

Electricity Safety (Management) Regulations 2009

S.R. No. 165/2009

TABLE OF PROVISIONS

<i>Regulation</i>		<i>Page</i>
PART 1—PRELIMINARY		1
1	Objective	1
2	Authorising provisions	1
3	Commencement	1
4	Revocation	2
5	Definitions	2
6	Meaning of <i>access authority system</i>	3
PART 2—SAFETY MANAGEMENT SCHEMES		6
Division 1—Content of electricity safety management scheme		6
7	Person responsible for supply network or installation, or carrying out of electrical work	6
8	Person responsible for electricity safety management scheme	6
9	Scheme description—employer operators	6
10	Scheme description—relevant asset operators	7
11	Formal safety assessment	7
12	Exemptions to be specified	8
Division 2—Content of safety management system		10
13	Safety management system	10
14	Safety policy	10
15	Standards for works on applicable assets—where there are published technical standards	10
16	Standards for works on applicable assets—where there are no published technical standards	11
17	Technical standards for electrical work	12
18	Applicable assets—asset management plan requirements	13
19	Requirements in relation to electrical work	14
20	Access authority system	14
21	Emergency preparedness	15
22	Internal monitoring, auditing and reviewing	16
23	Key performance indicators	16

<i>Regulation</i>	<i>Page</i>
24 Incident recording, investigation and reviewing	17
25 Competence and training	17
PART 3—RECORDS AND REPORTING	19
26 Records	19
27 Relevant asset operator requirements for reporting of serious electrical incidents	20
28 Relevant asset operator reporting of incidents other than serious electrical incidents	21
PART 4—GENERAL	23
29 Exemptions from regulation requirements	23
ENDNOTES	24

STATUTORY RULES 2009

S.R. No. 165/2009

Electricity Safety Act 1998

Electricity Safety (Management) Regulations 2009

The Governor in Council makes the following Regulations:

Dated: 8 December 2009

Responsible Minister:

PETER BATCHELOR
Minister for Energy and Resources

TOBY HALLIGAN
Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to provide for the requirements, procedures and other matters relating to the acceptance of electricity safety management schemes.

2 Authorising provisions

These Regulations are made under sections 150 and 157 of the **Electricity Safety Act 1998**.

3 Commencement

These Regulations come into operation on 13 December 2009.

4 Revocation

The following Regulations are **revoked**—

- (a) the Electricity Safety (Management) Regulations 1999¹;
- (b) the Electricity Safety (Management) (Amendment) Regulations 2001²;
- (c) the Electricity Safety (Management) (Amendment) Regulations 2003³.

5 Definitions

In these Regulations—

access authority system has the meaning given by regulation 6;

applicable asset means—

- (a) a supply network owned or operated by an MEC; or
- (b) a complex electrical installation;

emergency service means—

- (a) the Chief Commissioner of Police;
- (b) an ambulance service;
- (c) the Country Fire Authority;
- (d) the Metropolitan Fire and Emergency Services Board;
- (e) the State Emergency Service;
- (f) the Department of Sustainability and Environment;

employer operator means—

- (a) an employer of electrical workers who is entitled to make an application under section 114 of the Act;

- (b) an occupier of specified premises who is entitled to make an application under section 115 of the Act;

MEC means a major electricity company;

published technical standard means a document giving technical information, guidance or advice published by—

- (a) Standards Australia; or
- (b) Standards New Zealand; or
- (c) the British Standards Institute; or
- (d) the International Organisation for Standardisation; or
- (e) the International Electrotechnical Commission; or
- (f) any similar standards organisation within or outside Australia approved by Energy Safe Victoria; or
- (g) Energy Safe Victoria;

relevant asset operator means—

- (a) an MEC; or
- (b) an owner of a complex electrical installation who is entitled to make an application under section 116 of the Act;

scheme operator means an employer operator or relevant asset operator;

the Act means the **Electricity Safety Act 1998**.

6 Meaning of access authority system

- (1) For the purpose of these Regulations, an **access authority system** is, for a safety management system for an applicable asset, a system—

-
- (a) under which access to, or the carrying out of work on or near, the applicable asset or part of the applicable asset to which the electricity safety management scheme relates is controlled; and
- (b) under which an access authority may be issued for the purpose of allowing access to, or the carrying out of work on or near, the applicable asset or part of the applicable asset to which the electricity safety management scheme relates; and
- (c) that specifies the positions of the persons who are authorised by the relevant asset operator to issue an access authority and to supervise that access or the carrying out of that work; and
- (d) that ensures that persons authorised to issue an access authority, and persons carrying out that work under an access authority—
- (i) are competent to do so; and
 - (ii) are provided with appropriate training, procedures, tools, equipment and emergency support.
- (2) For the purpose of these Regulations, an ***access authority system*** is, for a safety management system for electrical work carried out by electrical workers employed by an employer operator, a system—
- (a) under which the following is controlled—
- (i) access to an electrical installation or electrical equipment while electrical work to which the electricity safety management scheme relates is being carried out on the installation or equipment;
-

-
- (ii) the carrying out of work near an electrical installation or electrical equipment while electrical work to which the electricity safety management scheme relates is being carried out on the installation or equipment; and
 - (b) under which an access authority may be issued for the purpose of allowing access to, or the carrying out of work near, an electrical installation or electrical equipment while electrical work to which the electricity safety management scheme relates is being carried out on the installation or equipment; and
 - (c) that specifies the positions of the persons who are authorised by the employer operator to issue an access authority and to supervise that access or the carrying out of that work; and
 - (d) that ensures that persons authorised to issue an access authority, and persons carrying out that work under an access authority—
 - (i) are competent to do so; and
 - (ii) are provided with appropriate training, procedures, tools, equipment and emergency support.
-

PART 2—SAFETY MANAGEMENT SCHEMES

Division 1—Content of electricity safety management scheme

7 Person responsible for supply network or installation, or carrying out of electrical work

An electricity safety management scheme must specify—

- (a) in the case of an employer operator, the title of the position and the business address of the person who has ultimate responsibility for the management, control and safe carrying out of electrical work to which the scheme relates;
- (b) in the case of a relevant asset operator, the title of the position and the business address of the person who has ultimate responsibility for the management, control and safe operation of the applicable asset.

8 Person responsible for electricity safety management scheme

An electricity safety management scheme must specify the title of the position of the person who is responsible for preparation and submission of the scheme.

9 Scheme description—employer operators

- (1) An electricity safety management scheme submitted by an employer operator must contain a description of—
 - (a) the electrical work to which the scheme relates; and

-
- (b) the electrical installation or electrical equipment in relation to which that electrical work is or will be carried out.
 - (2) The description must provide sufficient information to enable Energy Safe Victoria to—
 - (a) identify the location, extent and scope of the electrical installation or electrical equipment requiring the electrical work; and
 - (b) assess the risks associated with the safety of the electrical installation or electrical equipment.

10 Scheme description—relevant asset operators

- (1) An electricity safety management scheme submitted by a relevant asset operator must contain a description of the design, construction, operation and maintenance of every applicable asset to which the scheme relates.
- (2) The description must provide sufficient information to enable Energy Safe Victoria to identify the location, extent and scope of every applicable asset and to assess the risks associated with the safety of those applicable assets.

11 Formal safety assessment

- (1) An electricity safety management scheme must contain a formal safety assessment relating to, as the case requires—
 - (a) the carrying out of electrical work for the employer operator; or
 - (b) the relevant asset operator's applicable asset.
- (2) The formal safety assessment must be consistent with the applicable scheme description and must provide—

- (a) a description of the methodology used and investigations undertaken for the formal safety assessment; and
 - (b) an identification of hazards having the potential to cause a serious electrical incident; and
 - (c) a systematic assessment of the risks associated with, as the case requires—
 - (i) the electrical work that is carried out in relation to an electrical installation or electrical equipment; or
 - (ii) the applicable asset—
including the likelihood and consequences of a serious electrical incident; and
 - (d) a description of technical and other measures undertaken or to be undertaken to reduce those risks as far as practicable.
- (3) In this regulation, *applicable scheme description* means—
- (a) for electrical work that is to be carried out, the scheme description required by regulation 9;
 - (b) for an applicable asset, the scheme description required by regulation 10.

12 Exemptions to be specified

For the purpose of section 117 of the Act, an electricity safety management scheme submitted under Division 3 of Part 10 of the Act must specify—

- (a) all provisions of the regulations relating to—
 - (i) the installation and operation of electrical installations; or
-

-
- (ii) supply networks—
from which the scheme operator seeks to be exempted; and
- (b) in the case of a scheme under which a person authorised under the scheme to carry out a class or type of electrical work is to be exempt from compliance with—
- (i) any of the regulations relating to the carrying out of that class or type of work; or
- (ii) the provisions referred to in section 117(1) of the Act—
all provisions of the regulations relating to the carrying out of that class or type of work and the provisions referred to in that section from which the person seeks to be exempted; and
- (c) in the case of a scheme under which a person carrying out a specified class or type of electrical work on the specified premises to which the scheme applies is to be exempt from compliance with—
- (i) any of the regulations relating to the carrying out of that class or type of work; or
- (ii) the provisions referred to in section 117(2) of the Act—
all provisions of the regulations relating to the carrying out of that class or type of work and the provisions referred to in that section from which the person seeks to be exempted.
-

Division 2—Content of safety management system

13 Safety management system

An electricity safety management scheme must specify a safety management system that complies with this Division to be followed in relation to the safety of, as the case requires—

- (a) the electrical work carried out or to be carried out by the persons authorised by the employer operator; or
- (b) the design, construction, operation, maintenance and decommissioning of the applicable asset owned or operated by the relevant asset operator.

14 Safety policy

A safety management system must specify—

- (a) the safety policy; and
- (b) the titles of the positions and the duties of the persons responsible for the implementation of the safety policy.

15 Standards for works on applicable assets—where there are published technical standards

- (1) This regulation applies if there are published technical standards that relate to the design, construction, commissioning, installation, operation, maintenance and decommissioning of an applicable asset owned or operated by the relevant asset operator.
- (2) A safety management system for the applicable asset must—
 - (a) list all of the published technical standards that the relevant asset operator will comply with when designing, constructing, commissioning, installing, operating,

-
- maintaining and decommissioning the applicable asset; and
- (b) if the relevant asset operator chooses not to comply with a particular published technical standard, specify requirements for the design, construction, commissioning, installation, operation, maintenance and decommissioning of the applicable asset—
- (i) that will ensure a level of safety in relation to those activities that is at least equal to or greater than the level of safety that would ensue from compliance with that standard; and
 - (ii) that the relevant asset operator will comply with when carrying out those activities.
- (3) If the safety management system complies with subregulation (2)(b), the safety management system must also include an explanation as to why compliance with subregulation (2)(b) was chosen.

16 Standards for works on applicable assets—where there are no published technical standards

- (1) This regulation applies if there are no published technical standards that relate to the design, construction, commissioning, installation, operation, maintenance and decommissioning of an applicable asset owned or operated by the relevant asset operator.
- (2) A safety management system for the applicable asset must specify requirements for the design, construction, commissioning, installation, operation, maintenance and decommissioning of the applicable asset—
- (a) that will ensure the requisite level of safety; and
-

- (b) that the relevant asset operator will comply with when carrying out those activities.
- (3) The requisite level of safety is that the design, construction, commissioning, installation, operation, maintenance and decommissioning of the applicable asset—
 - (a) is adequate to ensure the safety of the public; and
 - (b) is adequate to minimise the risk of damage to another person's property; and
 - (c) is adequate to ensure the safety and safe operation of the applicable asset; and
 - (d) provides an adequate means of automatically isolating the applicable asset or any part of the applicable asset in the event of an emergency; and
 - (e) provides an adequate means of preventing unauthorised access to the applicable asset by a member of the public.

17 Technical standards for electrical work

- (1) A safety management system for electrical work carried out or to be carried out by persons authorised by an employer operator must—
 - (a) list every published technical standard that applies to the electrical work; and
 - (b) if the employer operator chooses not to comply with a particular published technical standard, specify requirements in relation to the carrying out of the electrical work that will ensure a level of safety in the carrying out of the work that is at least equal to or greater than the level of safety that would ensue from compliance with that standard.
-

-
- (2) If the safety management system complies with subregulation (1)(b), the safety management system must also include an explanation as to why compliance with subregulation (1)(b) was chosen.

18 Applicable assets—asset management plan requirements

A safety management system must specify the asset management plan for an applicable asset by which a relevant asset operator will ensure that the design, construction, commissioning, installation, operation, maintenance and decommissioning of the applicable asset and any modification of the applicable asset—

- (a) is adequate to ensure the safety of the public; and
 - (b) is adequate to minimise the risk of damage to another person's property; and
 - (c) is adequate to ensure the safety and safe operation of the applicable asset; and
 - (d) takes into account the results of the formal safety assessment for the applicable asset; and
 - (e) meets—
 - (i) the published technical standards listed in the safety management system in accordance with regulation 15(2)(a); or
 - (ii) the requirements specified in the safety management system in accordance with regulation 15(2)(b) or 16(2); and
 - (f) provide adequate means of automatically isolating the applicable asset or any part of the applicable asset in the event of an emergency; and
-

- (g) provide adequate means of preventing unauthorised access by the public to the applicable asset.

19 Requirements in relation to electrical work

A safety management system for the carrying out of electrical work must specify the means by which an employer operator will ensure that the electrical work—

- (a) is adequate for the safe operation of the electrical installation or electrical equipment in relation to which electrical work is carried out; and
- (b) takes into account the results of the formal safety assessment for the scheme; and
- (c) meets—
 - (i) the published technical standards listed in the safety management system in accordance with regulation 17(1)(a); or
 - (ii) the requirements specified in the safety management system in accordance with regulation 17(1)(b); and
- (d) is carried out by the persons authorised to carry out the work.

20 Access authority system

- (1) The safety management system for an electricity safety management scheme submitted by a relevant asset operator must specify—
 - (a) the applicable asset or part of the applicable asset for which an access authority system needs to be established; and
-

-
- (b) the access authority system that is to apply in respect of—
- (i) the operation or maintenance of the applicable asset or the part of the applicable asset; or
 - (ii) work that is to be carried out on or near the applicable asset or part of the applicable asset.
- (2) The safety management system for an electricity safety management scheme submitted under section 115 of the Act must specify—
- (a) the electrical work carried out or to be carried out on or near an electrical installation or electrical equipment at the premises to which the scheme applies for which an access authority system needs to be established; and
 - (b) the access authority system that is to apply to that work.

21 Emergency preparedness

- (1) A safety management system must specify a response plan designed to address all reasonably foreseeable emergencies which have been identified through the formal safety assessment.
 - (2) The response plan must—
 - (a) ensure the safety of the public; and
 - (b) minimise the risk of damage to another person's property; and
 - (c) specify a system for communications between the scheme operator and any other person who may be affected by an emergency referred to in subregulation (1); and
-

- (d) in the case of a relevant asset operator, specify the means by which the asset operator will ensure the continued safety of the relevant applicable asset and its operation; or
- (e) in the case of an employer operator, the means by which the operator will ensure the continued safety of electrical work being carried out on electrical installations and electrical equipment.

22 Internal monitoring, auditing and reviewing

- (1) A safety management system must specify the means by which the scheme operator will—
 - (a) monitor and audit the implementation of the safety policies and procedures specified in the safety management system; and
 - (b) review the adequacy of those policies and procedures.
- (2) A safety management system must specify the means to be used to ensure—
 - (a) regular and systematic identification of deficiencies in those policies and procedures and in their implementation; and
 - (b) systematic improvement in those policies and procedures and in their implementation.

23 Key performance indicators

A safety management system must specify—

- (a) the key performance indicators to be used to determine the scheme operator's level of compliance with the electricity safety management scheme, the relevant provisions of the Act and the regulations made under the Act; and
-

- (b) the process to be adopted to analyse the key performance indicators and to ensure that appropriate action is taken to improve compliance if required.

24 Incident recording, investigation and reviewing

A safety management system must specify—

- (a) the means to be used for recording and investigating serious electrical incidents involving, as the case requires—
 - (i) a relevant asset operator's applicable asset; or
 - (ii) electrical work carried out by an electrical worker employed or engaged by an employer operator; and
- (b) the management systems to be used for reviewing and taking action on the information so recorded or arising from those investigations.

25 Competence and training

- (1) The safety management system for an electricity safety management scheme submitted by a relevant asset operator must specify the work and staffing systems required for the safe design, construction, operation, maintenance and decommissioning of the asset operator's applicable asset to ensure that—
 - (a) the minimum level of qualifications, skill and competence that is required to perform those activities is established; and
 - (b) only persons with the appropriate qualifications, skills and competence are assigned to perform those activities; and
 - (c) any training necessary for persons assigned to perform those activities is provided.

- (2) The safety management system for an electricity safety management scheme submitted by an employer operator must specify the work and staffing systems used in carrying out the electrical work to which the scheme relates to ensure that—
- (a) the minimum level of qualifications, skill and competence that is required for the carrying out of the electrical work is established; and
 - (b) only persons with the qualifications, skills and competence appropriate to the work are assigned to carry out that work; and
 - (c) any training necessary for persons assigned to carry out the work is provided.
-

PART 3—RECORDS AND REPORTING

26 Records

- (1) An accepted ESMS operator must, in accordance with this regulation, establish and maintain a system for keeping records relating to its accepted ESMS.

Penalty: 20 penalty units.

- (2) The records required to be kept under subregulation (1) are—
- (a) the accepted ESMS; and
 - (b) any revisions of the accepted ESMS; and
 - (c) any written audit reports of the accepted ESMS; and
 - (d) any reports of investigations of incidents involving—
 - (i) in the case of an employer operator, the carrying out of electrical work;
 - (ii) in the case of an MEC, the MEC's supply network; and
 - (e) a copy of each report given by the accepted ESMS operator to Energy Safe Victoria; and
 - (f) in the case of an employer operator, a register of the names and qualifications of persons nominated to carry out electrical work under the accepted ESMS.
- (3) The records must be kept—
- (a) at the address nominated by the accepted ESMS operator in the accepted ESMS; and
 - (b) in a manner that makes their retrieval reasonably practicable; and

- (c) in a secure manner; and
- (d) for the period of 7 years after the creation of the record.

27 Relevant asset operator requirements for reporting of serious electrical incidents

- (1) For the purpose of section 142(1) and (2) of the Act, an electricity supplier that is a relevant asset operator must report a serious electrical incident in the form of a statistical summary on a quarterly basis.
- (2) Despite subregulation (1), for the purpose of section 142(1) and (2) of the Act, an electricity supplier that is a relevant asset operator must report a serious electrical incident as soon as practicable after it occurs if the incident—
 - (a) causes the death of or injury to a person; or
 - (b) causes significant property damage; or
 - (c) causes significant disruption to the community; or
 - (d) involves a transmission line; or
 - (e) involves an imminent risk of electrocution.
- (3) The report of a serious electrical incident to which subregulation (2) applies must specify, to the extent that the information is available to the relevant asset operator—
 - (a) the nature of the incident; and
 - (b) where and when the incident occurred; and
 - (c) particulars of any person involved in the incident; and
 - (d) whether any emergency service attended the incident.

-
- (4) For the purpose of section 142(1) and (2) of the Act, an electricity supplier that is a relevant asset operator must in relation to a serious electrical incident for which the operator has reported under subregulation (2) report the following information as soon as practicable after the operator becomes aware of the information—
- (a) the cause of the incident; and
 - (b) if an emergency service attended the incident, what action was required to be taken by the emergency service; and
 - (c) what remedial actions (if any) were taken by the relevant asset operator; and
 - (d) what actions are proposed by the relevant asset operator to prevent a repetition of the incident.
- (5) In subregulation (2)—
- transmission line* means an electric line with a nominal voltage of more than 66 000 volts.

28 Relevant asset operator reporting of incidents other than serious electrical incidents

- (1) An electricity supplier that is a relevant asset operator must report to Energy Safe Victoria on a quarterly basis all specified electrical incidents in the form of a statistical summary.
- Penalty: 20 penalty units.
- (2) In subregulation (1)—
- specified electrical incident* means an electrical incident (other than a serious electrical incident) that resulted in—
- (a) an electric shock from—
 - (i) the operator's supply network; or

- (ii) an electrical installation supplied electricity by the operator's supply network; or
 - (b) a fire originating from the operator's supply network; or
 - (c) a part of the operator's supply network becoming dislodged from its supporting structure.
-

PART 4—GENERAL

29 Exemptions from regulation requirements

- (1) Energy Safe Victoria may, on the application of the scheme operator, exempt an electricity safety management scheme from any of the requirements of these Regulations.
- (2) An exemption under subregulation (1) may be subject to conditions (if any) specified by Energy Safe Victoria.
- (3) An application must be in writing and state—
 - (a) the name, address and telephone number of the applicant; and
 - (b) the exemption requested; and
 - (c) the reasons for applying for the exemption.

ENDNOTES

¹ Reg. 4(a): S.R. No. 140/1999. Reprint No. 1 incorporating amendments as at 18 September 2007. Reprinted to S.R. No. 149/2003.

² Reg. 4(b): S.R. No. 8/2001.

³ Reg. 4(c): S.R. No. 149/2003.