where any of the above compliance monitoring processes identify:

- any scheduling discrepancy; and/or
- fatigue incident

or

- where any scheduling discrepancy or fatigue incident is otherwise notified or becomes known to Clenton's Transport or any contractor, this must and will be reported in our and our Contractor's CoR incident reporting system.

7. General Responsibilities

Owner/Employer/Prime Contractor

The Owner, Employer or Prime Contractor is responsible for exercising 'due diligence' by providing the information, resources and expertise necessary for implementing, undertaking, monitoring and maintaining risk management activities associated with fatigue management requirements under the HVNL.

In meeting 'due diligence' requirements, they are required to familiarise themselves with the fatigue related hazards and risks associated with the business and its transport activities, the selected controls and monitor the effectiveness of the process.

Managers and Supervisors (also Executive Officer under HVNL)

Managers and supervisors are responsible for implementing this procedure in the areas and operations over which they have control. Managers are required to ensure the organisation's risk assessments are conducted, record keeping requirements are met, systems are monitored in real time, warnings and alerts are actioned, and the information obtained is reviewed and acted upon. Managers are also required to monitor the effectiveness of the processes in place.

Employees

All persons and contractors operating for or engaged in Clenton's Transport's transport activities are required to adhere to this procedure.

Contractors

Contractors, as well as complying with their HVNL duties, are also responsible for undertaking their own risk management activities. They are to comply with fatigue management requirements and duties, in accordance with legislative requirements of the HVNL and related regulations. How they will achieve this is to be described in their CoR Management Plan or Safe Work Method Statements.

Compliance reporting and relevant information is to be provided to Clenton's Transport as part of their contractual arrangements.

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All fatigue management issues identified by the management system and assessment process, are to be provided to Clenton's Transport's contact point. Contractors must also comply with Clenton's Transport's procedures. Any concerns are to be reported to Clenton's Transport's contact at the earliest opportunity for review.

8. CoR Role Responsibilities – Fatigue Management

Scheduler Responsibilities

The scheduler must ensure that:

- Journeys and routes are suitably planned with consideration of potential traffic issues and other unexpected delays;
- Schedules are kept as regular and predictable as possible;
- Drivers' activities, including work and rest times, are accurately recorded;
- Drivers can take their required rest breaks;
- Driver rosters or pick-up and delivery schedules do not require drivers to;
 - exceed regulated driving hours
 - fail to meet the minimum rest requirements
 - drive while impaired by fatigue
- Notification is given to the receiving/dispatching site if a timeslot cannot be made due to unforeseen delays.

Loading/Unloading Manager Responsibilities

The loading/unloading manager must ensure that:

- Reasonable arrangements are made to manage loading/unloading time slots;
- Drivers and their schedulers are advised if loading/unloading times will be 30 minutes or more either late or early so they can manage their work/rest times;
- Rest facilities are provided to allow drivers to take rest while waiting to load/unload (if not queuing);
- They enquire as to the time availability of the driver to legally complete or undertake the assigned task; and
- Loading or unloading is stopped, and the driver's employer or site manager is contacted, if a driver appears fatigued or not fit for work.

Packer Responsibilities

The packer must ensure that:

- Delays in loading packed goods are prevented or communicated to the loading manager; and
- The load is packed and ready to be loaded at the agreed loading time.

Loader/Unloader Responsibilities

The loader/unloader must ensure that the load is:

- Loaded/Unloaded in a timely manner, without unnecessary delays; and
- Ready to be loaded/unloaded at the agreed loading time without unnecessary delays.

Consignor/Consignee Responsibilities

The consignor/consignee must ensure that:

- Orders are placed and dispatched with enough time for the load to be safely transported without requiring the driver to breach speed or fatigue laws;
- No additional payments or incentives are offered or paid to any driver or other person to breach the law; and

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- If the agreed time is not able to be met, alternative agreements are made.

Driver Responsibilities

The Driver must:

- Hand to their record keeper all completed copies of work diary pages at least every 21 days;
- Know how to identify when they are showing signs of fatigue and take appropriate action;
- Not drive a heavy vehicle while impaired by fatigue or in breach of their work/rest hours option;
- Take responsibility for maintaining their personal health and fitness for work;
- Present themselves in a fit state to perform their work unimpaired by fatigue;
- Communicate any concerns about the scheduling or journey or any other potential or actual issues or delays to their scheduler promptly;
- Know whether they can complete the journey/make the timeslot in time allowing for delays and rest breaks;
- Know what fatigue scheme they are operating under and the requirements such as:
 - How long and when their breaks should be;
 - How to record their driving hours;
 - When they can start driving;
 - When they should stop driving.

9. Related Policy

This procedure has been developed in conjunction Clenton's Transport's Fatigue Management Policy and overarching Transport Safety Policy. It is consistent with the requirements of HVNL legislation.

10. Supporting Forms/Record Keeping

Forms generated by this procedure and other related records are listed below.

Title or group of documents	Location	Responsible Party or Role	Minimum Retention Period
Safe Driving Plan			
Driver fatigue risk assessment			3 years
Hazard Reports			Ongoing
Duplicate Work Diary Sheets			3 years

11. Procedure Quality Control

Policy:	Policy 02 Fatigue Management Policy
Compiled By:	
Groups Consulted:	
Approved By:	
Date:	MM/YY
Review:	MM/YY
Filename:	TSMS Procedure 01 Fatigue Management Operator.docx

Appendix A

The tables below provide's the maximum work and minimum rest that the driver of a fatigue-regulated heavy vehicle is allowed under the HVNL.

Standard Hours - 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 day

**Stationary rest time is the time a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary heavy vehicle. #Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.*

Standard Hours - Solo drivers in the bus and coach sector only

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		6 x night rest breaks [#]
28 days	288 hours work time	4 x 24 hours continuous hours stationary rest time

**Stationary rest time is the time a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary heavy vehicle. #Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.*

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Standard Hours – 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 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	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

**Stationary rest time is the time a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary heavy vehicle. #Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.*

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Basic Fatigue Management – 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.

*Stationary rest time is the time a driver spends out of a regulated heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

**Long/night work time is any work time (outside of the period midnight to 6.00 am) that is in excess of 12 hours of work in a 24 hour period or any work time between midnight and 6 am (or the equivalent hours in the time zone of the base of a driver).

#Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

Basic Fatigue Management – 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#

*Stationary rest time is the time a driver spends out of a regulated heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

#Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.