COMMUNICATIONS ALLIANCE LTD

ENERGY SAFE VICTORIA REGULATORY IMPACT STATEMENT Electricity Safety (Registration and Licensing) Regulations 2020

COMMUNICATIONS ALLIANCE SUBMISSION

SEPTEMBER 2020

CONTENTS

INTRODUCTION	**2**
COMMENTS ON DRAFT REGULATIONS AND REGULATORY IMPACT STATEMENT	**3**
Overview	**3**
Clarification sought on battery and generation systems at ELV	**3**
Possible unintended consequences and the RIS	**4**
Definition of communications equipment	**4**
Clarification on power conversion	**5**
Clarification on working on telecommunications assets near a power corridor	**5**
Potential overlap of Commonwealth and State legislation and regulation	**5**
Conclusion	**6**
APPENDIX 1	**7**
Summary of responses to 'questions for stakeholders' in the RIS	**7**

INTRODUCTION

Communications Alliance (CA) welcomes the opportunity to provide this submission in response to the Energy Safe Victoria (ESV) consultation on the Regulatory Impact Statement (RIS) for the draft Electricity Safety (Registration and Licensing) Regulations 2020 (Regulations).

About Communications Alliance

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups.

Carriers that participated in the preparation of this submission represent a large majority of telecommunications network assets and services to end users in Australia. These include NBN Co, Optus, Telstra, TPG Telecom (formed in the recent merger of TPG and Vodafone Hutchison Australia) and Vocus.

The vision of Communications Alliance is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see http://www.commsalliance.com.au.

Comments on draft Regulations and Regulatory Impact Statement

Overview

CA supports the work of ESV to improve "*electrical safety outcomes for the general public, electricity customers and electrical workers*" and submits comments on a limited number of the proposed changes outlined in the RIS.

On the "*Licensing of lineworkers*" CA submits comments in relation to "*Other regulatory changes*", seeking further clarification on "*Ensuring that an electrician's licence is required for work on battery and generation systems that operate at extra low voltage (>12VDC and 1 Kilowatt hour)*".

CA is concerned that proposed adjustments to the regulatory framework may have unintended consequences – of introducing regulatory requirements on the information, communications and technology (ICT) sector at a cost with no tangible benefit. That is, to require an electrician's license for telecommunications work on systems operating at extra low voltage (ELV) or an equivalent energy source level e.g. for 48V DC in phone exchanges, data centres and on mobile phone base stations. This is work that has been satisfactorily self-regulated for decades with minimal safety issues.

CA recommends ESV add an exclusion to the draft Regulations to continue to allow telecommunications related activities at ELV or an equivalent energy source level to be performed without requiring an electrician's license.

Clarification sought on battery and generation systems at ELV

CA seeks clarification on the proposed "Other' regulatory changes" to ensure "*that an electrician's licence is required for work on battery and generation systems that operate at extra low voltage (>12VDC and 1 Kilowatt hour)*".

Many thousands of telecommunications sites across Australia rely on battery or generation systems operating at ELV or an equivalent energy source level (often at 48V DC) to ensure continuing delivery of uninterrupted telecommunications services with high reliability. Examples of these sites include phone exchanges, data centres and mobile phone base stations.

Telecommunications carriers ensure licensed electricians perform all electrical work as required for systems that are a part of delivering telecommunications services. However, to require an electrician's license for all telecommunications work on battery or generation systems operating at ELV or an equivalent energy source level appears to be a substantial extension of existing regulations that may be an unintended consequence in the proposed Regulations as currently drafted.

CA recommends telecommunications workers be excluded from requiring an electrician's licence to perform telecommunications related activities on battery systems and battery energy storage systems at ELV.

Carriers use multiple elements to maintain safe work practices, including the use of and adherence to:

(i) Safe Work Method Statements;
(ii) Procedures documents;
(iii) Australian Standards; and
(iv) Restricted access and Change controls.

Carriers require staff and contractors to conform to the above documents. They use robust contract management procedures and regular project reviews to ensure adherence to the required practices e.g. one carrier reported it has monthly reviews for larger projects, and half monthly reviews for smaller projects. These reviews include a review of key performance indicators, including safety, with action taken if they are not met.

Carriers have had minimal lost time incidents, with representatives managing this field of activity for two carriers noting that in the ten to fifteen years of their experience they were not aware of any lost time incidents.

This suggests there would be no tangible benefit from extending the scope in the draft Regulations to require an electrician's license for work by a carrier or its contractor on a telecommunications facility at ELV or an equivalent energy source level.

Possible unintended consequences and the RIS

CA notes the RIS has assessed the regulatory impact based on the estimated number of line workers, which ESV estimates to be 1800 workers[1]. If the Regulations are not amended to address the unintended consequences identified above, then the RIS may need to be revised to reflect the costs imposed on the telecommunications industry.

If the proposed Regulations go into force as drafted, there are workers in the telecommunications industry who will need to obtain an electrician's license to continue doing the ELV work they have done to date without requiring a license.

This would impose an obvious cost for each person in terms of time spent on obtaining a license as well as the payment involved. It would include telecommunications staff located outside Victoria, as many CA members operate dynamic workforces where staff can be brought in from interstate, for example during natural disaster emergency periods.

There is a potential cost to Victoria more generally if carrier staff outside Victoria are not permitted to assist during natural disaster emergency periods e.g. to restore telecommunications services.

Conservative estimates quantify the number of potentially affected staff and contractors across the telecommunications industry at many thousands nationally, and a thousand or more in Victoria.

CA recommends that, instead of updating the RIS to reflect these additional costs, ESV add an exclusion to the draft Regulations to continue to allow telecommunications related activities that can be performed without requiring an electrician's license e.g. at what has been ELV or an equivalent energy source level.

Definition of communications equipment

If ESV adopts the CA recommendation to exclude telecommunications work at ELV or an equivalent energy source level there may need to be an update to the definition of "*communication equipment*" In the draft Regulations.

At present this definition is only used to exclude "*communication equipment operated at extra low voltage*" in a "*patient area*", and the definition appears not to be appropriate for the telecommunications industry.

[1] RIS, page 80.

Clarification on power conversion

Power Conversion Equipment (PCE) is mentioned in the draft Regulations (in the title of AS/NZS 5139) but it may benefit from clarification e.g. adding a definition.

There is some uncertainty among telecommunications representatives if power conversion under the draft Regulations applies to:

(i) 'DC to AC';
(ii) 'AC to DC';
(iii) Both 'DC to AC' and 'AC to DC';
(iv) 'DC' to 'DC'; or
(v) all the above.

For example, a reasonable assumption might be that the focus for the draft Regulations is on the conversion from DC energy generated in solar panels or stored in a battery to AC energy for domestic use. However, telecommunications activities use many different types of power conversion e.g. DC to DC conversion is used for extending the run length in battery backup systems.

Clarification on working on telecommunications assets near a power corridor

It is unclear if the proposed licensing of lineworkers relates to work on any telecommunications infrastructure, regardless of connection to generation or battery systems.

References are made in the RIS to the licensing of electrical lineworkers whose activities involve "*construction and maintenance of electricity network infrastructure (i.e., electricity supply and traction networks)*"[2], however there is uncertainty whether a license would be required for a lineworker accessing telecommunications network facilities located within the Power Corridor i.e. working near, but not on, electrical network infrastructure.

Potential overlap of Commonwealth and State legislation and regulation

The telecommunications industry is regulated by Commonwealth legislation (and associated regulatory instruments including Standards) that are specific to the telecommunications industry.

The telecommunications industry has an industry specific regulator, the Australian Communications and Media Authority (ACMA)[3], created under enabling legislation – *The Australian Communications and Media Authority Act 2005*[4].

ACMA regulates the industry for safety purposes (e.g. customer equipment and customer cabling requirements under Part 21 of the *Telecommunications Act 1997*)[5]), but typically carriers are allowed to manage the safety of ELV or equivalent energy source levels within their own networks.

At present it is uncertain how the functions of ACMA might overlap with the apparent unintended consequence of the draft Regulations to cover existing telecommunications activities that do not require an electrician's license

[2] RIS, page 30.
[3] https://www.acma.gov.au/
[4] https://www.legislation.gov.au/Series/C2005A00044
[5] https://www.legislation.gov.au/Series/C2004A05145

CA notes there is dialogue underway between CA, ACMA and energy regulators on the separate topic of the convergence of electrical cabling and customer communications cabling. This could be a forum for addressing requirements for battery and generations systems.

Conclusion

Communications Alliance supports the safe operation of electricity and telecommunications services. However, we are concerned about unintended consequences of the proposed regulation, and recommend the regulation is amended to specifically exclude workers in the telecommunications industry working on ELV, battery systems and battery energy storage systems.

CA would welcome the opportunity to discuss these matters further with ESV. For any questions relating to this submission please contact [redacted] or at [redacted]

Appendix 1

Summary of responses to 'questions for stakeholders' in the RIS

B**Questions for stakeholders**	**Response**
In general, do you agree the proposed Regulations are relevant and likely to be effective?	Please see response below under "*Are they likely to cause unintended consequences?*".
Are they likely to cause unintended consequences?	It appears there may be an unintended consequence of the draft Regulations to regulate ELV or an equivalent energy source level in the telecommunications industry. That is, there is no exclusion for organisations or industries that have an established track record over a long period of time of managing their day to day operations, with minimal safety issues, involving the use of equipment that would be covered by the draft Regulations.
Do you have any other general comments on or views about the costs, benefits or impacts of the proposed Regulations?	The costs and benefits identified to date for the proposed Regulations may not include all areas that would be affected. For example, the inclusion in the draft Regulations to cover ELV or an equivalent energy source level will add many thousands of telecommunications workers on thousands of sites that may not be covered by the existing Electricity Safety (Registration and Licensing) Regulations 2010.
Is the proposed scope of work for linework appropriate? Should other licence categories be considered?	At present there is no exclusion for the telecommunications industry working on batteries or systems at ELV or an equivalent energy source level (e.g. in phone exchanges, data centres, and mobile base stations). Electrical connections to telecommunications equipment is commonly not connectorized. Direct cabling from a breaker panel to equipment with lugs at each end is typically employed and would likely be covered by the draft Regulations. It is unclear if the proposed licensing of lineworkers relates to work on any telecommunications infrastructure, including near a power corridor.

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