

ROAD TRANSPORT (GENERAL) ACT 2005**Road Transport (General) Regulation 2005
Part 6 – Heavy Vehicle Driver Fatigue****EXEMPTION ORDER****Work diary exemption
for specified classes of drivers of regulated heavy vehicles**

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 Regulated Heavy Vehicle Work Diary 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This Order remains in force until it is amended or repealed.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 the 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 a driver of a regulated heavy vehicle if:

5.1 the driver is:

- (a) employed by a licensed motor dealer or licensed motor vehicle repairer and engaged in a journey less than 100km from the driver's base for purposes incidental to the sale, manufacture, registration and repair of the regulated heavy vehicle; or
- (b) a driver of a regulated heavy vehicle acting for an emergency service engaged in a journey less than 100km from the driver's base; 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 regulated heavy vehicle on a road; and
 - (iii) the registration number shown on the numberplate of each heavy motor vehicle that the driver drives; and
 - (iv) the total of the driver's work and rest times on each day when the driver drives a regulated heavy vehicle; and
 - (v) the total of the driver's work and rest times for each week when the driver drives a regulated heavy vehicle; 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.

Explanatory Notes:

licensed motor dealer means a motor dealer licensed under the *Motor Dealers Act 1974*.

licensed motor vehicle repairer means a motor vehicle repair business licensed under the *Motor Vehicle Repairs Act 1980*.

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 is a self-employed driver and an employed driver at different times, the driver may have one base as a self-employed driver and another base as an employed driver.
- (c) 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.

emergency service is any organisation that has a statutory responsibility to respond to an emergency and includes:

- (a) an ambulance service; and
- (b) an emergency auxiliary; and
- (c) a fire brigade, including a volunteer fire brigade; and
- (d) a police service or force; and
- (e) a disaster or emergency organisation of the Commonwealth or a State or Territory; and
- (f) an organisation prescribed as an emergency service by the regulations.

employed driver is a driver who is employed by someone else to drive a regulated heavy vehicle.

employer is a person who engages someone else to drive a regulated heavy vehicle under a contract of employment, apprenticeship or training.

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

regulated heavy vehicle is:

- (a) a motor vehicle (except a bus or tram) with a GVM over 12 tonnes; or
- (b) a motor vehicle (except a bus or tram) that is part of a combination, if the total of the GVMs of the vehicles in the combination is over 12 tonnes.

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.

regulated heavy vehicle is :

- (a) a heavy truck; or
- (b) a bus.

self-employed driver is a driver who is not an employed driver but is driving a regulated heavy vehicle is.