

National Livestock Welfare Work and Rest Exemption Notice 2017

Background

On the February 10, 2017 the NHVR launched the *National Livestock Welfare Work and Rest Exemption notice (2017)*. This notice replaces the *NSW Livestock Carrier Driver Work Time Exemption (notice) 2014 (no. 1)* and the *Road Traffic (Heavy Vehicle Driver Fatigue) (Livestock) Notice 2011 (South Australia)*.

This new national notice harmonises the requirements across all participating jurisdictions and extends the provisions into Queensland, Victoria and Tasmania for the first time.

To be eligible to use this notice you must meet certain requirements including:

- increasing the continuous stationary rest taken after an event, and
- making records about the time spent working under this notice.

This information sheet details the minimum requirements for drivers and record keepers.

Who can operate under this notice?

This exemption allows a driver of a fatigue-regulated heavy vehicle to extend their work time by up to one hour in response to an incident or potential risk to the welfare of loaded stock.

The driver, the load and the circumstances must meet the following requirements.

The driver must be:

- a solo driver operating under Standard hours or Basic Fatigue Management (BFM), and
- taking action to address, remove or reduce the risk of a livestock welfare incident.

The vehicle's load is certain livestock, including cattle, sheep, goats, pigs, horses, poultry, emus, ostrich, alpaca, deer, camel or buffalo.

The livestock welfare incident or potential risk is:

- reasonably unforeseeable, and
- arises in the course of a journey, and
- adversely impacts on the welfare of livestock.

How much additional work is available?

The exemption allows up to one hour of additional work time on a day, whenever there is a livestock welfare incident.

You cannot schedule the additional time.

You must take extra rest after you have done additional extra work to compensate for any fatigue risk.

How often can I work under this notice?

Provided there is a genuine welfare incident/risk, and the driver complies with the following requirements, there is no limit on how many days the exemption can be used.

However, you are only allowed one additional hour of work in any seven-day period if you are working under Standard Hours or one additional hour of work in any 14-day period if you are working under Basic Fatigue Management.

If you use the exemption more than once within a seven- or 14-day period, you must pay back the additional work time within the period.

Additional Work Rules

The work time recorded by a driver may be extended by up to one hour from the regulated hours.

This can impact the total hours recorded in a seven- or 14-day period.

Standard Hours

Regulated hours	Welfare incident hours
12 hours work in 24 hours	13 hours work in 24 hours
72 hours in 7 days	73 hours in 7 days*
144 hours in 14 days	146 hours in 14 days*

BFM Hours

Regulated hours	Welfare incident hours
14 hours work in 24 hours	15 hours work in 24 hours
144 hours in 14 days	146 hours in 14 days*

* Total hours worked in a 7 or 14 day period can only be increased if the welfare incident occurs in the last 24 hour period of the week/fortnight.

Additional Rest Rules

Where drivers have extended work time in response to a welfare incident, total continuous stationary rest time following the event must be increased.

Before a driver can start work after the welfare incident they must have a minimum of seven continuous hours of stationary rest **plus** twice the amount of additional work time used to deal with the welfare incident.

Standard Hours

Total work	=	Total continuous rest*
12 hours 15 minutes	=	7 hours 30 minutes
12 hours 30 minutes	=	8 hours
12 hours 45 minutes	=	8 hour 30 minutes
13 hours	=	9 hours

BFM Hours

Total work	=	Total continuous rest*
14 hours 15 minutes	=	7 hours 30 minutes
14 hours 30 minutes	=	8 hours
14 hours 45 minutes	=	8 hour 30 minutes
15 hours	=	9 hours

* Total hours worked in a 7 or 14 day period can only be increased if the welfare incident occurs in the last 24 hour period of the week/fortnight.

Recording requirements

Drivers who work under this exemption must make records about the work done and the circumstances under which the work occurred.

These records must be in writing and detail:

- the amount of time spent working under this exemption
- the circumstances which resulted in risks to the welfare of the livestock
- the time, date and location when the driver became aware of these circumstances.

Drivers who are required to complete the *National Driver Work Diary* must make the above records in their work diary and provide copies of the information to their record keeper in accordance with the record keeping requirements detailed in the Heavy Vehicle National Law.

Drivers who are not required to complete the *National Driver Work Diary* must make the above records in writing and provide a copy of this information to their record keeper as soon as practicable, but no later than 21 days.

Record keepers must retain records relating to the work carried out under this exemption for a period of three years.

Key changes

The NHVR recognises that some operators may be accustomed to operating under their existing notice. Below are the key changes that will take effect with the new notice.

New South Wales Livestock Carrier Driver Work Time Exemption (notice) 2014 (no. 1)

- Livestock is now more clearly defined, based on the Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock, making it easier to determine who can work under the exemption
- Drivers get the same amount of additional work time (1 hour) under Standard hours and BFM
- Stationary rest requirements have been harmonised for drivers under Standard hours and BFM
- Record keeping requirements have been relaxed
- Incidents no longer have to be reported to the NHVR/RMS.

South Australian Road Traffic (Heavy Vehicle Driver Fatigue) (Livestock) Notice (2011)

- Definition of livestock has been extended to include more animals, based on the Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock
- The notice now extends to include drivers operating under BFM
- Total work times are now aligned with all states
- Stationary rest requirements are increased to ensure drivers have opportunity to recover from additional work requirements.

For more information

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Telephone: 1300 MYNHVR (1300 696 487)*

Email: info@nhvr.gov.au

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