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)*

1. Authorising Provision(s)

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

1. Title

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

1. Commencement

This notice commences on 1 January 2022.

1. Expiry

This notice expires on 31 December 2024.

1. 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:

* + - 1. the vehicle is stationary; and
      2. the driver of the vehicle occupies the driver’s seat while the engine is running; and
      3. 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.

1. Application
2. This Notice applies to the driver of a fatigue-regulated heavy vehicle:
   1. who is operating under standard hours or Basic Fatigue Management accreditation; and
   2. who elects to take a Short Work Break; and
   3. the vehicle includes as part of its equipment a concrete agitator; and
   4. the vehicle is loaded with pre-mixed concrete.
3. Exemption
4. This notice provides an exemption for maximum work requirements and minimum work requirements in the following instances:
5. If the driver is operating under standard hours, s5(1) and (2) of the *Heavy Vehicle (Fatigue Management) National Regulation*; or
6. if the driver is operating under Basic Fatigue Management Accreditation, s9(1) and (2) of the *Heavy Vehicle (Fatigue Management) National Regulation.*
7. Conditions- General
8. 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.
9. 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:*

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