### Contents

**Part 1 — Preliminary**

1. Citation  
2. Commencement  
3. Terms used  
4. Network operators  
5. Persons for whom a network operator or contractor is responsible  
6. The concept of ensuring safety  
7. No double jeopardy  

**Part 2 — Network safety**

**Division 1 — General safety requirements**

8. Duty of network operator to manage prescribed activities  
9. Duty of contractor to manage prescribed activities  
10. Duty of persons carrying out prescribed activities  
11. Duties relating to certain risks to safety  

**Division 2 — Certain network operators required to have safety management systems**

12. Network operators to whom this Division applies  
13. When this Division commences to apply to a network operator  
14. Transfer of operation of network  
15. Requirement to have safety management system  
16. Requirement to revise safety management system  
17. Requirement to comply with safety management system  

## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>Compliance with safety management system</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>evidence of compliance with regulation 8 or 9</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 3 — Requirements if network operator</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>not required to have safety management system</strong></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Network operators to whom this Division applies</td>
<td>15</td>
</tr>
<tr>
<td>20.</td>
<td>Terms used</td>
<td>15</td>
</tr>
<tr>
<td>21.</td>
<td>Approval of standards and codes by Director</td>
<td>15</td>
</tr>
<tr>
<td>22.</td>
<td>Requirement to comply with obligatory provisions</td>
<td>16</td>
</tr>
<tr>
<td>23.</td>
<td>Compliance with obligatory and evidentiary provisions is evidence of compliance with regulation 8 or 9</td>
<td>16</td>
</tr>
<tr>
<td>24.</td>
<td>Requirement to provide information and training</td>
<td>17</td>
</tr>
<tr>
<td><strong>Part 3 — Notification, investigation and reporting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 1 — Notifiable incidents</strong></td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Terms used</td>
<td>18</td>
</tr>
<tr>
<td>26.</td>
<td>Notification and investigation of suspected notifiable incidents</td>
<td>19</td>
</tr>
<tr>
<td>27.</td>
<td>Reporting of notifiable incidents</td>
<td>21</td>
</tr>
<tr>
<td>28.</td>
<td>Requirement not to disturb site of notifiable incident or physical evidence</td>
<td>22</td>
</tr>
<tr>
<td>29.</td>
<td>Destructive testing of physical evidence</td>
<td>24</td>
</tr>
<tr>
<td>30.</td>
<td>Statistical reporting</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td><strong>Division 2 — Reporting on network safety performance</strong></td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Network operators to whom this Part applies</td>
<td>24</td>
</tr>
<tr>
<td>32.</td>
<td>Terms used</td>
<td>25</td>
</tr>
<tr>
<td>33.</td>
<td>Network safety performance incidents</td>
<td>25</td>
</tr>
<tr>
<td>34.</td>
<td>Network operator to publish annual objectives</td>
<td>26</td>
</tr>
<tr>
<td>35.</td>
<td>Network operator to publish quarterly outcomes</td>
<td>27</td>
</tr>
<tr>
<td>36.</td>
<td>Director may publish and comment on objectives and outcomes</td>
<td>28</td>
</tr>
<tr>
<td><strong>Part 4 — Review of decisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37.</td>
<td>Terms used</td>
<td>30</td>
</tr>
<tr>
<td>38.</td>
<td>Decisions to which this Part applies</td>
<td>30</td>
</tr>
<tr>
<td>39.</td>
<td>Application for review</td>
<td>30</td>
</tr>
</tbody>
</table>
Contents

40. Review panels 31
41. Procedure on review 31
42. Costs 32

Part 5 — Miscellaneous
43. Contact details of network operators 33

Part 6 — Repeal, consequential amendments and transitional provisions

Division 1 — Repeal
44. Electricity (Supply Standards and System Safety) Regulations 2001 repealed 35

Division 2 — Consequential amendments
45. Electricity (Licensing) Regulations 1991 amended 35
46. Electricity Regulations 1947 amended 35

Division 3 — Transitional provisions
47. Terms used 38
48. Standards and codes 38
49. Notifiable incidents that occurred before commencement day 38
Schedule 1 — Standards and codes containing evidentiary provisions
Division 1 — General
Division 2 — Overhead lines
Division 3 — Switchyards, substations and power stations
Division 4 — Underground cables
Division 5 — Power coordination

Schedule 2 — Standards and codes containing obligatory provisions
Division 1 — General
Division 2 — Overhead lines
Division 3 — Underground cables
Division 4 — Switchgear and protection
Electricity Act 1945

Electricity (Network Safety) Regulations 2015

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the Electricity (Network Safety) Regulations 2015.

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 consisting of a number and a reference to a year 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 consisting of a number and a reference to a year 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 means —

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

(b) a subcontractor of a person described in paragraph (a);

distribution licence has the meaning given in the *Electricity Industry Act 2004* section 3;

electricity inspector means an inspector, classified as an electricity inspector, under the *Energy Coordination Act 1994* section 12;

employee means a person employed under a contract of service;

*ENA* followed by a designation including a number and a reference to a year 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;

*HB* followed by a designation consisting of a number and a reference to a year 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, for a network operator, has the meaning given in regulation 13(4);

integrated regional licence has the meaning given in the *Electricity Industry Act 2004* section 3;

network means —

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

(b) distribution works operated by a network operator, including —

(i) generating works that are connected to the distribution works for the purposes of emergency or interim generation of electricity and that are owned, hired, leased or otherwise under the control of the operator; and
(ii) service apparatus connected to the distribution works, other than service apparatus and other apparatus the property of a consumer or an owner or occupier of premises to which electricity is supplied; and

(iii) if electricity is supplied, using the distribution works, otherwise than to the premises of a consumer — apparatus to which that electricity is supplied using those distribution works;

and

(c) works that would be covered by paragraph (a) or (b) except that they are no longer used to convey or distribute electricity, whether or not the works have been disconnected from generating works or from other transmission or distribution works;

**network operator** means a person who is a network operator under regulation 4;

**pole** means a support structure for overhead conductors of a network;

**prescribed activity** means an activity carried out in the course of the design, construction, commissioning, operation, maintenance or decommissioning of a network;

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

**safety** means the safety of persons (including persons for whom a network operator or contractor is responsible) consumers and the public;

**safety management system** means a safety management system that a network operator has in compliance with regulation 15;

**subcontractor**, of a contractor, means a person engaged under a contract for services by the contractor to carry out prescribed activities on a network;
transmission licence has the meaning given in the Electricity Industry Act 2004 section 3;

working day means a day that is not a Saturday, Sunday or public holiday throughout the majority of the State.

(2) 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.

(3) 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 the network.

(4) However, if the prescribed activity is carried out in the course of the construction, commissioning, maintenance or decommissioning of the network, the activity is not carried out in connection with the network unless it is carried out within 6 metres of the network.

4. Network operators

The following persons are network operators —

(a) the Electricity Networks Corporation established by the Electricity Corporations Act 2005 section 4(1)(b);

(b) the Regional Power Corporation established by the Electricity Corporations Act 2005 section 4(1)(d);

(c) Pilbara Iron Pty Ltd (ACN 107 216 535), or any successor to that company, operating transmission or distribution works under —

(i) the Agreement, as defined in the Iron Ore (Hamersley Range) Agreement Act 1963 section 2; or
(ii) the Agreement, as defined in the *Iron Ore (Robe River) Agreement Act 1964* section 2;

(d) BHP Billiton Iron Ore Pty Ltd (ACN 008 700 981), or any successor to that company, operating transmission or distribution works under the Agreement, as defined in the *Iron Ore (Mount Newman) Agreement Act 1964* section 2;

(e) a person, other than the Rottnest Island Authority, who, under the *Electricity Industry Act 2004*, holds or is required to hold —
   (i) a transmission licence; or
   (ii) a distribution licence; or
   (iii) an integrated regional licence that covers transmission or distribution.

5. **Persons for whom a network operator or contractor is responsible**

   (1) For the purposes of these regulations, the persons for whom a network operator is responsible are —
   
   (a) each employee of the network operator;
   
   (b) each contractor of the network operator;
   
   (c) each employee of a contractor of the network operator;
   
   (d) any other person instructed or authorised by the network operator to carry out prescribed activities on the network.

   (2) For the purposes of these regulations, the persons for whom a contractor is responsible are —
   
   (a) each employee of the contractor;
   
   (b) each subcontractor of the contractor;
   
   (c) each employee of a subcontractor of the contractor.
6. **The concept of ensuring safety**

   (1) A duty imposed on a person under these regulations to ensure, so far as is reasonably practicable, safety requires the person —

   (a) to eliminate risks to safety so far as is reasonably practicable; or

   (b) if it is not reasonably practicable to eliminate risks to safety, to minimise those risks so far as is reasonably practicable.

   (2) For the purposes of these regulations, regard must be had to the following matters in determining what is, or was at a particular time, reasonably practicable in relation to ensuring safety —

   (a) the likelihood of the event that poses the risk concerned occurring;

   (b) the degree of harm that might result from that event occurring;

   (c) what the person concerned knows, or ought reasonably to know, about the risk and ways of eliminating or minimising the risk;

   (d) the availability and suitability of ways to eliminate or minimise the risk;

   (e) the cost of eliminating or minimising the risk.

7. **No double jeopardy**

   (1) If an act or omission by a person constitutes an offence under these regulations and under the *Occupational Safety and Health Act 1984*, the person may be charged and convicted of the offence under these regulations but is not liable to be punished twice in respect of the act or omission.

   (2) If an act or omission by a person constitutes an offence under a provision of Part 2 Division 1 and under another provision of these regulations, the person may be charged and convicted of only one of the offences.
Part 2 — Network safety

Division 1 — General safety requirements

8. Duty of network operator to manage prescribed activities

(1) A network operator must ensure, so far as is reasonably practicable, that each prescribed activity carried out on the network is carried out safely.

Penalty: a fine of $250 000.

(2) A network operator contravenes subregulation (1) if the operator fails to —

(a) develop, implement and maintain adequate work practices relating to prescribed activities; or

(b) develop, implement and maintain adequate plans for the inspection, maintenance and (if necessary) replacement of the network or parts of it; or

(c) provide, so far as is reasonably practicable, adequate instruction, training and supervision 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 competence of those persons; or

(d) ensure, so far as is reasonably practicable, that persons for whom the network operator is responsible follow the design of the network; or

(e) ensure, so far as is reasonably practicable, that persons for whom the network operator is responsible comply with the work practices applicable to prescribed activities carried out on the network; or

(f) regularly review the design, engineering and operation of the network, and the work practices applicable to prescribed activities carried out on the network, for safety and effectiveness.
(3) Subregulation (2) does not limit the scope or generality of subregulation (1).

(4) A network operator must maintain records that are sufficient to demonstrate the extent of the network operator’s compliance with its duties under subregulation (1).

Penalty: a fine of $250,000.

9. **Duty of contractor to manage prescribed activities**

(1) A contractor must ensure, so far as is reasonably practicable, that each prescribed activity carried out on a network by a person for whom the contractor is responsible is carried out safely.

Penalty:

   (a) for an individual, a fine of $50,000;

   (b) for a body corporate, a fine of $250,000.

(2) A contractor contravenes subregulation (1) if the contractor fails to —

   (a) provide, so far as is reasonably practicable, adequate instruction, training and supervision to persons for whom the contractor is responsible, taking into account the nature of the prescribed activity and the competence of those persons; or

   (b) ensure, so far as is reasonably practicable, persons for whom the contractor is responsible follow the design of the network; or

   (c) ensure, so far as is reasonably practicable, persons for whom the contractor is responsible comply with the work practices applicable to prescribed activities carried out on the network.

(3) Subregulation (2) does not limit the scope or generality of subregulation (1).
10. **Duty of persons carrying out prescribed activities**

(1) An individual must, in carrying out a prescribed activity on a network, ensure, so far as is reasonably practicable, that the activity is carried out safely.

Penalty: a fine of $50 000.

(2) An individual contravenes subregulation (1) if the individual, in carrying out the prescribed activity, fails to —

(a) follow the design of the network; or
(b) comply with the work practices applicable to the prescribed activity.

(3) Subregulation (2) does not limit the scope or generality of subregulation (1).

11. **Duties relating to certain risks to safety**

(1) If a network operator becomes aware that —

(a) anything at a place where a prescribed activity is being carried out on a network is or may be a risk to safety; or
(b) the condition of any part of the network is or may be a risk to safety,

the network operator must, as soon as is reasonably practicable, investigate the matter.

Penalty: a fine of $250 000.

(2) A matter is not a risk to safety, for the purposes of subregulation (1), if the matter is an inherent risk.

(3) The investigation must include a consideration of whether a work practice or safety management system contributed to the risk.

(4) 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 is reasonably practicable, notify the network operator.
operator of the matter, unless the person knows that the network
operator has already been notified.
Penalty:
(a) for an individual, a fine of $50 000;
(b) for a body corporate, a fine of $250 000.

(5) If an investigation reveals that there is a risk to safety, the
network operator must ensure, so far as is reasonably
practicable, that —
(a) the risk is minimised or eliminated, as soon as is
reasonably practicable; and
(b) no prescribed activity is carried out on any affected part
of the network, other than work to minimise or eliminate
the risk, until the risk is minimised or eliminated.
Penalty: a fine of $250 000.

(6) The requirements imposed by this regulation are in addition to
any requirements applying under an applicable safety
management system.

Division 2 — Certain network operators required to have safety
management systems

12. Network operators to whom this Division applies

This Division applies to and in relation to a network operator
that is a network operator under regulation 4(a), (b), (c) or (d).

13. When this Division commences to apply to a network
operator

(1) The obligations in this Division apply to and in relation to a
network operator on and after the earlier of —
(a) the day that the network operator nominates as the day
on which the obligations commence to apply to the
network operator; and
Electricity (Network Safety) Regulations 2015

Network safety

Part 2

Certain network operators required to have safety management systems

Division 2

r. 13

(b) the implementation day for the network operator.

(2) To nominate a day for the purposes of subregulation (1)(a), a network operator must notify the Director in writing of the day, at least 20 working days prior to the day.

(3) If the day nominated by a network operator for the purposes of subregulation (1)(a) is before the implementation day for the network operator, the Director must publish notice of that day on a website maintained on behalf of the Director.

(4) The implementation day for a network operator is —

(a) the last day of the 2 year period immediately following the day on which the network operator became a network operator; or

(b) if a later day is approved by the Director under subregulation (5) for the network operator — the day approved.

(5) The Director may, on application by a network operator, approve in writing a day that is later than the day specified in subregulation (4)(a) as the implementation day for the network operator if the Director considers it appropriate in the circumstances to do so.

(6) An application for an approval under subregulation (5) 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.

(7) If the Director approves a day under subregulation (5), the Director must publish notice of that day on a website maintained on behalf of the Director.

(8) This regulation has effect subject to regulation 14.
14. **Transfer of operation of network**

(1) Subregulation (2) applies to a person if —
   (a) the operation of a network is transferred to the person; and
   (b) the obligations in this Division did not apply to the person before the transfer; and
   (c) the person is the network operator of the network after the transfer (whether or not the person was a network operator before the transfer); and
   (d) before the transfer, this Division applied to the network operator of the network (the *prior network operator*).

(2) If this subregulation applies to a person —
   (a) this Division applies to and in relation to the person, whether or not the person is a network operator described in regulation 12; and
   (b) the obligations in this Division apply to and in relation to the person on and from —
      (i) if the prior network operator had, or was required to have, a safety management system in relation to the network — the day on which the operation of the network was transferred to the person; or
      (ii) if subparagraph (i) does not apply — the day worked out under regulation 13 in relation to the person, as if the 2 year period referred to in regulation 13(4)(a) were the 2 year period referred to in the first application of regulation 13 to a network operator in relation to the network.

15. **Requirement to have safety management system**

(1) A network operator must have a safety management system that —
(a) applies to all networks of the network operator; and
(b) complies with AS 5577 as amended from time to time.

Penalty: a fine of $250,000.

(2) Subregulation (1)(b) is subject to regulation 16.

16. Requirement 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 revise its safety management system so that it complies with the standard, as amended, before the later of —

(a) the time (if any) specified for that in the amendment; and

(b) the end of the period of 6 months after the day on which the amendment is published, or any extension of that period under subregulation (3).

Penalty: a fine of $250,000.

(3) The Director may, on application by a network operator, extend the period of 6 months 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) If the Director extends the 6 month period, the Director must give notice of the extension to the network operator and publish notice of the extension on a website maintained on behalf of the Director.
17. Requirement to comply with safety management system

(1) A network operator must ensure, so far as is reasonably practicable, that each prescribed activity carried out on the network is carried out in accordance with the network operator’s safety management system.
Penalty: a fine of $250,000.

(2) A network operator must ensure, so far as is reasonably practicable, that 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.

(3) A contractor must ensure, so far as is reasonably practicable, that each prescribed activity carried out on a network by the contractor or a person for whom the contractor is responsible 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.

18. Compliance with safety management system evidence of compliance with regulation 8 or 9

(1) Compliance by a network operator with the network operator’s safety management system is evidence of compliance with regulation 8.

(2) In relation to a prescribed activity carried out on a network by a contractor, or a person for whom the contractor is responsible, compliance by the contractor with the network operator’s safety management system is evidence of compliance with regulation 9.
Division 3 — Requirements if network operator not required to have safety management system

19. Network operators to whom this Division applies

This Division applies to and in relation to a network operator while the network operator is not required to have a safety management system under Division 2.

20. 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 both; or

(c) a standard or code published by any other body and approved by the Director under regulation 21(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.

21. 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 20.

(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).

(4) If the Director approves a standard or code, the Director must publish notice of that on a website maintained on behalf of the Director.
22. Requirement to comply with obligatory provisions

(1) A network operator must ensure, so far as is reasonably practicable, 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 must ensure, so far as is reasonably practicable, that each prescribed activity carried out on a 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.

23. Compliance with obligatory and evidentiary provisions is evidence of compliance with regulation 8 or 9

(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 that applies to the prescribed activity,

is evidence of compliance with regulation 8 in relation to that prescribed activity.

(2) Compliance by a contractor 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 that applies to the prescribed activity,

is evidence of compliance with regulation 9 in relation to that prescribed activity.

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

(1) A network operator must ensure, so far as is reasonably practicable, that each person for whom the network operator is responsible who carries out a prescribed activity on the network —

   (a) is provided with access to information setting out work standards, procedures and practices that are relevant to the activity and consistent with the requirements of these regulations; and

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

Penalty: a fine of $250 000.

(2) A contractor must ensure, so far as is reasonably practicable, that each person for whom the contractor is responsible who carries out a prescribed activity on a network —

   (a) is provided with access to information setting out work standards, procedures and practices that are relevant to the activity and consistent with the requirements of these regulations; and

   (b) has been given instruction and training, and has been 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.
Part 3 — Notification, investigation and reporting

Division 1 — Notifiable incidents

25. Terms used

(1) In this Division —

incident means an incident, event or state of affairs occurring in relation to a network that could reasonably be expected to cause the electric shock, injury or death of a person or of livestock;

notifiable incident, in relation to a network, means an incident of any of the following types —

(a) the discharge of electricity from the network, otherwise than through electrical equipment designed to discharge electricity under normal operating conditions, that —

(i) causes the electric shock, injury or death of a person or of livestock; or

(ii) causes a fire, in vegetation, that extends for more than 200 m from its origin; or

(iii) causes a fire in a building or structure that is not a part of the network; or

(iv) causes a fire, explosion or implosion in or on a part of the network, including a building or structure that is a part of the network, other than a wood pole;

(b) the supply of electricity to consumers in a way that contravenes section 25(1)(d) of the Act and that causes damage to one or more consumer’s installations that exceeds or is likely to exceed $20 000 worth in aggregate;

(c) a consumer’s installation becoming unsafe because of an error in —

(i) connecting the network to the installation; or

(ii) connecting a meter to the installation;
(d) a load imbalance or faulty neutral connection on the network that affects at least 2 consumers;

(e) the electric shock, injury or death of a person or of livestock caused by the clearance to a conductor of the network (whether overhead or underground) being less than what is required under the Act;

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

(2) An incident described in the definition of *notifiable incident* in subregulation (1) is not a notifiable incident if it was caused by an act or event over which the network operator had no control and could not reasonably be expected to have control.

26. **Notification and investigation of suspected notifiable incidents**

(1) If a network operator becomes aware of an incident (the *suspected notifiable incident*) that has or might have occurred in relation to the network and there are reasonable grounds for suspecting that the incident is a notifiable incident, this regulation applies in relation to the incident.

(2) The network operator must notify the Director of the incident —

(a) in a manner approved by the Director, as soon as possible and no later than 16 hours after the network operator becomes aware of the incident; and

(b) include in the notification all readily available details of the operation of any protective device that occurred on the network and that related, or may have related, to the incident.

Penalty: a fine of $250 000.

(3) The network operator must investigate the incident.

Penalty: a fine of $250 000.
(4) The network operator must ensure, so far as is reasonably practicable, that physical evidence relating to the incident is secured and retained until —
   (a) the Director has notified the network operator that the physical evidence is no longer required to be retained; or
   (b) the Director, with the agreement of the network operator, takes possession of the evidence.

Penalty: a fine of $250 000.

(5) If, after notifying the Director of the incident, the network operator becomes satisfied on reasonable grounds that the incident is not a notifiable incident, the network operator must notify the Director of that, as soon as is reasonably practicable.

Penalty: a fine of $250 000.

(6) A requirement to secure physical evidence under subregulation (4) is satisfied if —
   (a) the network operator moves the evidence to a place where it is secure from damage and interference; or
   (b) if it is impracticable for the evidence to be moved as described in paragraph (a) —
       (i) the evidence is at a site the subject of a notification by the Director under regulation 28(1); or
       (ii) the network operator has made arrangements, approved of by the Director, to secure the evidence.

(7) Subregulation (6) does not limit the scope or operation of subregulation (4).

(8) A person must not dispose of or destroy physical evidence relating to the incident while it is required to be retained under subregulation (4).

Penalty:
(a) for an individual, a fine of $50 000;
(b) for a body corporate, a fine of $250 000.

27. **Reporting of notifiable incidents**

(1) Unless the network operator has notified the Director that the network operator is satisfied that the incident is not a notifiable incident, the network operator must —

(a) prepare a report of the investigation of the incident in accordance with subregulation (2); and

(b) give the report to the Director within 30 working days after the day on which the incident occurred or any extension of that period the Director, in writing, allows.

Penalty: a fine of $250 000.

(2) The report 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) describe the steps taken to investigate the incident; and

(e) indicate whether the network operator proposes to revise its safety management system (if one applies to the network) and, if so, how and by when; and

(f) include or be accompanied by the following —

(i) any photographs, videos, maps or 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 investigation of the incident.

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

(1) This regulation applies to and in relation to a network operator if an electricity inspector proposes to exercise his or her powers under the Energy Coordination Act 1994 section 14 in relation to the site of a notifiable incident, or suspected notifiable incident, and the Director has notified the network operator of that.

(2) The network operator must ensure, so far as is reasonably practicable, that the site of the incident is not disturbed in such a way as to prejudice the examination of the site or the physical evidence.

Penalty: a fine of $250 000.

(3) The network operator must ensure, so far as is reasonably practicable, that each contractor who may carry out a prescribed activity at or near the site is notified that the site must not be disturbed in such a way as to prejudice the examination of the site or the physical evidence.

Penalty: a fine of $250 000.

(4) If a contractor has been notified under subregulation (3), the contractor must ensure, so far as is reasonably practicable, that the site of the 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 or the physical evidence.

Penalty:
(a) for an individual, a fine of $50 000;
(b) for a body corporate, a fine of $250 000.

(5) Subregulations (2), (3) and (4) do not apply if —
(a) the disturbance is authorised in writing by the Director; or

(b) the following conditions are satisfied, and a plan complying with subregulation (6) is prepared and complied with —

   (i) the disturbance is necessary to guard against the risk of the electric shock, injury or death of a person or of livestock; or

   (ii) the disturbance is necessary to prevent an unreasonable interruption to the supply of electricity and it is not practicable to avoid the disturbance by using alternative sources, or means of supply, of electricity to restore the supply of electricity.

(6) A plan prepared for the purposes of subregulation (5)(b) must be in writing and, to the extent relevant —

(a) set out the location, date and time of the incident; and

(b) set out the name and contact details of the person who prepared the plan; and

(c) explain why the disturbance is necessary; and

(d) set out the number of consumers affected if the supply of electricity is not restored; and

(e) explain why it is not practicable to avoid the disturbance by using alternative sources or means of supply of electricity to restore the supply of electricity; and

(f) describe the work to be undertaken at the site; and

(g) describe the steps to be taken to ensure that physical evidence relating to the incident is secured and protected.
29. **Destructive testing of physical evidence**

   (1) Regulation 26(4) and (8) do not apply to particular physical evidence, to the extent necessary to allow for destructive testing of the evidence, if —
      
      (a) the network operator believes that destructive testing of the evidence is required; and
      
      (b) the Director has been notified of that; and
      
      (c) the Director has not, within 5 working days after the day on which the Director was notified, indicated that the testing should not proceed.

   (2) If a network operator proposes to carry out destructive testing of particular physical evidence to which regulation 26(4) applies, a person nominated by the Director for the purposes of this subregulation may witness the testing.

   (3) The network operator must permit the person nominated to witness the testing.
      
      Penalty: a fine of $250 000.

30. **Statistical reporting**

   (1) The Director may, from time to time, publish information derived from reports and notifications under this Division.

   (2) The information must be in the form of amalgamated statistics that do not identify any network operator.

**Division 2 — Reporting on network safety performance**

31. **Network operators to whom this Part applies**

    This Division applies to and in relation to a network operator that is a network operator under regulation 4(a), (b), (c) or (d).
32. **Terms used**

In this Division —

*applicable standard*, in relation to a conductor, stay cable or pole, means AS/NZS 7000 or the equivalent previous standard or code applicable at the time the conductor, stay cable or pole was installed;

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

*conductor* means a wire, cable or other form of metal designed to carry an electrical current and includes a neutral conductor (whether bare or insulated), a catenary supporting a conductor, a neutral screened conductor and an aerial bundled cable;

*incident* means an incident, event or state of affairs occurring in relation to a network that could reasonably be expected to cause the electric shock, injury or death of a person or of livestock;

*network safety performance incident* has the meaning given in regulation 33;

*unassisted failure*, of a pole, conductor or stay cable, means the pole breaking or collapsing or the conductor or stay breaking, other than because of —

(a) a force exceeding the failure limit or design wind load specified in the applicable standard; or

(b) a lightning strike; or

(c) vandalism; or

(d) a fire.

33. **Network safety performance incidents**

(1) In this Division, *network safety performance incident*, in relation to a network, means —

(a) the discharge of electricity from the network, otherwise than through electrical equipment designed to discharge electricity under normal operating conditions, that
causes the electric shock, injury or death of a person or of livestock; or
(b) an incident caused by the network, other than a fire, that causes damage to property other than to the network; or
(c) a fire caused by the network that causes damage to property other than to the network; or
(d) a fire, on a wood pole that is a part of the network, that originated on the pole; or
(e) an unassisted failure of a conductor that is a part of the network; or
(f) an unassisted failure of a stay cable that is a part of the network; or
(g) an unassisted failure of a pole that is a part of the network.

(2) In this Division, the types of network safety performance incident are —
(a) each incident described in subregulation (1)(a) to (d), respectively; and
(b) an unassisted conductor failure according to whether the conductor was a part of transmission or distribution works; and
(c) an unassisted cable failure according to whether the cable was a part of transmission or distribution works; and
(d) an unassisted pole failure according to whether the pole was a part of transmission or distribution works and according to the following categories of material out of which the pole is made — hardwood, soft wood, steel, concrete, aluminium, composite fibre and other.

34. Network operator to publish annual objectives

(1) A network operator must, on or before each 30 November —
(a) give the Director a statement of network safety performance objectives that complies with subregulations (2) and (3); and

(b) publish the statement as required by subregulation (4).

Penalty: a fine of $250,000.

(2) The statement must set out, for each type of network safety performance incident, the network operator’s objective in relation to the maximum number of incidents of that type occurring in relation to the network during the financial year in which the 30 November occurs and each of the next 3 financial years.

(3) The statement must explain how the network operator developed the objectives and demonstrate that the objectives are consistent with best practice for network safety in the Australian electricity industry.

(4) The statement must be published on a website maintained by the network operator and remain so for 4 years.

(5) For a network operator that is a network operator on the day on which this regulation comes into operation, subregulations (1) and (2) are modified so that the first statement under subregulation (1) must —

(a) be given and published before 1 July 2015; and

(b) cover the financial year commencing on 1 July 2015 and the next 2 financial years.

35. **Network operator to publish quarterly outcomes**

(1) This regulation applies to each financial year that begins after a network operator is required to give its first statement of network safety performance objectives under regulation 34.

(2) The network operator must, within 40 working days after the end of each quarter in the year —
Electricity (Network Safety) Regulations 2015
Part 3 Notification, investigation and reporting
Division 2 Reporting on network safety performance
r. 36

(a) give the Director a statement of network safety performance outcomes for that quarter that complies with subregulation (3); and

(b) publish the statement as required by subregulation (4).

Penalty: a fine of $250 000.

(3) The statement of network safety performance outcomes must set out, for each type of network safety performance incident —

(a) the network operator’s current objective in relation to the maximum number of incidents of that type for the year, as published under regulation 34; and

(b) the number of incidents of that type that occurred in relation to the network during the quarter; and

(c) the number of incidents of that type that occurred in relation to the network during the period beginning at the start of the year and ending at the end of the quarter.

(4) The statement of network safety performance outcomes must be published on a website maintained by the network operator and remain so for 4 years.

(5) If, after a statement of network safety performance outcomes has been published, the network operator determines that an incident covered by the statement is not a network safety performance incident and the Director agrees with that, the network operator may amend the statement.

36. **Director may publish and comment on objectives and outcomes**

(1) The Director may publish statements given under regulations 34 and 35 on a website maintained on behalf of the Director.

(2) The Director may publish, along with those statements, the Director’s opinion as to the appropriateness of the objectives and outcomes and the Director’s assessment of the network performance.
operator’s network safety performance based on those statements.
Part 4 — Review of decisions

37. Terms used

In this Part —

*application for review* means an application made under regulation 39;

*review panel* means a panel described in regulation 40.

38. Decisions to which this Part applies

This Part applies to a decision of the Director —

(a) under regulation 13(5) to refuse to approve a day that is later than the day specified in regulation 13(4)(a) as the implementation day for a network operator; or

(b) under regulation 16(3) to refuse to extend the period for the revision of a network operator’s safety management system; or

(c) under regulation 21(1) to refuse to approve a standard or code; or

(d) under regulation 26(6)(b)(ii) to refuse to approve of arrangements for securing physical evidence; or

(e) under regulation 27(1)(b) to refuse to extend the period in which to give a report of the investigation of an incident; or

(f) under regulation 35(5) to refuse to agree that an incident is not a network safety performance incident; or

(g) under regulation 41(2) to refuse to stay or modify the operation of a decision of the Director the subject of a review under this Part.

39. 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.

(3) The Director may, in a particular case, extend the period referred to in subregulation (2).

40. **Review panels**

(1) The CEO may convene a panel of 3 independent persons 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.

(3) Each member of a review panel is to be paid the remuneration and allowances that the Minister, on the recommendation of the Public Sector Commissioner, determines for that member.

(4) Subregulation (3) does not apply to an employee as defined in the *Public Sector Management Act 1994* section 3(1).

41. **Procedure on review**

(1) The Director must give the applicant a reasonable opportunity to make submissions in relation to the 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.
r. 42

(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.

42. Costs

(1) If the Director confirms the decision under review, the applicant is liable to pay the reasonable costs of the review.

(2) The Director may seek an order for the recovery of those costs in a court of competent jurisdiction.

(3) The reasonable costs of a review include —

(a) remuneration and allowances paid to the members of a review panel convened for the purposes of the review; and

(b) costs of consultants or contractors engaged by the Director for the purposes of the review, including accommodation costs, travel costs and equipment costs; and

(c) photocopying, mailing and similar administrative costs.
**Part 5 — Miscellaneous**

43. **Contact details of network operators**

(1) In this regulation —

_Contact details_, of a person who is or is to become a network operator, means, for each network for which the person is or is to become the network operator, one or more of each of the following, a postal address, a telephone number, a facsimile number and an email address, at which the person may be contacted, or given notices or other documents for operational purposes and administrative purposes respectively.

(2) A person who is a network operator on the day on which this regulation comes into operation must, within 20 working days after that day, give the Director a notice —

(a) stating that the person is a network operator; and

(b) setting out the transmission or distribution works of which the person is the network operator; and

(c) setting out the person’s ACN (or equivalent) and contact details; and

(d) listing all related bodies corporate.

Penalty: a fine of $250 000.

(3) A person who is to become the network operator of particular transmission or distribution works after the day on which this regulation comes into operation must, at least 30 working days before the day on which the person will become the network operator of those works, give the Director a notice —

(a) stating that the person is to become the network operator of those works; and

(b) setting out the day on which that is to occur; and

(c) setting out the person’s ACN (or equivalent) and contact details; and

(d) listing all related bodies corporate.
Penalty: a fine of $250 000.

(4) A network operator who is to cease to be an operator of particular transmission or distribution works must, at least 30 working days before the day on which the person will cease to be the operator of the works, give the Director a notice —
   (a) stating that the person will cease to be the operator of the works; and
   (b) setting out the day on which that is to occur.
Penalty: a fine of $250 000.

(5) If there is a change in the name or contact details of a network operator, the network operator must, within 10 working days after the day on which the change occurred, give the Director a notice setting out the new name or contact details.
Penalty: a fine of $250 000.

(6) A notice under this regulation must be in a form approved by the Director.

(7) For the purposes of this regulation, a body corporate is related to a person if it is a related body corporate within the meaning of the Corporations Act 2001 (Commonwealth) section 9.
Part 6 — Repeal, consequential amendments and transitional provisions

Division 1 — Repeal

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

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

Division 2 — Consequential amendments

45. *Electricity (Licensing) Regulations 1991* amended

(1) This regulation amends the *Electricity (Licensing) Regulations 1991*.

(2) In regulation 63(7)(a):

(a) delete “incident” and insert:

incident, or suspected notifiable incident,

(b) delete “*Electricity (Supply Standards and System Safety) Regulations 2001* regulation 35(1)(a); and” and insert:

*Electricity (Network Safety) Regulations 2015* regulation 26(1); and

46. *Electricity Regulations 1947* amended

(1) This regulation amends the *Electricity Regulations 1947*.

(2) Delete Schedule 1 Table 4 and insert:
Table 4 — *Electricity (Network Safety) Regulations 2015* offences

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Description of offence under <em>Electricity (Network Safety) Regulations 2015</em></th>
<th>Modified penalty</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>r. 15(1)</td>
<td>Failure by network operator to have safety management system</td>
<td></td>
<td>$50 000</td>
</tr>
<tr>
<td>r. 16(1)</td>
<td>Failure by network operator to review and revise safety management system</td>
<td></td>
<td>$50 000</td>
</tr>
<tr>
<td>r. 16(2)</td>
<td>Failure by network operator to revise safety management system following amendment of AS 5577</td>
<td></td>
<td>$50 000</td>
</tr>
<tr>
<td>r. 17(1)</td>
<td>Failure by network operator to ensure prescribed activity carried out in accordance with safety management system</td>
<td></td>
<td>$50 000</td>
</tr>
<tr>
<td>r. 17(2)</td>
<td>Failure by network operator to ensure other requirements of safety management system complied with</td>
<td></td>
<td>$10 000</td>
</tr>
<tr>
<td>r. 17(3)</td>
<td>Failure by contractor to ensure prescribed activity carried out in accordance with safety management system</td>
<td>$2 000</td>
<td>$10 000</td>
</tr>
<tr>
<td>r. 26(8)</td>
<td>Destroying or disposing of physical evidence relating to incident</td>
<td>$5 000</td>
<td>$50 000</td>
</tr>
</tbody>
</table>
| r. 27(1)     | Failure by network operator —  
(a) to give report on incident within 30 working days (or any extended period) after incident; or  
(b) if a report is given — to give report that complies with regulation 27(2) |                   | $50 000 |
<p>|              |                                                                                |                   | $10 000 |</p>
<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Description of offence under Electricity (Network Safety) Regulations 2015</th>
<th>Modified penalty</th>
<th>For individual</th>
<th>For body corporate</th>
</tr>
</thead>
<tbody>
<tr>
<td>r. 29(3)</td>
<td>Failure by network operator to permit witnessing of testing</td>
<td></td>
<td></td>
<td>50 000</td>
</tr>
<tr>
<td>r. 34(1)</td>
<td>Failure by network operator to give or publish statement of network safety performance objectives</td>
<td></td>
<td></td>
<td>$10 000</td>
</tr>
<tr>
<td>r. 35(2)</td>
<td>Failure by network operator to give or publish statement of network safety performance outcomes</td>
<td></td>
<td></td>
<td>$10 000</td>
</tr>
<tr>
<td>r. 43(2)</td>
<td>Failure by network operator to inform Director and give details</td>
<td></td>
<td></td>
<td>$5 000</td>
</tr>
<tr>
<td>r. 43(3)</td>
<td>Failure by person who is to become network operator to inform Director and give details</td>
<td></td>
<td></td>
<td>$5 000</td>
</tr>
<tr>
<td>r. 43(4)</td>
<td>Failure by person who is to cease to be network operator to inform Director and give details</td>
<td></td>
<td></td>
<td>$5 000</td>
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<tr>
<td>r. 43(5)</td>
<td>Failure by network operator to give notice of change in name or contact details</td>
<td></td>
<td></td>
<td>$5 000</td>
</tr>
</tbody>
</table>

(3) In Schedule 2 Forms 1 and 2 delete “Electricity (Supply Standards and System Safety) Regulations 2001 r.” and insert:

*Electricity (Network Safety) Regulations 2015 r.*
Division 3 — Transitional provisions

47. Terms used

In this Division —

*commencement day* means the day on which this regulation comes into operation;

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

48. Standards and codes

(1) If, immediately before commencement day, the approval of the Director under regulation 11(1)(c) of the repealed regulations of a standard or code was in effect, the standard or code becomes, on commencement day, a standard or code approved by the Director under regulation 21(1).

(2) Subregulation (1) does not prevent the revocation of the approval under regulation 21(3).

(3) If a decision by the Director under regulation 11(2) of the repealed regulations to refuse to approve a standard or code was made within 10 working days before commencement day, the decision has effect for the purposes of regulation 38 as if made under regulation 21(1).

49. Notifiable incidents that occurred before commencement day

If —
(a) a notifiable incident (as defined in regulation 34 of the repealed regulations) occurred before commencement day in, on or in connection with a network (as defined in regulation 3(1) of the repealed regulations); and

(b) the report of the incident under regulation 36 of the repealed regulations is not submitted before commencement day; and

(c) the period for the submission of the report does not expire before commencement day,

regulation 27 applies in relation to the incident.
Schedule 1 — Standards and codes containing evidentiary provisions

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


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.


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 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.


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.


**Division 5 — Power coordination**


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

Division 1 — General


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 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 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.

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.


### 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/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 2791-1996 High-voltage switchgear and controlgear — Use and handling of sulphur hexafluoride (SF6) 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 60044.2-2007 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 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.

Clerk of the Executive Council.