



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 2021-052

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	Waived
6. Processing time (in working days)	29
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:
To:
Subject:
Date:
Attachments:

FOI – Information Management Team
Environment, Planning and Sustainable Development Directorate (EPSDD)
GPO Box 158
Canberra ACT 2601

Dear Madam or Sir:

I have correspondence from Michael Lloyd, community engagement manager for TransGrid, dated 26 February 2021, in reference to the 330kV transmission line that was built directly behind houses in Lionel Rose Street, Holt. This letter states that 'TransGrid commissioned PowerEarth to complete an earthing study along the transmission line and around the new substation in October 2020' and also that TransGrid 'has provided the results of the earthing study to the Utilities Technical Regulator'.

I also have correspondence from the territory's Technical Regulator, likewise dated 26 February 2021, that states that 'officers from Utilities Technical Regulation within Access Canberra have been working through' concerns that residents had raised with me and that TransGrid had 'provided a comprehensive update regarding a number of matters on 17 February 2021'.

I write to request under the *Freedom of Information Act 2016* (FOI Act) the earthing study mentioned above that was commissioned by TransGrid, completed by PowerEarth, and provided to the ACT Technical Regulator.

I also request the following:

- if it was written, the 'comprehensive update' provided by TransGrid to officers from Utilities Technical Regulation within Access Canberra and/or to the Technical Regulator on 17 February 2021; or
- if the abovementioned update was not written, any documents generated or received by the ACT Government in relation to this comprehensive update.

I make this request pursuant to section 30 of the FOI Act.

As a member of the ACT Legislative Assembly, I note that any fees and charges associated with this request will be waived pursuant to section 107 (2) (e) of the Act.



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-052



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 30 March 2021, in which you sought access to:

- The earthing study that was commissioned by TransGrid, completed by PowerEarth, and provided to the ACT Technical Regulator into the 330kV transmission line built behind houses in Lionel Rose Street, Holt, including the 'comprehensive update' provided by TransGrid to officers from Utilities Technical Regulation within Access Canberra and/or to the Technical Regulator on 17 February 2021.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 30 April 2021 however, following on from third party consultations, the due date is now 21 May 2021.

Decision on access

Searches were completed for relevant documents and five documents were identified that fall within the scope of your request.

I have decided to grant access partial access to two documents as I consider them to 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.

I have decided to exempt 3 documents as I consider them to be information that are entirely composed of or contain information that is considered to be contrary to the public interest under schedule 1 of the Act. These documents have been sourced from

relevant experts in their specified field for the purpose of ensuring the safety and security of critical infrastructure in the ACT and are subject to Schedule 1 section 1.14(h) of the Act.

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

Third party consultation

In determining this access request, I identified that some of the information may reasonably be expected to be of concern of a third party. In accordance with section 38 of the Act, I have undertaken third party consultation. I have considered the contentions raised by the third party in making this decision.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*;

Exemption claimed

My reasons for deciding not to grant full access to the identified documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

The earthing study that was commissioned by TransGrid has been completed in response to the ACT government requirements around the security of electricity in the ACT and the need for the system to be resilient to withstand intentional sabotage or terrorist activities. There is a strong need to minimise publicly available information regarding the configuration, emergency operation and location of this critical infrastructure.

I have determined that this should be exempt from release under Schedule 1 section 1.14(h) of the Act which states that the information would or could reasonably be expected to endanger the security of a building, structure or vehicle.

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 interests 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 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 the 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:

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

I consider that disclosing the contents of the information sought would significantly contribute to open discussion and informed debate on the matters contained in the documents. I am satisfied there is a public interest in the processes to ensue that major capital works contain the appropriate safety considerations. The release of this information would help to create positive and informed debate on issues of importance to the public.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford them significant weight.

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

(xi) prejudice trade secrets, business affairs or research of an agency or person.

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as emails addresses and personal phone numbers which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal

information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. There are a number of examples contained in the information you have requested about the intellectual property and proprietary work methodologies that are intrinsic to the business affairs of the companies involved. I am satisfied that release of this information would have significant impact on the business affairs of the entities identified as this information is not publicly available.

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 the majority of the information held by CMTEDD within the scope of your request.

Access to documents

Pursuant to section 38(6) of the Act, I am required to defer access to all the identified documents as an affected third party has objected to disclosure. This third party may apply for review of my release decision within 20 working days after my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is below the charging threshold of 50.

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 on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

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 at:

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 at:

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,



Angela Friend
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
13 May 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
The earthing study that was commissioned by TransGrid, completed by PowerEarth, and provided to the ACT Technical Regulator into the 330kV transmission line built behind houses in Lionel Rose Street, Holt, including the 'comprehensive update' provided by TransGrid to officers from Utilities Technical Regulation within Access Canberra and/or to the Technical Regulator on 17 February 2021.	CMTEDDFOI 2021-052

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Letter	23 Dec 2020	Partial release	Schedule 2 section 2.2 (a)(ii)	Yes
2	3-4	Email	17 Feb 2021	Partial release	Schedule 2 section 2.2 (a)(ii)	Yes
3		Stockdill 330kV Substation Earthing System Current Injection Testing report		Exempt	Schedule 1 section 1.14(h) Schedule 2 section 2.2 (a)(ii) Schedule 2 section 2.2 (a)(xi)	No
4		SDL-200904/1-01		Exempt	Schedule 1 section 1.14(h)	No
5		SDL-200904/2-00		Exempt	Schedule 1 section 1.14(h)	No
Total No of Docs						
5						

23/12/2020

Ben Ponton
Technical Regulator
ACT Environment, Planning and Sustainable Development Directorate
GPO Box 158
Canberra ACT 2601

Stockdill 330/132kV Substation and Associated Works

Dear Mr Ponton

I am writing to advise completion of the Stockdill 330/132kV substation and associated works. TransGrid confirms that it has fully met the requirements of the Electricity Transmission Supply Code 2016 (the Code) with relation to section 4.1 Supply Security. Further details on this and other matters are provided below:

Stockdill 330/132kV Substation

Stockdill 330/132kV substation has been designed and built to the relevant TransGrid and external standards. All commissioning and safety checks have been completed. The substation is fully operational and meets the functionality required in the Code.

Emergency Contingency Arrangements

Following the special contingency event at Canberra, the supply capacity to the ACT meets the immediate Code criteria without additional action. The 48 hour supply requirement will be met progressively through network switching and temporary bypass arrangements at Yass and Canberra substations.

Contingency plans to enact these arrangements have been developed and checked, including a site walk through. The updated plans have been shared with EvoEnergy.

Independent Assurance

There has been ongoing discussion between TransGrid and the ACT UTR regarding the best way to provide the ACT Government assurance that the Code has been met. TransGrid believes that its standard design, build and commissioning processes, as part of our certified Asset Management System, provide sufficient assurance. However, should it be deemed required by the ACT UTR we will commission an independent external assurance review early in 2021.

In addition, we note that a site visit to Canberra, Stockdill and Yass for UTR personnel in early February (travel restrictions permitting) is being arranged. This will provide additional confidence for the ACT UTR around the completed project and emergency arrangements.

Fence Earthing in Residential Areas

During the course of the project there has been community concern raised regarding the earthing of residential fences, particularly in the area of Lionel Rose Street. TransGrid undertook a site audit in 2019 against our standard easement guidelines which indicated potential earthing solutions could be required at a number of locations.

Prior to energisation in October 2020 direct injection testing of the earthing system along the length of the new line and around the new substation was undertaken.

This testing validated that the line was safe for energisation. A small number of recommendations were made for further assessment and possible actions where performance was marginal against the relevant standards under rare and abnormal system conditions.

The final earthing report has now been provided to the ACT UTR. We will continue to progress the recommendations as soon as practicable and keep UTR staff informed of progress.

Should you require any further information please contact [Schedule 2.2\(a\)\(ii\)](#) Asset Systems and Compliance Manager, on [Schedule 2.2\(a\)\(ii\)](#) or [Schedule 2.2\(a\)\(ii\)@transgrid.com.au](mailto:Schedule 2.2(a)(ii)@transgrid.com.au)

Yours faithfully

Schedule 2.2(a)(ii)

[Schedule 2.2\(a\)\(ii\)](#)

Executive Manager / Network Performance and Operations

From: "Schedule 2.2(a)(ii)" <[redacted]@transgrid.com.au>

Sent: 17/02/2021 7:02 AM

To: "Forlin, Silvano" <Silvano.Forlin@act.gov.au>

Cc: "Margules, Vanessa" <Vanessa.Margules@act.gov.au>; "Grice, Simon" <Simon.Grice@act.gov.au>; [redacted] <[redacted]@transgrid.com.au>; [redacted] <[redacted]@transgrid.com.au>

Subject: Update on Earthing Report Actions

Attachments: SDL-200904-1_01 - Marked Up.pdf, SDL-200904-2_00 - Marked Up.pdf

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Silvano,

As requested yesterday, please find the update on the recommendations from the earthing report. There has been progress on all of the recommendations. We will update once we have firm completion dates and let you know as they are finalised.

- Effluent Re-use Entrance/gate on Stockdill Dr
 - Consultant performing mitigation study/design – design expected by the end Feb
 - Designs to be approved by Icon Water
- Gas pipe exposed in Gully near Trade waste
 - Evo Energy has arranged for barrier fencing to be erected inside the ICON site
- Gate Control Panel
 - Icon has commenced the design process. Icon is consulting with TG.
- Light posts
 - Consultant performing mitigation study/design – design expected by the end Feb
 - Design will need to be approved by TCSS before constructed.
- Stock Fences
 - Consultant performing mitigation study/design – design expected by the end Feb
 - Working with Property to determine who the landowners are. Any assets owned by ACT Gov will require approval of designs by TCSS.
- Telecommunications Assets
 - Location of the the telecom assets around Stockdill Substation is being confirmed. These will need to be assessed further should they come in to the zone of influence.

The attached drawings show the location of earthing completed on fence posts and fences which should answer your question around the golf course earthing specifically.

Regards,

[redacted]

Asset Systems and Compliance Manager | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

T: (02) 9620 0478 M: [redacted]

F: (02) 9620 0477 E: [redacted] @transgrid.com.au W: www.transgrid.com.au

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"COVID-19 UPDATE: TransGrid office personnel have transitioned to working remotely, staying home to keep our people and community safe while working to ensure that we continue to provide the support you need during these uncertain times. We appreciate staying connected is important so while face-to-face meetings have been suspended due to physical distancing requirements, we offer other ways for you to contact us, meet with us and access the people, information and resources you require." Please consider the environment before printing this e-mail.