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VICTORIANS “CRACK ON” WITH HEAVY VEHICLE DRIVER FATIGUE LAWS IMPLEMENTATION

As of the end of November 2008, over 125 Victorian-based transport operators have become accredited under Basic Fatigue Management (BFM) during the implementation phase of the new heavy vehicle driver fatigue laws, the Victorian Transport Association (VTA) confirmed today.

The VTA revealed this statistic following the inaugural meeting of the Victorian Heavy Vehicle Driver Fatigue Implementation Monitoring Group held on Monday, 1st December 2008. The Implementation Monitoring Group is being chaired by VicRoads, and comprises representatives from the VTA, the Livestock Transporters Association of Victoria (LTAV), Bus Association Victoria, the Transport Workers Union and representatives from the enforcement authorities - Victoria Police and VicRoads' Traffic Safety Services (TSS).

“This demonstrates that despite the hyperbole of many, and the undesirable confusion about the requirements of the laws, particularly in other jurisdictions, Victorian-based transport operators are “cracking on” with implementation of the new laws in their businesses.” stated the VTA’s Deputy CEO, Neil Chambers.

The VTA also applauded VicRoads and Victoria Police for the open stance they are taking in dialogue with the industry to overcome concerns with on-road enforcement practices and other implementation issues.

“The sheer fact that we are able to sit down maturely with the enforcement authorities in this State in such a cooperative forum is testament to the desire by the government agencies and the industry to try to achieve the best safety outcomes from the implementation of these new laws.” Mr. Chambers observed.

“We are not sugar-coating this ... there have been examples of unduly harsh enforcement practices in the early stages, and it is fair to say that many in the industry, and in fact in the government as well, are still coming to terms with the practical implications and application of the new laws.”

“However, Victoria Police has indicated that there has been a substantial reduction in infringement notices being issued – evidence that the Police are undertaking an educative role on the road-side.”

victoriantransportassociation inc.

“The VTA is encouraging its members to gather hard evidence if they feel that their drivers have been treated unfairly or harshly during this implementation period, particularly where evidence shows that innocent mistakes have been made, such as filling out the new Work Diary incorrectly even though it is clear that the driver is trying to do the right thing.” stated Mr. Chambers.

“We have also noticed that there are still some misinterpretations and misunderstandings about the new laws.”

A significant misinterpretation exists among some drivers and others that once the driver has completed the necessary fatigue management training & assessment to the “F10” competency standard, they can work to BFM hours. This is not the case – to work to BFM hours the driver must be employed by an operator who holds BFM accreditation, and they must meet the requirements of that accreditation (i.e. fatigue management assessment, hold a valid medical certificate and have been inducted into the operator’s accredited fatigue management system).

“If a driver works for an operator that is scheduling to Standard Hours, then they cannot work to BFM hours, even if they have completed fatigue management training & assessment and hold a valid medical certificate.” Mr. Chambers clarified.

“We have also noticed that the operators of some DC’s and other major freight places are taking a negative or “over-zealous” approach to managing their own compliance as “loading managers” and that of the drivers and operators.”

“We will be partnering with VicRoads, Victoria Police and WorkSafe Victoria to visit many of these premises under the banner of the Victorian Enforcement Liaison Group, to have meaningful dialogue with these freight generators about their obligations & practices.” noted Mr. Chambers.

Other actions to be taken early in 2009 will be additional Information Sessions for industry, further meetings with Registered Training Organisations on the training & assessment requirements and the encouragement of transport operators and the enforcement authorities to meet to discuss implementation concerns, particularly in regional and rural areas of the State.

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