

Occupational Safety and Health Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations 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 *Occupational Safety and Health Regulations 1996*.

4. Regulation 1.3 amended

In regulation 1.3 insert in alphabetical order:

electrical installation has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

5. Regulation 3.58 replaced

Delete regulation 3.58 and insert:

3.58. Interpretation

- (1) In this Division, unless the contrary intention appears —

de-energised, in relation to a part of an electrical installation, has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

electrical work has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

energised, in relation to a part of an electrical installation, has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

network operator has the meaning given in the *Electricity Act 1945* section 5(1).

- (2) For the purposes of this Division, a reference in AS/NZS 3012 to an electricity distributor is to be treated as a reference to 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).
- (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.

6. Regulations 3.59A and 3.59B inserted

After regulation 3.59 insert:

3.59A. Electrical work

- (1) A person who, at a workplace, is an employer, the main contractor, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must ensure that, before electrical work is carried out on a part of an electrical installation at the workplace, the part —
 - (a) is tested by a competent person to ascertain whether or not it is energised; and
 - (b) if it is found to be energised, is de-energised by a competent person.

Penalty for this subregulation: the regulation 1.16 penalty.

- (2) Subregulation (1)(b) does not apply to electrical work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(2).

3.59B. Work in roof spaces

- (1) In this regulation —

building means a Class 1, Class 2 or Class 10a building as classified under the *Building Regulations 2012*;

roof space, of a building —
 - (a) means the space in the building that is —

- (i) immediately under the roof; or
- (ii) if there is a ceiling under the roof, or a part of the roof, the space between the roof, or that part of the roof, and the ceiling;

but

- (b) does not include a habitable room in the roof space;

service apparatus has the meaning given in the *Electricity Act 1945* section 5(1).

- (2) A person who, at a workplace, is an employer, the main contractor, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must ensure that, before work is done in a roof space of a building at the workplace, the building's electrical installation is de-energised by a competent person.

Penalty for this subregulation: the regulation 1.16 penalty.

- (3) An employee must not do work in a roof space of a building at a workplace unless the building's electrical installation is de-energised by a competent person.

Penalty for this subregulation: the regulation 1.15 penalty.

- (4) If the roof space of a building to which subregulation (2) or (3) applies is divided into separate parts, such that a person cannot move from 1 part of the roof space to another, and each part relates to a separate dwelling, the requirement to de-energise the building's electrical installation only applies to the dwelling that relates to the part of the roof space in which the work is to be done.

- (5) Subregulations (2) and (3) do not apply to work done by a competent person to test, service or commission an appliance or other equipment in or accessible by means of the roof space (for example, a gas appliance, air conditioner or antenna), to the extent necessary to energise the appliance or equipment, if —

- (a) it is necessary to energise the appliance or equipment for the purpose of testing, servicing or commissioning the appliance or equipment; and
- (b) a risk assessment has been undertaken in accordance with regulation 3.1 by a competent person; and
- (c) the competent person referred to in paragraph (b) is satisfied that —

- (i) the risks identified by the risk assessment are or can be reduced to as low as reasonably practicable; and
 - (ii) the work can be carried out safely;
 - and
 - (d) if 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), as if the work were high risk construction work and the place where the work is to be carried out were a construction site.
- (6) Subregulations (2) and (3) do not require the de-energisation of —
- (a) service apparatus that is part of a building’s electrical installation; or
 - (b) a supply cable that is part of a building’s electrical installation if —
 - (i) the cable is from a solar power system, wind turbine or battery; and
 - (ii) it is not practicable to de-energise the cable;
- or
- (c) any other part of a building’s electrical installation if it is not practicable to de-energise that part.
- (7) Subregulations (2) and (3) do not apply to electrical work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(2).

7. Regulation 3.65 amended

In regulation 3.65 delete “supply authority’s” and insert:

network operator’s

8. Regulation 3.137 amended

In regulation 3.137 insert in alphabetical order:

energised, in relation to an electrical installation or line, means connected to a supply of electricity to the installation or line, whether or not electricity is flowing through any part of the installation or line;