



Transdev Australasia submission for: NTC - Developing a heavy vehicle fatigue data framework

Company Overview

Transdev Australasia (**Transdev**) is a public transport operator in Australia and New Zealand – delivering more than 120 million customer journeys each year. The company employs 5,300 staff across five modes of transport in seven distinct locations across Australasia. Transdev has light rail operations in Sydney, and bus operations in metropolitan Sydney, Melbourne, Brisbane, Perth and Darwin. It operates ferries in Brisbane and in Sydney in a joint venture with Transfield Services.

Response for consideration

Summary of Fatigue issues –

In principle, Transdev considers that the heavy vehicle fatigue data framework (**the framework**) is a step in the right direction for industry. The Heavy Vehicle National Law (**HVNL**) and framework should encapsulate every aspect of compliance, monitoring and review across all states and territories prior to establishing standard data criteria for the framework. This means that legislation, policy, enforcement, medical standards, data capturing and reporting all need to be consistent or standardised across all jurisdictions. The HVNL currently regulates heavy vehicle driver fatigue in every Australian jurisdiction except WA and the NT.

With regards to priorities in the operation of Metropolitan and Regional busses, it is the quantity and quality of sleep that impacts on driver well-being, which in turn affects their fitness to work and should be examined together as a whole. The framework was established for heavy vehicle drivers who typically do long haul journeys that are most at risk. The current framework has a minimal focus on Metropolitan/Regional bus drivers, who work shifts and fluctuate under / above the 100km radius.

Participants and operators also need to understand the likely costs associated with meeting the expectations of the framework, and Transdev submits that this needs to be reflected in the document. Below is a consolidated summary of Transdev's review of the draft framework, including Transdev's comments for consideration in further development of the framework.



Working Hours / Log Book / 100km monitoring

The definition of a “fatigue related heavy vehicle driver” does not capture the entire “heavy vehicle driver” workforce, particularly drivers under the 100km radius where specifically detailed work is not undertaken. For example, a bus driver has specified work/rest timings which are documented by the operator whereas a courier or other service driver can work hours outside the ‘set levels’ and still remain compliant.

Further regulation is needed for service workers within the 100km radius where the work is not detailed by a set roster with breaks included at designated times. Transdev agrees with **Vic police** comments that these workers are “**invisible to enforcement**”.

Heavy vehicle drivers and bus drivers in Queensland are not required to complete a log book when working under standard hours and within the 100km radius. This means that drivers are therefore able to, for example, have a night job and then turn up for a ten hour shift. Unless the operator has specific policies and procedures in place to manage this (and they somehow become aware that the driver is working elsewhere), there is no enforcement possible to manage this variant of fatigue management abuse.

Advanced Fatigue Management (AFM) and Basic Fatigue Management (BFM) and “*Standard Hours*”, are set regulatory standards for the operator, they impose set work/rest hours for the driver based on the operator’s compliance. Work/rest and fatigue falls back to the workers capabilities as an operator can have policy and 100% compliance with legislation; however policy does not keep people awake. If a driver is fatigued, they are fatigued. No policy or fatigue management framework will keep them awake.

AFM, BFM and Standard hours should remain (subject to review) in place for the operator, but drivers should be medically assessed; including sleep testing such as testing done for sleep apnoea, and also rated against the Epworth sleepiness scale or similar test, and be accredited by an external body (i.e. a licence condition imposed under HVNL to operate under AFM or BFM).

Medical assessment and data

In Transdev’s submission Heavy vehicle licencing should be linked to medical standards in the same way as a bus operator is required to meet relevant medical standards to operate a passenger vehicle. Whilst a bus is not carrying freight in the same sense as a truck, if a heavy bus collides with a passenger sedan, the outcome is generally the same for the occupants of the sedan as if it was a heavy truck. Transdev submits that drivers with known conditions should be on a 12 month review. Medical standards across Australia should be standardised, which would eliminate people crossing borders to either employ or be employed. Medical testing costs and compliance should remain the driver’s responsibility just like any other industry accreditation.

Should costs associated with medical requirements for either licencing or authorisation be required to be borne by business, this is likely to have significant financial implications. Transdev estimates that one of its bus operations would need to make provision for an additional \$100k-

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\$120k per annum to facilitate this. Transdev currently operates 7 bus businesses, with the total costs likely to be around \$700,000 to 1 million dollars per annum.

Transdev submits that medical practitioners should be certified to a set standard to issue a medical certificate for a commercial licence or heavy vehicle licence. More often than not, doctors process the approved medical form and receive \$150 from the driver, despite having little or no knowledge of what is actually in the NTC Assessing Fitness to Drive standards.

The unregulated issuing of medical certificates for commercial licencing increases the risk of drivers who are not fit for purpose being licenced, and increases the risk profile to the operator who has no visibility of the medical / fit for duty of its bus operators, let alone the subsequent fatigue impacts. Transdev submits that medical practitioners and employers should be able to report drivers to the relevant licencing authority when there is a known condition affecting the driver which means that they do or may not meet the NTC guidelines for a commercial licence.

As an example, one of the Transdev bus operations had a bus driver who was unfit to hold a commercial licence according to NTC Guidelines, but his heavy vehicle licence and drivers authority were still valid. In discussions TMR (**Department of Transport & Main Roads**) stated that they will only suspend it on medical grounds when the notification was provided in writing from a doctor (who has no obligation to report) or when the driver themselves notifies TMR. In the view of Transdev, this leaves the system open to flagrant and uncontrolled abuse.

Transdev conducts and facilitates fatigue management training across the operational business groups, to enable drivers to identify signs and manage risks of fatigue. However, it is impossible to obtain any knowledge of sleep patterns, sleep insufficiency and medical issues from bus drivers, which limits the effectiveness of early intervention strategies and the prevention of fatigue in the driver network, as it is the responsibility of the driver to notify of medical issues or sleep fatigue issues. If there has been a customer complaint or incident we can review CCTV footage to identify any particular behavioural / visible signs of fatigue, though CCTV is not to be used as a monitoring tool.

Operators in Western Australia (**WA**) are regulated by Department of Transport in respect of fatigue accreditation. The criteria for medical review are stringent, and are administered by employees with review by the DOT for approval to maintain licence authorisation for the bus drivers.

Medicals

1. Pre-employment medical check. This medical check will include a physiotherapy examination designed as a further check to confirm the applicant's physical suitability for the role that he/she has applied for.

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2. Ongoing medical checks are undertaken by driving staff in order to maintain their **F (bus) extension** on their licence. As a minimum, examinations take place:

- Every five years before age 45.
- Between age 45 until before age 65, every 2 years.
- From age 65, annually

The medical assessment form is completed by a health professional and submitted directly to the Department of Transport. It is up to the discretion of the Department of Transport to assess and grant an individual this **F (bus) extension**.

Drug and Alcohol

Transdev strongly supports the inclusion in the HVNL of mandatory requirements for operators to have a drug and alcohol testing program in place, with set minimum testing quotas per percentage of workforce. Elimination of substance abuse will never occur whilst 80% of the road transport industry does not perform drug and alcohol testing.

Western Australia currently administers

- Zero tolerance of drug and alcohol
- Random alcohol breathalyser test on a monthly basis
- Random alcohol and drug test every 3-4 months

Administration of data / process

Changes to system / process administer data collection and processing for hours of work / roster, log books, medical assessments and outcomes will require resources and will add cost. To minimise the impact of data collection to business, Transdev recommends that NTC [*National Transport Commission*] utilises the resources of current regulators / government agencies that collect the medical information from the licencing requirements. This would minimise the data processing and resourcing to administer the requirements of the Heavy Vehicle Fatigue data project.

Data capture needs to ensure the high risk periods referred to in the heavy vehicle fatigue data framework, when work ends between midnight and 6.00a.m, are effectively and representatively captured in the design of the framework.

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