Remaking the Electric Line Clearance Regulations

Regulatory Impact Statement for the proposed Electricity Safety (Electric Line Clearance) Regulations 2026.

Victorian Government, Department of Energy, Environment and Climate Action 2025

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VICTORIA State Government | Energy, Environment and Climate Action

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.

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ISBN 978-1-76176-685-5 **(PDF/online/MS Word)**

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Glossary

Short name	Full name
AER	Australian Energy Regulator
Blow-in	A situation where strong winds have blown vegetation, such as tree branches or leaves, into the minimum clearance space of an electric line
BRV	Better Regulation Victoria
CFA	Country Fire Authority
The Code	The Code of Practice for Electric Line Clearance
DEECA	Department of Energy, Environment and Climate Action
Distribution Company	A person who is the holder of a license to distribute electricity
ELCCC	Electric Line Clearance Consultative Committee, abolished June 2025
ELCMP	Electric Line Clearance Management Plan
ES Act	*Electricity Safety Act 1998*
Energy Safe Victoria	Energy Safe Victoria
Fall-in	A situation where vegetation, normally a tree branch, has fallen onto electric lines.
Flashover distance	The distance that electricity can travel as an arc through free air, at a given voltage and set of environmental conditions
FRV	Fire Rescue Victoria
Grow-in	A situation where vegetation initially located outside the minimum clearance space of an electric line has grown and encroached into the minimum clearance space
HBRA	Hazardous bushfire risk area
LBRA	Low bushfire risk area
MCA	Multi-criteria analysis
MCS	Minimum clearance space
MEC	Major Electricity Company
The proposed Regulations	Draft Electricity Safety (Electric Line Clearance) Regulations 2026
REFCL	Rapid Earth Fault Current Limiter
Responsible person	A person (includes companies and other entities) required under sections 84, 84A, 84B, 84C and 84D of the *Electricity Safety Act 1998* to take responsibility for the maintenance of an electric line and/or keeping the whole or any part of a tree clear of that line
RIS	Regulatory impact statement
The current Regulations	Electricity Safety (Electric Line Clearance) Interim Regulations 2025
VUE	Value of Unserved Energy

Executive summary

Background and purpose of this Regulatory Impact Statement

Electricity is transported to homes and businesses across Victoria by a large network of high and low voltage electric lines (also called powerlines). Maintaining a safe and reliable network of electric lines is critical to Victoria's community and plays an essential part in powering Victoria's $606.1 billion economy.

Victoria's natural environment, trees and unique native plants and animals also play an essential role in supporting healthy communities, providing ecosystem services for our wellbeing, and supporting Victoria's economy. The network of electric lines across Victoria runs through suburbs and regional areas covered by trees and vegetation, delivering electricity to communities and businesses throughout the state.

Electric lines and trees are often located close to each other, which creates a risk of contact between vegetation and electricity. This contact can lead to fires, electric shocks and power outages, causing harm to Victoria's people and environment.

The Electricity Safety (Electric Line Clearance) Regulations were put in place to help reduce the risk of fires and other harms occurring. They set the standards and requirements for managing trees near electric lines, including how far trees and branches must be kept away from electric lines. They form part of a wider Victorian Government framework which exists to support the safe supply and use of electricity.

The Electricity Safety (Electric Line Clearance) Regulations were last fully remade in 2020, which involved targeted changes to better balance safety and amenity outcomes. The current Interim Regulations (current Regulations) were introduced in June 2025 for a period of only 12 months to allow further consultation with key stakeholders.

The purpose of this Regulatory Impact Statement (RIS) is to evaluate the options for remaking the regulations, present the Victorian Government's preferred option (as the proposed Regulations), and seek public feedback on the proposed Regulations. All feedback received on the proposed Regulations will be reviewed and considered in the making of the final Regulations.

This RIS was prepared by the Department of Energy, Environment, and Climate Action (DEECA), the department responsible for reviewing the current Regulations.

Problem statement and objectives

If trees and electric lines make contact it can cause sparks, which can lead to fires. Sparks can also occur if vegetation is too close to an electric line when an electrical discharge occurs. This is when electricity 'jumps' or 'arcs' away from an electric line to the vegetation (known as a flashover). Contact between electric lines and vegetation can also result in electric shocks and electrocutions (if a person touches a tree that is 'live'), and interrupt the supply of electricity, causing harm to people and businesses.

Fire starts from electricity lines

The risks of fire associated with electric lines is well documented in Victoria. Findings by the Victorian Auditor-General's Office show that while electric lines have caused a relatively small number of bushfires (compared to other sources), they accounted for a disproportionately large proportion of catastrophic bushfire events in Victoria.[1] For example, one of the 2009 Black Saturday bushfires was started by vegetation that had contacted an electric line.[2] Bushfires can result in:

- financial costs from damaged infrastructure, disruptions to business, and reduced tourism;
- displacement of families, injury to individuals, and loss of life; and,

[1] Victorian Auditor-General's Office, 'Reducing Bushfire Risks', October 2020, https://www.audit.vic.gov.au/sites/default/files/2020-10/20201014-Reducing-Bushfire-report_0.pdf.https://www.audit.vic.gov.au/sites/default/files/2020-10/20201014-Reducing-Bushfire-report_0.pdf

[2] Powerline Bushfire Safety Taskforce, 'Final Report', 30 September 2011, https://www.energysafe.vic.gov.au/sites/default/files/2022-12/PBST_final_report_30Sep2011.pdf

- loss of flora and fauna, increased air pollution, and reduced water quality.

Between 2019 and 2023, an average of 47 fires a year in Victoria were caused by trees contacting electric lines.[3] Many fires are successfully contained, but each instance of fire carries a risk of spreading and developing into a larger fire. This issue is particularly important in areas that have a high risk of bushfires.

Electrocutions

The current Regulations play a part in the safety framework for electric line workers to prevent personal injury. However, in Victoria between 2019 and 2024, vegetation contact with electric lines resulted in two incidents of vegetation clearance workers receiving electric shocks, resulting in one fatality and one serious injury.[3] People working close to electric lines are at a higher risk, but electrocutions have the potential to affect the wider community as well.

Power outages

Power outages can be caused when tree branches and entire trees fall on electric lines. They can also be caused from vegetation contact with electric lines that trigger a fault or other damage. Power outages can result in people not being able to cool or heat their homes, or that limit people's ability to power life support machines, can also lead to health impacts and risks to life, particularly for more vulnerable populations.

Regional areas are more likely to experience longer and more frequent outages.[4] Power outages can also cause harm and result in costs to communities and businesses through interruptions to business operations, loss of perishable goods, and disruption to critical services.

The role of electric line clearance regulations

The *Electricity Safety Act 1998* (the ES Act) is a core part of Victoria's legal framework that supports the safe supply and use of electricity. To help reduce the risks of harm as described above, the ES Act requires certain persons, called 'responsible persons', to keep trees clear of electric lines.[5]

Responsible persons are defined under sections 84, 84A, 84B, 84C, and 84D of the ES Act and include:

- electricity distribution companies
- councils
- occupiers of land with private electric lines or low-voltage electric lines that only service that land
- occupiers of land when trees on that land are near private electric lines located on connected land
- owners and operators (other than distribution companies) of electric lines or other persons who install or use an electric line under an Act of the Commonwealth.

The ES Act also requires regulations that include 'the Code' to be in force at all times, which refers to the Code of Practice for Electric Line Clearance (the Code). The Code is made up of Schedule 1 and 2 of the current Regulations, it details what responsible persons must do to comply with their obligations under the ES Act to keep trees clear of electric lines. This includes the distances that vegetation must be kept clear of electric lines called a minimum clearance space (MCS).

[3] Energy Safe Victoria, 'Electrical safety performance reports' 2020–2023, https://www.energysafe.vic.gov.au/about-us/our-organisation/reports/electrical-safety-performance-reports

[4] AusNet Services, 'Electricity Distribution Price Review 2027–31', 2025, https://www.aer.gov.au/system/files/2025-02/ASD%20-%20AusNet%20-%20EDPR%20Business%20Case%20-%20Worst%20Served%20Feeders%20Program%20-%2031%20Jan%202025%20-%20PUBLIC.pdf

[5] *Electricity Safety Act 1998*, Part 8, sections 84, 84A, 84B, 84C, and 84D

Objectives of Government intervention

One of the challenges with managing vegetation near electric lines is balancing the risks of harm associated with trees contacting electric lines, with the environmental and community benefits that trees provide. In preparing this RIS, a core message received from many stakeholders was that electric line clearance regulations should be carefully designed to avoid causing unnecessary vegetation loss.

If there were no regulations in force that detailed how vegetation around electric lines must be managed, the extent of vegetation clearance and maintenance might be subjectively determined by each responsible person. This could result in inconsistent tree pruning and clearance practices that would not adequately consider safety risks, community needs, and environmental benefits.

Inconsistent vegetation management could lead to either:

- higher rates of vegetation and electric line contact, which may lead to increases in fires, power outages, or electric shocks and electrocutions; or,
- excessive vegetation clearance where responsible persons might consider excessive pruning or the removal of a whole tree as a way to reduce risk or how often they need to maintain the trees for which they are responsible.

The Victorian Government's objectives for remaking the Regulations

- to continue to support the reduction of likelihood of fires and other harms that can occur through electric lines and vegetation contact;
- to continue to support safety and reliability of Victoria's electricity supply network;
- to continue to provide detailed guidance to responsible persons on how to meet their requirements under the ES Act, including through the Code; and,
- to improve the current Regulations by making changes to:
    - better balance safety risks with environmental considerations;
    - reduce unnecessary burden on responsible persons; and,
    - support future remakes to safely address the many environmental and amenity benefits of retaining tree canopy.

Options to address the problem

To support a review of the current Regulations, and the development of options for this RIS, DEECA consulted with key stakeholders, including:

- Energy Safe Victoria (the State's energy safety regulator which administers and enforces the Electricity Safety Act and the electric line clearance regulations)
- Country Fire Authority (CFA)
- Electricity distribution company representatives
- The Electric Line Clearance Consultative Committee (ELCCC, see Appendix 3 for details):
    - The ELCCC was a committee that provided advice to Energy Safe Victoria relating to the preparation and maintenance of the Code. On request, it also provided advice to Energy Safe Victoria and the Minister for Energy and Resources on matters relating to electric lines. Its members represented the interests of government, industry and other stakeholders. The ELCCC was abolished on 30 June 2025.

The options considered by this RIS are:

- **Base Case (minimal regulations):** a scenario where the regulations state general tree clearance duties but do not provide detailed requirements for how they should be carried out. For example, they would not set minimum clearance spaces.
- **Option 1 (Status Quo):** the regulations would be remade with requirements as they exist under the current Regulations.
- **Option 2 (Targeted changes):** the regulations would be remade but with targeted changes to improve the effectiveness, efficiency, and practicability of the regulations, and reduce burden on responsible persons.
- **Option 3 (Targeted changes plus trial) – Preferred Option:** the regulations would be remade with the targeted changes as included under Option 2 and would include additional new provisions to allow trials of reduced minimum clearance spaces.

The options are assessed using a Multi-Criteria Analysis (MCA). Each option is scored against the following 5 criteria:

1. Reduced risk of hazardous incidents;
2. Improved electricity supply and reliability;
3. Protection of amenity, environment, and the mitigation of the effects of climate change;
4. Cost to responsible persons (a distribution company, local council, or landowner with vegetation and electric lines on their property); and,
5. Cost to government.

The preferred option

Option 3 (Targeted changes plus trial) scored highest for the 5 criteria. It includes the targeted changes under Option 2 and includes new provisions to allow for trialling of reduced minimum clearance space and is the Victorian Government's preferred option for remaking the regulations. Table 1 below includes a summary of the changes included under the preferred option. Option 3 is discussed in detail under chapters 3, 4 and 5 of this RIS. Option 3 will also be referred to as the 'proposed Regulations'. The proposed Regulations will be made available on Engage Victoria during the public consultation period (see 'Implementation and evaluation' section below for details).

The current Regulations set standard MCS distances,[6] which are the distances that responsible persons must keep trees clear from electric lines. The distances are risk-based and vary in size depending on things like the voltage of an electric line, how far the line can sway in the wind, and whether it is in a low or hazardous bushfire risk area.

During consultation with stakeholders, concerns were raised that some minimum clearance space distances in the current Regulations are too big, and as a result, trees are being cut back more than necessary to manage risks.

[6] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Part 3

DEECA considered these concerns in consultation with other key stakeholders. DEECA determined that there is a lack of evidence to show that reducing a standard MCS in Victoria would not result in increased risks of harm. However, DEECA encourages the collection of Victorian data that could provide the evidence for future changes to standard minimum clearance spaces.

The preferred option allows reduced minimum clearance space distances to be tested under a trial.

Trials have been designed as a tool for building the evidence base for future changes to standard minimum clearance spaces whilst managing the risk of fire, power outages or electrocution. Trials will enable Energy Safe Victoria to approve a reduced minimum clearance space in an approved area with low bushfire risk to be tested by certain responsible persons under controlled settings. See sections 3.4 and 6.3 for detailed information on trials.

Table 1: Option 3 (Targeted changes plus trial)

	Category of change	Description of change
Change made in Options 2 and 3	**Electric Line Clearance Management Plans (ELCMP)** (see chapter 3.3)	**Restructure** of requirements to reflect the changes as detailed below.
		Frequency for the preparation of ELCMP by Non-Major Electricity Companies reduced from annually to 5-yearly.
		New requirement for ELCMP to be prepared in the case of a new responsible person.
		Removal of required information: information of person responsible for preparing the plan; bushfire risk areas to be shown on a map
		Inclusion or amendment of required information: email address now required; “measures” used to assess performance substituted with “key performance indicators”; “audit processes” to determine compliance replaced with “key performance indicators”
	MCS Exceptions (see chapter 3.3)	**Structure:** Clauses 6 and 7 are swapped to provide a more consistent structure across all exception clauses; other minor changes to the structure of the exception clauses to incorporate the changes as detailed below.
		Risk assessments: the requirement, under clauses 4 and 7, for a responsible person to complete an assessment of risks has been removed and instead, the arborist who inspects the tree must advise the responsible person of the risks, with consequential amendments to record keeping requirements.
		Removal of requirements: The requirement, under clause 5, for a branch to have been removed from the MCS within the last 12 months is removed; the requirement for an arborist inspection and record keeping, under clause 6, has been removed.
	Significant trees & threatened fauna habitat (see chapter 3.3)	**New requirement:** Records must be kept in the case that indigenous and significant trees are pruned or removed to make an unsafe situation safe (*new subclause added in proposed Regulations)*
	Significant trees & threatened fauna habitat (see chapter 3.3)	**Removal of requirement:** The translocation of threatened fauna requirement is removed to reflect current advice from the Conservation Regulator.
	Editorial (see chapter 3.3)	**Structure:** For clarity and to better reflect the sequence of actions, references to clause 19(2) have been substituted with words to detail the applicable circumstances for clauses 14 and 15; the order of requirements have been amended to better reflect the sequence of actions under clauses 16, 17 and 18; other structural changes have been made to various regulations and clauses to incorporate changes and to facilitate understanding.
		Wording and grammar: minor amendments are made throughout the Regulations to improve clarity.
		Definitions: “Cut” has been replaced with “Prune; “tramway supply network” has been removed and is incorporated by “railway supply network”, as consistent with the ES Act.

	Category of change	Description of change
Change in options 2 & 3	**Penalties** (see chapter 3.3)	The new requirements under regulation 9 that require a new responsible person to prepare an ELCMP have an associated infringeable offence, consistent with other regulation 9 infringeable offences; The requirement under regulation 9 for a MEC to prepare an ELCMP and submit it to Energy Safe Victoria for approval has been separated into two individual requirements (one to prepare the plan, and one to submit the plan), each requirement is a separate infringeable offence. Clause 8 relating to managing trees around transmission lines has been separated into 8(1) and 8(2). Regulation 8 has been amended to reflect this.
Change made in Option 3	**Reduced MCS trial** (see chapter 3.4)	**New Division:** A new 'Division 3 – Trials' in Part 3, Schedule 1 is included to empower Energy Safe Victoria to undertake a trial or trials that allow distribution companies and Councils to apply to participate in testing reduced MCS.
		Definitions: new definitions are included for "Trial" and "Trial approval"; the meaning of minimum clearance space includes new subclauses that allow a trial approval to set a MCS
		Electric Line Clearance Management Plan: new requirement to include information on any trial approvals

Implementation and evaluation

A public consultation period on this RIS and the proposed Regulations will be open for a minimum of 45 days. During this time, feedback and formal submissions on the proposed Regulations can be made through Engage Victoria, the Victorian Government's online consultation platform.

> Feedback on the proposed Regulations can be made through the Engage Victoria website by making a formal submission or completing an online survey.

The proposed Regulations are not final. DEECA will consider all submissions received during the public consultation period in the making of the final regulations.

The final regulations will be settled with the Office of the Chief Parliamentary Counsel and submitted to the Governor in Council to be made on the recommendation of the Minister for Energy and Resources. Communication of the final regulations coming into effect will be published, along with a Statement of Reasons summarising key matters raised in public consultation and a response to issues raised.

The final regulations will be made before the current Regulations expire on 25 June 2026 and will sunset 10 years after the day they are made. Energy Safe Victoria will continue to be the responsible regulator for the final regulations.

Evaluation of the remade (final) regulations will take two forms:

1. ongoing monitoring and assessment
2. formal review – the Victorian Government will undertake a mid-term review and will formally review the remade regulations before their sunsetting in 2036.

1 Background and context

This chapter outlines the purpose of the Electricity Safety (Electric Line Clearance) Interim Regulations 2025 and the requirement for a Regulatory Impact Statement (RIS).

1.1 Introduction

Electric lines (also known as powerlines) play a crucial role in Victoria's economy, enabling electricity to be distributed to households and businesses throughout the state.

The electricity distribution network supports the $606.1 billion Victorian economy,[7] with most businesses requiring reliable supply. Across the state, the electricity distribution network supplies more than 3 million customers using over 120,000 km of overhead electric line infrastructure.[8]

However electric lines are often situated close to vegetation such as trees and contact between vegetation and electric lines or electrical discharges[9] can pose significant risks of harm from fires, electrocutions, and power outages. These risks are potentially growing because of the increase in extreme weather conditions from climate change such as heatwaves and high winds.

The maintenance of vegetation near electric lines requires ongoing monitoring to ensure community safety and electricity reliability. In 2024, the total cost to the economy of Victoria of all vegetation management around electricity infrastructure was estimated at $136.5 million to $142 million.

The question of how best to manage vegetation near electric lines must not only consider the safety and reliability of the electricity supply network, but also the impacts of vegetation management. For example, how pruning and removing vegetation might have impacts on amenity or the environment. Minimising these impacts is a priority for the Victorian Government and is one of the most common concerns voiced by stakeholders and community about maintenance of vegetation around electric lines.

Since 1983, some form of legislative framework to manage vegetation near electric lines has been in place in Victoria. The Electricity Safety (Electric Line Clearance) Regulations were last fully remade in 2020, which involved targeted changes to better balance safety and amenity outcomes. The current Interim Regulations were made in June 2025 for a period of only 12 months to allow further consultation with key stakeholders. The Electricity Safety (Electric Line Clearance) Interim Regulations 2025 (the current Regulations) are a key part of the current legislative framework in place today.

The current Regulations set standards and requirements for vegetation management around electric lines in Victoria, including the distances that must be kept between vegetation and electric lines.

The Energy and Land Legislation Amendment (Energy Safety) Act 2025 received Royal Assent on 20 May 2025, making several amendments to the *Electricity Safety Act 1998* (ES Act). The ES Act now aligns the current Regulations with other Regulations by changing their sunsetting date to 10 years from the previous 5 years. It also sets the required public consultation period to the standard 28 days as required under the *Subordinate Legislation Act 1994*, rather than the previous 90 days.

The current Regulations expire in June 2026. The Victorian Government is proposing to replace them with new regulations (the proposed Regulations) which would be in effect until 2036, unless otherwise amended or remade.

The purpose of this Regulatory Impact Statement (RIS) is to review the effectiveness of the current Regulations and identify opportunities for improvements to include in the proposed Regulations. This RIS forms part of the public consultation process which invites stakeholders to provide feedback on the impact of the proposed Regulations.

[7] Department of Treasury and Finance, 'Victorian Economic Snapshot', 2025, www.dtf.vic.gov.au/victorian-economic-snapshot

[8] Energy Safe Victoria, 'Safety performance report on Victorian electricity networks', November 2023, https://www.energysafe.vic.gov.au/sites/default/files/2023-12/2023-safety-performance-report-on-victorian-electricity-networks.pdf

[9] Electrical discharges (called 'flashovers') are when electricity 'jumps' or 'arcs' from an electric line.

1.2 Preparation and structure of the RIS

Consistent with the Victorian Government's commitment to better regulation and a culture of continuous improvement, departments must evaluate all regulations.

This RIS has been prepared in accordance with the Victorian Guide to Regulation,[10] which provides a best-practice approach to analysing any proposed Regulations. The RIS estimates the impact of the proposed Regulations on Victorian businesses and communities.

Key steps in the process to make the proposed Regulations are:

- consultation with key stakeholders
- preparation of the RIS (this document)
- independent assessment of the RIS by Better Regulation Victoria (BRV)
- consideration of public comment following the publish of the RIS and proposed Regulations on Engage Victoria website.

Victorian Government consultation with key stakeholders

In 2024 and 2025 the following stakeholder consultation activities were undertaken to identify issues with the current Regulations:

- group workshops and individual interviews with the former Electric Line Clearance Consultative Committee (ELCCC), including review of working group outputs.
- written responses to requests for information and clarification from ELCCC members and local councils on aspects of the current Regulations.
- interviews with Energy Safe Victoria personnel
- consultation with the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV)
- consultation with distribution companies.

Electric Line Clearance Consultative Committee (ELCCC)

The ELCCC was a statutory committee made up of members appointed by the Minister for Energy and Resources. Under the former section 88 of the *Electricity Safety Act 1998*,[11] the functions of the ELCCC were to:

- provide advice to Energy Safe Victoria about the preparation and maintenance of the Code
- provide advice on any matter relating to the clearance of electric lines when requested by Energy Safe Victoria or the Minister
- provide an annual report to the Minister on the performance of its functions.

The Victorian Government reviews the requirements for committees and regulations on a regular basis to ensure that they remain fit for purpose. The ELCCC was abolished on 30 June 2025 by the *Energy and Land Legislation Amendment (Energy Safety) Act 2025* to simplify governance and reduce administrative complexity. Advice from the ELCCC prior to their abolition on 1 July 2025 has been considered by the Victorian Government in the remaking of the Regulations, and DEECA and Energy Safe Victoria have continued to engage with technical experts, industry representatives and stakeholders, including former ELCCC members.

Energy Safe Victoria will retain the ability to convene advisory panels, conduct stakeholder workshops, or establish task forces as needed, which will enable faster, more targeted input, without the procedural delays

[10] Better Regulation Victoria, 'Victorian Guide to Regulation: A handbook for policy-makers in Victoria', 2024, https://www.vic.gov.au/victorian-guide-regulation

[11] Part 8, Division 3 – Electric Line Clearance Consultative Committee was repealed by No. 13/2025 s. 16. An archived copy of the *Electricity Safety Act 1998* (Authorised Version No. 084, 21 May 2025) can be found at https://www.legislation.vic.gov.au/in-force/acts/electricity-safety-act-1998/084.

and constraints associated with standing committees. For further details regarding the ELCCC, please see Appendix 3.

Public comment

As part of the RIS process, this RIS and the proposed Regulations will be released for public consultation for a minimum 45-business day period through the Engage Victoria website. This goes beyond the required 28 days as per the *Subordinate Legislation Act 1994* and is based on early stakeholder feedback that additional time would better support stakeholders to provide comprehensive feedback on the proposed Regulations. This public consultation process intends to provide responsible persons, businesses, members of the public, and other interested parties the opportunity to provide feedback through a formal process.

During the public consultation period the proposed Regulations are not considered final. All feedback and submissions received during the public consultation period will be reviewed and considered in the development of the final regulations. Submissions received during the public consultation period will be made publicly available through the Engage Victoria website.

Addressing public comment

Before the making of the final regulations, the Minister for Energy and Resources will prepare a Statement of Reasons that will be made available through the Engage Victoria website. The Statement of Reasons will provide a summary of the feedback and submissions received during the public consultation period and provide a response to how this feedback has been addressed.

RIS structure

The structure of the remaining chapters of this RIS and the approach to assessing the impact of the proposed Regulations is as follows:

Chapter 2: The problem and objectives

Details the nature and extent of the problem that the regulation of the maintenance of vegetation close to electric lines aims to address, including the need for government intervention and the risks of non-intervention. The specific objectives of the proposed Regulations are discussed.

Chapter Error! Reference source not found.**: Options**Error! Reference source not found.

Identifies and describes the 3 options that were developed for consideration in this RIS. The options present ways to address the problem and achieve the objectives.

Chapter 4: Impact analysis

Assesses the costs and benefits of the options relative to a Base Case. How the options were assessed is provided in detail.

Chapter 5: Preferred option

Explores in further detail the impacts of the preferred option (which is the proposed Regulations), including how it will work to achieve the objectives, and the expected associated costs of the preferred option.

Chapter 6: Implementation and evaluation strategy

Describes the actions that would be taken to implement and assess the efficiency and effectiveness of the preferred option (the proposed Regulations).

1.3 Current regulatory framework

Electricity Safety Act 1998

The purpose of the *Electricity Safety Act 1998* (the ES Act) as detailed in Part 1 of the ES Act, is to provide for the safety of electricity supply and use, the reliability and security of electricity supply, and the efficiency of electrical equipment. Key aspects of the ES Act include:

- Section 98 imposes a general duty on Major Electricity Companies (MECs), to manage their supply networks (including electric lines) in a way that minimises its hazards and risks relating to the safety of any person, damage to property, and bushfire danger
- Requiring certain persons, called 'responsible persons', to undertake clearance and maintenance of vegetation near electric lines. Responsible persons are defined under each requirement laid out in sections 84, 84A, 84B, 84C, and 84D; they include:
    - electricity distribution companies
    - councils
    - occupiers of land with private electric lines or low-voltage electric lines that only service that land
    - occupiers of land when trees on that land are near private electric lines located on connected land
    - owners and operators (other than distribution companies) of electric lines under an Act of the Commonwealth.
- Section 151 authorises the making of regulations relating to electric line clearance including the Code of Practice for Electric Line Clearance (the Code). It limits the scope of the Code to setting out:
    - the duties of responsible persons
    - the standards and practices to be adopted and observed in tree pruning or clearing in the vicinity of electric lines
    - management procedures to minimise the danger of electric lines causing fire or electrocution
    - any other matters for or concerning the maintenance of electric lines.
- Section 89(2) sets a requirement that: "*There shall at all times be in force regulations prescribing the Code".*
- Part 2 establishes Energy Safe Victoria as a regulator under the ES Act, and prescribes its objectives, and functions that include the monitoring and enforcement of compliance with the ES Act and regulations made under the ES Act. It establishes Energy Safe Victoria as the responsible regulator for the current Regulations (discussed in detail below).

The Electricity Safety (Electric Line Clearance) Interim Regulations 2025

As described above, the current Regulations are made under the *Electricity Safety Act 1998* (the ES Act)[12] and were developed to help mitigate the risks of harm associated with vegetation that is close to electric lines. The current Regulations prescribe specific standards and requirements for the maintenance and clearance of vegetation surrounding electric lines. The Regulations include the *Code of Practice for Electric Line Clearance* (the Code).

The current Regulations set out their purpose in Part 1, regulation 1.[13] They are in line with what is allowed by s151 of the ES Act, and are:

[12] *Electricity Safety Act 1998*, Part 13, sections 151, 151A, and 157

[13] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 1, Regulation 1 prescribes objectives.

- to prescribe the Code
- to prescribe:
    - standards and practices to be adopted and observed in tree pruning or removal in the vicinity of electric lines and the keeping of the whole or any part of a tree clear of electric lines
    - a standard and practices to protect the health of trees that require cutting in accordance with the Code
    - a requirement that certain responsible persons prepare management procedures to minimise the danger of trees contacting electric lines and causing fire or electrocution
    - other matters relevant to the maintenance of electric lines.
- to provide for management plans relating to compliance with the Code
- to provide for other matters authorised under the ES Act relating to electric line clearance
- to make consequential amendment of the Electricity Safety (Bushfire Mitigation) Regulations 2023.

How the Regulations apply

The current Regulations prescribe the requirements and standards (including the Code) that responsible persons must comply with to meet their tree clearance and maintenance requirements under the ES Act.

Key aspects of the current Regulations

Australian Standard AS 4373

The current Regulations require that a responsible person pruning a tree under Division 1 of the Code, as far as reasonably practicable, cut the tree in accordance with Australian Standard AS 4373 'Pruning of amenity trees'.[14] AS 4373 provides specific techniques and guidance for pruning trees intended to protect the health of the tree.[15]

Electric Line Clearance Management plans (ELCMP)

The current Regulations require certain responsible persons[16] (under sections 84, 84C, and 84D of the ES Act) including distribution companies, Councils, and owners and operators of electric lines under an Act of the Commonwealth, to prepare ELCMPs that detail how they will comply with the Code.[17]

ELCMPs must be published on the responsible persons internet site.[18] Responsible persons who are Major Electricity Companies (MECs) are required to prepare a 5-year ELCMP and submit their ELCMP to Energy Safe Victoria for approval. All other responsible persons must prepare yearly ELCMPs, that are not required to be submitted to Energy Safe Victoria.

Minimum clearance space (MCS)

Part 1, Clause 2 of the Code provides the meaning of minimum clearance space (MCS) and prescribes the required MCS that responsible persons must keep between vegetation and electric lines. MCS distances vary based on the associated hazard risks including the bushfire risk rating of the area, and the voltage level, insulation properties, and length of the electric line. For example, for equivalent electric line types in areas with a hazardous bushfire risk rating, vegetation must be maintained at a greater distance from electric lines than in areas with a low bushfire risk rating.

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[14] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Part 2, Division 2, Clause 10

[15] Australian Standard (AS) 4373 'Pruning of amenity trees', https://www.standards.org.au/standards-catalogue/standard-details?designation=as-4373-2007

[16] Responsible persons under sections 84A and 84B of the *Electricity Safety Act 1998* are not required to prepare ELCMPs.

[17] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 9

[18] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 10

Exceptions

The Code includes exception clauses[19] that allow exceptions to the MCS under the circumstances described in each clause. They allow responsible persons to apply a reduced MCS (less distance between vegetation and electric lines) under those circumstances. To use an exception, responsible persons must also comply with any requirements included in the clause, which can include arborist inspections of the tree, risk assessments, and record keeping.

Alternative compliance mechanisms

Responsible persons under sections 84, 84C, and 84D of the ES Act, can apply to Energy Safe Victoria for approval to use an alternative compliance mechanism (ACM),[20] complemented by a reduced MCS, to achieve compliance with the safety requirements. An ACM can be used as an alternative risk control measure to the Code's MCS. Energy Safe Victoria may approve the use of a reduced MCS for the electric lines where the ACM will be in effect. Responsible persons are required to provide detailed information relating to the ACM in their application, including a formal safety assessment.

Exemptions

Energy Safe Victoria has the authority to grant exemptions from any of the requirements of the current Regulations, subject to any conditions set by Energy Safe Victoria.[21]

Energy Safe Victoria

Energy Safe Victoria is a statutory body established under the *Energy Safe Victoria Act 2005* (ESV Act 2005). They are an independent regulator that has statutory functions under the ES Act which include ensuring the safe generation, supply, and use of electricity. Energy Safe Victoria prevents harm by monitoring and enforcing compliance with Victoria's electricity safety legislative framework, which includes:

- *Electricity Safety Act 1998*;
- Electricity Safety (Electric Line Clearance) Interim Regulations 2025;
- Electricity Safety (Bushfire Mitigation) Regulations 2023;
- Electricity Safety (Bushfire Mitigation Duties) Regulations 2017;
- Electricity Safety (General) Regulations 2019;
- Electricity Safety (Management) Regulations 2019;
- Electricity Safety (Cathodic Protection) Regulations 2019;
- Electricity Safety (Equipment Safety Scheme) Regulations 2019; and
- Electricity Safety (Registration and Licensing) Regulations 2020.

Energy Safe Victoria's legislated functions under the ES Act[22] include to:

- determine minimum safety standards for electrical equipment, electrical installations, and electrical work;
- encourage and monitor the use of electricity safety management schemes;
- investigate events or incidents that have implications for electricity safety;
- regulate, monitor, and enforce the prevention and mitigation of bushfires that arise out of incidents involving electric lines or electrical installations;
- provide advisory and consultative services about electricity safety and electrical equipment, electrical installations, and electrical work;

[19] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 1, Clauses 4–7

[20] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 3, Division 2

[21] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 11

[22] *Electricity Safety Act 1998*, Part 2, section 7

- advise the electricity industry and the community in relation to electricity safety; and
- monitor and enforce compliance with the ES Act and the Regulations made under the ES Act.

In Energy Safe Victoria's role as the responsible authority for the current Regulations, they undertake approval (authorisation), monitoring, compliance and enforcement activities including:

1. **Electric Line Clearance Management plans (ELCMP)** – Energy Safe Victoria review and approve ELCMPs provided to them by responsible persons whom under the current Regulations are required to submit them for approval.
2. **Audits** – Energy Safe Victoria conducts audits to determine whether responsible persons are complying with the processes and procedures outlined in their ELCMP. In instances of non-compliance with the current Regulations, Energy Safe Victoria has the power to issue warnings and infringement notices, as well as to prosecute through the court system.
3. **Electric line clearance inspections** – Energy Safe Victoria conducts compliance activities including inspections of electric lines and vegetation to check responsible persons compliance with the Code (including with MCS), and take enforcement action where required.

1.4 Other relevant legislation and regulations

Electricity Safety (Bushfire Mitigation) Regulations 2023

The Electricity Safety (Bushfire Mitigation) Regulations 2023 (the Bushfire Mitigation Regulations) made under the ES Act, provide for the preparation of Bushfire Mitigation Plans by specified operators and MECs, and the inspection of overhead electric lines and supply networks.

While the current Regulations prescribe requirements for managing vegetation around electric lines to reduce risks of fire and electrocution, the Bushfire Mitigation Regulations specifically prescribe duties for distribution companies to mitigate bushfire risks, including vegetation clearance. The Bushfire Mitigation Regulations are consistent with the current Regulations in:

- how terms are defined
- references to the Code.

The purpose of the Bushfire Mitigation Plan is to ensure that a MEC can outline how it will preventatively manage the risk of bushfires, including details of its bushfire mitigation activities and programs, and how it will manage assets to reduce hazards that could lead to fire starts.

Electricity Safety (Management) Regulations 2019 and Electricity Safety Management Schemes (ESMS)

An Electricity Safety Management Scheme (ESMS) is a document describing the assets comprising a MEC's infrastructure and must specify how the major electricity company will comply with their general duties under the ES Act to minimise as far as practicable the hazards and risks to the safety to any persons, damage to the property of any person or the bushfire danger arising from supply network.

The ES Act requires that major electricity companies prepare an ESMS for each of their supply networks and submit the ESMS to Energy Safe Victoria for acceptance. The Electricity Safety (Management) Regulations 2019 prescribe the requirement procedures and other matters that must be included in an ESMS.

National Electricity (Victoria) Act 2005 and the f-factor scheme

The f-factor scheme is an incentive scheme to reduce fires caused by the electricity distribution network, which comprises a regulatory instrument made under the *National Electricity (Victoria) Act 2005*.

The scheme is one of several measures enacted in response to the 2009 Black Saturday bushfires, and incentivises electricity network operators to improve operations depending on whether their networks caused fire-starts above or below their historical five-year benchmark.

The f-factor scheme applies a targeted risk incentive to achieve improvements where ignitions caused by electric lines pose the greatest risk, and scales penalties to ensure that distribution businesses give priority in their safety-based decision making to places and times where bushfire risk is greatest.

Flora and Fauna Guarantee Act 1998

The *Flora and Fauna Guarantee Act 1988* (the Flora and Fauna Act) protects Victoria's flora and fauna. Its key objectives include to protect, conserve, restore and enhance biodiversity, including flora and fauna and their habitats.[23] Under the Flora and Fauna Act, Ministers and public authorities must consider the objectives of the Flora and Fauna Act, so far as is consistent with the proper exercising of their functions. The current Regulations make consideration of these objectives by:

- Prescribing AS 4373 as the standard for pruning trees;[24] and,
- including specific requirements for the pruning and removal of trees that are a habitat for threatened fauna, and that are threatened flora.[25]

Although AS 4373 does not give specific information on wildlife habitat, the standard states that a thorough inspection of the tree should be carried out that includes consideration of habitats, and notes that "trees with hollows or likely habitat may need further assessment by an ecologist or wildlife specialist".

Climate Action Act 2017

The *Climate Action Act 2017* (the Climate Action Act), formerly the *Climate Change Act 2017*, provides a legislative framework for Victoria's response to climate change that includes:

- setting emissions reduction targets including a target for net-zero emissions by 2045
- requiring the Victorian Government to ensure that any decision made by the Government and any policy, program, or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives[26] and the guiding principles.[27]

Under the Climate Action Act, the Victorian Government has a responsibility to consider climate change when remaking the current Regulations.

Subordinate Legislation Act 1994

The *Subordinate Legislation Act 1994* (SL Act) requires that any proposed Regulations that impose a significant burden should be subject to a RIS. The rigorous assessment of proposed Regulations through the RIS process ensures that regulations best serve the Victorian community.

Section 7 of the SL Act requires that a RIS be prepared and a draft copy of the proposed Regulations be made available for public consultation by the responsible Minister. Section 11 of the SL Act also requires the proposed Regulations to be made available to the public for a time not less than 28 days. This process is intended to provide responsible persons, businesses, members of the public, and other interested parties the opportunity to provide feedback through a formal submission process.

During this period the proposed Regulations are not considered final, and all feedback and submissions received will be reviewed and considered in developing the final regulations.

Code of Practice for Timber Production 2014 (as amended in 2022)

The Code of Practice for Timber Production 2014 (as amended 2022) (the Timber Production Code) regulates timber harvesting in Victorian forests, private native forests, and plantations. It outlines environmental standards for planning and conducting commercial timber harvesting and aims to protect biodiversity, recreation, and cultural heritage.

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[23] *Flora and Fauna Guarantee Act 1998*, Part 1, section 4

[24] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Division 2, Clause 10

[25] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Part 2, Division 2

[26] *Climate Action Act 2017*, Part 4, Division 2

[27] *Climate Action Act 2017*, Part 4, Division 3

The Department of Energy, Environment and Climate Action (DEECA) oversees the implementation of both the Timber Production Code, and the current Regulations. Where line clearance activities are performed in forest areas, vegetation management must be performed in adherence with both the timber production code and the current Regulations. The Timber Production Code also interacts with the current Regulations, as it mandates those managing a plantation to remove trees that are suffering from damage or disease where they are at a risk of falling and contacting electric lines.[28]

[28] Code of Practice for Timber Production 2014 (as amended 2022), Clause 4.3.3.3

2 The problem and objectives

This chapter outlines the nature and scale of the problem that electric line clearance regulations seek to address, and outlines issues raised under the current Regulations. It outlines why the Victorian Government is considering action.

2.1 The problem

The problems outlined in this section were identified in consultation with key stakeholders, and were informed by current data, and reviews of past electric line clearance regulation Regulatory Impact Statements (RIS). This section details the risks of harm associated with vegetation near electric lines, and provides evidence of these risks. It also discusses factors influencing the management of vegetation around electric lines, the need for government intervention (through regulations), and problems with the current Regulations raised by stakeholders.

Risks of harm

Vegetation near electric lines creates a risk of contact between vegetation and electric lines, and between vegetation and electrical discharges (called 'flashovers') where electricity 'jumps' or 'arcs' from an electric line. Contact can occur in three distinct ways:

- grow-ins – vegetation grows close to or makes contact with an electric line
- fall-ins – vegetation (often tree branches or a whole tree) falls and contacts an electric line
- blow-ins – vegetation such as tree branches or leaves are blown by the wind into an electric line.

Vegetation near electric lines can cause harm through:

- **Fires starts** – contact between vegetation and electric lines (or from flashovers), can cause a spark that ignites vegetation. In severe circumstances, this could spread into larger fires or bushfires which can cause serious damage to environment, property and loss of life.
- **electrocution and electric shock** – vegetation can become 'live' through contact with electric lines (or flashovers), posing a risk of serious injury or death to humans and animals that come into contact with the tree.
- **power supply outages** – tree branch or vegetation contacting electric lines can cause damage to the electric line and interrupt its operation. This can impact electricity consumers through reduced amenity and comfort in residential properties, reduced ability to work at home, loss of perishables, interruptions to business operations, and sickness or loss of life for people who rely on life support equipment.

For simplicity, references in this RIS to *'vegetation contact'* include **both** direct contact with electric lines and indirect contact through flashovers.

Since a legislative framework for trees near electric lines has been in place in some form since 1983, it is difficult to precisely quantify the harm that would occur in the absence of regulation (that is, if vegetation management around electric lines was unregulated). However, there are notable examples of tree contact with electric lines that have led to catastrophic bushfires, death by electrocution, and major power outages. This supports the evidence for the dangers of vegetation contact provided in the 2020 RIS, including analyses of bushfire incidents due to tree contact pre-and post-introduction of legislative and regulation.[29]

[29] Energy Safe Victoria, 'Regulatory Impact Statement: Electricity Safety (Electric Line Clearance - ELC) Regulations 2020', September 2019, https://content.vic.gov.au/sites/default/files/2019-11/Electricity-Safety-Electric-Line-Clearance-Regulations-2020-RIS.pdf

Fire starts from electric lines

A 2020 audit by the Victorian Auditor-General's Office found that while electric lines have caused a relatively small number of bushfires compared to other sources, they account for a disproportionately large share of catastrophic bushfire events in Victoria.[30]

Severe weather conditions, particularly hot and windy weather, significantly increase the risk of bushfires caused by electric lines and result in larger fire spreads. For example, the 2009 Black Saturday fires were characterised by extreme weather conditions, such as high winds, which impacted electrical infrastructure. Five of the bushfires were determined to be the result of failed electricity assets, one of which was determined to be a result of vegetation contact with an electric line.[31]

Between 2019 and 2023 financial years, a total of 93 fires occurred as a result of vegetation contact with electric lines across Victoria.[32] These types of fires can often be contained to the electricity infrastructure or a small patch of grass, causing little to no asset damage or danger to safety. However, each instance of fire carries the potential to spread and develop into a larger fire. This potential is particularly important in areas that have a high risk of bushfires, and in the context of increasingly severe weather conditions.

Climate change is amplifying the risk of bushfires. Since the 1970s, the number of extreme heat days and prolonged dry periods have gradually increased, which has escalated the frequency of extreme fire weather and lengthened the duration of fire seasons across Australia.[33] A study by the Commonwealth Scientific and Industrial Research Corporation (CSIRO) showed that the annual average fire area in Australia grew by 350% for the period 2002–2028 when compared to the period 1988–2001. If the 2019–20 Black Summer fires were included, that figure would increase to 800%. The same study also found that fires in cooler months (between March to August) are growing at a rate of 14% per year.[34] Analysis from Department of Energy, Environment and Climate Action (DEECA) has confirmed that Victoria has experienced an overall increase in the frequency of unusually hot days (days above the 99th percentile temperature for the month) in the last century.[35]

Although there are increased risks from climate change, there have also been substantial technological advances which have improved electricity infrastructure and systems safety and reduced the risk of fires. For example, after the Commission into the Black Saturday bushfires, a mandatory state-wide roll-out of Rapid Earth Fault Current Limiter (REFCL) technology by distribution companies was completed in late 2023, which has contributed to reducing the impact of vegetation contact with electric lines.[36]

> REFCLs detect faults on electric lines and limit the flow of energy through the line within a tenth of a second. Faults can include electric lines falling and if a tree, person, animal or object touches a line. REFCLs are required to be installed at certain highest bushfire consequence areas under legislation introduced as part of the Powerline Bushfire Safety Program.

[30] Victorian Auditor-General's Office, 'Reducing Bushfire Risks', October 2020, https://www.audit.vic.gov.au/sites/default/files/2020-10/20201014-Reducing-Bushfire-report_0.pdf

[31] Powerline Bushfire Safety Taskforce, 'Final Report', 30 September 2011, https://www.energysafe.vic.gov.au/sites/default/files/2022-12/PBST_final_report_30Sep2011.pdf

[32] Energy Safe Victoria, 'Electrical safety performance reports' 2020–2023, https://www.energysafe.vic.gov.au/about-us/our-organisation/reports/electrical-safety-performance-reports

[33] Climate Council, 'This is Not Normal', 2019, https://www.climatecouncil.org.au/wp-content/uploads/2019/11/bushfire-briefing-paper_18-november.pdf

[34] Commonwealth Scientific and Industrial Research Organisation (CSIRO), 'Australia's Black Summer of fire was not normal – and we can prove it', 2021, https://www.csiro.au/en/news/All/Articles/2021/November/bushfires-linked-climate-change

[35] Department of Energy, Environment and Climate Action (DEECA), 'Victoria's changing climate', 29 May 2025, https://www.climatechange.vic.gov.au/victorias-changing-climate

[36] Energy Safe Victoria, 'Rapid Earth Fault Current Limiter (REFCL) reports', 9 April 2024, https://www.energysafe.vic.gov.au/about-us/our-organisation/reports/rapid-earth-fault-current-limiter-refcl-reports

Number of fires caused by contact between trees and electric lines

Figure 1 shows how many ground fires were reported each year in Victoria due to vegetation coming into contact with power lines. These fires are grouped by the type of event: 'fall-ins', 'blow-ins', and 'grow-ins'.

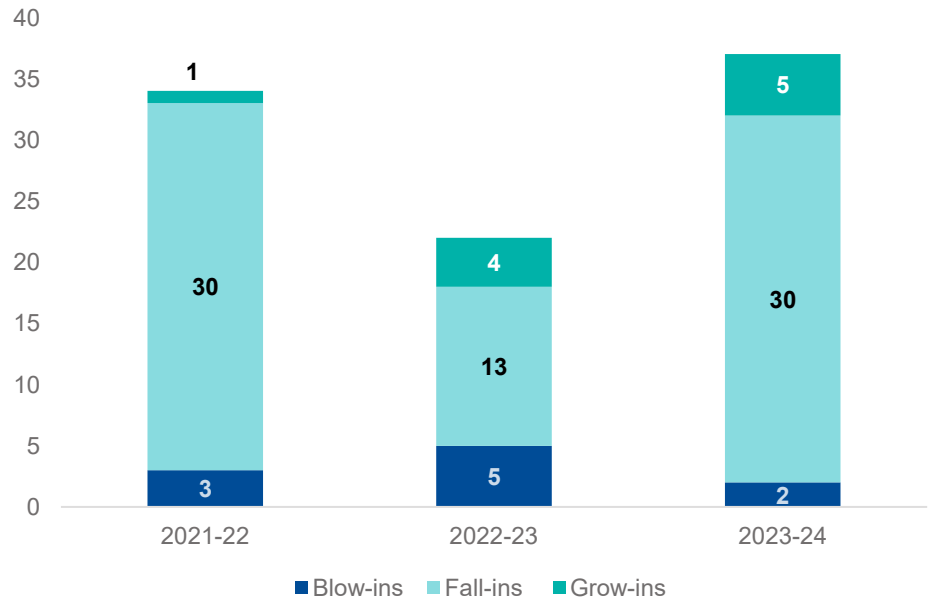
- In 2022–23, there were 22 fires, which was the lowest annual total of the three financial year periods.
- In 2021–22 and 2023–24, there were 34 and 37 fires respectively.
- Fall-ins (where trees and branches fall onto lines) were the most common cause of fires each year:
    - 30 fires in both 2021–22 and 2023–24
    - 13 fires in 2022–23

Blow-ins (branches blown into lines) and grow-ins (vegetation growing into lines) caused far fewer fires, and their numbers stayed fairly steady over the three years.

The current Regulations help reduce fire risk, but not all vegetation contact can be prevented. Incidents such as trees falling across electric lines, or branches being blown onto lines from beyond the minimum clearance space, can often occur outside the scope of what is reasonable or foreseeable to prevent.

For example, the current Regulations require trees near transmission lines (not other types of lines) to be cleared or maintained, so that if a tree were to fall, it would not pose a risk to the transmission line.[37] This requirement applies specifically to transmission lines because the potential for fire starts and power outages from a tree falling on them, and their associated consequences, are significantly higher.

Figure 1: Number of ground fires caused by vegetation events ('blow-ins', 'fall-ins', and 'grow-ins') between 2021/22–2023/24.



Source: Country Fire Authority

Both the number and the size of fire start events are influenced by weather conditions. In particular, strong winds on hot and dry days can result in fires spreading faster. Strong winds can also carry sparks and embers ahead of a fire, causing spot fires.[38]

Overall, this evidence suggests the current Regulations, alongside the wider regulatory framework described in chapter 1.4 (including bushfire mitigation regulations and the f-factor scheme), play an important role in helping to reduce risks of fire from vegetation coming into contact with electric lines.[39] Improved risk management processes put in place by distribution companies to manage commercial risks and incentives

[37] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clause 8

[38] Government of South Australia – Department for Environment and Water, 'The science behind fire behaviour', 2024, https://www.environment.sa.gov.au/topics/fire-management/fire-science-and-planning/fire-behaviour

[39] The f-factor scheme is a Victorian Government initiative that financially incentives electricity distribution businesses to minimise the number of fire starts within their networks in high fire danger zones and times. If the number of fire starts rises, the networks are required to pay a penalty, and if it falls, distributors may receive an incentive payment.

are also drivers of reduced fire risk. These combined actions are particularly important in the context of climate change and prolonged fire seasons.

Cost of bushfires

Measuring the true cost of a bushfire is challenging. Direct financial costs such as damage to houses, assets, and businesses are easier to measure, but social and environmental impacts can be more difficult. Social and environmental costs include the displacement of families, injury to individuals, loss of life, loss of flora and fauna, increased air pollution, and impaired water quality.[40] These costs can also be ongoing; a report by the Australian Business Roundtable for Disaster Resilience and Safer Communities found that natural disasters (including bushfires) result in long-term social impacts. For example, ongoing mental health impacts long after a disaster has occurred.[41]

Insurance claims are the most easily accessible data to estimate direct financial costs of bushfires. However, this data doesn't show the social and environmental costs, or financial costs that were not covered by insurance. Despite this, it remains the most useful source for quantifying bushfire-related costs, such as:

- Black Saturday bushfires (2009) estimated $8.9 billion (in 2025 dollars) in combined social and financial impacts, of which $1.8 billion was reflected in insurance claims.[42]
- Black Summer (2019–20) totalled $2.4 billion with close to 39,000 claims lodged.[43]

Electrocutions, electric shocks and other injury

Electrocution, electric shocks and other injuries can occur when people are near or in contact with vegetation near electric lines. A tree may become 'live', resulting in the risk of injury or death to humans or animals that come into contact with the tree. People who are in close and frequent proximity to electric lines are at higher risk, such as workers who service electric lines or undertake tree maintenance, but electrocutions have the potential to affect the broader community as well.

Between 2019 and 2023, vegetation and electric line contact resulted in two electric shock incidents, resulting in one fatality and one serious injury.[44] Vegetation clearance workers were the victims of both incidents. Energy Safe Victoria investigated each incident and prepared media statements and public education material regarding the dangers of working on trees near electric lines.[45]

The Regulations contribute to the safety framework by:

- Requiring suitably qualified arborists to undertake tree assessments;
- Requiring Electric Line Clearance Management Plans to detail the qualifications and experience of persons carrying out pruning and removal of trees; and,
- Setting a consistent standard for tree pruning across the state.[46]

[40] Australian Business Roundtable for Disaster Resilience & Safer Communities, 'The economic cost of the social impact of natural disasters', March 2016, https://australianbusinessroundtable.com.au/assets/documents/Report%20-%20Social%20costs/Report%20-%20The%20economic%20cost%20of%20the%20social%20impact%20of%20natural%20disasters.pdf

[41] Australian Business Roundtable for Disaster Resilience & Safer Communities, 'The economic cost of the social impact of natural disasters', 2016

[42] Australian Business Roundtable for Disaster Resilience & Safer Communities, 'The economic cost of the social impact of natural disasters', 2016

[43] Insurance Council of Australia, 'It's time to safeguard your home and be bushfire ready', 20 September 2023, https://insurancecouncil.com.au/resource/its-time-to-safeguard-your-home-and-be-bushfire-ready

[44] Energy Safe Victoria, 'Electrical safety performance reports' 2020–2023, https://www.energysafe.vic.gov.au/about-us/our-organisation/reports/electrical-safety-performance-reports

[45] Energy Safe Victoria, 'Electrical safety performance reports' 2020–2023

[46] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, various clauses and regulations including: Regulation 9(4)(p), and Schedule 1, subclause 7(e)(ii) and subclause 22(1).

Power outages

Contact between vegetation and electric lines can cause damage to lines, power surges, and trigger faults,[47] resulting in short- and long-term power outages for communities and businesses.

Power outages can cause harm and result in costs to society, businesses, and individuals through interruptions to business operations, the loss of perishable goods, and impacts on people's health. Power outages that result in people not being able to cool or heat their homes, or that limit people's ability to power life support machines, can also lead to health impacts and risks to life, particularly for more vulnerable populations. Regional areas are also more likely to experience longer and more frequent power outages.[48]

Extreme weather conditions can increase the risk of trees and branches falling onto or blowing into electric lines. As the climate changes, increases in these types of conditions across Australia are forecast to worsen the risks to electricity assets and supply reliability.[49]

For example, in February 2024, a catastrophic storm event in Victoria caused substantial damage to electricity infrastructure. At the storm's peak, 530,000 homes and businesses were without power.[50] Following the storm, a Network Outage Review (the Review) was commissioned to investigate the event and responses of electricity network operators, including transmission and distribution businesses.

The Review found that strong wind patterns had impacted infrastructure and the reliability of electricity supply. It also noted that "*geographical and environmental factors including the surrounding vegetation types (i.e. very tall trees) and the susceptibility of the area to severe weather patterns*" were a contributor to the poor reliability of some network areas.[51] The Review's final report stated that the modelled total cost to the state's economy of the power outages caused by these storms approached or exceeded $770 million, including $253 million in costs to residential customers and over $500 million in costs to business customers.[52] The Victorian Government's response to the final report in turn emphasised that it was important for reliable electricity supply to be "prioritised by Victoria's distribution businesses."[53]

Table 2 below provides an estimate of the proportion of outage incidents caused by vegetation-related events for the period 2020–2023.

Table 2: Estimates of unplanned outages due to vegetation-related events across Victoria, 2020–2023

	2020	2021	2022	2023	Average
Proportion of total unplanned outages caused by a vegetation-related event (%)	7.13	14.75	14.28	9.29	11.36

Sources: AER, CSIRO, Australian Bureau of Statistics

To help understand the impact of power outages on households, industry and other customers, the Australian Energy Regulator (AER) regularly calculates a value of customer reliability (VCR). The VCR is the (theoretical) dollar value per kilowatt hour of electricity ($/kWh) that a given customer would place on reliable electricity supply. The VCR helps to calculate a value of unserved energy (VUE), or, in simple terms, the

[47] Vegetation contact with an electric line can be detected as a fault, leading to a REFCL limiting power to that line.

[48] AusNet Services, 'Electricity Distribution Price Review 2027–31: Worst Served Feeders Program', 2025, https://www.aer.gov.au/system/files/2025-02/ASD%20-%20AusNet%20-%20EDPR%20Business%20Case%20-%20Worst%20Served%20Feeders%20Program%20-%2031%20Jan%202025%20-%20PUBLIC.pdf

[49] National Disaster Risk Reduction Framework, 2018, p.3, https://www.homeaffairs.gov.au/emergency/files/national-disaster-risk-reduction-framework.pdf

[50] Network Outage Review, 'Storm and Power Outage Event Independent Review of Transmission and Distribution Businesses Operational Response – Final Report', February 2024, p. 13, https://www.energy.vic.gov.au/__data/assets/pdf_file/0035/717749/network-outage-review-report.pdf

[51] Network Outage Review, 'Storm and Power Outage Event Independent Review of Transmission and Distribution Businesses Operational Response – Final Report', February 2024, p. 40

[52] Network Outage Review, 'Storm and Power Outage Event Independent Review of Transmission and Distribution Businesses Operational Response – Final Report', February 2024, p. 17

[53] Victorian Government, 'Response to the Network Outage Review report', 2024, https://www.energy.vic.gov.au/__data/assets/pdf_file/0035/729287/report-victorian-government-response-to-network-outage-review.pdf

'cost' of not having power. For residential customers in Victoria, the 2024 VCR figures are significantly higher compared to 2019, increasing from $21.43/kWh to $49.23/kWh.[54]

This increase is partly due to trends in reliance on electricity, both real and perceived, such as the uptake of electric vehicles and households switching from gas to electrical appliances.[55] In addition, storm events in Victoria and other states in 2023 and 2024, and extensive media coverage on their interruptions to electricity supply, may have "*made people more aware of the potential implications of an outage and impacted on perceptions of reliability*", as noted in an AER report.[56]

Protecting amenity and environment

The current Regulations (and previous electric line clearance regulations) were put in place to help reduce the risk of fires and other electricity safety risks discussed above. Although their purpose does not explicitly aim to maintain amenity, protect the environment, or mitigate the effects of climate change, these factors are a priority for the Victorian Government. Considering these issues in the making of regulations and other policy is also a requirement under other Victorian Acts, as described in chapter 1.4.

Pruning trees back from electric lines to prevent fires is necessary, but this results in less tree canopy. This tension, and the need to balance amenity and environmental impacts with electricity safety risks, are a key challenge for electric line clearance regulations.

The *Living Melbourne: Our Metropolitan Urban Forest* strategy (the Strategy) is a document supported by all metropolitan Melbourne councils that aims to prevent the ongoing decline in 'urban forests' (vegetation lining urban areas) including parks, reserves, private gardens, and along main roads and local streets.[57] It describes the importance of maintaining urban canopy cover, as it delivers benefits including:

- shade and cooling during extreme heat events;
- physical and mental health benefits;
- improved air quality from urban vegetation (especially trees);
- socio-economic benefits, by shading buildings and reducing air-conditioning requirements;
- improved social cohesion by providing shared spaces for relaxation and play; and,
- biodiversity and native species conservation through benefits for species richness, and habitat for native and threatened species.

The Strategy includes targets to increase tree canopy cover across metropolitan Melbourne councils which vary based on region. For example, the total tree canopy targets for southern Melbourne councils are 21 per cent by 2030, 26 per cent by 2040, and 30 per cent by 2050.

Trees and other vegetation also provide financial benefits. The Strategy details some of the financial benefit that urban forests provide, including:

- that trees reduce the need for air-conditioning, reducing annual cooling costs by between $30-$400 per year, depending on the height of the tree;
- that urban canopy contributes to approximately $6 million in environmental cost savings; and
- that these savings are achieved through natural pollution removal, carbon storage, and sequestration, and avoided water runoff.[58]

[54] Australian Energy Regulator, 'Values of customer reliability – Final report on VCR values', 2004, p. 5, http://www.aer.gov.au/industry/registers/resources/reviews/values-customer-reliability-2024

[55] Australian Energy Regulator, 'Values of customer reliability – Final report on VCR values', 2004, p. 4, http://www.aer.gov.au/industry/registers/resources/reviews/values-customer-reliability-2024

[56] Australian Energy Regulator, 'Values of customer reliability – Final report on VCR values', 2024, p. 44

[57] The Nature Conservancy and Resilient Melbourne, 'Living Melbourne: Our Metropolitan Urban Forest', 2019, www.nature.org/content/dam/tnc/nature/en/documents/australia/2019LivingMelbourne_Strategy_online.pdf

[58] City of Melbourne, 'Urban Forest Strategy: Making a Great City Greener: 2012–2032', 2012, https://www.melbourne.vic.gov.au/SiteCollectionDocuments/urban-forest-strategy.pdf

The City of Melbourne's Urban Forest Strategy states that in the City of Melbourne alone (covering only 0.4 per cent of metropolitan Melbourne), the estimated value of amenity benefits that its 70,000 trees provide is approximately $700 million.[59]

> Stakeholders have emphasised that they consider amenity and the environment a paramount concern which should be reflected in the regulations and are concerned that the current Regulations require levels of pruning greater than what is required to mitigate the risk of safety and reliability incidents.

The benefits that trees and other vegetation provide that help mitigate the effects of climate change are well-known.[60] These include:

- **cooling benefits** – tree canopies can mitigate the effects of heatwaves and urban heat islands[61] by providing shade that lowers surface and air temperatures, a crucial factor amid continuously rising annual average temperatures.
- **decarbonisation** – vegetation plays a role in storing carbon dioxide from the atmosphere.

As described in chapter 1.4, the consideration of climate change in making regulations and other policy is a requirement under the *Climate Action Act 2017*. The current Regulations include requirements that consider the amenity, environmental and climate change impacts, including:

- requiring[62] responsible persons to cut trees, as far as practicable, in accordance with Australian Standard AS 4373 'Pruning of Amenity Trees' (AS 4373);[63]
- Allowing exceptions to minimum clearance space in situations that pose lower risks;[64] and,
- Restricting the pruning and removal of trees that are of cultural and environmental significance.[65]

Balancing the reduction of risks of harm (as described above), with the amenity and environmental benefits provided by trees is a complex task. The Victorian Government is required by the broader legal framework to consider these issues when making regulations (see chapter 1.4), and aims to improve this balance through the remaking of the current Regulations (discussed below in chapter **Error! Reference source not found.**).

The management of vegetation around electric lines

Responsible persons (see chapter 1.3 for definitions) are required by the ES Act to keep trees clear of electric lines, regardless of whether there are any regulations in place that specify how this should be achieved.

There are a range of factors (including commercial factors, such as damage to assets and loss of revenue) that create an incentive for responsible persons to proactively manage vegetation, even without regulations.

However, responsible persons would not have clear guidance (or requirements) for how to comply with the ES Act. They would need to independently determine the amount of vegetation management that was

[59] City of Melbourne, 'Urban Forest Strategy: Making a Great City Greener: 2012–2032', 2012, https://mvga-prod-files.s3.ap-southeast-4.amazonaws.com/public/2024-07/urban-forest-strategy.pdf

[60] CSIRO, 'Greening our cities', 2021, https://www.csiro.au/en/news/All/Articles/2021/November/urban-greening

[61] Urban heat islands refer to heating effects which cause urban areas to experience significantly elevated temperatures compared to surrounding rural regions. This phenomenon occurs due to the prevalence of heat-absorbing, impervious surfaces (e.g. concrete), coupled with a lack of vegetation that could deliver cooling effects.

[62] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clause 10

[63] AS 4373-2007 provides a guide to define uniform pruning practices that aim to reduce the risk of hazard development, branch failure, pathogen infection, and premature tree death, and is specifically intended for urban and amenity trees. The standard defines 'amenity trees' as trees with recreational, functional, environmental, ecological, social, health or aesthetic value rather than for production purposes (https://www.standards.org.au/standards-catalogue/standard-details?designation=as-4373-2007)

[64] The Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, clauses 4, 5, 6 and 7

[65] The Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, clauses 11 and 12

required. This would likely be influenced by the individual interests held by each responsible person. This could result in inconsistent tree pruning and clearance that does not adequately balance and consider safety risks, community needs, and environmental benefits.

Without regulations, many responsible persons could be influenced by different interests to manage vegetation in different ways. The consequences of this are discussed in further detail below for distribution companies and local councils, who comprise the two primary groups of responsible persons under the ES Act.

Distribution companies

Without the current Regulations, distribution companies would have financial incentives to reduce risks of harm from contact between their assets (electric lines) and vegetation. These incentives could include the avoidance of:

- asset damage and increased insurance premiums;
- litigation;
- loss of revenue; and,
- financial penalties for interruptions to electricity supply (imposed by the AER).

However, these incentives may result in distribution companies not adequately considering amenity or environmental impacts. Regulatory intervention is considered necessary to maintain appropriate levels of clearance between vegetation and electric lines, and generate the greatest net benefit for Victorians. For example, without detailed regulations, distribution companies may choose to prune trees excessively to prevent supply disruptions, and reduce tree maintenance costs, at the expense of community preferences to retain tree canopies for natural amenity, habitat protection and shade.

Local councils

Councils are responsible for keeping trees on public land clear of electric lines,[66] and like distribution companies, they are subject to a range of incentives to undertake this work, even without Regulations.

Councils are not owners of electricity distribution assets, and do not face the same level of commercial risks as distribution companies (except for the risk of damage to council assets from fires). Councils are also responsible for the planting of trees on nature strips and recreational reserves, reflecting the environmental and community value of maintaining an 'urban forest'.[67] As a result, the incentives influencing how councils determine the level of tree maintenance required for electric lines (in the absence of regulations) may be very different to distribution companies.

Councils have advised (through consultation) that they receive complaints from residents when street trees are pruned significantly or unattractively. They face pressure from ratepayers and other residents who value trees for their amenity and their contribution to property values, and who may be less aware of the safety risks associated with vegetation contact.

Vegetation clearance activities are also costly and without regulations councils may be incentivised to clear vegetation at a reduced level to reduce costs and to satisfy ratepayers.

Stakeholder feedback on the current Regulations

This section summarises key issues and recommendations raised by stakeholders during consultation on this RIS. The issues discussed below relate to the requirements under the current Regulations (Appendix 1 contains further detail on these issues and recommendations). Chapter 4 outlines how DEECA has considered this feedback in the development of options under this RIS.

[66] *The Electricity Safety Act 1998*, Part 8, section 84C

[67] Urban forests refer to the vegetation which lines urban areas; see the Victorian Government-endorsed *Living Melbourne: Our Metropolitan Urban Forest* strategy for more detail.

Amenity and environmental considerations

An overarching issue voiced by stakeholders was that the current Regulations require trees to be kept back from electric lines further than what they see is necessary to manage safety risks. Stakeholders noted the Victorian Government's duty under the *Climate Action Act 2017* (described in chapter 1.4) is to ensure that all its processes appropriately account for climate change. A broad recommendation was made to change the current Regulations to better reflect this duty and community views regarding climate change and amenity.

Many of the issues and recommendations made below relate to this overarching issue and the subsequent recommendation to reduce the level of vegetation clearance required to reduce impacts on amenity and environment.

Extensive pruning and hazard trees

Cutting trees can expose them to pathogens and lead to decay. Decay can affect the structural integrity of the tree, and weaken branches.[68] Weakened trees can become 'hazard trees' (trees that pose a risk of falling into or dropping a branch onto an electric line). Some stakeholders stated that the level of tree clearance and maintenance required under the current Regulations may be creating future hazard trees.

This issue, alongside amenity and environmental considerations discussed above, forms a large part of stakeholder reasoning behind the more specific issues and recommendations to reduce the level of tree pruning required by the current Regulations.

Hazard trees, fall-ins and the need for improved data

Extensive pruning can cause tree wounds, allowing pathogens to enter and compromise the structural integrity of trees. This may increase the risk of those trees becoming hazard trees and falling into electric lines.

Current incident data does not identify if contact between vegetation and an electric line was the result of extensive pruning.

DEECA seeks data regarding trees that became hazardous from extensive pruning. This data may support future changes to the regulations to benefit all Victorians.

Minimum clearance space

Reducing some of the required minimum clearance spaces under the current Regulations was a key theme in the feedback provided by some stakeholders.

Minimum clearance space is the distance that responsible persons must keep between vegetation and electric lines.[69] The size of a minimum clearance space is based on managing risk. Risk factors that are considered include:

- the bushfire risk rating of the area;
- the voltage level of a line;
- if the line is insulated; and,
- the length of an electric line.

Minimum clearance space is either one distance (referred to as an 'applicable distance'), or the sum of two distances; the applicable distance plus an 'additional distance' to allow for the sag of an electric line (from hot weather and high power loads) and sway (when wind moves a line). For example, longer electric lines (in

[68] Australian Standard (AS) 4373 'Pruning of amenity trees', https://www.standards.org.au/standards-catalogue/standard-details?designation=as-4373-2007

[69] Electricity Safety (Electric Line Clearance) Interim Regulations, Schedule 1, Part 1, Clause 2

span length) can sway further than a shorter electric line and therefore require wider minimum clearance space to account for this.

A summary of the issues and recommendations made by some stakeholders for changes to minimum clearance spaces is provided below.

Low voltage electric lines in low bushfire risk areas

The minimum clearance space for uninsulated low voltage electric lines in a Low Bushfire Risk Area (LBRA)[70] is at least 1,000 mm[71] (which is the applicable distance). Some stakeholders stated that 1,000 mm was excessive, and that a reduced minimum clearance space applicable distance of 300 mm could reduce amenity and environmental impacts without increasing risks to safety or reliability.

Clear to sky requirements

The minimum clearance space for uninsulated 66,000 volt electric lines in LBRAs and uninsulated low, high, and 66,000 voltage electric lines in Hazardous Bushfire Risk Areas (HBRA)[72] applies to the entire space above the line (from the height of the line, up). The minimum clearance space in these cases is the sum of the two distances (the applicable distance and the additional distance). Stakeholders have referred to this as the "clear to sky requirement".

The purpose of keeping the space above these lines clear from vegetation, is to reduce the risk of vegetation e.g. branches, from falling onto the electric lines from above. This requirement is based on the higher fire risk associated with uninsulated high-voltage electric lines and lower voltage lines located in hazardous bushfire risk areas.

A stakeholder recommendation was to remove the additional distance (for sag and sway) from the minimum clearance space for the area above the height of the lines, up to the sky. This would mean the minimum clearance space distance (that must be kept clear of trees and other vegetation) would be smaller above the lines, than below and directly horizontal out from the lines. The recommendation argues that this additional distance does not reduce the risk of tree branches falling onto the lines; that in calm weather electric lines do not sway and branches typically fall straight down, the applicable distance on its own, is a big enough buffer around the lines to stop branches from falling on them. And that in high wind conditions, when electric lines do sway, the additional distance above the lines does not reduce the risk of tree branches falling on them, as high wind conditions can blow tree branches long distances, further than the minimum clearance space, even when the additional distance is applied.

Transmission lines

Owners and operators of transmission lines must manage trees adjacent to transmission lines to avoid, so far as practicable, any circumstance where a tree falls to the ground and any part of the tree enters the minimum clearance space around that line[73].

The minimum clearance space for transmission lines is the sum of the applicable distance and the additional distance. The applicable distance varies depending on the voltage of the line, and ranges from 3,000 mm to 6,400 mm. The additional distance (to allow sag and sway) is calculated based on the length and properties of the line. Figure 2 shows how the height of a tree adjacent to a transmission line should be assessed against the maximum sway and sag of a 'conductor' (line).

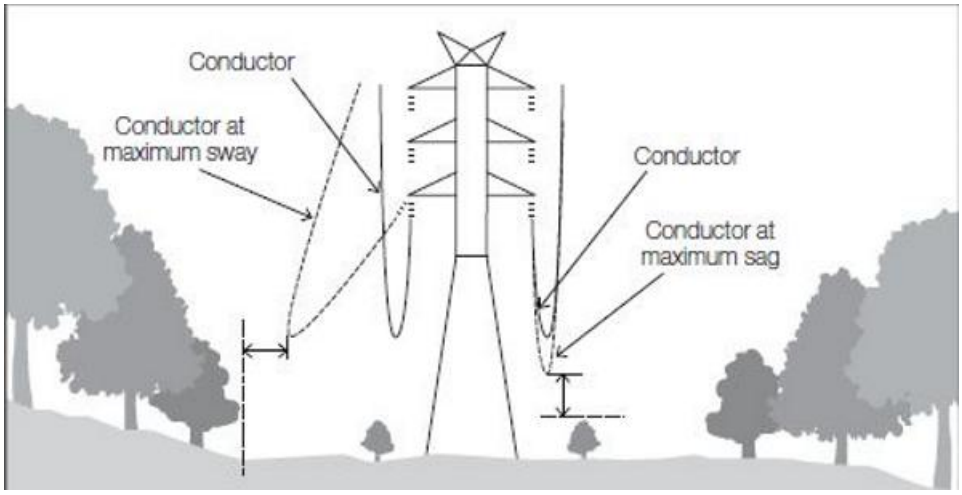
[70] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clause 25

[71] For electric lines with a span length of less than or equal to 45m. Where the electric line span is greater than 100 m, and additional distance is also required.

[72] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clauses 27–29

[73] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clause 8

Figure 2: End view of the transmission line



Source: Schedule 2 of the current Regulations

Some stakeholders stated that the minimum clearance space for a transmission line (in some cases) can exceed 20 m, and commented that if a tree falls into the minimum clearance space of a transmission line, it only poses a risk if falls on the line or comes within the flashover distance of the line.[74] To reduce the clearance of trees near transmission lines, stakeholders suggested that the requirement to prevent trees from falling into the minimum clearance space should instead be to 'prevent trees from falling into the applicable distance'. In this argument, exclusion of 'additional distance' would reduce the clearance required for trees adjacent to transmission lines without increased risk.

Exceptions to minimum clearance space

Exceptions to the standard minimum clearance space distances are allowed in lower-risk circumstances. These circumstances are described under each exception clause in the current Regulations.[75] They allow responsible persons to apply a reduced minimum clearance space (allowing vegetation to be closer to electric lines).

To use an exception, responsible persons must comply with any requirements included in the relevant exception clause. Requirements are intended to help mitigate risks of harm, and can include arborist inspections of the tree, risk assessments, and record keeping.

Feedback from some stakeholders advised that a number of requirements under the exception clauses are unnecessary, do not reduce risks, and are overly burdensome. This was provided as the reason for a low uptake in use of the exception clauses, resulting in trees being cut back further than the current Regulations required.

Electric Line Clearance Management Plans (ELCMP)

Some responsible persons[76] including distribution companies, Councils, and owners and operators of electric lines under an Act of the Commonwealth must prepare ELCMPs that detail how they will comply with the Code.[77] ELCMPs must also be published on the responsible person's internet site.[78]

Frequency and content

How often a new ELCMP must be prepared depends on the responsible person. Responsible persons who are Major Electricity Companies (MECs), are required to prepare 5-year ELCMP, and also have to submit

[74] 'Flashover distance' refers the distance that electricity can arc from the line without physical contact (see Glossary).

[75] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Part 1, Clauses 4–7

[76] Responsible persons under sections 84A and 84B of the ES Act are not required to prepare management plans.

[77] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 9

[78] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 10

their ELCMP to Energy Safe Victoria for approval. All other responsible persons must prepare yearly ELCMPs.

A recommendation made by some stakeholders was to reduce the frequency that responsible persons who are not 'major electricity companies' are required to prepare ELCMPs, from annually to every 5 years. These stakeholders advised that the annual ELCMPs were an unnecessary administrative burden on councils (the biggest group of responsible persons required to prepare annual plans).

Some stakeholders also recommended that certain information requirements should be removed from ELCMP (Appendix 1 provides further detail).

Costs

In 2019, distribution companies reported annual costs ranging from $10,000 to $40,000 to prepare their ELCMP with an average cost estimated at $22,750 per year.[79] The costs of amending ELCMPs or providing additional information to Energy Safe Victoria during the review processes ranged from $4,000 to $20,000 per year. Distribution companies advised that these reviews were time-consuming and constituted the largest cost component of their annual ELCMP process. When considering overall vegetation management costs, however, distribution companies stated that the costs associated with ELCMP are insignificant.

Local councils provided regulatory burden estimates, but these did not include a breakdown of costs including ELCMP preparation as a discrete cost. It is noted in the previous RIS cited above that these costs were a small proportion of total costs imposed by the current Regulations (around 3 percent).

2.2 Objectives

The *Subordinate Legislation Act 1994* requires a RIS to state the objectives of the proposed Regulations, and to clearly define the intended objectives and the reasons for those objectives. Subordinate legislation, including the Electric Line Clearance Regulations, can only cover matters permitted by the authorising Act (in this case, the ES Act) and must be consistent with the objectives of that primary legislation.

The objectives of the proposed Regulations should also be reasonable and appropriate for the intended level of regulation, clearly and succinctly set out, in alignment with the objectives, principles, spirit and intent of the authorising Act, and consistent with the objectives of other legislation and policies.

The Victorian Government is required by the ES Act to have regulations in force that prescribe the Code of Practice for Electric Line Clearance at all times (as discussed in chapter 1.3). This demonstrates the importance of the Regulations' role in supporting the purpose of the ES Act, which is to:

> "provide for the safety of electricity supply and use, the reliability and security of electricity supply, and the efficiency of electrical equipment."

This requirement stems from the risks of unregulated vegetation management around electric lines, including fires, outages and injury or electrocution.

The current Regulations will expire in June 2026; DEECA will remake the Regulations before this, and plans to use this opportunity to address issues raised by stakeholders and deliver improvements.

As chapter 1.3 explains, the ES Act and the current Regulations exist to mitigate the risks of harm associated with vegetation contacting electric lines, and to fulfill other objectives relating to accountability and preventative safety measures.

The Victorian Government's objectives for remaking the Regulations are to:

- continue to support the reduction the likelihood of fires and other harms that can occur through electric lines and vegetation contact;
- continue to support safety and reliability of Victoria's electricity supply network;

[79] Energy Safe Victoria, 'Regulatory Impact Statement: Electricity Safety (Electric Line Clearance - ELC) Regulations 2020', September 2019, https://content.vic.gov.au/sites/default/files/2019-11/Electricity-Safety-Electric-Line-Clearance-Regulations-2020-RIS.pdf

- continue to provide detailed guidance to responsible persons on how to meet their requirements under the ES Act, including through the Code; and,
- improve the current Regulations by making changes to:
    - better balance safety risks with environmental considerations;
    - reduce unnecessary burden on responsible persons; and,
    - support future remakes to safely address the many environmental and amenity benefits of retaining tree canopy using evidence to inform regulations.

3 Options

This chapter sets out the options for different actions that could be taken to address the problem and objectives. They include both proposed regulatory and non-regulatory options that may achieve the desired objectives.

As part of the RIS process, it is necessary to consider different options that could achieve the objectives of the Regulations. The *Subordinate Legislation Act 1994* requires a RIS to consider 'other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options'.

The options in this RIS were informed by consultation with key stakeholders, including the Electric Line Clearance Consultative Committee (ELCCC) prior to its abolishment (as discussed in chapter 1.4).

Inputs into this RIS include:

- group and individual consultation with ELCCC members and their papers
- group consultation with distribution company representatives;
- consultation with Energy Safe Victoria representatives;
- group consultation with representatives from Fire Rescue Victoria (FRV) and Country Fire Authority (CFA), and
- input from across the Department of Energy, Environment and Climate Action (DEECA).

3.1 Base Case – Minimal regulations

A RIS typically assesses regulatory and non-regulatory options against a Base Case of no regulation to provide a common point of comparison. For several reasons, a Base Case in which the Regulations lapse or cease to exist is infeasible.

Section 89(2) of the ES Act provides that 'there shall at all times be in force regulations prescribing the Code.' This means a regulatory gap in breach of the ES Act is the only circumstance in which there are no regulations for electric line clearance and no Code of Practice at all, which is outside the scope of this assessment.

Additionally, while legal, regulatory, and incentive schemes have been implemented to mitigate the risks caused by contact between vegetation and electric lines, such as Electricity Safety Management Schemes, Bushfire Mitigation Plans and the f-factor scheme (see chapter 1.4), further regulation is required to mitigate and balance the risks of the widespread presence of vegetation around electric lines.

For the purpose of assessing the options, the Base Case therefore considers a scenario where the ES Act's requirement for regulations to prescribe the Code is met by the provision of token 'minimal regulations'. These 'minimal regulations' would effectively restate the broad requirements under the ES Act for responsible persons to keep trees clear of electric lines[80] with no further content, and would thus lack any detailed description of how these requirements under the ES Act should be met. This form of Base Case will be used as a reference point in the impact analysis, so all options can be compared against the same starting scenario and helps assess the effectiveness of the Regulations over the last 5 years.

[80] *Electricity Safety Act 1998*, Part 8, Division 2

3.2 Option 1 – Status Quo

Option 1 would involve remaking the current Regulations with no changes to the standards and requirements. This would effectively result in the remade regulations being a continuation of the current Regulations (described in chapter 1.3), until their expiry in June 2036 (unless otherwise amended).[81]

During stakeholder consultation on the making of this RIS, no issues were raised relating to the effectiveness of the current Regulations in meeting their prescribed objectives as laid out in Part 1, Regulation 1 of the current Regulations (detailed under chapter 1.3).

Some stakeholders suggested that the minimum clearance space requirements in the current Regulations could lead to extensive cutting that could potentially result in hazard trees and in turn increase electricity safety risks (see section 2.1). Outside of this issue, there were no concerns raised to indicate that the current Regulations were ineffective at reducing the electricity safety risks of fire, electrocutions or outages.

This is supported by data collected by the Country Fire Authority that showed an average of 31 ground fires caused by vegetation near or in contact with electric lines between 2021–22 and 2023–24.[82] This is a notable decrease compared to the 2020 RIS findings,[83] which reported an average of 44 fires between 2015–16 and 2018–19 – noting that this data does not indicate whether vegetation contact was a result of non-compliance with electric line clearance regulations, nor does it detail the severity of the fires. There are also several factors outside of vegetation management that can influence the frequency and extent of fires, making it difficult to assess the relationship between the factors.

Option 1 is not expected to result in any increase in electricity safety risks. However, if the current Regulations are remade without changes, issues that have already been raised by stakeholders and identified by DEECA about the current Regulations would not be addressed.[84] The Government's objectives for remaking the regulations (see chapter 2.2) relating to improving the balance of safety risks with environmental considerations, reducing burden on responsible persons, and supporting the collection of evidence for future regulation remakes would not be achieved.

3.3 Option 2 – Targeted changes

Under Option 2 the Regulations would be remade, with changes that seek to improve their effectiveness, efficiency, and practicability, and reduce burden for responsible persons. Many of the targeted changes under option 2 are in direct response to issues and recommendations identified by stakeholders (as detailed under section 2.1).

Targeted changes under Option 2 are grouped into 5 categories:

- Category 1: changes to the requirements applying to some responsible persons regarding their Electric Line Clearance Management Plans;
- Category 2: changes to the requirements responsible persons must meet to remain compliant when using existing exceptions to the minimum clearance space around some electric lines;
- Category 3: changes to content that relates to significant vegetation, including indigenous trees;
- Category 4: improvements to the drafting of the proposed Regulations which address concerns about clarity, interpretation and the administrative burden of compliance with the current Regulations; and,
- Category 5: changes to those regulations and clauses in the Code that relate to infringeable offences and penalty units

[81] See section 1.1 for details relating to the sunset date for the remade regulations.

[82] See subsection 'Number of fires caused by contact between trees and electric lines' under chapter 2.1 (p. 29).

[83] Energy Safe Victoria, 'Regulatory Impact Statement: Electricity Safety (Electric Line Clearance - ELC) Regulations 2020', September 2019, https://content.vic.gov.au/sites/default/files/2019-11/Electricity-Safety-Electric-Line-Clearance-Regulations-2020-RIS.pdf

[84] See detailed issue descriptions in chapters 2.1, 3.3 and 3.4.

These changes are described in detail in the subsections below. The targeted changes are also listed in Table 4 at the end of this chapter, which includes, for each change, the relevant regulation or clause in the Regulations where the change would apply.

Category 1: Changes to Electric Line Clearance Management Plans (ELCMP)

Option 2 introduces the following changes to regulation 9 relating to ELCMP requirements. As described in chapter 1.3, some responsible persons are required to prepare ELCMPs that detail how they will comply with the Code.[85] Under sections 84, 84C, and 84D of the ES Act, this applies to several types of responsible person, including distribution companies, Councils, and owners and operators of electric lines under an Act of the Commonwealth:

- Including a new requirement for **new responsible persons to prepare an ELCMP**:
    - Under the current Regulations, certain responsible persons need to prepare an ELCMP. If they are also a Major Electricity Company (MEC) they also must submit them to Energy Safe Victoria for approval. ELCMP are required to be prepared and submitted by certain dates.
    - The current Regulations specify a date by which ELCMPs must be prepared, but are silent on obligations where there is a new responsible person established after that date. Option 2 introduces a new requirement to specify the obligation for any new responsible persons to have an ELCMP to show how they will comply with the Code.
- **Reducing the frequency to prepare a new ELCMP**, for responsible persons that are not MECs:
    - Under the current Regulations, responsible persons that are not MECs are required to prepare a new ELCMP annually.[86]
    - Option 2 introduces a change that reduces this frequency, from annually to every 5 years. The reduction in frequency is intended to address stakeholder feedback (see chapter 2.1) that advised the annual frequency created an unnecessary administrative burden, particularly for Councils. In consultation with Energy Safe Victoria, DEECA determined that this change would not increase risks as Energy Safe Victoria will still retain its powers under regulation 10(2)-(4) to request any responsible person to submit their ELCMP to Energy Safe Victoria, to request further information relating to the ELCMP, and to require the responsible person to make amendments to the ELCMP.
- **Separation of requirement for MECs** to prepare and submit ELCMPs:
    - Regulation 9(3) of the current Regulations requires MECs to prepare and submit an ELCMP to Energy Safe Victoria.
    - Option 2 includes a change that separates the actions of preparing an ELCMP and submitting an ELCMP for approval into two requirements. Further details are provided below in the subsection ‘Category 5: Penalty provisions and infringement notices’.

Regulation 9(4) has also been amended to make **three key changes regarding information contained in ELCMPs**:

1. ELCMPs are required to contain contact details for the responsible person, the individual responsible for producing the ELCMP, the persons responsible for carrying out the ELCMP and a person who can be contacted in an emergency:
    - Option 2 removes the requirement to contain the details of the individual responsible for producing the ELCMP. This change is intended to support an overall objective to reduce the administrative burden of ELCMPs and was in response to a stakeholder recommendation.
    - Option 2 includes a new requirement that email addresses are included in the contact details for the responsible person and the persons responsible for carrying out the ELCMP.

[85] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 9

[86] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 9(2)

2. In their ELCMP, responsible persons are required to identify the fire risk rating for the areas to which their ELCMP applies, and to identify them on a map.
    - Option 2 removes the requirement for these areas to be identified on a map. This change is in response to a stakeholder recommendation that some responsible persons want flexibility in how they identify the fire risk ratings.
3. The current Regulations require a description of the measures that must be used to assess the performance of the responsible person against their ELCMP and the audit processes used to determine the responsible persons compliance with the Code.
    - Option 2 amends these requirements and replaces the words "measures" and "audit processes" with "key performance indicators". This change is intended to better clarify the requirements and to align with the Electricity Safety (Management) Regulations 2019.[87]

DEECA determined that the above changes would not increase safety risks. Some stakeholders recommended that further information and obligation requirements should be removed from regulations 9 and 10 (see Appendix 1), including removing the requirement for ELCMPs to be made available to the public on the responsible persons internet site.[88] Removing further requirements was considered but determined not to be appropriate, as it reduced responsible persons accountability and transparency, and may impact Energy Safe Victoria's ability to effectively monitor compliance with ELCMPs.

Category 2: Minimum clearance space exception clause requirements

As detailed in Chapters 1 and 2, the Regulations prescribed the standard minimum clearance spaces (MCS) that responsible persons must maintain between vegetation and electric lines. The Regulations include exceptions to the standard MCS that allow a reduced distance to be kept between vegetation and electric lines.[89] To apply these exceptions, responsible persons must meet certain requirements (as detailed under each exception clause). Some stakeholders advised that certain requirements are too onerous and do not act to reduce risks (see Appendix 1). Option 2 introduces two key changes to the requirements under the exception clauses, aimed at making them easier to use while still managing risks proportionately:

- **Reassigning the assessment of risks** from responsible persons to arborists:
    - Under exception clauses 4 and 7 of the Regulations, to apply the reduced MCS, an arborist must first inspect the tree, and the responsible person must assess the risks posed by the branch (that the exception would apply to) and implement measures to mitigate risks.
    - Option 2 reassigns this assessment of risk requirement, from the responsible person to the arborist. The responsible person must then implement measures to mitigate any risks as advised by the arborist.
    - This change is in response to stakeholder feedback that responsible persons rely on the expert advice of arborists; it better aligns the requirement to the suitably qualified person.

DEECA seeks feedback on these changes from arborists who inspect trees near electric lines.

- **Removing requirements**; two key changes:
    1. Under clause 5 of the Regulations, small branches (<10 mm wide) around insulated low voltage electric lines can grow within the standard MCS if the branch has been removed from the MCS within the prior 12 months.
        - Option 2 removes this requirement for the branch to have been removed within the prior 12 months.

[87] Some responsible persons under the Electricity Safety (Electric Line Clearance) Interim Regulations 2025 also have requirements under the Electricity Safety (Management) Regulations 2019.

[88] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 10(6)

[89] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Part 2, Clauses 4–7

- This change is in response to stakeholder feedback that this requirement is unnecessary, as the branch has already been determined to be safe to enter the standard MCS, so the timing of the last removal of the branch is not relevant.

2. Clause 6 of the Regulations provides an exception to the standard MCS for small branches growing under uninsulated low voltage electric lines in low bushfire risk areas (LBRA). To apply this exception responsible persons must comply with requirements including that an arborist has inspected the tree in the last 14 months, that responsible persons have completed an assessment of risks, and kept records of inspections and assessments.
    - Changes under Option 2 remove the requirements for an arborist inspection, assessment of risks, and record keeping.
    - These requirements were determined to be a barrier for use of the exception; their removal is not expected to increase any risks.

Some stakeholders recommended the removal of further requirements from the exception clauses (see Appendix 1). These recommendations were assessed alongside other stakeholder advice, and it was determined that the requirements were appropriate for managing risks and should be retained.

Category 3: Pruning and removal of indigenous and significant trees

The current Regulations include specific requirements for the pruning and removal of indigenous and significant trees:

- Restricting pruning and removal of indigenous and significant trees to only what is necessary to comply with Division 1 of the Code, to make an unsafe situation safe, or if it is required to keep a tree healthy.[90]
- If a tree is habitat to threatened fauna, pruning and removal is also restricted to outside of the breeding season for that fauna, unless it is necessary to make an unsafe situation safe, or if it is not practicable to prune or remove the tree. If a tree is cut or removed during the breeding season, the responsible person is required to translocate the fauna.[91]

'Indigenous and significant trees' means:

Trees that are indigenous to Victoria;

Trees listed in a planning scheme as ecologically, historically or aesthetically significant;

Trees included in the Victorian Heritage Register;[92]

Trees included in the Victorian Aboriginal Heritage Register;[93]

Flora that is specified in the Threatened List;[94] and

Trees that are habitat to threatened fauna (as specified in the Threatened List).

[90] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Division 2, Clause 11

[91] Electricity Safety (Electric Line Clearance) Interim Regulations 2025 Schedule 1, Division 2, Clause 12

[92] Established under the *Heritage Act 2017*, Part 3, Division 1.

[93] Established under the *Aboriginal Heritage Act 2006*, section 144.

[94] Threatened List has the same meaning as in the *Flora and Fauna Guarantee Act 1998*.

Option 2 includes targeted changes to these two requirements:

- **Removing the requirement** for responsible persons to translocate threatened fauna, if a habitat tree must be pruned or removed during that fauna's breeding season:[95]
    - The removal of the requirement that responsible persons must translocate threatened fauna is in response to advice from DEECA's Biodiversity Division, that policy relating to biodiversity generally does not recommend the translocation of threatened fauna. This is due to conservation risks that are hard or unable to be mitigated. A broad requirement that threatened fauna must be translocated was determined to be inappropriate.
- **Introducing a new requirement** that responsible persons must keep detailed records if an indigenous or significant tree is pruned or removed to make an unsafe situation safe:
    - Record keeping aims to discourage misuse and increase accountability for anyone who prunes and removes trees under these circumstances.
    - It is also intended to support the Conservation Regulator in its compliance and enforcement activities under the Wildlife Regulations 2024. DEECA has been advised that a lack of clarity regarding tree clearance performed 'to make an unsafe situation safe' makes it difficult to determine whether the tree clearance is legitimate, or whether the offence of damaging, disturbing or destroying wildlife habitat has been committed
    - The record must contain details on the location of the tree, class of tree, whether the tree was habitat for threatened fauna and specify the fauna, the unsafe situation that had to be made safe, and the actions taken to make the situation safe.

DEECA requests feedback on how the current and proposed Regulations consider trees that are habitat for threatened fauna.

Category 4: Editorial improvements

To help responsible persons to better understand their requirements, Option 2 introduces changes to the wording, grammar and structure of the current regulations. These editorial improvements are not intended to introduce any changes to how the requirements currently apply. They intend to reduce administrative burden on responsible persons by making the Regulations easier to read and interpret.

Key editorial changes are listed in Table 4 at the end of this chapter. DEECA requests feedback if these changes are perceived to have any potential unintended impacts.

Category 5: Penalty provisions and infringement notices

Option 2 includes one amendment to the prescribed penalty provisions,[96] and three new offences for which an infringement notice can be served:[97]

- Clause 8 amendment to create two separate offences:
    - Clause 8 of the current Regulations requires owners or operators of transmission lines to undertake two actions; (a): manage fuel loads (trees) below transmission lines to reduce risks of fire, and (b): manage trees adjacent to transmission lines to avoid trees falling into the MCS of the transmission line. Clause 8 is a prescribed penalty provision under regulation 8.

[95] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Division 2, Clause 12(2)

[96] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 8 contains a list of all the clauses under the Code that are prescribed penalty provisions for the purposes of section 90 of the ES Act.

[97] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Part 2, Regulation 12 lists the regulations and clauses that are offences for which an infringement notice can be served for the purposes of section 140A of the *Electricity Safety Act 1998*.

- Under Option 2, the two actions are separated into two individual requirements [as 8(1) and (2)]. This means each action is now a separate offence. Regulation 8 is amended to reflect the individual prescribed penalty offences. This change is intended to better reflect the independent nature of each action, and the significant risk that non-compliance with each action presents.

- Including new infringeable offences for non-compliance with the requirement to prepare an Electric Line Clearance Management Plan (ELCMP) in the case of a new responsible person:
  - Option 2 introduces two new requirements for new responsible persons to prepare an ELCMP (see 'category 1' section above for details). The new requirements will be infringeable offences under Regulation 12 and set at 20 penalty units.
  - Making these new requirements infringeable offences provides a consistent penalty across all similar requirements for existing responsible persons to prepare an ELCMP.
- Creating separate infringeable offences for the preparation of an ELCMP, and the submission of an ELCMP to Energy Safe Victoria, for MECs:
  - Under regulation 9(3) of the current Regulations MECs are required to prepare and submit an ELCMP to Energy Safe Victoria. The actions of preparing the ELCMP, and submitting the ELCMP, are contained in one requirement. This requirement is prescribed under regulation 12 as one offence for which an infringement notice can be served, set at 20 penalty units. Under regulation 9(2) of the current Regulations, Non-MECs are only required to prepare an ELCMP (there is no requirement to submit their ELCMP to Energy Safe Victoria); 9(2) is also an infringeable offence and the same 20 penalty unit applies.
  - Option 2 includes a change that separates regulation 9(3) into two requirements (one for preparing and one for submitting the ELCMP), creating separate infringeable offences under regulation 12, each set at 20 penalty units.
  - This change is intended to apply more proportionate penalties in the case that a MEC has both not prepared or provided an ELCMP to Energy Safe Victoria. It applies infringeable offences in a more consistent manner across MECs and non-MECs, proportionate to their different requirements and the associated risks.

3.4 Option 3 – targeted changes plus trial

Option 3 includes all the changes proposed under Option 2 (Table 4). In addition to these changes, Option 3 introduces the ability to trial reduced MCS in specific circumstances.

The proposed trial mechanism enables Energy Safe Victoria to work with responsible persons to test the use of a reduced MCS in low bushfire risk areas of Victoria.

During consultation, some stakeholders recommended reducing the standard MCS for uninsulated low voltage (LV) electric lines in LBRA. The recommendation proposed reducing the current MCS of 1,000 mm[98] down to 300 mm (for span lengths of up to 45 m), and referenced South Australia's lower MCS requirements as evidence that reducing this MCS in Victoria would not increase safety risks.[99]

Any change to the standard MCS requirements for LBRA specified in the Code would apply uniformly to all LBRA areas across Victoria for the lifetime of the remade regulations (up to 10 years). Any change to these requirements in the Code would constitute a long-term change which cannot be easily reverted if it resulted in increased safety incidents or other hazards. DEECA considers long-term changes to the Code as unacceptable without a convincing body of evidence to demonstrate that reduced MCS requirements are safe to apply in Victoria.

[98] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clause 25

[99] Appendix 1 provides further detail and discussion regarding this recommendation.

The recommendation to reduce the standard MCS to 300 mm was considered by DEECA in consultation with other stakeholders. The following key issues were identified:

- The current collection of data on safety and reliability incidents relating to vegetation contact with electric lines, including how this data is classified across different distribution companies, is insufficiently detailed and inconsistently captured.
- Each Australian State and Territory has unique environments and climates that influence fire risk and other risks of harm. This limits how data collected for one jurisdiction can be applied to another (a cross-jurisdictional comparison of MCS across Australia is discussed below and presented in Table 3).
- The evidence required to determine that the lower MCS distance can be safely applied in a Victorian environment is currently insufficient.

Although reducing the standard MCS to 300 mm is not supported, DEECA does support future reductions of the standard MCS if there is evidence to justify the reduction.

A trial division is proposed under Option 3, as this allows DEECA, Energy Safe Victoria and responsible persons to test a reduced MCS in a controlled and safe way. And provides a way of collecting Victorian-specific data that can build the comprehensive evidence base required to support any future changes to standard MCS in the Code.

Option 3 presents a step change towards a potential future reduction of standard MCS. The trial division has been designed as a tool for building evidence in a safe manner.

Reduced MCS trials

The trial division proposed under Option 3 includes 8 new Clauses[100] prescribing how a trial would operate. The key aspects of a trial are:

- The trial division gives Energy Safe Victoria authority to run a trial. This includes determining parameters of a trial and opening a trial for participation by responsible persons.
- A trial may test one or more reduced MCS distances in LBRA only.
- Responsible persons under sections 84 and 84C (largely distribution companies and councils) can apply to participate in the trial.
- Participating responsible persons would be issued a trial approval by Energy Safe Victoria.
- Trial approvals would specify the reduced MCS that the responsible person can apply, identify the area to which the trial applies, specify the electric line span or class of electric line span to which the approval applies, and the period of time for which the approval has effect.
- Trial approvals can contain requirements that the responsible person must meet, such as collecting and providing data on their use of the reduced MCS to Energy Safe Victoria.

To support trial implementation, Option 3 proposes the following further changes to the current Regulations:

- The ‘meaning of minimum clearance space’ under Clause 2 of the Code would be amended to include the MCS as specified in a trial approval.
- A new requirement under regulation 9 to include any trial approvals in the responsible person’s Electric Line Clearance Management Plan.
- New definitions for ‘trial’ and ‘trial approval’.

[100] See Appendix 2, including Table 16.

DEECA seeks feedback from all stakeholders on the proposal to introduce trials. Feedback can be given through a survey and formal submissions on Engage Victoria during the public consultation period. Chapter 6 includes further details on the proposed trial division.

Cross-jurisdictional comparison

Each jurisdiction in Australia takes a different approach to electric line clearance, and to defining, measuring and enforcing requirements. The prescribed MCS between vegetation and electric lines varies between jurisdictions due to a variety of factors, such as different regulatory regimes and approaches, network design and operation, history of bushfires and outages, climate, environment, geography, and bushfire risk. As seen in Table 3 below, the MCS that applies across areas rated 'Low Bushfire Risk Areas' (or equivalent) for uninsulated low voltage (LV) varies from 100 mm in South Australia to 2,000 mm in Western Australia. As discussed above, South Australia was provided as an example of a jurisdiction with a smaller MCS for low voltage lines in LBRA and considered as justification for a reduced MCS in Victoria. However, Energy Safe Victoria, and South Australian State Government and distribution company representatives, noted that the characteristics of the distribution network as well as the physical environment varies from state to state. Therefore, the approach to line clearance regulation taken by one jurisdiction should not be indiscriminately applied to another.

Table 3: MCS for insulated and uninsulated low voltage (LV) electric lines in low bushfire risk areas (LBRA) across Australian states that regulate the MCS

Jurisdiction	Name of regulations or guideline	MCS for insulated electric lines in LBRAS	MCS for uninsulated LV lines in LBRAs
Victoria	Electricity Safety (Electric Line Clearance) Interim Regulations 2025	300 mm (for spans of 40 m or less)	1,000 mm (for spans of 45 m or less)
South Australia	Electricity (Principles of Vegetation Clearance) Regulations 2021	100 mm (all spans)	100 mm (all spans)
New South Wales	Industry Safety Steering Committee (ISSC) 3 Guide for the Management of Vegetation in the Vicinity of Electricity Assets (2016)	500 mm (for spans of 100 m or less)	1,000 mm (for spans of 100 m or less)
Western Australia	Guidelines for the management of vegetation near power lines (2012)	300 mm (all spans)	2,000 mm (for spans of 70 m or less)
Queensland	Energy Queensland – Vegetation Management Strategy (2023)	500 mm (all spans)	1,000 mm (all spans)
Tasmania	Tasmanian Electricity Code (2023)	600 mm (for spans of less than 40 m)	1,000 mm (for spans of less than 40 m)

3.5 Detailed table of changes

Table 4: Changes to the Regulations proposed under Options 2 and 3

	Category of change	Description of change	Location in Regulations
Change made under Options 2 and 3	**Electric Line Clearance Management plans (ELCMPs)**	**Restructure** of requirements to reflect the changes as detailed below.	**Current:** Regulation 9(2), (3), (4) and (5) **Proposed:** Regulation 9(2), (3), (4), (5) and (6).
		Frequency for the preparation of ELCMPs by Non-Major Electricity Companies reduced from annually to 5-yearly.	**Current:** Regulation 9(2). **Proposed:** Regulation 9(2)
		New requirement for ELCMPs to be prepared in the case of a new responsible person.	**Current:** *N/A* **Proposed:** Regulation 9(3) and (4).
		Removal of required information: information of person responsible for preparing the ELCMP; bushfire risk areas to be shown on a map	**Current:** Regulation 9(4)(b) and (g) **Proposed:** Regulation 9(6).
		Inclusion or amendment of required information: email address now required; “measures” used to assess performance substituted with “key performance indicators”; “audit processes” to determine compliance replaced with “key performance indicators”	**Current:** Regulation 9(4)(a), (n) and (o) **Proposed:** Regulation 9(6)(b), (n) and (o).
	MCS Exceptions	**Structure:** Clauses 6 and 7 are swapped to provide a more consistent structure across all exception clauses; other minor changes to the structure of the exception clauses to incorporate the changes as detailed below.	**Current:** Clauses 4, 5, 6 and 7. **Proposed:** Clauses 4, 5, 6 and 7.
		Risk assessments: the requirement, under clauses 4 and 7, for a responsible person to complete an assessment of risks has been removed and instead, the arborist who inspects the tree must advise the responsible person of the risks, with consequential amendments to record keeping requirements.	**Current:** Clauses 4(2)(e) and 4(3), and 7(2)(e) and 7(3). **Proposed:** Clauses 4(2)(e) and 4(3), and 6(2)(e) and 6(3).
		Removal of requirements: The requirement, under clause 5, for a branch to have been removed from the MCS within the last 12 months is removed; the requirement for an arborist inspection and record keeping, under clause 6, has been removed.	**Current:** Clause 5(c); Clause 6(2)(e) and 6(3) **Proposed:** Clauses 5 and 7.
	Significant trees & threatened fauna habitat	**New requirement:** Records must be kept in the case that indigenous and significant trees are cut or removed, to make an unsafe situation safe. (*new subclause added in proposed Regulations)*	**Current:** *N/A* **Proposed:** Clause 11(3).

	Category of change	Description of change	Location in Regulations
Change made under Options 2 and 3	**Significant trees & threatened fauna habitat**	**Removal of requirement:** The translocation of threatened fauna requirement is removed to reflect current advice from the Conservation Regulator.	**Current:** Clause 12(2). **Proposed:** N/A
	Editorial	**Structure:** For clarity and to better reflect the sequence of actions, references to clause 19(2) have been substituted with words to detail the applicable circumstances for clauses 14 and 15; the order of requirements have been amended to better reflect the sequence of actions under clauses 16, 17 and 18; other structural changes have been made to various regulations and clauses to incorporate changes and to facilitate understanding.	**Current:** Clauses 14(1) and 15(1); Clauses 16, 17 and 18; Clause 19(2). **Proposed:** Clauses 14(1) and 15(1); Clauses 16, 17 and 18; Clause 19(2).
		Wording and grammar: minor amendments are made throughout the Regulations to improve clarity.	*Throughout the proposed Regulations.*
		Definitions: "Cut" has been replaced with "Prune; "tramway supply network" has been removed and is incorporated by "railway supply network", as consistent with the ES Act.	**Current:** Schedule 1, Part 1, Definitions; Clauses 20(1), and 21(1)(a). **Proposed:** Schedule 1, Part 1, Definitions; Clauses 20(1), and 21(1)(a).
	Penalties	The new requirements under regulation 9 that require a new responsible person to prepare an ELCMP have an associated infringeable offence, consistent with other regulation 9 infringeable offences. The requirement under regulation 9 for a MEC to prepare an ELCMP and submit it to Energy Safe Victoria for approval has been separated into two individual requirements (one to prepare the plan, and one to submit the ELCMP), each requirement is a separate infringeable offence. Clause 8 relating to managing trees around transmission lines has been separated into 8(1) and 8(2). Regulation 8 has been amended to reflect this.	**Current:** Regulations 9 and 12; Regulation 8; Clause 8. **Proposed:** Regulations 9 and 12; Regulation 8; Clause 8.

	Category of change	Description of change	Location in Regulations
Change made under Option 3	**Reduced MCS trial**	**New Division:** A new 'Division 3 – Trials' in Part 3, Schedule 1 is included to empower Energy Safe Victoria to undertake a trial that allows distribution companies and Councils to apply to participate in testing a reduced MCS.	**Current:** *N/A* **Proposed:** Schedule 1, Part 3, Division 3, Clauses 36–43.
		Definitions: new definitions are included for "Trial" and "Trial approval"; the meaning of minimum clearance space includes new subclauses that allow a trial approval to set a MCS	**Current:** *N/A* **Proposed:** Regulation 5 definitions; Clause 2.
		Electric Line Clearance Management Plan: new requirement to include information on any trial approvals	**Current:** N/A **Proposed:** Regulation 9(6)(m).

4 Impact analysis

This chapter analyses the impacts of the options presented in chapter 3. It compares them against five different benefits and costs to determine which option is preferred.

4.1 Method of assessment chosen: MCA

The options in this RIS have been assessed using a Multi-Criteria Analysis (MCA) framework. This framework has been chosen because it provides a structured and transparent way of evaluating qualitative data, and costs or benefits that aren't easily compared.

Some costs and benefits of the options presented in this RIS are difficult to quantify in financial terms or accurately estimate with the data that is available; the MCA enables expert judgment and stakeholder input to be incorporated, as required when data is limited or qualitative. It is a widely accepted framework for comparing options in a RIS.

Each option's is assessed for its impact against cost and benefit criteria. Each criterion is assigned a weight that reflects its importance to the policy decision. The option with the highest weighted score is selected as the preferred option. Each criterion, weighting, and the rationale for their weighting is outlined in Table 5 and discussed below.

Table 5: MCA framework and weighting

Criteria	Description	Weighting
Benefit criteria		50%
Criterion 1: Reduced risk of hazardous incidents	Captures the extent to which the options reduce the risk of hazardous incidents arising from contact between vegetation and electric lines. The types of events that can occur from these incidents, as outlined in chapter 2, include fires, bushfires, and electrocutions.	20%
Criterion 2: Improved electricity supply and reliability	Captures the benefits to the community from reducing power supply interruptions.	20%
Criterion 3: Protection of amenity, environment, and the mitigation of the effects of climate change	Vegetation provides several benefits to the community, as outlined in chapter 2.1, including amenity and environmental benefits as well as mitigation of the effects of climate change. The level of vegetation management required under each option will determine the extent to which the options impact amenity, the environment, and climate change mitigation.	10%
Cost criteria		50%
Criterion 4: Cost to responsible persons (a distribution company, local council, or landowner with vegetation and electric lines on their property).	The options under consideration will impose compliance and administrative costs to responsible persons. These include tree clearance costs, the cost of preparing Electric Line Clearance Management Plans, and the cost of issuing notifications.	25%
Criterion 5: Cost to government	The cost to the government is primarily incurred by Energy Safe Victoria and includes the time and resources spent to monitor and enforce compliance with the Regulations. There may also be additional capital or implementation costs incurred during the transition.	25%

Rationale for criterion weighting

The benefit criteria and their weights have been developed as follows:

- **Reduced risk of hazardous incidents** is weighted at 20 percent, reflecting the key driver for the existence of electric line clearance regulations to minimise the risk of fire from trees contacting electric lines. This also aligns with a core purpose of the ES Act to provide for the safety of electricity supply and use.
- **Improved electricity supply reliability** criterion is also weighted at 20 percent, reflecting another core purpose of the ES Act, to protect the reliability and security of electricity supply.
- **Protection of amenity, environment, and the mitigation of the effects of climate change** is weighted at 10 percent. This reflects stakeholder feedback that electric line clearance regulations should have substantial consideration of amenity, environmental and climate change impacts. It also reflects the Government's wider policy objectives and legal obligations to consider climate change mitigation,[101] and factors in impact of bushfires on the environment.

The cost criteria and their weights have been developed as follows:

- **Costs to responsible persons** is weighted at 25 per cent.
- **Costs to government** is weighted at 25 per cent.

Both cost criteria are equally weighted, reflecting that $1 incurred by the Government is worth the same value as $1 incurred by a responsible person.

To avoid bias, the total weighting for the combined benefit criteria and the combined cost criteria is 50 percent each. This conforms with best practice as set out in BRV's Guidance Note on MCA.[102]

Scoring scale

Each option is scored against each criterion on a scale from –10 to +10, based on the impact of each option compared to the Base Case (of minimal regulations). The Base Case is used as the reference point; it will always have a score of zero for each criterion.

It is important to note that an option that receives a negative score against a cost criterion indicates that the option is more costly than the Base Case; a positive score indicates it is less costly.

Table 6: MCA results summary

Score	Description
+10	Much better than the Base Case
+5	Somewhat better than the Base Case
0	No change from the Base Case
-5	Somewhat worse than the Base Case
-10	Much worse than the Base Case

4.2 MCA results overview

Table 7 presents the overall results of the MCA. As per the BRV Guidance Note, an option that results in a poorer outcome than the Base Case received a negative score.

The options assessed against the Base Case are those outlined in chapter 3:

- Option 1 – Status Quo: the current Regulations are remade with no changes.
- Option 2 – Targeted changes: the current Regulations are remade with targeted changes.

[101] *Climate Action Act* 2017, section 20

[102] Better Regulation Victoria, 'Guidance Note – Multi-Criteria Analysis', 2024

- Option 3 – Targeted changes plus trial: the current Regulations are remade with targeted changes, and new trial provisions are included to allow responsible persons to participate in testing new minimum clearance space requirements.

Option 3 received the highest weighted score, demonstrating improved amenity outcomes and reducing costs to responsible persons, and therefore is the preferred option as shown in the summary of MCA results Table 7. The rationale for the scores for each option against the criteria is outlined below.

Table 7: MCA results summary

Criteria	Base Case	Status Quo (Option 1)	Targeted changes (Option 2)	Targeted changes plus trial (Option 3)
Benefit				
Criterion 1: Reduced risk of hazardous incidents	0	4	4	4
Criterion 2: Improved electricity supply reliability	0	5	5	5
Criterion 3: Protection of amenity, the environment and the mitigation of the effects of climate change	0	-3	-2	-1.75
Cost				
Criterion 4: Cost to responsible persons (a distribution company, local council, or landowner with vegetation and electric lines on their property).	0	-3.75	-3.6	-3.6
Criterion 5: Cost to government	0	-0.25	-0.25	-0.3
Weighted score	0	0.5	0.64	0.65

Sensitivity analysis

Some cost and benefit estimates used in the MCA under Option 3 are uncertain, and given the small margins between the overall weighted scores for options 2 and 3, a sensitivity analysis has been used. The sensitivity analysis tests a range of possible scenarios that could occur under Option 3, to assess how the costs and benefits might change under each scenario. An outline of the inputs and assumptions used in these scenarios, and the scores of each scenario are provided in chapter **Error! Reference source not f ound.**.**Error! Reference source not found.**

4.3 Analysis of options

How each option was scored against each cost and benefit criterion is discussed below. As described above, each option is scored relative to the Base Case (minimal regulations) where responsible persons would still have tree clearance and maintenance responsibilities under the ES Act, but the regulations would be very minimal and would do not detail how this should be done.

Criterion 1: Reduction in risk of hazardous incidents (Safety criterion)

Table 8 shows the scores for each option against criterion 1, followed by a more detailed rationale for the scores.

Table 8: Option scores against criterion 1 (Safety criterion)

	Base Case	Option 1 – Status Quo	Option 2 - Targeted changes	Option 3 -Targeted changes plus trial
Criterion 1: Reduced risk of hazardous incidents	0	4	4	4

Option 1 – Status Quo

Option 1 received +4 for the safety criterion.

As discussed in section 3.2, the current Regulations are seen to be achieving their key purpose to support the reduction of the risk of fires from vegetation contact with electric lines.

The requirements under the current Regulations, including the extent of the MCS are based on the level of risk posed by different circumstances, i.e. there are different requirements for low-voltage lines, high-voltage lines, insulated and uninsulated lines, and low bushfire risk areas (LBRA) compared to high bushfire risk areas (HBRA).

Due to these factors the current Regulations that would be remade under Option 1, are determined to be reducing the risk of hazardous incidents compared to the Base case, as it would not prescribe detailed and risk-based requirements.

However, every situation involving vegetation around electric lines is unique, and regulations cannot always prescribe the most efficient or optimal level of vegetation management. During consultations, most stakeholders accepted the need for regulations and clearance obligations in HBRAs, noting the increased risk of hazardous events due to vegetation. The benefits of reduced fire and bushfire incidents are primarily attributed to the impact of the current Regulations for HBRA. As such, the Status Quo is given a moderate positive score for this criterion.

Option 2 – Targeted changes

Option 2 received +4 for the safety criterion.

The targeted changes to the current Regulations under Option 2 were determined to be unlikely to increase or decrease the likelihood of safety risks associated with vegetation contacting electric lines. Although Option 2 includes changes to exception clause requirements, Electric Line Clearance Management Plans (ELCMP), and other targeted changes, they were assessed to not increase any risks, and are intended to make requirements easier to understand and reduce administrative burden on responsible persons. Therefore, the safety benefit score of Option 2, was determined to be the same as Option 1.

Option 3 – Targeted changes plus trial

Option 3 received +4 for the safety criterion.

It builds on the targeted changes in Option 2 by introducing a trial division to test reduced MCS in low-risk settings. This allows for evidence gathering on safety and reliability impacts before broader regulatory changes are considered in future remakes of the Regulations. This option also provides flexibility to responsible persons and reduces unnecessary pruning.

Trials are restricted to LBRA, and ongoing data collection, reporting, and monitoring of trials is an essential component. During early consultation with distribution companies, Department of Energy, Environment and Climate Action (DEECA) was advised that distribution companies did not see any increase in fire risk under proposed trial conditions. The controlled environment of a trial is determined to not increase or decrease safety risks, and therefore, Option 3 also scores the same as options 2 and 3.

Summary

Options 1, 2 and 3 all scored moderately better than the Base Case in reducing the risk of hazardous incidents. This reflects the effectiveness of the current Regulations in supporting the purpose of the ES Act to

provide for electricity safety, and the careful consideration of risks in the changes proposed in options 2 and 3.

Criterion 2: Improved electricity supply reliability (Reliability criterion)

Table 9 shows the scores for each option against criterion 2, followed by a more detailed rationale for the scores.

Table 9: Option scores against criterion 2 (Reliability criterion)

	Base Case	Status Quo (Option 1)	Targeted changes (Option 2)	Targeted changes plus trial (Option 3)
Criterion 2: Improved electricity supply reliability	0	5	5	5

Option 1 – Status Quo

Option 1 was allocated a score of +5 for the reliability criterion, as it is expected to be moderately better than the Base Case.

Reliability of electricity supply is expected to be than the Base Case as all forms of regulation more stringent than minimal regulation, will require more extensive vegetation management and reduce the risk of contact between vegetation and electric lines. Therefore, the risk that contact between vegetation and electric lines results in damages to distribution assets and outages is reduced.

Although the Regulations help to reduce the risk of outages by maintaining a prescribed clearance space, stakeholders noted that there are cases where strong winds can cause an outage by blowing in a branch from a tree far away from the electric line. However, distribution company stakeholders suggest that it is infeasible for regulations to eliminate the risk of blow-ins, with some distribution companies noting that in severe cases winds can blow branches into clearance spaces from up to 400 metres away.

More prescriptive Regulations than the Base Case are expected to further reduce the risk of outages due to the increased clarity for vegetation management and by supporting Energy Safe Victoria's role to monitor and enforce the tree clearance and maintenance requirements for responsible persons.

Option 2 – Targeted changes

Option 2 was allocated a score of +5 for this criterion. The targeted changes in Option 2 are unlikely to have a material impact on the reliability of the electricity supply relative to the Option 1. This is because the ELCMP-related changes do not affect the risk of outages, and other targeted amendments are only likely to have a marginal impact on the risk of contact for a small subset of trees.

Option 3 – Targeted changes plus trial

Option 3 was allocated a score of +5 for this criterion. The targeted changes are unlikely to impact reliability of electricity supply. Under option 3, in theory, a reduction in MCS under a trial has some potential to lead to reliability impacts on electricity supply in those areas, but this impact, if any, is expected to be minimal and below the threshold to be reflected in the MCA scores. This is based on the assumption of a moderate level of participation in a trial by responsible persons (see chapter 5.1 for the sensitivity analysis).

Data collection, reporting, and monitoring will be required for the duration of any trial. Energy Safe Victoria will have the authority to suspend or end a trial (before its scheduled conclusion), including if data was to show there were impacts on electricity supply reliability. Any trial participant (a distribution company, or a local Council) may also end their participation in a trial at any time, and revert to the standard MCS requirements and electric line clearance practices.

Summary

Options 1, 2 and 3 score the same for the improved electricity supply reliability criterion, and are moderately better than the Base Case. This score reflects the role of the current Regulations play in reducing the frequency of unplanned outages through prescriptive requirements for tree clearance and maintenance activities, and oversight and compliance and enforcement actions by Energy Safe Victoria. Option 1

duplicates these requirements and actions, delivering the same benefits, and the changes proposed under Options 2 and 3 do not specifically aim to improve reliability, nor are they expected to reduce it.

Criterion 3: Protection of amenity, environment, and the mitigation of the effects of climate change (Environmental criterion)

The scores assigned to each option for this criterion are shown in Table 10 followed by a more detailed rationale for the scores.

Table 10: Option scores against Criterion 3 (Environmental criterion)

	Base Case	Status Quo (Option 1)	Targeted changes (Option 2)	Targeted changes plus trial (Option 3)
Criterion 3: Protection of amenity, environment, and the mitigation of the effects of climate change	0	-3	-2	-1.75

As discussed in chapter 2.1, measures to protect amenity and the environment are considered a key issue by some stakeholders for incorporation in the Regulations. These stakeholders were concerned that the Regulations prescribe a level of pruning greater than what is required to mitigate the risk of safety and reliability incidents, with adverse impacts for amenity or the health of vegetation, including that excessive pruning can cause physiological and structural damage to trees, potentially leading to further hazards.

The Regulations prescribe 'a standard and practices to protect the health of trees that require pruning under the Code', and clause 9 of the Code requires a responsible person to cut trees, as far as practicable, in accordance with Australian Standard for the Pruning of Amenity Trees (AS 4373). Both requirements facilitate the consideration of amenity and environmental impacts, including climate impacts.

However, given that the objectives of the Regulations primarily focus on requirements for pruning for safety objectives rather than maintaining amenity and the environment, it is likely that the Base Case scenario would protect amenity and the environment more than the regulatory options considered. In a scenario of minimal regulation and oversight of MCS, it is anticipated that vegetation management activities would decrease. This is due to factors including reduced enforcement, commercial incentives, and intentions to protect trees for both aesthetic and environmental reasons.

Option 1 – Status Quo

Option 1 was allocated a score of -3 for the environmental criterion due to feedback from stakeholders suggesting that the Regulations do not adequately consider amenity, the environment, and mitigation of the effects of climate change.

Stakeholders noted that actions taken to fulfill their line clearance compliance obligations have resulted in complaints from local communities concerned with the impact these activities have on the appearance and benefits of trees, and referred to the evidence of urban tree canopy benefits.[103] This issue is particularly emphasised for vegetation around low-voltage electric lines in LBRAs, where some stakeholders suggested that the current Regulations require pruning beyond what is necessary to preserve safety.

As mentioned earlier, the former ELCCC had acknowledged that line clearance should be regulated; however, they also stated that the Regulations are overly conservative in certain low-risk situations. As such, the level of the pruning that would occur in the Status Quo is expected to be higher than in the Base Case, resulting in reduced preservation of amenity trees, decreased environmental protection, and diminished mitigation of climate change effects.

During consultations, several stakeholders with line clearance responsibilities, primarily distribution companies, and councils, suggested that the current MCS requirements prescribe excessive pruning – beyond what is necessary to prevent hazardous incidents and protect electricity supply reliability. They

[103] Strategic plans such as *Living Melbourne: Our Metropolitan Urban Forest* aim to prevent the ongoing decline in 'urban forests' (referring to vegetation lining urban areas) due to the benefits they can provide (see chapter 2.1 for more detail).

suggested that this not only results in the unnecessary removal or pruning of trees but can also expose these trees to an increased risk of disease and decay from pruning wounds and the potential to damage a tree's structural integrity, creating a hazard tree (see Appendix 1). Sub-standard pruning practices can turn a healthy tree into a hazard tree. Distribution companies suggested that this damage to tree health is resulting in hazard trees with heightened fall-in risks, which inadvertently increase the risk of hazardous incidents and power outages. For instance, one stakeholder stated:

> "Right now we are being forced to overcut trees above power lines, leaving them overexposed to disease and decay and the result is that these are the trees that fall and cause fires."

This issue was raised regarding two MCS requirements. First, the MCS requirements for low-voltage electric lines in LBRAs (Clause 25 of the Code), which former members of the ELCCC suggested requires a level of pruning that is not proportionate to the low risk that these areas pose. Second, the requirement that MCS covers the entire space above 66,000 volt lines in LBRA and uninsulated electric lines in HBRA (Clauses 27, 28, and 29 of the Code), which some stakeholders refer to as "MCS to sky". Some former ELCCC members noted that this requirement does not allow any tree canopy cover (which can harm trees where excessive pruning leads to disease or decay in the tree and results in a hazard tree) and is not necessary for safety in all areas.

Option 2 – Targeted changes

Option 2 was allocated a score of -2 for the environmental criterion due to stakeholder feedback that amenity, the environment, and the mitigation of the effects of climate change are not adequately considered when compared to safety and electricity supply reliability impacts.

However, this score is slightly more positive than the Option 1 (Status Quo) due to targeted amendments which are likely to reduce the impact of clearance activities on vegetation.

In the development of the potential changes considered under Option 2, Deloitte and DEECA reviewed six more of the ELCCC recommendations to reduce or to allow more exceptions to MCS requirements to prevent pruning beyond what is required to maintain safety. However, ultimately these recommendations were not progressed due to concerns that they were not backed by sufficient evidence to justify that the safety risk would not increase.

While these potential changes were considered for the suite of targeted changes in Options 2 and 3, they were not progressed as a state-wide reform, because DEECA determined that there is insufficient evidence to justify the potential increase in risk associated with these changes. The environmental impact of current pruning practices is noted and contributes to the negative scorings for Options 1 and 2.

Option 3 – Targeted changes plus trial

Option 3 was allocated a score of -1.75 for the environmental criterion. While this option maintains a safe level of vegetation management, and thus scores lower than the Base Case, it is expected to improve environmental outcomes compared to options 1 and 2.

Option 3 introduces the trial division that allows reduced MCS distances to be tested, in agreement with Energy Safe Victoria, fire control authorities, and responsible persons interested in participating in a trial. A trial would only be undertaken in LBRAs where any possible impacts to safety risks are likely to be the lowest. The reduction of MCS requirements under a trial is expected to lead to more extensive and healthier tree canopy, which, as shown earlier in this chapter, contributes to a reduction in the urban heat island effect, as well as positive impacts on air quality and other cooling and greening effects.

The analysis considers the long-term impacts of each proposed option for stakeholders and communities across Victoria. Amenity benefits, including cooling and greening effects, mitigation of the urban heat island effect, and air quality improvements, are expected for the areas within Victoria that are suitable for a trial to take place.

Under Option 3 it is expected that, overall, trees will be pruned or removed less extensively when maintaining clearance from electric lines. This is because the extent to which trees are pruned around low-voltage lines in LBRAs is expected to decrease marginally due to the application of reduced MCS distances through trial approvals given to responsible persons participating in a trial. The extent to which trees around high-voltage lines in HBRA is expected to remain the same.

As discussed in chapter 5, a sensitivity analysis was carried out to address the variability of uptake by responsible persons to participate in a trial introduced under Option 3. The extent of any impacts of a trial, including environmental and amenity impacts, would depend on the size and distribution of the area(s) included in the trial. The assumption used in allocating a score of -2.25 compared to the base case here is that a moderate proportion of responsible persons will participate in a trial of reduced MCS requirements.

Summary

Options 1, 2 and 3 all score lower than the Base case for the environmental criterion. This because more prescriptive regulations require significantly greater frequency and intensity of tree clearance and maintenance in order to maintain safe distances between trees and electric lines. Under a scenario with minimal requirements and controls in place vegetation is expected to be maintained at a lower standard. Any tree clearance is expected to have environmental impacts. Option 2 scored slightly better than Option 1, due to targeted changes that support an increased uptake in the exception clauses that allow a reduced MCS. Option 3 scored highest of all the options due to its inclusion of trials, that allow reduced MCS, that is expected to result in increased vegetation cover, reducing environmental impacts.

Criterion 4: Cost to responsible persons (Responsible persons cost criterion)

The scores assigned to each option for this criterion are shown in Table 11 followed by a more detailed discussion of the criterion and rationale for the scores.

Table 11: Option scores against Criterion 4 (Responsible persons cost criterion)

	Base Case	Status Quo (Option 1)	Targeted changes (Option 2)	Targeted changes plus trial (Option 3)
Criterion 4: Cost to responsible persons (a distribution company, local council, or landowner with vegetation and electric lines on their property).	0	-3.75	-3.6	-3.6

Responsible persons (e.g. distribution companies, local councils, landowners, rail businesses) incur a range of costs to comply with their obligations under the current Regulations, such as vegetation management costs and the costs to prepare and submit ELCMPs.

In 2024, the total regulatory burden imposed on responsible persons was estimated at $136.5 million to $142 million per year. Many responsible persons, including distribution companies, will employ both external contractors and internal staff to manage vegetation for which they are responsible, performing work such as pruning, hazard tree removal and assessments. As owners and operators of network assets, distribution companies typically inspect sections of their network annually to identify areas that need maintenance work.

In a Base Case scenario, where the ES Act's requirements to keep vegetation clear of electric lines were in force but no Regulations specified exactly how this should be done, distribution companies stated during consultation that vegetation management costs would decrease by an estimated 20 to 40 percent, which would constitute an annual cost savings of between $32 million and $63 million for distribution companies across the state's electricity network. Distribution companies also suggested that this would not increase risks to safety, or impact network reliability or tree amenity. However, in the circumstance that unregulated vegetation management *did* cause an increase in any of these risks, it could potentially impose costs on responsible persons such as increased insurance premiums or supply reliability penalties.

ELCMP costs are discussed in chapter 2.1.

Option 1 – Status Quo

Option 1 was allocated a score of -3.75 for the responsible persons cost criterion. Costs to responsible persons are expected to be higher in the Status Quo relative to the Base Case, due to the significant increase in prescribed pruning requirements and standards across different voltages and risk areas.

As discussed in chapter 2.1, it is expected that in a base case scenario of minimal regulations, the level of vegetation management would be subjectively determined by the unique set of interests held by each responsible person, which may not appropriately consider electricity safety risks.

Some former ELCCC members indicated that in this scenario, they would prune to a reduced MCS in LBRA (which would allow vegetation to grow closer to the electric lines), as they do not believe there would be a material increase in risk. Subsequently, it is expected that if the proposed Regulations were less prescriptive responsible persons would aim to reduce these costs if they believe that the additional risk would not offset this cost saving. This cost-saving is likely to be substantial for vegetation around LV lines in LBRA, as some former ELCCC members suggested that they would maintain an MCS of 300 mm or less in these areas (relative to the current MCS of 1,000 mm). Some former ELCCC members indicated that their clearance activities would not vary significantly for HV lines in HBRA, so overall this option imposes a somewhat higher cost on responsible persons than the Base Case. However, under the Base Case responsible persons may incur additional costs as the focus shifts on the regulated entity to demonstrate that they are complying with the general duty (as opposed to prescriptive regulation).

For example, it may be that clearance activities would reduce overall but would become more targeted towards higher-risk areas, such as HBRAs, which are most likely to cause hazardous incidents, electricity asset damages, and supply disruptions. Alternatively, as explored in chapter 2.1, distribution companies may have an incentive to clear beyond what is necessary to ensure safety and reliability to prevent regrowth and thus avoid the costs of recurring pruning cycles.

Distribution companies reported spending a total of $120 million over 2022–23, ranging from $4.3 million to $46.8 million per distribution company. This represents an increase of $47.9 million (67 percent) compared to the vegetation expenditure in 2019 of $72.1 million. Even when accounting for inflation over these two periods, this still represents a significant increase in compliance costs. The remaining increase in compliance costs could be attributed to several factors, including:

- an increase in the length and area of the network,
- an increase in the magnitude and complexity of vegetation surrounding the network,
- increased pruning relative to the last regulatory period to ensure compliance with the current Regulations (potentially in response to changes to Energy Safe Victoria's approach to regulatory oversight and compliance activities).

During consultations, distribution companies stated that increased labour costs are a key driver contributing to the change in vegetation management costs from 2019 to present. Specifically, shortages in the arboriculture workforce were identified as leading to higher wages, which resulted in increased labour costs. Stakeholders also noted that the increase in costs was driven by inherent expenses associated with the adoption and usage of Light Detection and Ranging (lidar) technology in electric line inspection activities.

In addition to distribution companies, Victorian local councils also incur vegetation management costs under the current Regulations. In 2019, Victorian councils collectively spent an estimated $11 million on vegetation management, averaging $164,000 per council.[104]

During consultation, councils indicated that their costs had risen faster than inflation over a five year period. The increase varied among councils, with some reporting that the regulatory burden and associated costs had increased 50 percent from 2019–2024 (8.4 percent annually), and others stating that it has doubled from 2019 to 2024 (an annual increase of 14.9 percent over five years).[105] The total cost for councils to comply with these Regulations was estimated at between $16.5 million and $22 million in 2023.

Councils attribute an increase in regulatory burden to several factors, including:

- time allocated for developing, reviewing, and approving Electric Line Clearance Management Plans;
- additional safety obligations, including suitably qualified resources;
- mandatory training for non-electrical workers;
- plant and equipment requirements for the safety of workers;
- shutdowns and live line work required for vegetation pruning;

[104] Energy Safe Victoria, 'Regulatory Impact Statement: Electricity Safety (Electric Line Clearance - ELC) Regulations 2020', September 2019, https://content.vic.gov.au/sites/default/files/2019-11/Electricity-Safety-Electric-Line-Clearance-Regulations-2020-RIS.pdf

[105] Including administration and overheads.

- responding to changes to Energy Safe Victoria's approach to regulatory oversight and compliance activities (which has resulted in a need for additional resources within councils);
- review of the services required to deliver vegetation compliance; and,
- skilled labour shortages, which drive up labour costs.

Option 2 – Targeted changes

Option 2 was allocated a score of -3.6 for the responsible persons cost criterion.

The targeted amendments to the current Regulations examined in Option 2 are likely to reduce costs to the responsible person relative to Option 1 (Status Quo). This is because:

- the changes to ELCMP submission frequency will reduce costs, but these costs are already negligible, and the changes only affect local councils, not other responsible persons
- changes to the MCS exception requirements will marginally reduce administration and vegetation maintenance costs in certain situations.

Option 3 – Targeted changes plus trial

Option 3 was allocated a score of -3.6 for the responsible persons cost criterion. Feedback during consultation with distribution companies indicated a general consensus that a distribution company participation in a trial of reduced MCS requirements would not result in any significant new costs, nor is it expected to result in any reduction in costs. This is because tree maintenance under a trial is expected to be schedule in line with current tree maintenance activities. This means that Option 3 scores lower than the Base Case, due to the imposition of some costs under the regulations, but not more than Option 2, and less costly than Option 1 (the Status Quo).

Summary

Options 1, 2 and 3 all scored lower than the Base Case (minimal regulations) against the responsible persons cost criterion. The current Regulations introduce a significant increase in tree clearance and maintenance requirements, including administrative requirements for responsible persons to demonstrate their compliance with the current Regulations. As Options 1 would remake the current Regulations, the costs to responsible persons would remain unchanged. Option 2 which includes targeted changes aimed at making requirements easier to comply with and reducing administrative burden, it scores better than Option 1. Option 3 scores the same as Option 2, as it also includes these targeted changes that are expected to reduce costs, and the inclusion of a trial division is not expected to result in an significant increase or reduction in costs.

Criterion 5: Cost to government (Government cost criterion)

The scores assigned to each option for this criterion are shown in Table 12, followed by a more detailed rationale for the scores.

Table 12: Scoring of options against Criterion 5 (Government cost criterion)

	Base Case	Status Quo (Option 1)	Targeted changes (Option 2)	Targeted changes plus trial (Option 3)
Criterion 5: Cost to government	0	-0.25	-0.25	-0.3

Section 7 of the ES Act provides that one of the functions of Energy Safe Victoria is to 'regulate, monitor and enforce the prevention and mitigation of bushfires that arise out of incidents involving electric lines or electrical installations'. Energy Safe Victoria conducts audit and inspection activities to ensure compliance by responsible persons with the current Regulations and their ELCMPs under its *Compliance and Enforcement*

Policy.[106] Although these costs are largely funded through levies and licensing fees, as opposed to being funded by Consolidated Revenue, they are presented as a separate criterion here to allow separate consideration of the regulatory burden on businesses compared to the cost of administering and enforcing the current Regulations.

The costs to Energy Safe Victoria for monitoring and enforcing the current Regulations comprise the following components:

- other employee costs
- consultants and contractors
- legal fees
- motor vehicle and travel
- other costs.

These represent the costs to the Government in Option 1. These costs were calculated at $2.1 million in FY24, which is less than two percent of the regulatory burden imposed on responsible persons.

In the absence of the Regulations, the Government may also need to allocate additional funding to emergency services (e.g. CFA and State Emergency Services) to account for the increased risk of major bushfires and power outages. As outlined in chapter 2, these events can also lead to a significant reduction in economic activity.

Option 1 – Status Quo

Option 1 was allocated a score of -0.25 for the Government cost criterion. Option 1 was allocated a negative score compared to the Base Case due to the increased monitoring and enforcement responsibilities required to ensure compliance with more regulation. Because the cost burden directly incurred by Energy Safe Victoria in monitoring and enforcing the current Regulations is around 1.5 percent of the cost imposed on responsible persons, this option is allocated a very small negative score.

Under the Base Case, the ES Act will continue to require that Energy Safe Victoria bear the responsibilities of, and thus also the costs of, monitoring and enforcing the current Regulations. Minimal regulations are expected to be less burdensome for responsible persons to comply with because they can meet their requirements in a way that minimises their costs.

However, in the absence of clear instructions on how responsible persons can ensure compliance with the ES Act, it is difficult for Energy Safe Victoria to assess compliance. Consequently, Energy Safe Victoria may need to undertake more analysis to monitor compliance with the ES Act and Regulations. This may make it more difficult to enforce the ES Act and lead to indirect costs for Energy Safe Victoria. More prescriptive regulations will require more in-depth audits and inspections to effectively ensure compliance.

As discussed in chapter 4.3, it is likely that under the Base Case, there would be more instances of hazardous incidents and reduced supply reliability. These issues are likely to incur costs to the Government such as disaster relief, compensation payments, and disruptions to the economy. While it is difficult to quantify the extent of these costs given the Regulations have been in place for more than 20 years, it should be noted that these likely impacts have been considered in the more favourable scores given to all other regulatory options compared to the Base Case, due to the avoided costs of fire and electrocution incidents as well as the Base Case's projected frequent supply disruptions outweighing the additional cost of monitoring and enforcement required under the other regulatory options.

Option 2 – Targeted changes

Option 2 was allocated a score of -0.25 for the Government cost criterion because none of the proposed changes to the current Regulations would change requirements for Energy Safe Victoria to monitor and enforce the proposed Regulations. While Option 2 does propose changes to the frequency of electricity line clearance management plans (ELCMPs), the changes apply to responsible persons who are not major

[106] Energy Safe Victoria, 'Compliance and enforcement policy', 2021, https://www.energysafe.vic.gov.au/sites/default/files/2022-12/Energy Safe Victoria_ComplianceAndEnforcementPolicy_2021.pdf

electricity companies and are not required to submit these plans to Energy Safe Victoria for approval. Therefore, these amendments do not materially change Energy Safe Victoria's role in the approval of ELCMPs.

Option 3 – Targeted changes plus trial

Option 3 was allocated a score of -0.3 for the Government cost criterion. The introduction of a trial mechanism under the proposed Regulations is expected to result in some additional administrative activities for Energy Safe Victoria, but are not expected to result in a substantial increase in costs. Additional administrative activities would largely be concentrated to the initial set-up of systems, policies and procedures to deliver a trial.

Energy Safe Victoria would be required to undertake ongoing monitoring of a trial, but the additional burden is not expected to be substantially more than compliance monitoring under the current Regulations. This is due to Energy Safe Victoria already receiving and monitoring data and information from distribution companies that largely encompasses the data and information that would be required under a trial, noting that some system changes are likely required to tailor this data collection for a trial.

It should be noted that these costs to government would marginally scale up or down depending on the level of uptake by responsible persons to participate in a trial.

Summary

Options 1, 2 and 3, all scored lower against the Base Case (minimal regulations) for the Government cost criterion. These scores reflect the increased compliance and enforcement oversight for the government, in particular Energy Safe Victoria, who require additional time, resources, and capital to monitor compliance with prescriptive regulations when compared with a minimal regulations scenario. Options 1 and 2 score the same. Although targeted changes under Option 2 reduce ELCMP preparation requestions and may result in some reduction in administrative burden on Energy Safe Vicotria's, this is expected to be minimal. Other targeted changes seek to clarify the requirements for responsible persons which has the potential to increase their levels of compliance and could reduce the enforcement burden on Energy Safe Victoria, but again this would not result in significant cost reductions for Government. Option 3 scores slightly below Option 1 and 2 due to the minor increase in Government resourcing required to administer a trial, collect and analyse data, and in preparing reporting to inform a subsequent remake of the regulations.

5 Preferred option

This chapter provides further details on the specific designs of a trial under the preferred option, provides a breakeven analysis, and an overview of competition, small business, and distributional impacts for the preferred option.

5.1 Sensitivity analysis

A sensitivity analysis checks how much results will change when key assumptions or inputs change. It's a standard way to test robustness when data is uncertain. Instead of assuming one fixed input, the analysis checks if the preferred option still makes sense under different plausible scenarios. This sensitivity analysis is needed because consultation did not provide plausible predictions of the uptake of trials among responsible persons.

A scenario-based approach was used to check whether the benefits of Option 3 depend heavily on the level of participation in the proposed trials. The findings for option 3 are then compared to the other options.

Three scenarios on the uptake of the trials were tested:

- Very low uptake – almost no one joins the trial.
- Moderate uptake – the level assumed in the main analysis.
- Very high uptake – lots of responsible persons join.

For each scenario, the Multi-Criteria Analysis (MCA) scores were adjusted to reflect how participation would influence the following criterion from chapter 4.3:

- Reliability of electricity supply (Criterion 2)
- Amenity and environmental outcomes (Criterion 3)
- Government costs (Criterion 5)

The results in Table 13 show only small differences between scenarios:

- If uptake is very low, Option 3 scores slightly worse than Option 2 because the trial adds admin costs without delivering benefits.
- If uptake is moderate (the expected case), Option 3 scores just a little better than Option 2.
- If uptake is very high, Option 3 still scores better than Option 2, but only by a small margin.

This means that the size of the trial doesn't radically change the overall ranking. Even with high participation, the improvement is modest. This means that the trial does not introduce major volatility and is a safe incremental improvement regardless of participation levels. A comparison to the other options continues to support Option 3 as the preferred option.

Table 13: Sensitivity analysis

Scenario	Description	Status Quo	Option 2	Option 3
Very low uptake of trial mechanism	Weighted score	0.5	0.64	**0.63**
Moderate uptake (the level assumed in the main analysis)	Weighted score	0.5	0.64	**0.65**
Very high uptake of trial mechanism	Weighted score	0.5	0.64	**0.65**

5.2 Breakeven analysis of preferred option

The breakeven analysis in this RIS shows that the preferred option will be cost-effective if it prevents at least one major bushfire every few decades. This is because the cost of the current Regulations is estimated at $142 million, while the damage from a single major bushfire can cost billions. For example, if the Regulations prevent an event on the scale of the Black Saturday bushfires ($8.9 billion in 2025 dollars) at least every 59 years, or on the scale of the 2019–20 Australian bushfires ($2.4 billion) at least every 19 years, this would be considered breaking even.

Although the regulations also help prevent electric shocks and power outages, the analysis focuses on avoided fire costs, as these are usually much higher. In addition to the financial cost, fires have serious consequences to human health and the environment, including:

- generation of hazardous air pollutants;
- loss of wildlife and vegetation;
- disruption to business activity, including tourism;
- damage to buildings and other infrastructure;
- costs of firefighting and other emergency response;
- loss of amenity;
- costs of illness and medical treatment; and,
- loss of life.

5.3 Competition impacts

Regulation in Victoria is required to include a competition assessment under the Competition Principles Agreement.[107] The Competition Principles Agreement states that any new regulation should not restrict competition except where:

- restriction of competition is required to meet the government's objectives; and
- the benefits of the restriction outweigh the costs.

Restrictions on competition can occur if the proposed Regulation will change the way a market functions, for example by limiting or reducing:

- the number or range of suppliers;
- the ability of suppliers to compete; or,
- the incentive of suppliers to compete vigorously.

In this RIS, the relevant market is the provision of electricity supply network services. The table below (Table 14) presents the competition assessment questions used to evaluate whether the proposed Regulations impose restrictions on competition for the distribution companies.

In relation to competition, there might be a small barrier to entry relating to arborist being required to have Certificate III qualification i.e. preventing any person from entering the market to undertake tree maintenance and clearance on behalf of responsible persons. However, this level of qualification would be required by the existing wider framework regardless of the requirements prescribed in the proposed Regulations.

The competition assessment requires, for any decrease in competition, that the benefits outweigh the costs and that the desired outcomes can only be achieved through measures which impact competition. The completed competition assessment, coupled with the analysis detailed in chapter 4, demonstrates that additional costs imposed on distribution companies do not restrict competition.

[107] Better Regulation Victoria, 'Victorian Guide to Regulation: A handbook for policy-makers in Victoria', 2024, https://www.vic.gov.au/victorian-guide-regulation

Table 14: Competition assessment questions

Test question	Answer	Explanation
Is the proposed measure likely to limit the numbers of producers or suppliers to: • only one producer? • only one buyer? • less than four producers?	No.	There are currently 5 distribution companies in Victoria (5 suppliers), and no change in the number of distribution companies is expected. For all eligible distribution companies, participation in a trial is optional and is expected to be cost-neutral.
Would the proposed measure discourage entry into the industry by new firms/individuals or encourage exit from existing providers?	No.	The proposed measure is unlikely to affect market entry or exit decisions for distribution companies as it does not substantially increase requirements above existing legislation. The preferred option imposes an ongoing cost on all distribution companies with no one-off cost for any new distribution companies wanting to enter or leave the market. For all distribution companies, participation in a trial is optional and is expected to be cost-neutral. Therefore, the proposed measures do not discourage entry or exit. The requirement in the preferred option for a new distribution company entering the market to have in place an ELCMP makes official the existing *de facto* requirement for any major electricity company to have prepared an ELCMP before commencing operation.
Would the proposed measure impose higher costs on a particular class or business or type of service (e.g. small business)?	No.	The preferred option is unlikely to disproportionately impose higher costs on any particular entity, and none of the distribution companies which comprise the relevant Victorian electricity supply services market are small businesses. For distribution companies, regulatory burden generally scales with network size, as will the impacts of the proposed measure. Where the Regulations impose different costs on different distribution companies, this is due to intrinsic features of each business (such as geographic extent of network or total number of customers). For all eligible distribution companies, participation in a trial is optional and is expected to be cost-neutral.
Would the proposed measure affect the ability of businesses to innovate, adopt new technology or respond to the changing demands of consumers?	No.	The preferred option does not include significant new regulatory barriers, and participation in a trial is optional. Distribution companies are thus unlikely to face any additional compliance hurdles that could impede their ability to innovate or adopt new technologies, and participation in a trial may provide opportunity to innovate without limiting the use of new technology.

5.4 Small business impacts and distributional analysis

The Victorian Guide to Regulation considers it good practice for a RIS to consider the impacts of proposed Regulations on small businesses. To ensure the impacts of regulation on small business are examined appropriately, an assessment of the effects on small business is required. This aims to ensure that regulation does not impact business growth and productivity unreasonably or disproportionately, especially for small businesses.

No small business impacts were identified during stakeholder engagement. The proposed Regulations do not introduce any new requirements for arborists or tree clearance specialists, and are not expected to impose disproportionate impacts on any small business versus other industry participants. The proposed minor changes to risk assessment requirements for use of an exception have been reallocated to qualified arborists, but the changes are expected to have minimal cost implications as they would be conducted during an already-required tree inspection.

Small businesses can experience disproportionate impacts from certain types of regulation due to limited resources for interpretation of updates in compliance requirements, and the cumulation of different requirements. The lack of economies of scale may affect these businesses' ability to comply with certain regulatory requirements.

There are unlikely to be any direct impacts on small businesses, as distribution companies are all considered large businesses. However, distribution companies will generally seek to recover the costs imposed by these regulations from their customers, while local councils will seek to recover costs from their ratepayers, so distributional impacts are important to consider.

Distribution companies are required to submit an annual pricing proposal to the AER that contains the network tariffs they propose to charge their customers, including small business customers, to recover their revenues, transmission network charges, and costs of jurisdictional schemes. Although the total costs associated with the vegetation management generally are substantial, these costs make up a small part of all electricity costs passed on to all customers, including business customers, across Victoria.

6 Implementation and evaluation strategy

This chapter outlines the actions that will be undertaken to implement and assess both the efficiency and effectiveness of the proposed Regulations. It describes what needs to be done, when it will be done, who will do it, and how.

6.1 Implementation

The current Regulations will expire on 25 June 2026. Remade regulations are required by the *Electricity Safety Act 1998* (ES Act) to be in force prior to this revocation date, and they will sunset 10 years after the date that they are made. This is a change from previous iterations of these regulations that were required by the ES Act to be remade every 5 years. The 10-year life of the remade regulations is consistent with other regulations and reduces administrative burden across all stakeholders.

This RIS and proposed Regulations will be released for public consultation for a period of 45 days or more. All comments and submissions on the proposed Regulations must be considered before the Regulations are made, and Department of Energy, Environment and Climate Action (DEECA) will review submissions and determine whether any changes to the proposed Regulations are warranted. After this, the regulations will be made at Governor-in-Council, and a Notice of Decision and Statement of Reasons will be published explaining how the comments and submissions have been addressed in the final Regulations.

The objectives (as set out in Part 1, Regulation 1) of the current Regulations will be retained in the proposed Regulations, with the same aim of reducing risks of harm associated with contact between vegetation and electric lines.

Major changes

A key change in the proposed Regulations is the introduction of a trial mechanism for reduced minimum clearance space in specific circumstances. Not all aspects of how a trial must be designed or run are prescribed in the proposed Regulations. These details are intended to be determined by Energy Safe Victoria in consultation with stakeholders including Victorian fire authorities. Once designed, Energy Safe Victoria will oversee applications for trials, including determining where a trial can be undertaken, approving participants, setting conditions, and monitoring outcomes.

As detailed in chapters 1 and 2, evaluating the effectiveness of the Regulations is difficult due to the long history of a Victoria-wide regulatory framework for electric line vegetation clearance, insufficiently detailed data collection, and the qualitative nature of many benefits and impacts of the Regulations. Simultaneously, the variability of climate, vegetation and infrastructure across states and territories mean cross-jurisdictional analysis is of limited value when considering specific questions of appropriate minimum clearance space distances for Victoria.[108]

However, many stakeholders have made clear their concern that the Regulations won't adequately balance safety and reliability risks with protection of the environment and maintenance of green canopy.

The proposed Regulations allow reduced MCS distances to be tested and data to be collected specific to Victorian Low Bushfire Risk Areas (LBRAs). Data would provide an evidence base that would be used to inform the subsequent remake of these regulations (within the next 10 years). In addition to developing the evidence needed for future regulatory changes to standard minimum clearance space (MCS), trials are intended to have ongoing monitoring and evaluation to allow the testing of various reduced MCS distance requirements.

An explanation of the components of the trial mechanism is provided in Appendix 3, along with an outline of the new trial clauses in the proposed Regulations at Table 16. The new clauses can be viewed in full at Division 3 in the Proposed Regulations.[109]

[108] See sub-section 'Cross-jurisdictional comparison' in chapter 3.4, p. 42.

[109] See Engage Victoria page.

Other changes

Energy Safe Victoria will review and update their industry guidance materials and website to ensure responsible persons are supported to comply with any changes to requirements introduced in the remade regulations.

Energy Safe Victoria, as the responsible regulator, will continue its compliance and enforcement role, including to:

- investigate events or incidents that have implications for electricity safety;
- regulate, monitor, and enforce activities that support the prevention and mitigation of bushfires that arise out of incidents involving electric lines or electrical installations;
- provide advisory and consultative services about electricity safety and electrical equipment, electrical installations, and electrical work; and,
- monitor and enforce compliance with the ES Act and the Regulations.

DEECA is seeking detailed feedback from all stakeholders, interested members of the public, and responsible persons on the proposed Regulations.

6.2 Evaluation of remade regulations

Consistent with the Victorian Government's commitment to better regulation and a culture of continuous improvement, departments must evaluate all regulations.

The remade regulations will sunset in 2036. Because the proposed Regulations are considered high-impact (expected costs of at least $8 million per year), the *Victorian Guide to Regulation* suggests that a mid-term evaluation may be required. As a result a mid-term evaluation of the proposed Regulations will be scheduled for 2029.

This mid-term evaluation will focus on evaluating the major change to the Regulations, which is the new trial mechanism. DEECA hopes to use an evidence base built up through the operation of the trial mechanism to inform future remakes of the Electric Line Clearance Regulations, and to more effectively balance safety, environmental and community considerations. The mid-term evaluation may also consider the evaluation questions listed in Table 15.

Table 15: Mid-term evaluation questions

Evaluation questions	Data
Trial mechanism impact • Has the trial mechanism been used effectively to test reduced MCS in low bushfire risk areas? • What is the quality of the data has been collected from trials, and can it be used to evaluate future regulatory changes? • Has the trial mechanism contributed to improved canopy retention or reduced unnecessary pruning? • Are there potential improvements to the trial mechanism?	• Trial-specific incident and reliability data • Reporting from distribution companies and councils on trial outcomes

Evaluation questions	Data
Effectiveness and safety • Have the regulations reduced the number of hazardous incidents (e.g. fires, electrocutions, outages) caused by vegetation contact with electric lines? • Are responsible persons complying with the minimum clearance space (MCS) requirements and exceptions?	• Incident reports from distribution companies and Energy Safe Victoria • Fire start data from CFA and FRV • Audit and inspection results from ESV • Compliance records and enforcement actions *Note: it is difficult to attribute the frequency of incidents directly to the effectiveness of the Regulations due to several other factors that can cause fires and electrocutions.*
Regulatory burden and compliance • Have the changes to ELCMP frequency and content reduced administrative burden for councils and distribution companies? • Are responsible persons finding the regulations easier to interpret and comply with?	• Feedback from councils and distribution companies via stakeholder consultation • Survey responses from responsible persons on clarity and usability of the regulations
Environmental and amenity outcomes • Have the regulations supported better protection of significant and indigenous trees? • Has the trial mechanism contributed to improved canopy retention or reduced unnecessary pruning?	• Feedback from councils and distribution companies via stakeholder consultation. • Case study
Cost and Resource Impacts • Have vegetation management costs changed significantly since implementation?	• Feedback from councils and distribution companies via stakeholder consultation

The remade Regulations may be evaluated in combination with other reviews of the Victorian energy sector. This could include any reviews and analyses of other safety issues in the sector more broadly, such as arborist worker safety, rather than exclusively dealing with the Electric Line Clearance Regulations.

Ongoing monitoring and evaluation of trial outcomes

In addition to the mid-term evaluation outlined above, the preferred option (Option 3) provides a mechanism to allow Energy Safe Victoria and responsible persons to work together to use ongoing monitoring and evaluation to build an evidence base that meets the evidence requirement to support minimum clearance space changes in a future remake of the Regulations.

Energy Safe Victoria, as the regulator for the line clearance regulatory framework, already receives data from distribution companies and fire control authorities on fire starts and other safety incidents, and can engage with the Australian Energy Regulator (AER) to access and validate data.[110] The data collection and reporting

[110] The Australian Energy Regulator (AER) is the economic regulator for distribution companies and publishes annual network performance reports for electricity networks, which are intended to transparently present network performance data, including comparing actual network performance against forecasts. Distribution companies are required submit reporting on their performance standards annually to the AER.

components of any trial of reduced MCS requirements in a defined area will build on the existing working relationships and practices of data collection, reporting and analysis.

DEECA is open to working with key stakeholders to develop potential revisions to AER incident terminology and to help distribution companies clarify their reporting descriptions for line-clearance-related incidents (for example, more detailed data on hazard trees and their relationship to the minimum clearance space requirements). Improving the level of detail regarding the cause of incident in this data would provide DEECA with more evidence regarding the effectiveness of different minimum clearance space settings and pruning practices, and could improve overall evaluation of the Regulations and the analysis of the impacts of any trial.

Appendix 1: Stakeholder consultation undertaken in preparing this RIS

This appendix supports the RIS by providing further details on the approach to stakeholder consultation undertaken for this RIS including who was consulted, what they were consulted on, and further details on issues raised to support section 2.1 of this RIS.

Who was consulted

- Electric Line Clearance Consultative Committee (ELCCC) members, prior to its abolishment in June 2025 (Appendix 3 contains further details), were consulted through individual interviews, group workshops, and follow-up engagements to gather feedback on the current regulations and proposed changes.
- Energy Safe Victoria consulted through meetings and policy discussions.
- Distribution companies participated in group consultations and provided feedback on vegetation management costs, compliance burden, and trial mechanisms.
- Fire Control Authorities, Country Fire Authority (CFA) and Fire Rescue Victoria (FRV) provided input on safety risks, bushfire mitigation, and trial design.
- Local Councils submitted written responses and participated in interviews regarding Electric Line Clearance Management Plans (ELCMP) requirements, pruning practices, and community concerns.
- Department of Energy Environment and Climate Action (DEECA) experts from internal policy, biodiversity, and regulatory teams contributed to drafting and analysis.
- Deloitte Access Economics conducted initial stakeholder consultations and analysis in 2024 during the RIS development phase.

Key themes from stakeholder input

Consultation focused on several themes specific to the needs of the RIS. These themes included stakeholder views on:

- the overall effectiveness and appropriateness of the current Regulations;
- the extent to which the current Regulations adequately balance safety, amenity, and cultural considerations;
- any changes to the electricity distribution market in the last five years (since the previous 2020 RIS) that are relevant to the current Regulations;
- any proposed amendments to the current Regulations;
- changes to MCS requirements in different circumstances;
- changes to exceptions for MCS;
- content and frequency requirements for Electric Line Clearance Management Plans (ELCMP);
- regulatory burden under the current Regulations; and
- changes to regulatory burden and safety risks under the Base Case or proposed amendments.

Issues raised by stakeholders

All stakeholder input below was canvassed before the abolishment of the ELCCC.

Minimum clearance space (MCS) too conservative for uninsulated low voltage (LV) electric lines in low bushfire risk areas (LBRA)

A number of ELCCC members, argued that the 1,000 mm MCS for uninsulated low-voltage (LV) lines in LBRA is excessive and could be safely reduced to 300 mm.

The current Regulations (Clause 25 of the Code) prescribe the MCS that must be maintained between vegetation and uninsulated low voltage LV electric lines in LBRAs. In the Regulations, Subclauses (3) and (4) of Clause 25 require that the MCS LV electric lines in LBRAs is at least 1,000 mm.

The purpose of prescribing this MCS is to reduce the risk of contact between vegetation and electric lines, and therefore reduce the risk of fires, power outages, and electrocution. The ELCCC members suggested that the MCS below and beside uninsulated LV lines in LBRAs should be reduced from 1000 mm clearance to 300 mm for span lengths up to 45 m. The recommendation suggested that reducing the MCS would still maintain a safe distance between vegetation and electric lines while promoting better environmental, aesthetic, and sustainability outcomes for local communities across Victoria.

More specifically, the members proposed that since uninsulated low-voltage electric lines in LBRA pose a low risk, a reduced MCS will likely prevent over-pruning without increasing the likelihood of a hazardous event. The members suggested that scientific principles and incident data supported their suggestion that reducing the current MCS requirement to 300 mm for span lengths up to 45 m will not increase any material increase in risks to network safety and reliability. They highlighted that the Australian Standard for Overhead Line Design (AS/NZS 7000:2016) states that the maximum flashover distance for uninsulated LV electric lines is 10 mm, meaning that the proposed 300 mm clearance provides for a safety factor of 30. The ELCCC members were confident that contact can safely occur between these electric lines and vegetation, pointing to South Australia as an example of a regime where contact between uninsulated LV lines is ‘allowable’ against certain criteria, and if criteria are not met the MCS is 100 mm.

The ELCCC members also suggested that reducing MCS will enable distribution companies to better prioritise higher-risk areas, on the basis that the current MCS requirements for LV electric lines in LBRAs are not proportionate to the low-risk in those areas. If duty holders are required to prune vegetation that does not pose a risk of damages, this will result in unnecessary compliance costs and/or a diversion of resources away from high-risk vegetation, with no associated benefit.

The ELCCC members also suggested the MCS reduction would allow responsible persons to better preserve the health and amenity of vegetation and suggested that the current MCS result in excessive pruning, which damages the physical health of trees. More specifically, members suggested that the current MCS requires distribution companies to cut large parts of trees and branches, which weakens trees and leaves them vulnerable to disease which can create hazard trees with increased fall-in risk, and consequently increases the risk of death, injury, property damage and the reliability of the electricity supply. The members suggested that this fall-in risk is more significant than the what the blow-in risk would be under a reduced MCS.

The ELCCC members proposed that reducing MCS will help preserve the amenity of trees in LBRAs and noted a significant rise in demands from communities and local councils to reduce pruning activities to preserve the amenity of trees. Some ELCCC members proposed that better preserving tree canopies, especially in urban areas, will provide climate and safety benefits by producing cooling effects which reduce the effects of urban heat islands. Consequently, these members viewed a reduced MCS as striking a better balance between maintaining safety and preserving local amenities.

Exception to Minimum clearance space (MCS) for structural branches around low voltage (LV) electric lines in low bushfire risk areas (LBRA)

The current Regulations prescribe exceptions to the standard MCS for structural branches around LV electric lines (under Clauses 4 and 7 of the Code). The purpose of these exceptions are to allow a reduced MCS (with additional requirements) under circumstances that are determined to be lower risk. Subclauses 4(2) and 4(2)(d) require an MCS of 150 mm for span distances of 40 metres or less and 300 mm for any greater distance, respectively. Certain members of the ELCCC suggested that, the requirements under the MCS exceptions are cumbersome and of limited use. The ELCCC proposed that these subclauses be amended to allow MCS for all span lengths to be reduced to 100 mm. This proposal was made on the basis that an MCS of 100 mm for insulated LV lines of all span lengths will improve the ease with which the exception can be relied upon without increasing safety or reliability risks.

The members also suggested that if DEECA accepted the recommendation to reduce the standard MCS for uninsulated LV electric lines in LBRAs to 300 mm, as outlined above, that Clause 7 should be removed, as it would no longer be relevant. Clause 7 of the Code outlines exceptions to MCS for structural branches around uninsulated LV lines in LBRAs, including that, under these circumstances, a structural branch can extend up to 500 mm inside the 1,000 mm MCS. The members noted that if MCS for all vegetation types around uninsulated LV electric lines in LBRAs is reduced to 300 mm, the exception in Clause 7 will become redundant. If this recommendation was not accepted, the ELCCC members suggested that the requirements set out in Clause 7 are amended to improve their ability to be practically applied. They recommended that requirements in Subclauses 7(2)(b) and 7(2)(e) be removed, and that the allowance made in Subclause 7(2)(d) be amended.

The ELCCC members also suggested that Subclause 7(2)(b) is removed. It prescribes the number of conductor spreaders which must be fitted on a span if a structural branch comes within MCS. These members suggested that the requirement does not improve safety because if a structural branch is to fall on an electric line, it is highly likely to cause damage regardless of whether one or more spreaders are present on the span. Further, they suggested that most LV lines in LBRAs already contain an existing spreader, and requiring additional spreaders does not provide any practical safety benefit.

Another recommendation by these ELCCC members was to remove subclauses (2)(e)(iii) and (2)(e)(iv) from both Clauses 4 and 7, as they add an extra layer of assessment which does not improve safety. Clauses 4 and 7 require that a suitably qualified arborist has inspected the tree and has advised that the tree does not have any visible defect that could make the structural branch fall. The subsequent requirements in (iii) and (iv) that a responsible person completes a risk assessment, and implements measures to effectively mitigate risks were said, by the ELCCC members, to add an unnecessary extra layer of assessment, as in practice, responsible persons rely on the skills and observations of arborists.

A further recommendation by the ELCCC members was to increase the MCS exception under Clause 7 to allow branches to enter the standard MCS up to 700 mm from 500 mm. This suggestion was made on the basis that structural branches are rigid and have very limited flexibility and movement, meaning that the risk of occasional contact between these branches and lines is low. The members also proposed an additional clearance exception be made for structural branches around uninsulated LV in LBRA. This proposal suggested adding a new subclause to Clause 7 to allow an MCS of 150 mm for existing structural branches around uninsulated LV in LBRAs. More specifically, the amendment stipulates that existing structural branches with no history of posing a threat be allowed to maintain an MCS of 150 mm, while new growth maintains an MCS of 300 mm around LV lines in LBRAs.

Some ELCCC members contended that there is evidence of numerous structural branches within 150–300 mm of uninsulated LV lines that for decades have not had a known history of causing damage to either nearby lines or the branch. The proposed amendment aims to better preserve the amenity of trees and increase canopy retention by preventing unnecessary pruning to mature trees that do not pose a risk. These members noted the health and wellbeing benefits to communities that increased tree canopy provides, including in mitigating extreme heat events. Additionally, they suggested that given the maximum flashover distance set by the Australian Standard for Overhead Line Design is 10 mm – this proposal provides 15 times the required distance to avoid the risk of a flashover.

However, the ELCCC members noted the need to recognise that at this proximity, any changes with the branch's condition, structure, size, or position would need to be identified early before any damage to the branch or lines occurs. Therefore, the proposed amendment would maintain the current requirement for a 14-month tree inspection to enable timely identification and mitigation of any changes that could lead to line contact.

Content and frequency requirements of electric line clearance management plans (ELCMP)

Regulation 9 of the current Regulations requires responsible persons to regularly prepare ELCMP relating to their compliance with the Code. The ES Act identifies these responsible persons as distribution companies, councils, and other persons who own, operate, install, or use electric lines under an Act of the Commonwealth. Responsible persons who are also Major Electricity Companies (MECs) must prepare their ELCMP every 5 years and also have a requirement to submit their ELCMP to Energy Safe Victoria for approval. Responsible persons who are not MECs must prepare an ELCMP each financial year. The ELCMs aim to ensure that these responsible persons regularly demonstrate understanding of their line clearance duties and are transparent in how they will achieve compliance.

Certain members of the ELCCC proposed that the frequency of preparing ELCMP for non-MECs, including local councils, be extended from annually to once every five years, in line with MECs. These members suggested a reduction in frequency would help reduce administrative burden on councils, while ensuring their continued demonstration of compliance with the Code. The proposal suggested that councils face a time-consuming and onerous process of reproducing their ELCMP annually, despite the lack of substantial change between years.

Feedback collected by some ELCCC members found that most councils supported the proposed amendment to reduce the frequency of ELCMP. However, a minority of councils did not find the annual preparation requirement onerous, and some had no opinion on the frequency of updates.

Regulation 9(4) of the current Regulations also prescribe the content of ELCMP. This aims to ensure that all responsible persons are aware of the actions they must take to comply with the current Regulations. Certain members of the ELCCC suggested that the requirement in regulation 9(4)(j)(ii) to reproduce graphs and diagrams in the current Regulations into the ELCMP should be removed. It requires that responsible persons duplicate the methods as set out in the graphs and diagrams of Schedule 2 of the current Regulations into each ELCMP. These members suggested that rather than reproducing the graphs, the ELCMP should instead reference Schedule 2, that those reading the ELCMP could refer to Schedule 2 to see the method. This amendment was seen to simplify the ELCMP process and reduce administrative burden.

Most councils were in favour of this amendment. However, some ELCCC members suggested that is the recommendation was not found to be appropriate, Energy Safe Victoria should develop a Code of Practice for clearance distances that all responsible persons could reference instead.

In addition, the ELCCC members believed that the following content requirements should be removed from ELCMP:

- names, roles, and contact details of staff with vegetation management responsibilities;
- qualifications and experience that the responsible person must require of the persons who are to carry out the inspection, pruning or removal of trees; and
- description of the measures that must be used to assess the performance of the responsible person.

These requirements were seen as unnecessary, as the responsible staff for an organisation can change frequently, and the details of a person carrying out vegetation management are included in other parts of the current Regulations or the Code. Furthermore, some ELCCC members suggested that due to staff changes, ELCMPs required regular amendments creating an additional administration burden.

The ELCCC members also proposed that the requirement under regulation 10(6) that responsible persons publish a copy of their ELCMP on their website, should be replaced with a requirement to provide a copy of the ELCMP to any person upon written request. Members suggested this would reduce administrative burden on responsible persons by making it easier for them to meet accessibility requirements.

Vertical clearance

The current Regulations MCS for uninsulated 66,000 volt electric lines in LBRAs and uninsulated low, high, and 66,000 volt electric lines in Hazardous Bushfire Risk Areas (HBRA)[111] applies to the entire space above the line (from the height of the line, up). The minimum clearance space in these cases is the sum of the two distances (the applicable distance and the additional distance). Stakeholders have referred to this as the "clear to sky requirement".

The purpose of keeping the space above these lines clear from vegetation, is to reduce the risk of vegetation e.g. branches, from falling onto the electric lines from above. This requirement is based on the higher fire risk associated with uninsulated high-voltage electric lines and lower voltage lines located in hazardous bushfire risk areas.

Certain ELCCC members suggested that, under normal conditions, a falling branch will move directly downward, and that this means that only the 'applicable distance' (i.e. a distance *not* accounting for sag and sway of the line) and the space directly above it require clearance to prevent branches entering the space.

These members proposed that the MCS can be reduced to more appropriate distances without increasing safety and reliability risks. They suggested that in many instances, and especially for longer line spans, the

[111] Electricity Safety (Electric Line Clearance) Interim Regulations 2025, Schedule 1, Clauses 27–29

MCS can be many times larger than the applicable distance causing responsible persons to clear large volumes of vegetation which pose little to no risk to electric lines. The members suggested that during calm wind conditions the MCS “to sky” does mitigate risk appropriately, but that in strong wind conditions when vegetation can travel windborne for over 40 metres, this requirement cannot prevent potential damages.

Subsequently, the ELCCC members suggested that the current requirements do not, and likely cannot, mitigate damages caused by fallen branches in extreme weather conditions. And instead, suggested that the current specifications inadvertently create safety and reliability risks by requiring excessive pruning which weakens trees and exposes them to disease and decay. This is suggested to produce hazard trees with a stronger fall-in risk and a higher likelihood of causing fires, power outages, and electrocution. The members also suggest that the current requirements make pruning work more dangerous and time-consuming by unnecessarily requiring pruners to climb dangerous heights across large distances to manage higher vegetation.

These ELCCC members proposed that a reduced MCS above these electric lines will help further community, and council aims to better preserve the amenity and aesthetics of tree canopies around electric lines.

Appendix 2: Concept details for a trial under the proposed Regulations

This appendix outlines the concept of the trial provisions to be introduced in Division 3 of the proposed Regulations. It outlines expected responsibilities and process details for the trial provisions, and tabulates the major changes and locations of each in the proposed Regulations.

Before a trial can begin

What is a trial?

The purpose of a trial is to gather information about safety incidents and electricity supply reliability in the trial areas. This will be done over several growing seasons using reduced MCS distances.

The proposed Regulations introduce a new Division under Schedule 1, Part 3 of the Code, 'Division 3—Trials' that allows Energy Safe Victoria to permit the trial of reduced minimum clearance space (MCS) in specified circumstances. These specified circumstances are the specific responsible persons, the set period of time, defined area, and under certain conditions. Data and information will be collected on any changes to electricity safety and supply reliability where the reduced MCS is being applied.

Who runs a trial?

As Energy Safe Victoria is the regulator responsible for administering and enforcing the Regulations, it is the entity that undertakes a trial and specifies how it is run (for the discretionary components not prescribed by the proposed Regulations). Clause 37 in the proposed Regulations gives Energy Safe Victoria the authority to determine to undertake a trial, to set the parameters of that trial, and decide which responsible persons can participate.

How are fire control authorities involved in trials?

Energy Safe Victoria under Clause 37(4) are required to consult with the fire control authorities on the details of a trial, but the proposed Regulations do not require this consultation to take place before each participant is issued an approval.

When would Energy Safe Victoria run a trial?

Running a trial is optional. The proposed Regulations do not require Energy Safe Victoria to run a trial, or to run a trial by a set date, or to run a trial for a set period of time.

Before a trial can begin, Energy Safe Victoria will require time and resources to support potential participants, prepare guidance materials, and facilitate the reporting and collection of data. Time will also be required to set and publicise the details of a proposed trial, including consultation with fire authorities.

Where can a trial operate?

Clause 37(3) does not allow areas that are hazardous bushfire risk areas to be included in a trial. This limits trials to be undertaken in low bushfire risk areas only.

How will I know if Energy Safe Victoria has determined to undertake a trial?

Clause 37(5) and (6) of the proposed Regulations requires Energy Safe Victoria to publish on its website that it has decided to undertake a trial, and invite responsible persons to apply to participate in the trial. The invitation needs to provide any details of the trial that have been pre-determined by Energy Safe Victoria.

DEECA is interested on feedback regarding all aspects of the trial mechanism, including whether you want to be notified if a responsible person is participating in a trial in your area, and if so, how notification should be done.

Responsible persons can participate in a trial

Who can participate in a trial?

Clause 36 allows only responsible persons as described under sections 84 and 84C of the ES Act can apply to Energy Safe Victoria to participate in a trial. This includes distribution companies and councils.

How can a responsible person participate in a trial?

Once Energy Safe Victoria has published on its website that a trial is open for participation, an eligible responsible person can submit an application to Energy Safe Victoria to participate in the trial (under Clause 38 of the proposed Regulations). Energy Safe Victoria will determine the application process, which is intended to be simple, with minimal administrative burden on the applicant.

Which specific areas can be selected or proposed for inclusion in a trial?

The proposed Regulations do not prescribe which party can propose an area in which reduced MCS requirements will apply, but DEECA intends that Energy Safe Victoria may agree upon a suitable area for a given applicant. The Regulations do prescribe that the area must not contain any hazardous bushfire risk area, and require that Energy Safe Victoria consult with fire authorities before determining a trial.

Energy Safe Victoria may assess any application to participate in a trial to determine that a suitable area (considering size and location) meets any requirements as it sees fit. This could include the proposed area being within a low bushfire risk area, its proximity to hazardous bushfire risk areas, and any other criteria.

Are there any other aspects of an expression of interest or application which could factor into its assessment?

The proposed Regulations do not prescribe details to be included in an application, but it is likely that Energy Safe Victoria may consider the following before engaging with a responsible person's proposed participation: that the applicant(s) demonstrate ability to collect and report on data; and/or that the number and location of already approved trials will not result in an increased risk. The application still needs to be in the form and manner and contain info determined by Energy Safe Victoria under proposed Clause 38.

What types of electric lines can be included in a trial?

The proposed Regulations do not exclude any class of electric line; they remain open to allow reduced MCS to be applied to any type of line. However, it is likely that any initial trials will allow a reduced MCS for low-voltage electric lines.

Does compliance with the Code change under a trial?

No. An amendment to the 'meaning of minimum clearance space' under Clause 2, means Energy Safe Victoria can determine an MCS through a trial approval. Whatever MCS they put in a trial approval will be an MCS under the Regulations. A trial is not an exception to the MCS.

What conditions might apply to participation in a trial?

Clauses 39(2) and (3) of the proposed Regulations allow Energy Safe Victoria to include any conditions in a trial approval that it reasonably believes are necessary to effectively run the trial or manage any risks associated with the trial. Although there are no requirements for conditions to be included in an approval or what the conditions must be, Clause 39(3) details the types of conditions that Energy Safe Victoria may choose to include, such as trial-specific data collection and reporting requirements.

A trial approval must include details on:

- The MCS distance that will apply, which class or classes of electric line spans it will apply to, and the area to which the trial approval applies; and
- a period of time that the approval will be in effect e.g. the dates when the reduced MCS distances can be applied.

A trial approval could also include other information, like the time period over which the participating responsible person, if their approval is suspended or discontinued, must bring vegetation into compliance with the standard MCS requirements (i.e. those applying under the Regulations if there was no trial approval).

Are conditions fixed from the outset, or can they be changed over the duration of a responsible person's participation in a trial?

Energy Safe Victoria will be able to modify the conditions applied to a responsible person participating in a trial, and may impose or amend any condition or term of the original approval. Written notice must be provided to the responsible person.

Suspension, revocation and discontinuation of a trial

The proposed Regulations allow Energy Safe Victoria to suspend (temporarily) or revoke (permanently) any approval issued to a responsible person to participate in a trial of reduced MCS requirements.

On which grounds can a responsible person's approval to participate in a trial be suspended or revoked?

The proposed Regulations do not specify reasons or grounds for suspension or revocation, but subclauses 42(2) and (3) suggests that some circumstances could include increased risks to safety or electricity supply reliability, or the failure of a participant to comply with the conditions of their approval.

Can a responsible person withdraw from participating in a trial of reduced MCS requirements?

A responsible person may withdraw by providing notice in writing to Energy Safe Victoria, and the notice must be provided 30 days or more before the date they wish to cease participating.

If any responsible person, even with a trial approval in place allowing them to prune vegetation to a reduced minimum clearance space, wishes to prune more extensively, this is allowed. The purpose of the trial mechanism is to provide an opportunity for testing smaller MCS distances than otherwise permitted under the Regulations, while otherwise keeping the regulatory framework the same. This means a responsible person can prune vegetation to greater MCS distances than those specified by the trial conditions, unless requirements relating to indigenous and significant trees apply.

Also, a responsible person may also make a request in writing to Energy Safe Victoria under proposed Clause 41(1) that their participation in a trial be temporarily suspended.

How much notice will responsible persons be given if their approval to participate is suspended or revoked?

Energy Safe Victoria is required to give a minimum 90 days' notice of a trial approval or trial being suspended, revoked or discontinued, except under circumstances where Energy Safe Victoria considers that there has been a failure by the holder of the approval to comply with the approval or a condition of the approval, or has determined that the approval has increased energy safety risks or energy reliability risks. This is to allow responsible persons with a trial approval (at least) 90 days to return to the standard MCS in the Code. Energy Safe Victoria has the flexibility to apply a longer period of time as this is a date that Energy Safe Victoria includes in the notice of suspension/revocation/discontinuation.

Are there any new offences or penalties for non-compliance with a trial approval?

No. As the proposed Regulations introduce a change to the meaning of minimum clearance space, all aspects of compliance with the Code remain the same. Non-compliance with the MCS in a trial approval carries the same penalty as non-compliance with the standard MCS. Energy Safe Victoria may revoke a trial approval where there is non-compliance by the holder of the trial approval.

Detailed table

Table 16: Summary of new trial clauses

Key topic	Description of change	Relevant clauses in proposed Regulations
Trial mechanism – *Applications and who can participate*	Any responsible person under s84 and s84C of the ES Act (distribution companies or councils) can express interest to Energy Safe Victoria in participating in a trial. This restriction is due to the existing reporting requirements for distribution businesses (DBs) to provide electricity reliability and safety data to Energy Safe Victoria (that would also provide the data and information required under a trial approval). Councils have an existing relationship with DBs and are the responsible persons for a large portion of the DB's electric lines. Energy Safe Victoria can approve a responsible person participating in a trial, and can apply conditions (and amend them) as Energy Safe Victoria sees fit to effectively run the trial and manage risks.	Division 3, Clauses 36–40
Trial mechanism – *Suspension or discontinuation*	It is intended that Energy Safe Victoria have the power to suspend or revoke a trial participation if the holder of the trial approval fails to comply with the approval or any condition therein, or if the responsible person has withdrawn. For the former, notice with reasons and dates must be given at least 30 days before the suspension/revocation takes effect. Energy Safe Victoria also has the power to shut down the entire trial research, affecting all participants, if necessary.	Division 3, clauses 42, 43 and 45
Conditions, requirements and obligations – *Collection and reporting of data*	Energy Safe Victoria would have the power to apply conditions to the approval of any responsible person's participation in a trial. This could be used to ensure the capture and reporting of data on electricity reliability and safety, which would contribute to the data collection and building of an evidence base.	Division 3, Clause 44
Conditions, requirements and obligations – *Amendments*	Energy Safe Victoria can amend any approval to participate in a trial in order to change or revoke existing conditions or add new conditions.	Division 3, Clause 41

Appendix 3: Former Electric Line Clearance Consultative Committee (ELCCC) outline

This appendix details the composition, functions and responsibilities of the former ELCCC. It also provides an overview of the abolishment of the ELCCC in June 2025.

The Electric Line Clearance Consultative Committee (ELCCC) was established to advise Energy Safe Victoria on the preparation and maintenance of the Code of Practice for Electric Line Clearance, and to provide advice on any matter relating to the clearance of electric lines when requested so to do by Energy Safe Victoria or the Minister for Energy and Resources. The Code of Practice is part of the Regulations (schedules 1 and 2 of the Regulations).

In 2020, Energy Safe Victoria led the remaking process, in which the ELCCC provided advice on the maintenance and preparation of the Code of Practice. In 2021, a Memorandum of Understanding (MOU) was signed between DEECA and ESV, which made DEECA responsible for leading future remakes of the Regulations.

Under the former section 88 of the *Electricity Safety Act 1998*,[112] the functions of the ELCCC were to:

- provide advice to Energy Safe Victoria about the preparation and maintenance of the Code
- provide advice on any matter relating to the clearance of electric lines when requested by Energy Safe Victoria or the Minister
- provide an annual report to the Minister on the performance of its functions.

Under the former clause 87 of the *Electricity Safety Act 1998*,[113] the ELCCC constituted:

- a person employed under Part 3 of the *Public Administration Act 2004* in the Department of Transport, nominated by the Minister administering the *Transport Integration Act 2010*;
- an officer or employee of the Country Fire Authority, nominated by the Minister for Emergency Services who administers the *Country Fire Authority Act 1958*;
- 3 persons selected by the Minister for Energy and Resources from nominations given to the Minister by the electricity distribution companies;
- a person selected by the Minister for Energy and Resources from nominations given to the Minister by the electricity transmission companies;
- an officer or employee in DEECA, nominated by the Ministers for Environment and Agriculture who jointly administer the *Forests Act 1958*;
- five other members to be appointed from interested persons after the advertisement of the positions by the Minister for Energy and Resources including:
    - a member with skills in land management and nature conservation nominated by the Ministers administering the *Forests Act 1958*;
    - 2 persons each of whom is a private landowner or a person representing the interests of private landowners nominated by the Minister for Agriculture who administers the *Dairy Act 2000*;
    - a person representing the interests of Local Government;

[112] *Electricity Safety Act 1998*, Part 8, Division 3 – Electric Line Clearance Consultative Committee was repealed by No. 13/2025 s. 16. An archived copy of the *Electricity Safety Act 1998* (Authorised Version No. 084, 21 May 2025) can be found at https://www.legislation.vic.gov.au/in-force/acts/electricity-safety-act-1998/084.

[113] *Electricity Safety Act 1998*, Part 8, Division 3

- a person with environmental or planning expertise nominated by the Minister for Planning who administers the *Planning and Environment Act 1987*; and,
- an officer or employee of Energy Safe Victoria nominated by the Minister for Energy and Resources who administers the *Energy Safe Victoria Act 2005.*[114]

Abolishment

The ELCCC was abolished on 30 June 2025 by the *Energy and Land Legislation Amendment (Energy Safety) Act 2025* to simplify governance and reduce administrative complexity. After the MoU was signed in 2021, DEECA has led the remaking process, and the abolishment of the ELCCC allows DEECA and Energy Safe Victoria to consult with a broader range of stakeholders more effectively about vegetation clearance around electric lines, enabling faster and more targeted input. As a result, decision-making processes will remain informed by relevant expertise and stakeholder feedback, without the procedural delays and costs associated with standing committees.

The Victorian Government requirements for consultation about all proposed regulations (including remaking regulations) are set out in the *Subordinate Legislation Act 1994*.

[114] The ELCCC nominated Monique Conheady, Energy Safe Victoria Chairperson and Commissioner, as the Chair of the ELCCC temporarily at each committee meeting during FY 2024–2025.