

1992—No. 562

ELECTRICITY ACT 1945—REGULATION

(Relating to matters arising from public consultation procedures under section 5 of the Subordinate Legislation Act 1989)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

GARRY WEST,
Minister for Energy.

The Electricity (Workers' Safety) Regulation 1992 is amended:

- (a) by omitting from clause 2 (1) the words “, except as otherwise provided by this clause”;
- (b) by omitting clause 2 (2) and (3);
- (c) by omitting from the definition of “access permit” in clause 4 (1) the words “and in force under clause 39” and by inserting instead the words “in accordance with guidelines under clause 39 and in force” ;
- (d) by inserting in clause 5 (1) (b) after the word “public” the words “or for the provision of a service to the public”;
- (e) by omitting clause 8 (1) and by inserting instead the following subclause:
 - (1) The Corporation may, by order in writing, direct an employer to rectify any situation which, in the opinion of the Corporation, is unsafe.
- (f) by inserting at the end of clause 12 (1) the following words:
Maximum penalty: \$2,000.
- (g) by inserting at the end of clause 12 (2) the following words:
Maximum penalty: \$2,000.

(h) by inserting after clause 12 (3) the following subclause:

(4) The provisions of subclauses (1) (d), (2) and (3) do not have effect until 1 October 1993.

(i) by omitting from clause 13 (1) (b) the word “safely” and by inserting instead the word “competently”;

(j) by inserting after clause 13 (1) the following subclause:

(1A) A certificate issued by the Electricity Commission of New South Wales before the commencement of this clause stating that a person is competent to undertake the specific cable jointing work concerned is, for the purposes of this clause, taken to be a certificate referred to in subclause (1) (a).

(k) by inserting after clause 13 (5) the following subclause:

(5A) A certificate issued by the Corporation before the commencement of this clause stating that a person has satisfactorily completed a course of training in pole inspection and maintenance is, for the purposes of this clause, taken to be a certificate referred to in subclause (5).

(l) by omitting clause 15 and by inserting instead the following clause:

Requirements for carrying out specified work

15. (1) Nothing in clause 12 or 13 prevents an employee from carrying out work of a kind specified by the employer if the employee is in possession of a written statement (prepared by the employer and signed by both the employer and the employee) in which the employer:

(a) has stated (either generally or particularly) that the employee has sufficient experience or training in that kind of work to carry out the work safely; and

(b) has identified any training that has been provided by the employer to ensure that the employee is able to carry out the work safely.

(2) During the period before 1 January 1993:

(a) an employer may permit or require an employee to carry out work of a specified kind if, in the opinion of the employer, the employee has sufficient experience or training in that kind of work to carry out the work safely; and

(b) nothing in clause 12 or 13 prevents an employee so permitted or required from carrying out that kind of work.

(3) An employee to whom this clause applies must not carry out work which is outside the limits of work specified by the employer in accordance with this clause.

Maximum penalty: \$2,000.

(4) An employer must not permit or require an employee to carry out work which is outside the limits of work specified by the employer in accordance with this clause.

Maximum penalty: \$2,000.

(5) This clause does not apply to work referred to in clause 13 (3) or (4).

- (m) by omitting from clause 23 (1) the words “and the employer”;
- (n) by omitting from clause 23 (1) the words “is found” and by inserting instead the words “the employee finds”;
- (o) by omitting from clause 27 (2) the words “material or equipment that is not insulated for the voltage concerned to come” and by inserting instead the words “object that is not designed for use on live conductors of the voltage concerned”;
- (p) by omitting from clause 27 (4) the words “with a nominal voltage not exceeding 650 volts”;
- (q) by omitting clauses 38 and 39 and by inserting instead the following clauses:

Safety procedures for work on or near high voltage exposed conductors

38. (1) An employee must not work on or near high voltage exposed conductors unless the employee is authorised to do so by an access permit or by the holder of an access permit.

Maximum penalty: \$2,000.

(2) An employer must not permit or require an employee to work on or near high voltage exposed conductors unless the employer has caused the following things to be done in the following order:

- (a) the conductors must be isolated and action taken to prevent unauthorised persons from operating or interfering with the means of isolation;
- (b) the conductors must be proved to be de-energised by means approved by the employer;
- (c) the conductors must, immediately after proving to be de-energised, be earthed and short-circuited by means approved by the employer:

- except to the extent that the temporary removal of the earthing or short-circuiting equipment is necessary for specific tasks or types of apparatus, as approved by the employer; and
 - except as provided by clause 56;
- (d) if the employer considers it necessary, a safe work area must be clearly identified by means approved by the employer;
- (e) an access permit specifically authorising the carrying out of the work must be issued in accordance with the employer's guidelines for the issuing of access permits.

Maximum penalty: \$2,000.

(3) Nothing in this Part prevents work being carried out without the authority of an access permit in an emergency where there is immediate risk to human life or property if

- (a) the requirements of subclause (2) (a)–(c) have been complied with; and
- (b) the work is carried out under the immediate supervision of the authorised employee who caused those requirements to be complied with.

Access permits

39. (1) An employer must, in accordance with this clause, establish guidelines for the issuing of access permits and must ensure that a copy of the guidelines is kept at the employer's premises.

Maximum penalty: \$2,000.

(2) The guidelines must specify the following requirements:

- (a) that an access permit may not be issued or cancelled except by an employer who holds the qualifications referred to in clause 12 (2) (a) or (b) or by an authorised employee;
- (b) that an access permit may not authorise work to begin until the high voltage exposed conductors concerned are safe to work on;
- (c) that an access permit may not authorise work to begin until all employees concerned have been made aware of:
 - the extent of the electrical apparatus on which work is to be carried out; and
 - any conditions to which the access permit is subject; and

- the existence of any nearby electrical hazards;

(d) that, unless it is sooner cancelled, an access permit must be cancelled after the work to which it relates has been completed.

(3) An employer must, on request, make available to any employee a copy of the employer's guidelines for the issuing of access permits.

Maximum penalty: \$2,000.

(4) A person must not issue an access permit otherwise than in accordance with the relevant employer's guidelines for the issuing of access permits.

Maximum penalty: \$2,000.

(r) by omitting clause 41 (b), (c) and (d) and by inserting instead the following paragraph:

(b) the following things are done in the following order:

- all work on the conductors is completed;
- all equipment, plant, tools and materials (other than those referred to below) are removed;
- all persons (other than those who are to remove working earths, short-circuits and equipotential bonds) are clear of the conductors;
- all working earths, short-circuits and equipotential bonds are removed;
- all relevant access permits are cancelled;
- all earthing and short-circuiting equipment associated with work carried out on the conductors is removed;
- any means used for the purposes of clause 38 to distinguish the conductors from in-service or live electrical apparatus are removed;
- all remaining persons are clear of the conductors.

(s) by omitting from clause 45 (1) the word "metal";

(t) by omitting from clause 52 (1) (d) the following matter:

Up to 33 000 500

and by inserting instead the following matter:

Up to 22 000 300

above 22 000 but not exceeding 33 000 400

(u) by inserting at the end of Part I of Schedule 1 the words "The Illawarra County Council";

- (v) by omitting from Part 2 of Schedule 1 the words “The Illawarra County Council”.
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EXPLANATORY NOTE

The Electricity (Workers’ Safety) Regulation 1992 replaced an existing Regulation that was repealed on 1 September in accordance with the program for the staged repeal of regulations under the Subordinate Legislation Act 1989. In accordance with a certificate granted under section 6 (1) (b) of that Act, the new Regulation was published before the public consultation procedures under that Act had been completed.

The object of this Regulation is to amend the Electricity (Workers’ Safety) Regulation 1992 (“the new Regulation”) to incorporate changes arising from comments received from the public consultation procedures. They include provisions for the following purposes:

- (a) to extend the new Regulation to work on low voltage electrical apparatus, or on or near low voltage exposed conductors, owned or leased by an electricity supply authority for supply of electricity for the provision of a service to the public;
 - (b) to enable certain certificates issued by the Electricity Commission and the Energy Corporation to be treated as acceptable qualifications for certain types of electrical work covered by the new Regulation;
 - (c) to place the responsibility for guarding a dangerous situation in the work place on the employee who discovers it rather than on the employer and the employee;
 - (d) to enable employers to develop their own procedures for issuing access permits for work on high voltage exposed conductors;
 - (e) to vary the minimum safe working distances for work on high voltage overhead lines;
 - (f) to make provision with respect to other minor matters.
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