

Fatigue record keeping exemption (Permit)

The NHVR and fatigue management

Driver fatigue is a significant safety hazard for the road transport industry and other road users.

The Heavy Vehicle National Law (HVNL) requires each person in the Chain of Responsibility to take all reasonable steps to ensure that a driver of a fatigue regulated heavy vehicle does not drive on a road while impaired by fatigue or breach road transport laws relating to fatigue.

The HVNL requires operators to maintain accurate driver records. In some circumstances however, the record keeping obligations for operators may be difficult to comply with or can result in multiple record keeping systems being required for different legislative obligations.

In these special cases, operators can apply for a fatigue record keeping exemption (Permit) from the National Heavy Vehicle Regulator (NHVR).

How do I apply for a fatigue record keeping exemption (Permit)?

Visit the NHVR website and complete the *Establish fatigue record keeping exemption (Permit)* application form. Please speak to a NHVR customer service representative prior to submitting your application.

What do I need to provide?

Each application must include a copy of your proposed alternative record keeping arrangements, your accreditation details and a complete list with the names and details of drivers who will be working under the record keeping exemption if it is granted.

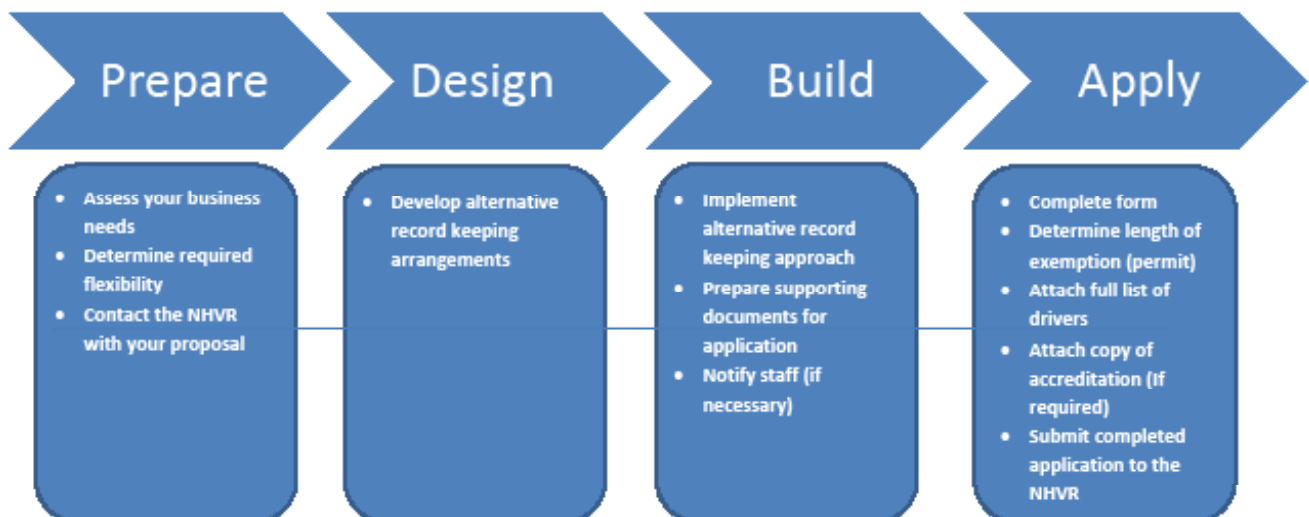
What happens if I am granted a fatigue record keeping exemption (Permit)?

If you are granted a fatigue record keeping exemption (Permit) you are exempted from Division 3 of Part 6.4 of the HVNL or parts of this Division that you requested.

You must implement your alternative record keeping arrangements and instruct your drivers who are working under the exemption, on what they must do under those arrangements.

The NHVR may also impose additional conditions above and beyond those you may have proposed as part of your application. These conditions will be included in the *fatigue record keeping exemption (Permit)* itself. You must comply with all of these conditions when you use the exemption.

Fatigue record keeping exemption (Permit) application process



What happens if I want to change my fatigue record keeping exemption (Permit)?

You can change your personal details, your alternative record keeping arrangements and your drivers list on a fatigue record keeping exemption (Permit). Visit the NHVR website and complete the *Change fatigue management exemption (Permit)* form.

I have lost my fatigue record keeping exemption (Permit) what do I need to do?

If you have lost your fatigue record keeping exemption (Permit) or it has been destroyed by accident, visit the NHVR website and complete the *Replace fatigue management exemption (Permit)* form.

You must include a statutory declaration confirming that the fatigue record keeping exemption (Permit) has been lost, stolen or defaced and a new exemption is required.

Penalties apply if you fail to notify the NHVR as soon as possible that your exemption has been defaced, lost or stolen.

If defaced, lost or stolen, you can no longer use your alternative record keeping arrangements and you must comply with the record keeping obligations set out in the HVNL.

How do I cancel my fatigue record keeping exemption (Permit)?

If your circumstances change and you no longer need a fatigue record keeping exemption (Permit) you can submit a *Cancel fatigue management exemption (Permit)* form to the NHVR. Your current exemption will need to be attached before you submit your cancellation request.

What happens when my fatigue record keeping exemption (Permit) expires?

Fatigue record keeping exemption (Permits) will expire after three (3) years or earlier if nominated.

You must apply for a new one before the expiry date to allow you to continue to use your alternative record keeping arrangements.



About the NHVR

The National Heavy Vehicle Regulator (NHVR) is Australia's dedicated independent regulator for heavy vehicles over 4.5 tonnes gross vehicle mass.

The NHVR was created to administer one set of rules for heavy vehicles under the Heavy Vehicle National Law (HVNL), improve safety and productivity, minimise the compliance burden on the heavy vehicle transport industry and reduce duplication and inconsistencies across state and territory borders.

For more information

subscribe	www.nhvr.gov.au/subscribe
visit	www.nhvr.gov.au/workdiary
email	info@nhvr.gov.au
fax	07 3309 8777
post	PO Box 492, Fortitude Valley Q 4006
tel	1300 MYNHVR* (1300 696 487)

*Standard 1300 call charges apply. Please check with your phone provider.



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Please note: While every attempt has been made to ensure the accuracy of the content of this fact sheet, it should not be relied upon as legal advice.