# Appendix A

## Summary Table of Analysis – Public Lighting Code of Practice

Below is a summary of the commission’s analysis of the Public Lighting Code of Practice prepared for the sole purpose of aiding this consultation.

We propose to revoke the Public Lighting Code of Practice in its entirety. Obligations we are proposing to retain will transfer to the Electricity Distribution Code of Practice and could be subject to the applicable enforcement powers.

### Table 1 – Public Lighting Code – Clause analysis and our reasons for revocation

| **Clause** | **Analysis** |
| --- | --- |
| 1. INTRODUCTION | |
| **1.1 Purpose** The purpose of this Code is to regulate the provision of public lighting or the arrangements for such provision by specifying minimum standards and certain obligations of **distributors** and **public lighting customers**. The objective of such regulation is to provide a safe visual environment for pedestrian and vehicular movement during times of inadequate natural light. | We consider this clause to be redundant, or superseded by other regulations.  We propose to amend section 19 of the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf) to include public lighting asset managements and minimum standards obligations. |
| **1.2 Date of effect**  This Code replaces the Public Lighting Code published in September 2001 with effect from 1 July 2005. | We consider this clause to be redundant or superseded by other regulations. |
| **1.3 To whom and how this Code applies**  This Code applies to each **distributor** under its **distribution licence** only in respect of the **public lighting assets** owned by that **distributor**. | We consider this clause to be redundant or superseded by other regulations. |
| **1.4 Variation by written agreement**  **1.4.1** A **distributor** or a **public lighting customer** may seek a written agreement with the other party to expressly vary their respective rights and obligations under this Code.  **1.4.2** If such an agreement is sought, the **public lighting customer** and the **distributor** must negotiate in good faith. | We consider this clause to be redundant or superseded by other regulations.  We note other provisions available under the Victorian and national framework enable agreement variations such as:   * Electricity Distribution Code of Practice clause 1.5 (Permitted variation for large customers) enables distributors and larger customers (such as a public lighting customers) to vary their agreements. * National Electricity (Victoria) Act 2005, Schedule 2 (which is the Victorian adoption of the National Electricity Rules, chapter 5A - [Negotiated connection framework](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036))   + clauses 5A.C.1 and 5A.C.3 provides rules for negotiation between distributors and customers.   + clause 5A.C.3(a)(1) includes good faith provision for negotiations. |
| **1.5 Amendment of Code**  **1.5.1** The **Commission** may amend this Code on its own initiative or in response to a proposal by a **distributor**, a **public lighting customer** or other interested persons if it considers the amendment would better achieve the **Commission’s** objective in the Essential Services Commission Act 2001(Vic) or the **Act** or any relevant statement of government policy.  **1.5.2** The **Commission** will effect an amendment by applying the **Commission’s** common seal to a document detailing the amendment.  **1.5.3** Unless the **Commission** is satisfied on reasonable grounds that an amendment is urgently required, the **Commission** will not amend this Code unless and until:  (a) all **distributors**, all **public lighting customers** and other interested persons have been given a reasonable opportunity to make representations to the **Commission** concerning the amendment; and  (b) those representations have been taken into account.  **1.5.4** The date specified on the amendment must not be earlier than the date on which the amendment is made without prior agreement from **distributors** and **public lighting customers**.  **1.5.5** The **Commission** will notify all **distributors**, **all public lighting customers** and other interested persons of any amendment the **Commission** makes to this Code. | We consider this clause to be redundant or superseded by other regulations.  For the Victorian framework, where provisions are transferred to other codes of practice, [the rules about amending that code of practice](https://www.esc.vic.gov.au/sites/default/files/documents/ESC02%20Stakeholder%20Engagement%20-Final.pdf) will relate to the transferred provision.  For the national framework, stakeholders may consider the National Electricity Rule rules changes through the [AEMC’s rule change process](https://www.aemc.gov.au/our-work/changing-energy-rules). |
| **2. ASSET MANAGEMENT** | |
| **2.1 Good asset management**  **EXPLANATORY NOTE**: This clause defines elements of good asset management which are designed to encourage innovation in the provision of **public lighting** services and not prescribe **distributor**’s practices in detail. The **Commission** may, however, undertake detailed examination of a **distributor**’s practices if there is a substantial decline in the quality or reliability of services or evidence of a significant risk that such a decline may occur in the future when compared to the licensee’s historical performance and its performance targets.  A **distributor** must use best endeavours to:  (a) record the type, **rated power** and location of its **luminaires** and identify the relevant **public lighting customer(s)** for each **luminaire**;  (b) assess and monitor the condition and performance of **public lighting assets**;  (c) develop and implement plans for the operation, maintenance, refurbishment, replacement, repair and disposal of its public lighting assets:   1. to comply with the laws and other performance obligations which apply to the provision of **public lighting services** including those contained or referred to in this Code; 2. to minimise the risks associated with the failure or reduced performance of **public lighting assets**; and 3. in a way which minimises costs to **public lighting customers**. | We proposed to revoke clauses 2.1(a) and (b) of the Public Lighting Code of Practice. These are considered sub elements of the broader asset category of information and asset management function for the whole distribution system under the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf), clause 19.2.1.  We proposed to revoke clause 2.1 (c) as this is duplicated under the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf), clause 19.2.1 (b)(i)(ii)(iii).  We also note the intent of clauses 2.1(c)(ii) and (iii) are effectively addressed through the economic regulation of distribution under the National Electricity Rules, chapter 6. The Australian Energy Regulator regulates this through their electricity distribution pricing determination process. |
| **2.2 Use of distribution system**  A **distributor** must use best endeavours to ensure that **public lighting assets** remain connected to the **distributor’s distribution system** to enable the supply of energy for their operation. | We propose to insert new clause 19.8 in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf) to retain and transfer this provision. |
| **2.3 Minimum standards**  **2.3.1.** A **distributor's** plans under clause 2.1(c) must include performance targets. The **distributor** and the **public lighting customer** must negotiate in good faith to agree upon such performance targets. As a minimum, the **distributor** must (or must ensure that a person responsible to it must):   1. operate a 24 hour call centre to receive public and **public lighting customer** reports of public lighting faults; 2. repair or replace **standard fittings** within 7 **business days** of a **fault report** and use best endeavours to repair or replace **non-standard fittings** within 7 **business days** of a **fault report** subject to the availability of fittings; 3. replace **non-major road lamps** at least every 4 years or otherwise as required by **public lighting standards**; 4. clean, inspect for damage and repair **luminaires** during any re-lamping; 5. replace photo-electric cells at least every 8 years or otherwise as required by **public lighting standards**; 6. routinely patrol **major roads** at night to inspect, replace or repair **luminaires** at least 3 times per year; 7. replace **luminaires** with appropriate new **luminaires** at the end of their economic life.   **2.3.2** A **distributor** is relieved of its obligation to meet the minimum standards for **public lighting services** set out in this clause 2.3 during any period in which a **public lighting customer** unreasonably withholds payment for **public lighting services** provided by the **distributor**. The relief does not extend to allowing such a low standard as would compromise public safety. To avoid doubt the relief does not extend to clauses 2.3(a), 2.3(b) and 2.3(c). | We propose to insert new clause 19.7 (Public lighting minimum standard) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf) to retain and transfer clause 2.3.1 provisions.  We propose to amend the drafting to some 2.3.1 sub-clauses as part of the transfer as follows:  Clause 2.3.1(a), (b), (d) and (g) are proposed to be transferred to the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf) without amendment.  Clause 2.3.1 (c) and (e), remove the 4 and 8 years replacement cycle requirements and insert ‘in accordance with industry best practice or as otherwise required by the public lighting standards’. This aims to enable industry innovation (particularly in terms of new lighting technology improved asset life cycle and energy efficiencies).  Clause 2.3.1(f) drafting amended to include ‘…replace or repair luminaires in accordance with industry best practice as agreed to with the public lighting customer or at least 3 time per year’. This aims to reflect new national [Consumer Energy Resources (CER)](https://www.aemc.gov.au/rule-changes/unlocking-CER-benefits-through-flexible-trading) flexible trading rule changes of enabling new technologies for public lighting.  We propose to retain and transfer clause 2.3.2.to new clause 19.7.2 in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **2.4 Charges**  All of a **distributor’s** charges for **public lighting services** performed under its plans, other than installation of new **public lighting assets**, must be set out in a schedule of charges. The schedule of charges must be set out on a per **luminaire** per annum basis. The charges must be fair and reasonable. | We consider this clause to be redundant or superseded by other regulations.  We note [the National Electricity Rules, chapter 6](https://energy-rules.aemc.gov.au/ner/175/24752#6) provisions for the economic regulation of distribution public lighting activities and their service charges. Under these rules, distributors submit their alternative control service cost rates and individual light type replacement costs – these are public. This is administered by the Australian Energy Regulator as distribution economic regulations and is outside our jurisdiction. |
| **2.5 Guaranteed service level**  Where a distributor does not repair a public light within 2 business days of a fault report or a period otherwise agreed between the distributor and the person, it must pay the first person who reported the fault a minimum of $25 if:   1. that person is the occupier of an immediately neighbouring residence or is the proprietor of an immediately neighbouring business, and 2. the public light is a distributor-owned public lighting asset for which the operation, maintenance, repair and replacement is regulated by the Australian Energy Regulator as an alternative control service under Chapter 6 of the National Electricity Rules. | We propose to retain and transfer section 2.5 to clause 14.5.1 of the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf) (Guaranteed Service Levels). |
| **3. NEW PUBLIC LIGHTING** | |
| ***EXPLANATORY NOTE****: Unless the* ***distributor*** *and the* ***public lighting******customer*** *agree otherwise this Code does not apply where the* ***public lighting customer*** *elects to own new public lighting. However, the* ***distributor*** *and the* ***public lighting customer*** *may agree that after the construction and commissioning of the assets the ownership of the assets will transfer to the* ***distributor****. Where such an agreement is made (to transfer the assets to the* ***distributor****) the assets become subject to the applicable provisions of this Code.* |  |
| **3.1 Design brief**  A **distributor** is not required to construct new **public lighting assets** until a **public lighting customer** has provided a design brief in accordance with the **public lighting standards** for any required new **public lighting assets.** | We consider clauses 3.1 Design brief, 3.2 Standard fittings, 3.3 Non-standard fittings and 3.4 Supply point, redundant or superseded by other regulations.  The National Electricity (Victoria) Act 2005, Schedule 2, is the Victorian adoption of the National Electricity Rules, chapter 5A. We note there are some differences with this and our framework, but the intent of the nationally adopted framework through the following parts can support new public lighting connections:   * Part C, clauses 5A.C.1, C.2 and C.3 ([Negotiated connection framework](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036)) and * Part D, clauses 5A.D.1, D.2, D.3 and D.4 ([Application for connection](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036))   These frameworks enable customers and distributors to negotiate the connection of assets to the distribution network.  For example, in the National Electricity (Victoria) Act 2005, Schedule 2:   * Part C, clause 5A.C.3(a), (2) and (3) enables the provision and exchange of information between parties regarding the connection proposal for each party to negotiate on an informed basis. * Part D, clause 5A.D.1(a)(4) and 5A.D.2(b)(4), provisions for a customer’s right to negotiate the agreement conditions (such as the addition of new items to standard and non-standard fittings, if these comply with technical standards and the possible costs and expenses).   The framework supports different types of connections, such as customer designed public lighting. This sets out the negotiation, design and the connection process between a customer and a distributor. Therefore, clauses 3.1 Design brief, 3.2 Standard fittings, 3.3 Non-standard fittings and 3.4 Supply point are considered redundant and superseded. |
| **3.2 Standard fittings**  **3.2.1** A **distributor** must maintain a list of **standard fittings**. A **distributor** must provide a copy of its list of **standard fittings** to a **public lighting customer** on request, or upon any change to the list of **standard fittings**.  **3.2.2** If a **public lighting customer** proposes the addition of a new item to the list of **standard fittings** the **distributor** must add the new item if it complies with the **distributor’s public lighting technical standards**. The **distributor** must not unreasonably refuse the addition of a new item to the list of **standard fittings** if the **public lighting customer** has agreed to pay a fair and reasonable charge for operation, maintenance and repair of the proposed new **standard fitting** if used in public lighting. The **distributor** is not required to assess the compliance of a proposed new **standard fitting** unless the **public lighting customer** has agreed to pay any fair and reasonable fee to the **distributor** for assessing such compliance. |
| **3.3 Non-standard fittings**  If a **public lighting customer** specifies the use of **non-standard fittings** or light types with **non-standard fittings** the **distributor** must offer to install the lighting on fair and reasonable terms. In considering the acceptability to it of **non-standard fittings**, the **distributor** must have regard to its **public lighting technical standards**. |
| **3.4 Supply point**  Subject to satisfying a **public lighting customer’s** requirement, a **distributor** will nominate any **new public lighting supply point** on the basis of its assessment of technical suitability. |
| **3.5 Detailed design documentation**  **3.5.1** If a **public lighting customer** agrees to a fair and reasonable fee, a **distributor** must undertake design work (if necessary) to translate a **design brief** into working design documents for construction.  **3.5.2** Alternatively, a **public lighting customer** may request a person other than the **distributor** to prepare design documentation, in which case:   1. the **distributor** must within 10 **business days** of a written request advise the designer of the distributor’s reasonable requirements and applicable **public lighting technical standards**; 2. the **distributor** must, subject to paragraph (d), confirm compliance or non-compliance with the **distributor's public lighting technical standards** of the **public lighting customer’s** proposal if the **public lighting customer** has submitted the design documentation to the **distributor** before construction commences; 3. written confirmation or advice of non-compliance of a submitted design must be given by the **distributor** within 20 **business days** if the design uses **standard fittings** or otherwise within a reasonable period of time; and 4. (d) the **distributor** is not obliged to confirm compliance or non-compliance of the **public lighting customer’s** proposal with the **distributor’s public lighting technical standards** unless the **public lighting customer** has agreed to pay a fair and reasonable fee for the **distributor** to review the compliance or non-compliance. | We consider clauses 3.5 and 3.6 redundant or superseded by other regulations.  The National Electricity (Victoria) Act 2005, Schedule 2, is the Victorian adoption of the National Electricity Rules, chapter 5A. The following parts of that framework supersede the Public Lighting Code:   * Part C, clauses 5A.C.1, C.2 and C.3 ([Negotiated connection framework](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036)) * Part D, clauses 5A.D.1, D.2, D.3 and D.4 ([Application for connection](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036)) and * Part E, clauses 5A.E.1, E.2, E.3 and E.4 ([Connection charges](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036))   For example, in the National Electricity (Victoria) Act 2005, Schedule 2:   * Part C, clause 5A.C.3(a), (2) and (3) enables the provision and exchange of information between parties regarding the connection proposal for each party to negotiate on an informed basis. * Part C, clause 5A.C.4(a) and (b) enables the distributor to charge a reasonable fee to cover the cost of the negotiated contract. * Part D, clause 5A.D.3(d), (e) and (f) provisions for the interaction of the negotiated connection process and the exchange of design information (including deficiency) between parties within defined periods.   The framework supports different types of connections, such as customer designed public lighting. This sets out the negotiation, design and the connection process between a customer and a distributor. Therefore, we consider clauses 3.5 and 3.6 to be redundant and superseded. |
| **3.6 Connection of public lights constructed by the public lighting customer**  A **distributor** must within 20 **business days** of a request provide all necessary information including advice of its reasonable requirements and applicable **public lighting technical standards** to enable another person to construct the new public lighting assets at the request of the **public lighting customer**. Compliance with such requirements and standards is necessary before the **distributor** is obliged to connect those assets to the **distribution system**. |
| **3.7 Notice of proposed works**  A **distributor** is not obliged to commence or facilitate construction of a new **public lighting asset** unless all interested persons are given adequate notice by the **distributor** or the **public lighting customer** (as agreed between them) of proposed works for new lighting including, where relevant, any associated installation of temporary lighting. | We consider clause 3.7 redundant, or superseded by other regulations.  We note the National Electricity (Victoria) Act 2005, Schedule 2, Part C, clause 5A.C.3(a)(4) ([Negotiation of connection](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036)) provisions for distributors to engage with other parties related to the connection enquiry. Therefore, we consider clause 3.7 to be redundant and superseded. |
| **4. ALTERATIONS TO EXITING PUBLIC LIGHTING** | |
| **4.1 Design brief**  A **distributor** is not required to alter **public lighting assets** until **a public lighting customer** has provided a **design brief** in accordance with the **public lighting standards** for any required alteration, relocation or replacement of **public lighting assets**. | We consider section 4 to be redundant or superseded by other regulations.  We note that the connection framework under the National Electricity (Victoria) Act 2005, Schedule 2 ([Negotiation of connection](https://www.legislation.vic.gov.au/in-force/acts/national-electricity-victoria-act-2005/036)), applies to both new connections and alterations.  Therefore, we consider the entire section 4 regarding public lighting alterations to be redundant or superseded under the same analysis as made for the section 3 clauses applying to new public lighting connections. |
| **4.2 Non-standard fittings**  If a **public lighting customer** which requests an alteration, relocation or replacement of **public lighting assets** specifies the use of non-standard fittings or light types with **non-standard fittings** the **distributor** must offer to perform the alteration, relocation or replacement on fair and reasonable terms. In considering the acceptability to it of **non-standard fittings**, the **distributor** must have regard to its **public lighting technical standards**. |
| **4.3 Detailed design documentation**  Clause 3.5 applies to the preparation of design documentation for alteration, relocation or replacement of **public lighting assets**. |
| **4.4 Alterations by public lighting customer**  A **distributor** must within 20 **business days** of a request provide all necessary information including advice of its reasonable requirements and applicable **public lighting technical standards** to enable another person to alter, relocate or replace **public lighting assets** at the request of the **public lighting customer** if the **public lighting customer** has obtained the **distributor’s** approval of the person who will be undertaking the alteration, relocation or replacement. The **distributor** must not unreasonably withhold such approval, subject to any applicable **guideline**. Compliance with such requirements and standards is necessary before the **distributor** is obliged to reconnect or connect those altered, relocated or replaced assets to the **distribution system**. |
| **4.5 Notice of proposed works**  A **distributor** is not obliged to commence or facilitate proposed works for alteration, relocation, replacement or removal of **public lighting assets** including, where relevant, any associated installation of temporary lighting unless all interested persons are given adequate notice by the **distributor** or the **public lighting customer** (as agreed between them). |
| **5. PROVISION OF INFORMATION** | |
| **5.1 Public lighting data**  **5.1.1** A **distributor** must provide to a **public lighting customer**:  (a) an electronic copy of public lighting data held by the **distributor** on request at reasonable intervals, using either csv or dxf format (or other format as agreed with the **public lighting customer**); and  (b) ongoing access to public lighting data held by the **distributor** through its Internet web site. | We proposed to transfer clause 5.1.1 (a) and (b) to new clause 25.3.4 in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **5.1.2 Public lighting data provided by the distributor under clause 5.1 must include:**  (a) spatial location;  (b) ownership of the public light;  (c) the **public lighting customer**;  (d) whether it is a shared cost light;  (e) for assets installed after 30 June 2005, the date the public light was installed;  (f) date of bulk re-lamping of the public lights;  (g) the type of **lamp**;  (h) the **rated power** of the lamp; and  (i) for poles installed after 30 June 2005, the type of pole (ie standard/non-standard/frangible) | We consider this clause to be redundant, or superseded by other regulations  We consider these public lighting data to be duplicated as part of the distributor’s existing asset management obligation under clause 19.2.1 (a) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf).  Clause 19.2.1 (a) is a broad asset management obligation for distributors. It applies to distributors as a whole of distribution system requirement for all asset categories and the management of all such asset data. The broad coverage under clause 19.2.1 for the distributor’s own asset management and through the new clause 25.3.4, obligates distributors to provide the data to public lighting customers.  Where the public lighting customer may seek bespoke or more comprehensive asset information service, the public lighting customer can negotiation these with the distributor. |
| **5.2 Reports**  **5.2.1** A **distributor** must provide to a **public lighting customer**:  (a) upon any material change, an up-to-date report and map in hard copy or electronic format (**csv** or **dxf**), as requested by the **public lighting customer**, conveying the asset records referred to in clause 5.1 insofar as they detail location, type and **rated power** of the **public lighting assets** relevant to that **public lighting customer**;  (b) upon any material change, a current copy of its plans for the operation, maintenance, refurbishment, replacement, repair and disposal of its **public lighting assets**;  (c) a quarterly report of progress against the maintenance plan including identification of the number of fault repairs and preventative maintenance activities;  (d) a quarterly report containing analysis of performance against any performance targets referred to in clause 2.3 and the guaranteed service level set out in clause 2.5;  (e) an annual report of operations and maintenance, including refurbishment, replacement, repair and disposal, expenditure for the distribution business allocated by **public lighting customer**. The report should be provided at a time to align with the **public lighting customer’s** annual budgeting requirements;  (f) not less often than annually, a report on its work program providing details of the timing and extent of works to be undertaken on the **public lighting assets** relevant to that public lighting customer; and  (g) upon request from a **public lighting customer**, any other reports which a public lighting customer may reasonably require. | We proposed to transfer clause 5.2.1 to new clause 25.3.4 (c) to (j) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **5.2.2** Reports under paragraphs (a) to (f) will be provided at no additional charge. A fair and reasonable charge may be made for other reports. | We proposed to transfer clause 5.2.2 to new clause 25.3.4(l) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **5.3 Billing information**  Bills provided by a **distributor** must identify separately the charge for each type of **public lighting service** provided and must contain at least the following information:  (a) detail of the number and type of lights operated and maintained; and (b) any other information necessary for the **public lighting customer** to verify the accuracy of an amount charged on the bill. | We proposed to transfer clause 5.3 to new clause 25.3.4(k) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **5.4 Energy procurement information**  A **distributor** must promptly provide to the **public lighting customer** or the **public lighting customer’s retailer** any information held by the **Distributor** which a **public lighting customer** or a **public lighting customer’s retailer** needs in order for the **public lighting customer** to purchase the electricity required for operation of the public lighting directly from a **retailer** or the wholesale electricity market (in accordance with its right under clause 9.4 of **distribution licences**). | We proposed to transfer clause 5.4 to new clause 25.3.4(j) in the [Electricity Distribution Code of Practice](https://www.esc.vic.gov.au/sites/default/files/documents/COD%20-%20Electricity%20Distribution%20Code%20of%20Practice%20%28version%202%20-%20updated%29%20-%2020230428.pdf). |
| **6. BILLING** | |
| Where a **public lighting customer** does not have an agreement with a retailer for **billing all public lighting services** other than installation of new **public lighting assets**, the **distributor** must issue a bill to a **public lighting customer** each month, specifying a pay by date which must be not less than 12 **business days** after the date of dispatch. | We consider this clause to be redundant or superseded by other regulations.  We understand that un-metered connections without a retailer were a historical practice, but no longer occurs. Where similar arrangements exist, the Electricity Distribution Code of Practice, clause 1.5 (variation of agreement with large customers) enables bespoke commercial agreements between distributors and larger customers. |
| **7. DISPUTE RESOLUTION** | |
| **7.1 Standard for dispute resolution**  A **distributor** must handle a **complaint** by a **public lighting customer** in accordance with the relevant Australian Standard on Complaints Handling or the ‘Benchmark for Industry Based Customer Dispute Resolution Schemes’ published by the Commonwealth Department of Industry, Science and Tourism. | We consider this clause to be redundant or superseded by other regulations.  We note the Electricity Distribution Code of Practice section 18 has existing provisions for dispute resolution framework.  We consider clauses 7.1 and 7.2 to be duplicated and superseded. |
| **7.2 Information to be given to complainant**  When a **distributor** responds to a **public lighting customer's** **complaint**, the **distributor** must inform the **public lighting customer**:  (a) that the **public lighting customer** has a right to raise the complaint to a higher level within the **distributor's** management structure; and  (b) if, after raising the **complaint** to a higher level the **public lighting customer** is still not satisfied with the distributor's response, the public lighting customer has a right to refer the **complaint** to the Energy and Water Ombudsman (Victoria) Ltd. or other relevant external dispute resolution body. This information must be given in writing. |
| **8. DEFINITIONS** | |
| In this Code:  **Act** means the Electricity Industry Act 2000 (Vic). Australian Standard or “AS” or “AS/NZ” means a standard published by Standards Australia. **business day** means a day other than a Saturday or Sunday or a public holiday appointed under the Public Holidays Act 1993 (Vic).  **Commission** means the Essential Services Commission established by the Essential Services Commission Act 2001 (Vic).  **complaint** means a written or verbal expression of dissatisfaction about an action, a proposed action, or a failure to act by a distributor, its employees or contractors. This includes failure by a distributor to observe its published practices or procedures.  **csv** means comma separated values. design brief means all necessary information for the location and design of the new (or altered, relocated or replaced, as the case may be) public lighting assets.  **distribution licence** means a licence to distribute and supply electricity granted under the Act.  **distribution system** means in relation to a distributor a system of electric lines (generally at nominal voltage levels of 66kV or below) which that distributor is licensed to use to distribute electricity for supply under its distribution licence, excluding public lighting assets.  **distributor** means a person who holds a distribution licence under the Act.  **dxf** means drawing exchange format.  **fault report** means the time when a distributor’s 24 hour call centre receives a report of a fault (from any source).  **guideline** means a guideline published by the Commission.  lamp **means** a source made in order to produce an optical radiation. **luminaire** means an apparatus which distributes, filters or transforms the light transmitted from one or more lamps and which includes, other than the lamps themselves, all the parts necessary for fixing and protecting the lamps and where necessary circuit auxiliaries together with the means for connecting them to the distribution system.  **major road** means a primary or secondary road depicted by a black or red line in the current edition from time to time of the Melway street directory, or a road in the non-metropolitan area designated ‘M’, ‘A’ or ‘B’ by VicRoads.  **non-major road lamps** means a lamp installed other than a on major road and includes lamps installed in parks.  **non-standard fitting** means a fitting other than a standard fitting.  **public lighting assets** means all assets of a distributor which are dedicated to the provision of public lighting, including lamps, luminaires, mounting brackets and poles on which the fixtures are mounted, supply cables and control equipment (for example, photoelectric cells and control circuitry) but not including the distributor’s protection equipment (for example fuses and circuit breakers).  **public lighting customer** means:  (a) VicRoads or a municipal council in its municipal district, as the case may be, in respect of public lighting of freeways or arterial roads within the meaning of the Road Management Act 2004;  (b) the Docklands Authority in respect of public lighting in the docklands area (as defined in the Docklands Act 1991 (Vic)) other than public lighting in sub paragraph (a); and (c) a municipal council in respect of all other public lighting in its municipal district.  **public lighting services** mean any of the following services provided for the purpose of lighting public places:  (a) the operation of public lighting assets, including handling enquiries and complaints about public lighting, and dispatching crews to repair public lighting assets;  (b) the maintenance, repair, alteration, relocation and replacement of public lighting assets; and  (c) the installation of new public lighting assets. public lighting standard means the current version from time to time of AS/NZ 1158 and AS/NZ 3771.  **public lighting supply point** means a point at which public lighting assets are connected to the distribution system.  **public lighting technical standards** means standards published by a distributor which are consistent with the public lighting standards and deal with technical requirements for connection to the distributor’s distribution system.  **rated power** means the value of the power of a type of lamp declared by the manufacturer or responsible vendor applying when the lamp is operated under the manufacturer’s or vendor’s specified conditions. **retailer** means a person who holds, or is exempt from holding, a retail licence under the Act.  **retail licence** means a licence granted under the Act to sell electricity otherwise than through the wholesale electricity market.  **standard fitting** means a lamp, luminaire, mounting bracket, public lighting pole, supply cable or control equipment, normally used by or acceptable to a distributor.  **supply**, in relation to electricity, means the delivery of electricity and related services. | We proposed the following definitions to be transferred to or amended in the Electricity Distribution Code of Practice.  **distribution system** in relation to a *distributor*, means a system of electric lines and associated equipment (generally at nominal voltage levels of 66 kV or below) which that *distributor* is *licensed* to use to *distribute* electricity for *supply* under its *distribution licence* or exemption granted under the Act, including *public lighting assets*.  **fault report** means the time when a *distributor’s* 24 hour call centre receives a report of a fault (from any source).  **lamp** means a source made in order to produce an optical radiation.  **luminaire** means an apparatus which distributes, filters or transforms the light transmitted from one or more *lamps* and which includes, other than the *lamps* themselves, all the parts necessary for fixing and protecting the *lamps* and where necessary circuit auxiliaries together with the means for connecting them to the *distribution system*.  **major road** means a primary or secondary road depicted by a black or red line in the current edition from time to time of the Melway street directory, its equivalent electronic equivalent or a road in the non-metropolitan area designated ‘M’, ‘A’ or ‘B’ by VicRoads.  **non-major road lamps** means a *lamp* installed other than on *major roads* and includes *lamps* installed in parks.  **non-standard fitting** means a fitting other than a *standard fitting*.  **public lighting customer** means:   1. VicRoads or a municipal council in its municipal district, as the case may be, in respect of public lighting of freeways or arterial roads within the meaning of the *Road Management Act 2004*; 2. the Docklands Authority in respect of public lighting in the docklands area (as defined in the *Docklands Act 1991 (Vic)*) other than public lighting in sub paragraph (a); and 3. a municipal council in respect of all other public lighting in its municipal district   **public lighting standard** means the current version from time to time of AS/NZ 1158 and AS/NZ 60598 series of *Australian Standards*.  **standard fitting** means a *lamp, luminaire*, mounting bracket, public lighting pole, supply cable or control equipment, normally used by or acceptable to a *distributor*. |
| **9. INTERPRETATION** | |
| **9.1**  In deciding whether a person has used best endeavours, regard will be had to all relevant factors including whether the person has acted in good faith and has done what is reasonably necessary in the circumstances. | We consider these clauses to be redundant or superseded by other regulations.  A Code of Practice is a subordinate instrument, and the Interpretation of Legislation Act 1984 applies to its construction. To the extent any of the provisions of the Public Lighting Code of Practice are to be retained in an existing code of practice, those provisions would be interpreted in accordance with the Interpretation of Legislation Act 1984. This clause will be revoked. |
| **9.2**  In this Code, unless the context otherwise requires:  (a) any question as to the fairness and reasonableness of a matter in this Code will be decided by the **Commission** on the basis of the **Commission’s** opinion of fairness and reasonableness.  (b) headings and footnotes are for convenience or information only and do not affect the interpretation of this Code or of any term or condition set out in this Code;  (c) words importing the singular include the plural and vice versa;  (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency and vice versa;  (e) a reference to a clause or appendix is to a clause or appendix of this Code;  (f) a reference to any statute includes all statutes varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, ordinances, by-laws and determinations issued under that statute;  (g) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement of or novation of, that document or that provision of that document;  (h) a reference to a person includes that person’s executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;  (i) other parts of speech and grammatical forms of a word or phrase defined in this Code have a corresponding meaning;  (j) a period of time:   * which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or * which commences on a given day or the day or an act or event is to be calculated inclusive of that day; and   (k) a reference to:   * time is a reference to Standard Time within the meaning of the Summer Time Act 1972 (Vic) and not Summer Time within the meaning of that Act; * a day is a reference to a period commencing immediately after midnight and ending the following midnight; and * a month is a reference to a calendar month;   (l) an event which is required under any term or condition set out in this Code to occur on or by a stipulated day which is not a **business day** may occur on or by the **next business**. |