



## Heavy Vehicle National Law

### New South Wales Work Diary Exemption Notice 2017 (No. 1)

#### Statutory Instrument Series: Record Keeping Exemption Notice

#### 1 Purpose

The purpose of this Notice is to exempt drivers of fatigue-regulated heavy vehicles carrying out specified classes of work in New South Wales from the requirement to keep and record information in a work diary and to specify the conditions of the exemption under this Notice.

#### 2 Authorising Provision(s)

This notice is made under Section 357 of the *Heavy Vehicle National Law* as in force in participating jurisdictions.

#### 3 Title

This notice may be cited as the *New South Wales Work Diary Exemption Notice 2017*.

#### 4 Commencement

This notice commences on 10 February 2017.

#### 5 Expiry

This notice expires on 9 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—

**Disrupted railway passenger service** means a rail passenger service operated by a NSW entity which is subject to an unplanned disruption which is sufficiently serious to require the provision of one or more rail replacement bus services.

**Rail replacement bus service** means a bus service provided by an accredited operator (as provided for under the *Passenger Transport Act 1990 (NSW)* or the *Passenger Transport Act 2014 (NSW)* whichever is operative at the relevant time) for the purpose of carrying passengers, and persons who were proposing to be passengers, of a disrupted railway passenger service.

**Contracted bus service** means a bus service of the type referred to in section 39 of the *Passenger Transport Act 2014* (NSW) and provided under a passenger services contract as required under that section or a regular bus service as defined in the *Passenger Transport Act 1990* (NSW) and provided under a contract as required by section 16 of the *Passenger Transport Act 1990* (NSW) which is still valid.

## 7 Application

- (1) This Notice applies to drivers of fatigue-regulated heavy vehicles carrying out the following classes of work in New South Wales—
  - (a) driving a bus that is providing a contracted bus service; or
  - (b) driving a bus that is providing a rail replacement bus service; or
  - (c) driving a heavy vehicle in the course of employment with a local government authority within the boundaries of that local government authority.

## 8 Exemption

This notice provides an exemption from the requirement to comply with Subdivisions 1 to 5 of Division 2 of Part 6.4 of the *Heavy Vehicle National Law*.

## 9 Conditions

This Notice applies on the condition that the record keeper for the driver records and keeps the information specified in section 319 of the HVNL in respect of the classes of work to which this Notice applies.

**Dated: 8 February 2017**



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