



## Heavy Vehicle National Law

### National Livestock Welfare Work and Rest Exemption Notice 2017 (No. 1)

#### Statutory Instrument Series:

#### Work and Rest Hours Exemption Notice

#### 1 Purpose

To exempt drivers of fatigue-regulated heavy vehicles carrying livestock from specified work time requirements if additional time is needed to respond to situations where the welfare of the livestock is or was at risk.

#### 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 Livestock Welfare Work and Rest Exemption Notice 2017*.

#### 4 Commencement

This notice commences on 10 February 2017.

#### 5 Expiry

This notice expires on 09 February 2020.

#### 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—

**Livestock** means animals of a class of cattle, sheep, goats, pigs, horses, poultry, emus, ostrich, alpaca, deer, camel or buffalo.

*Note:- the above definition is drawn from the set of animals with welfare rights under the Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock v1.1, published by the Australian Government Department of Agriculture, Fisheries and Forestry.*

**Livestock welfare incident** means a reasonably unforeseeable event or set of circumstances arising in the course of a journey that adversely impacts on the welfare of livestock carried as part of a vehicle's load.

## 7 Application

- (1) This Notice applies to the solo drivers of fatigue-regulated heavy vehicles who are operating under standard hours or the BFM hours, where:
  - (a) the load of the vehicle is livestock; and
  - (b) a livestock welfare incident occurs in the course of a journey; and
  - (c) the driver takes action to correct or mitigate the incident or circumstances; and
  - (d) as a result of taking that action the driver will exceed maximum work hours before the livestock can be unloaded at the livestock's designated point of delivery.
- (2) This Notice also applies when a solo driver of a fatigue-regulated heavy vehicle reasonably believes that compliance with standard hours or BFM hours work and rest limits will result in a livestock welfare incident, and that using this exemption will remove or reduce the risk of that incident.

## 8 Exemption

- (1) This notice provides an exemption for maximum work requirements and minimum work 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- Maximum Work Limits

- (1) The maximum work times that apply to a driver operating under this exemption are as follows:
  - (a) a driver operating under standard hours may work a maximum of:
    - i. 13 hours in any period of 24 hours; and
    - ii. 73 hours in any period of 7 days, only when this exemption applies during the last 24 hours in the 7 day period; and
    - iii. 146 hours in any period of 14 days, only when this exemption applies during the last 24 hours in the 14-day period.
  - (b) a driver operating under BFM hours may work a maximum of:
    - i. 15 hours in any period of 24 hours; and
    - ii. 145 hours in any period of 14 days, only when this exemption applies during the last 24 hours in the 14-day period.

## 10 Conditions- Minimum Rest Limits

- (1) The minimum rest times that apply to a driver operating under this exemption are as follows:
  - (a) a driver operating under Standard hours must have a period of continuous stationary rest time of at least 7 hours plus twice the amount of time the driver worked in excess of 12 hours on the day the driver operated in accordance with this exemption, between finishing work on the day the driver worked in accordance with this exemption and resuming work; or
  - (b) a driver operating under BFM hours must have a period of continuous stationary rest time of at least 7 hours plus twice the amount of time the driver worked in excess of 14 hours on the day the driver operated in accordance with this exemption, between finishing work on the day the driver worked in accordance with this exemption and resuming work.

## 11 Conditions – Record Keeping

- (1) The driver must, as soon as practicable after becoming aware they will be working under the exemption, make a record which includes the following information:
  - (a) the amount of time spent working under this exemption; and
  - (b) the circumstances which resulted in risks to the welfare of the livestock; and
  - (c) the time, date and location when the driver became aware of these circumstances.
- (2) The written record required to be made by the driver must:
  - (a) in the case of a driver who is required to record information in a work diary on the day on which the driver operated in accordance with this exemption – be made in the driver’s work diary, on the relevant daily sheet and provided to the driver’s record keeper within 21 days; or
  - (b) in any other case – be made in writing and provided to the driver’s record keeper as soon as practicable, but no later than 21 days.
  - (c) The record keeper of the driver must keep the record for 3 years after they it is created.

**Dated: 8 February 2017**



Sal Petrocitto  
*Chief Executive Officer*  
**National Heavy Vehicle Regulator**