

Mr Don Saunders
Energy Safety
Department of Commerce
Locked Bag 14
Cloisters Square
Perth 6000

Via email: livework@commerce.wa.gov.au

7th of April 2015

Dear Mr Saunders,

Electricity (Licensing) Regulations 1991- Proposed Amendment Concerning Work on Live Electrical Equipment

Thank-you for the opportunity to provide comment on the proposed amendment concerning work on live electrical equipment. The Property Council of Australia is the leading advocate for Australia's property industry and the built environment. Our Western Australian members include office and retail developers, owners and managers that would be impacted by the proposed amendment, and therefore we would like to make the following comments.

Unequivocally, the Property Council of Australia strongly supports measures that improve the safety of our members, their tenants, and the service providers to the sector.

It is, however, the understanding of the Property Council of Australia that the Code of Practice (the Code), introduced in 2008, is strongly upheld. It is also important to note that operators are also accountable to the *Workplace Occupational Health and Safety Act 1984* and the *Occupiers Liability Act 1985* that would apportion responsibility to associated groups where the Code currently falls short.

The Property Council notes that there may be several challenges to mandatory prohibition on electrical work on or near live electrical installations and equipment as it relates to tenants, particularly in the retail sector:

1. Retail leases will need to be modified so that landlords can have reasonable access to shut off the electricity and conduct main switch maintenance.
 - The current retail market requires 7-day trading, with freezers, cool rooms and 24 hour business operation, which would make it very difficult for property managers to negotiate power shut downs that would not impact business activity.
2. Landlords will have to accept the cost, pass through the cost to the VO's, factor in the cost into gross leases, or establish a sinking fund for the site main switch maintenance.
3. Designers of new builds will need to ensure that the appropriate mechanical and electricity infrastructure is in place to allow for safely de-energising the building, as well as, providing portioned back up power to certain areas of the building.

The Property Council of Australia understands that, once there is clear understanding between landlords and tenants regarding responsibilities under the Act, achieving the desired safety outcomes intended under the Code would be significantly easier for owners, property managers and electrical contractors.

The Property Council of Australia ultimately supports inserting the Code into the *Electricity (Licencing) Regulations 1991* to ensure that an adequate risk assessment when work on or near live low-voltage electrical equipment and installations.

The Property Council of Australia would recommend that any mandatory prohibition is reviewed after to a set time period to ensure that it delivers the desired outcome efficiently and effectively without unnecessary impost on property owners or managers.

Please feel free to contact Rebecca Douthwaite (Policy Advisor) on 9426 1203 or rdouthwaite@propertycouncil.com.au if you would like any additional information.

Yours Sincerely,

Joe Lenzo
Executive Director
Property Council of Australia
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