HEAVY VEHICLE NATIONAL LAW

New South Wales Fatigue Record-Keeping Exemption Notice 2022 (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 2019 (No.1). This Notice carries forward the previous exemptions and conditions in the same terms.*

1. Authorising Provision(s)

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

1. Title

This notice may be cited as the *New South Wales Fatigue Record-Keeping Exemption Notice 2022 (No.1)*.

1. Commencement

This notice commences on 10 February 2022.

1. Expiry

This notice expires on 9 February 2025.

1. 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—

1. the cultivation of land for the purpose of selling the produce of the land;
2. the maintenance of animals (including birds), whether wild or domesticated, for the purpose of selling them, or their natural increase or bodily produce;
3. the keeping of bees for the purpose of selling their honey or other apiary products; or
4. transporting animals or produce in connection with the sale of the animals or produce.
5. Application
6. 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:
7. 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:
   1. motor dealing, repair, inspection, maintenance or testing, or
   2. manufacturing heavy vehicles, or
   3. the hire and rental of heavy vehicles.
8. working within a radius of 160km or less from the driver’s base for the purpose of primary production.
9. 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*.

Don Hogben

*Chief Regulatory and Policy Standards Officer*

**National Heavy Vehicle Regulator**