

[s 42]

42 Time must be counted after rest time ends

When counting time in a period, the time must not be counted from within rest time, but instead must be counted forward from—

- (a) if 1 or more major rest breaks are relevant to the period—the end of a relevant major rest break; or
- (b) in any other case—the end of a relevant period of rest time.

Example—

An authorised officer intercepts the driver of a fatigue regulated heavy vehicle on a Friday and inspects the driver's work diary. The driver works under standard hours. The officer examines the work diary entries for the previous Monday. The entries show that the driver completed 7 continuous hours of stationary rest time at 7a.m. on that day, started work at that time, worked until 12.15p.m. that day, had 1 hour of rest time, then worked until 7.15p.m. that day.

For the purposes of deciding the number of hours worked by the driver on the Monday, the officer must start counting from the rest period that finished at 7a.m. Adding the periods 7a.m. to 12.15p.m. and 1.15p.m. to 7.15p.m. results in a total of 11¼ hours worked that day.

The officer might also decide to calculate the number of continuous hours worked in the second work period that day. This requires the counting to start at the end of the rest period that finished at 1.15p.m. and results in a total of 6 continuous hours.

43 Period must be counted by reference to time zone of driver's base

If the driver of a fatigue regulated heavy vehicle undertakes a journey and is in a different time zone from the time zone of the driver's base at the time when a period of time is relevant for the purposes of this regulation, the period must be counted by reference to the time zone of the driver's base.

Example—

If, for the driver of a fatigue regulated heavy vehicle with a base in Queensland, it is necessary to work out the hours of night work time while the driver is in Western Australia on a journey, the hours of night work time are the hours between midnight and 6a.m. in the Queensland time zone (being the time zone in which the driver's base is situated),