

# Electricity (Network Safety) Regulations 2013

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## Electricity (Network Safety) Regulations 2013

Made by the Governor in Executive Council.

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Electricity (Network Safety) Regulations 2013*.

#### 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*;
- (b) the rest of the regulations — on the day after that day.

#### 3. Terms used

- (1) In these regulations, unless the contrary intention appears —  
*AS* followed by a designation refers to the text, as from time to time amended and for the time being in force, of the document so designated, published by Standards Australia;  
*AS 5577* means AS 5577 — 2013 Electricity network safety management systems;  
*AS/NZS* followed by a designation refers to the text, as from time to time amended and for the time being in force, of the document so designated, jointly published by Standards Australia and Standards New Zealand;  
*contractor*, in relation to a network operator, means —

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(a) a person engaged under a contract for services by the network operator to carry out prescribed activities on a network; or

(b) a subcontractor to a person mentioned in paragraph (a);

**employee** means a person employed under a contract of service;

**ENA** followed by a designation refers to the text, as from time to time amended and for the time being in force, of the document so designated, published by or on behalf of the Energy Networks Association;

**former network** means anything under the control of a network operator that would be a network or part of a network if it were still utilised for a purpose for which it previously was, but no longer is, utilised;

**HB** followed by a designation refers to the text, as from time to time amended and for the time being in force, of the document so designated, published by Standards Australia;

**implementation day**, applying to a network operator, has the meaning given in regulation 4(1);

**network** means —

(a) transmission works operated by a network operator; or

(b) the following —

(i) distribution works operated by a network operator;

(ii) generating works that are connected to, or form part of, distribution works referred to in subparagraph (i) and that are owned, hired, leased or otherwise under the control of the operator of those distribution works;

(iii) service apparatus used for the purposes of distribution works referred to in subparagraph (i);

(iv) if electricity is supplied using distribution works referred to in subparagraph (i) otherwise than to the premises of a consumer — apparatus to which that electricity is supplied using those distribution works,

but does not include —

- (c) service apparatus that is the property of a consumer or an owner or occupier of premises to which electricity is supplied; or
- (d) a line, pole, switch or transformer or apparatus that is on or is part of premises to which electricity is supplied and is situated beyond the point at which electricity is so supplied to the premises;

**network operator** means —

- (a) the Electricity Networks Corporation established by the *Electricity Corporations Act 2005* section 4(1)(b); or
- (b) the Regional Power Corporation established by the *Electricity Corporations Act 2005* section 4(1)(d); or
- (c) BHP Billiton Nickel West Pty Ltd (ACN 004 184 598), operating under distribution licence number EDL2; or
- (d) a body corporate operating a network under any of the following agreements —
  - (i) the Agreement as defined in the *Iron Ore (Hamersley Range) Agreement Act 1963* section 2;
  - (ii) the Agreement as defined in the *Iron Ore (Mount Newman) Agreement Act 1964* section 2;
  - (iii) the Agreement as defined in the *Iron Ore (Robe River) Agreement Act 1964* section 2;
  - (iv) the Agreement as defined in the *Alumina Refinery (Mitchell Plateau) Agreement Act 1971* section 2;

**prescribed activity** means —

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- (a) an activity carried out in the course of the design, construction, commissioning, maintenance, repair, operation or decommissioning of a network; or
- (b) any activity related to an activity mentioned in paragraph (a);

**quarter** means the period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in any year;

**responsible** has the meaning given in subregulation (2);

**safety management system** means a safety management system, as revised from time to time, that a network operator has in compliance with regulation 16;

**statutory network operator** means —

- (a) the Electricity Networks Corporation established by the *Electricity Corporations Act 2005* section 4(1)(b); or
- (b) the Regional Power Corporation established by the *Electricity Corporations Act 2005* section 4(1)(d);

**subcontractor**, in relation to a contractor to a network operator, means —

- (a) a person engaged under a contract for services by the contractor; or
- (b) a person engaged under a contract for services by a person who is (under paragraph (a) or a previous application of this paragraph) a subcontractor to the contractor,

to carry out prescribed activities on the network;

**utilised**, in relation to a purpose, includes capable of being, or intended to be, utilised for that purpose;

**working day** means a day that is not a Saturday, Sunday or public holiday.

- (2) For the purposes of these regulations —
  - (a) a network operator is responsible for the following persons —



- (i) an employee of the network operator;
  - (ii) a contractor to the network operator;
  - (iii) an employee of a contractor to the network operator;
  - (iv) any other person instructed or authorised by the network operator to carry out prescribed activities on the network;
- and
- (b) a contractor to a network operator is responsible for the following persons —
    - (i) an employee of the contractor;
    - (ii) a subcontractor to the contractor;
    - (iii) an employee of a subcontractor to the contractor.
- (3) For the purposes of these regulations, a reference to the network, in relation to a network operator, is a reference to —
- (a) if the network operator operates one network — that network; or
  - (b) if the network operator operates 2 or more networks — any of those networks.
- (4) For the purposes of these regulations, a prescribed activity is carried out on a network if the prescribed activity is carried out in, on or in connection with that network.

#### **4. Implementation day applying to network operators**

- (1) For the purposes of these regulations, the implementation day applying to a network operator is —
- (a) [*date to be determined — the default implementation day*]; or
  - (b) if a later day has been approved under subregulation (2) for the network operator — that day.

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- (2) The Director may, on application by a network operator in accordance with subregulation (3), approve in writing a day that is later than [*date to be determined — the default implementation day*] as the implementation day applying to the network operator if the Director considers it appropriate in the circumstances to do so.
- (3) An application for an approval under subregulation (2) must —
  - (a) be in writing; and
  - (b) nominate a day by which the network operator intends to have developed its safety management system; and
  - (c) state the reasons for the application.
- (4) Notice of an approval under subregulation (2) must be published in the *Gazette*.

## **Part 2 — Network safety**

### **Division 1 — General safety requirements**

#### **5. Duties of network operator to manage prescribed activities**

- (1) A network operator must ensure that each prescribed activity carried out on the network is carried out in such a way as to —
- (a) provide for the safety of persons, including persons for whom the network operator is responsible; and
  - (b) avoid or minimise any loss, damage, inconvenience or other detriment as a result of the activity.

Penalty: a fine of \$250 000.

- (2) Without limiting subregulation (1), a network operator must, for the purposes of compliance with that subregulation, ensure that —
- (a) adequate work procedures and practices relating to prescribed activities are developed, implemented and maintained; and
  - (b) adequate plans for the inspection, maintenance and (if necessary) replacement of the network or parts of the network are developed, implemented and maintained; and
  - (c) adequate records relating to prescribed activities are maintained and made available on request to —
    - (i) the Director; or
    - (ii) a person who, for reasons of safety, requires access to the records;and
  - (d) adequate instruction, training and supervision is provided to persons for whom the network operator is responsible, taking into account the nature of the

prescribed activities carried out by those persons and the competency of those persons; and

- (e) the design, engineering and operation of, and the work practices used on, the network are regularly reviewed for safety and effectiveness.

**6. Duties of contractor to manage prescribed activities**

- (1) A contractor to a network operator must ensure that each prescribed activity carried out on the network by the contractor or a person for whom the contractor is responsible is carried out in such a way as to —
  - (a) provide for the safety of persons, including persons for whom the contractor is responsible; and
  - (b) avoid or minimise any loss, damage, inconvenience or other detriment as a result of the prescribed activity.

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

- (2) Without limiting subregulation (1), a contractor to a network operator must, for the purposes of compliance with that subregulation, ensure that adequate instruction, training and supervision is provided to persons for whom the contractor is responsible, taking into account the nature of the prescribed activity and the competency of those persons.

**7. Duties of persons carrying out prescribed activities**

- (1) A person must not do anything, or permit anything to be done, in the course of carrying out a prescribed activity, that causes or could reasonably be expected to cause —
  - (a) any person to sustain any personal injury; or
  - (b) loss, damage, inconvenience or other detriment to any person.

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

(2) In subregulation (1) —

- (a) the reference to doing anything includes a reference to omitting to do anything; and
- (b) the reference to permitting anything to be done includes a reference to permitting an omission to do anything.

**8. Duties relating to threats to safety of persons or property**

(1) If a network operator becomes aware that —

- (a) anything at a place where a prescribed activity is being carried out; or
- (b) the condition of any part of the network, or any part of a former network that was operated by the network operator, at any place,

is or may be a threat to the safety of any person or to property, the network operator must as soon as practicable investigate the matter.

Penalty: a fine of \$250 000.

(2) If a person for whom a network operator is responsible becomes aware of a matter referred to in subregulation (1), the person must as soon as practicable notify the network operator of the matter.

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

(3) If an investigation under subregulation (1) reveals that there is a threat to the safety of any person or to property, the network operator must ensure that —

- (a) no prescribed activity is carried out on any affected part of the network or former network until the threat is removed; and
- (b) the threat is removed as soon as practicable.

Penalty: a fine of \$250 000.

- (4) The requirements imposed by this regulation are in addition to any requirements applying under a safety management system.

### **Division 2 — Requirements applying before implementation day**

#### **9. Terms used**

In this Division —

***evidentiary provision*** means a provision of —

- (a) a standard or code published under a law of any jurisdiction in Australia; or
- (b) a standard or code published by Standards Australia or Standards New Zealand; or
- (c) a standard or code published by any other body and approved by the Director under regulation 11(1); or
- (d) a standard or code specified in Schedule 1;

***obligatory provision*** means a provision of a standard or code specified in Schedule 2.

#### **10. Application of Division**

This Division applies to a network operator and each contractor to the network operator until the end of the day before the implementation day applying to the network operator.

**11. Approval of standards and codes by Director**

- (1) The Director may approve a standard or code in writing for the purposes of paragraph (c) of the definition of *evidentiary provision* in regulation 9.
- (2) A network operator may submit a standard or code to the Director for approval under subregulation (1).
- (3) The Director may at any time revoke an approval under subregulation (1).

**12. Compliance with obligatory and evidentiary provisions: evidence of compliance with regulation 5(1) or 6(1)**

- (1) Compliance by a network operator with —
  - (a) an obligatory provision that applies to a prescribed activity; or
  - (b) an evidentiary provision that —
    - (i) applies to a prescribed activity; and
    - (ii) is not inconsistent with an obligatory provision,

is evidence of compliance by the network operator with regulation 5(1) in relation to that prescribed activity.

- (2) Compliance by a contractor to a network operator with —
  - (a) an obligatory provision that applies to a prescribed activity; or
  - (b) an evidentiary provision that —
    - (i) applies to a prescribed activity; and
    - (ii) is not inconsistent with an obligatory provision,

is evidence of compliance by the contractor with regulation 6(1) in relation to that prescribed activity.

**13. Requirement to comply with obligatory provisions**

- (1) A network operator must ensure that each prescribed activity carried out on the network is carried out in such a way as to comply with each obligatory provision that applies to the prescribed activity.

Penalty: a fine of \$250 000.

- (2) A contractor to a network operator must ensure that each prescribed activity carried out on the network by the contractor, or a person for whom the contractor is responsible, is carried out in such a way as to comply with each obligatory provision that applies to the prescribed activity.

Penalty:

- (a) for an individual — a fine of \$50 000;  
(b) for a body corporate — a fine of \$250 000.

**14. Requirement to provide information and training**

- (1) A network operator must ensure that each person for whom the network operator is responsible who carries out a prescribed activity —

- (a) is provided with documents setting out work standards, procedures and practices that are consistent with the requirements of these regulations; and  
(b) is given instruction and training, and is assessed as competent, in the safe application and use of those standards, procedures and practices.

Penalty: a fine of \$250 000.

- (2) A contractor to a network operator must ensure that each person for whom the contractor is responsible who carries out a prescribed activity —

- (a) is provided with documents setting out work standards, procedures and practices that are consistent with the requirements of these regulations; and



- (b) is given instruction and training, and is assessed as competent, in the safe application and use of those standards, procedures and practices.

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

### **Division 3 — Requirements applying on and after implementation day: safety management systems**

#### **15. Application of Division**

This Division applies to a network operator and each contractor to the network operator on and after the implementation day applying to the network operator.

#### **16. Requirement to have safety management system**

- (1) A network operator must have a safety management system that —
  - (a) applies to all networks operated by the network operator; and
  - (b) complies with AS 5577.

Penalty: a fine of \$250 000.

- (2) Subregulation (1)(b) is subject to regulation 17.

#### **17. Requirements to revise safety management system**

- (1) A network operator must review and revise its safety management system in accordance with AS 5577.  
Penalty: a fine of \$250 000.
- (2) If AS 5577 is amended, a network operator must, within the period of 3 months after the amendment is made or such longer period as applies under subregulation (3), revise its safety

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**Division 3** Requirements applying on and after implementation day:  
safety management systems

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management system so that it complies with AS 5577 as amended.

Penalty: a fine of \$250 000.

- (3) The Director may, on application by a network operator in accordance with subregulation (4), extend the period of 3 months referred to in subregulation (2) if the Director considers it appropriate in the circumstances to do so.
- (4) An application for an extension under subregulation (3) must —
  - (a) be in writing; and
  - (b) nominate a day by which the network operator intends to have revised its safety management system; and
  - (c) state the reasons for the application.
- (5) Notice of an extension under subregulation (3) must be given to the network operator and published on a website maintained on behalf of the Director.

**18. Requirement to comply with safety management system**

- (1) A network operator must ensure that —
  - (a) each prescribed activity carried out on the network is carried out in accordance with the network operator's safety management system; and
  - (b) all other requirements of the safety management system (including, without limitation, auditing and record-keeping requirements) are complied with.

Penalty: a fine of \$250 000.

- (2) A contractor to a network operator must ensure that each prescribed activity —
  - (a) that is carried out on the network by the contractor or a person for whom the contractor is responsible; or
  - (b) that the contractor was engaged to carry out on the network,

is carried out in accordance with the network operator's safety management system.

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

**19. Compliance with safety management system evidence of compliance with regulation 5(1) or 6(1)**

- (1) Compliance by a network operator with the network operator's safety management system is evidence of compliance by the network operator with regulation 5(1).
- (2) Compliance by a contractor to a network operator with the network operator's safety management system is evidence of compliance by the contractor with regulation 6(1).

## **Part 3 — Notification, investigation and reporting of safety incidents**

### **20. Terms used**

In this Part —

***notifiable incident*** means an incident or event occurring in, on or in connection with a network that causes or significantly contributes to, or could reasonably have been expected to cause or significantly contribute to, a discharge of electricity otherwise than through electrical equipment designed to discharge electricity under normal operating conditions and —

- (a) causes, or could reasonably have been expected to cause, electric shock or injury to any person or to livestock; or
- (b) causes a fire in any vegetation or in any structure or building that is not a part of that network; or
- (c) is caused by a load imbalance, an open circuit neutral or a faulty neutral connection on that network and affects at least 2 consumers; or
- (d) meets each of the following criteria —
  - (i) it is caused by electricity being supplied to a consumer in a way that contravenes section 25(1)(d) of the Act;
  - (ii) it causes, or could reasonably have been expected to cause, damage to the electrical installations of at least 2 consumers or to electrical equipment installed in those installations;
  - (iii) it is not caused by the proper operation of a protective device;

or

- (e) occurs in the course of connecting a supply of electricity to a consumer's premises and causes an electrical installation of the consumer to become unsafe;

**protective device** means a fuse, circuit breaker, reclosing switch or other device that is designed to interrupt the supply of electricity;

**recordable incident** means an incident or event occurring in, on or in connection with a network, other than a notifiable incident, if—

- (a) the incident involves a failure of a component of that network; and
- (b) the occurrence of further failures of that kind could reasonably be expected to cause —
  - (i) electric shock or injury to any person or to livestock; or
  - (ii) damage to property.

## 21. Notifiable incidents

- (1) A network operator must, in accordance with subregulation (2), notify the Director of any notifiable incident occurring in, on or in connection with the network.

Penalty: a fine of \$250 000.

- (2) A notification under subregulation (1) must —
  - (a) be given in the manner approved by the Director when the network operator becomes aware of the incident; and
  - (b) include details of the operation of any protective device that occurred on the network and that related, or may have related, to the incident.

## 22. Network operator to investigate and report on notifiable incidents

- (1) If a notifiable incident occurs in, on or in connection with a network, the network operator must —

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- (a) investigate the incident; and
- (b) prepare a report of the investigation of the incident in accordance with subregulation (4); and
- (c) give the report to the Director within 30 working days after the day on which the incident occurred or such longer period as the Director, in writing, allows.

Penalty: a fine of \$250 000.

- (2) If a notifiable incident occurs in, on or in connection with a network, the network operator must ensure that physical evidence relating to the incident is —
  - (a) secured; and
  - (b) retained until the network operator has given the Director its report of the notifiable incident and the Director has notified the network operator in writing that the physical evidence is no longer required to be retained.

Penalty: a fine of \$250 000.

- (3) A person must not destroy or dispose of physical evidence relating to a notifiable incident while it is required to be retained under subregulation (2)(b).

Penalty:

- (a) for an individual — a fine of \$50 000;
- (b) for a body corporate — a fine of \$250 000.

- (4) A report of an investigation of a notifiable incident must —
  - (a) be in a form acceptable to the Director; and
  - (b) describe the incident; and
  - (c) identify the cause of the incident or state that the cause of the incident is not known; and
  - (d) state the steps that have been taken to investigate the incident; and

- (e) state the steps the network operator proposes to take to prevent the recurrence of similar incidents (including any revisions that the network operator proposes to make to its safety management system); and
- (f) state any changes made or proposed to be made to the asset management practices of the network operator as a result of the incident; and
- (g) include a proposed timetable for the matters referred to in paragraphs (e) and (f); and
- (h) include or be accompanied by the following information —
  - (i) any photographs, videos, maps or single-line diagrams that the network operator has that are relevant to the incident;
  - (ii) any opinions obtained from experts in relation to the incident;
  - (iii) the results of any tests conducted to determine the cause of the incident;
  - (iv) any other information that the network operator considers relevant to the incident.

**23. Requirement not to disturb site of notifiable incident or physical evidence**

- (1) If the Director has notified the network operator that it is proposed to examine the site of a notifiable incident and physical evidence relating to the incident under the *Energy Coordination Act 1994* Part 3, the network operator must ensure that —
  - (a) the site of the notifiable incident is not disturbed in such a way as to prejudice the examination of the site and the physical evidence; and
  - (b) each contractor to the network operator who may carry out a prescribed activity in or near the site before the examination is notified that the site must not be

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disturbed in such a way as to prejudice the examination of the site and the physical evidence.

Penalty: a fine of \$250 000.

- (2) If a network operator has notified a contractor in accordance with subregulation (1)(b), the contractor must ensure that the site of the notifiable incident is not disturbed by the contractor or a person for whom the contractor is responsible in such a way as to prejudice the examination of the site and the physical evidence.

Penalty:

- (a) for an individual — a fine of \$50 000;
  - (b) for a body corporate — a fine of \$250 000.
- (3) Subregulations (1) and (2) do not apply if —
- (a) the disturbance is authorised in writing by the Director;  
or
  - (b) each of the following conditions is satisfied —
    - (i) the disturbance is necessary to prevent an unreasonable interruption to the supply of electricity or to guard against the risk of injury to any person or to livestock or damage to property;
    - (ii) it is not practicable to avoid the disturbance by using alternative sources of electricity to restore the supply of electricity;
    - (iii) a plan complying with subregulation (4) is prepared and complied with.
- (4) A plan prepared for the purposes of subregulation (3)(b)(iii) must be in writing and must —
- (a) record the steps to be taken to ensure that physical evidence relating to the notifiable incident is secured and protected; and



- (b) state the reasons why it is not practicable to avoid the disturbance by using alternative sources of electricity to restore the supply of electricity.

**24. Requirement to give Director information about notifiable incident**

- (1) The Director may notify a network operator that the network operator is required to give to the Director, within 48 hours after the notification is given, any or all of the following information in relation to a notifiable incident that occurred in, on or in connection with the network —
  - (a) a map of the network from the source zone substation to the location of the notifiable incident;
  - (b) for each circuit breaker, recloser or sectionaliser that operated on the network and the operation of which related, or may have related, to the notifiable incident — the settings for that circuit breaker, recloser or sectionaliser;
  - (c) for each multi-barrelled fuse that is involved in the notifiable incident — the fuse rating and number of fuse operations;
  - (d) details of measured fault current flows on the part of the network affected by the notifiable incident;
  - (e) for each protective device that operated on the network and the operation of which related, or may have related, to the notifiable incident —
    - (i) the operational history of the protective device for the 12 months immediately before the notifiable incident; and
    - (ii) the times at which the protective device operated;
  - (f) the zero impedance fault level at the point of the fault;

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- (g) any photographs or videos that the network operator has of the network and its surrounding area that are relevant to the notifiable incident;
  - (h) the names, functions and contact details of all persons who were carrying out prescribed activities on the network at the time of the notifiable incident;
  - (i) a brief statement of the events that occurred before, during and after the notifiable incident, to the extent they are known to the network operator.
- (2) A network operator must comply with a requirement under subregulation (1).  
Penalty: a fine of \$250 000.

**25. Recordable incidents**

If a recordable incident occurs in, on or in connection with a network, the network operator must —

- (a) investigate the incident; and
  - (b) determine, if possible, the cause of the incident; and
  - (c) prepare a written record that —
    - (i) describes the incident; and
    - (ii) identifies the cause of the incident or states that the cause of the incident is not known; and
    - (iii) states the steps the network operator proposes to take to prevent the recurrence of similar incidents (including any revisions that the network operator proposes to make to its safety management system);
- and
- (d) retain the record for at least 7 years.

Penalty: a fine of \$250 000.

**26. Quarterly statistical reporting on notifiable incidents and recordable incidents**

- (1) A network operator must give the Director a report of notifiable incidents and recordable incidents that have occurred in, on or in connection with the network during each quarter.

Penalty: a fine of \$250 000.

- (2) The report must —
- (a) be given within 20 working days after the last day of the quarter, or such longer period as the Director, in writing, allows; and
  - (b) be in a summary statistical form acceptable to the Director.

**27. Annual statistical reporting on incidents**

- (1) In this regulation —
- incident*** means an incident or event occurring in, on or in connection with a network if the incident causes, or the occurrence of further incidents of that kind could reasonably be expected to cause, electric shock or injury to any person or to livestock or damage to property.

- (2) The Director may, on or before 31 May in any financial year, give a network operator a notice that states —
- (a) that the network operator must give the Director in accordance with this regulation —
    - (i) a report of incidents that occur in, on or in connection with the network during the following financial year (the ***relevant year***); and
    - (ii) a copy in electronic form of the data used to prepare the report;
- and
- (b) the classes of incident that must be included in the report; and

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- (c) the form in which the report must be given; and
  - (d) the electronic form in which the data must be given.
- (3) If the Director gives a network operator a notice under subregulation (2), the network operator must, on or before 31 July in the financial year following the relevant year, give the Director —
  - (a) a report in accordance with subregulation (4) in relation to the relevant year; and
  - (b) a copy, in the electronic form stated in the notice, of the data used to prepare the report.

Penalty: a fine of \$250 000.
- (4) The report must —
  - (a) be in the form stated in the notice under subregulation (2)(c); and
  - (b) for each class of incident stated in the notice under subregulation (2)(b) —
    - (i) state the number of incidents of that class that occurred in, on or in connection with the network during the relevant year; and
    - (ii) compare that number with the number of incidents of that class that occurred in, on or in connection with the network during each of the 9 financial years immediately preceding the relevant year and identify any trend; and
    - (iii) describe any steps the network operator has taken or proposes to take to address any trend showing an increase in the number of incidents of that class.
- (5) If information about the number of incidents of a class specified in the notice under subregulation (2)(b) is not available to the network operator in relation to each of the 9 financial years immediately preceding the relevant year, subregulation (4)(b)(ii)

applies only to the extent that the relevant information is available to the network operator.

- (6) A network operator must ensure that —
- (a) all reports given to the Director under this regulation; or
  - (b) if more than 10 reports have been given to the Director under this regulation — at least the 10 most recent of those reports,

are published in a prominent position on a website maintained by the network operator.

Penalty: a fine of \$250 000.

- (7) The Director may cause a report given to the Director under this regulation to be published on a website maintained on behalf of the Director.

## **Part 4 — Reporting on safety performance by statutory network operators**

### **28. Terms used**

In this Part —

*AS/NZS 7000* means AS/NZS 7000:2010 Overhead line design — Detailed procedures;

*caused by the network*, in relation to a fire and a network, means —

- (a) started by any person, animal, vegetation or thing falling on or coming into contact with that network; or
- (b) started by lightning striking that network; or
- (c) otherwise started on or in, or originating from, that network;

*conductor* includes an active or neutral conductor (whether bare, insulated or double insulated), a catenary supported conductor, a neutral screened conductor and an aerial bundled cable;

*safety performance incident* has the meaning given in regulation 29;

*unassisted conductor or stay cable failure* means —

- (a) a break in a conductor or stay cable; or
- (b) the unravelling of a conductor or stay cable that consists of more than one strand; or
- (c) the failure of a fitting used to join, terminate, support or retain a conductor or stay cable,

but does not include a break, unravelling or failure caused by —

- (d) a force exceeding the conductor or fitting failure limit specified in AS/NZS 7000; or
- (e) a lightning strike; or
- (f) vandalism; or

(g) a fire;

***unassisted pole failure*** means —

- (a) a pole breaking, rupturing or collapsing in any manner;  
or
- (b) a pole leaning due to a failure in its supporting foundation,

but does not include a break, rupture or leaning caused by —

- (c) a force exceeding the design wind load specified in AS/NZS 7000; or
- (d) a lightning strike; or
- (e) vandalism; or
- (f) a fire.

**29. Safety performance incidents**

For the purposes of this Part, a safety performance incident is an incident of any of the following classes that occurs in, on or in connection with a network —

- (a) an unassisted pole failure on a transmission line;
- (b) an unassisted pole failure on a distribution line;
- (c) an unassisted conductor or stay cable failure on a transmission line;
- (d) an unassisted conductor or stay cable failure on a distribution line;
- (e) an incident (other than a fire) that causes damage to property;
- (f) an incident that causes, or could reasonably have been expected to cause, electric shock or injury to any person or to livestock;
- (g) a fire caused by the network that causes damage to property.

**30. Statutory network operator to publish safety performance objectives**

- (1) On or before 31 May in each year, each statutory network operator must publish in a prominent position on a website maintained by the statutory network operator a statement of safety performance objectives in accordance with subregulations (2) and (3).  
Penalty: a fine of \$250 000.
- (2) The statement of safety performance objectives must set out, for each class of safety performance incident, the statutory network operator's objective in relation to the maximum number of incidents of that class occurring in, on or in connection with the network during —
  - (a) the next financial year; and
  - (b) the 3 financial years after the year mentioned in paragraph (a).
- (3) The statement of safety performance objectives must explain how the statutory network operator developed the objectives and demonstrate that the objectives are consistent with the best practice for network safety in the Australian electricity industry.

**31. Statutory network operator to publish safety performance outcomes**

- (1) This regulation applies to a financial year that begins after the statutory network operator is required to publish the first statement of safety performance outcomes under regulation 30.
- (2) The statutory network operator must, within 20 working days after the last day of each quarter in a financial year (the *relevant year*), publish a statement of safety performance outcomes for that quarter in accordance with subregulations (3) and (4).  
Penalty: a fine of \$250 000.



- (3) The statement of safety performance outcomes must set out, for each class of safety performance incident —
  - (a) the statutory network operator’s objective in relation to the maximum number of incidents of that class in the relevant year, as published under regulation 30(2)(a); and
  - (b) the number of incidents of that class that occurred in, on or in connection with the network during the quarter; and
  - (c) the number of incidents of that class that occurred in, on or in connection with the network during the period beginning at the start of the relevant year and ending at the end of the quarter.
- (4) The statement of safety performance outcomes must be published in a prominent position on a website maintained by the statutory network operator and must not be removed until at least 3 months after the last day of the relevant year.

## Part 5 — Review of decisions

### 32. Terms used

In this Part —

*application for review* means an application made under regulation 34;

*review panel* means a panel mentioned in regulation 35.

### 33. Decisions to which this Part applies

This Part applies to a decision of the Director —

- (a) to refuse to approve a day that is later than [*date to be determined — the default implementation day*] as the implementation day that applies to a network operator under regulation 4(2); or
- (b) to refuse approval of a standard or code under regulation 11(1); or
- (c) to refuse to extend the period for the revision of a network operator's safety management system under regulation 17(3).

### 34. Application for review

- (1) A person who is aggrieved by a decision to which this Part applies may apply in writing to the Director for a review of the decision.
- (2) An application for review is to be made within 10 working days after the day on which the applicant receives notice of the decision or within such further period as the Director in a particular case allows.

### 35. Review panel

- (1) The Director may convene a panel of 3 independent professional engineers to advise the Director in relation to an application for review.

- (2) A review panel may inform itself about a relevant matter in any manner it considers appropriate.

**36. Procedure on review**

- (1) The Director must give the applicant a reasonable opportunity to make submissions in relation to the application for review.
- (2) The operation of a decision is not affected by an application for review unless, on application made by the applicant, the Director determines otherwise.
- (3) The Director, after considering submissions (if any) made under subregulation (1) and, if a review panel is convened, the recommendations (if any) made by the panel, may determine the application by —
  - (a) confirming the decision; or
  - (b) varying the decision; or
  - (c) reversing the decision,and the determination of the Director is final.
- (4) The Director must give written notice of his or her determination and the reasons for it to the applicant.
- (5) If a review panel is convened, the notice under subregulation (4) is to set out the recommendations (if any) made by the panel.
- (6) The Director may publicise his or her determination in such manner as the Director thinks fit.

**37. Costs**

- (1) If the Director confirms the decision under regulation 36(3)(a), the applicant is liable to pay the reasonable costs of the review.
- (2) Any costs payable by the applicant under subregulation (1) are recoverable by the Director in a court of competent jurisdiction as a debt due to the State.

## **Part 6 — Identification of network operators**

### **38. Network operator to identify itself and give contact details**

- (1) In this regulation —  
*contact details*, for a network operator, means a postal address, telephone number, facsimile number and email address at which it may be contacted for the purposes of these regulations.
- (2) This regulation does not apply to a statutory network operator.
- (3) On or before 1 March in each year, a network operator must give the Director a notice in the form approved by the Director stating —
- (a) that it is the network operator of a specified network; and
  - (b) its Australian Company Number and contact details.
- Penalty: a fine of \$250 000.
- (4) If there is a change in the contact details of a network operator, the network operator must within 10 working days after the day on which the change occurs give the Director a notice in the form approved by the Director stating the new contact details.  
Penalty: a fine of \$250 000.
- (5) If there is a change in the identity of the network operator of a network, the new network operator must within 20 working days after the day on which the change occurs give the Director a notice in the form approved by the Director stating —
- (a) that it has become the network operator of that network and the day on which this occurred; and
  - (b) its Australian Company Number and contact details.
- Penalty: a fine of \$250 000.

## **Part 7 — Repeal, consequential amendments and transitional provisions**

### **Division 1 — Repeal**

**39. *Electricity (Supply Standards and System Safety) Regulations 2001* repealed**

The *Electricity (Supply Standards and System Safety) Regulations 2001* are repealed.

### **Division 2 — Consequential amendments**

**40. *Electricity (Licensing) Regulations 1991* amended**

- (1) This regulation amends the *Electricity (Licensing) Regulations 1991*.
- (2) In regulation 63(7)(a) delete “*Electricity (Supply Standards and System Safety) Regulations 2001* regulation 35(1)(a); and” and insert:

*Electricity (Network Safety) Regulations 2013* regulation 21(1);  
and

**41. *Electricity Regulations 1947* amended**

- (1) This regulation amends the *Electricity Regulations 1947*.
- (2) Delete Schedule 1 Table 4 and insert:

**Electricity (Network Safety) Regulations 2013****Part 7** Repeal, consequential amendments and transitional provisions**Division 2** Consequential amendments**r. 41****Table 4 — Electricity (Network Safety) Regulations 2013 offences**

Provision(s) [to be read with r. 46]	Description of offence under <i>Electricity (Network Safety) Regulations 2013</i>	Modified penalty	
		For individual	For body corporate
r. 13(1)	Failure by network operator to ensure compliance with obligatory provision		\$50 000
r. 13(2)	Failure by contractor to ensure compliance with obligatory provision	\$2 000	\$10 000
r. 14(1)	Failure by network operator to provide certain documents, instruction and training		\$50 000
r. 14(2)	Failure by contractor to provide certain documents, instruction and training	\$2 000	\$10 000
r. 16(1)	Failure by network operator to have safety management system		\$50 000
r. 17(1)	Failure by network operator to review and revise safety management system in accordance with AS 5577		\$50 000
r. 17(2)	Failure by network operator to revise safety management system following revision of AS 5577		\$50 000
r. 18(1)	Failure by network operator to ensure compliance with safety management system		\$50 000
r. 18(2)	Failure by contractor to ensure compliance with safety management system	\$2 000	\$10 000
r. 21(1)	Failure by network operator to notify Director of notifiable incident		\$50 000

Provision(s) [to be read with r. 46]	Description of offence under <i>Electricity (Network Safety) Regulations 2013</i>	Modified penalty	
		For individual	For body corporate
r. 22(1)	Failure by network operator to investigate and report on notifiable incident —  (a) if no report is submitted within 30 working days or allowed period after incident; or  (b) if a report is submitted within 30 working days or allowed period after incident but does not comply with regulation 22(4)		\$50 000    \$10 000
r. 22(2)	Failure by network operator to ensure physical evidence relating to notifiable incident secured and retained		\$50 000
r. 22(3)	Destroying or disposing of physical evidence relating to notifiable incident	\$5 000	\$50 000
r. 23(1)	Failure by network operator to ensure site of notifiable incident not disturbed or to notify contractor		\$50 000
r. 23(2)	Failure by contractor to ensure site of notifiable incident not disturbed	\$2 000	\$10 000
r. 24(2)	Failure by network operator to provide information about notifiable incident required by Director		\$50 000
r. 25	Failure by network operator to investigate and record recordable incident		\$10 000
r. 26(1)	Failure by network operator to give quarterly statistical report on incidents		\$10 000

**Electricity (Network Safety) Regulations 2013**

**Part 7** Repeal, consequential amendments and transitional provisions

**Division 3** Transitional provisions

**r. 42**

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Provision(s) [to be read with r. 46]	Description of offence under <i>Electricity (Network Safety) Regulations 2013</i>	Modified penalty	
		For individual	For body corporate
r. 27(3)	Failure by network operator to give annual statistical report on incidents and copy of data in electronic form		\$10 000
r. 27(6)	Failure by network operator to publish annual statistical report on incidents		\$10 000
r. 30(1)	Failure by statutory network operator to publish statement of safety performance objectives		\$10 000
r. 31(2)	Failure by statutory network operator to publish statement of safety performance outcomes		\$10 000
r. 38(3)	Failure by network operator to identify itself and give contact details annually		\$5 000
r. 38(4)	Failure by network operator to give notice of change in contact details		\$5 000
r. 38(5)	Failure by network operator to identify itself and give contact details following change in identity of network operator		\$5 000

**Division 3 — Transitional provisions**

**42. Terms used**

In this Division —

***commencement*** means the day on which these regulations (other than regulations 1 and 2) come into operation;



**repealed regulations** means the *Electricity (Supply Standards and System Safety) Regulations 2001* as in force immediately before commencement.

**43. Standards and codes approved before commencement**

- (1) If, immediately before commencement, a standard or code was approved by the Director under regulation 11(1)(c) of the repealed regulations, the standard or code is, on and after commencement, taken to be approved under regulation 11(1).
- (2) This regulation does not prevent the revocation of an approval under regulation 11(3).

**44. Notifiable incidents that occurred before commencement**

If —

- (a) a notifiable incident (as defined in regulation 34 of the repealed regulations) occurred before commencement in, on or in connection with a network (as defined in the regulation 3 of the repealed regulations); and
- (b) the period for the submission of the report of the incident under regulation 36 of the repealed regulations has not expired before commencement; and
- (c) that report has not been submitted before commencement,

then regulation 22 applies after commencement in relation to the incident, and to any physical evidence relating to the incident, as if the incident were a notifiable incident as defined in regulation 20.

## **Schedule 1 — Standards and codes containing evidentiary provisions**

[r. 9]

### **Division 1 — General**

Code of Practice, Safe Low Voltage Work Practices by Electricians, issued by the Director in April 2008, as from time to time amended and for the time being in force.

Utility Providers Code of Practice for Western Australia, produced by the Utility Providers Services Committee and applicable from 1 February 2010, as from time to time amended and for the time being in force.

WA Electrical Requirements, published by the Director in July 2008, as from time to time amended and for the time being in force.

AS 1824.1 — 1995 Insulation coordination — Definitions, principles and rules.

AS 1824.2 — 1985 Insulation coordination (phase-to-earth and phase-to-phase, above 1 kV) — Application guide.

AS 2676.1 — 1992 Guide to the installation, maintenance, testing and replacement of secondary batteries in buildings — Vented cells.

AS 2676.2 — 1992 Guide to the installation, maintenance, testing and replacement of secondary batteries in buildings — Sealed cells.

AS/NZS 3000:2007 Electrical installations (known as the Australia/New Zealand Wiring Rules).

AS/NZS 3013:2005 Electrical installations — Classification of the fire and mechanical performance of wiring system elements.

AS/NZS 3100:2009 Approval and test specification — General requirements for electrical equipment.

AS 3865 — 1991 Calculation of the effects of short-circuit currents.

AS 4436 — 1996 Guide to the selection of insulators in respect of polluted conditions.

AS/NZS 60479.1:2010 Effects of current on human beings and livestock — General aspects.

AS/NZS 60479.2:2002 Effects of current on human beings and livestock — Special aspects.

ENA Doc 008 — 2006 National guidelines on electrical safety for emergency service personnel.

ENA Doc 011 — 2006 Pole supply and performance specification.

ENA Doc 012 — 2006 Cross-arm supply and performance specification.

ENA Doc 013 — 2006 Network passport guideline.

ENA Doc 014 — 2006 National low voltage electricity network electrical protection guideline.

ENA Doc 015 — 2006 National guidelines for prevention of unauthorised access to electricity infrastructure.

ENA Doc 016 — 2006 Guideline for the management of risks when working alone.

### **Division 2 — Overhead lines**

Code of Practice for Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines, issued by the Director in July 2012, as from time to time amended and for the time being in force.

AS/NZS 1768:2007 Lightning protection.

AS 3891.1 — 2008 Air navigation — Cables and their supporting structures — Marking and safety requirements — Permanent marking of overhead cables and their supporting structures for other than planned low-level flying.

AS 3891.2 — 2008 Air navigation — Cables and their supporting structures — Marking and safety requirements — Marking of overhead cables for planned low-level flying.

### **Division 3 — Switchyards, substations and power stations**

AS 1319 — 1994 Safety signs for the occupational environment.

AS 62271.1 — 2012 High-voltage switchgear and controlgear — Common specifications.

AS 2865 — 2009 Confined spaces.

**Electricity (Network Safety) Regulations 2013**

**Schedule 1** Standards and codes containing evidentiary provisions

**Division 4** Underground cables

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AS 60076.1 — 2005 Power transformers — General.

AS 60076.11 — 2006 Power transformers — Dry-type transformers.

ENA Doc 007 — 2006 Specification for polemounting distribution transformers.

**Division 4 — Underground cables**

AS 2832.1 — 2004 Cathodic protection of metals — Pipes and cables.

AS/NZS 2648.1:1995 Underground marking tape — Non-detectable tape.

**Division 5 — Power coordination**

AS/NZS 3835.1:2006 Earth potential rise — Protection of telecommunications network users, personnel and plant — Code of practice.

AS/NZS 3835.2:2006 Earth potential rise — Protection of telecommunications network users, personnel and plant — Application guide.

HB 100 — 2000 (CJC 4) Coordination of power and telecommunications — Manual for the establishment of safe work practices and the minimisation of operational interference between power systems and paired cable telecommunications systems.

HB 101 — 1997 (CJC 5) Coordination of power and telecommunications — Low Frequency Induction (LFI): Code of practice for the mitigation of hazardous voltages induced into telecommunications lines.

HB 102 — 1997 (CJC 6) Coordination of power and telecommunications — Low Frequency Induction.

HB 103 — 1997 (CJC 7) Coordination of power and telecommunications — Crossings Code: The arrangement of overhead power and telecommunications lines, pole stay wires, and suspension wires.

## **Schedule 2 — Standards and codes containing obligatory provisions**

[r. 9]

### **Division 1 — General**

AS 1882 — 2002 Earth and bonding clamps.

AS 1931.1 — 1996 High-voltage test techniques — General definitions and test requirements.

AS 2067 — 2008 Substations and high voltage installations exceeding 1 kV a.c.

AS 3011.1 — 1992 Electrical installations — Secondary batteries installed in buildings — Vented cells.

AS 3011.2 — 1992 Electrical installations — Secondary batteries installed in buildings — Sealed cells.

AS 3851 — 1991 The calculation of short-circuit currents in three-phase a.c. systems.

AS/NZS 3863:2002 Galvanised mild steel wire for armouring cables.

AS 4741 — 2010 Testing of connections to low voltage electricity networks.

AS 4836:2011 Safe working on or near low-voltage electrical installations and equipment.

AS 60529 — 2004 Degrees of protection provided by enclosures (IP Code).

ENA Doc 025 — 2010 EG-0 Power system earthing guide — part 1: management principles, version 1.

ENA NENS 03 — 2006 National guidelines for safe access to electrical and mechanical apparatus.

ENA NENS 04 — 2006 National guidelines for safe approach distances to electrical and mechanical apparatus.

ENA NENS 05 — 2006 National fall protection guidelines for the electricity industry.

**Electricity (Network Safety) Regulations 2013**

**Schedule 2** Standards and codes containing obligatory provisions

**Division 2** Overhead lines

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ENA NENS 07 — 2006 National guidelines for manual reclosing of high voltage electrical apparatus following a fault operation (Manual Reclose Guidelines).

ENA NENS 08 — 2006 National guidelines for aerial surveillance of overhead electricity networks.

ENA NENS 09 — 2006 National guidelines for the selection, use and maintenance of personal protective equipment for electrical hazards.

ENA NENS 10 — 2005 National Guidelines for Contractor Occupational Health and Safety Management.

**Division 2 — Overhead lines**

AS 1222.1 — 1992 Steel conductors and stays — Bare overhead — Galvanised (SC/GZ).

AS 1222.2 — 1992 Steel conductors and stays — Bare overhead — Aluminium clad (SC/AC).

AS 1531 — 1991 Conductors — Bare overhead — Aluminium and aluminium alloy.

AS 1720.1 — 2010 Timber structures — Design methods.

AS 1720.2 — 2006 Timber structures — Timber properties.

AS 1746 — 1991 Conductors — Bare overhead — Hard drawn copper.

AS/NZS 2878:2000 Timber — Classification into strength groups.

AS 3600 — 2009 Concrete structures.

AS 3607 — 1989 Conductors — Bare overhead, aluminium and aluminium alloy — Steel reinforced.

AS 3818.11-2009 Timber — Heavy structural products — Visually graded — Utility poles.

AS 3995 — 1994 Design of steel lattice towers and masts.

AS/NZS 4065:2010 Concrete utility services poles.

AS 4100 — 1998 Steel structures.

AS/NZS 4677:2010 Steel utility services poles.

AS 5804.1 — 2010 High-voltage live working — General.

AS 5804.2 — 2010 High-voltage live working — Glove and barrier work.

AS 5804.3 — 2010 High-voltage live working — Stick work.

AS 5804.4 — 2010 High-voltage live working — Barehand work.

AS 6947 — 2009 Crossing of waterways by electricity infrastructure.

AS/NZS 7000: 2010 Overhead line design — Detailed procedures.

### **Division 3 — Underground cables**

AS/NZS 1026:2004 Electric cables — Impregnated paper insulated — For working voltages up to and including 19/33 (36) kV.

AS/NZS 1125:2001 Conductors in insulated electric cables and flexible cords.

AS/NZS 1429.1:2006 Electric cables — Polymeric insulated — For working voltages 1.9/3.3 (3.6) kV up to and including 19/33 (36) kV.

AS/NZS 1429.2:2009 Electric cables — Polymeric insulated — For working voltages above 19/33 (36) kV up to and including 87/150 (170) kV.

AS/NZS 3008.1.1:2009 Electrical installations — Selection of cables — Cables for alternating voltages up to and including 0.6/1 kV — Typical Australian installation conditions.

### **Division 4 — Switchgear and protection**

AS 1033.1 — 1990 High voltage fuses (for rated voltages exceeding 1000 V) — Expulsion type.

AS 1033.2 — 1988 High voltage fuses (for rated voltages exceeding 1000 V) — Current-limiting (powder-filled) type.

AS 1307.2 — 1996 Surge arresters — Metal-oxide surge arresters without gaps for a.c. systems.

AS 1767.1 — 1999 Insulating liquids — Specification for unused mineral insulating oils for transformers and switchgear.

**Electricity (Network Safety) Regulations 2013**

**Schedule 2** Standards and codes containing obligatory provisions

**Division 4** Switchgear and protection

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AS 2024 — 1991 High voltage a.c. switchgear and controlgear — Switch-fuse combinations.

AS 2791 — 1996 High-voltage switchgear and controlgear — Use and handling of sulphur hexafluoride (SF<sub>6</sub>) in high-voltage switchgear and controlgear.

AS/NZS 3439.1:2002 Low-voltage switchgear and controlgear assemblies — Type-tested and partially type-tested assemblies.

AS/NZS 3439.2:2002 Low-voltage switchgear and controlgear assemblies — Particular requirements for busbar trunking systems (busways).

AS/NZS 3439.3:2002 Low-voltage switchgear and controlgear assemblies — Particular requirements for low-voltage switchgear and controlgear assemblies intended to be installed in places where unskilled persons have access for their use — Distribution boards.

AS/NZS 3439.4:2009 Low-voltage switchgear and controlgear assemblies — Particular requirements for assemblies for construction sites.

AS/NZS 3439.5:2009 Low-voltage switchgear and controlgear assemblies — Particular requirements for assemblies for power distribution in public networks.

AS 60044.1 — 2007 Instrument transformers — Current transformers.

AS 60044.2 — 2007 Instrument transformers — Inductive voltage transformers.

AS 60044.3 — 2004 Instrument transformers — Combined transformers.

AS 60044.5 — 2004 Instrument transformers — Capacitor voltage transformers.

AS/NZS 60137:2008 Insulated bushings for alternating voltages above 1000 V.

AS/NZS 60265.1:2001 High-voltage switches — Switches for rated voltages above 1 kV and less than 52 kV.

AS 60265.2 — 2005 High-voltage switches — High-voltage switches for rated voltages of 52 kV and above.

AS/NZS 60269.1:2005 Low-voltage fuses — General requirements.

AS/NZS 60947.1 — 2004 Low voltage switchgear and controlgear — General rules.



AS 62271.100 — 2008 High-voltage switchgear and controlgear — High-voltage alternating-current circuit-breakers.

AS 62271.102 — 2005 High voltage switchgear and controlgear — Alternating current disconnectors and earthing switches.

AS 62271.110 — 2006 High-voltage switchgear and controlgear — Inductive load switching.

AS 62271.200 — 2005 High-voltage switchgear and controlgear — A.C. metal-enclosed switchgear and controlgear for rated voltages above 1 kV and up to and including 52 kV.

AS 62271.201 — 2008 High-voltage switchgear and controlgear — A.C. insulation-enclosed switchgear and controlgear for rated voltages above 1 kV and up to and including 52 kV.

AS 62271.202 — 2008 High-voltage switchgear and controlgear — High-voltage/low-voltage prefabricated substation.

AS 62271.203 — 2008 High-voltage switchgear and controlgear — Gas-insulated metal-enclosed switchgear for rated voltages above 52 kV.

By Command of the Governor,

Clerk of the Executive Council.

