

Work diary exemption (Permit)

National Driver Work Diary

Drivers of fatigue-regulated heavy vehicles are not allowed to drive or work more than the maximum hours in a certain period set out by law.

A work diary is used as evidence that a driver's work and rest hours are compliant with the law and that their fatigue is being managed.

Fatigue management

The Heavy Vehicle National Law (HVNL) provides shared responsibility for parties in the Chain of Responsibility to take all reasonable steps to ensure a driver of a fatigue-regulated heavy vehicle does not drive on a road while fatigued.

Most drivers of fatigue-regulated vehicles must carry a work diary and use it to record details of their work and rest, although there are some exceptions to this rule.

If drivers have literacy, numeracy or print media disabilities, the driver (or an operator acting on their behalf) can apply to the NHVR for a work diary exemption (Permit).

This exemption will allow the driver to nominate an alternative way to record their work and rest details which are then transcribed into the driver's work diary by a nominated person on their behalf. The permit must be carried at all times.

How do I apply for a work diary exemption (Permit)?

To apply for an exemption you (or an operator acting on your behalf) must submit an *establish work diary/record keeping exemption* form to the NHVR. This form is available on the NHVR website.

What to include in a work diary exemption (Permit) application

The application must include a report from a qualified person detailing the reason for applying for this permit. For example, low literacy and numeracy skills.

A qualified person can be:

- › a psychologist
- › a speech pathologist
- › a doctor
- › another person who is qualified to assess the driver's literacy, numeracy and/or print media disabilities.

The application form must include:

- › your name
- › conditions of exemption (how you propose to keep your alternative records and have them written in your work diary by a nominated person).
- › the name of the nominated person who will complete your records in your work diary on your behalf
- › consent of the nominated person
- › the proposed period of exemption.

If the work diary exemption (Permit) is granted, the nominated person is legally required to complete written work records for the driver.

The nominated person will be required to sign the application form for the work diary exemption (Permit) to show that they have consented to complete written work records for the driver.



The NHVR will contact your nominated person to confirm that they are aware of their obligations and responsibility for completing a work diary on behalf of the applicant.

Once a decision has been made, you will be notified of the outcome and if your application has been successful your work diary exemption (Permit) will be issued.

The qualified person nominated on the application form will also be advised of the outcome in writing.

Keeping accurate work diary records

If you are granted a work diary exemption (Permit) you are exempted from Divisions 2 to 5 of Part 6.4 of the HVNL.

You must implement your alternative record keeping practices and arrange for your nominated person to receive your records and transcribe them into your work diary.

The NHVR may set additional conditions to those you have proposed as part of your application and will include these conditions in the work diary exemption (Permit).

You must comply with all of these conditions when you use the exemption.

Replacing a work diary exemption (Permit)

If your work diary exemption (Permit) has been lost or damaged, you can request a replacement by completing the *replace fatigue management exemption (Permit)* form which can be found on the NHVR website.

You must include a declaration confirming that the original work diary exemption (Permit) has been lost, stolen or defaced and a new permit is required.

Penalties apply if you fail to notify the NHVR as soon as possible that your work diary exemption (Permit) has been defaced, lost or stolen.

You can no longer use your alternative record keeping practices and must keep and carry a work diary in accordance with work diary obligations in the HVNL.

Changing a work diary exemption (Permit)

You can change your personal details, alternative record keeping practices or your nominated person for your work diary exemption (Permit) by submitting an *amend work diary exemption (Permit)* form.

Please ensure that all of the requested information and attachments are supplied. You do not have to get a new report from a qualified person to make these changes.

▼ Work diary exemption (Permit) application process

Prepare

- obtain a letter from qualified person
- consult with nominated person

Design

- develop alternative record keeping arrangements

Build

- obtain nominated persons consent
- implement alternative record keeping approach
- prepare supporting documents for application

Apply

- complete form
- determine length of exemption (permit)
- attach qualified person's letter

Cancelling a work diary exemption (Permit)

If you no longer require a work diary exemption (Permit) you can submit a *cancel fatigue management exemption (Permit)* form to the NHVR.

Remember to attach your current work diary exemption (Permit) to the form before you submit your cancellation request.

Applying for a new work diary exemption (Permit) before the expiry date

Work diary exemption (Permits) will expire after three (3) years or earlier if nominated by you.

It is recommended that you apply for a new work diary exemption (Permit) shortly before the expiry date to allow you to continue to use your alternative record keeping practices.



About the NHVR

The National Heavy Vehicle Regulator (NHVR) is Australia's dedicated independent regulator for heavy vehicles over 4.5 tonnes gross vehicle mass.

The NHVR was created to administer one set of rules for heavy vehicles under the Heavy Vehicle National Law (HVNL), improve safety and productivity, minimise the compliance burden on the heavy vehicle transport industry and reduce duplication and inconsistencies across state and territory borders.

For more information

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*Standard 1300 call charges apply. Please check with your phone provider.



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Please note: While every attempt has been made to ensure the accuracy of the content of this fact sheet, it should not be relied upon as legal advice.