

Heavy Vehicle Driver Fatigue

How to use your work diary



Transport
Roads & Maritime
Services

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National model heavy vehicle driver fatigue laws apply to heavy vehicles and combinations with a GVM or GCM over 12 tonnes and buses with more than 12 seats. The laws include a national driver work diary, which replaces the previous driver log book.

When must you use a work diary in NSW?

A driver who **always** drives within a 100 km radius of the driver's base (or who has the benefit of another exemption under the Regulation) is not required to carry a work diary.

A driver who usually engages in 100+ km work must carry a work diary. The driver must keep their work diary records for the previous 28 day period in their vehicle.

A driver must also carry their work diary with them – even if they are engaged in work within a 100 km radius of the driver's base or other work covered by an exemption – if they have done **any** 100+ km work in the previous 28 days.

This applies to drivers working all work/rest hours options (Standard Hours, BFM and AFM).

In NSW, some types of driving are covered by work diary exemptions, including:

- Trips for the purpose of primary production within a radius of 160km of their base.
- Local council employees driving within their council area.
- Bus drivers working under NSW Government bus service contracts.
- Community transport, self-drive rental buses and private use of buses.

What about other states and territories?

In Victoria and South Australia, Standard Hours drivers must use a work diary on all days they drive a heavy vehicle more than a radius of 100 km from their base.

In Queensland, Standard Hours drivers must use a work diary on all days they drive a heavy vehicle more than a radius of 200 km from their base.

BFM and AFM drivers must use a work diary for all work in Victoria, Queensland and South Australia.

Drivers travelling into Western Australia or the Australian Capital Territory for less than seven days must continue to use the work diary.

How do you get a work diary?

You can buy a national work diary at any motor registry in NSW or from road agencies in other Australian states and territories. Proof of identity is required.

You must only ever record information in a single work diary at any one time. The national work diary has 100 daily sheets. When you have nearly filled up a work diary, you must get a new one. The motor registry or road agency will cancel unused pages in your old work diary.

What should you do with your work diary if you are stopped at the roadside?

If you are stopped by an authorised officer or a police officer for a roadside inspection, you must produce your work diary for inspection.

The officer may remove a duplicate of each work diary daily sheet from your work diary if required. You can ask the officer to make a note in your work diary if you have been stopped for more than five minutes.

What if your work diary is lost, stolen or destroyed?

If your work diary is lost, stolen, destroyed or filled up before you can get a new work diary you must report this in writing to a road agency within two business days. You have a maximum of seven business days to get a new work diary.

Until you are issued with a new work diary, you must continue to record all work and rest time in a **supplementary record**. This must contain the same information as you would record in your work diary.

You can download a blank copy of a national work diary daily sheet from the Roads and Maritime Services website to use as a supplementary record.

Any supplementary record must be treated the same way as your work diary. You must keep a copy of each daily supplementary record in the vehicle for 28 days after it is made and give a copy to your employer within 21 days, who must store it for three years.

If the lost work diary is returned to you after you have been issued with a new one you must immediately cancel any unused daily sheets in the old work diary by writing **CANCELLED** across each unused page and you must notify the road agency as soon as possible.

How to fill in your work diary.

It is important to always use a blue or black ballpoint pen and record all entries legibly. Make sure you apply enough pressure so your entries are transferred and clearly recorded on the duplicate sheets.

Entries in work diaries must be legible and accurate and reasonably capable of being understood by an authorised officer and by the driver's record keeper.

You must complete a daily sheet for the full 24 hours of each day during which you are the driver of a heavy vehicle or bus.

Instructions for completing a daily sheet are included in the work diary. A sample of a completed daily sheet is attached to this fact sheet.

Who keeps copies of your work diary pages?

Each daily sheet (marked ORIGINAL) must remain in the work diary. Each daily sheet has two copies.

You must give the first copy (marked DUPLICATE) to the person you are currently working for as soon as possible or within 21 days of the date recorded on the daily sheet.

You should keep the second copy (also marked DUPLICATE) in the work diary unless you have worked for two separate employers within the same 24 hour period. In this case give a copy to each employer. Otherwise retain the second copy in the work diary unless it is requested by an authorised enforcement officer who may remove it.

If you are self-employed you must keep copies of your work diaries and daily sheets for three years for audit purposes. If you are an employed driver, your employer must keep these copies for 3 years.

False or misleading records

A driver must keep an accurate work record in their possession. Severe penalties apply to drivers who:

- Record information in a work diary that they know, or ought to know, is false or misleading.
- Have more than one written work diary (other than a filled-up work diary).
- Record information for the same period in more than one work diary.
- Deface or change a work record they know, or ought to know, is correct.
- Pretend they have made a work record or made an entry in a work record when this is not the case.

- Make an entry in someone else's work record (unless otherwise permitted, e.g. a police officer making an annotation or a two-up driver's counter-signature).
- Destroy a work record before the end of the period for which they are required to be kept (the law requires records to remain readable and easily understood as evidence); and tamper with the operation of an electronic work diary.

If a driver becomes aware or suspects the vehicle's odometer is faulty, the driver must report the problem to his or her record keeper (e.g. supervisor) as soon as possible. Vehicle owners must ensure faulty odometers are operating correctly.

Correcting an entry

A driver may correct an entry in a work diary daily sheet by drawing a single line through the incorrect entry and entering the correct information. Putting a single line through the incorrect entry is intended to ensure that an authorised officer can see the original (incorrect) entry.

The crossing out of the incorrect entry and the new information should be initialled and dated by the driver. In the case of a two-up driving arrangement both drivers should initial and date the corrected entry.

If corrections result in the work diary daily sheet becoming confusing or illegible, the driver should cancel that daily sheet by putting two parallel lines across the daily sheet and writing in the word 'CANCELLED'.

The information which is, or should be, contained in the CANCELLED daily sheet must be written on the next daily sheet. The cancelled daily sheet and the new daily sheet must be initialled and dated by the driver. In the case of a two-up driving arrangement both drivers should initial and date the corrected entry.

The cancelled daily sheet and the new daily sheet should both be provided to the drivers record keeper within 21 days of the day recorded on the daily sheets.

Rules for counting work and rest time

The Regulation includes rules for counting and recording work and rest time. For more information, please refer to the Fact Sheet *Counting work and rest time* on the RMS website.

Further information

- www.rms.nsw.gov.au/heavyvehicles/
- RMS Customer Contact Centre on 13 22 13

Disclaimer

This fact sheet does not constitute legal advice. Details are subject to amendment. Check the legislation or contact RMS for more information.