

Electricity Safety Bill – consultation draft submission

Submission instructions

Thank you for taking the time to review the Electricity Safety Bill and provide feedback.

To help with coordinating the review and tracking of responses, please following these instructions.

- 1 Please use the Submission Response Details sheet below to provide a response, including any suggested improvements.
- 2 Only document a response to a clause where you have a concern or issue, or a suggested enhancement.
- 3 Document the clause number (e.g 22), subclause (e.g. (2)) and paragraph e.g. (a) (as appropriate, e.g. for 22(2)(a)) in the column provided for each issue/suggestion you have.
- 4 If you are happy with a clause, there is no need to document anything.
- 5 Where no response is documented for a clause, it will be considered as an indication that you are happy with the clause as is.
- 6 Where you have an electricity safety issue or concern that is not covered in the Bill, please document it in the columns provided, without a clause, subclause and paragraph specification.
- 7 If you have no issues, concerns or suggested enhancements, please email John Britten (john.britten@justice.tas.gov.au) and acknowledge that is the case by 5 pm 4 March 2020.

Tasmanian Networks Pty Ltd Electricity Safety Bill – consultation draft submission

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “aerial wiring system”</p> <p>This definition is used in the following clauses: (1) clause 26 – New power supply lines; (2) clause 27 – Existing power supply lines; (3) clause 30 – Safe envelope space; (4) clause 32 - Inspection of aerial wiring systems and supporting structures; and (5) clause 40 - Inspection and maintenance of aerial wiring systems.</p> <p>The above clauses impose obligations on the “owner/operator” of an aerial wiring system, however, the definition is general in nature, does not relate to a particular category of network and does not state who is the relevant owner/operator.</p> <p>Further, the definition should make it clear that aerial wiring system includes any supporting structures (this is set out in clause 32 but not clause 40).</p>	<p><i>aerial wiring system</i> means an above-ground system of conductors and associated equipment that are supported by an insulator or purpose-designed fittings (including any supporting structures), that –</p> <ul style="list-style-type: none"> (a) for a distribution network – forms part of the distribution network and is owned or operated by the relevant electricity entity; (b) for a transmission network - forms part of the transmission network and is owned or operated by the relevant electricity entity; or (c) for an electrical installation - forms part of the electrical installation and is owned or operated by the relevant owner. 	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “defective”</p> <p><u>Comment 1:</u></p> <p>This definition is not wide enough to capture the risks and hazards referred to in the Bill.</p> <p><u>Comment 2:</u></p> <p>“electrical infrastructure” is not defined in the Bill.</p>	<p><u>Comment 1:</u></p> <p>Insert the following new paragraph: (e) whose use or operation risks or poses a risk of the happening of a serious electrical accident or a hazard or risk described in section 87.</p> <p><u>Comment 2:</u></p> <p>Remove “electrical infrastructure” and replace with “electricity infrastructure”. (2 occurrences)</p>	
3			<p>Definition of “distribution network”.</p> <p>The reference to “electrical apparatus” should be replaced with “electricity infrastructure” as the former is the subordinate term in the latter definition.</p> <p>The reference to “electrical equipment” is not needed as this term is included in the definition of “electrical apparatus”.</p> <p>Further noting that “electrical equipment” is not used in the definition of “electrical installation”.</p> <p>Importantly, this definition needs to be consistent with clause 3A(1) of the <i>Electricity Supply Industry Act 1995</i> and the National Electricity Rules.</p>	<p>Delete the definition and replace it with.</p> <p>distribution network means the electricity infrastructure owned and operated by an electricity entity and used for the purpose of distributing electricity to a consumer up to and including the point of supply, and which the National Electricity Rules specify as, or forming part of a distribution system.</p> <p>There will also need to be two new definitions.</p> <p>National Electricity Law means the National Electricity Law contained in the schedule (as amended from time to time) to the <i>National Electricity (South Australia) Act 1996</i> of South Australia.</p> <p>National Electricity Rules has the same meaning as in the National Electricity Law.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “electrical apparatus”.</p> <p>The definition should make it clear that a “wiring system” includes any supporting structures.</p>	<p>After “wiring systems” include “(including any aerial wiring system and associated supporting structures)”.</p>	
3			<p>Definition of “electrical installation”</p> <p>It is clear from the definition of “point of supply” and clause 25 that the term “electricity infrastructure” relates to an electricity entity and the term “electrical installation” relates to an owner of premises.</p> <p>The definition should make it clear (1) that it relates to an owner of premises; and (2) that an electrical installation does not include a distribution network.</p>	<p>electrical installation means any electrical apparatus owned or operated by an owner and installed for the conveyance, control, protection, measurement or use of electricity whether or not it is connected to a distribution network but it does not include a distribution network.</p> <p>This definition will need further consultation to determine whether meter panels are included or not.</p>	
3			<p>“electricity infrastructure” versus “electrical infrastructure”</p> <p>The term “electricity infrastructure” is defined in the draft Bill (being used 91 times). This definition has previously been used in the <i>Electricity Supply Industry Act 1995</i>.</p> <p>However, “electrical infrastructure” is not defined (only used 10 times). This definition has previously been used in the <i>Electricity Industry Safety and Administration Act 1997</i>.</p>	<p>Replace occurrences of “electrical infrastructure” with “electricity infrastructure”.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “electricity infrastructure”</p> <p>This definition should refer to the specific definitions of “generation assets”, “distribution network” and “transmission network” rather than the general term “electrical apparatus” so that there is absolute clarity about the assets in question and who is the relevant owner or operator.</p> <p>Further, the definition should exclude an “electrical installation”.</p>	<p><i>electricity infrastructure</i> means any generation assets, transmission network and distribution network, as applicable, but it does not include an electrical installation.</p>	
3			<p>“electricity storage system” versus “electrical storage system”</p> <p>The term “electricity storage system” is defined in the draft Bill (being used 145 times).</p> <p>However, there are two instances of the term “electrical storage system”, which is not defined in the Bill.</p>	<p>Replace occurrences of “electrical storage system” with “electricity storage system”.</p>	
3			<p>Definition of “electrical work”</p> <p>This term is defined twice (page 12 and 13).</p>	<p>Remove the definition on page 13 as there appears to be an error in the title of the legislation that is being referred to.</p> <p>Keep the definition:</p> <p><i>“electrical work</i> has the meaning given by regulation 4 of the <i>Occupational Licensing (Electrical Work) Regulations 2018;</i>”</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “energise”</p> <p>The definition is not scientifically correct. It should refer to the “flow of electrical power” and not “flow of electricity”.</p>	Delete “electricity” and replace with “electrical power”.	
3			<p>Definition of “operator”</p> <p>This definition should make it clear when the term “operator” relates to operating and maintaining electricity infrastructure and when the term “operator” relates to operating and maintaining electrical installations.</p> <p>Network Operator can be replaced by electricity entity in clause 38.</p>	<p>Delete</p> <p>“operator means a person who is engaged by an electricity entity, owner or operator to operate and maintain electricity infrastructure or an electrical installation”,</p> <p>and replace with:</p> <p>“operator means:</p> <ul style="list-style-type: none"> (a) in relation to electricity infrastructure, an electricity entity or the person engaged by an electricity entity to operate and maintain that electricity infrastructure; and (b) in relation to an electrical installation, means the owner of that electrical installation or a person engaged by the owner to operate and maintain that electrical installation.” 	
3			<p>Definition of “point of connection”</p> <p>This definition is not used in the Bill.</p>	Delete the definition.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “point of supply”</p> <p>This definition needs to reflect the definition in the Tasmanian Electricity Code.</p> <p>Also, the concept “demarcation” should refer to responsibility and liability.</p> <p>For high voltage connections we would like the ability to negotiate the point of connection rather than have it strictly defined.</p> <p>Also, high voltage should be defined as a voltage greater than 1000V in keeping with the Tasmanian Electricity Code.</p>	<p><i>point of supply</i> means the point of demarcation of ownership, responsibility and liability between the electricity entity’s electricity infrastructure and the owner’s electrical installation being –</p> <p>(a) in the case of an electrical installation supplied by an underground electric line, the load-side terminals of the service protection equipment at the end of the underground electric line;</p> <p>(b) in the case of an electrical installation supplied by an overhead electric line, the first point of connection of that electric line on the land, being:</p> <p>(1) where the electric line is carried onto the land by one or more poles, the first pole on the land carrying that electric line;</p> <p>(2) where the electric line is connected directly to premises on that land, the connection to the premises; or</p> <p>(3) where it is not possible to determine a point of supply in accordance with (1) or (2) above, the point at which the electric line crosses the boundary of the land.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
3			<p>Definition of “transmission network”</p> <p>This definition should reflect the definition in the National Electricity Rules (NER) – that is, referring to the nominal voltages that the network operates at.</p> <p>Alternatively:</p> <p>The reference to “electrical apparatus” should be replaced with “electricity infrastructure” as the former is the subordinate term in the latter definition.</p> <p>The transmission network also connects directly to some major industrial customers.</p>	<p>transmission network has the same meaning as in the NER.</p> <p>Alternatively, the definition should be deleted and replaced with:</p> <p>transmission network means the electricity infrastructure and any other equipment or plant owned and operated by an electricity entity and used for the purposes of transmitting electricity to the distribution network or major industrial customers from the generation assets.</p>	
4		(b)	<p>Regulated activities</p> <p>Paragraph (b) should include “inspections”.</p>	<p>In paragraph (b) after “management,” insert “inspection”.</p>	
4		(d)	<p>In paragraph (d) “other activities” is very broad.</p>	<p>In paragraph (d) further clarity is needed to the term “other activities”.</p>	
9		(a)	<p>Functions of Director</p> <p>Uses the term “electrical infrastructure” which is not defined.</p>	<p>Remove “electrical infrastructure” and replace with “electricity infrastructure”.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
9		(c)	The paragraph refers to “electricity safety management schemes” should this be instead referring to “electricity safety management systems”?	Replace “schemes” with “systems”.	
15	(1)		<p>Power to direct rectification</p> <p><u>Comment 1</u></p> <p>This subclause uses the words “person in charge” (which words are currently used in clause 64 of the <i>Electricity Industry Safety and Administration Act 1997</i>).</p> <p>The obligations linked to electricity infrastructure should be placed on the electricity entity while for electrical installations, the obligations should be placed on the owner. This would remove the need to include “person in charge”.</p> <p>See comments in relation to the clause 3 definition of “operator”.</p> <p><u>Comment 2</u></p> <p>For consistency with the definition of “deficient” and the overriding safety policy of the Bill, “specified work” should include to make safe the deficiency.</p> <p><u>Comment 3</u></p> <p>Uses the term “electrical infrastructure” which is not defined.</p>	<p>With comment 1, delete “owner or person in charge of the” and replace it with “the electricity entity, owner or operator in charge of the relevant”.</p> <p>With comment 2, delete “or replace” and replace it with “, replace or make safe.”</p> <p>With comment 3, delete “electrical infrastructure” and replace with “electricity infrastructure”.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
15	(2)		Same comment as for Comment 2 in clause 15(1).	Delete “both technical and structural” and replace it with “technical, structural and safety”.	
15	(3)		This paragraph refers to the Director disconnecting. It should refer to the Director authorising or directing the disconnection. Same Comment 3 as for subclause (1).	Delete “disconnect” and insert “authorise or direct the disconnection of”. With comment 3 - delete “electrical infrastructure” and replace with “electricity infrastructure”.	
16			Relocation of certain infrastructure or installations Uses the term “electrical infrastructure” which is not defined. This clause uses the words “person in charge”.	Delete the following: “The Director may direct the person in charge of any electrical infrastructure, electrical installation or electricity storage system that has been” And replace with: “The Director may direct, for electricity infrastructure, the electricity entity, or for electrical installations and electricity storage system, the owner that has been”	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
17			<p>Power to direct discontinuance of supply</p> <p><u>Comment 1</u></p> <p>This clause uses the phrase “discontinue the supply of electricity” whereas the Bill, generally, refers to disconnecting electricity infrastructure or installations. Consistent terms should be used.</p> <p><u>Comment 2</u></p> <p>In this clause the trigger for the direction relates to reasons of safety.</p> <p>Consider if this is too narrow and whether the trigger should be linked to clauses 15 and 31(4).</p>	<p><u>Comment 1</u></p> <p>Delete “discontinue the supply of electricity to” and insert “disconnect its electricity infrastructure from”.</p> <p><u>Comment 2</u></p> <p>If so delete “to do so for reasons of safety” and replace it with “in the exercise of his or her powers under section 17 or section 31(4)”.</p>	
18			<p>Power to direct discontinuance of use</p> <p>This clause uses the words “person in charge”. It is unclear as to who the owner of electrical equipment will be in all circumstances.</p> <p>If it is intended that electrical equipment is owned by the “owner” then “person in charge” should be replaced by “owner”?</p>	<p>If the answer to question 1 is yes then delete “person in charge” and replace with “owner”.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
22	(1)		<p>Safety and compliance audit</p> <p><u>Comment 1</u></p> <p>Uses the term “electrical infrastructure” which is not defined.</p> <p><u>Comment 2</u></p> <p>This clause does not give an indication as to who would conduct the audit or who would be required to pay for the audit.</p>	<p><u>Comment 1</u></p> <p>Remove “electrical infrastructure” and replace with “electricity infrastructure”.</p>	
25	(1)		<p>Responsibility for infrastructure and installations</p> <p>The obligation in this clause should be consistent with that in clause 24.</p>	<p>After “An electricity entity must” insert “take all reasonable steps to”.</p> <p>After “the safe supply of electricity” insert “in compliance with this Act.”</p>	
25	(4)		<p>For the reasons given above relating to the definition of “point of supply”, the provisions of the Tasmanian Electricity Code are determinative of this issue.</p>	<p>Delete this subclause.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
26			<p>New power supply lines</p> <p>This clause imposes very onerous obligations and liabilities on electricity entities and is inconsistent with the demarcation of ownership/responsibility/liability established by clauses 25(1) and (2).</p> <p>There is a serious question about how an electricity entity can discharge these obligations (and manage these risks, including insure against them) when the assets in question are not owned/controlled by the electricity entity. The assets in question and the subject matter of this clause are within the control of customers.</p> <p>These obligations should be placed on the owners of the relevant power line.</p> <p>Further, there needs to be broader consultation on matters relating to private power poles, both concerning existing private poles and future private poles.</p>	Redraft of the clause so that it does not apply to an electricity entity.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
27			<p>Existing Power lines</p> <p>This clause is unclear in a few respects.</p> <ul style="list-style-type: none"> (1) The clause title refers to “Existing”; however, the operative provision of the clause is silent on this issue – meaning the clause will apply to all “power supply lines”. (2) The above issue also creates a conflict with clause 26. (3) The clause is not clear what person/entity the “aerial wiring system” and “underground electrical installation” relates to – it should state that both relate to “owners” and not electricity entities. (4) The clause is not clear about the person/entity who is the owner of the land the subject of the words “crosses a land boundary” – it should state that this relates to the owner of the relevant “aerial wiring system” and “underground electrical installation” and not electricity entities. <p>Further, there needs to be broader consultation on matters relating to private power poles, both concerning existing private poles and future private poles.</p>	<p>This clause will need further consultation and redrafting.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
28			<p>Energisation of electricity infrastructure and electrical installations</p> <p>1. Current Process</p> <p>The current drafting raises questions as to what is required to verify that a site is safe and who is energising the site.</p> <p>In officer level discussions it appears the intention was not to change current processes. To ensure this is reflected in the drafting of this clause the current process is described below.</p> <ul style="list-style-type: none"> • TasNetworks receives from customer or customer representative (can be an electrical contractor (EC)) a connection application form, which is reviewed and approved or disapproved by TasNetworks and the customer is then notified. • The EC then undertakes electrical works including building the point at which TasNetworks will connect electricity (defined in TasNetworks' Service and Installation Rules (SIR)). • The EC submits an Electrical Works Request (EWR) to TasNetworks. • On the EWR the EC must provide their licence number and a Certificate of 	<p>The obligations to verify the connection is safe to connect matches the current process.</p> <p>Delete "electrical storage system" and replace with "electricity storage system".</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
			<p>Electrical Compliance (CEC) number. On this form the EC must confirm that it is safe for TasNetworks to connect electricity supply to the electrical installation.</p> <ul style="list-style-type: none"> • TasNetworks matches the original connection application form to the EWR to ensure the EWR has the information required to connect, including that the EC license number and a CEC number have been included on the form. • TasNetworks then goes to the site and checks to see that the connection infrastructure is in place and ensure that there is a disconnection point on the installation as defined in the SIR. TasNetworks then tests the customer's mains between the isolation point on the metering panel (referred to as the Main Switch in SIR) and our connection point to ensure there is no defect when TasNetworks energise. TasNetworks then energises the customer's mains up to the Main Switch and then tests to ensure that the electrical polarity is correct. TasNetworks does not energise past the Main Switch as provided for under the SIR and the site is left de-energised at this point. <p>2. Comments</p> <p>TasNetworks' preference is for the obligation to verify that the connection is</p>		

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
			<p>safe to connect accords with the above process.</p> <p>The drafting of this provision could prove problematic for restoring power (re-energising) following an unplanned outage/storm event or even following a planned outage. It would be difficult for TasNetworks, as the electricity entity, to verify the safety of electrical installations or storage systems prior to re-energising following an outage.</p> <p>This clause uses the term “electrical storage system” which is not defined.</p> <p>As noted above, Main Switch is a term currently used in the SIR. As part of its continual improvement the use of the term Main Switch is under review due to the potential is could be confused with the same terms defined in AS3000. For clarity, the Main Switch can be a switch, fuse or circuit breaker.</p>		
29	(1)		<p>Identification of location of electricity assets before commencement of activities or work</p> <p>This clause is too broad and needs to be limited to capture only activities that are likely to be at risk.</p> <p>The term “activity” is too broad.</p>	<p>Delete “the vicinity of” and insert “on or directly next to the area the subject of”.</p> <p>“any activity” to be limited.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
30			<p>Safe envelope clearance space</p> <p>This clause is too broad. The clause needs to be limited to the area of the subject of the relevant work.</p> <p>The term “activity” is too broad.</p> <p>The term “safe envelope clearance” needs to be defined.</p>	<p>This clause will need further consultation and redrafting.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
31			<p>Vegetation clearance space</p> <p>(1) Chapter 8A of the Tasmanian Electricity Code (made under Division 9 of the <i>Electricity Supply Industry Act 1995</i> governs vegetation management and clearance spaces.</p> <p>(2) Paragraph (2)(a) needs to make it clear that “vegetation near” relates to vegetation near the “owner or operator’s relevant assets” thereby providing a clear demarcation of responsibility.</p> <p>(3) Subclause (3) needs to make it clear that “order” relates to the relevant owner and operator – consistent with the demarcation of responsibility.</p> <p>(4) Subclause (5) – the Bill does not give the electricity entity any powers to perform this work on another person’s land – this will need to be addressed. Further, cost recovery should be specified as a “debt”.</p>	<p>This clause will need further consultation and redrafting.</p>	
32			<p>Inspection of aerial wiring systems and supporting structures</p> <p>This clause covers the same subject matter as clause 40.</p> <p>There should be one clause that deals with these issues.</p>	<p>Delete this clause and move subclauses (2), (3), (4) and (5) into clause 40.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
33	(1)		<p>Restrictions on work near electricity infrastructure</p> <p>This subclause should relate to both “safe envelope clearance” and “vegetation clearance space”.</p> <p>The term “activity” is too broad.</p>	<p>After the words “safe envelope clearance” insert “and the vegetation clearance space”.</p> <p>“any activity” to be limited.</p>	
33	(2)		Same comment as for subclause (1).	Same change as for subclause (1).	
34	(2)	(b)	<p>Inspection of suspected unsafe electricity infrastructure and electrical installations</p> <p>Uses the term “electrical infrastructure” which is not defined.</p>	Remove “electrical infrastructure” and replace with “electricity infrastructure”.	
35			<p>Regulated activities to be carried out with due care</p> <p>The obligation in this clause should be consistent with the obligation in clause 24.</p>	After the words in the first line “owner or operator must” insert “take all reasonable steps to”.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
36	(2)		<p>Structures in safety and operational area</p> <p>This obligation should only apply after the relevant party becomes aware of the offending structure and the relevant party should be able to recover its costs of removal and any damage from the person who built or placed the structure or object.</p>	<p>Delete subclause 2 and replace it with.</p> <p>“(2)An electricity entity, owner or operator must, as soon as reasonably practicable after it becomes aware of a matter in subsection (1), take steps to remove the structure or object from within the safety and operational area of its relevant electricity infrastructure or electricity installation.”</p> <p>Insert a new subclause (3).</p> <p>“(3)The costs associated with any action taken under subsection (2) plus any damage to property, may be recovered as a debt due and owing to the electricity entity, owner or operator from the person who built or placed the structure or object.”</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
37			<p>Regulated activities near electricity infrastructure</p> <p>Clarification is required around this clause. For 37(1)(a) it appears to be limited to only the electricity entity and not allow for other persons, while for clauses 37(1)(b), (1)(c) and (2) there is a broader scope that would be able to apply to other persons.</p> <p>Concerns have been raised as there are many situations currently where regulated activities are being undertaken near electricity infrastructure in which we (“the electricity entity”) are not involved. The present wording of the clause means that there will be requirements for TasNetworks to administer the process of risk assessment review, permission and notification for this work to occur. This would require a significant change to TasNetworks’ current work practices.</p> <p>This obligation should only apply after the electricity entity becomes aware of the regulated activity.</p>	Further discussion and consultation is needed.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
38			<p>Connection of electricity installations</p> <p>This clause imposes very onerous obligations and liabilities on a “network operator” (which we assume is the electricity entity) and is inconsistent with the demarcation of ownership/responsibility/liability established by clauses 25(1) and (2).</p> <p>There is a serious question about how an electricity entity can discharge these obligations (and manage these risks, including insure against them) when the assets in question are not owned/controlled by the entity. The assets in question and the subject matter of this clause are within the control of customers/owners of the installation.</p> <p>These obligations should be placed on the owners of the electrical installation (which will then be consistent with clause 39). TasNetworks should only be obliged to ensure the safety of its own electricity infrastructure and not private electrical installations.</p> <p>If there is to be an obligation on electricity entities to ensure the safety up to the Main Switch (as defined in the SIR, and refer to comments to clause 28), this obligation should be limited to the time of connection, rather than an ongoing obligation, and satisfied via the production of a statement or certificate of electrical compliance (CEC).</p>	<p>Delete this clause and replace it with:</p> <p>(1) The owner or operator of an electrical installation must ensure the installation that is connected, or is to be connected or reconnected, to electricity infrastructure is and remains safe.</p> <p>Penalty: In the case of –</p> <p>(a) a body corporate, a fine not exceeding 150 penalty units; or</p> <p>(b) an individual, a fine not exceeding 20 penalty units.</p> <p>(2) The owner or operator of an electrical installation must ensure that any identified unsafe electrical installation that is connected to electrical infrastructure is made safe or is disconnected until it is made safe.</p> <p>Penalty: In the case of –</p> <p>(a) a body corporate, a fine not exceeding 150 penalty units</p> <p>(b) an individual, a fine not exceeding 20 penalty units</p>	<p style="text-align: right;">23</p>

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
40			<p>Inspection and maintenance of aerial wiring systems</p> <p>The boundary of responsibility relating to this clause needs to be made clear by referring back to clause 25.</p> <p>Further, it needs to be clear that “maintenance” includes repair and replacement.</p> <p>Clause 40(b) is too onerous and not possible to comply with.</p>	<p>At the start of the clause insert “Subject to section 25,”.</p> <p>After “maintained” insert “(including repaired and replaced, as necessary).”</p> <p>In paragraph (b), delete “no vegetation” and insert “no material vegetation causing an immediate safety risk”.</p>	
42			<p>Hazardous area electrical installations</p> <p>The term “hazardous area” needs to be defined.</p>	<p>Definition to be included.</p> <p>Delete “hazardous area electrical installations” and replace with “electrical installations within a hazardous area”.</p>	
43			<p>High voltage electrical installations</p> <p>It needs to be clear that this clause does not apply to an electricity entity.</p> <p>New subclause (3) should be inserted.</p>	<p>Insert a new subclause (3).</p> <p>“(3) This section 43 does not apply to an electricity entity.”</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
44	(1)		<p>Unconnected electrical installations</p> <p>It needs to be clear that this clause does not apply to an electricity entity.</p> <p>“Network” is not a defined term.</p>	Delete “the network” and insert “a distribution network or a transmission network”.	
86	(1)		<p>Safety management systems</p> <p>No indication has been included in the clause as to the time frame that would be associated with providing a safety management system to the Director.</p>		
86	(2)		<p>This clause refers to “relevant prescribed electricity safety determinations, standards and codes of practice”. Without knowing what standards, codes of practice and determinations the safety management system would be required to meet, TasNetworks is not in a position to ascertain what impact this might have on its ability to comply.</p>	The expected standards, codes of practice and determinations the safety management system will be expected to meet to be consulted on prior to the final drafting of the Bill.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
86	(4)		<p><u>Comment 1</u></p> <p>What qualification and other requirements would the person undertaking the Independent Certification require and how would they be approved by the Director? Without knowing the details to be provided in a Determination it is impossible to ascertain the potential timeframe required to undertake the certification and what potential resources would be required. Therefore, the impact on customers is unknown.</p> <p><u>Comment 2</u></p> <p>“management scheme” is not defined.</p>	<p>Replace “management scheme” with “safety management system”.</p> <p>The expectations of the certification process to be consulted on prior to the final drafting of the Bill.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
86	(6)		<p>The concern with this clause is that it reads that when this Act comes into effect TasNetworks cannot operate until the safety management system is provisionally approved. Without knowing the extent of what is required to be met and submitted in the safety management system TasNetworks could be in a position that it effectively will not be licenced to operate if non-compliant.</p> <p>The clause implies the need for the Director to approve a safety management system prior to energising solar panels and/or batteries. The implication is that prior to TasNetworks connecting a customer with such equipment it would have to see certification from the Director. This is very onerous on residential customers and likely to significantly delay the connection process.</p>	A transitional period be provided to allow entities to operate until the first safety management system is approved.	
86	(9)	(b)	This clause uses the term “scheme” when “system” would seem more appropriate.	Replace “scheme” with “system”.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
88	(2)		<p>System manager</p> <p>This clause uses the term “scheme” when “system” would seem more appropriate.</p> <p>What are the expectations as to what level of the business the system manager is employed? The requirement to have the ‘technical resources to administer the system’ would seem to imply a senior management role. However, in officer level discussions this did not seem to be the expectation?</p>	<p>Replace “scheme” with “system”.</p> <p>A description of the ‘technical resources to administer’ are consulted on prior to the final drafting of the Bill.</p>	
88	(4)	(b)	<p>Paragraph (b) has been mislabelled. There are currently two paragraph (c)s.</p>	<p>Replace the first (c) with a (b).</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
88	(4)	(c)	<p>As described previously, the potential impact of this clause is dependent on what level of detail is required in the safety management system.</p> <p>If non-compliance to a work practice is considered a reportable incident requiring reporting and investigation to be submitted to the Director this would be a very onerous and resource intensive activity.</p> <p>If the clause refers to non-compliance raised in a significant audit (for example, ISO certification) then the reporting timeframes are tight and restrictive. If a non-compliance is identified on the first day of a week-long audit then the audit report/non-compliance is due for submission within three days of the finish of the audit.</p>	Change 10 day reporting timeframe to match expected timeframes that are achievable.	
88	(4)	(d)	This clause alludes to the fact that the safety management system has periodic reporting requirements. These requirements are not mentioned or defined elsewhere. Without a clear description of the expected content and frequency it is not possible to ascertain the human and financial resources required. Therefore, the impact on customers is unknown.	The expectations of the content and frequency of reporting to be consulted on prior to the final drafting of the Bill.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
89	(2)		<p>Validation of safety management system</p> <p>Use of the term “electrical infrastructure” which is not defined.</p>	Remove “electrical infrastructure” and replace with “electricity infrastructure”.	
89	(3)		This clause uses the term “scheme” when “system” would seem more appropriate.	Replace both occurrences of “scheme” with “system”.	
94	(3)	(c)	<p>Compliance with safety management system</p> <p>How is “significant change” being defined?</p> <p>If a work practice, which forms part of a safety management system, is updated to reflect a new way to perform the work, would that be considered a significant change? If so, would that require a resubmission and full certification of the entire safety management system? And who would bear the cost and how long would be allowed prior to resubmission/recertification?</p>	Resubmission required only to the part of the safety management system being modified. Minor changes could be updated through regular reporting, with the entity indicating whether changes had any material impact on way the business operates or maintains its infrastructure. The report would need to explain if there was a net positive reduction in risk or if the business is accepting an increase in risk and the associated reasoning.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
95		(b) and (c)	<p>Revised safety plan system</p> <p>Both of these paragraphs refer to “any changes”. This would encompass too many situations and should be replaced by a materiality test.</p>	<p>Delete paragraphs (b) and (c) and replace them with:</p> <p>“(b) there are any significant changes in business operations or the associated risk management that result in a material increase to the risks and dangers referred to in section 87; or</p> <p>(c) there are any significant changes to any electrical apparatus to which the system applies that result in a material increase to the risks and dangers referred to in section 87;”</p>	
97			<p>Offence to fail to submit revised safety management system when required</p> <p>The reference to a safety management system under clause 83 is incorrect.</p>	<p>Replace “83” with “96”.</p>	
99	(1)		<p>Audit of safety management system</p> <p>Requirements of the audit are not defined.</p>		
99	(2)		<p>The audit report is required to be submitted within 14 days. This timeframe would not allow us to have the report and findings go through our internal audit committee processes prior to being reported to the "Director". Allowing the Director some discretion would provide suitable flexibility.</p>	<p>Increase the time period for the report to be submitted from 14 to 28 days or as agreed.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
99	(3)		The circumstances under which the “Director may audit an accepted safety management system” are not defined.		
103	(a)		Interference with site of serious electrical accident Needs to include the power to make safe.	Insert a new subclause (a)(iii) as follows: “...; or (iii) to avert an immediate hazard or make safe electricity infrastructure or an electrical installation.”	
107			Interpretation of Part 7 The definition of “electricity safety officer” needs to be consistent with clause 108 by referring to “retailer”.	After “electricity entity” insert “retailer”.	
108	(2)		Appointment of electricity safety officers In this subclause “electricity officer” should refer to “electricity safety officer”.	Delete “electricity officer” and insert “electricity safety officer”.	
108	(9)	(a)	As above. The words “to revoke” needs to be removed from the end of the first sentence, as it is repeated.	As above. Delete the words, “to revoke” from the end of the first sentence.	
108	(10)	(a)	Collecting the instrument of appointment will be very difficult to achieve.	Delete “collect the electricity safety officer’s instrument of appointment from the electricity safety officer and record the collection” and insert “issue a letter of cessation and record the issuing of the letter”.	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
110	(1)	(a)	<p>Reporting to Director</p> <p>TasNetworks does not agree with quarterly reporting.</p>	Delete paragraph (a).	
110	(1)	(b)	The 10 day time period is too short.	Delete "10 days" and replace it with "90 days".	
112			<p>Electricity safety officers may enter land or premises in relation to electricity infrastructure</p> <p>As a general observation the entry powers of an electricity safety officer need to cover all duties imposed on an electricity entity under the Bill where the performance of those duties relate to land of a customer (for example, clauses 26, 28 and 38).</p> <p>Further, any liability of an electricity entity in these circumstances needs to be reduced to the extent that the entity was not able to obtain access. This will require a new subclause to be inserted.</p>	This clause will need further consultation and a new subclause inserted.	
112	(1)		This clause should be made subject to clauses 116 and 117.	At the beginning of subclause (1) insert "Subject to and without limiting sections 116 and 117".	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
112	(1)	(b)	This entry power needs to include further powers covering maintenance, protection of property, investigations and preventative action and disconnection.	<p>Delete subclause (b) and replace it with:</p> <p>“(b) enter and remain in any land or premises where the electricity infrastructure of the electricity entity is situated:</p> <p>(i) to carry out inspection, testing and maintenance (including repair and replacement, as necessary) of the infrastructure;</p> <p>(ii) to protect property of the electricity entity in that place;</p> <p>(iii) to investigate suspected theft, loss, interference with or damage to the electricity entity’s property or suspected theft of electricity; and</p> <p>(iv) to take action to prevent or minimise the risk of an incident occurring in relation to the infrastructure; or</p> <p>(v) without limiting section 116, to lawfully disconnect from the infrastructure any electrical installation.”</p>	
112	(6)		This subclause should be the same as clause 114(2).	<p>Delete subclause (6) and replace it with:</p> <p>(5) In an emergency, an electricity safety officer may exercise a power of entry under this section at any time and, if necessary in the circumstances, by the use of reasonable force.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
112	(9)		We do not consider it reasonable to require an electricity entity to make good any damage or pay compensation where, for example an electricity safety officer has been unreasonably denied access and has to force entry to avert a hazard or make safe.	After the words “the damage”, insert: “unless the electricity safety officer has caused damage as a result of the unreasonable actions of the owner.”	
114	(1)		<p>Entry to inspect electrical installations</p> <p>The drafting needs to cover where infrastructure is on or crosses a third party property but is not infrastructure to which electricity is, is to be, or has been supplied by the electricity entity owner or operator.</p>	<p>Delete:</p> <p>“An electricity safety officer may, at any reasonable time, enter and remain in any land or premises to which electricity is, is to be, or has been, supplied by the electricity entity, owner or operator –”</p> <p>And replace with the following:</p> <p>“An electricity safety officer may, at any reasonable time, enter and remain in any land or premises –“</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
116			<p>Electricity entity may disconnect to avert danger</p> <p>The liability limitation, being “failure to supply” is too narrow and should be deleted.</p> <p>TasNetworks need the ability to disconnect electricity to carry out maintenance or repairs preserved, as per the <i>Electricity Supply Industry Act 1995</i> (Tas) (ESI Act), and not just for emergencies. Section 26(2)(d) of the ESI Act provides that:</p> <p style="padding-left: 40px;">An electricity entity is not obliged to supply electricity to a customer if –</p> <p style="padding-left: 80px;">...</p> <p style="padding-left: 40px;">(d) the supply is or needs to be interrupted – ...</p> <p style="padding-left: 80px;">iii. for carrying out work on electricity infrastructure.</p> <p>Please confirm this provision will be maintained in the ESI Act, or dealt with in this Bill.</p>	<p>Delete the words “for failure to supply electricity”.</p> <p>Include the right to disconnect as per ESI Act.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
124	(4)		<p>Authorised officer's identity card</p> <p>There is a significant amount of disparity between the penalty units for an Electricity Safety Officer not returning their card clause 111(6)(b) 100 penalty units and 250 for corporate, as opposed to only 5 penalty units for an Authorised Officer.</p> <p>There are significantly more requirements for the entity to include a lot more detail on and administration of identity cards for Electrical Safety Officers as opposed to Authorised Officers.</p>		
130	(2)	(d)	<p>Powers of authorised officers in emergency</p> <p>This clause uses the words "person in charge".</p>	<p>Delete the words"</p> <p>"give any directions to the person in charge of the electricity infrastructure, electrical installations or electricity storage system that may be necessary to make it safe"</p> <p>And replace with:</p> <p>"give any directions to the electricity entity for electricity infrastructure, or the owner for electrical installations or electricity storage systems, that may be necessary to make it safe"</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
132	(2)	(b)	<p>Power to make electricity infrastructure or electrical installations safe</p> <p>This clause uses the words “person in charge”.</p>	Delete “person in charge” and replace with “owner”.	
156			<p>Offence not to comply with direction or determination</p> <p>There seems to be no appeal provisions under the Act regarding this Part. There is concern that a direction given could require TasNetworks to break the law, for example, if given a direction to make safe when the owner asserts trespass and denies entry to the property. There is also a concern if the direction cannot justify the cost spend to the entity and it’s not allowed for in our revenue determined via Australian Energy Regulator (AER)? TasNetworks would like the ability to appeal the direction in these circumstances.</p>		
157	(1)		<p>Offence to supply or sell electricity to unsafe electrical installations</p> <p>This subclause seems to be repeated in subclause (2).</p>	Combine subclauses (1) and (2).	
157	(2)		<p>“Electricity supplier” is not defined. Is it meant to be a retailer?</p> <p>If a direction is given by the Director to</p>	<p>Define “electricity supplier” or amend to “retailer”.</p> <p>Add the words "in writing" at the end of the paragraph.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
			the entity under this clause we suggest the direction must be given in writing.		
158			<p>Unlawful interference with electricity infrastructure or electrical installations</p> <p>It needs to be identified under whose authority the person would be acting. To make it lawful, insert the word “lawful” into the clause.</p> <p>There should also be a requirement to notify the electricity entity if interference with their distribution network or transmission network is to occur.</p>	<p>Insert the word “lawful” after the word “proper”.</p> <p>Insert the new subclause that provides that the electricity entity will be notified if interference with their distribution network or transmission network is to occur.</p>	
161			<p>Confidentiality</p> <p>“Confidential information” is not defined. TasNetworks proposes the use of the definition provided in the <i>Personal Information Protection Act 2004</i> (Tas).</p> <p>Is the intention to include personal information?</p>		

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
163			<p>Offences by bodies corporate</p> <p>This clause is too broad.</p> <p>The word “management” is not defined and could be interpreted as including many persons. TasNetworks suggest the wording in the <i>Industrial Relations Act 1984</i> be used with the addition of the general defence caveat.</p>	<p>Delete clause in its entirety and replace with</p> <p>“(1) Where an offence against this Act is committed by a body corporate, every person concerned in the management of that body corporate, subject to the general defence under section 166, shall be deemed also to have committed the offence and may be convicted of the offence, unless he proves that the act or omission constituting the offence took place without his knowledge.</p> <p>(2) A person referred to in subsection (1) may be convicted of an offence under that subsection whether or not the body corporate is charged with, or convicted of, the offence.”</p>	
164	(1)		<p>Continuing offence</p> <p>This clause should make it clear that it only applies when the person has the ability to remedy the breach. There are situations, for example when denied access by a landowner, the person may not be able to remedy the breach without a court order.</p>	<p>Ensure the person has the ability to remedy the breach before an offence is deemed to be continuing.</p>	
166			<p>General defence</p> <p>Clarification is required for this clause with regards to the standard of proof that is required (and in other parts of the Act). Is the standard of proof based around civil or criminal defence?</p>		

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
170			<p>Immunity from personal liability</p> <p>The immunity provided by this clause should also extend to:</p> <p>(a) an electricity entity for any action taken under clause 17, 31(5) or 34 – for the reason that the person directing or requiring the action has immunity (Director and the authorised officer);</p> <p>(b) a responsible person (Part 6 – Serious Electrical Accidents) – for the reason that it is unlikely a person will accept this role without immunity.</p>	<p>Delete this clause and replace it with:</p> <p>(1) No liability attaches to an immune person for any act or omission in good faith in the performance or exercise, of a power, function, duty or direction under this Act.</p> <p>(2) A liability that would, but for subsection (1), lie against an immune person lies instead against the Crown.</p> <p>(3) In this section, immune person means:</p> <p>(a) the Director;</p> <p>(b) a delegate of the Director;</p> <p>(c) an authorised person;</p> <p>(d) an electrical safety officer;</p> <p>(e) an electricity entity, and any officer or employee of the entity, in relation to section 17, section 31(5) and section 34; or</p> <p>(f) any officer or employee of the Crown engaged in the administration or enforcement of this Act.</p>	
174	(1)	(a)	<p>Director may make or adopt guidelines</p> <p>Uses the term “electrical infrastructure” which is not defined.</p>	<p>Remove “electrical infrastructure” and replace with “electricity infrastructure”.</p>	

Clause	Subclause	Para	Issue/Concern	Suggestion/Wording	Action (DoJ Use)
176	(1)	(a)	<p>Obligation to preserve confidentiality</p> <p>The term “electricity supplier” is not defined.</p>	Define “electricity supplier” or amend to “retailer”.	