



## HEAVY VEHICLE NATIONAL LAW

### National Heavy Vehicle Emergency Services Work Diary and Record Keeping Exemption Notice 2023 (No.2)

#### 1. Purpose

- 1) This Notice grants exemptions from work diary and record keeper requirements for drivers of vehicles operating for, or under the direction of, an emergency service.
- 2) This Notice revokes and replaces the *National Heavy Vehicle Volunteer Emergency Services Work Diary and Record Keeping Exemption Notice 2023 (No.1)* that was to come into force on 1 February 2023.

*Note:*        *Nothing in this exemption relieves the driver of a fatigue regulated heavy vehicle from the duty to avoid driving while fatigued, pursuant to section 228 of the Heavy Vehicle National Law (HVNL).*

*This Notice does not provide an exemption to work and rest requirements under Part 6.3 of the HVNL, or from any safety duty that may apply under Chapter 1A of the HVNL.*

*This version of the Notice corrects clerical errors and does not alter the exemption of conditions granted under the original Notice.*

#### 2. Authorising Provisions

- 1) This Notice is issued under the following provisions of the Heavy Vehicle National Law (HVNL):
  - a) *section 357* - Regulator's power to exempt particular drivers from work diary requirements
  - b) *section 378* - Regulator's power to exempt record keepers from fatigue record keeping requirements

#### 3. Title

This Notice may be cited as the *National Heavy Vehicle Emergency Services Work Diary and Record Keeping Exemption Notice 2023 (No.2)*.

#### 4. Commencement

This Notice commences on 1 February 2023.

## 5. Expiry

This Notice expires on 31 January 2026.

## 6. Definitions

- 1) Unless stated otherwise, words and expressions used in this Notice have the same meaning as in the HVNL and its regulations.

- 2) In this Notice:

**Emergency** has the meaning provided under section 265 of the HVNL.

**Emergency service** has the meaning provided under section 265 of the HVNL.

**Emergency management activity** means an activity performed in preparation for, in response to, or in recovery from, an emergency.

**Work record management system** means a system to record eligible driver's work and rest hours maintained by an emergency service in compliance with another law, or under its own standards and procedures.

## 7. Application – class of work, participating jurisdictions, and eligible persons

- 1) This Notice applies to the driver and the driver's record keeper of a fatigue regulated heavy vehicle that is being used to perform an emergency management activity for, or under the direction of, an emergency service.
- 2) This Notice applies in all participating jurisdictions.
- 3) A driver to whom this Notice applies is an eligible driver.
- 4) A record keeper to whom this Notice applies is an eligible record keeper.

## 8. Exemption – work diary requirements

- 1) Pursuant to section 2(1) of this Notice, an eligible driver is exempt from complying with subdivisions 1 to 5 of Division 2 of Part 6.4 of the HVNL.
- 2) The exemption in 1) only applies to the extent that an eligible driver complies with the work record management system of the emergency service for which the relevant work is being performed.

## **9. Exemption – record keeper requirements**

- 1) Pursuant to section 2(2) of this Notice, an eligible record keeper is exempt from complying with Division 3 of Part 6.4 of the HVNL.
- 2) The exemption in 1) only applies to the extent that an eligible record keeper complies with the work record management system of the emergency service for which the relevant work is being performed.

Steven Miller  
*Chief Regulatory Policy and Standards Officer*  
**National Heavy Vehicle Regulator**