HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle South Australian Electricity Entity Work and Rest Hours Exemption Notice 2020 (No.1)

1. Purpose

The purpose of this Notice is to exempt drivers of fatigue-regulated heavy vehicles carrying out activities on the works of an Electricity Entity in unplanned urgent circumstances from the requirement of the *Heavy Vehicle National Law* Part 6.3 Division 2 Standard Work and Rest Arrangements.

1. Authorising Provision(s)

This notice is made under Section 266 of the *Heavy Vehicle National Law* as in force in participating jurisdictions.

1. Title

This notice may be cited as the *National Heavy Vehicle South Australia Electricity Entity Work and Rest Hours Exemption Notice 2020*.

1. Commencement

This notice commences on 9 April 2020.

1. Expiry

This notice expires three years after publication.

1. Definitions

(1) Unless otherwise stated, words and expressions used in this Notice have the same meaning as those defined in the *Heavy Vehicle National Law.*

(2) In this Notice—

Distribution authority means a current distribution authority that is issued to electricity entities, pursuant to Part 1 of the Electricity Act 1996 (SA).

Electricity Entity as defined in Electricity Act 1996 (SA).

Fatigue Risk Management System means the auditable system of records, policies, standards and procedures maintained by an electricity entity for the purpose of fatigue management in the course of operations.

Works of an Electricity Entity as described in the Electricity Act 1996 (SA) and Electricity (General) Regulations 2012 (SA).

Risk Assessment as defined in the Electricity Entity’s Fatigue Risk Management System.

1. Application
2. This Notice applies to:
3. drivers of fatigue-regulated heavy vehicles employed by an Electricity Entity listed in Schedule 1;
4. carrying out activities of the Electricity Entity;
5. for urgent unplanned circumstances required to comply with the Electricity Entity’s statutory obligations under the Electricity Act 1996 (SA), including but not limited to:
   1. fault response, rectifying life threatening / dangerous situations that pose an electrical safety risk such as live wires below statutory height or on ground; or
   2. restoration of electricity supply to essential services such as hospitals, water and sewage services, and customers relying on medical equipment; or
   3. restoration of electricity supply to maintain compliance with the Electricity Entities Distribution Authority’s Minimum Service Standards (MSS) and Service Target Performance Incentive Scheme (STPIS) as set by the Australian Electricity Regulator.
6. Exemption

This Notice provides an exemption from the requirement under Part 6.3 Division 2 Standard Work and Rest Arrangements of the *Heavy Vehicle National Law*.

1. Conditions- General
2. A driver of a fatigue-regulated heavy vehicle operating under this exemption must be employed by an Electricity Entity listed in Schedule 1.
3. A driver of a fatigue-regulated heavy vehicle operating under this exemption must be trained to the standards required by the Electricity Entity’s Fatigue Risk Management System and comply with this System.
4. When requested by an authorised officer, a driver of a fatigue-regulated heavy vehicle operating under this exemption must nominate the Electricity Entity they are employed by and the name and contact details for the person nominated by that Electricity Entity as responsible for the Fatigue Risk Management System.
5. The person responsible for the Electricity Entity’s Fatigue Management System must keep records of:
6. drivers operating under this notice; and
7. risk assessments required under this notice, and
8. information in relation to the cause and outcome of fatigue related incidents.
9. Conditions – Work and rest hours
10. Table 1 specifies the maximum work times and minimum rest times for drivers operating under this exemption.

**Table 1 – Exemption hours**

|  |  |  |
| --- | --- | --- |
| Column 1  Time Period | Column 2  Upper Work Limit | Column 3  Minimum Rest Hours |
| In any period of… | A driver must not work more than a maximum of… | And must have the rest of that period off work with at least a minimum rest break of… |
| 5 hours 30 minutes | 5 ¼ hours | 15 minutes continuous rest time |
| 24 hours | 16 hours | 8 hours continuous stationary rest time |
| 18 days | 256 hours | 48 hours continuous stationary rest time |
| 28 days | 256 hours | 4 periods of 24 hours continuous stationary rest time |

1. In the total period specified in Column 1, a driver of a fatigue-regulated heavy vehicle operating under this exemption must not rest less than the minimum rest hours specified in Column 3.
2. A driver of a fatigue-regulated heavy vehicle operating under this exemption who has implemented the control measures specified in the Electricity Entity’s Fatigue Risk Management Systems must not work more than the upper work time specified in Column 2.
3. A driver of a fatigue-regulated heavy vehicle operating under this notice must complete risk assessments in accordance with the relevant Electricity Entity’s Fatigue Risk Management System.

Greg Fill

**Director (Safety Assurance)**

National Heavy Vehicle Regulator

**Schedule 1 Table of Electricity Entities**

|  |
| --- |
| **Electricity Entity**  Electricity Act 1996 (SA) |
| SA Power Networks Group |