



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2022 (No 1)

1 Purpose

The purpose of this Notice is to provide alternative short rest break requirements for drivers of fatigue-regulated heavy vehicles carrying pre-mixed concrete by removing short rest break requirements for drivers who have short work breaks instead.

Note:- This notice replaces the National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2019 (No 1)

2 Authorising Provision(s)

This notice is made under Section 266 of the *Heavy Vehicle National Law* as in force in participating jurisdictions.

3 Title

This notice may be cited as the *National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2022 (No.1)*.

4 Commencement

This notice commences on 1 January 2022.

5 Expiry

This notice expires on 31 December 2024.

6 Definitions

- (1) Unless otherwise stated, words and expressions used in this Notice have the same meaning as those defined in the *Heavy Vehicle National Law*.
- (2) In this Notice—

Concrete agitator means an item of plant or equipment that maintains plastic concrete in a mixed state.

Note:- definition as per Australian Standard AS 1379 (Clause 1.3.1)

Premixed concrete means concrete that has been obtained from a concrete supplier and which has either been centrally or mobile mixed.

Note:- definition as per Australian Standard AS 1379 (Clause 1.3.8)

Short work break means a period of at least 15 minutes during which:

- (a) the vehicle is stationary; and
- (b) the driver of the vehicle occupies the driver's seat while the engine is running; and
- (c) the driver of the vehicle does no work within the meaning of the Heavy Vehicle National Law, other than remaining in the driver's seat while the engine is running.

7 Application

- (1) This Notice applies to the driver of a fatigue-regulated heavy vehicle:
 - (a) who is operating under standard hours or Basic Fatigue Management accreditation; and
 - (b) who elects to take a Short Work Break; and
 - (c) the vehicle includes as part of its equipment a concrete agitator; and
 - (d) the vehicle is loaded with pre-mixed concrete.

8 Exemption

- (1) This notice provides an exemption for maximum work requirements and minimum work requirements in the following instances:
 - (a) If the driver is operating under standard hours, s5(1) and (2) of the *Heavy Vehicle (Fatigue Management) National Regulation*; or
 - (b) if the driver is operating under Basic Fatigue Management Accreditation, s9(1) and (2) of the *Heavy Vehicle (Fatigue Management) National Regulation*.

9 Conditions- General

- (1) If a driver is required to keep a work diary, a driver must record the time and duration of each short work break in the "*Number Plates and Comments*" section of their national driver work diary.
- (2) If a driver is not required to keep a national driver work diary, a record keeper for the driver must record the time, place and duration of each short work break in the alternative records for that driver.

10 Conditions – Alternative Rest Trial work and rest hours

The driver of a fatigue regulated heavy vehicle who elects to take a short work break under section 7 must comply with the Alternative work and rest hours set out in Schedule 1.

Don Hogben
Chief Regulatory and Policy Standards Officer
National Heavy Vehicle Regulator

Schedule 1: Alternative work and rest hours

As per section 10, a driver operating under this Notice must meet the alternative rest and work hours set out in Table 1 of this Schedule.

Table 1: Alternative Work and Rest Hours

Column 1 Total Period	Column 2 Maximum Work Time	Column 3 Minimum Rest Time
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
12 hours	11 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes AND 30 minutes short work break time in blocks of 15 continuous minutes.
24 hours	12 ½ hours work time	7 continuous hours stationary rest time
7 days	72 hours work time	24 continuous hours stationary rest time
14 days	144 hours work time	2 x night rest breaks and 2 x night rest breaks taken on consecutive days

Note: for drivers operating under this notice:

- i. for drivers working under standard hours, this table applies instead of the table in Schedule 1 of the National Regulation titled “Table 1 Standard hours—solo driver of fatigue-regulated heavy vehicle”.*
- ii. for drivers working under Basic Fatigue Management, this table applies instead of the table in Schedule 2 of the National Regulation titled “Table 1 BFM hours- solo driver of fatigue-regulated heavy vehicle”.*