

Occupational Safety and Health Act 1984
Electricity Act 1945

Occupational Safety and Health and Electricity Licensing Amendment (Live Work) Regulations 2017

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Occupational Safety and Health and Electricity Licensing Amendment (Live Work) Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — 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.

Part 2 — Occupational Safety and Health Regulations 1996 amended

3. Regulations amended

This Part amends the *Occupational Safety and Health Regulations 1996*.

[The following shows how relevant provisions of the Occupational Safety and Health Regulations 1996 would look after the proposed amendments. The formal amendments needed to produce the desired result will be drafted when it has been agreed how those regulations should end up looking.]

1.3. Terms used

In these regulations, unless the contrary intention appears —
abrasive blasting, abrasive material, dry abrasive blasting and ***wet abrasive blasting*** have the respective meanings that they have in regulation 3.102;

approved means approved by the Commissioner;

AS followed by a designation refers to the Australian Standard having that designation that is published by Standards Australia and that is referred to in Schedule 1 and includes any amendment to the document made before the reference to the document is included in Schedule 1;

AS/NZS followed by a designation refers to the Australian/New Zealand Standard having that designation that is published by Standards Australia and the Standards Council of New Zealand under an Active Cooperation Agreement between those 2 bodies and that is referred to in Schedule 1 and includes any amendment to the document made before the reference to the document is included in Schedule 1;

asbestos has the meaning that it has in regulation 5.1;

Building Code means the Building Code of Australia as at 1 May 2010 published by or on behalf of the Australian Building Codes Board and a reference in these regulations to the

class of a building is a reference to the building's classification under the Building Code;

building maintenance unit has the meaning that it has in regulation 4.1;

building or structure includes any erection, edifice, wall, chimney, fence, bridge, dam, reservoir, wharf, jetty, or ship or other floating structure, and includes any part of any of those things;

competent person, in relation to the doing of anything, means a person who has acquired through training, qualification or experience, or a combination of those things, the knowledge and skills required to do that thing competently;

construction site means a workplace at which construction work is done and includes any adjoining area where plant or other materials used or to be used in connection with that work are located or kept and over which the main contractor has control for the purpose of doing the construction work;

construction work means —

- (a) the construction, erection, installation, alteration, repair, maintenance, cleaning, painting, renewal, removal, excavation, dismantling or demolition of, or addition to, any building or structure, or any work in connection with any of those things, that is done at or adjacent to the place where the building or structure is located; or
- (b) work on which a hoisting appliance or any scaffold or shoring is used or intended to be used; or
- (c) work in driving or extracting piles, sheet piles or trench sheet; or
- (d) work in laying any pipe or work in lining pipe that is done at or adjacent to the place where the pipe is laid or to be laid; or
- (e) work in sinking or lining or altering, repairing, maintaining, renewing, removing, or dismantling a well or borehole; or

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- (f) road works, earthworks or reclamation; or
- (g) work in laying an underground cable or work related to laying an underground cable that is done at or adjacent to the place where the cable is laid or to be laid;

crane has the meaning that it has in regulation 4.1;

danger tag means an accident prevention tag as referred to in section 5 of AS 1319 that is in the form of a danger sign within the meaning of that Standard;

demolition has the meaning that it has in regulation 3.114;

earthmoving machinery has the meaning it has in regulation 4.1;

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

exhaust system, in relation to a workplace, means a system by which dust, fumes, mist, gas, vapour or any other airborne particle is removed from the atmosphere of the workplace and includes —

- (a) a collecting hood, ductwork and fan; and
- (b) an air cleaning filtration system; and
- (c) an associated motor, collector bin or receptacle;

gas cylinder has the meaning that it has in regulation 4.1;

gear includes a ladder, plank, chain, rope, fastening, coupling, fitting, hoist-block, stay, pulley, hanger, sling, brace or movable contrivance of a similar kind, used or intended for use on or in connection with construction work;

high risk work licence has the meaning given in regulation 6.1(1);

hoarding has the meaning that it has in regulation 3.66;

hoist has the meaning that it has in regulation 4.1;

main contractor means —

- (a) the person for whose direct benefit all the work done at a construction site exists upon its completion; or

- (b) if the person mentioned in paragraph (a) has engaged another person, other than as his or her employee, to do or cause to be done all the work at the construction site, the other person so engaged;

manufacturing process means a process in or incidental to the making, assembly, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing or adapting of any goods or of any other articles or part thereof for trade, sale or gain or as ancillary to a business;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

person having control of a workplace means a person other than an employee who has, to any extent, control of a workplace where persons who are not employees of that person work or are likely to be in the course of that work and where the control is in connection with the carrying on by that person of a trade, business or undertaking (whether for profit or not); and includes a person who has, by virtue of a contract or lease, an obligation of any extent in relation to the maintenance or repair of a workplace;

person having control of access to a workplace means a person other than an employee who has, to any extent, control of the means of access to and egress from a workplace where the control is in connection with the carrying on by that person of a trade, business or undertaking (whether for profit or not); and includes a person who has, by virtue of a contract or lease, an obligation of any extent in relation to the maintenance or repair of the means of access to or egress from a workplace;

platform means the surface of a plank or other material that is used to provide access to, or egress from, a place, or for persons to stand on or load materials or other things onto, or is otherwise used as a working platform;

pressure vessel has the meaning that it has in regulation 4.1;

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registered training organisation means an organisation registered by a body established under a law of a State or a Territory to register organisations that provide vocational education and training as defined in the *Vocational Education and Training Act 1996* section 5;

regulation 1.15 penalty means the penalty specified in regulation 1.15;

regulation 1.16 penalty means the penalty specified in regulation 1.16;

scaffold has the meaning that it has in regulation 3.66;

supplied air respirator has the meaning that it has in regulation 3.37;

welding and **allied process**, in relation to welding, have the respective meanings that they have in regulation 3.94.

Part 3 — Workplace safety requirements

Division 6 — Electricity

~~3.58. — Term used: supply authority~~

~~— In this Division —~~

~~— *supply authority* has the meaning that it has in the *Electricity Act 1945*,~~

~~— and, for the purposes of this Division, a reference in AS/NZS 3012 to a supply authority is to be treated as a reference to a supply authority as defined in this regulation.~~

3.58. Terms used

(1) In this Division —

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

energised means not electrically separated from a supply of electricity;

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 network operator referred to in the *Electricity (Network Safety) Regulations 2015* regulation 4(1)(a), (b), (c), (d), (e), (f) or (g).

(3) For the purposes of this Division, an electrical installation or a part of an electrical installation is *de-energised and isolated* if —

(a) it is electrically separated from the or each supply of electricity; and

(b) measures are taken to ensure that it cannot be energised inadvertently.

3.59. Electrical installation etc., duties of employer etc. as to

A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that —

- (a) all electrical installations at the workplace are designed, constructed, installed, protected, maintained and tested so as to minimise the risk of electrical shock or fire; and
- (b) each connection on a flexible cord that is installed or renewed at the workplace after 1 October 1996 is of either the moulded one part non-rewireable or transparent type.

Penalty: the regulation 1.16 penalty.

3.59A. Electrical installing 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 installing work is carried out on an electrical installation or part of an electrical installation at the workplace, the electrical installation or part of the electrical installation —

- (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 and isolated by a competent person.

Penalty for this subregulation: the regulation 1.16 penalty.

(2) Subregulation (1)(b) does not apply in relation to electrical installing work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(4).

3.59B. Work in roof spaces

(1) In this regulation —
attic means a habitable room;

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 underneath 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 an attic 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, other than any service apparatus, is de-energised and isolated 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, other than any service apparatus, is de-energised and isolated 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 without first exiting the roof space, and each part relates to a separate dwelling, the requirement to de-energise and isolate 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 in relation to electrical installing work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(4).

3.60. Residual current devices, duties as to

- (1) This regulation applies to a workplace other than one to which AS/NZS 3012 applies but does not apply to a workplace at which the supply of electricity —
- (a) does not exceed 32 volts alternating current; or
 - (b) is direct current; or
 - (c) is provided through an isolating transformer complying with AS/NZS 61558.2.23; or
 - (d) is provided from the unearthed outlet of a portable generator.
- (2) In this regulation —
- hand-held equipment** means portable equipment —
- (a) of a kind that is intended to be held in the hand during normal use; and
 - (b) the motor, if any, of which forms an integral part of the equipment;
- portable equipment** means equipment that is —
- (a) connected to an electricity supply; and
 - (b) intended to be moved when it is in use,
- and includes, but is not limited to, hand-held equipment;
- workplace** means a workplace to which this regulation applies.
- (3) A person having control of a workplace —
- (a) must ensure that each non-portable residual current device installed at the workplace is kept in a safe working condition and tested on a regular basis to ensure its continued effective operation; and

- (b) must provide, where electricity is supplied to portable equipment through a fixed socket at the workplace, protection against earth leakage current by means of —
 - (i) a non-portable residual current device installed at the switchboard; or
 - (ii) by a non-portable residual current device built into a fixed socket which, having regard to the primary use of the socket and its location, is likely to be used by a person operating portable equipment;

and

- (c) must ensure where a non-portable residual current device has been —
 - (i) installed at a switchboard, that a notice is displayed in a prominent place at or near the switchboard indicating that a non-portable residual current device has been installed at the switchboard; or
 - (ii) built into a fixed socket, that the socket can be identified as providing protection against earth leakage current.

Penalty: the regulation 1.16 penalty.

- (4) A person who is an employer or a self-employed person at a workplace —
 - (a) must ensure that each portable residual current device used at the workplace by the person or an employee of the person is kept in a safe working condition and tested on a regular basis to ensure its continued effective operation; and
 - (b) where the employer or a self-employed person is not satisfied that protection against earth leakage current has been provided by means of a non-portable residual current device —

- (i) must provide a portable residual current device for use with each item of portable equipment used by the person or an employee of the person at the workplace; and
- (ii) must ensure that a portable residual current device is directly connected to the output side of a fixed socket and that an item of portable equipment being used by the person or an employee of the person is directly connected to the output side of that portable residual current device.

Penalty: the regulation 1.16 penalty.

- (5) An employee who is provided with a portable residual current device for use with an item of portable equipment at a workplace must not use the portable equipment unless the portable residual current device is directly connected to the output side of a fixed socket and the item of portable equipment is directly connected to the output side of that portable residual current device.

Penalty: the regulation 1.15 penalty.

3.61. Electrical installations on construction etc. sites, duties of employer etc. as to

If work of a type referred to in clause 1.1 of AS/NZS 3012 is to be done then a person who, in relation to the workplace is an employer, the main contractor or a self-employed person must ensure that —

- (a) the requirements of AS/NZS 3012 are complied with in relation to matters within the scope of AS/NZS 3012 except clause 2.3.4 of that Standard; and
- (b) each socket outlet provided on a switchboard for the connection of portable appliances and equipment is individually controlled by a double pole switch or other device that provides the same level of safety as a double pole switch; and

- (c) no aerial cable is fixed onto, or attached to, a scaffold.

Penalty: the regulation 1.16 penalty.

3.62. Tested portable electrical equipment etc., information required on tags on

A competent person who conducts under clause 3.5, 3.6 or 3.7 of AS/NZS 3012 a test on an item of portable electrical equipment or a portable residual current device that is intended for use at a workplace must ensure that, in addition to the information referred to in clause 3.8.3 of that Standard, the tag bears —

- (a) in the case of a test that is required to be carried out under an electrical worker's licence or permit under the *Electricity (Licensing) Regulations 1991* —
- (i) the person's name; and
 - (ii) the person's licence or permit number;
- or
- (b) in the case of a test that need not be carried out under an electrical worker's licence or permit under the *Electricity (Licensing) Regulations 1991* —
- (i) the person's name; and
 - (ii) if the person holds an electrical worker's licence or permit — the person's licence or permit number.

Penalty:

- (a) for a first offence, \$2 000; and
- (b) for a subsequent offence, \$2 500.

3.63. Portable electrical equipment etc. brought to workplace, requirements as to

If a person brings to a workplace to which regulation 3.61 applies an item of portable electrical equipment or a portable residual current device required under AS/NZS 3012 to be

tested then that person must, before the thing is used at the workplace —

- (a) provide the main contractor with a record of the relevant testing data under that Standard for the thing; and
- (b) ensure that the tag bears the name of the competent person who conducted the test.

Penalty:

- (a) in the case of an individual —
 - (i) for a first offence, \$2 000; and
 - (ii) for a subsequent offence, \$2 500;or
- (b) in the case of a body corporate —
 - (i) for a first offence, \$4 000; and
 - (ii) for a subsequent offence, \$5 000.

3.64. Overhead power lines, duties of employer etc. as to

- (1) In this regulation —

danger zone means anywhere that —

- (a) is within 0.5 metres of a live insulated overhead power line or aerial bundled conductor line of a voltage of not more than 1 000 volts; or
- (b) is within 1.0 metre of a live uninsulated overhead power line of a voltage of not more than 1 000 volts; or
- (c) is within 3.0 metres of a live overhead power line, whether insulated or not, of a voltage exceeding 1 000 volts but not more than 33 000 volts; or
- (d) is within 6.0 metres of a live overhead power line, whether insulated or not, of a voltage exceeding 33 000 volts;

overhead power line means an overhead line for the transmission of electrical energy.

- (2) Subject to subregulation (3), without limiting clause 2.5.5 of AS/NZS 3012, a person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that an employee or any plant or material used or controlled by an employee does not enter the danger zone of an overhead power line.
- Penalty: the regulation 1.16 penalty.
- (3) A person does not commit an offence under subregulation (2) if, proof of which is on the person —
- (a) the overhead power line has been adequately insulated and effectively cordoned off to protect the safety of persons or otherwise made safe, as the case requires; or
 - (b) the employee is authorised to carry out electrical work under the *Electricity Act 1945*.

3.65. When electricity to be connected to construction site

The main contractor at a construction site must ensure, if it is practicable to do so, that by the time when work on the site has reached plate height or the equivalent, electricity has been supplied to the site from a [network operator's supply authority's](#) service line or service cable by way of a temporary or permanent connection.

Penalty:

- (a) in the case of an individual —
 - (i) for a first offence, \$10 000; and
 - (ii) for a subsequent offence, \$12 500;or
- (b) in the case of a body corporate —
 - (i) for a first offence, \$20 000; and

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(ii) for a subsequent offence, \$25 000.

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3.137. Terms used

(1) In this Division —

client means the person for whose direct benefit all the work done at the construction site exists, upon its completion;

designer, in relation to construction work at a construction site, means the person in charge of the, or a part of the, design of the end product of the construction work;

domestic construction work means construction work on or in relation to a ~~building of~~ Class 1, Class 2 or Class 10 ~~building~~ as classified ~~in Part A3.2 of the Building Code of Australia~~ under the *Building Regulations 2012*~~1989~~³;

high-risk construction work means any of the following —

- (a) construction work involving a risk of a person falling 2 metres or more;
- (b) construction work on telecommunications towers;
- (c) construction work involving demolition;
- (d) construction work involving disturbing or removing asbestos;
- (e) construction work involving alteration to a structure that requires the structure to be temporarily supported to prevent its collapse;
- (f) construction work involving a confined space;
- (g) construction work involving excavation to a depth of more than 1.5 metres;
- (h) the construction of tunnels;
- (i) construction work involving the use of explosives;

- (j) construction work on or near pressurised gas pipes (including distribution mains);
- (k) construction work on or near chemical, fuel or refrigerant lines;
- (l) construction work on or near energised electrical installations and lines (whether overhead or underground);
- (m) construction work in an area that may have a contaminated or flammable atmosphere;
- (n) construction work involving tilt-up or precast concrete;
- (o) construction work on or adjacent to roads or railways that are in use;
- (p) work on a construction site where there is movement of powered mobile plant;
- (q) construction work in an area where there are artificial extremes of temperature;
- (r) construction work in, over or adjacent to water or other liquids if there is a risk of drowning;
- (s) construction work involving diving;

safe work method statement means a statement prepared under regulation 3.143.

(2) In subregulation (1)(l) —

energised means not electrically separated from a supply of electricity.

3.138. Application of Division

- (1) This Division applies in relation to construction work taking place, or to take place, at a construction site.
- (2) If no one designer is in charge of the whole of the design, then the provisions of this Division apply to or in relation to each designer who, to some extent, is in charge of the design, to that extent.

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- (3) This Division does not apply to domestic construction work until 1 October 2008.

3.139. Commercial client, duties of to consult designer etc.

- (1) This regulation applies to a client if the work at the construction site was, is being or is to be done for the client as part of the client's trade or business.

- (2) The client must consult with the designer for the purpose of ensuring, as far as practicable, that persons doing the construction work may do so without risk to their health and safety.

Penalty: the regulation 1.16 penalty.

- (3) If the client is not the main contractor, the client must consult with the main contractor for the purpose of ensuring, as far as practicable, that —

- (a) persons doing the construction work may do so without risk to their health and safety; and
- (b) persons on or near the construction site are not put at risk from the construction work.

Penalty: the regulation 1.16 penalty.

- (4) The client must, as far as practicable, ensure that information given to the client under the Act that relates to —

- (a) identifying hazards to which a person at the construction site is likely to be exposed; or
- (b) assessing the risk of injury or harm to a person resulting from those hazards; or
- (c) considering the means by which the risk may be reduced,

is given to the main contractor (if the client is not the main contractor) and a person who obtains the end product of the construction work from the client.

Penalty: the regulation 1.16 penalty.

3.140. Designer of work for commercial client to give client report

- (1) This regulation applies in relation to a client if the work at the construction site was, is being or is to be done for the client as part of the client's trade or business.
- (2) The designer must give a written report to the client setting out —
 - (a) the hazards —
 - (i) that the designer has identified as part of the design process; and
 - (ii) that arise from the design of the end product of the construction work; and
 - (iii) to which a person at the construction site is likely to be exposed;
 - and
 - (b) the designer's assessment of the risk of injury or harm to a person resulting from those hazards; and
 - (c) what things the designer has done to reduce those risks (for example, changes to the design, changes to construction methods); and
 - (d) which of those hazards the designer has not done anything in respect of to reduce those risks.

Penalty: the regulation 1.16 penalty.

- (3) The level of detail in the report must be appropriate for the client, the nature of the hazards and the degree of risk.

3.141. Main contractor to keep record of certain information

- (1) The main contractor must, as far as practicable, ensure that the following information is recorded (if not already recorded) and compiled, information that —
 - (a) is in the control of the main contractor;
 - (b) was obtained, created or recorded under the Act;
 - (c) relates to —

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- (i) identifying hazards to which a person at the construction site is likely to be exposed; and
- (ii) assessing the risk of injury or harm to a person resulting from those hazards; and
- (iii) considering the means by which the risk may be reduced.

Penalty: the regulation 1.16 penalty.

- (2) The level of detail to be recorded must be appropriate for the nature of the hazards and the degree of risk.
- (3) The main contractor must ensure that the information compiled under subregulation (1) is kept until the construction work is completed.

Penalty: the regulation 1.16 penalty.

3.142. Occupational health and safety management plan for construction site, main contractor's duties as to

- (1) The main contractor for a construction site where 5 or more persons are, or are likely to be, working at the same time must ensure that —
 - (a) an occupational health and safety management plan is prepared for the site before work commences at the site; and
 - (b) the plan is kept up-to-date.

Penalty: the regulation 1.16 penalty.

- (2) An occupational health and safety management plan is a plan that, as far as practicable —
 - (a) identifies each person on the site who has a specific occupational safety and health responsibility in relation to the site and describes how those responsibilities are coordinated; and

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- (b) describes what occupational health and safety induction training will take place in respect of construction work on the site; and
 - (c) describes the arrangements for managing occupational safety and health incidents on the site; and
 - (d) sets out the site safety rules and describes the arrangements for ensuring that all persons on or visiting the site are informed of the rules; and
 - (e) includes information, to the extent to which the main contractor has it, that relates to —
 - (i) the identified hazards to which a person at the construction site is likely to be exposed; and
 - (ii) the risk of injury or harm to a person resulting from those hazards; and
 - (iii) the means by which the risk may be reduced; and
 - (f) includes the safe work method statements (if any) for the site.
- (3) The main contractor must ensure, as far as practicable, that —
- (a) each person doing construction work at the construction site has been given a copy of the plan; and
 - (b) if the plan is amended — each such person is given a copy of the changes that relate to the person's work, as soon as practicable; and
 - (c) a copy of the plan is available for inspection, until the construction work is completed, by —
 - (i) a person doing construction work at the construction site; and
 - (ii) a person about to commence construction work at the construction site; and
 - (iii) a member of a safety and health committee for the construction site who is an employee; and

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- (iv) a safety and health representative for the construction site.

Penalty: the regulation 1.16 penalty.

3.143. High-risk construction work, safe work method statements required for

- (1) If high-risk construction work is, or is to be, done at the construction site, the main contractor must, as far as practicable, ensure that —
 - (a) each person identified by the main contractor as having day-to-day, on site control of high-risk construction work at the site gives the main contractor a safe work method statement for the high-risk construction work that the person is in control of before the work commences; and
 - (b) the statements are kept up-to-date.

Penalty: the regulation 1.16 penalty.

- (2) In identifying persons for the purposes of subregulation (1), the main contractor must ensure that all high-risk construction work done, or to be done, at the site will be covered by a safe work method statement.
- (3) If the main contractor is unable to comply with subregulation (2), the main contractor must prepare the necessary safe work method statement or statements and keep it or them up-to-date.

Penalty: the regulation 1.16 penalty.

- (4) The safe work method statement must be in writing and, as far as practicable, set out —
 - (a) each high-risk construction work activity that is or includes a hazard to which a person at the construction site is likely to be exposed; and
 - (b) the risk of injury or harm to a person resulting from any such hazards; and

- (c) the safety measures to be implemented to reduce the risk, including the control measures to be applied to the activity or hazards; and
 - (d) a description of the equipment used in the work activity; and
 - (e) the qualifications and training (if any) required for persons doing the work to do it safely.
- (5) The main contractor must ensure that there are measures in place to ensure, as far as practicable, that —
- (a) high-risk construction work is carried out in accordance with the relevant safe work method statement; and
 - (b) 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.

Penalty: the regulation 1.16 penalty.

- (6) A person referred to in subregulation (1)(a) must, as far as practicable, give the main contractor the safe work method statement for the high-risk construction work that the person is in charge of and keep it up-to-date.

Penalty: the regulation 1.16 penalty.

Part 3 — *Electricity (Licensing) Regulations 1991 amended*

4. Regulations amended

This Part amends the *Electricity (Licensing) Regulations 1991*.

[The following shows how relevant provisions of the Electricity (Licensing) Regulations 1991 would look after the proposed amendments. The formal amendments needed to produce the desired result will be drafted when it has been agreed how those regulations should end up looking.]

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Electricity (Licensing) Regulations 1991*¹.

2. Commencement

These regulations shall come into operation on 1 November 1991.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
Australian/New Zealand Wiring Rules has the meaning given in the *Electricity Regulations 1947* regulation 2(1);

Board means the Electrical Licensing Board established under regulation 4;

Chairman means the Chairman of the Board;

copy, in relation to a notice of completion or electrical safety certificate, means a hard copy or an electronic copy;

electrical appliance means a device in which electrical energy is consumed or substantially changed in character by conversion into heat, sound, motion, light or otherwise;

electrical contractor means a person who carries on business as an electrician but does not include an electrician when acting in the capacity of an employee of an electrical contractor;

electrical contractor's licence means an electrical contractor's licence issued under Part 4;

electrical equipment includes any component or part of an electrical installation;

electrical fitting work means the work of making, maintaining, repairing, altering, assembling, dismantling, connecting or testing electrical machines, electrical appliances, electrical instruments or other electrical equipment, and includes electrical installing work if that work is assembling, maintaining or altering the wiring between electrical components in plant or machinery;

electrical installation includes all wiring, wiring enclosures, switch gear, control and protective gear, appliances and any other components permanently connected to or associated with the wiring and that is on premises to which electricity is or is intended to be supplied through distribution works and where electricity is supplied from a private generating plant includes that plant;

electrical installing work means electrical work that consists of assembling and fixing in place, altering or adding to any electrical installation or maintaining, removing, or, connecting to fixed wiring, any electrical equipment;

electrical work has the meaning given in regulation 4A;

electrical worker means an individual who carries out electrical work;

electrical worker's licence means a licence issued under Part 3;

electrician means an electrical worker who is authorised by a licence to carry out electrical installing work and electrical fitting work;

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executive officer means the person holding or acting in the office of Executive Officer to the Board;

in-house electrical installing work has the meaning given by regulation 37(2) and (3);

in-house electrical installing work licence means a licence to carry out in-house electrical installing work;

legal practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

licence means a licence under these regulations and when used in Part 3 means an electrical worker's licence and when used in Part 4 means an electrical contractor's licence or an in-house electrical installing work licence;

licensed electrical worker means the holder of an electrical worker's licence or the holder of a permit under Part 3;

live, in relation to any wire or other object, means having, under normal conditions of operation, a potential difference between that wire or other object and earth, and any metal that is deemed by the Australian/New Zealand Wiring Rules to be a live part for the purposes of that standard shall be regarded as live for the purposes of these regulations;

main switchboard has the meaning given in the Australian/New Zealand Wiring Rules clause 1.4.92;

maintenance work means repairing defective electrical equipment or replacing electrical equipment with electrical equipment having an equal or substantially similar engineering specification;

mine has the same meaning as it has in the *Mines Safety and Inspection Act 1994*;

~~**network operator** means a supply authority and any other person lawfully operating transmission or distribution works;~~

nominee, in relation to a licence under Part 4, means a person for the time being nominated for the purposes of regulation 36(1), (2) or (3) or 37(1) in respect of that licence;

notifiable work means electrical installing work other than —

- (a) maintenance work, unless that work requires the disconnection and reconnection of the supply of electricity to the electrical installation concerned or the replacement of service apparatus; or
- (b) the alteration of a final sub-circuit; or
- (c) the addition of a single final sub-circuit;

permit means a permit under Part 3;

prescribed policy of insurance means the policy of insurance required to be held under regulation 36(1)(a)(iv) in respect of the work of an electrical contractor;

pressure means the difference in effective electrical potential measured in volts normally existing between conductors and between conductors and the earth;

private generating plant means generating works, that are for the generation of electricity at a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current including all works, electrical equipment, and wiring ancillary thereto, and includes such generating works and works, electrical equipment and wiring ancillary thereto that are for the self-propulsion or other motivation of mobile equipment but does not include generating works owned or operated by a network operator;

relevant network operator means —

- (a) for an electrical installation that is, or is to be, supplied with electricity by a network operator — the network operator; or
- (b) for an electrical installation that is not, and is not to be, supplied with electricity by a network operator — the Director;

WA Electrical Requirements means the Code known by that name as issued by the Director;

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working days does not include Saturdays, Sundays or public holidays.

4A. Term used: electrical work

(1) In these regulations —

electrical work means —

(a) work —

(i) on electrical machines or instruments; or

(ii) on an electrical installation; or

(iii) on electrical appliances or equipment,

to which electricity is supplied or intended to be supplied at a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current; and

(b) work comprising an assessment of an electrical installation to ensure that the installation and any work done on the installation complies with the requirements of these regulations.

(2A) However the definition of *electrical work* does not include work on components of a motor vehicle, as defined in the *Road Traffic (Administration) Act 2008* section 4, that operate on direct current.

(2) For the purposes of the definition of *electrical work* it is immaterial —

(a) whether or not the thing on or in relation to which the work is performed is part of, or is connected to or to be connected to, any distribution works or private generating plant; and

(b) where work is performed on or in relation to any appliance, whether or not electricity is supplied or may be supplied to the appliance through an electric plug socket or socket outlet.

Part 3 — Licensing of electrical workers

19. Electrical work prohibited unless authorised

(1A) In this regulation —

flexible cord has the meaning given in the Australian/New Zealand Wiring Rules clause 1.4.36;

professionally qualified engineer means a person who —

- (a) holds a power electrical engineering specialisation; and
- (b) is, or is eligible to be, a member of the body known as Engineers Australia otherwise than at the grade of student;

servicing, in relation to an electrical appliance, portable sub-distribution board or residual current device, means —

- (a) identifying a faulty component of the appliance, board or device and replacing it with a component having an equal or substantially similar engineering specification; or
- (b) affixing a flexible cord to the appliance, board or device.

(1) Subject to this regulation, a person who carries out any electrical work commits an offence unless the carrying out of that work by that person is authorised by a licence or permit.

(2) Subregulation (1) does not apply —

- (a) to work carried out on a communications or computer system, or a radio or television transmitter or receiver but does apply to an electricity supply circuit thereto having a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current; or
- (b) to —
 - (i) the mechanical assembly or winding of armatures, stators, rotors, field coils or other like equipment; or

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- (ii) the manufacture or assembly, at the place of manufacture, of equipment, or parts thereof, on a repetitive basis,
except to the extent that the work involves the final testing of the equipment or the connection of the equipment to an installation; or
- (c) to work carried out for, and as authorised by, a network operator on poles, towers and overhead lines including the final connection and testing of circuits by persons trained in electrical linework; or
- (d) to work carried out in jointing and capping underground cables of all kinds by persons trained in electrical cable jointing work; or
- (e) to work carried out on any network operator service apparatus by a person authorised by the relevant network operator; or
- (f) to the installation of poles, towers and overhead lines not involving the final connection or testing of circuits; or
- (g) to the underground installation of under ground cables, cable ducts, conduits and cable support systems (excluding the final connection or testing of circuits); or
- (h) to the affixing of a plug, electrical appliance plug or cord extension socket to a flexible cord used or intended to be used to connect an electrical appliance, portable sub-distribution board or residual current device to a plug socket outlet through which electricity is supplied or to be supplied at a nominal pressure not exceeding 1 000 volts alternating current or 1 500 volts direct current; or
- (ia) to the testing and servicing of —
 - (i) an electrical appliance; or
 - (ii) a portable sub-distribution board; or

- (iii) a residual current device,
connected, or to be connected, by means of a plug and flexible cord to a plug socket outlet through which electricity is supplied or to be supplied at a nominal pressure not exceeding 1 000 volts alternating current or 1 500 volts direct current; or
- (i) to work done in the course of training for a restricted licence if the work is done under the supervision of a person who holds an electrician's licence or a restricted licence that authorises the holder of the licence to carry out electrical work of the kind to be done by the person under supervision; or
- (j) to electrical work (excluding permanent installation work) performed as part of an educational or training course in a trade or technical school, college, university or other training institution, if performed by or under the supervision of a person who, in the opinion of the person at the institution responsible for the educational or training course, is competent to perform or supervise that electrical work; or
- (k) to such other kinds of electrical work as the Director after consultation with the Board declares, by order published in the *Gazette*, to be work that may be carried out by persons not holding a licence or permit; or
- (l) to the installation of electric fences for security or stock control purposes (but does not apply to the installation of an electricity supply circuit, having a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current, to such a fence); or
- (m) to electrical work carried out for law enforcement purposes according to a safety management plan approved by the Director; or

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(n) to —

- (i) the detailed inspection of an electrical installation, including switchboards and equipment; or
- (ii) the measurement of electrical parameters (such as voltage, current or energy) at any part of an electrical installation; or
- (iii) the commissioning of, or the finding of faults in, an electrical installation (including any required disconnection or reconnection of electrical components and equipment),

carried out by a professionally qualified electrical engineer with experience relating to electrical installing work; or

(o) to the installation of a modular wiring system to be attached to, or included in, office furniture or partitioning if —

(i) the system has been —

- (I) approved for installation by the Director or by a person recognised by the Director to be a competent authority for the purpose of giving that approval; or
- (II) certified as suitable for installation by an authority constituted under the laws of another State or a Territory with functions relating to the regulation of electrical work;

and

(ii) the person who carries out the installation ensures that the modular wiring system is checked and tested for safety by an electrician before the system is ~~energised~~ made live for the first time after its installation.

- (2a) A person who —
- (a) is not the holder of an electrical contractor's licence or an in-house electrical installing work licence; and
 - (b) carries out any electrical work referred to in subregulation (2)(f) or (g) on an electrical installation of a consumer,

shall ensure that, when the electrical work is completed, the electrical installation is checked, tested, and certified as complying with these regulations by a person who is the holder of such a licence.

- (3) The Director may, by order published in the *Gazette*, vary or revoke an order under subregulation (2)(k).

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Part 5 — Regulation of electrical work

54. Notices of completion and certain records, signing of

- (1) Where a notice of completion that is delivered under regulation 52 in respect of electrical installing work is signed by a person other than —
- (a) the electrical contractor concerned; or
 - (b) a nominee in respect of the licence held by the electrical contractor concerned; or
 - (c) the nominee under regulation 37(1); or
 - (d) the person carrying out the work approved by the Board under regulation 33(2)(a),

the person who signed the notice commits an offence and the notice shall be deemed not to have been duly completed.

- (2) Where an exemption under regulation 53(1) is granted subject to a condition that any electrical installing work carried out by a person referred to in regulation 33(2)(a) or 37(1)(a) be recorded and the record is signed by a person other than —

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- (a) the nominee under regulation 37(1); or
- (b) the person carrying out the work approved by the Board under regulation 33(2)(a),

the person who signed the record commits an offence and the record shall be deemed not to have been duly completed.

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

(1) In this regulation —

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

(2) Regulation 55 does not apply to or in relation to electrical installing work carried out on or near a network operator's service apparatus if the work is carried out by or on behalf of the network operator.

55. Electrical installing work on or near energised electrical installations

(1) In this regulation —

competent person means a person who holds an electrical worker's licence that is endorsed as an electrician's licence;

energised means not electrically separated from a supply of electricity;

risk assessment, in relation to electrical installing 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 doing 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 regulation, electrical installing work is carried out near an energised part of an electrical installation if the person carrying out the work 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) A person who carries out electrical installing work, or causes electrical installing 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 (4).

Penalty for this subregulation: a fine of \$50 000.

- (4) A person may carry out electrical installing work, or cause electrical installing 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) where 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 personal protective equipment and safety equipment is used by the person carrying out the work.

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(5) For the purposes of subregulation (4)(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 apply —

(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 electrical installation or the part of the installation.

(6) An electrical contractor or the holder of an in-house electrical installing work licence who carries out electrical installing work, or causes electrical installing work to be carried out, on or near an energised part of an electrical installation must ensure, as far as 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 (4)(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 personal protective equipment and safety equipment referred to in subregulation (4)(d) is used properly by the person carrying out the work.

Penalty for this subregulation: a fine of \$50 000.

Part 6 — Miscellaneous

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Clerk of the Executive Council.

Consultation Draft