**HEAVY VEHICLE NATIONAL LAW**

**National Heavy Vehicle Queensland Electricity Entity Work and Rest Hours Exemption Notice 2024 (No.1)**

1. Purpose
2. This Notice exempts drivers of fatigue-regulated heavy vehicles carrying out activities on the works of an Electricity Entity in Queensland in urgent and unplanned circumstances from the requirements of the Part 6.3 Division 2 of the *Heavy Vehicle National Law* (HVNL).
3. Those drivers must comply with the work and rest hours included in this Notice and with the Fatigue Management System implemented by the Electricity Entity in compliance with its requirements under the Electricity Act 1994 (Qld).

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

1. Authorising Provision(s)

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

1. Title

This Notice may be cited as the *National Heavy Vehicle Queensland Electricity Entity Work and Rest Hours Exemption Notice 2024 (No.1)*.

1. Commencement

This Notice commences on 16 July 2024.

1. Expiry

This Notice expires on 15 July 2027.

1. Definitions
2. Unless otherwise stated, words and expressions used in this Notice have the same meaning as those defined in the HVNL*.*
3. In this Notice:

*Distribution Authority* means a current distribution authority that is issued to Electricity Entities, pursuant to Chapter 2, 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 their operations.

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

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 on the works of the Electricity Entity;
5. 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:
6. fault response, rectifying life threatening / dangerous situations that pose an electrical safety risk such as live wires below statutory height or on ground; or
7. restoration of electricity supply to essential services such as hospitals, water and sewage services, and customers relying on medical equipment; or
8. 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.
9. A driver to whom this section applies and who complies with all the conditions of this notice is an eligible driver.
10. Exemption

This Notice provides an exemption from the requirements under Part 6.3 Division 2 Standard Work and Rest Arrangements of the HVNL.

1. Conditions - General
2. An eligible driver must be employed by an Electricity Entity listed in Schedule 1.
3. An eligible driver must keep a copy of this Notice in their possession.
4. An eligible driver must comply with the Electricity Entity’s Fatigue Management System.
5. When requested by an authorised officer, an eligible driver must nominate the Electricity Entity they are carrying out activities on the works for.
6. Conditions – work and rest hours
7. Table 1 specifies the maximum work times and minimum rest times for drivers operating under this exemption.

Table 1 – work and rest hours under this Notice

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| **Column 1** | **Column 2** | **Column 3** |
| *In any period of …* | *… a driver must not work more than a maximum of …* | *… and the below rest requirements apply* |
| 5 hours 30 minutes | 5 hours 15 minutes | 15 minutes continuous rest time |
| 24 hours | 16 hours | The commencement of a post-work continuous rest |
| 3 days | 42 hours | 3 x post-work continuous rests |
| 7 days | 84 hours | 7 x post-work continuous rests |

1. In this section, a *post-work continuous rest* is period of nine (9) continuous hours which commences no later than 17 hours after the first instance of work time in a 24-hour period.
2. In the total period specified in Column 1, an eligible driver must comply with the minimum rest requirements specified in Column 3.
3. An eligible driver who has implemented the control measures specified in the Electricity Entity’s Fatigue Management Systems must not work more that the upper work time specified in Column 2.
4. Each 24-hour period must include the commencement of a post-work continuous rest.
5. Post-work continuous rests may finish in the 24-hour period after the one in which they commence.
6. During a post-work continuous rest, an eligible driver must not undertake any work until completing the full 9-hour duration.
7. An eligible driver must not work night hours unless they have completed a risk assessment in accordance with the relevant Electricity Entity’s Fatigue Management System.
8. In this section, *night hours* has the same meaning as in the Electricity Entity’s Fatigue Management System.

David Hourigan

*Chief Safety and Productivity*

**National Heavy Vehicle Regulator**

Schedule 1 - Table of Electrical Entities

|  |  |
| --- | --- |
| **Electricity Entity***s38 Electricity Act 1994 (Qld)* | **Distribution Authority***s38 Electricity Act 1994 (Qld)* |
| Ergon Energy Corporation Limited | D01/99 |
| Energex Limited | D07/98 |