



Driving commercial vehicles

Duties for the person responsible for drivers and operation of commercial vehicles

The responsible person has a duty to ensure that:

- the vehicle is driven in accordance with Occupational Safety and Health Regulation (reg) 3.132
- a current certificate from a [medical practitioner that the driver is fit to drive](#);
- a fatigue management plan is developed and kept current by a competent person for every commercial vehicle driver who is required to drive a commercial vehicle. This includes things such as scheduling trips, rostering drivers, establish drivers fitness to work, education of drivers in fatigue management, managing incidents, establishing and maintaining appropriate workplace conditions.; and
- a record is kept in respect to work time, breaks from driving and non-work time of each commercial vehicle driver. The record is to be:
 - set out in a clear and systemic manner;
 - available for inspection by an inspector at all reasonable times; and
 - kept for at least 3 years from the date of the last entry on the record.

Duties for commercial vehicle drivers

A commercial vehicle driver has a duty to comply with the following requirements:

- to drive commercial vehicles in accordance with the commercial vehicle operating standard; and
- to hold a current medical certificate that confirms his or her fitness to drive a commercial vehicle.

The commercial vehicle operating standard (OSH regulation 3.132)

Solo drivers

- At least 20 minutes of break from driving for every 5 hours of work time – including at least 10 consecutive minutes, during or at the end of five hours.
- No more than 168 hours of work time in any 14 day period.
- At least 27 hours non-work time in any 72 hour period including at least 3 periods of at least 7 continuous hours of non-work time.
- No more than 17 hours between non-work time periods of at least 7 continuous hours
- If shift work on five or more consecutive days, at least 24 hours continuous hours of non-work time between shift changes.

ALL THE ABOVE AND ONE OF THE BELOW OPTIONS

- At least two periods of 24 continuous hours non-work time in any 14 day period OR
- At least 4 periods of 24 continuous hours non-work time in any 28 days period – provided the hours do not exceed 144 hours in any 14 day period within the 28 days.

Two-up driving

- At least 20 minutes of break from driving for every 5 hours of work time – including at least 10 consecutive minutes, during or at the end of five hours.
- No more than 168 hours of work time in any 14 day period.
- At least 7 hours non-work time in any 24 hours (may be spent in moving vehicle, stationary vehicle or elsewhere).
- If shift work on five or more consecutive days, at least 24 hours continuous hours of non-work time between shift changes.

ALL THE ABOVE AND ONE OF THE BELOW OPTIONS

- At least one period of 7 hours of continuous non-work time in any 48 hour period (cannot be spent in a moving vehicle, may be stationary or spent elsewhere). OR
- At least 48 hours non-work time in any 7 day period, with at least 24 hours of the 48 hours being continuous and the balance taken in minimum 7 hour periods (cannot be spent in a moving vehicle, may be stationary or spent elsewhere).

Regional Offices

In well managed circumstances, a solo driver can work for up to 17 hours (maximum 16 hours driving), but there must be a break of at least seven continuous hours immediately before and after the 17 hour period. These breaks of seven continuous hours would be included in the 27 hours of non-work time in any 72 hour period.

It is important to remember that the limits on the number of hours that can be worked in a 14 or 28 day period mean it is not possible to continuously work 17 hour days.

Under the Occupational Safety and Health Regulations:



A **'responsible person at a workplace'** means a person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace



A **'commercial vehicle driver'** is a person who drives a 'commercial vehicle' in the course of their work AND whose 'work time' are:

- more than 60 hours per week; or
- more than once a week is more than 10 hours in a 24 hour period; or
- more than once per week, work time includes the period from midnight to 5.00am.



A **'commercial vehicle'** means

- passenger transport vehicle, which means a vehicle used or intended to be used in providing a passenger transport service (carry passengers for hire or reward, including on-demand, tourism and regular passenger transport services);
- school bus, (equipped to carry more than 8 adults, principally transport children);
- mobile plant with Gross Vehicle Mass (GVM) over 4.5 tonnes (self-propelled or integrated); and
- any other motor vehicle with a GVM over 4.5 tonnes used or intended to be used for the carriage of goods for hire or reward.



'Work time' includes driving and all the activities that are associated with driving a commercial vehicle. It includes time spent loading and unloading, completing any paperwork related to picking up and delivering the load; checking the load; refuelling; checking tyres; maintaining and cleaning the vehicle; and talking to supervisors and other drivers about the work arrangements.

Work time also includes breaks from driving of less than 30 minutes.



'non-work time' means more than 30 minutes time off at home, away from the vehicle or, if on a trip in the vehicle, includes sleep in an appropriate sleeper berth. It does not include driving and work incidental to driving.



'Breaks from driving' means:

- It is a break from the physical task of driving.
- It is a break of less than 30 minutes so the driver is still considered to be working.
- The driver can be loading / unloading / refueling / completing paperwork / checking the load restraints etc.

All of those activities provide a break from the task of driving

Further information

- [Code of practice for Fatigue management for commercial vehicle drivers](#)
- [Commercial vehicle driver fatigue management training](#)
- [Assessing fitness to drive for commercial and private vehicles](#)
- [Frequently asked questions – Fatigue management for commercial vehicles](#)