



27 May 2026

Via email to energy.consult@dcceew.nsw.gov.au

Electricity Supply (Safety and Network Management) and (General) Regulations 2026

Ausgrid, Endeavour Energy and Essential Energy, together the three NSW Distribution Network Service Providers (**NSW DNSPs**), appreciate the opportunity to provide input to the NSW Department of Climate Change, Energy, the Environment and Water's (**DCCEEW**) consultation on the Electricity Supply (Safety and Network Management) (**ESSNM**) and Electricity Supply (General) Regulations 2026.

This joint submission provides feedback on several aspects of the proposed remake, including changes to the Accredited Service Provider (**ASP**) Scheme, and changes to customer notification requirements. In both cases, the NSW DNSPs support the direction of reform proposed by DCCEEW. We acknowledge that the reforms to the ASP Scheme are the outcome of a significant period of policy development through the ASP Scheme Review and the work of the ASP Scheme Advisory Committee. We understand the overall intent of the ESSNM Regulation remake explicitly enabling contestable work, including on Tiger Tails and customer-funded LV vegetation management, so long as the changes are consistent with the ASP Scheme Review's recommendations.

However, we are concerned that some of the language in the proposed Regulation is overly broad and introduces ambiguities rather than resolving them. Unless addressed through further clarification of the Regulations and in supporting documentation, such as the ASP Scheme Rules, this lack of specificity introduces significant risks, including the potential to give unintended legal rights for ASPs to carry out high-risk activities on distribution networks. Further, there is potential for terminology such as "contestability" to be interpreted by regulators and other stakeholders in a manner that was not intended or considered by DCCEEW and puts NSW DNSPs at risk in their ability to meet their regulatory requirements to manage their networks safely. We also note that further deliberations over the ASP Scheme changes and potential additions or clarifications to the drafting of the Regulations are scheduled to take place at the ASP Scheme Advisory Committee in early June. Due to the timing of this consultation process, any decisions made by the Committee are not reflected in this submission, but should be given strong consideration by the Department when finalising the revised Regulations.

Appendix 1 sets out these concerns, as well as identifying considerations for the practical implementation of the reforms that have been proposed. It also identifies an inconsistency between the current Regulation and networks' license conditions in respect of public lighting. Other aspects of the remake of both the Electricity Supply (General) and Electricity Supply (Safety) Regulations have been considered to have no material impacts on our businesses, and are also supported.

Should you wish to discuss this submission with us, please contact:

- Ausgrid: Simon Moore, Senior Policy Advisor at simon.moore@ausgrid.com.au
- Endeavour Energy: Shirley Dang, Principal Policy Advisor at shirley.dang@endeavourenergy.com.au
- Essential Energy: Jon Frazer, Regulatory Strategy Senior Specialist at jon.frazer@essentialenergy.com.au

Yours sincerely,

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Adam Baxter

**Head of Customer Network
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Hilary Priest

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Appendix 1: Feedback on key issues

1. ASP Scheme – Clarifying what is a contestable service

Part 3, Section 16

The NSW DNSPs support the intent of the Regulation to clarify the scope of contestable services under the remit of the ASP Scheme. However, the language in the proposed draft departs from the recommendations which were unanimously endorsed by the ASP Scheme Advisory Committee. We are concerned that this newly introduced language is insufficiently precise, and as a result adds ambiguity rather than removing it. We are particularly concerned about the addition of the line “connection, disconnection and removal of distribution infrastructure” (Draft Regulation Part 3, 16.1.b). This language is overly broad, does not explicitly limit activity to customer works (as we believe should be the intent), and does not reflect policy safeguards that were included in the ASP Scheme Committee’s endorsed wording.

We understand from discussions between Endeavour Energy and NSW DCCEEW on 22 May 2026 that Sections 16.1.a and 16.1.b are intended to provide a legal framework for Level 2 ASPs to carry out switching in customer installations and disconnect, reconnect and removal of service mains only. This clause, importantly, was not intended to extend this authorisation to any assets in the Distribution Network infrastructure. While NSW DNSPs agree to Level 2 ASPs carrying out this work on customer installations and Service Mains, we are concerned that the proposed drafting in Sections 16.1.a and 16.1.b is excessively broad and does not focus on the intent to limit this activity to customer-funded works. The current proposed drafting risks creating an unintended legal right for ASPs to carry out switching, disconnection, reconnection and removal activities in the LV Distribution (400V), HV (11kV & 22kV), sub-transmission (33kV, 66kV) & transmission (132kV) parts of the broader distribution network system. These activities would pose very high risks in relation to operational, network security, safety and National Energy Customer Framework (**NECF**) compliance. Based on the above, we recommend that Sections 16.1.a and 16.1.b are amended to clearly specify that this is applicable only for work relating to customer installations and service mains.

The language in Part 3, 16.1 should also specify, as per the ASP Scheme Committee’s recommendation, that “some activities may be excluded from being contestable based on network security, operational or safety risk, as deemed by the DNSP, and in accordance with their relevant connection policies.” In particular, the part of clause 16.1 beginning “unless a distributor...” is again insufficiently specific about the definition of contestability and the circumstances in which contestability would not apply. DNSPs broadly support greater contestability but recommend that the Regulation incorporate more details about:

- the specifics of each service category;
- the ASP levels that could undertake them; and
- the discretion that DNSPs would retain to mitigate potential risks arising from ASPs carrying out these services, particularly where that may impact our broader obligations.

Terminology used to describe the different contestable activities should be consistent between the Regulation and the ASP Scheme Rules. Once the language in the Regulation is finalised, we recommend that the ASP Scheme Rules be updated to match, and this revised wording should be subject to further consultation, particularly through the ASP Scheme Committee. In addition to incorporating more specific language in the Regulation, ASP Scheme Rules will also need to be updated to reflect operational considerations for ASP activities in relation to ‘Tiger Tails’ and LV customer-funded vegetation management. Please see below for our further consideration of these matters.

We also recommend that the Regulation incorporate additional language to specify the need for an implementation plan including the need for updating the ASP Scheme Rules, and a date when these changes will take effect reflecting the time needed to update the Scheme Rules.

Tiger Tails

Tiger Tails are temporary covers installed over energised overhead conductors to enable safe work in proximity, such as scaffolding, painting, or construction. Installation is currently DNSP-controlled and widely regarded as slow and administratively burdensome. The ASP Scheme Advisory Committee reached consensus that Level 2 work on Service Mains (pole-to-premises) is lower risk and aligns with existing ASP2 competencies, making it the appropriate starting point. Level 1 work on distribution mains (pole-to-pole) involves greater complexity and outage risk and is explicitly excluded from initial implementation.

The Advisory Committee's position has been to endorse allowing Level 2 ASPs with class 2C authorisation to install Tiger Tails on service wires, with DNSPs providing updates to the working group during an initial 12-month trial period. Our recommendation is instead to immediately create a permanent ASP2 Tiger Tails arrangement for Service Mains, and to set aside the trial model. Permanence creates the certainty needed for our businesses to invest properly in systems, standards, and industry guidance. We remain committed to information sharing during the first year of implementation, to capture any learnings that might be relevant to stakeholders, particularly when considering whether to expand contestability to Level 1 work in future.

We recommend that the Scheme Rules, supported by the Regulation, clearly support the following design features:

- Scope boundary (risk-based): ASP involvement permitted only for Service Mains (pole-to-premises) initially, with pole-to-pole distribution mains explicitly excluded from the initial contestable scope.
- DNSP safety authority retained: Compliance with DNSP Electrical Safety Rules and approach distances required, with DNSP oversight maintained through authorisation and audit regimes.
- Mandatory pre-work controls: ASPs must complete a site assessment and comply with DNSP-defined rules prior to installation.
- Tracking and assurance through Notification of Service Work (**NOSW**) procedures: All installations and removals notified via NOSW, with administration, assurance, and audit costs recovered via an Ancillary Network Service fee per submission.
- Regulation alignment: DCCEEW's materials already foreshadow inclusion of "worker protection aids (e.g. Tiger Tails)" in contestable network services. This should be strengthened to unambiguously enable ASP2 Service Mains Tiger Tails under Scheme Rules.
- Updated reporting and incentive requirements: ASP caused outages on the distribution network should be excluded from DNSP reliability reporting and or AER performance incentive schemes - for example, if an ASP installs Tiger Tails and in doing so causes protective devices to turn off power to the whole circuit impacting multiple customers, the DNSP should not be penalised.

The NSW DNSPs' preferred pathway is to have the enabling provision included in the September 2026 Regulation update as proposed, with the permanent arrangement implemented within the ASP Scheme by January 2027. This allows lead time for NOSW portal and form changes, updates to Electricity Supply Standards documentation, and rollout of industry support material and standards.

Vegetation management

Ausgrid has operated a contestable vegetation management trial since 2021, enabling authorised ASP Level 1 vegetation companies to undertake customer-funded trimming within the LV no-go zone for low voltage overhead mains, initially on behalf of councils. The trial has demonstrated safe delivery and reduced turnaround times.

The Vegetation Management Working Group has recommended a permanent vegetation management class (proposed ASP 1V), scoped to low voltage overhead mains within the no-go zone only, with high voltage excluded. The class would require compliance with DNSP Electrical Safety Rules and Safe/Minimum Approach Distances, notification through a simplified NOSW-aligned process, and completion of a SafeWork NSW tree work self-assessment checklist as part of initial accreditation. Service access would expand beyond councils to general customers. DNSP responsibility for network security, reliability, and statutory vegetation obligations is retained in full.

NSW DNSPs strongly support this reform in the Regulation remake, while reinforcing three core safeguards:

1. The scope is limited to customer-funded vegetation management in the LV no-go zone with HV excluded;
2. DNSP statutory vegetation obligations and operational authority are fully preserved; and
3. competency and auditable controls are maintained through DNSP Electrical Safety Rules compliance, NOSW-aligned notification, and the SafeWork checklist embedded in accreditation.

2. Disconnection from distribution system

The NSW DNSPs support the proposed changes to Clause 39 of the Regulation to require distributors to, if reasonable, identify and notify each customer likely to be affected by the proposed disconnection.

In most instances this is already current practice. The main likely consequence of the reform is not a change to customer notifications, but rather changes to internal systems to better track notifications provided to customers beyond the premises being disconnected. Consequently, while we support the Regulation being introduced as proposed, we encourage the Department to allow sufficient leeway for those tracking systems to be put in place before any enforcement actions are taken under the revised regulation.

Further guidance is needed around what will be considered under the “reasonableness test”. For example, in the case of a strata property the DNSP may notify the strata body or landlord with the expectation that they would in turn notify residents/tenants within the broader property. It is unclear whether this would be considered “reasonable” under the new Regulation, or whether there would be an expectation that DNSPs would notify all the potentially affected customers individually. Similarly, some customers who are infrastructure providers (such as water or telecommunications companies) prefer to notify their customers themselves on occasions where an outage (normally a planned outage rather than one resulting from an unsafe installation) affects their service. Critically, it is also unclear how this test would be applied to life support customers. We would support an interpretation of “reasonableness” that continues to allow these approaches to customer notification to be taken where appropriate.

3. Public lighting

In the existing Electricity Supply (General) Regulation 2014, clause 10 (Repair of faulty street lights) is not consistent with the NSW Public Lighting Code, and has been effectively made redundant by the licence condition that requires NSW DNSPs to comply with the Public Lighting Code.

On this basis, the NSW DNSPs support the removal of this clause, and note that this clause has not been included in the exposure version of the Electricity Supply (General) Regulation 2026. We also note that the removal of this clause was not identified as a proposed change in the Electricity Supply (General) Regulation 2026 Consultation Paper nor the Regulatory Impact Statement. However, NSW DNSPs do not believe that further consultation is required before this clause is removed on the basis that it has been superseded by the Public Lighting Code, which DNSPs have complied with since 1 July 2024.