



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle Concrete Agitator Work and Rest Hours Exemption Notice 2026 (No.1)

1. Purpose

- 1) The purpose of this Notice is to provide short work breaks as an alternative short rest break requirement option for drivers of fatigue-regulated heavy vehicles carrying pre-mixed concrete.

Note: Nothing in this exemption relieves the driver of a fatigue regulated heavy vehicle from the duty to avoid driving while fatigued, pursuant to section 228 of the Heavy Vehicle National Law (HVNL).

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 2026 (No.1)*.

4. Commencement

This notice commences on 1 February 2026.

5. Expiry

This notice expires on 31 January 2029.

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)

Plastic concrete means concrete in the state between completion of mixing and initial set as defined in AS 1012.18, as defined in AS 1379 (clause 1.3.8 (a))

Pre-mixed 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 solo 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 rest 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, duration and location of each short work break in the "Number Plates and Comments" section of their work diary.
- 2) If a driver is not required to keep a work diary, a record keeper for the driver must record the time, location 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 section 7 must comply with the alternative work and rest hours set out in Schedule 1.

Paul Daly
Director, Strategic Policy
National Heavy Vehicle Regulator

Schedule 1: Alternative work and rest hours

As per section 10, a driver operating under this Notice must meet the alternative work and rest hours set out in Table 1 if operating under standard hours or Table 2 if operating under Basic Fatigue Management (BFM) of this Schedule.

When interpreting the tables below, the **maximum** time allowed for short work breaks is a total of 30 minutes in 24 hours.

Table 1: Alternative Work and Rest Hours – Standard hours

Total Period	Maximum Work Time	Minimum Rest break
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
5 ½ hours	5 ¼ hours work time	Rest time in blocks of at least 15 continuous minutes OR at least 15 continuous minutes of short work break
8 hours	7 ½ hours work time	<ol style="list-style-type: none"> 1. 30 minutes of rest time in blocks of at least 15 continuous minutes, OR 2. 30 minutes of short work break in blocks of at least 15 continuous minutes, OR 3. Rest time in blocks of 15 continuous minutes AND at least 15 continuous minutes of short work break
11 hours	10 hours work time	<ol style="list-style-type: none"> 1. 60 minutes rest time in blocks of at least 15 continuous minutes, OR 2. 60 minutes rest time with a maximum 30 minutes of short work break time in blocks of at least 15 continuous minutes <p><u>AND</u></p> <p>30 minutes of rest time in blocks of at least 15 continuous minutes, OR</p> <ol style="list-style-type: none"> 3. 45 minutes of rest time in blocks of at least 15 continuous minutes AND at least 15 continuous minutes of short work break
24 hours	12 ½ hours work time (includes 30 minutes short work break)	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 and 2 x night rest breaks taken on consecutive days

Table 2: Alternative Work and Rest Hours – Basic Fatigue Management hours

Total Period	Maximum Work Time	Minimum Rest break
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
6 ¼ hours	6 hours work time	Rest time of at least 15 continuous minutes OR at least 15 continuous minutes of short work break
9 hours	8 ½ hours work time	<ol style="list-style-type: none"> 1. 30 minutes of rest time in blocks of at least 15 continuous minutes, OR 2. 30 minutes of short work break in blocks of at least 15 continuous minutes, OR 3. Rest time of at least 15 continuous minutes AND at least 15 continuous minutes of short work break
12 hours	11 hours work time	<ol style="list-style-type: none"> 1. 60 minutes rest time in blocks of at least 15 continuous minutes, OR 2. 45 minutes of rest time in blocks of at least 15 continuous minutes AND at least 15 continuous minutes of short work break, OR 3. 30 minutes of rest time in blocks of at least 15 continuous minutes, <p>AND</p> <p>maximum 30 minutes of short work break time in blocks of at least 15 continuous minutes</p>
24 hours	14 ½ hours work time (includes 30 minutes short work break)	7 continuous hours stationary rest time
7 days	36 hours long/night work time*	No limit has been set
14 days	144 hours work time	24 continuous hours stationary rest time taken after no more than 24 hours work time and 24 continuous hours stationary rest time and 2 x night rest breaks# and 2 x night rest breaks taken on consecutive days.

Note: where asterisk () as defined in the HVNL*

Note: for drivers operating under this notice:

- i. for drivers working under standard hours, Table 1 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. it must be noted that the 12 ½ hours work time available under a 24hr period in table 1 is only possible due to the use of 30 minutes of short work break over the course of that 12 ½ hours. To be clear, this means that working 12 ½ hours requires at least 30 minutes of short work break time in blocks of 15 continuous minutes.*
- iii. for drivers working under Basic Fatigue Management, Table 2 applies instead of the table in Schedule 2 of the National Regulation titled “Table 1 BFM hours- solo driver of fatigue-regulated heavy vehicle”.*

- iv. *it must be noted that the 14 ½ hours work time available under a 24hr period in table 2 is only possible due to the use of 30 minutes of short work break over the course of that 14 ½ hours. To be clear, this means that working 14 ½ hours requires at least 30 minutes of short work break time in blocks of 15 continuous minutes.*