



New South Wales

Electricity Supply (Safety Plans) Regulation 1997

under the

Electricity Supply Act 1995

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

MICHAEL EGAN, M.L.C.,

Minister for Energy

Explanatory note

The object of this Regulation is to require network operators under the Electricity Supply Act 1995 to develop and implement safety and operating plans, and other plans, in respect of their transmission or distribution systems. Generally, the plans are intended to cover matters presently prescribed in the *Electricity (Overhead Line Safety) Regulation 1991*, the *Electricity (Workers' Safety) Regulation 1992* and parts of the *Electricity (Installation Safety) Regulation 1992* (all made under the *Electricity Safety Act 1945*). The first two of these Regulations will be repealed on 1 September 1997 by the operation of the *Subordinate Legislation Act 1989* and the parts of the other Regulation will be repealed on the same date by a separate amending Regulation.

The new Regulation contains provisions in respect of the following matters:

- (a) the lodgment and implementation by network operators of safety and operating plans, customer installation safety plans and public electrical safety awareness plans (clauses 5, 6, 7 and 8 and Schedule 1),
- (b) the auditing of safety and operating plans (clauses 9-11),

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Explanatory note

- (c) the availability of safety and operating plans, customer installation safety plans and public electrical safety awareness plans (clause 12),
- (d) the amendment of safety and operating plans, customer installation safety plans and public electrical safety awareness plans (clause 13),
- (e) the exemption of network operators from requirements that are inappropriate having regard to the size or complexity of the transmission or distribution system (clause 14),
- (f) the annual measurement of public, employee and contractor safety performance (clause 15),
- (g) the prohibition of persons carrying out work on or near a network operator's transmission or distribution system unless qualified under, and carrying out the work in accordance with, any relevant requirements of the system's safety and operating plan (clause 16),
- (h) the enforcement of safety and operating plans, customer safety plans and public electrical safety awareness (clause 17),
- (i) other matters of a minor, consequential or ancillary nature (clauses 14).

The Regulation is made under the *Electricity Supply Act 1995*, including section 106 (the general regulation-making power).

The Regulation requires network operators (unless the Director-General otherwise directs) to take into account the following Codes of Practice issued by the Electricity Association of New South Wales when developing and implementing plans (clauses 6 (4) and 7 (3)):

Electricity Transmission and Distribution Asset Management

Service and Installation Rules

Contestable Works

Installation Safety Management

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Clause 1 Electricity Supply (Safety Plans) Regulation 1997

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Electricity Supply (Safety Plans) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

In this Regulation:

audit certificate means a certificate issued by a nominated auditor in accordance with clause 10 or 11.

Director-General means the Director-General of the Department of Energy.

nominated auditor, in relation to a network operator's safety and operating plan, means a person who is, for the time being, a person nominated by the network operator under clause 9 in respect of the plan.

plan means a plan referred to in clause 5 (1).

the Act means the *Electricity Supply Act 1995*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Safety, operating and other plans for transmission and distribution systems

5 Network operators to lodge and implement certain plans

- (1) A network operator must, within the initial period:
 - (a) lodge with the Director-General the following plans for its transmission or distribution system:
 - (i) a safety and operating plan,
 - (ii) a customer installation safety plan,
 - (iii) a public electrical safety awareness plan, and
 - (b) implement those plans.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

- (2) In this clause:

initial period means:

- (a) in relation to a person who was a network operator at the commencement of this Regulation, a period of 6 months after that commencement or such further period as may be approved by the Director-General, or
- (b) in relation to a person who becomes a network operator after the commencement of this Regulation, such period as may be approved by the Director-General.

6 Safety and operating plans

- (1) The object of a safety and operating plan is to ensure the safe operation of the transmission or distribution system to which it relates.
- (2) A safety and operating plan must include (but is not limited to) the following:
 - (a) a description of the system and its design, construction, operation and maintenance,
 - (b) an analysis of hazardous events that might be expected to occur,

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Part 2 Safety, operating and other plans for transmission and distribution systems

- (c) the procedures to be implemented in case of emergencies,
 - (d) training requirements designed to ensure that the network operator's employees, contractors to the network operator and their employees and any other persons working on or near the system's electricity works have the competencies required to undertake the work safely,
 - (e) a specification of the plan's objectives and of appropriate performance indicators developed by the network operator.
- (3) The plan must comply with Schedule 1.
- (4) In developing and implementing a safety and operating plan, a network operator must (unless the Director-General otherwise directs) take into account the provisions of the following Codes of Practice issued by the Electricity Association of New South Wales:
- Electricity Transmission and Distribution Asset Management*
Service and Installation Rules
Contestable Works
- (5) The plan must specify where it or its implementation departs from the provisions of the Codes of Practice and what arrangements are in place to ensure an equal or better safety outcome.

7 Customer installation safety plans

- (1) The object of a customer installation safety plan is to ensure the provision of safe electrical installations for connection to the transmission or distribution system to which it relates and the safe connection of such installations to that system.
- (2) A customer installation safety plan must include (but is not limited to) the following:
- (a) design, construction and maintenance standards required of customers for their electrical installations,
 - (b) testing, connection and notification criteria for contractors installing electrical installations,
 - (c) an inspection regime and procedures for directions to remedy faulty work and disconnections of unsafe installations by the network operator.

- (3) In developing and implementing a customer installation safety plan, a network operator must (unless the Director-General otherwise directs) take into account the provisions of the following Codes of Practice issued by the Electricity Association of New South Wales:

Installation Safety Management

Service and Installation Rules

- (4) The plan must specify where it or its implementation departs from the provisions of the Codes of Practice and what arrangements are in place to ensure an equal or better safety outcome.
- (5) This clause does not apply to electrical installations that take a supply at or above 132,000 volts (nominal).

8 Public electrical safety awareness plans

The object of a network operator's public electrical safety awareness plan is to warn the public in its area of operations of the hazards associated with electricity and, in particular, the hazards associated with overhead power lines.

9 Nomination of persons to audit safety and operating plans

- (1) A network operator must nominate a person to the Director-General as a person who is:
- (a) independent of the network operator, and
 - (b) competent to exercise the functions of an auditor under this Regulation in respect of its safety and operating plan.
- (2) If the Director-General advises a network operator that a nomination is not accepted or is no longer acceptable:
- (a) the nomination ceases to have effect for the purposes of this Regulation, and
 - (b) the network operator must submit another nomination in its place.

10 Initial audits of safety and operating plans

- (1) A safety and operating plan must bear a certificate from a nominated auditor certifying that:

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Part 2 Safety, operating and other plans for transmission and distribution systems

- (a) the plan complies with this Regulation, and
 - (b) the plan is appropriate having regard to the size and complexity of the system (subject to any exemptions granted by the Director-General), and
 - (c) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
 - (d) there are properly trained and equipped personnel available to implement the emergency procedures set out in the plan.
- (2) The certificate must include a summary of the standards, procedures, tests, inspections and maintenance measures contained in the plan.

11 Periodical audits of safety and operating plans

- (1) A network operator must, within one month after the end of each auditing period, lodge with the Director-General in respect of its safety and operating plan:
- (a) a certificate from a nominated auditor certifying that:
 - (i) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
 - (ii) there are properly trained and equipped personnel available to implement the emergency procedures set out in the plan, and
 - (b) a report by the same auditor reviewing the plan for adequacy and appropriateness having regard to any changes in the network operator's transmission or distribution system since the previous audit certificate was issued.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

(2) In this clause:

auditing period, in relation to a plan, means the period of 12 months, or such further period as may be approved by the Director-General, commencing on the date on which the previous audit certificate in respect of the plan was lodged with the Director-General.

12 Availability of plans

A network operator:

- (a) must cause copies of each of its plans to be kept at its principal office, and
- (b) must cause:
 - (i) copies of such of the provisions of its safety and operating plan as relate to safety, and
 - (ii) copies of the provisions of its customer installation safety plan and its public electrical safety awareness plan,
to be made available in such a way that, as far as is reasonably practicable, the provisions are brought to the notice of the persons likely to be involved in their implementation.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

13 Director-General may direct amendment of plans

- (1) If the Director-General is of the opinion:
 - (a) that a network operator's plan will not produce a safe outcome, or
 - (b) that its implementation has given rise to, or will give rise to, an unsafe situation,

the Director-General may, by order in writing, direct the network operator to amend the plan in such manner as is specified in the order.

- (2) A network operator must comply with any direction under this clause.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

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Part 2 Safety, operating and other plans for transmission and distribution systems

14 Exemptions

The Director-General may exempt a network operator from:

- (a) a requirement to lodge and implement a plan for its transmission or distribution system, or
- (b) any requirement as to the content of such a plan,

if the requirement is, in the Director-General's opinion, inappropriate having regard to the size or complexity of the system.

Part 3 Compliance with plans

15 Network operators to measure safety performance

- (1) A network operator must measure its public, employee and contractor safety performance annually against any relevant Australian statistics as required by the Director-General after consultation.
- (2) The network operator must publish the results (with the previous 5 year trend) in an annual report.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

16 Certain work to be carried out in accordance with safety and operating plans

A person must not carry out work on or near a network operator's transmission or distribution system and a network operator must not allow a person to carry out work on or near its transmission or distribution system unless:

- (a) the person is qualified, under the relevant requirements of the network operator's safety and operating plan, to carry out the work, and
- (b) the work is carried out in accordance with the relevant requirements of that plan.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

17 Director-General may direct compliance with plans

- (1) If the Director-General is of the opinion that a network operator is not:
 - (a) complying with the requirements of one of its plans or any codes, standards or specifications set out or referred to in such a plan, or
 - (b) following any procedures set out or referred to in such a plan,

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the Director-General may, by order in writing, direct the network operator to take such action as is specified in the order to comply with those requirements, codes, standards or specifications or follow those procedures.

- (2) A network operator must comply with any direction under this clause.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

Schedule 1 Safety and operating plans

(Clause 6 (3))

1 Description of transmission or distribution system

A description of a transmission or distribution system and its design, construction, operation and maintenance must include the following:

- (a) references to maps showing the location of the system's electricity works and the procedures for gaining access to those maps,
- (b) design and construction standards and procedures for the system's electricity works,
- (c) maintenance standards and procedures for the system's electricity works,
- (d) operation and work procedures for the system (including procedures for work on or near both de-energised and live electricity works),
- (e) safety equipment design, use and maintenance standards and procedures for the system,
- (f) a description of the engineering records, drawings and maps that the network operator maintains on the system.

2 Analysis of hazardous events

- (1) An analysis of hazardous events must, consistent with the size and complexity of the transmission or distribution system:
 - (a) systematically identify hazardous events that might be expected to occur, and
 - (b) identify the potential causes of those events, and
 - (c) state the possible consequences of those events, and
 - (d) specify operational, maintenance and organisational safeguards intended to prevent those events from occurring or, should they occur, intended to protect operating personnel, plant, equipment, the community and the environment.

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Schedule 1 Safety and operating plans

- (2) The operational and maintenance safeguards must include a maintenance schedule indicating, among other things, the type and frequency of inspections and tests of the transmission or distribution system (including checks on protection devices).
- (3) In the case of new transmission or distribution systems, an analysis of hazardous events should also take into account hazardous events occurring during construction.

3 Emergencies

- (1) The types of emergencies in respect of which procedures are to be implemented include:
 - (a) fires, explosions and impacts (with particular reference to those caused by the activities of other parties), and
 - (b) natural disasters, and
 - (c) civil disturbances.
- (2) A plan must demonstrate that the network operator has tested and proved the emergency procedures.

4 Plan must satisfy any relevant quality management standards

A plan must satisfy any quality management standards that are relevant to the operation of the transmission or distribution system.

5 Reports to the Director-General

- (1) A plan must include a schedule of reports to be made to the Director-General in relation to the maintenance, reliability and safety aspects of the operation of the transmission or distribution system.
- (2) If the Director-General directs that the schedule should provide for reports in respect of particular maintenance, reliability or safety aspects of the operation of the transmission or distribution system, the network operator must comply with that direction.

6 Codes and standards

A plan must specify the codes and standards that the network operator intends to follow in the design, installation, operation and maintenance of the transmission or distribution system.

7 Other provisions

A plan must include such other provisions as are necessary to ensure the safe operation of the transmission or distribution system.