

Version No. 003

**Electricity Safety (Management) Regulations  
1999**

S.R. No. 140/1999

Version incorporating amendments as at 16 December 2003

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**Electricity Safety (Management) Regulations  
1999**

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Version incorporating amendments as at 16 December 2003

**PART 1—PRELIMINARY**

**1. Objective**

The objective of these Regulations is to provide for the requirements, procedures, fees and other matters relating to the acceptance of electricity safety managers and electricity safety management schemes.

**2. Authorising provisions**

These Regulations are made under sections 149A, 150 and 157 of the **Electricity Safety Act 1998**.

**3. Commencement**

These Regulations come into operation on 31 December 1999.

**4. Definitions**

In these Regulations—

**"employer operator"** means a scheme operator referred to in section 107(1)(a) or (1)(c) of the Act;

Reg. 4 def. of "employer operator" amended by S.R. No. 8/2001 reg. 5.

**"function"** means a relevant function for which acceptance as an electricity safety manager is sought;

**"network operator"** means a scheme operator referred to in section 107(1)(b) of the Act;

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Part 1—Preliminary

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**"published technical standard"** means a document giving technical information, guidance or advice published by—

- (a) Standards Australia; or
- (b) Standards New Zealand; or
- (c) the British Standards Institute; or
- (d) the International Organisation for Standardisation (IOS); or
- (e) the International Electrotechnical Commission; or
- (f) any similar standards organisation within or outside Australia approved by the Office; or
- (g) the Office;

**"the Act"** means the **Electricity Safety Act 1998**.

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**PART 2—ELECTRICITY SAFETY MANAGERS**

**5. Applications for acceptance**

An application for acceptance as an electricity safety manager must specify—

- (a) the name, position, business address and telephone number of—
  - (i) the applicant; and
  - (ii) the person substantially responsible for the preparation and submission of the application or any part of the application; and
  - (iii) the person who will have management or control of the exercise of the functions; and
- (b) the name, position, business address and telephone number and duties of any person who will be responsible for the exercise of the functions; and
- (c) the particulars of the systems and procedures referred to in regulation 6 to be followed for the proper exercise of the functions.

**6. Details of manager's systems and procedures**

- (1) The electricity safety manager's systems must specify—
  - (a) the means by which the electricity safety manager will ensure that the exercise of the functions is in accordance with the Act and the regulations under the Act; and
  - (b) the key performance indicators to be used to determine the electricity safety manager's level of compliance with the Act and the regulations under the Act; and

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Part 2—Electricity Safety Managers

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- (c) the work systems and staffing systems to be used in the exercise of the functions to ensure, as far as practicable, that—
  - (i) each area of work in relation to the exercise of a function is assessed to identify the minimum qualifications, proficiency and experience requirements for a person assigned to carry out that work; and
  - (ii) only persons with the qualifications, proficiency and experience appropriate to a function to be exercised are assigned to carry out that work; and
  - (iii) any training necessary for persons assigned to carry out that work is provided.
- (2) The electricity safety manager's procedures must specify—
  - (a) the processes to be used by the electricity safety manager for monitoring, auditing and reviewing the procedures, systems and standards specified in the electricity safety manager's application; and
  - (b) the methods by which any deficiencies in the processes referred to in paragraph (a) will be regularly and systematically identified; and
  - (c) the methods by which the processes referred to in paragraph (a) will be regularly and systematically improved.

**7. Application fee**

The fee for an application under section 98(2)(c)(ii) of the Act is \$1000.

## **8. Bond**

- (1) The Office may require an accepted electricity safety manager to pay, in respect of a function specified in column 1 of the Table in the Schedule, a bond in the form of a bank guarantee of an amount not exceeding that specified in column 2 of the Table opposite that function.
- (2) If an electricity safety manager does not—
  - (a) comply with any condition to which his or her acceptance is subject; or
  - (b) perform the functions in accordance with the Act or the regulations under the Act; or
  - (c) comply with a direction under section 104 or 105 of the Act—

the Office is entitled to the bond or part of the bond as compensation for any loss or damage suffered by the Office because of the non-compliance or non-performance.

## **9. Directions of the Office for information**

An accepted electricity safety manager must provide information required by the Office in accordance with a direction under section 104(2) of the Act within 10 business days after the date the direction was given.

## **10. Change of details**

It is a prescribed condition of an acceptance of an electricity safety manager that the accepted electricity safety manager notify the Office of any change to the positions or persons specified in regulation 5(a)(iii) and (b) within 10 business days after the change occurs.

## **11. Records**

- (1) An accepted electricity safety manager must keep the following records—
  - (a) written applications, documents accompanying applications, additional information in respect of any application and correspondence received by the electricity safety manager in the exercise of his or her functions;
  - (b) details of licences, registrations, approvals and certifications that have been granted, given, refused or withdrawn by the electricity safety manager in the exercise of his or her functions;
  - (c) reports setting out the electricity safety manager's level of compliance with the Act and the regulations under the Act as determined by the key performance indicators;
  - (d) reports of the results of monitoring, auditing and reviewing the procedures, systems and standards referred to in regulation 6(2)(a);
  - (e) reports setting out the deficiencies in the processes identified by the methods referred to in regulation 6(2)(b) and the improvements made to those processes.
- (2) The records must be kept for a period of 7 years after the creation of the record.

## **12. Accounts**

An accepted electricity safety manager must keep—

- (a) proper accounts and records of the transactions and affairs of the electricity safety manager; and

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- (b) any other working papers that are necessary to explain the methods and calculations by which the accounts are made up; and
  - (c) any other records that sufficiently explain the financial operations and financial position of the electricity safety manager.

**13. Application for exemption**

- (1) The Office may, on the application of an accepted electricity safety manager, exempt the electricity safety manager from any of the requirements of these Regulations.
- (1A) An exemption under sub-regulation (1) may be subject to conditions (if any) specified by the Office.
- (2) An application must be in writing and state—
  - (a) the name, address and telephone number of the applicant; and
  - (b) the exemption requested; and
  - (c) the reasons for applying for the exemption.

Reg. 13(1A)  
inserted by  
S.R. No.  
8/2001 reg. 6.

**PART 3—ELECTRICITY SAFETY MANAGEMENT  
SCHEMES**

**14. Specified persons**

An electricity safety management scheme must specify—

- (a) the name, address and telephone number of the scheme operator; and
- (b) in the case of an employer operator—
  - (i) the names and qualifications of persons nominated to carry out the electrical work under the scheme; and
  - (ii) the name, position, business address and telephone number of the person who has management or control of the electrical installation or electrical equipment on which the electrical work is required to be carried out;
- (c) in the case of a network operator, the name, position, business address and telephone number of the person who has management or control of the upstream network.

**15. Scheme description**

- (1) An electricity safety management scheme submitted by an employer operator must contain a description of the electrical work to which the scheme relates and the electrical installation or electrical equipment requiring that work.
- (2) An electricity safety management scheme submitted by a network operator must contain a description of the design, construction, operation and maintenance of the upstream network to which the scheme relates.

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- (3) The description must provide sufficient information to enable the Office to identify the location, extent and scope of the electrical installation or electrical equipment requiring that work or the network operator's upstream network and to assess the risks associated with the safety of the electrical installation, electrical equipment or the upstream network.
- (4) An electricity safety management scheme must set out a system for notifying the Office of any change to the positions or persons specified in the electricity safety management scheme within 10 business days after the change occurs.

**16. Safety assessment**

An electricity safety management scheme must contain a safety assessment relating to the carrying out of electrical work for the employer operator or to the network operator's upstream network that—

- (a) specifies the name, qualifications, position, business address and telephone number of the person responsible for making the safety assessment; and
- (b) describes the methodology used and investigations undertaken for the safety assessment; and
- (c) assesses and records systematically and in detail the hazards and risks associated with the electrical installation, electrical equipment or the upstream network, including the likelihood and consequences of—
  - (i) any serious electrical incident; and

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- (ii) any incident in which a person makes accidental contact involving electricity with the electrical installation or equipment or with the upstream network or receives an electric shock as the result of direct or indirect contact with the electrical installation or equipment or with the upstream network; and
- (d) describes the measures taken or to be taken to, as far as practicable—
  - (i) prevent those hazards; and
  - (ii) reduce those risks; and
  - (iii) maintain the level of safety required under the Act and the regulations under the Act; and
- (e) specifies the extent to which the communication systems need to operate in emergencies.

**17. Exemptions to be specified**

An electricity safety management scheme must specify—

- (a) all provisions of the regulations relating to the installation and operation of electrical installations or supply networks from which the scheme operator is to be exempted; and
- (b) in the case of a scheme under which a person authorised under the scheme to carry out a class or type of electrical work is to be exempt from compliance with—
  - (i) any of the regulations relating to the carrying out of that class or type of work; or

Reg. 17  
substituted by  
S.R. No.  
8/2001 reg. 7.

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- (ii) the provisions referred to in section 113(2) of the Act—

all provisions of the regulations relating to the carrying out of that class or type of work and the provisions referred to in that section from which the person is to be exempted; and

- (c) in the case of a scheme under which a person carrying out a specified class or type of electrical work on the premises to which the scheme applies is to be exempt from compliance with—

- (i) any of the regulations relating to the carrying out of that class or type of work; or

- (ii) the provisions referred to in section 113(2A) of the Act—

all provisions of the regulations relating to the carrying out of that class or type of work and the provisions referred to in that section from which the person is to be exempted.

**18. Electrical incidents**

- (1) The electricity safety management scheme must specify the standards to be used for recording and investigating—
- (a) any serious electrical incident involving the electrical installation or electrical equipment of an employer operator or a network operator's upstream network to which the scheme relates; and
- (b) any incident in which a person has made accidental contact involving electricity with the electrical installation or equipment or with the upstream network or has received an electric shock as the result of direct or

indirect contact with the electrical installation or equipment or with the upstream network.

- (2) The electricity safety management scheme must specify the management systems to be used for reviewing and taking action on the information recorded or the results of the investigations referred to in sub-regulation (1).

**19. Safety management system**

- (1) An electricity safety management scheme must specify a safety management system in relation to the safety of—
  - (a) the electrical work to be carried out by the persons nominated by the employer operator; or
  - (b) the design, construction, operation and maintenance of the upstream network of the network operator.
- (2) The safety management system must contain a safety policy and the methods and procedures required by regulations 20, 21, 22, 23, 24, 25, 26 and 27 by which the policy is to be implemented.
- (3) The safety management system must specify the following details—
  - (a) the name, position, business address and telephone number of—
    - (i) each person responsible for determining the safety policy; and
    - (ii) each person responsible for the implementation of the safety policy and his or her duties; and
  - (b) the means by which the safety policy is communicated to all persons required to implement the policy; and

- (c) the key performance indicators used to determine the scheme operator's level of compliance with the electricity safety management scheme, the relevant provisions of the Act and of the regulations under the Act.

**20. Electrical work and design, construction, operation and maintenance of upstream network**

- (1) The safety management system must specify the means by which an employer operator will ensure that electrical work—
  - (a) is adequate for the safe operation of the electrical installation or electrical equipment; and
  - (b) takes into account the results of the safety assessment for the scheme; and
  - (c) meets any published technical standards specified in the safety management system; and
  - (d) is carried out by the persons nominated to carry out the work.
- (2) The safety management system must specify the means by which a network operator will ensure that the design, construction, installation, operation and maintenance of the upstream network and any modification of the upstream network—
  - (a) are adequate to ensure the safe operation and structure of the upstream network; and
  - (b) take into account the results of the safety assessment for the upstream network; and
  - (c) meet any published technical standards specified in the safety management system; and

- (d) provide adequate means of automatically isolating the upstream network or any part of the network in the event of an emergency; and
- (e) provide adequate means of providing access for servicing and maintenance of the upstream network and associated equipment; and
- (f) provide adequate means of maintaining the structure and operation of the upstream network; and
- (g) provide adequate means of preventing unauthorised access by the public to the upstream network.

#### **21. Equipment**

The safety management system must specify—

- (a) the equipment that is essential to ensure the safety of the electrical installation, electrical equipment or the upstream network to which the scheme relates; and
- (b) the systems in place to ensure that the equipment referred to in paragraph (a)—
  - (i) operates in normal conditions and, to the extent it is intended to function, in an emergency; and
  - (ii) is tested and maintained.

#### **22. Permit to work system**

- (1) The safety management system must specify all work that may affect the safety of the electrical installation, electrical equipment or upstream network to which the scheme relates.

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Part 3—Electricity Safety Management Schemes

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- (2) If work is specified under sub-regulation (1), a permit to work system must be established and maintained as part of the electricity safety management scheme.
- (3) A permit to work system must—
- (a) prohibit any person who does not have a written permit to work issued by a person authorised by the scheme operator from—
    - (i) having access to the electrical installation or equipment or the upstream network or parts of the electrical installation or equipment or upstream network to which the scheme relates; and
    - (ii) performing work specified under sub-regulation (1); and
  - (b) specify the position of the person who is authorised by the scheme operator to issue permits to work; and
  - (c) make provision to ensure that persons issuing permits to work and persons requiring permits to work are competent and are provided with appropriate training, procedures, tools, equipment and emergency support.

**23. Emergency preparedness**

The safety management system must specify—

- (a) a response plan that addresses all reasonably foreseeable emergencies arising from the hazards and risks that have been identified as a result of the safety assessment; and
  - (b) in the case of an employer operator, the means by which the operator will ensure the continued safety of electrical work being
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carried out on electrical installations and electrical equipment; and

- (c) in the case of a network operator, the means by which the operator will ensure the continued safe operation and structure of the upstream network.

#### **24. Communications systems**

- (1) The safety management system must specify communications systems—
  - (a) within the organisation of the scheme operator; and
  - (b) between the scheme operator and—
    - (i) any other person who may be affected by an emergency; and
    - (ii) the relevant fire control authorities and other emergency service authorities; and
    - (iii) the Office.
- (2) The safety management system must provide for communications systems that are—
  - (a) adequate to handle—
    - (i) a reasonably foreseeable emergency relating to the electrical installation or electrical equipment or upstream network; and
    - (ii) the normal operational requirements of the electrical installation or electrical equipment or upstream network; and
  - (b) protected so as to be capable of operation in an emergency to the extent specified by the safety assessment.

**25. Internal monitoring, auditing and reviewing**

The safety management system must specify—

- (a) the processes by which the scheme operator will monitor, audit and review—
  - (i) the recording and investigation of electrical incidents required by regulation 18(1); and
  - (ii) the implementation of the safety policy required by regulation 19(2); and
- (b) the methods by which any deficiencies in the processes referred to in paragraph (a) will be regularly and systematically identified; and
- (c) the methods by which the processes referred to in paragraph (a) will be regularly and systematically improved.

**26. Training**

The safety management system must specify the work and staffing systems used in relation to the electrical installation or electrical equipment of an employer operator or the upstream network of a network operator to ensure, as far as practicable, that—

- (a) only persons with the qualifications, proficiency and experience appropriate to the work that may affect the safety of the electrical installation or electrical equipment or the upstream network are assigned to carry out that work; and
- (b) any training necessary for persons assigned to carry out that work is provided.

**27. Published technical standards to be used**

A safety management system must not specify technical standards other than published technical standards to be applied in connection with electrical work to be carried out by the persons nominated by an employer operator or in the design, construction, operation and maintenance of the upstream network of a network operator.

**28. Records**

- (1) A scheme operator must keep the following records relating to the electricity safety management scheme—
  - (a) a report setting out the scheme operator's level of compliance with the electricity safety management scheme and the relevant provisions of the Act and of the regulations under the Act as determined by the key performance indicators;
  - (b) the results of monitoring, auditing and reviewing—
    - (i) the recording and investigation of electrical incidents referred to in regulation 25(a)(i); and
    - (ii) the implementation of the safety policy referred to in regulation 25(a)(ii);
  - (c) a report setting out any deficiencies in the processes identified by the methods referred to in regulation 25(b) and the improvements made to those processes.

Penalty: 20 penalty units.

- (2) A scheme operator must make available to the Office any record referred to in sub-regulation (1) that is requested by the Office during the normal business hours of the scheme operator.

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Part 3—Electricity Safety Management Schemes

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- (3) The records must be kept—
- (a) at an address nominated by the scheme operator in the electricity safety management scheme; and
  - (b) in a manner that makes their retrieval reasonably practicable; and
  - (c) in a secure manner; and
  - (d) for the period of 7 years after the creation of the record.

**29. Application fee**

The fee for an application under section 107(2)(a) of the Act is \$1000.

**30. Acceptance fee**

The prescribed fee for acceptance of an electricity safety management scheme is \$1000.

**31. Annual administration fee**

- (1) The prescribed annual administration fee, under section 114(2) of the Act, for—
- (a) an employer operator who has nominated—
    - (i) not more than 5 persons to carry out the electrical work under the electricity safety management scheme is \$3500;
    - (ii) between 6 and 50 persons to carry out the electrical work under the electricity safety management scheme is \$4500;
    - (iii) 51 or more persons to carry out the electrical work under the electricity safety management scheme is \$6500;
  - (b) a network operator is \$10 000;

Reg. 31(1)  
amended by  
S.R. No.  
149/2003  
reg. 3(a).

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Part 3—Electricity Safety Management Schemes

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Reg. 31(1)(c)  
inserted by  
S.R. No.  
149/2003  
reg. 3(b).

- (c) a scheme operator of a combined electricity safety management scheme submitted under sections 107(1)(a) and 107(1)(b) or sections 107(1)(b) and 107(1)(c) of the Act, is the sum of—
  - (i) \$10 000; and
  - (ii) the relevant fee applicable to an employer operator under sub-regulation (1)(a);
- (d) a scheme operator of a combined electricity safety management scheme submitted under sections 107(1)(a) and 107(1)(c) of the Act, is the relevant fee applicable to an employer operator under sub-regulation (1)(a).

- (2) The annual administration fee must be paid to the Office within 5 business days after the date of the Order approving the electricity safety management scheme and within 5 business days before each anniversary of that date.

### **32. Rebate of fees**

The Office may rebate the payment of an annual administration fee if the compliance audits under section 114A of the Act demonstrate compliance with the accepted electricity safety management scheme.

### **33. Application for exemption**

- (1) The Office may, on the application of the scheme operator, exempt an electricity safety management scheme from any of the requirements of these Regulations.
- (1A) An exemption under sub-regulation (1) may be subject to conditions (if any) specified by the Office.

Reg. 31(1)(d)  
inserted by  
S.R. No.  
149/2003  
reg. 3(b).

Reg. 32  
amended by  
S.R. No.  
149/2003  
reg. 4.

Reg. 33(1A)  
inserted by  
S.R. No.  
8/2001 reg. 8.

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- (2) An application must be in writing and state—
- (a) the name, address and telephone number of the applicant; and
  - (b) the exemption requested; and
  - (c) the reasons for applying for the exemption.
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Sch.

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Maximum amount of bank guarantee</i>
Registration and renewal of registration of electrical contractors under section 31 of the Act	\$400 000
Licensing of electrical workers and renewal of licences under section 40 of the Act	\$1 000 000
Issuing certificates of compliance of electrical equipment under section 55 of the Act	\$100 000
Issuing certificates of acceptance of electrical equipment under section 56 of the Act	\$100 000
Approving electrical equipment under section 58 of the Act	\$300 000
Requiring modifications to be made to approved electrical equipment under section 60 of the Act	\$100 000
Approving samples of prescribed electrical equipment under section 61 of the Act	\$20 000
Withdrawing approval of electrical equipment under section 62 of the Act	\$100 000

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Endnotes

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**ENDNOTES**

**1. General Information**

The Electricity Safety (Management) Regulations 1999, S.R. No. 140/1999 were made on 14 December 1999 by the Governor in Council under sections 149A, 150 and 157 of the **Electricity Safety Act 1998**, No. 25/1998 and came into operation on 31 December 1999: regulation 3.

The Electricity Safety (Management) Regulations 1999 will sunset 10 years after the day of making on 14 December 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

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**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Electricity Safety (Management) Regulations 1999 by statutory rules, subordinate instruments and Acts.

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Electricity Safety (Management) (Amendment) Regulations 2001, S.R. No. 8/2001

*Date of Making:* 13.2.01

*Date of Commencement:* 15.2.01: reg 3

Electricity Safety (Management) (Amendment) Regulations 2003, S.R. No. 149/2003

*Date of Making:* 16.12.03

*Date of Commencement:* 16.12.03

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Endnotes

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**3. Explanatory Details**

No entries at date of publication.