



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle South Australia Electricity Entity Work and Rest Hours Exemption Notice 2023 (No.1)

1. Purpose

This notice exempts drivers of fatigue-regulated heavy vehicles who are working for an electricity entity in urgent and unplanned circumstances from the requirements of Part 6.3 of the Heavy Vehicle National law (HVNL) regarding work and rest hours. Those drivers may instead comply alternative work and rest hours, and with the Fatigue Risk Management System implemented by that entity in compliance with its requirements under the *Electricity Act 1996 (SA)*.

Note: Nothing in this exemption relieves the driver of a fatigue regulated heavy vehicle from the duty to avoid driving while fatigued, pursuant to section 228 of the Heavy Vehicle National Law (HVNL).

This Notice does not provide an exemption from any safety duty that may apply under Chapter 1A of the HVNL.

This notice replaces the National Heavy Vehicle South Australia Electricity Entity Work and Rest Hours Exemption Notice 2020 (No.1). The substantial exemptions and conditions of the notice are unchanged.

2. Authorising Provision(s)

- 1) This notice is made under the following provision of the HVNL:
 - a) *Section 266* - Regulator's power to exempt class of drivers from particular maximum work requirements and minimum rest requirements

3. Title

This notice may be cited as the *National Heavy Vehicle South Australia Electricity Entity Work and Rest Hours Exemption Notice 2023 (No.1)*.

4. Commencement

This notice commences on 10 April 2023.

5. Expiry

This notice expires on 9 April 2026.

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 (HVNL).

2) In this Notice—

Electricity entity has the same meaning as in the 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, kept in compliance with the *Electricity Act 1996 (SA)* or as required under other laws.

7. Application

1) The exemption in section 2(1)(a) of this notice applies to the driver of a fatigue-regulated heavy vehicle employed by an electricity entity listed in Schedule 1 who is doing work for that entity in urgent and unplanned circumstances in compliance with the *Electricity Act 1996 (SA)*.

2) Pursuant to s270 (1)(b) of the HVNL, the work specified under 1) is the class of work to which this notice applies.

3) The exemption on section 2(1)(a) of this notice only applies to the extent to which conditions are provided under this notice.

4) The urgent and unplanned circumstances mentioned in 1) include, but are not limited to:

- a) fault response to rectify life threatening or dangerous situations that pose an electrical safety risk, including live wires below statutory height or on ground; or
- b) restoration of electricity supply to essential services such as hospitals, water and sewage services, and customers relying on medical equipment; or
- c) restoration of electricity supply to maintain compliance with the *Electricity Act 1996 (SA)* and the entity's electricity distribution licence.

5) A driver to whom this section applies and who complies with all of the conditions of this notice is an eligible driver.

8. Conditions – compliance with an electricity entity's fatigue risk management system

1) An eligible driver must be employed by an Electricity Entity listed in Schedule 1.

2) An eligible driver must be trained to the standards required by the electricity entity's fatigue risk management system and be compliant with this system.

- 3) An eligible driver operating under this exemption must ensure that their name is listed with the electricity entity they are employed by as operating under this exemption.

9. Condition – production of documents

- 1) When requested by an authorised officer or a police officer, an eligible driver must produce:
 - a) a copy of this exemption and nominate the electricity entity they are employed by; and
 - b) the name and contact details for the person nominated by that electricity entity as responsible for the electricity entity’s fatigue risk management system.

10. Conditions – work and rest hours

- 1) An eligible driver must comply with the work and rest hours specified in Table 1.
- 2) For each period stated in column 1 of table 1:
 - a) column 2 states the maximum work time for the driver; and
 - b) column 3 states the minimum rest time for the driver.

Table 1 – Work and rest hours under this notice

Column 1	Column 2	Column 3
<i>In any period of...</i>	<i>... a driver must not work more than a maximum of ...</i>	<i>... and must not rest for less than ...</i>
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

David Hourigan
 Chief Regulatory and Policy Standards Officer
 National Heavy Vehicle Regulator

Schedule 1 Electricity entities of the purposes of eligibility

Pursuant to section 7 and 8 of this notice, only a named entity, or named parts or divisions of that entity, listed in the following table are relevant for the purposes of eligibility under this exemption.

For example, in the case of a listed division of a larger entity only work done for the *named division* is relevant to determining eligibility under this exemption.

Table of electricity entities

SA Power Networks Group

Enerven Distribution Services, as a division of Enerven Energy Infrastructure Pty Ltd (which is a member company of the SA Power Networks Group)