1 Purpose

The purpose of this Notice is to exempt record keepers for drivers of fatigue-regulated heavy vehicles carrying out specified classes of work in New South Wales from the requirement to keep records of driver work and rest time imposed under the Heavy Vehicle National Law.

Note - This notice replaces the New South Wales Fatigue Record-Keeping Exemption Notice 2017 (No. 2) that expired on 9 February 2019. This Notice carries forward the previous exemptions and conditions in the same terms.

2 Authorising Provision(s)

This notice is made under Section 378 of the Heavy Vehicle National Law as in force in participating jurisdictions.

3 Title

This notice may be cited as the New South Wales Fatigue Record-Keeping Exemption Notice 2019.

4 Commencement

This notice commences on 10 February 2019.

5 Expiry

This notice expires on 9 February 2022.

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—

Primary production means—

(a) the cultivation of land for the purpose of selling the produce of the land;
(b) the maintenance of animals (including birds), whether wild or domesticated, for the purpose of selling them, or their natural increase or bodily produce;
(c) the keeping of bees for the purpose of selling their honey or other apiary products; or
(d) transporting animals or produce in connection with the sale of the animals or produce.
7 Application

(1) This Notice applies to the record keeper for a driver of a fatigued-regulated heavy vehicle carrying out any of the following classes of work in New South Wales:

(a) working in an area within a radius of 100km or less from the driver’s base in the course of carrying on a business, the primary purpose of which is:

i. motor dealing, repair, inspection, maintenance or testing, or
ii. manufacturing heavy vehicles, or
iii. the hire and rental of heavy vehicles.

(b) working within a radius of 160km or less from the driver’s base for the purpose of primary production.

8 Exemption

This notice provides an exemption from the record keeping requirements in Division 3 of Part 6.4 of Chapter 6 of the *Heavy Vehicle National Law*.

Geoff Casey

*Executive Director (Productivity and Safety)*

*National Heavy Vehicle Regulator*