

# MEDIA RELEASE



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## **PEAK BODY CALLS FOR ELECTRONIC WORK DIARY TOLERANCES REVIEW**

The time tolerances used in planned electronic work diaries (EWD) should be reviewed after two years, Australian Trucking Association CEO Christopher Melham said today.

The review is one of the recommendations in the ATA's submission to the Queensland Infrastructure, Planning and Natural Resources Committee enquiry into the Heavy Vehicle National Law Amendment Bill 2015.

Mr Melham said that while the ATA welcomed the planned introduction of voluntary electronic work diaries, the bill did not properly consider issues with how small breaches of the work and rest rules would be treated.

"At present, the Heavy Vehicle National Law requires drivers of fatigue-regulated heavy vehicles to fill out written work diaries to record their work and rest hours. The time periods in these written work diaries are required to be rounded to the nearest 15 minutes, and are hand-written by the driver," Mr Melham said.

"The electronic diaries that would be approved under this bill would replace the need for written work diaries, potentially offering a considerable reduction in the red tape burden faced by operators and drivers. These systems would automatically round to the nearest one minute interval, with a maximum work time tolerance of eight minutes in a 24 hour period. There would be no tolerance for errors in rest times.

"The ATA believes these differences in the legislated work and rest limit tolerances would create a two-tiered regulatory system, with EWD users facing a significantly tighter regulatory regime than those using written work diaries.

"As a result, we expect that many operators and drivers would decide to continue using the written diaries, despite potential red tape savings.

"Ideally, the bill and the Heavy Vehicle (Fatigue Management) National Regulation should be amended immediately to address the industry's concerns. Alternatively, the NTC's recommended two-year review of the tolerances should be locked in to the NTC work program and NHVR corporate plans now."

The submission uses a real-world work example to demonstrate the differences in the diary systems. In this example, a driver takes an early rest break to have a nap, but rests for 29 minutes, rather than thirty minutes.

This minor error would disappear in a written work diary, as the driver would inevitably round the break up to half an hour. However, an EWD would record every minute of discrepancy. The driver would be exposed to a maximum penalty of \$4,100 unless an extra 15 minute work break was taken.

The submission also reiterates the ATA's call for electronic work diary use to be on a voluntary basis only.

"Although EWDs could offer great advantages for some businesses, installing them would be an unnecessary cost for small operators or those who don't currently fall under work diary requirements," Mr Melham said.

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“In the ATA’s view, the only situation where EWDs should be mandatory is where a court orders an operator to install them after convicting the operator of an offence.”

The submission is available at [www.truck.net.au/industry-resources/heavy-vehicle-national-law-amendment-bill-2015-submission](http://www.truck.net.au/industry-resources/heavy-vehicle-national-law-amendment-bill-2015-submission).

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