



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle South Australia Electricity Entity Record Keeper Exemption Notice 2023 (No.1)

1. Purpose

This notice exempts record keepers of fatigue-regulated heavy vehicles who are working for a specified electricity entity from the requirements under Division 3 of Part 6.4 of the Heavy Vehicle National Law (HVNL) regarding keeping work diary records. Those record keepers may instead comply with the Fatigue Risk Management System implemented by that entity in compliance with its requirements under the *Electricity Act 1996 (SA)*.

Note: This Notice does not provide an exemption to work and rest requirements under Part 6.3 of the HVNL, or from any safety duty that may apply under Chapter 1A of the HVNL.

This notice replaces the National Heavy Vehicle South Australia Electricity Entity Record Keeper 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 378* - Regulator's power to exempt record keepers from fatigue record keeping requirements

3. Title

This notice may be cited as the *National Heavy Vehicle South Australia Electricity Entity Record Keeper 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 record keeper for a driver of a fatigue-regulated heavy vehicles employed by an electricity entity listed in Schedule 1 who is doing work for that entity in compliance with the Electricity Act 1996 (SA).

2) Pursuant to s381(1)(a) 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) A record keeper to whom this section applies and who complies with all of the conditions of this notice is an eligible record keeper.

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

1) An eligible record keeper must be employed by an electricity entity listed in Schedule 1.

2) While operating under this notice a record keeper must keep records of:

- a) the electricity entity’s fatigue management system including any changes made to the system; and
- b) the drivers trained in the electricity entity’s fatigue risk management system; and
- c) the information specified in section 319 (1) of the Heavy Vehicle National Law for each driver operating under this notice.

3) An eligible record keeper must inform, or arrange for the electricity entity to inform, the Regulator in writing of any substantive changes to its fatigue risk management system.

4) An eligible record keeper must inform, or arrange for the electricity entity to inform, the Regulator of a reportable fatigue related event as soon as practicable after the event comes to their knowledge.

- 5) When requested by an authorised officer, a record keeper operating under this notice must provide the names and details of drivers of fatigue-regulated heavy vehicles employed by the electricity entity.
- 6) An eligible record keeper must be trained to the standards required by the electricity entity's fatigue risk management system and must maintain work and rest records that are compliant with this system.

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)