

Heavy Vehicle Driver Fatigue Counting work and rest time



Transport
Roads & Maritime
Services

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National model heavy vehicle driver fatigue laws apply in NSW.

Understanding the rules for counting time will help drivers and parties in the 'chain of responsibility' comply with their duties to manage work and rest time and prevent driver fatigue.

Rules for counting time

Count forward from the end of a rest break

The NSW Regulation requires that:

- Time periods are always counted forward from the end of a rest break.
- Time periods of 24 hours or longer must be counted forward from the end of a 'relevant major rest break.'

To help you understand how to count work and rest hours in different periods of time, please read the information below and the sample work diary pages at the end of this document.

Periods less than 24 hours

Periods of less than 24 hours should be counted forward from the end of any period of rest time.

This method should be used for ensuring compliance with short rest break requirements (eg Standard Hours solo driver offence of working more than seven hours and 30 minutes in a period of eight hours.)

24 hour periods

Periods of 24 hours should be counted forward from the end of a 'relevant major rest break'.

The regulation defines a 'major rest break' as a rest break of at least five continuous hours.

For RMS enforcement purposes, the 'relevant' major rest break for a 24 hour period is the longest continuous rest break required in your Hours option.

For example, you should start counting 24 hour periods from:

- **Standard Hours solo** – the end of a rest break of seven or more continuous hours.
- **Standard Hours two-up** – the end of a rest break of five or more continuous hours.
- **BFM Hours solo** – the end of a rest break of seven or more continuous hours (or at the end of rest break of six continuous hours if a 'split rest break' has been taken).
- **BFM Hours two-up** – 24 hour periods can be counted forward from the end of any rest break (this option does not require a 'major rest break' in a 24 hour period).
- **AFM Hours** – the end of a rest break of six or more continuous hours.

IMPORTANT NOTES:

Count work time for the whole 24 hour period following the end of a relevant major rest break. If you take another major rest break during a 24 hour period, you do not stop counting work time for that 24 hour period. You must count all work time before and after the major rest break. See sample work diary pages below.

What if a driver doesn't take the legally required rest break? If a driver does not take the longest continuous rest break required under their Hours option, the 24 hour period may be counted from the last rest break that was at least five continuous hours long.

Periods of seven, 14 and 28 days

Periods of seven days or longer can be counted forward from the end of a 'relevant major rest break'.

The 'relevant' major rest break for a period of seven or more days may be either:

- A rest break of at least five continuous hours.
- A 24 continuous hours rest period.

For example:

- 24 continuous hours rest periods, count forward from the end of a previous 24 continuous hours rest period.
- To check if you comply with night rest requirements, count forward from the end of a previous night rest.

IMPORTANT NOTE: Other States

In Queensland, the rules for counting work and rest time are the same as in NSW.

In Victoria and South Australia, there are different rules for counting work time. In those States:

- When counting work - time periods can be counted forward from any rest break.
- When counting rest - time periods must be counted forward from a relevant major rest break, as per the NSW rules.

Rules for recording time

Time is counted in 15 minute blocks

The NSW Regulation requires that all periods of time must be counted in 15 minute blocks.

Work time is rounded up

Work time limits are maximum limits, so work time is always rounded up to the next 15 minute interval. For example:

- 40 minutes work is counted as 45 minutes of work time.
- Two hours and 21 minutes work is counted as two hours and 30 minutes of work time.

Rest time is rounded down

Rest time limits are minimum limits, so rest time is always rounded down to the next 15 minute interval. For example:

- 12 minutes rest does not count as rest time.
- Six hours and 40 minutes rest is counted as six hours and 30 minutes of rest time.

Changing time zones

Work and rest time should always be recorded according to the time zone of the driver's base.

Drivers travelling outside their normal time zone should ensure that they schedule their 'night rests' according to the time zone of their base.

BFM Hours solo drivers should calculate 'long and night hours' according to the time zone of their base.

Definition of work and rest time

Work time

Work time is not just driving time: it is time spent driving the vehicle and all time spent on related tasks. Work time includes:

- Driving time.
- Loading and unloading.
- Inspection, servicing or repair work.
- Attending to the load or to passengers.
- Cleaning or refuelling.
- Performing marketing tasks.
- Recording information.

Rest time

Rest time is all time that is not work time.

Other issues

- **Personal use of heavy vehicles** - up to one hour of personal use of a heavy vehicle is permitted during a 24 continuous hour rest break. This one hour of personal use should be recorded as rest time. The one hour of personal use cannot be taken within 3 hours of the start or end of the 24 hour continuous rest break.
- **Short rest breaks in the vehicle** - drivers may take short rest breaks in the driver's seat while the engine is running, as long as the:
 - Rest break is at least 15 minutes.
 - Vehicle is stationary during the rest break.
 - Driver is not subject to any work demands.

Further information

- www.rms.nsw.gov.au/heavyvehicles/
- RMS Customer Contact Centre on 13 22 13

Disclaimer: This document does not constitute legal advice. Check the legislation or contact the RMS for more information.

