



Heavy Vehicle National Law

New South Wales Fatigue Record-Keeping Exemption Notice 2019 (No. 1)

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
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National Heavy Vehicle Regulator