

# Electric lines on public land

## Applying to confirm an exemption

### Guideline

#### Introduction

Section 46 of the *Electricity Safety Act 1998* (the Act) specifies the persons that are permitted to install electric lines on public land. Currently there is an exemption in place to permit others to install electric lines on public land provided certain requirements are met. These requirements are specified in an Order in Council - Electric Lines on Public Land Exemption (the Order) published under section 47 of the Act.

#### Persons who do not require an exemption to install an electric line on public land

Under section 46 of the Act a person may install or cause to be installed, an electric line on public if the electric line is installed by or on behalf of:

- a person who is the holder of a licence under section 19 of the *Electricity Industry Act 2000*, for the purposes of carrying out activities authorised under the licence
- a person who is exempted under the *Electricity Industry Act 2000* from holding a licence under section 19 of that Act, for the purposes of carrying out activities authorised to be carried out under the terms of the exemption
- the Victorian Rail Track or the V/Line Corporation
- the Roads Corporation
- a municipal council
- Energy Safe Victoria

#### Persons exempted under the Order in Council

Under the Order the following persons are exempted from compliance with section 46 of the Act provided certain requirements are met:

- a) a person who is responsible for the management of public land, for the purposes of the person's functions or powers under any Act, other than persons already excepted from the requirements of section 46 of the *Electricity Safety Act* by that section;
- b) a person who is the owner or occupier of privately owned land used for public purposes, for the purpose of enabling the land to be used for public purposes;
- c) a person who has entered a lease or licence of land or an agreement relating to land under the Land Act 1958 or the Crown Land (Reserves) Act 1978 for the purpose of carrying out activities on the land authorised under the lease, licence or agreement;
- d) a person who is the holder of a nominated carrier declaration or a carrier licence, for the purpose of carrying out activities relating to a network unit referred to in the declaration or authorised under the licence;
- e) the Link corporation or the Extension corporation, for the purpose of their functions or powers under any Act;

- f) a person who, for private purposes, installs an electric line over or under public land in order to convey electricity to other land or property owned or leased by, or under the control of, that person;
- g) a person who installs, or causes to be installed, an electric line on public land on behalf of persons exempted under paragraphs (a) to (f).

## Terms and conditions of the exemption

A person to whom this Order applies must:

- a) give to the Office of the Chief Electrical Inspector (“the Office”) details of the name, position, business address and telephone number of the person who has management or control of the electric line on public land and must advise the Office of any change in that person’s contact details within 14 days; and
- b) have while this Order is in operation:
  - i) the consent of the owner of any property that may be affected by the activities to which this Order relates; and
  - ii) unless inconsistent with any obligation of the distribution company under a licence under the Electricity Industry Act 2000, the consent of the distribution company to whose supply network the electric line is or is to be connected; and
- c) in relation to an underground electric line, maintain a record of the electric line on public land in accordance with Regulation 404 of the Electricity Safety (Installations) Regulations 1999; and
- d) give to the Office, within 14 days of completing the installation of the electric line on public land:
  - i) in relation to an overhead electric line, sufficient information to enable the electric line to be located; or
  - ii) in relation to an underground electric line, a description of how the person has complied with section 76(1)(b) of the Electricity Safety Act;
- e) upon the removal of the electric line on public land:
  - i) in relation to an overhead electric line, give to the Office, within 14 days of the removal, sufficient information to enable the Office to identify the electric line removed; or
  - ii) in relation to an underground electric line:
    - A) give to the person or body informed under section 76(1)(b) of the Electricity Safety Act sufficient information to enable the person or body to identify the electric line removed; or
    - B) give to the Office a description of how the person has complied with paragraph A; and
- f) comply with any direction under section 141 of the Electricity Safety Act; and
- g) give to the Office any further information that the Office requests in writing in relation to compliance with this Order; and
- h) comply with a request under this Order within the time specified by the Office in the request.

## Electric Lines on Public Land Exemption confirmation process

Energy Safety Victoria is the successor to the Office of the Chief Electrical Inspector “the office” and requires any person wishing to confirm an Electric Line on Public Land Exemption to provide the following documentation, information and consents.

In your application package the following three pieces of documentation are required.

### Electric Line on Public Land Exemption application form

This form has the following sections which need to be completed (sections with an asterisk indicate mandatory fields):

- **Location Details\*** – the address and map reference of the line as illustrated in Figure 1.
- **Line Owner Details\*** – the contact details of the owner of the proposed electric line.
- **Public land Details\*** - the contact details of the owner of the property/land the proposed electric line will run through or across. This section contains a consent box which needs to be ticked to indicate consent has been given by the property owner. If there is more than one property owner then you can complete multiple copies of the notification forms to allow their details to be accurately recorded.

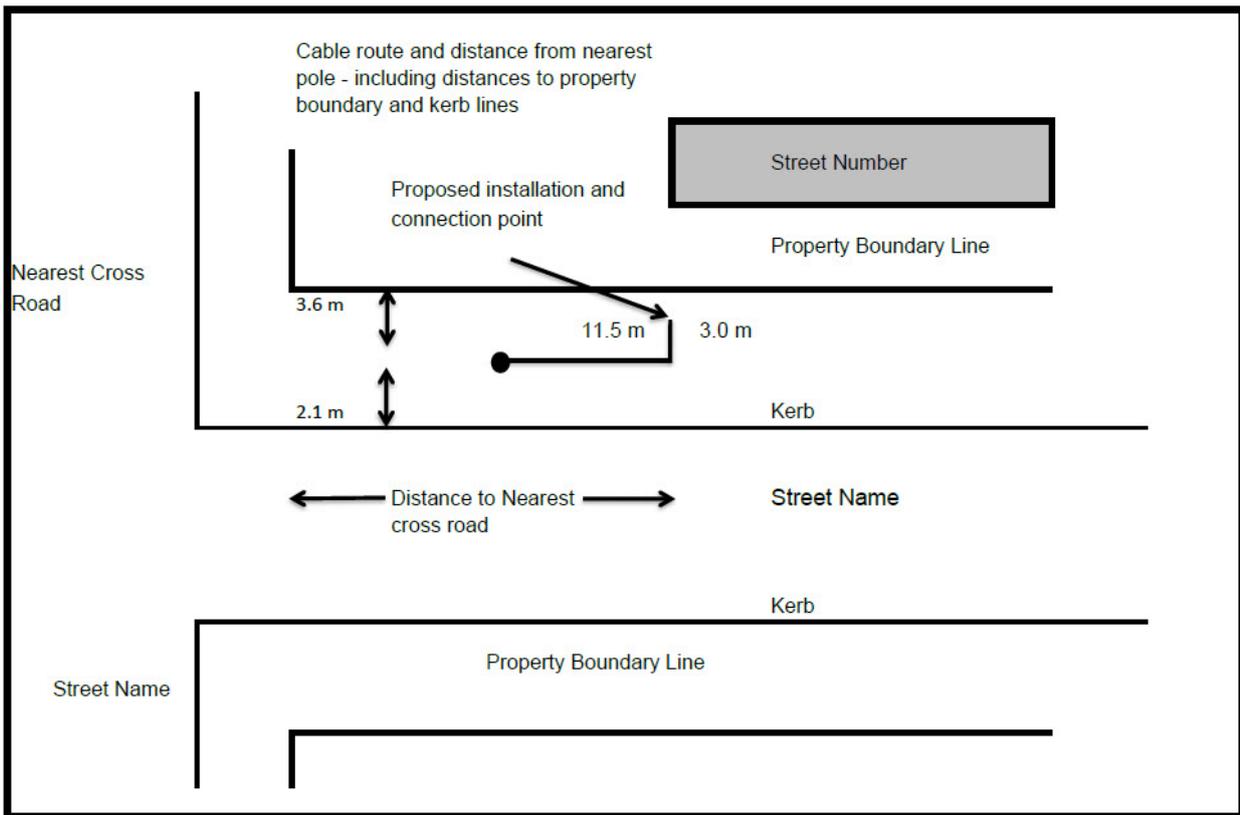
### Offer to supply electricity to the installation

This is an offer provided by the relevant electricity distribution business to the person who has applied to have the proposed electric line connected to electricity.

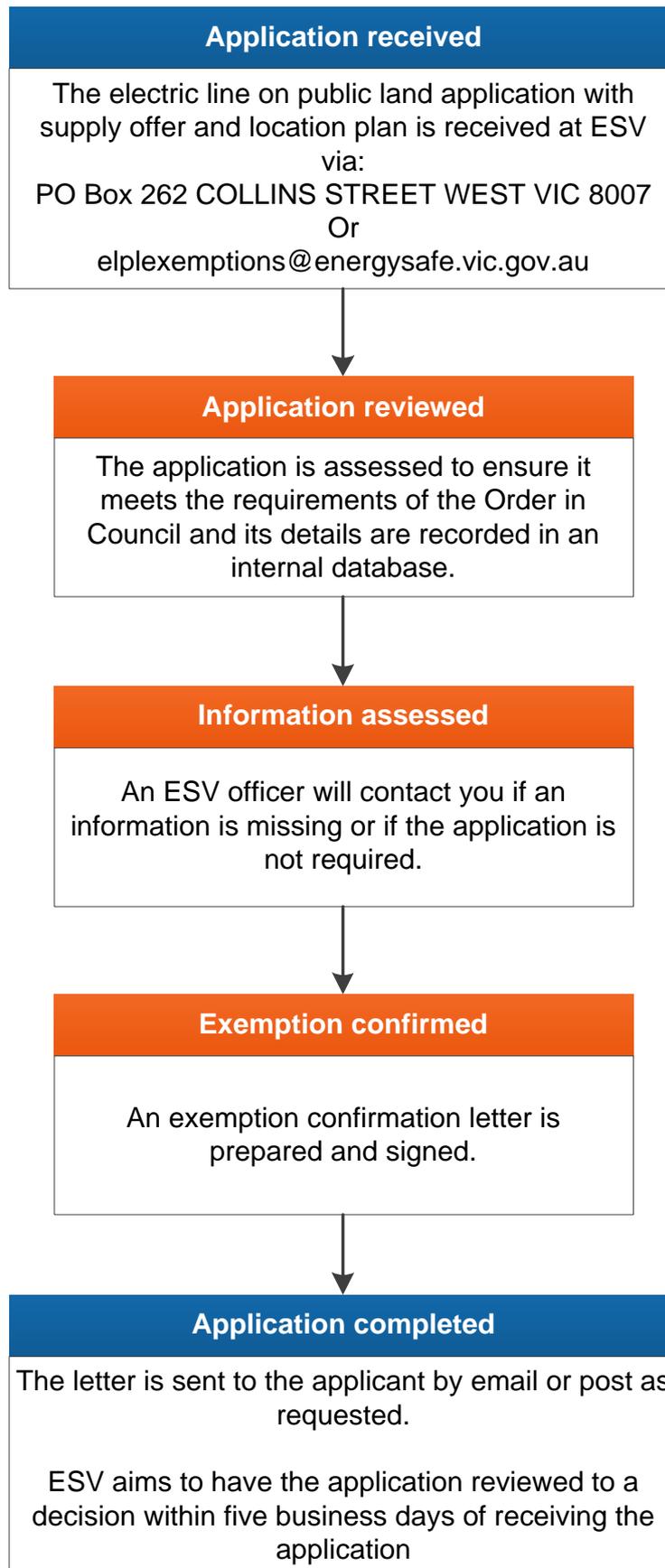
### Location plan

The location plan should outline details of the electrical line that is intended to be installed, including but not limited to the operating voltage, cable size, number of cables, intended cable route, property lines, street names and map co-ordinates sufficient enough to identify the intended location of the electric line.

Figure 1: Example of a location plan



**Figure 2: ELPL exemption application process**



# Electric lines on public land exemption

## Application form

Complete and return this form to apply for an exemption to enable an electric line to be installed on public land in accordance with the Order in Council published in the Victorian Government Gazette No. G4 dated 24 January 2002 under section 47 of the *Electricity Safety Act 1998*.

### ESV also requires you to provide:

- Correspondence from the distribution company, whose supply network the electric line is to be connected to, providing its consent, and
- A plan identifying the location of the electric line to be installed, with details of: the operating voltage, cable size, number of cables, intended cable route, map co-ordinates and any other relevant information.

### For queries or to return your completed application:

[elplexemptions@energysafe.vic.gov.au](mailto:elplexemptions@energysafe.vic.gov.au)

03 9203 9700

Attn: Regulatory Assurance

PO Box 262

COLLINS STREET WEST VIC 8007

#### Location details

Line location	
Map reference	
Your reference	

#### Line owner details\*

Name		Position	
Company name			
Postal address			
Contact number			
Email			

Tick to receive a copy of the exemption confirmation letter by email

#### Public land owner details\*

Name		Position	
Company name			
Postal address			
Contact number			

Consent of all affected land owners\* to install line

\*Section 47(4) requires that you comply with the conditions of the exemption. This includes obtaining the consent of all affected property owners. Penalties may apply for failure to comply.

## Responsibilities and obligations under relevant Legislation

### Order in Council - Electric Lines on Public Land Exemption

The Governor in Council, under section 47 of the **Electricity Safety Act 1998** (“the Electricity Safety Act”) and on the recommendation of the Office of the Chief Electrical Inspector, makes the following Order:

#### 1. *Definitions*

In this Order:

**Extension Corporation** has the same meaning as in the **Melbourne City Link Act 1995**;

**Link corporation** has the same meaning as in the **Melbourne City Link Act 1995**;

**Carrier licence** has the same meaning as in the **Telecommunications Act 1997** of the Commonwealth;

**Network unit** has the same meaning as in the **Telecommunications Act 1997** of the Commonwealth;

**Nominated carrier** declaration has the same meaning as in the **Telecommunications Act 1997** of the Commonwealth.

#### 2. *Persons exempted*

The following persons are exempted from compliance with section 46 of the Electricity Safety Act in respect of the specified activities on the land specified:

- a) a person who is responsible for the management of public land, for the purposes of the person’s functions or powers under any Act, other than persons already excepted from the requirements of section 46 of the Electricity Safety Act by that section;
- b) a person who is the owner or occupier of privately owned land used for public purposes, for the purpose of enabling the land to be used for public purposes;
- c) a person who has entered a lease or licence of land or an agreement relating to land under the **Land Act 1958** or the **Crown Land (Reserves) Act 1978** for the purpose of carrying out activities on the land authorised under the lease, licence or agreement;
- d) a person who is the holder of a nominated carrier declaration or a carrier licence, for the purpose of carrying out activities relating to a network unit referred to in the declaration or authorised under the licence;
- g) a person who installs, or causes to be installed, an electric line on public land on behalf a persons exempted under paragraphs (a) to (f).

#### 3. *Terms and conditions of exemption*

A person to whom this Order applies must:

- a) give to the Office of the Chief Electrical Inspector (“the Office”) details of the name, position, business address and telephone number of the person who has management or control of the electric line on public land and must advise the Office of any change in that person’s contact details within 14 days; and
- b) have while this Order is in operation:
  - i) the consent of the owner of any property that may be affected by the activities to which this Order relates; and
  - ii) unless inconsistent with any obligation of the distribution company under a licence under the **Electricity Industry Act 2000**, the consent of the distribution company to whose supply network the electric line is or is to be connected; and
- c) in relation to an underground electric line, maintain a record of the electric line on public land in accordance with Regulation 404 of the Electricity Safety (Installations) Regulations 1999; and

- d) give to the Office, within 14 days of completing the installation of the electric line on public land:
  - i. in relation to an overhead electric line, sufficient information to enable the electric line to be located; or
  - ii. in relation to an underground electric line, a description of how the person has complied with section 76(1)(b) of the Electricity Safety Act; and
- e) upon the removal of the electric line on public land:
  - i. in relation to an overhead electric line, give to the Office, within 14 days of the removal, sufficient information to enable the Office to identify the electric line removed; or
  - ii. in relation to an underground electric line:
    - A) give to the person or body informed under section 76(1)(b) of the Electricity Safety Act sufficient information to enable the person or body to identify the electric line removed; or
    - B) give to the Office a description of how the person has complied with paragraph A; and
- f) comply with any direction under section 141 of the Electricity Safety Act; and
- g) give to the Office any further information that the Office requests in writing in relation to compliance with this Order; and
- h) comply with a request under this Order within the time specified by the Office in the request.

#### **4. Commencement of Order**

This Order comes into operation on the day on which it is published in the Victoria Government Gazette.

Dated 22 January 2002

## Electricity Safety Act 1998

**Complex electrical installation** means an electrical installation that—

- a) has an installed generation capacity of equal to or greater than 1000 kVA; or
- b) is an electric line that is on land that is not owned or leased by the owner or operator of the electric line;

### Section 75 - General duties of owners or operators of complex electrical installations and railways

1. An owner or operator of a complex electrical installation must take reasonable care to ensure that all parts of the complex electrical installation that it owns or operates—
  - a) are designed, constructed, operated, maintained and decommissioned in accordance with the regulations; and
  - b) are safe and operated safely.

## Electricity Safety (General) Regulations 2019

### 502 Safety standards—complex electrical installations

1. An owner or operator of a complex electrical installation that is not part of a railway or tramway supply network must ensure that—
  - a) the complex electrical installation or the installed, altered, repaired or maintained portion of the complex electrical installation complies with Divisions 1 to 10 of Part 2; and
  - b) any portion of the complex electrical installation using direct current does not leak stray electrical currents into the ground; and
  - c) an assessment of the owner's or operator's compliance with the requirements of subregulation (2) is carried out by a competent person at least once every 2 years.

**Penalty:** 20 penalty units.
2. An owner or operator of a complex electrical installation that is not part of a railway or tramway supply network must ensure that—
  - a) any person operating the complex electrical installation has a standard of qualifications, proficiency and experience that enables that person to safely operate the complex electrical installation; and
  - b) any person operating or maintaining the complex electrical installation complies with the owner's or operator's operating and maintenance procedures; and
  - c) any person operating or maintaining any part of the complex electrical installation is trained, authorised and instructed to perform the work on the complex electrical installation in accordance with the owner's or operator's operating and maintenance procedures; and
  - d) any person under the control of the owner or operator who is working on or near a part of the complex electrical installation that is operating at high voltage—
    - i) is appropriately trained in accordance with the Blue Book and aware of the requirements of the Blue Book; and
    - ii) complies with the provisions of the Blue Book that apply to the work that the person is carrying out; and
    - iii) uses an Electrical Access Authority for work on or near any parts of the complex electrical installation that is operating at high voltage, as required by the Blue Book.

**Penalty:** 20 penalty units.

3. An owner or operator of a complex electrical installation that is not part of a railway or tramway supply network must prepare written operating and maintenance procedures that describe the methods of operation, maintenance, earthing, isolation, energisation and de-energisation of the complex electrical installation.

**Penalty:** 20 penalty units.

## Reporting Requirements

**Serious electrical incident** means an incident involving electricity which causes or has the potential to cause—

- a) the death of or injury to a person; or
- b) significant damage to property; or
- c) a serious risk to public safety;

### 401 Reporting of serious electrical incidents

1. The following persons must report a serious electrical incident to Energy Safe Victoria in accordance with this regulation—
  - a) an employer who becomes aware of a serious electrical incident that—
    - i) relates to electrical work carried out by the employer's workers; or
    - ii) occurred at a location where the employer's workers were carrying out electrical work;
  - b) a person who has, to any extent, the management or control of a workplace who becomes aware of a serious electrical incident that occurs at the workplace;
  - c) a registered electrical contractor who becomes aware of a serious electrical incident relating to work being carried out by the registered electrical contractor or one of its workers;
  - d) an operator of a high voltage electrical installation who becomes aware of any serious electrical incident occurring within that electrical installation;
  - e) an operator of a complex electrical installation who becomes aware of any serious electrical incident occurring within that complex electrical installation;
  - f) an operator of a railway or tramway who becomes aware of any serious electrical incident occurring in relation to an electrical installation or supply network associated with that railway or tramway;
  - g) an operator of an embedded network who becomes aware of any serious electrical incident occurring in relation to that embedded network;
  - h) subject to subregulation (5), any other installation work responsible person who becomes aware of a serious electrical incident relating to work for which that person is responsible for carrying out;
  - i) subject to subregulation (5), an electrical worker who becomes aware of a serious electrical incident relating to work carried out by that worker or at a location where the electrical worker is carrying out electrical work.
2. As soon as practicable after becoming aware that the serious electrical incident has occurred or is occurring, a person referred to in subregulation (1) must report, by telephone, to Energy Safe Victoria all details of the incident within the person's knowledge.

**Penalty:** 10 penalty units.

3. A person referred to in subregulation (1) must, within 20 business days after reporting the incident, give a written report of the incident to Energy Safe Victoria.

**Penalty:** 10 penalty units.

4. The report referred to in subregulation (3) must be in a form approved by Energy Safe Victoria and, if required by Energy Safe Victoria, must be given to Energy Safe Victoria by means of an electronic communication.
5. An electrical worker or installation work responsible person is not required to comply with this regulation if—
  - a) the electrical worker or installation work responsible person has reported the details of the serious electrical incident to another person listed in subregulation (1), and the other person is required to report the serious electrical incident to Energy Safe Victoria; or
  - b) the electrical worker or installation work responsible person has been advised by another person listed in subregulation (1) that they have reported the serious electrical incident to Energy Safe Victoria