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SPECIAL SUPPLEMENT

ROAD TRANSPORT ACT 2013

International Fleet Review Bus Driver Fatigue Management Order 2013

I, Gladys Berejiklian, Acting Minister for Roads and Ports, pursuant to section 19 of the Road Transport Act 2013, make the following Order.

Dated this 2nd day of October 2013.

GLADYS BEREJIKLIAN, M.P.,
Acting Minister for Roads and Ports

1 Citation

This Order is the International Fleet Review Bus Driver Fatigue Management Order 2013.

2 Commencement

This Order takes effect on and from 12:01 am on Thursday, 3 October 2013.

3 Effect

This Order remains in effect until 11:59 pm on Friday, 11 October 2013.

4 Interpretation

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the Road Transport Act 2013 or other road transport legislation.

5 Definitions

In this Order

Event Director means the Executive General Manager of the Transport Management Centre, Transport for NSW.

International Fleet Review means the Royal Australian Navy International Fleet Review held on Sydney Harbour from Thursday, 3 October to Friday, 11 October 2013.

participating driver means a driver of a regular bus service for the purpose of carrying passengers to and from events conducted as part of the International Fleet Review.

regular bus service means, for the purposes of this Order, a bus service in accordance with and subject to a service contract between the operator of the bus service and Transport for NSW, under Part 3 of the Passenger Transport Act 1990.

6 Declaration

Pursuant to section 19 (1) of the Road Transport Act 2013, the following provisions of the Road Transport (Vehicle and Driver Management) Regulation 2005 ('the Regulation'), are declared NOT to apply to a participating driver in the circumstances set out in clause 7, PROVIDED THAT the conditions as set out in clause 8 of this Order are complied with:

- (a) Clause 64 – in the case of a participating driver working under standard hours for a solo driver of a regulated heavy vehicle, the maximum work time and minimum rest time in periods of time of 24 hours or less; and
- (b) Clause 65 – in the case of a participating driver working under the standard hours for the solo driver of a bus, the maximum work time and minimum rest time in periods of time of 24 hours or less; and

- (c) Clauses 71 and 72 – in the case of a participating driver working under “AFM hours” (as defined in the Regulation), the maximum work time and minimum rest time in periods of time of 24 hours or less in the AFM hours of the driver.

7 Circumstances in which the Declaration may apply

The Declaration in clause 6 of this Order will apply to a participating driver ONLY if the Event Director has notified the operator of the relevant regular bus service, either verbally or in writing, that due to adverse weather conditions or other exceptional circumstances, the Declaration is to apply, for the period of time specified by the Event Director, to participating drivers working for the operator.

8 Conditions

The Declaration in clause 6 of this Order applies subject to the following conditions:

- (a) a participating driver may not exceed 14 hours work time in any period of 24 hours;
- (b) a participating driver must have a minimum of seven continuous hours rest time in any period of 24 hours;
- (c) a participating driver that exceeds 12 hours work time in any period of 24 hours must have a minimum of 10 continuous hours rest time before undertaking any further work.

9 Breach

A breach of any of the conditions set out in clause 8 of this Order operates to invalidate the Declaration with respect to the participating driver responsible for the breach, and the provisions of the Regulation will apply in such circumstances.

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