



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2023 (No.2)

1. Purpose

- 1) 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.
- 2) This notice revokes and replaces the *National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2023 (No. 1)* that was to come into force on 1 February 2023.

Note: This Notice clarifies certain terms in the alternative work and rest hours prescribed in Schedule 1 from previous editions of the Notice and also corrects a clerical issue with the last edition.

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 2023 (No.2)*.

4. Commencement

This notice commences on 1 February 2023.

5. Expiry

This notice expires on 31 January 2026.

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 rest 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 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.

Steven Miller
Chief Regulatory Policy and 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 work and rest hours set out in Table 1 if operating under standard hours or Table 2 if operating under Basic Fatigue Management (BFM) of this Schedule.

Table 1: Alternative Work and Rest Hours – Standard hours

| Total Period | Maximum Work Time | Minimum Rest break |
|---------------------|---|---|
| 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... |
| 5 ½ hours | 5 ¼ hours work time | 15 continuous minutes of rest time OR 15 continuous minutes of short work break |
| 8 hours | 7 ½ hours work time | <ol style="list-style-type: none"> 1. 30 minutes of rest time in blocks of 15 continuous minutes, OR 2. 30 minutes of short work break in blocks of 15 continuous minutes, OR 3. 15 continuous minutes of rest time AND 15 continuous minutes of short work break |
| 11 hours | 10 hours work time | <ol style="list-style-type: none"> 1. 60 minutes rest time in blocks of 15 continuous minutes, or 2. maximum 30 minutes of rest time in blocks of 15 continuous minutes <u>AND</u> 30 minutes of short work break in blocks of 15 continuous minutes, OR 3. 45 minutes of rest time in blocks of 15 continuous minutes AND 15 continuous minutes of short work break |
| 24 hours | 12 ½ hours work time (includes 30 minutes short work break) | 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 |

Table 2: Alternative Work and Rest Hours – Basic Fatigue Management hours

| Total Period | Maximum Work Time | Minimum Rest break |
|---------------------|---|---|
| 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... |
| 6 ½ hours | 6 hours work time | 15 continuous minutes of rest time OR 15 continuous minutes of short work break |
| 9 hours | 8 ½ hours work time | <ol style="list-style-type: none"> 1. 30 minutes of rest time in blocks of 15 continuous minutes, OR 2. 30 minutes of short work break in blocks of 15 continuous minutes, OR 3. 15 continuous minutes of rest time AND 15 continuous minutes of short work break |
| 12 hours | 11 hours work time | <ol style="list-style-type: none"> 1. 60 minutes rest time in blocks of 15 continuous minutes, or 2. maximum 30 minutes of rest time in blocks of 15 continuous minutes <u>AND</u> 30 minutes of short work break in blocks of 15 continuous minutes, OR 3. 45 minutes of rest time in blocks of 15 continuous minutes AND 15 continuous minutes of short work break |
| 24 hours | 14 ½ hours work time (includes 30 minutes short work break) | 7 continuous hours stationary rest time |
| 7 days | 36 hours long/night work time* | No limit has been set |
| 14 days | 144 hours work time | 24 continuous hours stationary rest time taken after no more than 24 hours work time and 24 continuous hours stationary rest time and 2 x night rest breaks# and 2 x night rest breaks taken on consecutive days. |

**Long/night work time is any work time (outside of the period midnight to 6.00 am) that is in excess of 12 hours of work in a 24 hour period or any work time between midnight and 6 am (or the equivalent hours in the time zone of the base of a driver).*

#Night rest breaks are 7 continuous hours stationary rest time taken between the hours of 10pm on a day and 8am on the next day (using the time zone of the base of the driver) or a 24 continuous hours stationary rest break.

Note: for drivers operating under this notice:

- i. for drivers working under standard hours, Table 1 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. it must be noted that the 12 ½ hours work time available under a 24hr period in table 1 is only possible due to the use of 30 minutes of short work break over the course of that 12 ½ hours. To be clear, this means that working 12 ½ hours requires at least 30 minutes of short work break time in blocks of 15 continuous minutes.*
- iii. for drivers working under Basic Fatigue Management, Table 2 applies instead of the table in Schedule 2 of the National Regulation titled “Table 1 BFM hours- solo driver of fatigue-regulated heavy vehicle”.*
- iv. it must be noted that the 14 ½ hours work time available under a 24hr period in table 2 is only possible due to the use of 30 minutes of short work break over the course of that 14 ½ hours. To be clear, this means that working 14 ½ hours requires at least 30 minutes of short work break time in blocks of 15 continuous minutes.*