

Electricity (Licensing) Amendment Regulations (No. 2) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity (Licensing) Amendment Regulations (No. 2) 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) the rest of the regulations — on the day after the period of 6 months beginning on gazettal day.

3. Regulations amended

These regulations amend the *Electricity (Licensing) Regulations 1991*.

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

electrical installation

network operator

WA Electrical Requirements

- (2) In regulation 3(1) insert in alphabetical order:

de-energised, in relation to a part of an electrical installation, means separated from each supply of electricity to the part in such a way that the part cannot be inadvertently energised;

electrical installation means —

- (a) an installation; or
- (b) the network of an exempt operator, other than an exempt operator that is a major network operator; or
- (c) the network of a person who is a network operator under the *Electricity (Network Safety) Regulations 2015* regulation 4(1)(h);

energised, in relation to a part of an electrical installation, means connected to a supply of electricity

to the part, whether or not electricity is flowing through any part of that part;

major network operator means a person who is a network operator under the *Electricity (Network Safety) Regulations 2015* regulation 4(1)(a), (b), (c), (d), (e), (f) or (g);

network has the meaning given in the *Electricity (Network Safety) Regulations 2015* regulation 3(1);

5. Regulation 19 amended

In regulation 19(2):

- (a) in paragraph (c) before “network operator” insert:

major

- (b) in paragraph (e) delete “network operator service apparatus” and insert:

service apparatus of a major network operator

6. Part 5 Division 1 heading inserted

At the beginning of Part 5 insert:

Division 1 — General regulation of electrical work

7. Regulation 49 amended

Delete regulation 49(1)(b) and insert:

- (b) the WA Electrical Requirements issued by the Director in December 2015 and published in the *Gazette* on 19 January 2016 at pages 141 to 193; and

8. Part 5 Division 2 inserted

At the end of Part 5 insert:

Division 2 — Regulation of electrical work on energised electrical installations

54A. Interpretation

- (1) In this Division —

competent person has the meaning given in the *Occupational Safety and Health Regulations 1996* regulation 1.3;

risk assessment, in relation to electrical work to be carried out on or near an energised part of an electrical installation, means the process of —

- (a) identifying the electrical hazards to which a person carrying out the work is likely to be exposed; and
 - (b) assessing the risk of injury or harm, resulting from those hazards, to the person who will carry out the work.
- (2) For the purposes of this Division, a person carries out electrical work near an energised part of an electrical installation if, in carrying out the work, the person may make contact, directly or indirectly (including with a thing used or controlled by the person), with an uninsulated energised part of the electrical installation.
 - (3) For the purposes of this Division —
 - (a) a part of an electrical installation is taken to be energised unless it is de-energised; and
 - (b) the neutral for a part of an electrical installation is taken to be de-energised if the part is de-energised.

54B. Application of regulation 55 in relation to certain network operators

- (1) Regulation 55 does not apply to electrical work carried out on or near the service apparatus of a major network operator if the work is carried out by or on behalf of the network operator.
- (2) Regulation 55 applies in relation to the networks of the following network operators as if regulation 55(2)(b)(i) were deleted —
 - (a) a person who is a network operator under the *Electricity (Network Safety) Regulations 2015* regulation 4(1)(h);
 - (b) an exempt operator who is exempt under the *Electricity Industry Exemption Order 2005* clause 13 or 17.

55. Electrical work on or near energised electrical installations

- (1) A person who carries out electrical work, or causes electrical work to be carried out, on or near an energised part of an electrical installation commits an offence unless the person carries out the work, or

causes the work to be carried out, under subregulation (2).

- (2) A person may carry out electrical work, or cause electrical work to be carried out, on or near an energised part of an electrical installation if —
 - (a) a risk assessment has been undertaken by a competent person who is familiar with the type of work to be carried out; and
 - (b) the competent person is satisfied that —
 - (i) there is no reasonable alternative to carrying out the work while the part of the electrical installation is energised; and
 - (ii) the risks identified by the risk assessment are or can be reduced to as low as reasonably practicable; and
 - (iii) the work can be carried out safely; and
 - (c) if the *Occupational Safety and Health Regulations 1996* regulation 3.143 does not apply to the work, a safe work method statement for the work has been prepared in accordance with regulation 3.143(4) of those regulations, as if the work were high-risk construction work and the place where the work is to be carried out were a construction site; and
 - (d) suitable safety and personal protective equipment is used by the person carrying out the work.
- (3) For the purposes of subregulation (2)(b)(i), there is no reasonable alternative to carrying out the work while the part of the electrical installation is energised if one of the following applies —
 - (a) it is necessary that the part of the installation be energised for the work to be carried out effectively;
 - (b) it is necessary that the part of the installation be energised because carrying out the work by alternative means would put the health or safety of one or more persons in imminent and significant danger;
 - (c) it is necessary that the part of the installation be energised in order to test, measure the performance of, or detect or locate faults or defects in, the installation or the part of the installation.

- (4) An electrical contractor or the holder of an in-house electrical installing work licence who carries out electrical work, or causes electrical work to be carried out, under subregulation (2) commits an offence unless they ensure, as far as is practicable, that —
- (a) if the *Occupational Safety and Health Regulations 1996* regulation 3.143 does not apply to the work —
 - (i) the work is carried out in accordance with the safe work method statement referred to in subregulation (2)(c); and
 - (ii) if the work is not carried out in accordance with the statement, the work ceases (when safe to do so) and does not resume until the safe work method statement is complied with;
 - and
 - (b) the safety and personal protective equipment referred to in subregulation (2)(d) is used properly by the person carrying out the work.

N. HAGLEY, Clerk of the Executive Council.
