

Site preservation requirements

Frequently asked questions (May 2024)

From 16 May 2024, major electricity companies (MECs) and gas companies that are required to report incidents to Energy Safe Victoria must also preserve the sites of those incidents until an Energy Safe authorised officer directs otherwise. Some exceptions apply.

We have issued Incident reporting and site preservation guidelines to assist MECs and gas companies understand and comply with their site preservation obligations. The guidelines are available on our website: [Incident reporting and site preservation](#)

Below are some of the common questions about the new site preservation requirements. This list will be updated to answer additional questions that that may arise.

Who do the site preservation obligations apply to?

Only MECs and gas companies are automatically required to preserve the site of incidents they are required to report to us.¹

Other persons or entities that meet the definition of 'electricity supplier' for the purposes of the *Electricity Safety Act 1998* are not currently automatically required to preserve the site of incidents.

Additional notes:

Section 142A of the of the *Electricity Safety Act 1998* and section 36A of the *Gas Safety Act 1997*, which take effect on 16 May 2024, require 'electricity suppliers' and 'gas companies' respectively to preserve the sites of incidents they are required to report to us under section 142 and section 36 of those Acts respectively.

Section 142 of the of the *Electricity Safety Act 1998* and section 36 of the *Gas Safety Act 1997* require 'electricity suppliers' and 'gas companies' respectively to report incidents to us **in accordance with the regulations** (emphasis added). Currently, the only regulations made for the purposes of these sections are:

- Regulations 28 and 29 of the *Electricity Safety (Management) Regulations 2019*, which are made for the purposes of section 142 of the *Electricity Safety Act 1998* and apply to MECs.
- Regulation 44 of the *Gas Safety (Safety Case) Regulations 2018*, which is made for the purposes of section 36 of the *Gas Safety Act 1997* and applies to gas companies.

Accordingly, persons or entities other than MECs that meet the definition of 'electricity supplier' are not currently required to report incidents pursuant to section 142 of the *Electricity Safety Act 1998* and are therefore not automatically required to preserve the site of incidents. However, those persons or entities may have obligations to report incidents to us under other Acts and/or regulations and should continue to do so as per current arrangements.

¹ Section 142A of the of the *Electricity Safety Act 1998* and section 36A of the *Gas Safety Act 1997*, which take effect on 16 May 2024.

Which incidents will Energy Safe attend before issuing a direction allowing a site to be disturbed?

The types of incidents that we will attend before an Energy Safe authorised officer issues a direction allowing the site to be disturbed are those which have:

- caused the death of or serious injury to a person
- caused significant property damage, and/or
- caused significant disruption to the community.

There may also be some instances where an Energy Safe authorised officer will issue a direction allowing a site to be disturbed even though the incident meets the above criteria.

Additional notes:

We acknowledge that there will be an initial period of learning and adjustment for MECs, gas companies and Energy Safe people giving effect to the new site preservation obligations. For this initial period, we have issued a policy, provided in the guidelines, which narrows the types of incidents we will consider attending before an Energy Safe authorised officer issues a direction allowing the site to be disturbed. That is, MECs and gas companies can assume that an Energy Safe authorised officer will issue a direction for other types of incidents and may proceed accordingly.

Refer to the summary and Attachment A of the guidelines for more information.

How quickly will Energy Safe make a decision and attend the incident site or issue a direction allowing a site to be disturbed?

We will respond to incidents and make decisions on site preservation as soon as practicable after they are reported to us.

Where we decide that site attendance is required before an Energy Safe authorised officer issues a direction allowing the site to be disturbed, we will make our best effort to attend the incident site within the following timeframes:

- four (4) hours from the time of reporting in metropolitan Melbourne, and
- twenty-four (24) hours from the time of reporting in regional Victoria

Where we decide that site attendance is not required before an Energy Safe authorised officer issues a direction allowing the site to be disturbed, the direction will be issued as soon as that decision is made.

Additional notes:

We acknowledge that how rapidly we respond to a reported incident and make decisions on site preservation is important for allowing MECs and gas companies to fulfill their own obligations (for example, commence their own investigations) without undue delay. We have issued a policy, provided in the guidelines, which outlines our indicative timeframes for MECs and gas companies.

Refer to the summary and attachment A of the guidelines for more information.

How will a direction be issued?

An Energy Safe authorised officer may issue a direction allowing a site to be disturbed verbally and/or in writing (by email). For example, if the incident occurs outside normal business hours, an Energy Safe authorised officer may issue a direction verbally, followed in writing during business hours.

When can an incident site be disturbed without a direction from Energy Safe?

The *Electricity Safety Act 1998* and the *Gas Safety Act 1997* allows an incident site to be disturbed before an Energy Safe authorised officer directs otherwise to:

- protect the health or safety of any person,
- aid an injured person who was involved in the incident,
- take necessary action to make the site safe or prevent further incident, and/or
- restore supply of electricity or gas.

Additional notes:

Refer to section 3.2 of the guidelines for information about limitations on these exceptions.

If Energy Safe issues a direction allowing a site to be disturbed, does this mean Energy Safe will not attend the site at all or investigate the incident?

No. An Energy Safe authorised office issuing a direction allowing the site to be disturbed does not preclude us from still attending the site and/or investigating the incident.

Are there any changes to the current reporting requirements?

No. MECs and gas companies should report incidents to us as per current arrangements.

Additional notes:

MECs should continue to report incidents to us in accordance with the [MEC incident and safety performance reporting guidelines](#). This includes reporting incidents either immediately/as soon as practicable after the incident or as part of a quarterly report as per current arrangements.

Gas companies should continue to report incidents to us in accordance with regulation 44 of the the *Gas Safety (Safety Case) Regulations 2018* and their gas safety case accepted by Energy Safe under the *Gas Safety Act 1997*. This includes reporting incidents either immediately/as soon as practicable after the incident or as part of a quarterly report as per current arrangements.

Do all incident sites have to be preserved until Energy Safe issues a direction?

No. Currently, only the sites of incidents that are required to be reported by a MEC or gas company to us immediately/as soon as practicable after they have occurred are required to be preserved until an Energy Safe authorised officer issues a direction allowing the site to be disturbed.

The sites of incidents that MECs and gas companies are required to report to us as part of a quarterly report are not required to be preserved and an Energy Safe authorised officer will not issue directions for these incidents.

Additional notes:

The requirements to preserve the site of incidents under the *Electricity Safety Act 1998* and the *Gas Safety Act 1997* do not distinguish between incidents that are required to be reported to us immediately/as soon as practicable after they have occurred and those that are required to be reported to us as part of a quarterly report. However, we acknowledge that it is not reasonable to expect a MEC or gas company to preserve the site of incidents that are reported in quarterly reports.

Refer to section 3.3. of the guidelines for more information.