



Victoria Government Gazette

No. S 269 Monday 29 May 2023
By Authority of Victorian Government Printer

Subordinate Legislation Act 1994

NOTICE OF DECISION

Electricity Safety Act 1998

As Minister responsible for the **Electricity Safety Act 1998**, I give notice under section 12 of the **Subordinate Legislation Act 1994** that, further to public consultation on a Regulatory Impact Statement (RIS), I have decided to recommend the making of the Electricity Safety (Bushfire Mitigation) Regulations 2023.

An exposure draft of the proposed Regulations and a RIS were released for public consultation on the Engage Victoria website between 6 March 2023 and 3 April 2023.

Six written submissions and 16 responses to the online survey were received. These submissions were considered in accordance with section 11 of the **Subordinate Legislation Act 1994**.

After consideration of the submissions, I have decided that the proposed Regulations should be made, without amendment to the draft that was released for public comment. In summary:

- a. The proposed Regulations will replace the Electricity Safety (Bushfire Mitigation) Regulations 2013 (existing Regulations), which are due to sunset on 18 June 2023.
- b. The proposed Regulations are substantially the same as the existing Regulations with some amendments relating to:
 - i. updating and aligning definitions with the recent update of the Electricity Safety (Electric Line Clearance) Regulations 2020
 - ii. clarifying requirements for compliance with the current wiring rules
 - iii. ensuring the Regulations are consistent with contemporary practices regarding insulation on low voltage overhead lines in hazardous bushfire risk areas
 - iv. extending the obligation for Automatic Circuit Reclosers to be installed on all overhead Single Wire Earth Return Lines.
- c. The proposed Regulations aim to reduce bushfire ignition risks from Victoria's electrical infrastructure and electric lines owned and/or operated by major electricity companies (MECs) and specified operators (SOs) by:
 - i. reducing the likelihood of powerlines starting bushfires in Hazardous Bushfire Risk Areas through active and high-quality inspection processes in relation to private overhead electric lines, extending obligations that apply to total fire ban days to partial fire-ban days, requiring ongoing asset risk mitigation obligations for MECs and SOs, and ensuring minimum standards for electricity asset safety that is reflective of current practice;
 - ii. supporting local and state-level bushfire mitigation and readiness activities in the management of their above-ground assets through the provision of adequate Bushfire Mitigation Plans (BMPs); and
 - iii. promoting public trust, transparency, and accountability of MECs bushfire mitigation planning through requiring their BMPs, and specified details of these BMPs, to be made publicly available on their websites.
- d. The Regulatory Impact Statement assessed three alternative options to address and minimise bushfire risks:
 - i. Option 1: (the base case) the Regulations cease to exist
 - ii. Option 2: the Regulations would be reinstated – with no amendments
 - iii. Option 3: the Regulations would be reinstated – with two sub-options:

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- o Option 3A: with amendments for consistency with contemporary standards and other regulations; or
 - o Option 3B: the amendments suggested under Option 3A and other amendments to provide greater clarity and certainty for prescribed safety requirements for existing and new electrical constructions and installations.
- e. Option 3B is the preferred option because it ensures the Regulations are consistent with contemporary practices in respect to insulation on low voltage overhead lines in high bushfire risk areas. This option also provides greater clarity, accuracy and certainty on the inspection standards for private overhead electric lines. The RIS, including the preferred option, was shaped by consultation with key stakeholders.
- f. The RIS analysed the options described above using a multi-criteria analysis that assessed the benefits and costs of each option, with consideration given to the impacts on Victorian communities, businesses, and regulators.
- g. After public release of the RIS and consideration of public comments and submissions, no changes were made to the proposed Regulations. The majority of comments and submissions received during the public consultation period were in favour of the preferred option outlined in the RIS.

The Electricity Safety (Bushfire Mitigation) Regulations 2023 will come into operation on 16 June 2023.

After the Electricity Safety (Bushfire Mitigation) Regulations 2023 are made, they will be published in the Government Gazette and be available for download from www.legislation.vic.gov.au

A copy of this notice, the submissions received, and a Statement of Reasons which summarises the issues raised in submissions and the reason for the final form of the Regulations will also be published on the Engage Victoria website: www.engage.vic.gov.au and available in hard copy at: Energy Safety and Security, Energy Group, Department of Energy, Environment and Climate Action, Level 3, 8 Nicholson Street, East Melbourne, Victoria 3002.

Dated 29 May 2023

LILY D'AMBROSIO MP
Minister for Energy and Resources

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