Personal Use – Exemption Driver Checklist

Use this checklist to confirm whether you meet the requirements to utilise the *National Heavy Vehicle Work and Rest Hours Exemption Notice 2026 (No.1)*.

This checklist refers to the Guideline for the National Personal Use Work and Rest Hours Exemption **(the Guideline)** –

What is a *permitted personal activity*?	
See Section 1 of the Guideline **for more information on *permitted personal activities*.**	
The proposed work is solely for private reasons	☐
The proposed work will not be paid or financially rewarded	☐
The proposed work is not done at the direction my employer or someone within my chain of responsibility	☐

Does the exemption apply to you?	
See Section 2 of the Guideline for more information how this exemption applies.	
I am operating as a solo driver and not using another exemption	☐
I have not used this exemption in the previous 24-hour period	☐
The *permitted personal activity* will not take more than 1-hour of work time to complete	☐
The FRHV to be used for my *permitted personal activity* is not carrying a load or towing another vehicle (including a trailer)	☐
The permitted personal activity is being done during you 24 continuous hours stationary rest break? (BFM & AFM drivers only)	☐

Using the exemption safely	
See Section 3 of the Guideline for more information on factors to consider before using this exemption.	
I have slept for at least 7-hours in the last 24-hours	☐
I have been awake for *less than* 14-hours since my last major rest break	☐
I have not consumed alcohol or drugs that may impact my driving in the last 24-hours	☐

Using the exemption appropriately	
See Section 4 of the Guideline for more information on how to use the exemption.	
My employer has given me permission to use the fatigue-regulated heavy vehicle (FRHV) for *permitted personal activities*	☐
I am not able to access alternative transport	☐
I will note the use of this exemption in the 'Comments' section of my National Driver Work Diary Daily Sheet	☐
I have not added the permitted personal activity time to my 'work' hours on my National Driver Work Diary Daily Sheet	

If you are unable to check all boxes, the proposed work is <u>NOT</u> a permitted personal activity – You <u>CANNOT</u> use this exemption

Guideline for the National Personal Use Work and Rest Hours Exemption

1 August 2026

Document version	V1.1
Issued by	Safety and Productivity, NHVR
Replaces	• Heavy Vehicle Advisory Publication 1701, Personal Use of fatigue-related heavy vehicles – Standard hours • Heavy Vehicle Advisory Publication 1701b, Personal Use of fatigue-related heavy vehicles – BFM and AFM

Audience	The Guideline will be of interest to: • Solo drivers of fatigue-regulated heavy vehicles (FRHVs) • Other persons who schedule, manage or influence these drivers, and • Authorised officers under the HVNL

Purpose of this document	The *National Heavy Vehicle Work and Rest Hours Exemption (Personal Use Notice 2026 (No.1)* (the Personal Use Exemption) provides solo drivers of FRHVs with up to one additional hour of work time (to maximum fatigue rule option work limits) for permitted personal activities: Standard hours: • in a 24-hour total period BFM and AFM hours: • In a 24-hour continuous stationary rest break The intent of this exemption is to develop a uniform approach to managing the risks associated with drivers' private use of FRHVs under the HVNL, in a way that protects both drivers and public safety. This exemption does not mean that drivers, or their managers, are separated from requirements relating to driver fatigue. While the risks may be equivalent to using other types of vehicles, the NHVR recognises that there are inherent risks to effective fatigue management that must be managed any time a driver uses a FRHV, including for personal activities. This advisory publication: • sets out safety considerations associated with personal use of a FRHV • describes the limits within which the NHVR intends the personal use exemption to be used, and • provides guidance on the risks and responsibilities that must be acknowledged and managed when using the exemption.

1. What is a permitted personal activity?

The Personal Use Exemption has been implemented to remove legislative restrictions faced by drivers that need to undertake personal activities but cannot reasonably access other forms of transport as an alternative to using a FRHV. To do this, additional work time has been allowed for ***permitted personal activities***.

Defining private and non-commercial activities

Private and non-commercial are not defined in the HVNL. For the purpose of interpreting this exemption, the common definition applies.

Private activities are activities completed by a driver that relate to their private life and not to their professional life as an operator of FRHVs.

Non-commercial activities are activities completed by a driver that do not attract or facilitate a direct commercial or financial advantage to the driver in their professional life as an operator of FRHVs.

It is impossible to list all the situations when a driver may need to use their FRHV for personal permitted activities. However, the following activities are examples that would fit with the definition of *permitted personal activities* in the exemption.

Permitted personal activities

Pursuant to the definition in section 6 of the Notice, permitted personal activity includes, but is not limited to, activities such as the following:

- driving the heavy vehicle to reach accommodation for the driver,
- driving the heavy vehicle to purchase goods or services for use by the driver, such as:
  - food and beverages,
  - medical support and supplies,
  - banking or post office facilities,
- stowing clothes and food in the cab of the heavy vehicle for use by the driver,
- refuelling the heavy vehicle so that it can be used for a *permitted personal activity*.

What can't the exemption be used for?

The exemption cannot be used for any activities that relate to the driver's professional life as an operator of a FRHV or from which the driver derives direct commercial or financial benefit.

Examples of activities that are not permitted personal activity in this definition include:

- activities the driver is being paid to perform or receives a financial reward for performing,
- performing or facilitating maintenance of the heavy vehicle,
- activities requested by parties in the driver's chain of responsibility.
- washing of a fatigue related heavy vehicle or work-related vehicle.

Requesting drivers to use a FRHV

Activities requested by, or caused by a direct request of the employer (or by other parties in the driver's chain of responsibility) are not *permitted personal activities* if they cause commercial benefit to the heavy vehicle driver or party in the driver's chain of responsibility.

For example, if the contractor for a driver of a FRHV schedules the driver to complete a journey that requires the driver to complete 12-hours of work in their 24-hour period, the contractor cannot request that the driver then use the personal use exemption to gain another hour of work time in order to return to base. Similarly, an owner-operator would not be permitted to schedule a journey which they know cannot reasonably be completed within their maximum hours of work time, and then access the exemption as a means of gaining more work time.

2. Who can use the Personal Use Exemption?

The personal use exemption requires drivers to comply with the requirements of their selected fatigue rule options with one exception.

Standard hours drivers may use an FRHV to conduct a *permitted personal activity* for up to on extra hour in a 24 hour period.

BFM and AFM drivers may use an FRHV to conduct a *permitted personal activity* for up to one extra hour in a 24 continuous hour stationary rest break.

The extra time must be taken in a single continuous period, and when using the extra hour in a 24-hour continuous stationary rest break, it cannot be used in the first or last three hours of the break.

The personal use exemption cannot be used by all drivers of FRHVs. This section sets out when the exemption applies and when it does not.

Restriction based on work and rest option

The personal use exemption can only be used by solo drivers of FRHVs, that is, those heavy vehicles that are subject to the HVNL's fatigue management requirements. Section 7 of the HVNL defines a FRHV as any of the following:

- a motor vehicle with a Gross Vehicle Mass (GVM) of more than 12t.
- a combination where the combined GVMs of each vehicle in the combination is equal to more than 12t.
- a fatigue-regulated bus (a heavy motor vehicle fitted to carry more than 12 adults).

This definition includes vehicles or combinations with a GVM or GCM of more than 12t regardless of whether the vehicle is laden or unladen, and regardless of whether it is being used for hire or reward.

Drivers operating under another exemption (whether a notice, permit, or another exemption under the HVNL) cannot use this exemption.

The personal use exemption cannot be used if the FRHV is carrying a load or towing another vehicle.

Restriction based on past permitted personal activities

The Personal Use Exemption does not allow additional work time for *permitted personal activities* in consecutive 24-hour counting periods. This means that a driver can only use the exemption every second 24-hour counting period.

Restriction based on heavy vehicle type/loading

The Personal Use Exemption cannot be used if the FRHV is carrying a load or towing another vehicle (including towing a trailer).

3. Considerations to make permitted personal activities safer

The personal use exemption does not remove a driver's obligation to not drive while impaired by fatigue, or the obligations of parties in drivers' Chain of Responsibility to ensure that drivers meet their obligation not to drive while impaired by fatigue. Regardless of the work and rest limits, if a driver believes they are impaired by fatigue when driving a FRHV, they must stop driving immediately and rest.

This section sets out factors that drivers and other parties in the Chain of Responsibility should consider prior to using a FRHV for *permitted personal activities*.

Prior permission

Fatigue impairment is very difficult to self-detect. Even when it is detected, one of the first changes that comes with driver fatigue is an increased appetite for taking risk.

This means that drivers should not rely solely on their own judgement before deciding to use a FRHV for *permitted personal activities*. Where possible, drivers should talk to parties in their Chain of Responsibility (such as their scheduler or manager) to get prior permission to use a FRHV for *permitted personal activities*.

Transport operators should consider whether or not they consent to their FRHV being used by drivers for *permitted personal activities*.

Fatigue risk factors

Time spent awake, amount and quality of sleep, time of day, and time between rest breaks all affect a driver's potential fatigue impairment. To minimise these potential risks, the NHVR recommends that drivers and other parties consider the following countermeasures:

- Take short rest breaks from driving within the work opportunity to reduce performance impairment due to extended time-on-task. If possible, drivers should:
  - Reduce the time spent continuously working in the work opportunity,
  - Take more frequent breaks from driving in the work opportunity.
- Take recovery breaks so that sleep opportunities provide enough time to obtain sufficient sleep, reducing the likelihood of unsafe levels of fatigue. Drivers should:
  - Provide an adequate sleep opportunity in order to obtain sufficient sleep,
  - Maximise adequate night sleep,
  - Minimise shifts ending between 00:00h and 06:00h,
  - Minimise extended shifts.
- Take reset breaks in sequences of work opportunities to reduce the likelihood of build-up of unsafe levels of fatigue over multiple shifts. Drivers should take at least 30 hours of rest (including two periods of rest between 00:00-06:00) between work sequences.

Use alternative transport where available

The longer a person spends performing a particular task, the more draining it becomes and the more it contributes to fatigue impairment. For example, a driver who has spent 12-hours of their work driving is likely to experience a higher level of fatigue impairment than a driver who has broken up a 12-hour work period with work activities other than driving.

If available, drivers should utilise transport other than a FRHV. These might include private shuttle buses, light vehicles, or public transport. Whilst not an explicit requirement, drivers are encouraged not to use this exemption if they can reasonably access other forms of transport.

4. How to use the exemption

Rules for completing work and rest records still apply under the personal use exemption. Drivers must record their details, the details of the vehicle they are working with (e.g., registration and odometer), and their work and rest details in a National Driver Work Diary.

Exemption Hours

A driver who uses this exemption is considered to be operating under 'exemption hours' for their entire work and rest hours schedule. This has a few implications, including the need to mark daily sheet as 'exemption hours' on days when they utilise the extra hour of work time, as well as not being able to change to other work and rest hours schedules until they complete a reset rest break.

Recording personal use

It is a requirement that drivers must record when they use the personal use exemption in their work diary. If they do not do this the exemption will not apply, and any additional time used for *permitted personal activities* may cause a breach of work and rest hours limits.

On a day when a driver uses this exemption, the driver must:

1. Ensure that daily sheet is marked as 'Exemption hours',
2. Record the use of the exemption in the 'Comments' section of the Daily Sheet by writing 'Personal use exemption' followed by the start and finish time, the location and odometer reading of the *permitted personal activity.*

The time in which a *permitted personal activity* is conducted does **not** need to be marked in the 'My Work' line graph, **nor** does it need to be included in the 'Total work hours' calculation on each sheet.

Drivers using an Electronic Work Diary (EWD) may use their EWD to record the use of this exemption. As above, the method under which they make their daily records does not change, with the exception of including the required information in the comments section.

Note: Failure to include the required information in the 'Comments' section may cause a breach of work diary and record keeping requirements. Drivers must ensure they are record all information required by this Heavy Vehicle Advisory Publication when using this exemption.

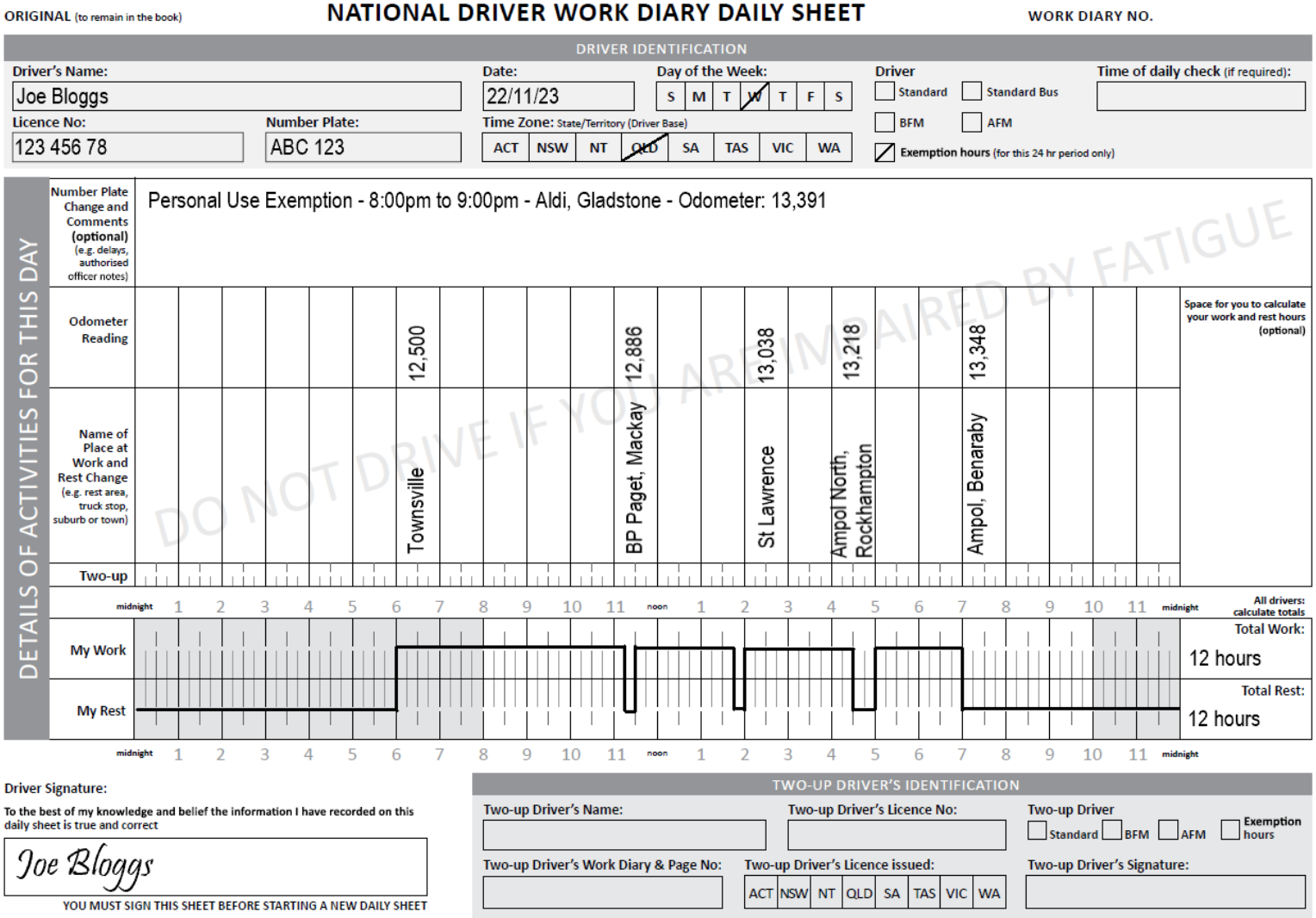
Local area work (up to 100km)

Drivers who are undertaking local area work (up to100km) under standard hours are not required to complete a work diary. Rather, the drivers' record keepers must record work and rest information about the drivers, their work, and their pay.

To use the personal use exemption, drivers who are undertaking 100km work must:

1. Start using a work diary.
2. Record all the work and rest done on that calendar day required by the law, including the personal use, and
3. Carry the work diary for the next 28 days.

An example of how to record the use of this exemption for Standard hours drivers:



ORIGINAL (to remain in the book)

NATIONAL DRIVER WORK DIARY DAILY SHEET

WORK DIARY NO.

DRIVER IDENTIFICATION

Driver's Name: Joe Bloggs

Date: 22/11/23

Day of the Week: S M T **W** T F S

Driver: ☐ Standard ☐ Standard Bus ☐ BFM ☐ AFM ☒ Exemption hours (for this 24 hr period only)

Time of daily check (if required):

Licence No: 123 456 78

Number Plate: ABC 123

Time Zone: State/Territory (Driver Base): ACT NSW NT **QLD** SA TAS VIC WA

DETAILS OF ACTIVITIES FOR THIS DAY

Number Plate Change and Comments (optional) (e.g. delays, authorised officer notes): Personal Use Exemption - 8:00pm to 9:00pm - Aldi, Gladstone - Odometer: 13,391

Odometer Reading: 12,500 | 12,886 | 13,038 | 13,218 | 13,348

Name of Place at Work and Rest Change (e.g. rest area, truck stop, suburb or town): Townsville | BP Paget, Mackay | St Lawrence | Ampol North, Rockhampton | Ampol, Benaraby

Two-up

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight

My Work

My Rest

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight

Space for you to calculate your work and rest hours (optional)

All drivers: calculate totals

Total Work: 12 hours

Total Rest: 12 hours

DO NOT DRIVE IF YOU ARE IMPAIRED BY FATIGUE

Driver Signature:

To the best of my knowledge and belief the information I have recorded on this daily sheet is true and correct

Joe Bloggs

YOU MUST SIGN THIS SHEET BEFORE STARTING A NEW DAILY SHEET

TWO-UP DRIVER'S IDENTIFICATION

Two-up Driver's Name:

Two-up Driver's Licence No:

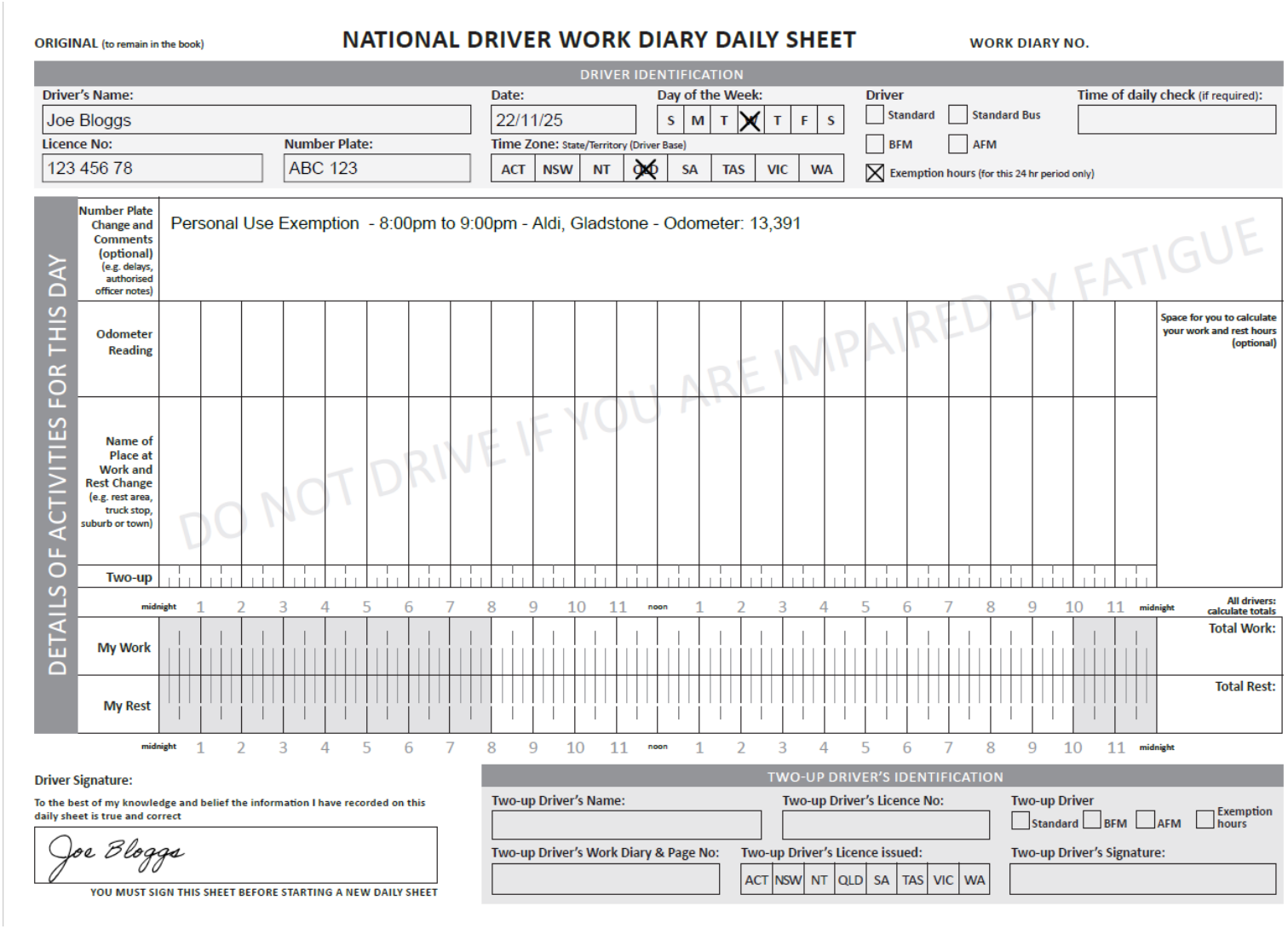
Two-up Driver: ☐ Standard ☐ BFM ☐ AFM ☐ Exemption hours

Two-up Driver's Work Diary & Page No:

Two-up Driver's Licence issued: ACT NSW NT QLD SA TAS VIC WA

Two-up Driver's Signature:

An example of how to record the use of this exemption for BFM and AFM drivers:



ORIGINAL (to remain in the book)

NATIONAL DRIVER WORK DIARY DAILY SHEET

WORK DIARY NO.

DRIVER IDENTIFICATION

Driver's Name: Joe Bloggs

Date: 22/11/25

Day of the Week: S M T [W] T F S

Driver: [ ] Standard [ ] Standard Bus [ ] BFM [ ] AFM

Time of daily check (if required):

Licence No: 123 456 78

Number Plate: ABC 123

Time Zone: State/Territory (Driver Base) ACT NSW NT [QLD] SA TAS VIC WA

[X] Exemption hours (for this 24 hr period only)

DETAILS OF ACTIVITIES FOR THIS DAY

Number Plate Change and Comments (optional) (e.g. delays, authorised officer notes): Personal Use Exemption - 8:00pm to 9:00pm - Aldi, Gladstone - Odometer: 13,391

Odometer Reading

Space for you to calculate your work and rest hours (optional)

Name of Place at Work and Rest Change (e.g. rest area, truck stop, suburb or town)

Two-up

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight

All drivers: calculate totals

My Work — Total Work:

My Rest — Total Rest:

midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 midnight

DO NOT DRIVE IF YOU ARE IMPAIRED BY FATIGUE

Driver Signature:

To the best of my knowledge and belief the information I have recorded on this daily sheet is true and correct

Joe Bloggs

YOU MUST SIGN THIS SHEET BEFORE STARTING A NEW DAILY SHEET

TWO-UP DRIVER'S IDENTIFICATION

Two-up Driver's Name:

Two-up Driver's Licence No:

Two-up Driver: [ ] Standard [ ] BFM [ ] AFM [ ] Exemption hours

Two-up Driver's Work Diary & Page No:

Two-up Driver's Licence issued: ACT NSW NT QLD SA TAS VIC WA

Two-up Driver's Signature: