



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2022-397

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: FOI Request for Certificate of electrical safety-CMTEDDFOI 2022-397
Date: Wednesday, 14 December 2022 10:45:48 AM
Attachments: [image001.png](#)

Hi CMTEDD FOI team,

I request a copy of all correspondence, documents, attachments and briefs provided to the Chief Ministers office and/or the Business Ministers office regarding Certificates of Electrical Safety (CES), specifically:

- Any correspondence between Access Canberra, CMTEDD, the Chief Ministers office and Business Ministers office about performance and concerns about CES.
- Any requests for information from the Chief Ministers office, Business Ministers office, CMTEDD or Access Canberra about CES including any attachments.

Kind regards,





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2022-397



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 14 December 2022, in which you sought access to information concerning Certificates of Electrical Safety.

Specifically, you are seeking: *'a copy of all correspondence, documents, attachments and briefs provided to the Chief Ministers office and/or the Business Ministers office regarding Certificates of Electrical Safety (CES), specifically:*

- *Any correspondence between Access Canberra, CMTEDD, the Chief Ministers office and Business Ministers office about performance and concerns about CES.*
- *Any requests for information from the Chief Ministers office, Business Ministers office, CMTED or Access Canberra about CES including any attachments.'*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 16 January 2023. Following third-party consultation, in accordance with section 38 of the Act, the due date is now 7 February 2023.

Decision on access

Searches were completed for relevant information and six documents that contain relevant information were identified that fall within the scope of your request. Please note, these documents also contain information that is out of scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

- I have decided to grant full access to the relevant information found in four documents.
- I have decided to grant partial access to the relevant information found in two documents as I consider they contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons in accordance with section 54(2) of the Act, and the documents released to you are provided as **Attachment B** to this letter.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act
- the content of the information that falls within the scope of your request
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it [public interest] appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(i) promote open discussion of public affairs and enhance the government's accountability.

(ii) contribute to positive and informed debate on important issues or matters of public interest.

(iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.

(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Having reflected on the relevant factors in this matter, I consider the release of the relevant information contained in these documents may contribute to the discussion of public affairs, namely those associated with Certificates of Electrical Safety.

I consider this information could or would enable positive and informed debate on safety standards for the community as well as highlight the government's regulatory standards for electrical installations.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) prejudice the protection of an individual's right to privacy or any other right under the [Human Rights Act 2004](#).

When considering this decision, I am satisfied that the protection of an individual's right to privacy, especially in the course of dealing with the ACT Government, is a significant factor as the parties involved have provided their personal information (including names, contact phone numbers and signatures) in the course of corresponding with the government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of these individuals.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for nondisclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to much of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because less than 50 pages are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 10 February 2023. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

7 February 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<p>All correspondence, documents, attachments and briefs provided to the Chief Ministers office and/or the Business Ministers office regarding Certificates of Electrical Safety (CES), specifically:</p> <ul style="list-style-type: none">Any correspondence between Access Canberra, CMTEDD, the Chief Ministers office and Business Ministers office about performance and concerns about CES.Any requests for information from the Chief Ministers office, Business Ministers office, CMTEED or Access Canberra about CES including any attachments.	CMTEDDFOI2022-397

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	22_59490 - Dot Points - Cheyne - AC meeting with solar businesses - Dot points prior to meeting	2022	Partial	Schedule 2.2(a)(ii)	Yes
2	5-9	Att A Chief Minister, Treasury and Economic Development Directorate letter	2019	Partial	Schedule 2.2(a)(ii)	Yes
3	10-12	Att B Dot points Cheyne AC meeting with Solar Businesses	undated	Full		Yes
4	13-15	Att C Question for discussion	undated	Full		Yes
5	16-20	Att D SIGNED - 20220429 - Response to QON 704 - CASTLEY - Electrical inspections and installations (2)	2022	Full		Yes
6	21-24	QON 1004 - CASTLEY - Electrical Safety and Inspections	2022	Full		Yes
Total No of Docs						
6						

DLO REQUEST – DOT POINTS

Topic	AC meeting with solar businesses
Constituent	
Due Date	

ORIGINAL CORRESPONDENCE:

Hi Morgan

As flagged with Nick L briefly in April, one of the Chief Minister's advisers met with Sch 2.2(a)(ii)

[REDACTED] ho raised a number of concerns they have specific to their industry.

We'd be grateful if Access Canberra could arrange to meet with both Mr Sch 2.2(a)(ii) and Mr Sch 2.2(a)(ii) to discuss their concerns in more detail.

Dot points in summary to the MO following the outcome of the meeting.

Happy to discuss.

Kind regards

Sch 2.2(a)(ii)

Adviser | Office of Tara Cheyne MLA

Member for Ginninderra

Minister for the Arts

Minister for Business and Better Regulation

Minister for Human Rights

Minister for Multicultural Affairs

Assistant Minister for Economic Development

Sch 2.2(a)(ii)

REQUEST FROM DLO/MINISTER'S OFFICE:

Good morning [redacted],

Please see below – MO have requested for AC to meet with [redacted] and provide dot points on the outcome.

David – for your awareness

Morgan Potter | Directorate Liaison Officer | Access Canberra

Phone: [redacted] | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation

Minister for Consumer Affairs

Minister for Planning and Land Management

ACCESS CANBERRA DOT POINTS:

Background:

- On 8 August 2019, [redacted] raised several concerns with Access Canberra, regarding:
 - Certificates of Electrical Safety;
Out of Scope
 - Criminal matter of CES forms submitted on behalf of [redacted]
- On 11 October 2019, Mr Nick Lhuede responded, see **Attachment A**, [redacted].
- By request, Access Canberra has scheduled a meeting on **Thursday 9 June 2022 3.00pm** with Mr [redacted] and other representatives of the solar industry to revisit concerns.
- **Out of Scope** as well as referencing Questions on Notice responses provided by Ms Cheyne MLA (see **Attachment D**, *'Response to QON'*). The concerns have been numbered and addressed in this document (see **Attachment C**, *'Consolidated Questions – Numbered'*). Mr [redacted] concerns include:
 - Access Canberra's risk thresholds;
 - Fees;
 - Drone inspections;
 - Inspection quality; and
 - Inspectors' qualifications.

Out of Scope



Out of Scope

T

I

Q







- Out of Scope

Regulatory Standards and Requirements (as discussed in 2019 Response)

- A Certificate of Electrical Safety declares that the electrical work concerned has been tested and found to be compliant with AS/NZS 3000. According to the *Electricity Safety Act 1971*, all electrical works conducted in the ACT are tested against the AS/NZS 3000 standard. AS/NZS3017 provides additional testing guidance.
- While CES forms are regularly reviewed, a decision to update the referenced standards on the CES form has not been made.

Complaints and Inquiries (as discussed in 2019 Response)

- Out of Scope
- Regarding Certificates of Electrical Safety being incorrectly submitted on Mr ^{Sch 2.2(a)(ii)} [redacted] behalf, Mr ^{Sch 2.2(a)(ii)} [redacted] was also advised to report the incidents to the Australian Federal Police or submit a Statutory Declaration for rectification. This does not appear to have occurred.

Attachment	Title
Attachment A	 Reply to Mr ^{Sch 2.2(a)(ii)} [redacted]
Attachment B	 Solar Inspection Review.docx
Attachment C	 Consolidated Questions - Numbere
Attachment D	 SIGNED - 20220429 - Response to QON 71

EXECUTIVE CLEARANCE

Name	Nick Lhuede
Title	Executive Branch Manager, Construction, Utilities and Environment Protection



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref:

Sch 2.2(a)(ii)

I have reviewed and sought advice on the matters you raised to Ms Dunston (Access Canberra) in your email of the 5 August 2009.

To assist in responding to the issues, I have included the text from your original email (in italics, with our response below.

Issue 1: Certificates of Electrical Safety

Currently with the 10-15 solar installations we do weekly around 10 of them are in the ACT. As you're probably aware, each of these installs require a certificate of electrical safety - new installation, this certificate costs \$249.

As I understand it, the basis of this certificate is to notify ACTPLA of an electrical installation that has taken place in the ACT, has been tested by the installer and is compliant to AS3017.

The issue with having to select 'new installation' is the form is not relevant to a solar install as it references compliance to AS3017 and not the solar wiring rules AS5033 and AS4777. The unsuitability of the form also leads to other issues including not being able to distinguish between designer and installer which I have referenced further in my email.

Please find attached the last page of the CES declaration signing off to AS3017 compliance despite its irrelevance to solar.

I would also like to note that for most other form of electrical work that would require an inspection i.e switchboard upgrade, the cost is only \$29. The same amount of time is spent onsite and often at solar inspections the switchboard is all that is being reviewed as inspectors are not allowed on the roof, also referenced later in my email.

DESIRED OUTCOME:

If following this email and subsequent review, ACTPLA still feel an inspection is justified, we would like a review of the pricing and an update to the form that is relevant to solar.

Access Canberra Response to Issue 1

Access Canberra have a risk-based approach to all of its inspection activities, and the inspection rates for a new renewable energy installation is set at 100% as the directorate view the risks posed to the community as high.

The installation of a new Photovoltaic (PV) installation is a new electrical installation, and new electrical installation are required to be inspected before they are connected to the electricity network. The Government sets fees and charges for its inspection activities to recover the costs of providing these activities and are publish annually in the ACT Planning fees and charges guidebook.

The Certificate of Electrical Safety is a declaration the electrician has tested the electrical work, and that it has been found to be compliant to AS/NZS3000. The standard AS/NZS 3017 is referenced as a guide that provides additional testing guidance to electricians it insuring and electrical installation is safe. Whilst not tailored to the particular testing methods in the PV industry, it is a guidance document.

You reference the fee for the Access Canberra electrical inspections of additions and alterations in your email (\$29). This inspect rates for additions and alterations are set at a percentage of total Certificates of Electrical safety received, where for new installations the inspection rates are set at 100%. The fee for the Access Canberra electrical inspections is a cost recovery model, so where there is not 100% inspections and lessor fee is charged.

Your outcome request is noted, and any future redesign of the CES form will take into account all views of the electrical industry.

Out of Scope

Out of Scope

Issue 3: Unreasonable Defects

As mentioned above, from time to time we are issued with a defect notice for non compliant work. 99% of these defects have been given by the same three electrical inspectors. Please find attached some example of defects received. Some of these defects have been randomly issued as fee defects (a further \$242) or non fee defects, however you will notice that some are for the same identified issue (see attached). The lack of consistency is confusing and frustrating.

*The majority of the defects are generally for documentation not left on site. Please see attached the CEC documentation (Item 5) stating that:
documentation is to be left on site by the system designer.*

To hold a CEC license, you can be an installer, designer or both. There are occasions when ^{Sch 2.2(a)} are the installer only and therefore according to the CEC AS4777 - Documentation, we are not responsible for leaving the documentation on site, the designer is.

Unfortunately, the certificate of electrical safety form does not allow a field to enter who the designer of the job is, it is assumed by inspectors that as we completed the install and submitted the CES form, that we are also the designer of the job. We have repeatedly discussed this with the inspectors and continue to receive a \$242 fee, taking the grand total of payments to ACTPLA to \$491 per install.

We recently attended a site where we were given a fee defect. While onsite we noticed a new solar install had taken place next door to our job. We noticed that inverter labelling and top entry to DC isolator was not compliant in accordance with CEC rules - photo attached demonstrating an incorrectly labelled inverter and the DC isolator with a top entry. I have also attached a copy of the rules about DC isolators forbidding top entries.

We spoke to the resident as they were outside and advised them their job wasn't compliant and they should contact the install company to inform them and ask for it to be rectified. The neighbour informed us that ACTPLA has attended site the previous day for the inspection and passed the job. This once again demonstrates a lack of consistency and lack of knowledge for CEC rules that we adhere to strictly. This inspection was completed by Richard Osmialowski who has provided our company with the most defects.

DESIRED OUTCOME: consistency and accountability for defects issues in accordance with the Clean Energy Council rules books. Refunds on unreasonable defects.

Access Canberra Response to Issue 3

Thank you for the photo, of the non-compliant installation at ^{Sch 2.2(a)(ii)}, the Access Canberra electrical inspections team have been working with the installer for a while to gain compliance and has had a number of visits by various inspectors.

Your advice that the CEC guidelines require the designer to leave documentation on site is welcomed, but the electrician is being assessed against AS/NZS 5033 clause 5.7, so despite the advice of the CEC, the Australian Standard requires the electrician to comply with this

requirement and we would recommend you contact the CEC to bring their guidelines into line with Australian Standards. As a result, any non-compliance will be against the certifying electrician.

The Certificate of Electrical Safety does not have a spot for designers, engineers and other related trades as the signing electrician is the licenced person under the Construction Occupations Licensing Act, and it is the electrician declaring the installation is compliant to Australian Standards.

A review of the defects supplied shows that the Access Canberra electrical inspectors have enforced the non-compliances with Australian Standards.

The Access Canberra electrical inspectors have discretion on each failed inspection on whether to tick the Fee or No Fee box each time. The Access Canberra electrical inspectors issue defects against Australian Standards not CEC guidelines. If you believe any defect is unreasonable please you should always ask for a review, as the stated non-compliance should always be against a valid clause in the relevant Australian Standard.

Your outcome is noted.

Out of Scope

Issue 5

In November 2017 Sch 2.2(a)(ii) submitted a CES form on behalf of Sch 2.2(a) without our permission. This is against the law. This was brought to my attention when

Sch 2.2(a)(ii), electrical inspector, was on site defecting the job for documentation. I emailed Sch 2.2(a)(ii) the correspondence demonstrating that we had not submitted the paperwork and also included Sch 2.2(a)(ii).

Attached is the CES declaration form whereby it states "only the electrician who tested the electrical installation to AS/NZS 3017 and is certifying it as complying with AS/NZS 3000 may submit this form. Penalties apply for fraud or misrepresentation."

Rather than follow up with Sch 2.2(a)(ii) who submitted the form without our permission, we were issued with a fee defect for lack of documentation.

It is worth noting that Sch 2.2(a)(ii) were the designers of the job, as referenced above, Sch 2.2(a) is not required to supply documentation.

DESIRED OUTCOME: refunds on defects and written review of why no action was taken upon receiving my complaint.

Access Canberra Response to Issue 5

At the time you were advised to refer your issue to the Australian Federal Police, whom conduct criminal investigations in the ACT, or if the installation was not installed by you, should the correct electrician submit a Statutory Declaration detailing the error we would rectify the matter.

Access Canberra have not received advice of either action. The issue of designers not complying with the CEC guideline cannot be addressed as Access Canberra can only regulate the licensed electrician and not the unlicensed professionals of system designers.

Thank you for raising these issues with Access Canberra. We have considered each issue carefully and have responded to the matters that you raised.

Yours Sincerely

Sch 2.2(a)(ii)

Nick Lhuede
Deputy Construction Occupations Registrar
Access Canberra

11 October 2019

Out of Scope

Certificate of Electrical Safety Fees – Solar \$253

- Advised by ACT Government that \$253 fee (instead of \$29 electrical inspection fee) charged for renewable energy installations is set due to the opinion of the Directorate that these installs pose a high risk to the community – *refer to response to issue 1 from Nick Lhuede*
- Outlined in the *Response to Question on Notice by Minister Cheyne* when asked to provide justification for the \$253 fee, she has provided a link to p.18-19 of the *Planning Lease Administration Building Services* whereby an addition is \$29 and Wiring Work for a New Building or Structure is \$253. There is no reference to solar in this document.

Questions for discussion:

- What part of the solar installation is considered high risk to the community? i.e roof top, panel placement/attachment, earthing, connectors, inverters, connection to the switchboard?
- The rooftop does not get inspected due to WHS. Drones were only purchased in March 2022 (refer to *Response to Question on Notice*). How can a thorough inspection of the solar panels be conducted when inspectors do not access the roof. Can you prove that drones are able to thoroughly check the panels? What about in no fly zones and other drone restrictions set by CASA?
- Prior to March 2022, how was a full solar inspection conducted including the rooftop – or is this indicative of the fact that only the connection has been inspected? If so, how can the \$253 fee be justified? What is involved in a new electrical inspection charged at \$253? How does the cost-recovery model work that has been referenced by Nick Lhuede and Minister Cheyne has referenced?
- Can you bring evidence of the drone footage from a recent inspection where the drone has been able to capture the MC4 connector, roof penetrations, panel labels, cable ties and earth connections – all required to significantly lower the risk of a solar panel catching fire and causing potential harm.
- The inverter connection to the switchboard is considered an addition of one new circuit to the switchboard. An additional AC circuit is checked by an inspector with an unrestricted electrical license. The fee for this addition is set at \$29. This is the same process as an air conditioner inverter whereby an inspector assesses the connection ONLY, not the air conditioning unit as they are not licensed or qualified to do so. The same applies for hot water systems. Why is the solar fee set at \$253 for the inspection of an additional circuit when the inspectors are not licensed to inspect solar systems? Refer to answer 14 in

Response to Question on Notice – whereby it is stated that there is no solar license category under the constructions occupations licensing framework.

Out of Scope

Out of Scope

Out of Scope

Certificate of Electrical Safety Fees – Solar \$253

- Advised by ACT Government that \$253 fee (instead of \$29 electrical inspection fee) charged for renewable energy installations is set due to the opinion of the Directorate that these installs pose a high risk to the community – *refer to response to issue 1 from Nick Lhuede*
- Outlined in the *Response to Question on Notice by Minister Cheyne* when asked to provide justification for the \$253 fee, she has provided a link to p.18-19 of the *Planning Lease Administration Building Services* whereby an addition is \$29 and Wiring Work for a New Building or Structure is \$253. There is no reference to solar in this document.

Questions for discussion:

- What part of the solar installation is considered high risk to the community? i.e roof top, panel placement/attachment, earthing, connectors, inverters, connection to the switchboard?
- The rooftop does not get inspected due to WHS. Drones were only purchased in March 2022 (*refer to Response to Question on Notice*). How can a thorough inspection of the solar panels be conducted when inspectors do not access the roof. Can you prove that drones are able to thoroughly check the panels? What about in no fly zones and other drone restrictions set by CASA?
- Prior to March 2022, how was a full solar inspection conducted including the rooftop – or is this indicative of the fact that only the connection has been inspected? If so, how can the \$253 fee be justified? What is involved in a new electrical inspection charged at \$253? How does the cost-recovery model work that has been referenced by Nick Lhuede and Minister Cheyne has referenced?
- Can you bring evidence of the drone footage from a recent inspection where the drone has been able to capture the MC4 connector, roof penetrations, panel labels, cable ties and earth connections – all required to significantly lower the risk of a solar panel catching fire and causing potential harm.
- The inverter connection to the switchboard is considered an addition of one new circuit to the switchboard. An additional AC circuit is checked by an inspector with an unrestricted electrical license. The fee for this addition is set at \$29. This is the same process as an air conditioner inverter whereby an inspector assesses the connection ONLY, not the air conditioning unit as they are not licensed or qualified to do so. The same applies for hot water systems. Why is the solar fee set at \$253 for the inspection of an additional circuit when the inspectors are not licensed to inspect solar systems? Refer to answer 14 in

Response to Question on Notice – whereby it is stated that there is no solar license category under the constructions occupations licensing framework.

Out of Scope

Out of Scope

Tara Cheyne MLA

Assistant Minister for Economic Development

Minister for the Arts

Minister for Business and Better Regulation

Minister for Human Rights

Minister for Multicultural Affairs

Member for Ginninderra

RESPONSE TO QUESTION ON NOTICE

Questions on Notice Paper No 16

8 April 2022

Question No. 704

Asked by **MS CASTLEY MLA** –

- (1) In relation to certificates of electrical safety, how many electrical inspections (ie, random audits) have been done each year since 2016, broken down by inspection type (eg, general electrical work, photovoltaic systems).
- (2) How much does a random audit cost an ACT electrical company and what is the breakdown of each type of electrical inspection and the cost.
- (3) How many defects has Access Canberra issued since 2016 from random audits by inspection type.
- (4) How much revenue has Access Canberra received since 2016 from random audits and what is the breakdown of revenue by inspection type.
- (5) How many audits of new installations have been completed by Access Canberra each year since 2016.
- (6) How much does an audit of new installations cost an ACT electrical company and what is the breakdown for each type of inspection and the cost.
- (7) How many defects has Access Canberra issued since 2016 from audits of new installations by inspection type.
- (8) What is the total revenue Access Canberra has received since 2016 from auditing new installations.
- (9) Can the Minister provide a breakdown of what/how many disciplinary actions have been taken against ACT companies in breach of legislation, including detail of each action.

- (10) Are electrical inspections carried out by ACT Government employees or contractors and what is the reason for using ACT Government employees or contractors.
- (11) Is the ACT Government responsible/liable if they do not identify a defect and this causes property damage.
- (12) What qualifications does the ACT Government require of inspectors who do audits.
- (13) How many inspectors does the ACT Government employ or contract to conduct audits and what are their salaries.
- (14) Do all auditors hold solar licenses as well as electrical licenses.
- (15) Can auditors access rooftop solar for inspections; if not, how are auditors confident that new installations have been properly checked for defects.
- (16) How long, on average, does an electrical inspection take and can the Minister provide a breakdown by inspection type.
- (17) How was the \$253 price for a solar photovoltaic determined and can the Minister provide details or documents that informed this decision.
- (18) Why is the price still \$253 every time an inspector returns to the site to ensure the defects have been fixed and can the Minister provide details or documents that informed this position.

MS CHEYNE MLA - The answer to the Member's question is as follows:

- (1) I note a number of the Member's questions reference "audits" and "inspections". Generally, the operations of the electrical inspectorate of Access Canberra have its activities described as "inspections".

Access Canberra undertakes inspections for all new electrical installations, new solar photovoltaic installations and targeted inspections based on consideration of risk and potential harm of electrical works associated with existing installations. Random inspections of installations (either existing or new) are not undertaken by the Access Canberra Electrical Inspectorate.

The requested information is provided in a Financial Year (July to June) in this context:

2015/16 –

- Inspections - new installations = 6,290
- Inspections - new photovoltaic system = 748
- Inspections - existing installations¹ = 7,711

2016/17 –

- Inspections - new installations = 8,852
- Inspections - new photovoltaic system = 1,122
- Inspections - existing installations = 9,673

2017/18 –

- Inspections - new installations = 8,581
- Inspections - new photovoltaic system = 2,899
- Inspections - existing installations = 11,464

¹ Existing inspections may include established photovoltaic systems.

2018/19 –

- Inspections - new Installations = 9,371
- Inspections - new photovoltaic system = 4,448
- Inspections - existing installations = 13,961

2019/20 –

- Inspections - new installations = 8,031
- Inspections - new photovoltaic system = 3,533
- Inspections - existing installations= 20,290

2020/21 –

- Inspections - new installations = 7,187
- Inspections - new photovoltaic system = 4,163
- Inspections - existing installations = 20,207

(2) Fees and charges for electrical inspections are available on the ACT Planning website: www.planning.act.gov.au/_data/assets/pdf_file/0015/1217130/planning-lease-administration-building-services-fees-and-charges.pdf

(3) The photovoltaic value is a subset of total new installations. The fail rates are:

2015/16 –

- New Installations inspections fail = 628
- New photovoltaic system inspections fail = 82

2016/17 –

- New Installations inspections fail = 520
- New photovoltaic system inspections fail = 89

2017/18 –

- New Installations inspections fail = 608
- New photovoltaic system inspections fail = 268

2018/19 –

- New Installations inspections fail = 572
- New photovoltaic system inspections fail = 266

2019/20 –

- New Installations inspections fail = 541
- New photovoltaic system inspections fail = 309

2020/21 –

- New Installations inspections fail = 730
- New photovoltaic system inspections fail = 306

(4) Fees associated with electrical inspections are not paid directly to Access Canberra and form part of consolidated revenue for ACT Government, with Access Canberra being funded through appropriations. Installations that are included in the Building Approval (BA) are not charged as the electrical inspection fee is recovered as part of the Building Levy.

The effort to collect and assemble the information sought solely for the purpose of answering this question would require an unreasonable diversion of resources.

(5) Please refer to response to Question 1.

(6) Please refer to response to Question 2.

(7) Please refer to response to Question 3.

(8) Please refer to response to Question 4.

- (9) No disciplinary action was undertaken against electrical companies for the period of the request (2016 to 2021). The following summary is provided for disciplinary action taken against electricians for non-compliance with the *Electricity Safety Act 1971* for the same period:
- 2016 – 11 Electricians received demerit points
 - 2017 – 27 Electricians received demerit points
 - 2018 – 36 Electricians received demerit points
 - 2019 – 36 Electricians received demerit points
 - 2020 – 14 Electricians received demerit points
 - 2021 – 12 Electricians received demerit points
- (10) Electrical inspections are carried out by employees of the ACT Government. Noting inspectors are appointed by the Construction Occupations Registrar under Part 7 Section 41 of the *Electrical Safety Act 1971*, and in consideration of functions and authorities associated with the role, it is appropriate they are employed as public servants.
- (11) There are a number of legal avenues through which a person may seek hold the Territory responsible for damages.
- It is noted Section 60 of the *Electrical Safety Act 1971* provides specific avenue for any person to claim reasonable compensation from the Territory if the person suffers loss or expense because of an inspector's exercise, or purported exercise, of a function under Part 7 of that Act. Any such claim is to be determined by a court, and a court may order reasonable compensation upon being satisfied that it is just in the circumstances.
- (12) Under Part 7 Section 41 of the *Electrical Safety Act 1971*, the Construction Occupations Registrar may appoint a person to be an inspector. Part 7 Section 41 (3) (C) states that the Registrar must be satisfied that the person has completed adequate training and is competent. Minimum qualification is an ACT unrestricted electrical licence.
- (13) There are 19 electrical inspectors appointed within Access Canberra.
- The pay rates of the electrical inspector are available on the Jobs ACT website at: www.cmtedd.act.gov.au/employment-framework/for-employees/agreements
- (14) In the ACT, there is no Solar Licence category under the construction occupations licensing framework, and this is consistent with most other jurisdictions in Australia.
- (15) Inspections of a commercial rooftop may be achieved through a plantroom where access to the roof is available, and safety barriers are in place.
- Inspectors do not normally access residential installation due to WHS issues with working from heights. Inspections in these situations are carried out using drones.
- (16) The time required for an electrical inspection varies with the type of electrical installation to be inspected. They can range from 30 minutes to over several weeks depending on the installation being inspected.
- (17) The 2009-10 ACT Budget announced the introduction of inspection fees for the ACT building and construction industry. The inspection fee was initially set to represent the average cost of an inspection at the time, this includes travel time associated

with the inspection and the associated administration costs with the inspection. Since 2009-10 the fee has risen on an annual basis in line with inflation which is considered an accurate reflection of the increased cost to the ACT Government for performing the work. The fee is a flat rate and reflects the recovery of the average cost of inspection.

- (18) In most occurrences, when the work is required to be re-inspected, it will incur the same costs as an initial assessment as the inspector has to re-attend the site and re-examine the work to ensure that the defects have been fixed and no new defects created.

Approved for circulation to the Member and incorporation into Hansard.



**Tara Cheyne MLA
Minister for Business and Better Regulation**

Date: 3/5/22

Tara Cheyne MLA

Assistant Minister for Economic Development

Minister for the Arts

Minister for Business and Better Regulation

Minister for Human Rights

Minister for Multicultural Affairs

Member for Ginninderra

RESPONSE TO QUESTION ON NOTICE

Questions on Notice Paper No 25

Friday, 2 December 2022

Question No. 1004

Asked by Ms Castley MLA –

- (1) In relation to certificates for electrical safety, how many inspections were completed between 1 November 2021 and 1 November 2022 per month for (a) new photovoltaic systems, (b) battery systems, (c) additions and alterations and (d) new electrical installations.
- (2) How many (a) electrical inspections is Access Canberra falling behind each month, (b) new photovoltaic systems were added to inspection lists each month between 1 November 2021 and 1 November 2022 and (c) new photovoltaic installations still need to be inspected as of 30 November 2022.
- (3) Does the Government aim to complete inspections of new photovoltaic installations within a timeframe; if so, (a) what is the timeframe, (b) what percentage of inspections are completed within this timeframe and (c) has the timeframe been changed; if so, (i) when was the timeframe changed, (ii) what was it before and (iii) what was it changed to.
- (4) How many new photovoltaic installations have been waiting for inspection since completion for more than (a) three, (b) four, (c) five, (d) six, (e) seven, (f) eight, (g) nine months and (h) a year.
- (5) Has the ACT Government committed to inspect 100 percent of new photovoltaic installations; if so, can the Minister provide details.
- (6) Further to question on notice No 704, can the Minister provide (a) an update for quarter one and quarter three and include existing photovoltaic and NexGen battery inspections/failures

as well as for the 2021-22 financial year, (b) a breakdown by what the demerit points were received from eg, new photovoltaic installation, battery etc.

MS CHEYNE MLA - The answer to the Member's question is as follows:

1. The numbers of inspections completed between 1 November 2021 and 1 November 2022 are as follows:
 - a) new photovoltaic systems = 6,816
 - b) battery systems = 2,998
 - c) additions and alterations = 13,529
 - d) new electrical installations = 20,661

Month	a) new photovoltaic systems	b) battery systems	c) additions and alterations	d) new electrical installations
November 2021	828	132	2,851	2,128
December 2021	612	116	3,126	1,444
January 2022	341	140	1,658	736
February 2022	435	184	2,204	1,511
March 2022	549	287	2,760	2,136
April 2022	436	227	1,980	1,392
May 2022	821	390	2,086	2,183
June 2022	780	232	2,585	1,994
July 2022	573	205	3,569	1,947
August 2022	532	289	2,991	1,854
September 2022	368	490	2,371	1,580
October 2022	541	306	2,128	1,756
Total	6,816	2,998	13,529	20,661

2. a) There is no set timeframe in which inspections are required. Inspections are undertaken following the submission of the Certificate of Electrical Safety (CES) for the works, which certifies the electrical work has followed necessary standards and guidelines and that this work was performed by qualified electrician. For new photovoltaic installations, the CES allows for the operation and use of the system, and there are no delays to the consumer while the inspection is pending.
- b) The number of new photovoltaic systems added to inspection lists each month between 1 November 2021 and 1 November 2022 are as follows:

Month	New photovoltaic systems added
November 2021	741
December 2021	395
January 2022	701
February 2022	856
March 2022	832
April 2022	661

May 2022	800
June 2022	899
July 2022	830
August 2022	1,038
September 2022	1,092
October 2022	936

c) new photovoltaic installations that still need to be inspected as of 30 November 2022 = 3,513.

3. There is no set timeframe in which inspections are expected to be completed. Inspections are prioritised to allow Certificates of Occupancy and Use to be issued for new residential and commercial premises. Inspections are undertaken following the submission of the Certificate of Electrical Safety (CES) for the works, which certifies the electrical work has followed necessary standards and guidelines and that this work was performed by qualified electrician. For new photovoltaic installations, the CES allows for the operation and use of the system, and there are no delays to the consumer while the inspection is pending.
4. The number of new photovoltaic installations that have been waiting for inspection since completion are as follows:

Months	Number
Three	1,765
Four	1,207
Five	871
Six	527
Seven	274
Eight	123
Nine	11
Twelve	0

5. Part 2 of the *Electricity Safety Act 1971* (the Act) provides that all new electrical installations must be inspected. Access Canberra undertakes inspections for all new solar photovoltaic installations as required by the Act.

6. (a) Update to Question on Notice No 704:

- Quarter 1 (July-September 2021) = 14 defects;
- Quarter 3 (January-March 2022) = 90 defects;
- Defects for financial year 2021/22 = 420

(b) A total of 21 demerit points from seven demerit actions were issued regarding photovoltaic and battery installations in the financial year 2021/22.