

ROAD TRANSPORT (GENERAL) ACT 2005**Road Transport (General) Regulation 2005
Part 6 – Heavy Vehicle Driver Fatigue****EXEMPTION ORDER****Bus and coach industry**

I, Michael Daley, Minister for Roads, pursuant to section 16 of the *Road Transport (General) Act 2005*, make the following Order.

Michael Daley MLA
Minister for Roads

1 Citation

This Order may be cited as the Bus and Coach Industry Exemption Order 2008.

2 Commencement

This Order takes effect on 29 September 2008.

3 Effect

This Order remains in force until it is amended or repealed.

4 Interpretation

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the *Road Transport (General) Regulation 2005*.

5 Exemption from requirements of Road Transport (General) Regulation 2005

Subdivision 2 (Work diary requirements) of Division 4 of Part 6 of *Road Transport (General) Regulation 2005* is declared not to apply to the driver of a bus if:

5.1 The driver is:

- (a) engaged in a journey of less than 100km from the driver's base; or
- (b) the driver of a bus engaged in a journey undertaken under a bus service contract entered into under Part 3 of the *Passenger Transport Act 1990*, regardless of the distance travelled; and

5.2 the record keeper for the driver:

- (a) records the following information as soon as possible after receiving it;
 - (i) the driver's name, driver licence number and contact details; and
 - (ii) the dates on which the driver drives a bus on a road; and

- (iii) the registration number shown on the numberplate of each bus the driver drives; and
 - (iv) the total of the driver's work and rest times on each day when the driver drives a bus; and
 - (v) the total of the driver's work and rest times for each week when the driver drives a bus; and
 - (vi) the driver's rosters and trip schedules, including details of driver changeovers; and
 - (vii) the driver's base for each journey; and
- (b) keeps a copy of payment records relating to the driver, including timesheet records if the driver is paid according to time at work.
 - (c) keeps a record that is required to be kept under this clause for 3 years after it is created.
 - (d) keeps the records at the record location so that they are reasonably accessible to an authorised officer or police officer.
 - (e) keeps the records in way that ensures:
 - (i) they are readable and reasonably capable of being understood; and
 - (ii) are capable of being used as evidence.

6 12 month transitional exemption from the requirements of the Road Transport (General) Act 2005 - work diary and work and rest hours

From the commencement of this Order until 28 September 2009:

- 6.1 requirements relating to work and rest hours imposed under Part 6 of the *Road Transport (General) Regulation 2005* are declared not to apply to a bus driver if the bus driver complies with the maximum driving times, maximum work times and minimum rest times imposed by Part 2 of the *Road Transport (Safety and Traffic Management)(Driver Fatigue) Regulation 1999*; and
- 6.2 requirements relating to work diaries imposed under Part 6 of the *Road Transport (General) Regulation 2005* are declared not to apply to a bus driver, other than a bus driver specified in clause 5 of this Order if the bus driver complies with the requirements relating to logbooks imposed by Part 4 the *Road Transport (Safety and Traffic Management)(Driver Fatigue) Regulation 1999*; and
- 6.3 requirements relating to record keeping under Part 6 of the *Road Transport (General) Regulation 2005* are declared not to apply to the record keeper of a bus driver specified in paragraph 6.2 if the record keeper complies with the requirements in relation to record keeping imposed on the employer of a bus driver or a self employed bus driver under Part 4 of the *Road Transport (Safety and Traffic Management)(Driver Fatigue) Regulation 1999*;

Explanatory Notes:

The following words and expressions used in this Exemption Order are defined in the *Road Transport (General) Regulation 2005*, as follows;

base of a driver of a regulated heavy vehicle, in relation to particular work, is the vehicle's garage address. However:

- (a) if the driver operates and receives instructions from another place that is recorded in the record keeper's record as the driver's base, the other place is the driver's **base**.
- (b) if a driver has 2 or more employers, the driver may have a different base in relation to each employer.

bus is a motor vehicle built mainly to carry people that seats over 12 adults (including the driver).

driver of a regulated heavy vehicle includes an employed driver and a self-employed driver.

garage address of a vehicle is the principal depot or base of operations of the vehicle.

record keeper for the driver is:

- (a) for an employed driver — the employer; or
- (b) for a self-employed driver — the self-employed driver; or

record location of a driver is:

- (a) a place which the record keeper has instructed the driver is the record location; or
- (b) if the record keeper has not instructed the driver as specified in paragraph (a), the driver's base.
