

6 March 2020

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RIS Submission  
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## **RE: Proposed Electricity Safety (Electric Line Clearance) Regulations 2020**

Thank you for the opportunity to comment on the documents associated with the remake of the Electricity Safety (Electric Line Clearance) Regulations 2020:

- Regulatory Impact Statement: Electricity Safety (Electric Line Clearance) Regulations 2020
- Exposure Draft - Electricity Safety (Electric Line Clearance) Regulations 2020

### **Jemena's observation in respect of the **Regulatory Impact Statement (RIS) for the Electricity Safety (Electric Line Clearance) Regulations 2020****

#### **Item 1**

##### **Section 2.2.2.1 Fires**

For Jemena the statistics show that approximately 50% of tree related fires are due to grow-ins and the other 50% are due to fall-ins. All of the fire starts from grow-ins are from trees for which Jemena is not responsible.

While Jemena's performance in preventing grow-ins is sufficiently specified and governed by regulation there are no provisions in the regulations to address the risk associated with fire starts from vegetation fall-ins (100% of tree related fires for which JEN has ELC responsibility), other than hazard trees.

Provision needs to be made in the ELC Regulations to help MECs minimise the risk of fire starts, and other undesirable consequences, from fall-in vegetation. This provision might require the responsible person to identify, and remove, tree defects in the fall zone. For example, deadwood in the canopy of a tree in the fall zone.

JEN Recommendation:

Introduce a new provision for the fall zone to be assessed for defects and for these defects when identified to be removed.

### **Jemena's comments in respect of the **Exposure Draft - Electricity Safety (Electric Line Clearance) Regulations 2020****

#### **Item 1**

##### **Clause 3(1) in the Code of Practice**

While Jemena do not oppose the use of penalty provisions, namely Clause 3(1) of the Code of Practice, and our electric line clearance program is designed to enhance compliance. We are, never-the-less, concerned that the penalty units per event is extremely harsh. Without publicly nominating the volume, it is a relatively small

number of infringements which could consume Jemena's entire annual cutting budget.

Therefore Jemena suggests that recommendation 9 of the Grimes Review, ESV provide further information on their 'Compliance and Enforcement Policy' to provide all responsible persons a level of comfort that ESV's 'compliance pyramid' is applied fairly, equitably and consistently. Jemena also recognises the encouragement/justification value of a penalty system.

JEN Recommendation:

ESV to issue a guidance statement to the industry describing how these penalty provisions are intend to be used. Alternatively a new provision could be added to the ELC regulations outlining the discretionary powers in consideration when penalties are to be issued.

## **Item 2**

### **Applicable Distances for uninsulated electric lines in the Low Bushfire Risk Area (LBRA)**

Jemena believe the Code allows for double counting of the sag and sway values when the Applicable Distance is calculated for spans over 100m long.

As an example, for High Voltage (HV, e.g. 22kV) spans which are less than 45m long no sag or sway is included in the Applicable Distance of 1500mm. Then for spans greater than 45m and less than 100m an addition distance is included to account for sag and sway. That is, 1500mm plus an additional 1000mm for a span of 100m.

JEN Recommendation:

In the Code of Practice, Graph 1 be amended such that the Applicable Distance for spans greater than 100m reverts back to the same value as for spans less than 40m, i.e. 300mm.

In the Code of Practice, Graphs 2, 3 and 4 be amended such that the Applicable Distance for spans greater than 100m reverts back to the same value as for spans less than 45m, i.e. 1000mm, 1500mm and 2250mm respectively.

Note (1) under the 'Notes to Graphs 1, 2, 3 and 4' be amended to clarify that the sag is added to the Applicable Distance below the conductor only and, that the sway is added to the Applicable Distance beside the conductor only. That is, the sag is not added to the sway and then together added to the Applicable Distance; This value would be meaningless and the Applicable Distance would be unnecessarily excessive. At Jemena the sag and sway calculations are made at the worst case design thresholds which means they are individual, stand-alone, independent values.

## **Item 3**

### **Applicable Distances for uninsulated electric lines in the Hazardous Bushfire Risk Area (HBRA)**

Jemena believe the Code allows for double counting of the sag and sway values when the Applicable Distance is calculated for spans over 45m long.

As an example, in Graph 5 spans which are less than 45m long no sag or sway is included in the Applicable Distance of 1500mm. Then for spans greater than 45m an addition distance is prescribed for spans up to 500m long and capped at 750mm. That is, 1500mm plus an additional 750mm for a span of 500m or more. Jemena believes this is a remnant from previous regulations which may have included a value for sag and sway.

JEN Recommendation:

In the Code of Practice, Graph 5 be amended such that the Applicable Distance for spans greater than 45m reverts back to the same value as for spans less than 45m, i.e. 1500mm.

In the Code of Practice, Graphs 6 be amended such that the Applicable Distance for spans greater than 45m reverts back to the same value as for spans less than 45m, i.e. 2250mm.

Note (1) under the 'Notes to Graphs 5 and 6' be amended to clarify that the sag is added to the Applicable Distance below the conductor only and, that the sway is added to the Applicable Distance beside the conductor only. That is, the sag is not added to the sway and then together added to the Applicable Distance; This value would be meaningless and the Applicable Distance would be unnecessarily excessive. At Jemena the sag and sway calculations are made at the worst case design thresholds which means they are individual, stand-alone, independent values. That is, the worst case for sag is when there is no wind; the worst case for sway is at maximum sag and maximum wind.

Thank you again for the opportunity to comment on the Regulatory Impact Statement and the Exposed Draft – Electricity Safety (Electric Line Clearance) Regulations 2020.

Please contact our Senior Bushfire Mitigation Asset Performance Engineer, [REDACTED] on [REDACTED] should any clarification be needed.

Yours sincerely ,

[REDACTED]

[REDACTED]  
**Asset Analytics & Programs Manager**