



## Heavy Vehicle National Law

### National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2019 (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 2017 (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 2019*.

#### 4 Commencement

This notice commences on 1 January 2019.

#### 5 Expiry

This notice expires on 31 December 2021.

#### 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 work and rest hours**

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

Geoff Casey  
*Executive Director (Productivity and Safety)*  
**National Heavy Vehicle Regulator**

## Schedule 1: Alternative work and rest hours

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

**Table 1: Alternative Work and Rest Hours (Short Work Break)**

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 <b>maximum</b> of...	And must have the rest of that period off work with at least a <b>minimum</b> 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 <b>and</b> 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”.*