



Heavy Vehicle National Law

National Heavy Vehicle Work and Rest Hours Exemption (Personal Use – Standard Hours) Notice 2024 (No.1)

1. Purpose

To exempt specified categories of permitted personal activity from the definition of work, with the intention that those activities are not counted as work time for a driver under Standard Hours.

Note: Permitted Personal Activity is defined in this notice, and the specific list of activities that fall within the definition are provided in the Heavy Vehicle Advisory Publication 1701 - Personal Use of Fatigue-Regulated Heavy Vehicles.

2. Authorising Provision

This notice is made under section 266 of the *Heavy Vehicle National Law*.

3. Commencement

This notice commences on 5 February 2024.

4. Expiry

This notice expires on 31 October 2025.

5. Title

This notice may be cited as the *National Heavy Vehicle Work and Rest Hours Exemption (Personal Use – Standard Hours) Notice 2024 (No.1)*.

6. Definitions

- 1) Unless otherwise stated, words and expressions used in this Notice have the same meanings as those defined in the Heavy Vehicle National Law (HVNL).

- 2) In this notice-

Permitted Personal Activity means an activity specified in the Heavy Vehicle Advisory Publication 1701 - Personal Use of Fatigue-Regulated Heavy Vehicles – Standard Hours.

Relevant Vehicle means the fatigue-regulated heavy vehicle that a driver is using for a Permitted Personal Activity.

7. Application – Class of Driver

- 1) This notice only applies to a solo driver of a fatigue-regulated heavy vehicle who would otherwise be driving under Standard Hours pursuant to section 5 of the *Heavy Vehicle (Fatigue Management) National Regulation (the Regulation)*.
- 2) This notice does not apply to drivers operating under any other work and rest hours exemption or work and rest option.

8. Exemption – Maximum Work Time under Standard Hours

When operating under the conditions of this notice, the driver of a fatigue regulated heavy vehicle operating under this notice is exempt from section 5(2)(a) of the Regulation.

Note: This specifically exempts drivers from the maximum work hours allowed under Standard Hours. The required rest break requirement is not exempted.

9. Conditions - Maximum work times and minimum work times

- 1) A driver operating under this notice must comply with the Standard Hours requirements set out in section 5 of the Regulation, but with the additional work time allowed under this section.
- 2) For the purposes of conducting **Permitted Personal Activity** a driver may drive, or perform any other task relating to a fatigue-regulated heavy vehicle, for up to one extra hour in a 24 hour total period under (Column 1) of Table 1 in Schedule 1 of the Regulation.
- 3) The extra hour allowed in (2) does not count as work toward Maximum Work Time under Column 2 of Table 1 in Schedule 1 of the Regulation.
- 4) The extra time provided in (2) must be taken in a single continuous period.
- 5) This section does not apply to **Permitted Personal Activity** conducted in the first and last 3 hours of any 24 hour rest break.

Note:- Section 221 of the HVNL defines work and prescribes activities relating to a fatigue-regulated heavy vehicle that are regarded as work.

Section 10 below places a requirement on when time used for Permitted Personal Activity must be recouped.

10. Conditions – Consecutive 24 hour restriction

The extra one hour of **Permitted Personal Activity** allowed in 9(2) above may not be used in consecutive 24 hour periods.

11. Conditions – Recording Permitted Personal Activity

- 1) If the work time allowed for Permitted Personal Activity allowed under 9(2) is used on a given calendar day, the driver must record in the Comments Section of their current work diary for that day when that work took place.
- 2) A record made under this section must include the following information:
 - a) The words “*Personal Use Standard Hours*” to indicate that the record is being made as a condition of operation under this exemption; and
 - b) The location of the Permitted Personal Activity; and
 - c) The start and end time of the Permitted Personal Activity; and
 - d) The odometer reading at the end of the Permitted Personal Activity.

12. Conditions - Limits on application of Permitted Personal Activity

- 1) Driving a relevant vehicle for the extra hour allowed for ***Permitted Personal Activity*** under 9(2) and recorded under 11 can only be undertaken if the vehicle is not:
 - a) carrying a load; or
 - b) towing another vehicle.

Paul Daly

A/Chief Safety and Productivity

National Heavy Vehicle Regulator