



## HEAVY VEHICLE NATIONAL LAW

### NATIONAL PRIMARY PRODUCTION WORK DIARY EXEMPTION (NOTICE) 2015 (No. 2)

#### Revocation

This notice revokes and replaces the *National Primary Production Work Diary Exemption (Notice) 2015 (No 1)*.

#### 1 Purpose

- (1) The purpose of this Notice is to extend the record keeping obligations ordinarily applying to a driver undertaking 100km work to the driver of a fatigue-regulated heavy vehicle transporting primary produce between a primary production facility and a point of sale, processing or distribution (including return journeys) within 160km of the driver's base.

#### 2 Authorising Provision

- (1) This Notice is issued in accordance with Section 357 of the Heavy Vehicle National Law (HVNL).

#### 3 Definitions

- (1) Unless otherwise stated, words and expressions used in this notice have the same meaning as those defined in the HVNL.
- (2) In this Notice—

**Primary production facility** means a place of production or accumulation of primary produce, including—

- (a) a farm such as crop or dairy farm; and
- (b) a feedlot or paddock; and
- (c) a silo or picking shed; and
- (d) an apiary.

**Primary produce** means—

- (a) Foodstuff intended for human consumption, including—
  - grain, fruit, fungi and vegetables; and
  - live animals grown or bred for food; and
  - apiary products; and
  - eggs, including fish roe; and
  - dairy products; and

- (b) feed intended for animal consumption; and
- (c) feathers and hides for the production of goods; and
- (d) derivatives from animals or plants used for use in medicines or cosmetics; and
- (e) fibrous by-products of plants and animals used for production of textiles.

#### **4 Title**

- (1) This Notice may be cited as the *National Primary Production Work Diary Exemption (Notice) 2015*.

#### **5 Commencement**

- (1) This Notice commences on 5 October 2015 in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria.

#### **6 Expiration**

- (1) This Notice expires on 4 October 2018.

#### **7 Exemption**

- (1) In relation to the classes of work set out in Section 8 of this Notice, Division 1 and Division 2 of Part 6.4 and any other applicable provisions of the Heavy Vehicle National Law relating to record keeping requirements, apply as though—
  - (a) a reference to '100km' means '160km'; and
  - (b) a reference to '100+km' means '160+km'.

#### **8 Application**

- (1) This Notice applies to the driver of a fatigue-regulated heavy vehicle undertaking the following classes of work—
  - (a) a journey transporting primary produce from a primary production facility to another primary production facility;
  - (b) a journey transporting primary produce from a primary production facility to a point of distribution, sale or processing;
  - (c) a direct return journey back to a primary production facility from a destination in a) or b).
- (2) This Notice only applies if all the journeys the driver undertakes on a given day are of a class set out in Section 8(1).

*Note—*

*Work is defined in section 221 of the Heavy Vehicle National Law, and includes activities other than driving.*

**9 Condition**

- (1) This Notice applies on the condition that the record keeper for the driver complies with Section 319 of the HVNL in relation to the recording and keeping of the information specified in that section in respect of the class of work to which this notice applies.

**Dated 3 September 2015**

A handwritten signature in black ink, appearing to read 'Salvatore Petrocchio', with a stylized flourish at the end.

Salvatore Petrocchio  
**Chief Executive Officer**  
National Heavy Vehicle Regulator