

23 September 2010

Chief Executive  
National Transport Commission  
L15/628 Burke St  
Melbourne Vic 3000

Dear Sir

### **IMPROVING THE BASIC FATIGUE MANAGEMENT OPTION - DISCUSSION PAPER**

We refer to our previous comments, and as a member of the Advisory Group examining improvements to the Basic Fatigue Management (BFM) option, we reiterate our support for the following proposals from the Discussion Paper about Improving the BFM Option:

1. Amend the BFM option to allow an alternative 14-day cycle. It would contain the same requirements as the current option except:
  - the requirement for a 24-hour rest after no more than 84 hours work time is removed
  - the requirement that drivers must have at least one 48-hour break in any 14-day period is added
  - the requirement that at least six of the minimum seven continuous hours of rest must be taken between the hours of 9 pm and 9 am on each work day is added.
2. Amend the definition of 'night rest' such that the night rest period can start at 9 pm to enable more early starts.
3. However, we maintain our position for split rests. Therefore we do not agree with the proposal for the status quo.

As pointed out in Industry Case Study 1 of the Discussion Paper:

*.. Many drivers operate for extended periods away from home and argue that even with the best scheduling arrangements, it may often be necessary to take the rest in the sleeper-cab of the truck at roadside. The physical size of the truck, legal restrictions on parking and access to quiet areas, or lack of rest areas, etc .may mean that there are very limited suitable locations for rest. In these circumstances the driver is vulnerable to disturbances that prevent lengthy blocks of sleep, including extreme weather conditions, noise from vehicles, livestock, refrigeration units or other disturbances which cannot be controlled. They argue that where disturbance cannot be controlled, they should have the option of moving the vehicle to a more suitable location and taking a second block of rest in circumstances where good rest can be achieved, while still getting 'credit' for the first block of rest.*

As stated previously, we appreciate that the topic of split rests has generated vigorous debate by fatigue experts. Pending developments in this debate, we urge that the current BFM split rest hours requirements now available only as a legal defence, are legislatively recognised to be as of right. This would avoid the need for court actions, which are usually expensive and time consuming.

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On another matter, we ask that a Standard Hours option for the Bus and Coach Sector be considered for the trucking industry. As you know, this option permits days off to be 'banked' over 28 days for low risk bus operations. This variation can be used where night work and total hours are low, which could apply to some truck drivers.

Please contact me if you require any further details.

Yours faithfully

A handwritten signature in black ink, appearing to read "B O Belacic". The signature is written in a cursive style with a large initial "B" and "O" followed by the name "Belacic".

Bernard Belacic  
CEO