

Queensland

Heavy Vehicle National Law (Queensland)

Heavy Vehicle (Fatigue Management) National Regulation

Current as at 1 August 2026—revised version

Repeal/Expiry Information
The *Statutory Instruments Act 1992*, part 7 does not apply to this legislation—see the *Heavy Vehicle National Law Act 2012*, section 5(1)(j). This means the legislation does not expire.

Reprint notes
Some symbols in schedule 1 were incorrect in an earlier version of this reprint.

This version was corrected on 19 November 2026.

The Heavy Vehicle (Fatigue Management) National Regulation is a law of Queensland under the Heavy Vehicle National Law (Queensland). It is intended a new reprint of the National Regulation will be prepared by the

Office of the Queensland Parliamentary Counsel when any change in the National Regulation takes effect.

National scheme legislation may not be entirely consistent with Queensland's current drafting style.

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Queensland

Heavy Vehicle (Fatigue Management) National Regulation

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Heavy Vehicle (Fatigue Management) National Regulation

Editor's note—

The Heavy Vehicle (Fatigue Management) National Regulation is a law of Queensland under the Heavy Vehicle National Law (Queensland). It is intended a new reprint of the National Regulation will be prepared by the Office of the Queensland Parliamentary Counsel when any change in the National Regulation takes effect.

Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle (Fatigue Management) National Regulation*.

2 Commencement

This Regulation commences in a participating jurisdiction on the day on which Chapter 6 of the Law commences in that jurisdiction.

Note—

In this Regulation, a reference to 'the Law' is a reference to the Heavy Vehicle National Law. See section 12(2) of Schedule 1 of the Heavy Vehicle National Law.

3 Definitions

In this Regulation—

cancel, in relation to an unused daily sheet in a written work diary, means cancel by writing 'cancelled' in large letters across the sheet.

daily sheet, for a written work diary, has the meaning given by section 12C(1)(b).

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4 Interpretation provisions

(1) Terms used in this Regulation and Chapter 1 or 6 of the Law have the same meanings in this Regulation as they have in Chapter 1 or 6 of the Law.

(2) To avoid doubt, sections 244 to 248 of the Law, and sections 19 and 19A of this Regulation, apply when counting time in a period mentioned in the Tables in the Schedules.

Example—

A reference in column 1 of a Table in the Schedules to any period of a particular number of hours or days is a reference to that number of hours or days as determined by applying section 247 of the Law.

4A Prescribed operations requirements for driver fatigue

For the purposes of section 457 of the Law, the requirements of Division 2 of Part 6.3 of the Law are prescribed operations requirements.

Part 2 Maximum work and minimum rest requirements

5 Standard hours

(1) For the purposes of section 249 of the Law, the following standard hours are prescribed—

(a) for the solo driver of a fatigue-regulated heavy vehicle—the hours set out in Table 1 of Schedule 1;

(b) for the solo driver of a fatigue-regulated bus—the hours set out in either, but not both, Table 1 or Table 2 of Schedule 1;

(c) for the driver of a fatigue-regulated heavy vehicle who is a party to a two-up driving arrangement—the hours set out in Table 3 of Schedule 1.

(2) For a period stated in column 1 of a Table in Schedule 1—

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(a) column 2 of the Table states the maximum work time for the driver; and

(b) column 3 of the Table states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. A night rest break is a block of time.

(3) A contravention of section 250(1) of the Law for a period stated in column 1 of Table 1 or Table 2 in Schedule 1 is a breach of the risk category stated in column 4 of the Table for the circumstance of the contravention.

(4) A contravention of section 251(1) of the Law for a period stated in column 1 of Table 3 in Schedule 1 is a breach of the risk category stated in column 4 of the Table for the circumstance of the contravention.

(5) If, apart from this subsection, the driver would commit a minor risk breach in relation to a total period stated in column 1 of a Table in Schedule 1 that is not more than 24 hours, the driver does not commit the minor risk breach if—

(a) the period the driver works in excess of the maximum work time stated in column 2 of the Table for the corresponding total period stated in column 1 of the Table is not more than 8 minutes; and

(b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

6 Alternative compliance hours

(1) A contravention of section 254 of the Law is a breach of the following risk category—

(a) for a contravention, other than an escalated risk contravention, for a period stated in column 1 of Table 1 in Schedule 2—the risk category stated in column 2 of the Table for the circumstance of the contravention;

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(b) for an escalated risk contravention for a period stated in column 1 of Table 3 in Schedule 2—the risk category stated in column 2 of the Table for the circumstance of the contravention.

(2) In this section—

escalated risk contravention means a contravention involving a driver, for a period stated in column 1 of Table 2 in Schedule 2—

(a) working for more than the maximum work time stated in column 2 of the Table for the period; or

(b) resting for less than the minimum rest time stated in column 3 of the Table for the period.

7 Risk categories for contraventions of exemption hours

A contravention of section 260(1) of the Law for any period of exemption hours that is stated in column 1 of the Table in Schedule 5 is a breach of the risk category stated in column 2 of the Table for the circumstance of the contravention.

Part 2A Work and rest hours exemption (permits)

Note—

See also Part 3A of the *Heavy Vehicle (General) National Regulation*, which contains additional provisions relating to work and rest hours exemption (permits) and other exemption permits.

8 Regulator's power to grant work and rest hours exemption (permit)

(1) A work and rest hours exemption (permit) may be granted to the operator of a fatigue-regulated heavy vehicle in combination with the operator's fatigue alternative compliance accreditation.

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(2) The Regulator may grant a work and rest hours exemption (permit)—

(a) in a way that does not cover all the drivers sought by the applicant; or

(b) setting maximum work times and minimum rest times different to the maximum work times and minimum rest times sought by the applicant.

9 Application for work and rest hours exemption (permit)

(1) The following persons may apply to the Regulator for a work and rest hours exemption (permit)—

(a) an employer of a driver of a fatigue-regulated heavy vehicle;

(b) a prime contractor of a driver of a fatigue-regulated heavy vehicle;

(c) an operator of a fatigue-regulated heavy vehicle;

(d) a self-employed driver of a fatigue-regulated heavy vehicle.

(2) The application must—

(a) be in the approved form; and

(b) state the following—

(i) the period for which the permit is sought;

(ii) any conditions for the permit sought by the applicant;

(iii) the name of the driver of a fatigue-regulated heavy vehicle to whom the permit is sought to apply, or details of the class of drivers of fatigue-regulated heavy vehicles to whom the permit is sought to apply;

(iv) the proposed maximum work times and minimum rest times that would be followed by drivers operating under the permit;

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(v) if the proposed maximum work times and minimum rest times to apply under the permit could be accommodated within alternative compliance hours under a fatigue alternative compliance accreditation—

(A) the driver fatigue management practices that would be followed by the applicant and drivers operating under the permit; and

(B) how the practices would safely manage fatigue risks; and

(C) how the requirements applying to a fatigue alternative compliance accreditation with alternative compliance hours would be unreasonable for the operations conducted by the applicant, having regard to the nature of the operations.

(3) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

10 Restriction on grant of work and rest hours exemption (permit)

(1) The Regulator may grant a work and rest hours exemption (permit) only if the Regulator is satisfied—

(a) requiring the drivers to whom the permit is to apply to comply with the standard hours would be an unreasonable restriction on operations conducted by the applicant; and

(b) if the maximum work times and minimum rest times to apply under the permit could be accommodated within alternative compliance hours under an alternative compliance accreditation—the requirements applying to a fatigue alternative compliance accreditation with alternative compliance hours would be unreasonable for the operations conducted by the applicant, having regard to the nature of the operations; and

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(c) the driver fatigue management practices that are to apply to drivers operating under the permit would, if followed, safely manage fatigue risks; and

(d) the drivers to whom the permit is to apply are likely to follow the practices consistently and effectively.

(2) In deciding whether or not to grant a work and rest hours exemption (permit), the Regulator must have regard to the approved guidelines for granting work and rest hours exemptions.

11 Conditions of work and rest hours exemption (permit)

(1) If the Regulator grants a work and rest hours exemption (permit) to the operator of a fatigue-regulated heavy vehicle in combination with the operator's fatigue alternative compliance accreditation, it is a condition of the permit that the operator must comply with all the conditions of the operator's fatigue alternative compliance accreditation.

(2) A work and rest hours exemption (permit) may be subject to any other conditions the Regulator considers appropriate, including, for example, conditions about—

(a) driver fatigue management practices that are to apply to drivers operating under the permit; and

(b) keeping records relating to the driver fatigue management practices.

12 Permit for work and rest hours exemption (permit) etc.

(1) If the Regulator grants a work and rest hours exemption (permit) to a person, the Regulator must give the person—

(a) a work and rest hours exemption (permit); and

(b) if prescribed circumstances apply to the grant of the permit—an information notice for the prescribed circumstances.

(2) A work and rest hours exemption (permit) must state the following—

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(a) the name of the person to whom the permit is given;

(b) the driver of a fatigue-regulated heavy vehicle, or class of drivers of fatigue-regulated heavy vehicles, to which the permit applies;

(c) the maximum work times and minimum rest times that apply to drivers operating under the permit;

(d) the conditions of the permit, including, if applicable, the condition mentioned in section 11(1);

(e) the period for which the permit applies.

(3) In this section—

prescribed circumstances, for a work and rest hours exemption (permit), means the Regulator has—

(a) imposed conditions on the permit under section 11(2); or

(b) granted the permit in a way that does not cover all the drivers sought by the applicant; or

(c) granted the permit setting maximum work times and minimum rest times different to the maximum work times and minimum rest times sought by the applicant; or

(d) granted the permit for a period less than the period of not more than 3 years sought by the applicant.

12A Immediate suspension of work and rest hours exemption (permit)

(1) This section applies if the Regulator considers—

(a) a ground exists to cancel a work and rest hours exemption (permit); and

(b) it is necessary to suspend the permit immediately to prevent or minimise serious harm to public safety.

(2) The Regulator may, by notice (an ***immediate suspension notice***) given to the person to whom the permit was given,

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immediately suspend the permit until the earliest of the following—

(a) the Regulator gives the holder an information notice under section 31E(5) of the *Heavy Vehicle (General) National Regulation* and the amendment or cancellation takes effect under section 31E(6) of that Regulation;

(b) the Regulator cancels the suspension;

(c) the end of 56 days after the day the immediate suspension notice is given to the person.

(3) This section applies despite sections 31D and 31E of the *Heavy Vehicle (General) National Regulation*.

12B Keeping copy of permit while driving

(1) The driver of a fatigue-regulated heavy vehicle who is driving the vehicle under a work and rest hours exemption (permit) must keep the permit or a copy of the permit in the driver's possession.

Maximum penalty—$1500.

(2) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty—$1500.

(3) In this section—

relevant party, for the driver of a fatigue-regulated heavy vehicle, means the following—

(a) an employer of the driver, if the driver is an employed driver;

(b) a prime contractor of the driver, if the driver is a self-employed driver;

(c) an operator of the vehicle, if the driver is making a journey for the operator.

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Part 3 Work diary requirements

Division 1A Obtaining written work diary

12C Form of written work diary

(1) A written work diary must contain—

(a) a unique identifying number for the work diary; and

(b) sheets (***daily sheets***) that—

(i) provide for recording information daily; and

(ii) are sequentially numbered; and

(c) 2 duplicates of each daily sheet; and

(d) a duplicate of any application form contained in the work diary under subsection (2); and

(e) instructions for use of the work diary.

(2) A written work diary may contain an application in the approved form for the issue of another work diary.

(3) Each daily sheet of a written work diary must be in a form that ensures that, if information is written on the daily sheet in the way stated in the instructions in the work diary or the Law, the information should be automatically copied onto the duplicates for the sheet.

12D Application for written work diary

(1) The driver of a fatigue-regulated heavy vehicle may apply to the Regulator for a written work diary.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the prescribed fee for the application.

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(3) If the application is for a written work diary to replace a written work diary that has been destroyed, lost or stolen, the application must—

(a) state the previous work diary's number and that it has been destroyed, lost or stolen; and

(b) briefly outline the circumstances of the destruction, loss or theft.

12E Issue of written work diary

(1) The Regulator must issue a written work diary to the driver of a fatigue-regulated heavy vehicle if the driver—

(a) applies for the work diary under section 12D; and

(b) identifies the driver by showing the driver's current driver licence to the Regulator.

(2) If the Regulator issues a written work diary to the driver of a fatigue-regulated heavy vehicle, the Regulator must note the date, time and place of issue on the written work diary.

(3) The Regulator may make other notes on the written work diary the Regulator considers appropriate.

12F Cancelling unused daily sheets

(1) As soon as a driver is issued a replacement written work diary, the driver must cancel any unused daily sheets in the old work diary.

Maximum penalty—$3000.

(2) Subsection (1) does not apply if a driver is issued a written work diary to replace a destroyed, lost or stolen written work diary.

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Division 1 Information to be included in work diary

13 Application of Div 1

(1) This Part applies for the purposes of Subdivision 2 of Division 2 of Part 6.4 of the Law.

(2) A reference in a provision of this Part —

(a) to a day for which information must be recorded under the provision; or

(b) generally to a day for which information must be recorded;

is a reference to a day to which section 294 of the Law applies.

Note—

Section 294 of the Law must be read with section 289 of the Law.

14 How information requirements apply to a day

(1) In this Part, the requirement to record information for a day continues to apply for each period of work time and rest time the driver has on that day.

(2) However, if the driver stops working on a day and starts a rest break that will continue until the end of the day, the driver may stop recording information for the day when the driver stops working and starts the rest break.

15 Information to be recorded immediately after starting work

(1) Immediately after starting work on a day, the driver must record—

(a) the date; and

(b) the registration number of the fatigue-regulated heavy vehicle; and

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(c) the driver's name; and

(d) the driver's current driver licence number; and

(e) if the driver is not operating under standard hours—whether the driver is operating under alternative compliance hours or exemption hours; and

(f) whether the driver is a solo driver or operating under a two-up driving arrangement; and

(h) if the driver is operating under an operator's alternative compliance accreditation or a work and rest hours exemption (permit) granted in combination with an operator's alternative compliance accreditation—the accreditation number for the operator's alternative compliance accreditation, unless the driver has previously recorded the number and it is still current; and

(i) the address of the driver's base, unless the driver has previously recorded the address in relation to the work and it is still current; and

(j) the address of the driver's record location, unless the driver has previously recorded the address and it is still current; and

(k) the time zone of the driver's base.

(2) For subsection (1), the driver must record the information immediately before the first change from work to rest or immediately after the first change from rest to work, whichever happens earlier on the day.

(3) In this section—

accreditation number, for an alternative compliance accreditation, means the number identifying the accreditation given to the holder of the accreditation—

(a) under section 464 of the Law; or

(b) for an alternative compliance accreditation granted under another law of a participating jurisdiction, under that law.

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16 Information to be recorded in relation to a work and rest change

(1) The driver must record the information mentioned in subsections (2) to (5) in relation to a work and rest change—

(a) immediately before or after the change; or

(b) if the day on which the change happens—

(i) is not, at the time of the change, a day for which information must be recorded; but

(ii) at a later time (the ***later time***) becomes a day for which information must be recorded;

as soon as practicable after the later time.

Example—

A driver starts work for a day at 11am, undertaking 100km work under standard hours. Under section 294 of the Law, the driver does not have to record information in a work diary.

At 1.30pm the driver arranges with the driver's employer to undertake a journey that day that will take the driver outside the 100km radius from the driver's base. The driver must then start recording information required under this section in relation to each work and rest change that later happens on the day.

The driver must also, as soon as practicable, record the information required under this section in relation to each work and rest change that happened from the start of work at 11am.

(2) In relation to a work and rest change on a day, the driver must record—

(a) whether the change was—

(i) a change from work time to rest time; or

(ii) a change from rest time to work time; or

(iii) a change from being a solo driver to being a driver who is a party to a two-up driving arrangement; or

(iv) a change from being a driver who is a party to a two-up driving arrangement to being a solo driver; and

(b) the time of the work and rest change; and

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(c) the place of the work and rest change; and

(d) the odometer reading at the time of the work and rest change, if an odometer is fitted to the fatigue-regulated vehicle; and

(e) the registration number of the fatigue-regulated vehicle, unless—

(i) the registration number has already been recorded for the day in the diary; and

(ii) the driver has not changed vehicles since the record was made.

(3) In relation to a work and rest change on a day, the driver must also record the work time or rest time spent anywhere by the driver since—

(a) the previous work and rest change on the day; or

(b) if there was no previous work and rest change on the day—the start of the day.

(4) If—

(a) subsection (3)(b) applies in relation to a particular work and rest change; and

(b) the preceding day was a day for which information must be recorded; and

(c) the last work and rest change during the preceding day was from rest to work;

the driver must also record the work time since that change to the end of the preceding day.

(5) For work time or rest time recorded under subsection (3) and (4), the driver must record whether it was under a two-up driving arrangement.

(6) The driver need not comply with subsection (2)(c) and (d) for a change from rest to work if—

(a) the start and end of the rest time are on the same day; and

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(b) the place and the odometer readings have not changed since the driver recorded them at the start of the rest time.

16A If the driver uses an electronic work diary

(1) This section applies if the driver uses an electronic work diary.

(2) The requirement imposed by section 16(2)(c) is taken to be satisfied if the place of the work and rest change is recorded by—

(a) the electronic work diary using GNSS functionality; or

(b) the driver confirming, with modification or further information for accuracy, the place recorded by the electronic work diary.

(3) The requirement imposed by section 16(2)(d) is taken to be satisfied if the odometer reading mentioned in the provision is recorded by the electronic work diary.

(4) In this section—

GNSS means Global Navigation Satellite System.

17 Recording of two-up driver details

(1) Immediately before or after—

(a) the driver becomes a party to a two-up driving arrangement on a day; or

(b) the first work and rest change on a day in which the driver is a party to a two-up driving arrangement the driver entered into on a preceding day;

the driver must record the information mentioned in subsection (2) about the other driver in the two-up driving arrangement.

(2) The information is—

(a) the other driver's name; and

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(b) the other driver's current driver licence number and the jurisdiction in which the licence was issued; and

(c) the unique identifying page number on the daily sheet in the other driver's work diary where the other driver has recorded information for the day.

(3) Subsection (2)(c) does not apply if—

(a) the driver is recording information in an electronic work diary the driver shares with the other driver; or

(b) the other driver is recording information in a supplementary record under Subdivision 4 of Division 2 of Part 6.4 of the Law.

(4) A driver who is a party to a two-up driving arrangement must—

(a) for the purposes of section 299 of the Law—at the request of the other driver, provide the other driver with any details the other driver needs to be able to comply with subsection (1); and

(b) for the purposes of section 301(e)(ii) of the Law—sign the other driver's work diary immediately after the information mentioned in subsection (2) is recorded under subsection (1).

(5) In this section—

unique identifying page number means the number on a work diary daily sheet that contains the unique identifying number of the work diary combined with the page number for the daily sheet.

18 Information to be recorded after change of base, record location or accreditation

(1) For any change on a day of the driver's base, record location or the accreditation number of the accreditation the driver operates under, the driver must record—

(a) for a change of the driver's base—the date of the change and the address of the new base; or

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(b) for a change of the driver's record location—the date of the change and the address of the new record location; or

(c) for a change in the accreditation number—the date of the change and the new number.

(2) The information mentioned in subsection (1)(a), (b) or (c) must be recorded as soon as practicable after the change happens.

(3) In this section—

accreditation number has the same meaning as it has in section 15.

driver's base means the driver's base relevant to work mentioned in section 294(1)(a) and (b) of the Law.

record location means the driver's record location relevant to work mentioned in section 294(1)(a) and (b) of the Law.

Note—

The section relates only to a base or record location relevant to work mentioned in section 294(1)(a) and (b) of the Law, as opposed to other work about which information may have to be recorded only because it happens on the same day as work mentioned in section 294(1)(a) or (b) of the Law.

18A Change between forms of work diary

(1) If the driver stops using one form of work diary and starts using the other form of work diary, the driver must record, in compliance with subsection (2)—

(a) the time and location of the change in both forms of the work diary; and

(b) the security number of the written work diary in the electronic work diary.

Maximum penalty—$1500.

(2) The information must be recorded before the driver begins using the other form of work diary, or as soon as practicable.

(3) In this section—

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form of work diary means one or the other of a written work diary or an electronic work diary.

19 Counting periods of less than 15 minutes—written work diaries

(1) This section applies if a driver uses a written work diary.

(2) Work time must be counted in 15 minute periods.

(3) A period of work time of less than 15 minutes counts as 15 minutes work time.

Examples for the purposes of subsection (3)—

1 A period of working for 14 minutes counts as 15 minutes work time.

2 A period of working for 17 minutes counts as 30 minutes work time.

3 A period of working for 53 minutes counts as 1 hour work time.

(4) Rest time must be counted in blocks of time of no less than 15 minutes.

(5) A period of rest time of less than 15 minutes must be disregarded.

Examples for the purposes of subsection (5)—

1 A period of not working for only 14 minutes does not count as rest time, because 14 minutes is less than 15 minutes.

2 A period of not working for 17 minutes counts as 15 minutes rest time, because 17 minutes is more than 15 minutes but is less than 2 lots of 15 minutes (30 minutes).

19A Counting periods of less than 15 minutes—electronic work diaries

(1) This section applies if a driver uses an electronic work diary.

(2) Work time and rest time must be counted in 1 minute periods.

(3) A period of work time or rest time of less than 1 minute must not be counted.

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(4) A period of rest time of less than 15 minutes does not count towards a minimum rest time.

Examples for the purposes of subsection (4)—

1 A period of not working for 10 minutes does not count towards a minimum rest time because 10 minutes is less than 15 minutes.

2 A period of not working on 3 separate occasions for 14 minutes, 24 minutes and 22 minutes does not count as 60 minutes rest time because the period of 14 minutes, being less than 15 minutes, is disregarded.

Note—

This section relates to calculating whether a driver has complied with maximum work requirements and minimum rest requirements applying to the driver. It does not matter if the technology used by an electronic work diary counts a period less than 1 minute mentioned in subsections (2) and (3) in the course of arriving at calculations that comply with the subsections.

Division 2 How information must be recorded in work diary

20 Recording information in written work diary

(1) If the driver's work diary is a written work diary, the driver must record information in the work diary in the following way—

(a) if, on a day, the driver changes the work and rest hours option under which the driver is working, the information for the part of the day after the change must be written on a separate daily sheet in the work diary;

(b) information must be written on a daily sheet in the way stated in the instructions in the work diary for recording information on daily sheets;

(c) each daily sheet must be—

(i) signed and dated by the driver; and

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(ii) if the driver is driving under a two-up driving arrangement—signed by the other driver who is a party to the arrangement;

(d) information recorded other than on a daily sheet must be written in the work diary in the way stated in the instructions in the work diary for the recording of the information.

Maximum penalty—$1500.

(2) The driver must comply with subsection (1)(c)(i) in relation to a daily sheet for a day (the ***relevant day***) before or at the time the earlier of the following happens—

(a) the first work and rest change the driver has on a day, after the relevant day, for which the driver has to record information;

(b) the driver is required to comply with section 322 or 341 of the Law in relation to records the driver is required to make or keep for the relevant day.

Note—

If the driver's record keeper is a person other than the driver, section 322(2) of the Law requires a copy of recorded information to be given to the record keeper within 21 days. If the driver is the driver's own record keeper, section 341(4) of the Law requires the record or a copy of the record to be available within 21 days at the driver's record location.

20A Recording information in electronic work diary

If the driver's work diary is an electronic work diary, the driver must record information in the work diary in a way complying with—

(a) if the Regulator has, when approving the electronic recording system constituting the work diary or of which the work diary is a part, imposed any conditions in relation to the way information must be recorded in the work diary—those conditions; and

(b) the manufacturer's instructions, if any, for recording information in the electronic work diary, to the extent

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the instructions are consistent with the conditions mentioned in paragraph (a).

Maximum penalty—$1500.

Note—

The Regulator may impose conditions on the use of an electronic recording system under section 343 of the Law.

20B Time zone of driver's base must be used

The driver must record time in the driver's work diary according to the time zone in the place where the driver's base is, rather than the time zone in the place where the driver is.

Maximum penalty—$1500.

Note—

See also section 248 of the Law, which requires that time periods be counted by reference to the time zone of a driver's base when the driver's journey involves travelling into a different time zone.

Division 3 Work diary exemption (permits)

Note—

See also Part 3A of the *Heavy Vehicle (General) National Regulation*, which contains additional provisions relating to work diary exemption (permits) and other exemption permits.

21 Application for work diary exemption (permit)

(1) The driver of a fatigue-regulated heavy vehicle who is working under standard hours may apply to the Regulator for a work diary exemption (permit).

(2) The application must—

(a) be in the approved form; and

(b) state the following—

(i) the period for which the permit is sought;

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(ii) any conditions for the permit sought by the applicant; and

(c) nominate a person (the ***nominee***) to make written work records for the driver; and

(d) be accompanied by the nominee's written agreement to the nomination.

(3) An employer of the driver of a fatigue-regulated heavy vehicle may make an application under subsection (1) on behalf of the driver.

(4) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

21A Restriction on grant of work diary exemption (permit)

(1) The Regulator may grant a work diary exemption (permit) only if the Regulator is satisfied—

(a) the driver can not make records in the driver's work diary because of the driver's inadequate English literacy; and

(b) the nominee for the driver, included in the application for the permit under section 21(2)(c), will be able to make records that are no less complete or accurate than records made in accordance with—

(i) Division 2; and

(ii) Subdivisions 1, 2, 4 and 5 of Division 2 of Part 6.4 of the Law; and

(c) the driver works only under standard hours.

(2) In deciding whether or not to grant a work diary exemption (permit), the Regulator must have regard to the approved guidelines for granting work diary exemptions.

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21B Conditions of work diary exemption (permit)

(1) A work diary exemption (permit) is subject to the condition that the driver to whom the permit applies must carry out all work as a driver of fatigue-regulated heavy vehicles under standard hours only.

(2) A work diary exemption (permit) may be subject to any other conditions the Regulator considers appropriate, including, for example, conditions about—

(a) the information to be included in records about the work carried out by the driver of a fatigue-regulated heavy vehicle to whom the permit applies; and

(b) how the records are to be made.

21C Permit for work diary exemption (permit) etc.

(1) If the Regulator grants a work diary exemption (permit) to a person, the Regulator must give the person—

(a) a work diary exemption (permit); and

(b) if the Regulator has imposed conditions on the permit under section 21B(2) or has granted the permit for a period less than the period of not more than 3 years sought by the person—an information notice for the decision to impose the conditions or grant the permit for the shorter period.

(2) A permit for a work diary exemption (permit) must state the following—

(a) the name of the driver of a fatigue-regulated heavy vehicle to whom the permit is given;

(b) the name of the person making written work records for the driver;

(c) the conditions of the permit;

(d) the period for which the permit applies.

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21D Keeping copy of permit while operating

The driver of a fatigue-regulated heavy vehicle who is operating under a work diary exemption (permit) must keep the permit or a copy of the permit in the driver's possession.

Maximum penalty—$3000.

Division 4 Miscellaneous

21E Lost or stolen written work diaries

(1) This section applies if a lost or stolen written work diary (the ***old work diary***) is found by or returned to the driver of a fatigue-regulated heavy vehicle after a replacement work diary has been issued to the driver.

(2) The driver must immediately cancel any unused daily sheets in the old work diary.

Maximum penalty—$3000.

(3) If the old work diary is found or returned within 28 days after it was lost or stolen, the driver must notify the Regulator in the approved form that it has been found or returned.

Maximum penalty—$3000.

Part 3A Fatigue record keeping exemption (permits)

Note—

See also Part 3A of the *Heavy Vehicle (General) National Regulation*, which contains additional provisions relating to fatigue record keeping exemption (permits) and other exemption permits.

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21F Regulator's power to grant fatigue record keeping exemption (permit)

(1) A fatigue record keeping exemption (permit) may be granted to the operator of a fatigue-regulated heavy vehicle in combination with the operator's fatigue alternative compliance accreditation.

(2) The Regulator may grant a fatigue record keeping exemption (permit)—

(a) in a way that does not cover all the drivers sought by the applicant; or

(b) setting conditions different to the conditions sought by the applicant.

21G Application for fatigue record keeping exemption (permit)

(1) The record keeper for a driver of a fatigue-regulated heavy vehicle may apply to the Regulator for a fatigue record keeping exemption (permit).

(2) The application must—

(a) be in the approved form; and

(b) state the following—

(i) the period for which the permit is sought;

(ii) any conditions for the permit sought by the applicant;

(iii) the name and details of each driver of a fatigue-regulated heavy vehicle to whom the permit is sought to apply.

(3) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

(4) In deciding whether or not to grant a fatigue record keeping exemption (permit), the Regulator must have regard to the approved guidelines for granting fatigue record keeping exemptions.

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21H Conditions of fatigue record keeping exemption (permit)

A fatigue record keeping exemption (permit) may be subject to any conditions the Regulator considers appropriate, including, for example—

(a) a condition about the information to be included in records about the work carried out by drivers of fatigue-regulated heavy vehicles to whom the permit applies; and

(b) a condition about how the records are to be made; and

(c) a condition that a record keeper for the driver of a fatigue-regulated heavy vehicle who is operating under the permit must keep in the record keeper's possession—

(i) the permit; or

(ii) a stated document or stated kind of document relating to the permit.

21I Permit for fatigue record keeping exemption (permit) etc.

(1) If the Regulator grants a fatigue record keeping exemption (permit) to a person, the Regulator must give the person—

(a) a fatigue record keeping exemption (permit); and

(b) if prescribed circumstances apply to the grant of the permit—an information notice for the prescribed circumstances.

(2) A fatigue record keeping exemption (permit) must state the following—

(a) the driver of a fatigue-regulated heavy vehicle to which the permit applies;

(b) the conditions of the permit;

(c) the period for which the permit applies.

(3) In this section—

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prescribed circumstances, for a fatigue record keeping exemption (permit), means the Regulator has—

(a) imposed conditions on the permit under section 21H; or

(b) granted the permit for a period less than the period of not more than 3 years sought by the applicant.

21J Immediate suspension of fatigue record keeping exemption (permit)

(1) This section applies if the Regulator considers—

(a) a ground exists to cancel a fatigue record keeping exemption (permit); and

(b) it is necessary to suspend the permit immediately to prevent or minimise serious harm to public safety.

(2) The Regulator may, by notice (an ***immediate suspension notice***) given to the person to whom the permit was given, immediately suspend the permit until the earliest of the following—

(a) the Regulator gives the holder an information notice under section 31E(5) of the *Heavy Vehicle (General) National Regulation* and the amendment or cancellation takes effect under section 31E(6) of that Regulation;

(b) the Regulator cancels the suspension;

(c) the end of 56 days after the day the immediate suspension notice is given to the person.

(3) This section applies despite sections 31D and 31E of the *Heavy Vehicle (General) National Regulation*.

Part 4 Other provisions

22 Multiple minimum rest time requirements

(1) This section applies to each Table in Schedule 1.

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(2) A minimum rest time requirement can be fulfilled concurrently with any other minimum rest time requirement, if the rest period taken meets the requirements of each minimum rest time requirement.

(3) However, under subsection (2)—

(a) a '2 night rest breaks' requirement can not be fulfilled concurrently with a '2 night rest breaks taken on consecutive days' requirement; and

(b) a '24 continuous hours stationary rest time' requirement can not be fulfilled concurrently with a '24 hours stationary rest time in blocks of at least 7 continuous hours' requirement; and

(c) a '24 continuous hours stationary rest time taken after no more than 84 hours work time' requirement can not be fulfilled concurrently with a '24 continuous hours stationary rest time' requirement.

(4) An example of the operation of subsections (2) and (3) is in Schedule 3.

(5) In this section—

minimum rest time requirement means a requirement for a minimum rest time stated in column 3 of a Table.

23 Prescribed driver offence or fatigue duty under another law

(1) This section applies for the definition in section 228(4) of the Law.

(2) The following laws are prescribed for the definitions—

- *Work Health and Safety Act 2011* (ACT)
- *Work Health and Safety Act 2011* (NSW)
- *Work Health and Safety (National Uniform Legislation) Act 2011* (NT)
- *Work Health and Safety Act 2011* (Qld)
- *Work Health and Safety Act 2012* (SA)

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- *Work Health and Safety Act 2012* (Tas)
- *Occupational Health and Safety Act 2004* (Vic)
- *Occupational Health and Safety Act 1984* (WA)

24 Odometer requirements

(1) This section applies for the purposes of section 396 of the Law.

(2) If an odometer (an ***original odometer***) was fitted to a fatigue-regulated heavy vehicle at the time of the vehicle's manufacture, the owner—

(a) must have an odometer (whether the original or another odometer) fitted to the vehicle that complies with subsection (3); and

(b) must maintain the odometer as stated in subsection (4).

(3) The odometer must have a display that shows the cumulative distance travelled by the vehicle since—

(a) the odometer was fitted; or

(b) a necessary repair was carried out on the odometer that resulted in a change to the distance shown on the display; or

(c) the odometer display reached the limit of the distance able to be displayed and reset to zero.

(4) The owner must maintain the odometer to a standard where the display shows the distance travelled to an accuracy of ±10%.

25 Matters authorised officer must have regard to in requiring fatigued driver to stop work

(1) This section applies for the purposes of section 540 of the Law.

(2) In deciding the period for which a driver of a fatigue-regulated heavy vehicle will be required to not work

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again under section 540(2)(a) of the Law, an authorised officer must have regard to the following matters—

(a) a period of 7 hours should be considered the minimum reasonable period of rest;

(b) a period of 24 hours should be considered a reasonable period of rest.

26 Approved sleeper berths

For the purposes of the definition of ***approved sleeper berth*** in section 221 of the Law, an approved sleeper berth is a sleeper berth that—

(a) complies with—

(i) for a fatigue-regulated bus—a standard approved by the Regulator; or

(ii) for another fatigue-regulated heavy vehicle—ADR 42; and

(b) is able to be used by the driver when resting.

Part 5 Reviewable decisions

27 Reviewable decisions

(1) Each decision mentioned in Schedule 6 is a reviewable decision for Chapter 11 of the Law.

(2) The dissatisfied person for a reviewable decision mentioned in Schedule 6 is the person specified for the decision in paragraphs (a) to (g) of the definition of *dissatisfied person* in section 641(8) of the Law.

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Schedule 1 Standard hours and risk categories for contraventions

section 5

Table 1 Standard hours—solo driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than ...*	*If in that period a driver has ...*	*the following category of breach is committed...*
$5^1/_2$ hours	$5^1/_4$ hours work time	15 continuous minutes rest time	> $5^1/_4$ hours work time	minor risk breach
8 hours	$7^1/_2$ hours work time	30 minutes rest time, in blocks of at least 15 continuous minutes	> $7^1/_2$ hours work time	minor risk breach
11 hours	10 hours work time	60 minutes rest time, in blocks of at least 15 continuous minutes	≤ $10^3/_4$ hours work time	minor risk breach
			> $10^3/_4$ hours work time	substantial risk breach
24 hours	12 hours work time		≤ $12^3/_4$ hours work time	minor risk breach
			> $12^3/_4$ but not > $13^1/_4$ hours work time	substantial risk breach
			> $13^1/_4$ but not > $13^1/_2$ hours work time	severe risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			> $13^{1}/_{2}$ hours work time	critical risk breach
		7 continuous hours stationary rest time	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	72 hours work time		≤ $73^{1}/_{2}$ hours work time	minor risk breach
			> $73^{1}/_{2}$ but not > $74^{1}/_{2}$ hours work time	substantial risk breach
			> $74^{1}/_{2}$ but not > 75 hours work time	severe risk breach
			> 75 hours work time	critical risk breach
		24 continuous hours stationary rest time	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< 23 1/4 but not < 22 3/4 continuous hours stationary rest time	substantial risk breach
			< 22 3/4 but not < 22 1/2 continuous hours stationary rest time	severe risk breach
			< 22 1/2 continuous hours stationary rest time	critical risk breach
14 days (336 hours)	144 hours work time		≤ 145 1/2 hours work time	minor risk breach
			> 145 1/2 but not > 146 1/2 hours work time	substantial risk breach
			> 146 1/2 but not > 147 hours work time	severe risk breach
			> 147 hours work time	critical risk breach
		(a) 2 night rest breaks; and	< 7 but not < 6 1/4 continuous hours stationary rest time for a block	minor risk breach
			< 6 1/4 but not < 5 3/4 continuous hours stationary rest time for a block	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach
		(b) 2 night rest breaks taken on consecutive days	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

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Table 2 Standard hours—solo driver of a fatigue-regulated bus

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than...*	*... a driver must not rest for less than ...*	*If in that period a driver has ...*	*...the following category of breach is committed ...*
$5^1/_2$ hours	$5^1/_4$ hours work time	15 continuous minutes rest time	> $5^1/_4$ hours work time	minor risk breach
8 hours	$7^1/_2$ hours work time	30 minutes rest time, in blocks of at least 15 continuous minutes	> $7^1/_2$ hours work time	minor risk breach
11 hours	10 hours work time	60 minutes rest time, in blocks of at least 15 continuous minutes	≤ $10^3/_4$ hours work time	minor risk breach
			> $10^3/_4$ hours work time	substantial risk breach
24 hours	12 hours work time		≤ $12^3/_4$ hours work time	minor risk breach
			> $12^3/_4$ but not > $13^1/_4$ hours work time	substantial risk breach
			> $13^1/_4$ but not > $13^1/_2$ hours work time	severe risk breach
			> $13^1/_2$ hours work time	critical risk breach
		7 continuous hours stationary rest time	< 7 but not < $6^1/_4$ continuous hours stationary rest time	minor risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)		6 night rest breaks	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach
28 days (672 hours)	288 hours work time		≤ $289^{1}/_{2}$ hours work time	minor risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			> 289 1/2 but not > 290 1/2 hours work time	substantial risk breach
			> 290 1/2 but not > 291 hours work time	severe risk breach
			> 291 hours work time	critical risk breach
		4 blocks of 24 continuous hours stationary rest time	< 24 but not < 23 1/4 continuous hours stationary rest time for a block	minor risk breach
			< 23 1/4 but not < 22 3/4 continuous hours stationary rest time for a block	substantial risk breach
			< 22 3/4 but not < 22 1/2 continuous hours stationary rest time for a block	severe risk breach
			< 22 1/2 continuous hours stationary rest time for a block	critical risk breach

Table 3 Standard hours—two-up driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than ...*	*If in that period a driver has*	*...the following category of breach is committed...*
$5^{1}/_{2}$ hours	$5^{1}/_{4}$ hours work time	15 continuous minutes rest time	> $5^{1}/_{4}$ hours work time	minor risk breach
8 hours	$7^{1}/_{2}$ hours work time	30 minutes rest time, in blocks of at least 15 continuous minutes	> $7^{1}/_{2}$ hours work time	minor risk breach
11 hours	10 hours work time	60 minutes rest time, in blocks of at least 15 continuous minutes	≤ $10^{3}/_{4}$ hours work time	minor risk breach
			> $10^{3}/_{4}$ hours work time	substantial risk breach
24 hours	12 hours work time		≤ $12^{3}/_{4}$ hours work time	minor risk breach
			> $12^{3}/_{4}$ but not > $13^{1}/_{4}$ hours work time	substantial risk breach
			> $13^{1}/_{4}$ but not > $13^{1}/_{2}$ hours work time	severe risk breach
			> $13^{1}/_{2}$ hours work time	critical risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
		5 continuous hours stationary rest time, or 5 continuous hours rest time in an approved sleeper berth while the vehicle is moving	< 5 but not < $4^{1}/_{4}$ continuous hours of the relevant rest time	minor risk breach
			< $4^{1}/_{4}$ but not < $3^{3}/_{4}$ continuous hours of the relevant rest time	substantial risk breach
			< $3^{3}/_{4}$ but not < $3^{1}/_{2}$ continuous hours of the relevant rest time	severe risk breach
			< $3^{1}/_{2}$ continuous hours of the relevant rest time	critical risk breach
52 hours		10 continuous hours stationary rest time	< 10 but not < $9^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $9^{1}/_{4}$ but not < $8^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $8^{3}/_{4}$ but not < $8^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $8^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	60 hours work time		> 60 hours but not > $61^{1}/_{2}$ hours work time	minor risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			> $61^{1}/_{2}$ hours but not > $62^{1}/_{2}$ hours work time	substantial risk breach
			> $62^{1}/_{2}$ hours but not > 63 hours work time	severe risk breach
			> 63 hours work time	critical risk breach
		(a) 24 continuous hours stationary rest time; and	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $22^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
		(b) 24 hours stationary rest time in blocks of at least 7 continuous hours	< 24 but not < $23^{1}/_{4}$ hours stationary rest time in total	minor risk breach
			< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< 23 1/4 but not < 22 3/4 hours stationary rest time in total	substantial risk breach
			< 6 1/4 but not < 5 3/4 continuous hours stationary rest time for a block	substantial risk breach
			< 22 3/4 but not < 22 1/2 hours stationary rest time in total	severe risk breach
			< 5 3/4 but not < 5 1/2 continuous hours stationary rest time for a block	severe risk breach
			< 22 1/2 hours stationary rest time in total	critical risk breach
			< 5 1/2 continuous hours stationary rest time for a block	critical risk breach
14 days (336 hours)	120 hours work time		> 120 hours but not > 121 1/2 hours work time	minor risk breach
			> 121 1/2 hours but not > 122 1/2 hours work time	substantial risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			> 122 1/2 hours but not > 123 hours work time	severe risk breach
			> 123 hours work time	critical risk breach
		(a) 2 night rest breaks; and	< 7 but not < 6 1/4 continuous hours stationary rest time for a block	minor risk breach
			< 6 1/4 but not < 5 3/4 continuous hours stationary rest time for a block	substantial risk breach
			< 5 3/4 but not < 5 1/2 continuous hours stationary rest time for a block	severe risk breach
			< 5 1/2 continuous hours stationary rest time for a block	critical risk breach
		(b) 2 night rest breaks taken on consecutive days	< 7 but not < 6 1/4 continuous hours stationary rest time for a block	minor risk breach
			< 6 1/4 but not < 5 3/4 continuous hours stationary rest time for a block	substantial risk breach

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Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Schedule 2 Alternative compliance hours and risk categories for contraventions

section 6

Table 1 Risk categories for contraventions—general

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	**Circumstance of contravention relating to rest time**	**Risk category**
In any period of ...	*If a driver has exceeded the maximum work time by ...*	*If a driver has had less than the minimum rest time by ...*	*...the following category of breach is committed...*
Less than 7 days	≤ 45 minutes work time	≤ 45 minutes rest time	minor risk breach
	> 45 but ≤ 75 minutes work time	> 45 but ≤ 75 minutes rest time	substantial risk breach
	> 75 but ≤ 90 minutes work time	> 75 but ≤ 90 minutes rest time	severe risk breach
	> 90 minutes work time	> 90 minutes rest time	critical risk breach
28 days, if the period is 7 days or more	≤ $1^1/_2$ hours work time		minor risk breach
	> $1^1/_2$ but ≤ $2^1/_2$ hours work time		substantial risk breach
	> $2^1/_2$ but ≤ 3 hours work time		severe risk breach
	> 3 hours work time		critical risk breach

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Table 2 Thresholds for escalated risk contraventions

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 driver must not rest for less than...*
24 hours	$15^{1}/_{2}$ hours work time	7 continuous hours stationary rest time (or in the case of a driver who is a party to a two-up driving arrangement, 7 continuous hours of stationary rest time or rest time in an approved sleeper berth while the vehicle is moving)
14 days (336 hours)	154 hours work time	30 continuous hours stationary rest time that includes the periods 12am to 6am on a day and 12am to 6am on the following day, using the time zone of the driver's base
28 days (672 hours)	288 hours work time	

Table 3 Risk categories for contraventions—escalated risk

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	Circumstance of contravention relating to rest time	Risk category
In any period of ...	*If a driver has exceeded the maximum work time by ...*	*If a driver has had less than the minimum rest time by ...*	*...the following category of breach is committed ...*
Less than 7 days	≤ 15 minutes work time	≤ 15 minutes rest time	substantial risk breach

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	**Circumstance of contravention relating to rest time**	**Risk category**
28 days, if the period is 7 days or more	> 15 minutes but ≤ 30 minutes work time	> 15 minutes but ≤ 30 minutes rest time	severe risk breach
	> 30 minutes work time	> 30 minutes rest time	critical risk breach
	≤ 30 minutes work time		substantial risk breach
	> 30 minutes but ≤ 1 hour work time		severe risk breach
	> 1 hour work time		critical risk breach

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Schedule 3 Example of concurrent fulfilment of minimum rest time requirements

section 22

Example

(1) A solo driver working under standard hours intends to work the following 14 day schedule—

- work 6 consecutive days for 10 hours a day; then
- take 24 continuous hours of stationary rest on the 7th day; then
- again work 6 consecutive days for 10 hours a day; then
- on the 14th day, take another 24 continuous hours of stationary rest.

(2) Referring to Table 1 in Schedule 1, in addition to working for no longer than the maximum work times in Column 2, a solo driver under standard hours must have at least the following rest times (Column 3)—

- the minimum rest required for periods of $5^{1}/_{2}$ hours, 8 hours and 11 hours;
- 7 continuous hours of stationary rest in every 24 hour period;
- 24 continuous hours of stationary rest in every 7 days;
- 4 night rest breaks in every 14 days, 2 of which must be on consecutive days.

(3) Section 5 of the Law states that a night rest break is either 7 continuous hours of stationary rest between 10pm on a day and 8am on the next day, or 24 continuous hours of stationary rest time.

(4) Under section 22, the driver will automatically meet a requirement for 1 night rest break when the driver takes 24

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continuous hours or more of stationary rest, regardless of whether the 24 hour period includes 7 continuous hours between 10pm on a day and 8am on the next day.

(5) Therefore, the driver's schedule over the 14 day period will meet the requirement for a minimum of 24 continuous hours of stationary rest in every 7 days and 2 of the 4 required night rest breaks.

(6) The driver—

(a) must take at least 2 additional night rest breaks over the 14 day period; and

(b) to fulfil the requirement that 2 night rest breaks be on consecutive days, the driver may either—

(i) take the 2 additional night rest breaks on consecutive days; or

(ii) take at least 1 of the additional night rest breaks on a day that is consecutive to 1 of the periods of 24 continuous hours of stationary rest taken by the driver.

(7) Section 22 also allows the driver to fulfil the minimum rest time requirements in a number of additional ways, including, for example—

(a) the minimum rest time requirements for Column 1 periods of $5^1/_2$ hours, 8 hours and 11 hours may be fulfilled concurrently with any of the other minimum rest time requirements for Column 1 periods of $5^1/_2$ hours, 8 hours, 11 hours, 24 hours, 7 days and 14 days; and

(b) a night rest break requirement may be fulfilled concurrently with the requirement for 7 continuous hours of stationary rest in every 24 hour period, if the rest period taken includes at least 7 continuous hours of stationary rest between 10pm on a day and 8am on the following day; and

(c) the requirement for 7 continuous hours of stationary rest in every 24 hour period may be fulfilled concurrently

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with the requirement for 24 continuous hours of stationary rest in every 7 day period.

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Schedule 5 Risk categories for contraventions of exemption hours

section 7

Table Exemption hours—categories of breaches

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	**Circumstance of contravention relating to rest time**	**Risk category**
In any period of ...	*If a driver has exceeded the maximum work time by ...*	*If a driver has had less than the minimum rest time by ...*	*...the following category of breach is committed ...*
Less than 7 days	≤ 45 minutes work time	≤ 45 minutes rest time	minor risk
	> 45 but ≤ 75 minutes work time	> 45 but ≤ 75 minutes rest time	substantial risk
	> 75 but ≤ 90 minutes work time	> 75 but ≤ 90 minutes rest time	severe risk
	> 90 minutes work time	> 90 minutes rest time	critical risk
28 days, if the period is 7 days or more	≤ $1^1/_2$ hours work time		minor risk
	> $1^1/_2$ but ≤ $2^1/_2$ hours work time		substantial risk
	> $2^1/_2$ but ≤ 3 hours work time		severe risk
	> 3 hours work time		critical risk

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Schedule 6 Reviewable decisions

section 27

Section under which decision made	Description of decision
section 11	decision of Regulator to impose on a work and rest hours exemption (permit) a condition not sought by the applicant
section 12A	decision of Regulator to immediately suspend a work and rest hours exemption (permit)
section 21B	decision of Regulator to impose on a work diary exemption (permit) a condition not sought by the applicant
section 21F	decision of Regulator to grant a fatigue record keeping exemption (permit) in a way that does not cover all the drivers sought by the applicant
section 21F	decision of Regulator to grant a fatigue record keeping exemption (permit) setting conditions different to the conditions sought by the applicant
section 21H	decision of Regulator to impose a condition on a fatigue record keeping exemption (permit)

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