

TABLE: BALLANTYNE v NATIONAL HEAVY VEHICLE REGULATOR	
What happened?	<ol style="list-style-type: none"> 1. Ballantyne was a heavy vehicle operator that was operating a fatigue-regulated heavy vehicle under the HVNL. 2. Ballantyne took a major rest break and then worked, during the next 24 hours after that rest break, 13.5 hours of working time. 3. Ballantyne took another major rest break during that time, so that there were two overlapping 24-hour work periods.
Magistrates' Court	<ol style="list-style-type: none"> 1. The Magistrates' Court convicted Ballantyne of an offence under s 250 of the HVNL. 2. Because of the 1.5 hours over the 12 hour prescribed limit in time, this was deemed as a critical risk breach. 3. Therefore the maximum fine under the HVNL applied.
Supreme Court of South Australia (the Court)	<ol style="list-style-type: none"> 1. Despite the fact that the judge was sympathetic to Ballantyne's argument that the HVNL was overly complex, and that the examples in the logbook were confusing and did not clarify how to count time, the Court upheld the conviction made by the Magistrates' Court. 2. The judge found that there may be cases in which working in the first few hours of the new 24-hour period may result in those hours exceeding the quota for the old 24-hour period. 3. Unfortunately, Mr Ballantyne fit into that category of counting time, and therefore had no lawful excuse on which to rely.
What can you learn from this case?	<p>You must continue counting work time for the entire 24-hour period after the major break that you take.</p> <p>You must also count all work time before and after the relevant major rest break in that 24-hour period, even if you take an additional major rest break during that period.</p> <p>There are therefore instances, where two separate 24-hour counting periods overlap and put you in a compromising situation where you may be in breach of the HVNL.</p> <p>That is why it is important to count time diligently and correctly.</p>
How can you meet your safety obligations?	<p>Ensure that you are counting time correctly and that you have systems in place to stop situations like the one that occurred in Ballantyne's case from happening to you or your business.</p> <p>There are alternatives to the traditional logbooks issued to heavy vehicle operators that streamline and make this process more efficient.</p> <p>Investment in an electronic work diary as approved under the Electronic Work Diary Approval Register as maintained by the NHVR could be a beneficial investment for your business to ensure that you or your business complies with its fatigue management obligations under the HVNL.</p>