

## Short work breaks for agitator drivers – Information sheet

This information sheet provides information about the *National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2023 (No 1)*.

### What you need to know

If you are a concrete agitator driver in the ACT, New South Wales, Queensland, South Australia, Tasmania or Victoria, this Notice legally allows you to take a 'short work break' of at least 15 minutes, during which:

- 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 Notice ends on 31 January 2026.

### You need to keep in mind

Basic Fatigue Management or standard hours still apply, and the Notice only gives you flexibility on when or how you can take a break. For example, if operating under standard hours:

- 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
  - Up to 30 minutes of 'short work break' time in blocks of 15 continuous minutes or an additional 30 minutes of rest time in blocks of 15 continuous minutes.
- In a 24-hour period, you must not work for more than 12 hours with 30 minutes of 'short work break' time also available. The 24-hour period must also include 7 hours of continuous stationary rest.

The Notice allows you to swap the minimum 15 continuous minutes of rest break in 5½ hours under standards hours or 6¼ hours under Basic Fatigue Management with 15 continuous minutes of 'short work break' but **does not** exempt you from prosecution for driving while fatigued.

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 – for example, 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 the:

- time
- duration
- location.

A rest break can only be taken when you are removed from all work activities – for example, loading, slumping, driving, unloading, washing or doing paperwork.

### 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.

#### Example: Work breaks scenario

An agitator driver travels to a job site where three trucks are waiting to be unloaded ahead of them. There is 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.

In this instance, the driver has complied with having a minimum of 15 continuous minutes break at 5¼ hrs and the driver cannot take anymore short work breaks because they have used the maximum of 30 minutes allowed under the Notice.

**Note:** If you are deemed fatigued by a law enforcement officer, you may be required to park your truck until you can prove you're not in a fatigued state.

#### For more information:

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