



## HEAVY VEHICLE NATIONAL LAW

# National Primary Production Work Diary and Fatigue Record Keeping Exemption Notice 2024 (No.1)

### 1. Purpose

- 1) This Notice grants an exemption from work diary requirements for drivers of fatigue regulated heavy vehicles being used to transport primary produce within a 160km radius of the driver's base between primary production facilities or from the place of production to a point of distribution, sale, or place of processing. The exemption is extended to direct return journeys. This Notice also grants an exemption from record keeping requirements for the record keepers of drivers operating under this Notice.

*Note: This Notice replaces the National Primary Production Work Diary Exemption Notice 2021 (No. 1) with no changes to its conditions.*

*Nothing in this Notice 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 from any safety duty that may apply under Chapter 1A of the HVNL.*

### 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 Primary Production Work Diary and Fatigue Record Keeping Exemption Notice 2024 (No.1)*.

### 4. Commencement

This Notice commences on 5 October 2024.

### 5. Expiration

This Notice expires on 4 October 2027.

### 6. Definitions

- 1) Unless otherwise stated, words and expressions used in this Notice have the same meaning as those defined in the HVNL.
- 2) In this Notice —

**Primary production facility** means a place of production or accumulation of primary produce, including:

- a) a farm, such as a crop or a dairy farm; and
- b) a feedlot or paddock; and
- c) a silo or picking shed; and
- d) an apiary.

**Primary produce** means:

- a) foodstuff intended for human consumption, including:
  - i. grain, fruit, fungi and vegetables; and
  - ii. live animals grown or bred for food; and
  - iii. apiary products; and
  - iv. eggs, including fish roe; and
  - v. dairy products
- b) feed intended for animal consumption
- c) feathers and hides for the production of goods
- d) derivatives from animals or plants used for use in medicines or cosmetics
- e) fibrous by-products of plants and animals used for production of textiles.

## **7. Application – Classes of work**

- 1) This Notice applies to the driver of a fatigue-regulated heavy vehicle undertaking the following classes of work within 160km of the driver's base:
  - a) a journey transporting primary produce from a primary production facility to another primary production facility;
  - b) a journey transporting primary produce from a primary production facility to a point of distribution, sale or processing;
  - c) a direct return journey back to a primary production facility from a destination in a) or b).
- 2) This Notice only applies if all the journeys the driver undertakes on a given day are of a class set out in this section.

## **8. Exemption – Work diary requirements**

- 1) The driver of a fatigue regulated heavy vehicle to which this Notice applies is exempt from the requirements of Subdivisions 1 to 5 of Division 2, of Part 6.4 of the HVNL to the extent that a reference in those provisions:
  - a) to '100km' in relation to 100km work means 160km; and
  - b) to '100+km' in relation to 100+km work means 160+km.

## **9. Exemption – Record keeping requirements**

- 1) The record keeper for a driver of a fatigue regulated heavy vehicle to which this Notice applies is exempt from the requirements of Subdivision 3, of Division 3 of Part 6.4 of the HVNL to the extent that a reference in those provisions:
  - a) to '100km' in relation to 100km work means 160km; and
  - b) to '100+km' in relation to 100+km work means 160+km.

David Hourigan

*Chief Safety and Productivity*

**National Heavy Vehicle Regulator**