

26 September 2019

Neil Jenkins
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Energy Safe Victoria
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By email: info Regulations@energysafe.vic.gov.au

Dear Neil,

**ELECTRICITY SAFETY (MANAGEMENT) REGULATIONS 2019;
ELECTRICITY SAFETY (CATHODIC PROTECTION) REGULATIONS 2019;
ESV ENERGY INFRASTRUCTURE SAFETY MANAGEMENT POLICY;
ELECTRICITY SAFETY CASE (ESMS) PREPARATION AND SUBMISSION GUIDELINE FOR
MECS; AND
INCIDENT AND SAFETY PERFORMANNC E REPORTING GUIDELINES**

Thank you for the opportunity to comment on the abovementioned regulations, policy and guidelines.

Our detailed comments are included in the attached document. The key issues are summarised below.

Electricity Safety (Management) Regulations 2019

AusNet Services is generally supportive of the proposed changes.

With regards to Sub-regulation 15(2)(a) and Sub-regulation 17(1)(a), AusNet Services recommends these clauses are amended to clarify that all standards *relied upon to achieve safety outcomes* need to be listed, rather than all standards.

With regards to Regulations 28 and 29, AusNet Services does not support the specification of reporting requirements to be contained within separate guidelines and believe these requirements should be contained explicitly within the regulations.

Electricity Safety (Cathodic Protection) Regulations 2019

AusNet Services supports the proposed changes to the regulations.

ESV Energy Infrastructure Safety Management Policy and ESMS and Reporting Guidelines

In general, AusNet Services is supportive of ESV's proposed policy direction and the development of ESMS and reporting guidelines.

Included in our comments is the recommendation that the release of the *Electricity Safety Case (ESMS) Preparation and Submission Guideline for MECs* should be postponed as AusNet Services



do not believe that it reflects the intent of the policy. Instead a working group should be tasked with producing guidelines which are aligned with the intent of the policy.

Should you require further information please do not hesitate to contact me on [REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

AusNet Services

Attachment: Comments on Electricity Safety (Management) Regulations 2019; ESV Energy Infrastructure Safety Management Policy, Electricity Safety Case (ESMS) Preparation and Submission Guideline for MECS And Incident and Safety Performance Reporting Guidelines

ATTACHMENT – COMMENTS ON ELECTRICITY SAFETY (MANAGEMENT) REGULATIONS 2019; ESV ENERGY INFRASTRUCTURE SAFETY MANAGEMENT POLICY, ELECTRICITY SAFETY CASE (ESMS) PREPARATION AND SUBMISSION GUIDELINE FOR MECS AND INCIDENT AND SAFETY PERFORMANCE REPORTING GUIDELINES

ELECTRICITY SAFETY (MANAGEMENT) REGULATIONS 2019

15 Standards for works on complex electrical installations – published technical standards

Sub-regulation (2)(a) currently requires a list of all of the published standards that the asset operator will comply with when designing, constructing, commissioning, installing, operating, maintaining and decommissioning the complex electrical installation.

AusNet Services recommend that this clause be amended to:

list all of the published technical standards that the asset operator will comply with to achieve the required safety outcomes when designing, constructing...

The reasoning behind this amendment is that not all technical standards are specified to achieve safety outcomes. For example, an asset owner may specify a standard for hot-dip galvanised coatings to extend the life of a component and not specifically to address any safety issues.

Thus, the requirement to list all published technical standards, rather than only those which are relied upon to achieve safety outcomes, may mean the asset operator is committing itself to everything these standards contain, which may lead to unintentional non-compliances and significant penalties.

18 Technical standards for electrical work

Sub-regulation (1)(a) currently requires a list of every published technical standard that applies to that electrical work.

Similar to Regulation 15, AusNet Services recommend that this clause be amended to:

list every published technical standard that applies to the electrical work which is relied upon to achieve the required safety outcomes;

28 Requirements for reporting of serious electrical incidents by major electricity companies AND

29 Reporting of other serious electrical incidents by major electricity companies

The *ESV Consultation Paper – Proposed Electricity Safety (Management) Regulations 2019*, Section 4.2.1 states that the problem the proposed amendments to these regulations is aiming to address is the lack of clarity in the current management regulations with regards to what information major electricity companies should report to ESV.

The proposed amendments to the regulations include reference to '*reporting guidelines issued by Energy Safe Victoria from time to time*'.

AusNet Services does not believe that embedding the reporting requirements into separate a guideline achieves the aim of providing clarity around regulatory reporting of serious electrical incidents.

The proposed regulations, as they are currently drafted, provide less clarity, rather than greater clarity, of the regulated reporting requirements with regards to the notification of serious electrical incidents. In particular, there is less clarity with regards to what needs to be included in the initial notification versus the report and the difference in the reporting requirements for 'serious electrical incidents' and 'other serious electrical incidents'.

Additionally, one of the checks undertaken when making regulations is that the regulations only covers matters that are permitted by the authorising Act and that the regulations are consistent with

the purpose and objective of that Act. AusNet Services believes that by moving the reporting requirements out of the regulations and into separate guidelines these checks are bypassed.

AusNet Services recommend that greater detail, similar to the information contained in the current Management regulations, be included in the revised regulations and that this is supplemented by the issuing of guidance notes.

AusNet Services suggest that Regulation 28 be redrafted along the lines of the following:

- (1) *For the purposes of section 142(1) and (2) of the Act, an electricity supplier that is an MEC must, if this regulation applies –*
 - a. *Notify Energy Safe Victoria of a serious electrical incident as soon as practicable*
 - b. *Provide Energy Safe Victoria with a report of the serious electrical incident at the completion of the investigation into the incident*
- (2) *The notification of a serious electrical incident to which sub-regulation (1) applies must specify, to the extent that the information is available –*
 - a. *The nature of the incident;*
 - b. *Where and when the incident occurred;*
 - c. *The particulars of any person involved in the incident; and*
 - d. *Whether any emergency service attended the incident*
- (3) *The report of the serious electrical incident to which sub-regulation (1) applies must specify –*
 - a. *The cause of the incident*
 - b. *If any emergency service attended, what action was required to be taken by emergency service;*
 - c. *What remedial actions (if any) were taken by the MEC; and*
 - d. *What actions are proposed by the MEC to prevent a repetition of the incident.*
- (4) *This regulation applies if a serious electrical incident –*
 - a. *Caused the death of or injury to a person;*
 - b. *Caused significant property damage;*
 - c. *Caused significant disruption to the community;*
 - d. *Involved a transmission line;*
 - e. *Involved an imminent risk of electrocution;*
 - f. *Involved a ground fire originating from the MEC's supply network;*
 - g. *Involved any of the following –*
 - i. *An explosive failure of an asset;*
 - ii. *A reverse polarity;*
 - iii. *A high voltage injection;*
 - iv. *A switching operation that inadvertently caused energisation;*
 - v. *A person coming into contact with an energised network asset;*
 - vi. *An uncontrolled release of a live conductor.*

AusNet Services suggest that Regulation 29 be redrafted along the lines of the following:

- (1) *This regulation applies to serious electrical incidents other than serious electrical incidents described in Regulation 28.*
- (2) *For the purposes of section 142(1) and (2) of the Act, an electricity supplier that is an MEC must provide Energy Safety Victoria with a report of a serious electrical incident to which this regulation applies at the completion of the investigation in to the incident in accordance with sub-regulation 28(3).*

ESV ENERGY INFRASTRUCTURE SAFETY MANAGEMENT POLICY

In general, AusNet Services is supportive of ESV's policy direction and is pleased to see that since the terms 'safety case' and 'electricity safety management scheme' have been deemed to have the same meaning that in the future only one document will be prepared and submitted to ESV for acceptance.

AusNet Services is supportive that the safety case regimes are an outcome focussed, process based approach rather than a prescriptive one.

AusNet Services is also supportive of ESV's interpretation of 'as far as practicable' (AFAP) in relation to other risk quantifications (such as 'as low as reasonably practicable' (ALARP)) and the clarification that only technical standards which are relied upon to control safety risks shall be specified.

AusNet Services recommends the following minor amendments be made to the policy document:

1. Clause 46 is modified to include the phrase 'as far as practicable' between the words 'minimise' and 'hazards' in the second sentence.
2. Clause 91 is modified to include the phrase 'to control safety risks' between the words 'upon' and ', and' in the second sentence.

ELECTRICITY SAFETY CASE (ESMS) PREPARATION AND SUBMISSION GUIDELINE FOR MECS

AusNet Services is supportive of the development of a guideline to assist MECs in the preparation and submission of electricity safety management schemes; however it is felt that the guideline in its current form does not align with the intent of the policy.

It is AusNet Services' understanding from discussions held at the two workshops on the policy that it is felt that the current ESMS documents provide too much information that is not necessarily relevant to ensuring safety outcomes. This has resulted in documents which are too long and unwieldy and there is a preference it to move to more succinct documents.

AusNet Services feel that the guideline as it currently stands will deliver more of the same and will not move to a more succinct, outcome-focussed, process-based approach.

AusNet Service recommends that the release of the *Electricity Safety Case (ESMS) Preparation and Submission Guideline for MECs* should be postponed and a working group with members from ESV and MECs should be formed to produce guidelines which are aligned with the intent of the policy.

INCIDENT AND SAFETY PERFORMANCE REPORTING GUIDELINES

AusNet Service recommends that the release of the *Incident and Safety Performance Reporting Guidelines* should be postponed and a working group with members from ESV and MECs should be formed to produce guidelines which are aligned with the intent of the policy.