

Monday, 31 May 2021

Darren Handforth – Head of High Hazards and Energy Safety  
WorkSafe New Zealand  
PO Box 5084  
Wellington 6140  
New Zealand

By E-mail: Darren.handforth@worksafe.govt.nz

**CC** Mark Wogan – Manager Energy Safety  
Kelly Hanson-White – Manager Regulatory Frameworks  
Lisa Collins – Manager Health & Safety Policy, MBIE

Dear Sir,

***ECP 34 - New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)***

This correspondence is to formally notify WorkSafe New Zealand that there are deficits with the above code of practice that present substantial challenges for the electricity industry in ensuring the safe supply of electricity in New Zealand.

**1. ECP 34**

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ECP 34 sets minimum safe electrical distance requirements for electricity assets associated with the supply of electricity from generating stations to end users.

WorkSafe is empowered by Section 36 of the Electricity Act 1992 to issue Electrical Codes of Practice. They are issued to set standards and requirements for those involved in working with electricity and any electrical installations or appliances.

**2. Electricity Engineers Association (EEA)**

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The EEA is the national representative organisation for engineering, technical and health and safety issues within the electricity supply industry (ESI). Our members include over 600 corporate and individual representatives from all sectors of the electricity supply industry including generation, electricity networks, contractors (operation/maintenance), engineering consultancies and equipment suppliers.

### 3. New issues discovered with ECP 34

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While reviewing and updating our Safety Manual for the Electricity Industry (SM-EI) we discovered that some of our long-standing interpretations of ECP 34 were incorrect. This related to work that industry needs to perform near energised electricity assets.

While we have updated and reissued the SM-EI to remove our incorrect interpretations, but this has highlighted the deficits in ECP 34 and precipitated some significant challenges for industry. These challenges are not limited to ensuring safety but also for the supply of electricity in compliance with the law.

In essence, we ask that WorkSafe works with us to review and update 34 urgently to address these challenges as a matter of priority. The safe supply of electricity in New Zealand is essential, so we request that this review work is treated as a priority.

Our primary areas of concern include:

- **Insufficient mechanisms for training and supervising**  
It appears industry must breach ECP 34 to train new 'competent employees' because it does not allow workers undergoing training to work under the supervision of a competent employee.
- **The definition of 'competent employee' lacks clarity**  
Previously industry has looked to our guidance for clarity on this point, particularly as they consider how best to maintain electricity assets safely and efficiently. For example, the competencies needed to carry out some kinds of maintenance inspections safely and efficiently do not warrant a licenced electrical worker.

### 4. Past submissions on ECP 34 and 46 (2016)

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While the focus of this correspondence is ECP 34, WorkSafe should consider that despite WorkSafe withdrawing several codes in 2016, there has been no review of either ECP 34 or 46 in close to 20 years. WorkSafe should initiate a broad review of both codes of practices, particularly because they are mandatory.

The EEA has previously raised concerns with ECP 34 and 46, so this correspondence should be treated as building on and not superseding our previous submissions (enclosed for your convenience).

### 5. Need to amend Electricity (Safety) Regulations 2010

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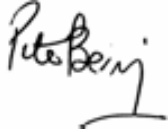
Because compliance with ECP34 and ECP46 are mandatory, any updated version will require amendments to the Electricity (Safety) Regulations 2010 to give the new version effect. Separately to this letter we have notified MBIE of the need for review, and the timing looks promising for this occurring since they are currently considering other amendments to the regulations.

## 6. Conclusion

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Thank you for considering this matter. We look forward to engaging with your staff toward resolution of the above concerns. If you have any questions you are invited to contact James Dodwell, Principal Advisor Health and Safety. His email is [james@eea.co.nz](mailto:james@eea.co.nz).

Yours sincerely

A handwritten signature in black ink that reads 'Peter Berry'.

Peter Berry

Executive Director