

## Short work breaks for agitator drivers

### What you need to know

Under the National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2019 (No 1), if you are a concrete agitator driver in NSW, VIC, QLD, SA or Tasmania, you are legally allowed to take a 'short work break' of at least 15 minutes, whereby:

- the vehicle must be stationary
- you occupy the driver's seat while the engine is running
- you do no work other than remaining in the driver's seat while the engine is running.

The Exemption Notice concludes on 31 December 2021.

### You need to keep in mind

Standard hours still apply and the Gazette Notice only gives you flexibility on when you can take a break. For example:

- In a total period of 12 hours, you must have a one hour rest period made up of:
  - 30 minutes of rest time in blocks of 15 continuous minutes
  - 30 minutes 'short work break' time in blocks of 15 continuous minutes.
- In a total period of 24 hours, you must **not** work more than 12½ hours and must have seven hours of stationary rest time.

The Gazette Notice exempts you from the minimum 15 minutes rest break in 5½ hours under basic or standard hours legislation, but **does not exempt you from prosecution for driving in a fatigued state.**

Driving a truck while fatigued is an offence; law enforcement officers can park your truck for up to 48 hours if they suspect you are fatigued, even if breaks have been recorded.

### Breaks

A 'short work break' can only be taken:

- if your truck is loaded (e.g. you can't take a 'short work break' on your way back to the plant)
- while you are in the driver's seat and not working.

When taking the 'short work break', you must record:

- time
- duration
- location.

A rest break can only be taken when you are removed from all truck activities (i.e. loading, slumping, driving, unloading, queueing, washing, etc.).

### If you're feeling fatigued, take a break

It is your responsibility to ensure your rest breaks and/or 'short work breaks' are taken within a reasonable timeframe throughout your working shift so you don't become fatigued.

It is advised to organise a work or rest break between five and six hours work time if a break has not been previously taken.

#### Example work breaks scenario

An agitator driver travels to a job site where three trucks are waiting to be unloaded ahead of him, with an estimated wait-time of 40 minutes.

As the driver has been working for five hours, they decide to take a 30 minute 'short work break' (2 x 15 minute blocks). During the break, the driver is sitting in the driver's seat, the engine is running, the bowl turning, and no work is undertaken during this period. The driver records the time of the break and the location on their daily work log.

After the job is complete, the driver returns to base and has a late lunch in the amenities room (30 minute rest break) and records this in the daily work log.

In the 12 hour work period, the driver has had a minimum of one hour's rest/work break.

*Remember: If you are deemed fatigued by a Law Enforcement Officer you may be required to park your truck until you can prove you are not in a fatigued state.*