**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.*

1. **Authorising Provision**

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

1. **Commencement**

This notice commences on 5 February 2024.

1. **Expiry**

This notice expires on 31 October 2025.

1. **Title**

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

1. **Definitions**
2. Unless otherwise stated, words and expressions used in this Notice have the same meanings as those defined in the Heavy Vehicle National Law (HVNL).
3. 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.

1. **Application – Class of Driver**
2. 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)*.
3. This notice does not apply to drivers operating under any other work and rest hours exemption or work and rest option.
4. **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.*

1. **Conditions - Maximum work times and minimum work times**
2. 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.
3. 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.
4. 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.
5. The extra time provided in (2) must be taken in a single continuous period.
6. 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.*

1. **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.

1. **Conditions – Recording Permitted Personal Activity**
2. 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.
3. A record made under this section must include the following information:
4. The words *“Personal Use Standard Hours”* to indicate that the record is being made as a condition of operation under this exemption; and
5. The location of the Permitted Personal Activity; and
6. The start and end time of the Permitted Personal Activity; and
7. The odometer reading at the end of the Permitted Personal Activity.
8. **Conditions - Limits on application of Permitted Personal Activity**
9. 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:
10. carrying a load; or
11. towing another vehicle.

Paul Daly

*A/Chief Safety and Productivity*

**National Heavy Vehicle Regulator**