



## HEAVY VEHICLE NATIONAL LAW

### National Heavy Vehicle Queensland Electricity Entity Work and Rest Hours Exemption Notice 2021 (No.1)

#### 1 Purpose

- (1) 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.
- (2) This Notice revokes and replaces the National Heavy Vehicle Queensland Electricity Entity Work and Rest Hours Exemption Notice 2019 (No.1)

#### 2 Authorising Provision(s)

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

#### 3 Title

This notice may be cited as the *National Heavy Vehicle Queensland Electricity Entity Work and Rest Hours Exemption Notice 2021 (No.1)*.

#### 4 Commencement

This notice commences on 16 July 2021.

#### 5 Expiry

This notice expires 15 July 2024.

#### 6 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 5 of the Electricity Act 1994 (Qld).

**Electricity Entity** as defined in the Electrical Safety Act 2002 (Qld).

**Fatigue 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 defined in the Electrical Safety Act 2002 (Qld).

**Night hours** as defined in the Electricity Entity's Fatigue Management System.

## 7 Application

- (1) This Notice applies to:
- a) drivers of fatigue-regulated heavy vehicles employed by an Electricity Entity listed in Schedule 1;
  - b) carrying out activities on the works of the Electricity Entity;
  - c) for urgent unplanned circumstances required to comply with the Electricity Entity's statutory obligations under the Electrical Safety Act 2002, including but not limited to:
    - i. fault response, rectifying life threatening / dangerous situations that pose an electrical safety risk such as live wires below statutory height or on ground; or
    - ii. restoration of electricity supply to essential services such as hospitals, water and sewage services, and customers relying on medical equipment; or
    - iii. 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.

## 8 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*.

## 9 Conditions- General

- (1) A driver of a fatigue-regulated heavy vehicle operating under this exemption must be employed by an Electricity Entity listed in Schedule 1.
- (2) A driver of a fatigue-regulated heavy vehicle operating under this exemption must keep a copy of this notice in his or her possession.
- (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 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 of their line manager or immediate manager.
- (5) The person responsible for the Electricity Entity's Fatigue Management System must keep records of:
  - a) drivers operating under this notice; and
  - b) risk assessments required under this notice, and
  - c) information in relation to the cause and outcome of fatigue related incidents.

## 10 Conditions – Work and rest hours

- (1) Table 1 specifies the maximum work times and minimum rest times for drivers operating under this exemption.

**Table 1 – Exemption hours**

<b>Column 1 Time Period</b>	<b>Column 2 Upper Work Limit</b>	<b>Column 3 Minimum Rest Hours</b>
5 hours 45 minutes	5 hours 30 minutes	15 minutes
1 day (24 hours)	16 hours of work	9 consecutive hours of rest
3 days	42 hours of work	3 periods of 9 consecutive hours of rest
7 days	84 hours of work	7 periods of 9 consecutive hours of rest

- (2) 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.
- (3) A driver of a fatigue-regulated heavy vehicle operating under this exemption who has implemented the control measures specified in the EQL Fatigue Standard or Fatigue Risk Management Systems must not work more than the upper work time specified in Column 2.
- (4) A driver of a fatigue-regulated heavy vehicle operating under this notice must not work night hours unless they have completed a risk assessment in accordance with the relevant Electricity Entity's Fatigue Management System.
- (6) An Electricity Entity must audit its Fatigue Management System:
- a) annually; and
  - b) provide the results of those audits to the Regulator or an authorised officer on request.

Don Hogben  
*Chief regulatory Policy and Standards Officer*  
**National Heavy Vehicle Regulator**

**SCHEDULE 1 Table of Electrical Entities**

<b>Electricity Entity</b> s38 Electricity Act 1994 (Qld)	<b>Distribution Authority</b> s38 Electricity Act 1994 (Qld)
Ergon Energy Corporation Limited	D01/99
Energex Limited	D07/98