

25 January 2013

Registrar
Coroners Court, Sitting at Wangaratta
PO Box 504
Wangaratta 3677



Inquest into the death of Gary Cook -15/09

Dear Sir

Attached please find ESV's response to His Honour's recommendations.

If you would like to contact me the direct telephone number is 9203 9789 but 0438 501 769 is a better number as I am often away from my desk.

Yours faithfully

A handwritten signature in blue ink, appearing to read "John A Murphy".

John A Murphy
Solicitor
Energy Safe Victoria

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Response to Recommendations from the Coroner to Energy Safe Victoria

The following are the responses of Energy Safe Victoria (ESV) to the recommendations made by His Honour Mr. Bryant on 1 October 2012.

ESV's responses are set within the context that Mr. Cook was injured at the Thales establishment in NSW where ESV was not the safety authority for work carried out at the site. His Honour made the following recommendations;

“That Energy Safe Victoria, in conjunction with the National Electrical Regulatory Authorities Council, review existing electrical safety legislation, standards and guidelines to consider:

1. Mandating that electrical work in close proximity to live conductors only be undertaken when no viable alternative is available.
2. Mandating that electrical work in close proximity to live conductors only be undertaken when insulating mats or another sufficiently protective method are used to prevent contact with the conductors.
3. Requiring switching instructions to be incorporated into the same document produced for an Electrical Access Permit when work is to be conducted in close proximity to high or low voltage lines
4. Mandating that when electrical work in close proximity to live conductors is to be undertaken, that details of the consideration to all possible alternatives is documented in the Electrical Access Permit.”

The existing regulatory framework

In Victoria the Electricity Safety Act 1998 (the Act), Electricity Safety (Installations) Regulations 2009 (the Installations Regulations) and the Electricity Safety (Management) Regulations 2009 substantially cover the field with respect to electrical safety in the situation where Mr. Cook was working.

In the environment in which Mr. Cook worked, the legislative field in Victoria covers Major Electricity Companies, colloquially called “power companies,” and the owners of complex electrical installations.

The owners of complex electrical installations are prescriptively covered in section 75 of the Act and regulation 302 of the Installations Regulations. Further, regulation 301 of the Installations Regulations creates duties for the owners and operators of high voltage electrical installations.

Major Electricity Companies have duties imposed upon them in section 98 of the Act. Since December 2009 they have been required by section 99 (division 2, Part 10 of the Act) to compile Electricity Safety Management Schemes and to have those

schemes approved by ESV, section 105. Further, employees of Major Electricity Companies are, in part regulated by regulation 318 of the Installations Regulations.

The Installations Regulation defines the “Blue Book” in regulation 105 and compliance with it is prescribed in regulations 301(2)(d)(ii), 302(2)(d)(ii) and 318(3) of the Installations Regulations.

The Blue Book

The Blue Book is published by ESV. Its title is “Code of Practice on Electrical Safety for Work on or Near High Voltage Electrical Apparatus.” The Electrical Safety Committee meets regularly to review the content of the Blue Book and is an expert committee comprising Distribution Businesses, Victorian Work Cover Authority, Major Electricity Users, the ETU, and the peak body of the registered electrical contractors. The committee was established by ESV under its powers in section 8 of the Energy Safe Victoria Act 2005. The committee gives expert guidance to ESV about all matters, including those in His Honour’s recommendations.

Recommendations 1 and 2

Each of the matters set out in recommendations 1, and 2 are described in various sections of the Blue Book.

In summary, the Blue Book applies the following principles when performing electrical work near electrical assets:

- 1) Hazard identification, risk assessment, and controls (sections 3.1 and 9)
- 2) Control measures used are consistent with the risk and work performed. These control measures include: (sections 5.1 and 11)
 - a. Defining the work area
 - b. Isolating and earthing the electrical apparatus
 - c. The use of barriers and signs
 - d. The use of approved covering
 - e. The use of safety observers
 - f. The issue of the appropriate access authority or authority to work in the vicinity of electrical apparatus
 - g. Defining access routes
- 3) Safe approach distances are defined and must be complied with or the power circuits must be switched off and work shall be carried out under an electrical access permit. (Sections 6 and 9).

Note: Section 43.4 of the Act requires the power circuit to be switched off when electrical installation work is carried out on the circuit unless adequate precautions are taken to prevent electric shock or other injury in the handling of electrical circuits or electrical equipment in the course of that work.

Recommendation 3

The primary functions of an Electrical Access Permit are to:

- Provide safe access to electrical apparatus
- Define the limit of access that the work party are allowed to access, including electrical apparatus that the work party are allowed to access
- Detail the isolation and earth points
- Inform the work party of the nearest live apparatus
- Detail precautions taken
- Ensure the electrical asset that the work party is working on, does not become energised unless all members of the work party sign off the permit and the permit is cancelled

Switching instructions and Electrical Access Permits are separate documents targeting different audiences. Switching instructions cannot be part of an access permit, as switching works are carried out before an electrical access permit is issued and although the Court sees an apparent overlap, the documents have different functions, but form part of an overall safe system of work.

Recommendation 4

Whilst the matters referred to in recommendation 4 are substantially addressed in the Blue Book, ESV has no objection to a Job Safety Analysis and an Electrical Access Permit to being cross referenced.

Possible safe control measures for working near live conductors are considered at various stages such as:

- The job planning
- The application of an Electrical Access Permit
- The issue of an electrical access permit to the work party
- The conduct of on-site job safety assessment by the work party

ESV Proposed actions

1. ESV will place His Honour's recommendations on the agenda for the next meeting of the Electrical Safety Committee (the Blue Book Committee).
2. Once the committee has delivered its recommendations ESV will consider what changes, if any, will be made to;
 - a. The Blue Book
 - b. The Act

c. The regulations

3. At the earliest opportunity place His Honour's recommendations before Electrical Regulatory Authorities Council.



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John A Murphy
Solicitor
ESV