



[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

I am writing in relation to your application made under the *Freedom of Information Act 1991* (FOI Act) in which you requested access to the following documents:

We, the community of 8 owners at [REDACTED], request all correspondence, documentation and reports from the Office of the Technical Regulator (OTR) concerning the electrical installation at [REDACTED]. This relates to the non-compliant electrical works on the property which was struck during excavation of the driveway in December 2021. At that time, SA Power Networks were notified of the incident by the electrical company who rectified the issue, and this was subsequently reported to the OTR. We kindly ask for all the aforementioned documents pertaining to this issue from December 2021 to present for legal purposes.

On 8 March 2023, you provided the following additional clarification:

We are asking for both correspondence (including initial correspondence notifying of issue and any initial response from OTR) and any documentation associated with the query, whether provided to OTR or produced by OTR.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, may be published in the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

A search has been conducted and ten (10) documents were discovered that fall within the scope of your application. The documents are identified in the attached schedule. In respect of the documents, I have determined as follows:

Documents 1, 2, 3, 4, 6, 7, 8 and 9

I have determined that these documents should be released in part.

With regard to these documents, the parts to which I have not granted you access are the names, identification numbers, telephone numbers, email addresses and signatures of third parties and the signatures of employees.

Under Clause 6(1) of Schedule 1 to the FOI Act, a document is an exempt document if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the FOI Act and is therefore exempt from release pursuant to Clause 6(1).

Document 5

I have determined that this document should be released in full.

Document 10

I have determined that this document should be released in part.

With regard to this document, the parts to which I have not granted you access are the name and email address of a third party.

Under Clause 6(1) of Schedule 1 to the FOI Act, a document is an exempt document if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the FOI Act and is therefore exempt from release pursuant to Clause 6(1).

In addition, information contained within this document that is not relevant to your application has been redacted and marked as "Out of scope".

Exemptions

For your information, the following exemption applies from the FOI Act:

Clause 6 – Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Appeal Rights

If you are dissatisfied with this decision, you are entitled to exercise your rights of review and appeal as outlined in the attached documentation.

If you have any queries in relation to your application, please contact me via email DEM.FOI@sa.gov.au.

Yours sincerely



Rob Faunt
Accredited FOI Officer

3 April 2023

SCHEDULE OF DOCUMENTS

Freedom of Information application by [REDACTED], seeking access to:

We, the community of 8 owners at [REDACTED], request all correspondence, documentation and reports from the Office of the Technical Regulator (OTR) concerning the electrical installation at [REDACTED]. This relates to the non-compliant electrical works on the property which was struck during excavation of the driveway in December 2021. At that time, SA Power Networks were notified of the incident by the electrical company who rectified the issue, and this was subsequently reported to the OTR. We kindly ask for all the aforementioned documents pertaining to this issue from December 2021 to present for legal purposes.

We are asking for both correspondence (including initial correspondence notifying of issue and any initial response from OTR) and any documentation associated with the query, whether provided to OTR or produced by OTR.

Doc No	Description	Exemption Clause(s)	Determination
1	Electrical certificate of compliance number E1339963	Clause 6 – Personal affairs	Document released in part.
2	Email dated 12 April 2022	Clause 6 – Personal affairs	Document released in part.
3	Document attached to email dated 12 April 2022	Clause 6 – Personal affairs	Document released in part.
4	Email dated 13 April 2022	Clause 6 – Personal affairs	Document released in part.
5	Photo attached to email dated 13 April 2022		Document released in full.
6	Electrical Installation Audit – Authorised ETSSO Report dated 16 May 2022	Clause 6 – Personal affairs	Document released in part.
7	Letter dated 19 May 2022	Clause 6 – Personal affairs	Document released in part.
8	Letter dated 19 May 2022	Clause 6 – Personal affairs	Document released in part.
9	Letter dated 31 August 2022	Clause 6 – Personal affairs	Document released in part.
10	Email dated 28 October 2022	Clause 6 – Personal affairs Information not relevant to your application has been marked as “Out of scope”.	Document released in part.

ELECTRICAL CERTIFICATE OF COMPLIANCE

As required by the Electricity Act 1996

Certificate Number: E1339963

Owner/Client name	Clause 6(1)		
Installation Address			
Premises Type	Flat/Unit		
Date of Electrical Work	Started: 14/01/2022	Finished: 14/01/2022	Submitted: 19/01/2022
Network Operator	SAPN		

SECTION A - JOB DETAILS

Job Category	Job Type	Work Performed
Replacement	Other	Electrical Work Details: Repaired damaged consumer main for only 150mm under surface.. damaged by bobcat preparing for driveway to be concreted.. Inline joined and resin heat shrink over joins. Reterminated in unit 2 switchboard..

SECTION B - WARNING : Owners & operators of electrical installations must take reasonable steps to ensure that the electrical installation is safe. Maximum penalty \$250,000. Listed below are any items considered to be unsafe or requiring remedy.

Risk Assessment	None Observed
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REGISTERED ELECTRICAL WORKER: I certify the work detailed in this eCoC complies with and has been inspected and tested by me as required by the *Electricity Act 1996*.

Name	Clause 6(1)
Licence Number	Clause 6(1)
Date Certified	14/01/2022

CONTRACTOR/AUTHORISED PERSON: I certify that I am the contractor/duly authorised agent of the contractor and have or had a supervisory role in relation to the worker above and I am satisfied that the standards and requirements of the *Electricity Act 1996* have been complied with.

Also where applicable, I am satisfied that the auxiliary gas fitting and/or water plumbing work detailed above meets the requirements of the *Gas Act 1997* and Regulations and/or *Water Industry Act 2012* including Regulations and Standards.

Name	Clause 6(1)		
Business Name			
Licence Number	Clause 6(1)		
Phone/Mobile		Email	
Address			
Date Certified	19/01/2022		

The Technical Regulator does not endorse the contents of this electronic Certificate of Compliance (eCoC). The Technical Regulator does not accept responsibility for the truth or accuracy of the contents of this eCoC and will not be held liable for any loss or damage suffered in consequence of reliance upon the contents of this eCoC.

ELECTRICAL CERTIFICATE OF COMPLIANCE

As required by the *Electricity Act 1996*

Certificate Number: **E1339963**

Information for Owners and Operators of Electrical Installations

(From the *Electricity Act 1996*)

Section 60 of the *Electricity Act 1996*

60—Responsibility of owner or operator of infrastructure or installation

(1b) A person who owns or operates an electrical installation must take reasonable steps to ensure that—

- (a) the installation complies with, and is operated in accordance with, technical and safety requirements imposed under the regulations; and
- (b) the installation is safe and safely operated.

Maximum penalty:

- (a) if the offender is a body corporate—a penalty of \$50 000;
- (b) in any other case—a penalty of \$10 000.

Expiation fee: \$315.

(2) For the purpose of ensuring under this section that an electrical installation complies with the technical and safety requirements and is safe, a person may, subject to the regulations, rely on a certificate of compliance issued under this Part in relation to the installation.

Section 61 of the *Electricity Act 1996*

61—Electrical installation work

(1) A person to whom this subsection applies who carries out work on an electrical installation or proposed electrical installation must ensure that—

- (a) the work is carried out as required under the regulations; and
- (b) examinations and tests are carried out as required under the regulations; and
- (c) the requirements of the regulations as to notification and certificates of compliance are complied with.

Maximum penalty:

- (a) if the offender is a body corporate—a penalty of \$50 000;
- (b) in any other case—a penalty of \$10 000.

Expiation fee: \$315.

McIntyre, Branka (DEM)

From: Clause 6(1)
Sent: Tuesday, 12 April 2022 2:06 PM
To: DEM:OTR Mail
Subject: CM: RE: Complaint Pack - [REDACTED]
Attachments: Complaint form.pdf

Please see the attached.

Thanks & Regards

Clause 6(1)

From: [DEM:OTR Mail](#)
Sent: Monday, 11 April 2022 8:08 AM
To: Clause 6(1)
Subject: Complaint Pack

OFFICIAL

Please find attached a copy of our Complaint Pack .
 Please complete and return to the email address below.

Regards,

Office of the Technical Regulator
 Department for Energy and Mining

T +61 (8) 8226 5518
 E otrmal@sa.gov.au



GPO Box 320, Adelaide, South Australia 5001
 Kaurna Country, Level 8, 11 Waymouth Street, Adelaide, South Australia 5000



Government of South Australia
 Department for Energy and Mining



The Department for Energy and Mining (DEM) acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the Traditional Owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the State.



COMPLAINT INFORMATION PACK

CONTENTS

- Cover Sheet
- OTR complaint form
- OTR Statement form
- Information on consumer complaints sheets from Consumer and Business Services

Which department should I be making the complaint to?

The Office of the Technical Regulator (OTR) administers the Electricity Act 1996. This Act governs electrical safety. All investigations the OTR undertake are to ensure electrical safety and compliance with the relevant standards. The OTR does not administer licensing, nor can the OTR take disciplinary action against electricians to remove their licence. Licensing is administered by Consumer and Business Services (CBS).

Consumer and Business Services can assist you with disputes concerning purchases of consumer products and services. If your complaint involves issues regarding payment, quality of work or non-supply of agreed services, please refer to the Consumer and Business Services website

www.cbs.gov.au

ELECTRICAL SAFETY ISSUES

If you are concerned about the condition of the wiring in your premises you should:

- Contact a licensed electrical contractor to test and inspect your installation.

If you are concerned about the safety of a recent installation by an electrician at your premises (e.g. exposed live parts):

- Telephone the OTR for advice. The OTR may visit the premises and disconnect and make safe if a risk to public safety exists.

GENERAL COMPLAINTS AGAINST ELECTRICAL CONTRACTORS, WORKERS, SUSPECTED UNLICENSED WORKERS AND LICENSING CONCERNS:

- Contact CBS



PLEASE PROVIDE THE FOLLOWING DETAILS (where possible)

CHECKLIST

- ☒ Detailed statement outlining complaint (dates, address, what occurred, who was involved etc)
(this statement is mandatory)
- ☐ Copy of invoices / receipt / proof of payment
- ☐ Copy of any electrical certificates of compliance
- ☒ Photographs of the area of concern
- ☐ Any other supporting information

Please forward the information by one of the following means:

POST: Office of the Technical Regulator, GPO Box 320 Adelaide SA 5001

FAX: 08 8226 5529

EMAIL: otrmal@sa.gov.au

TELEPHONE: 08 8226 5518

PLEASE NOTE

The OTR administers the *Electricity Act 1996* and is responsible for the monitoring and regulation of safety and technical standards with respect to electrical installations. The technical standards are designed to ensure that an electrical installation is safe to connect to the electricity supply and safe to use.

Possible actions undertaken by Authorised Officers are intended to protect persons, livestock, and property from electric shock, fire and physical injury hazards. Due to this, inspections undertaken by the Office of the Technical Regulator may result in **disconnection** of the electrical installation (or part thereof) if found to be unsafe, or high risk.

Under section 62 of the *Electricity Act 1996*, The Technical Regulator may direct an authorised person to rectify any contraventions as a result of electrical work they performed within two years and with the consent of the person in charge of the installation.

This is for your safety, and the safety of others.



Complaint request for investigation form

DATE: 12/04/2022

NAME: Clause 6(1)

ADDRESS: Clause 6(1)

TELEPHONE:

MOBILE: Clause 6(1)

COMPLAINT ADDRESS:

POSTCODE:

NATURE OF THE COMPLAINT: Health & safety hazard, installed on wrong location

RELATIONSHIP TO INSTALLATION: OWNER / OCCUPANT / 3RD PARTY (Please circle one)

NAME OF ELECTRICAL CONTRACTOR (IF APPLICABLE):

ADDRESS:

POSTCODE:

ELECTRICAL LICENCE NUMBER:

TELEPHONE:



STATEMENT OF WITNESS

Statement of **Clause 6(1)**

Age: **Over 18 years**

STATEMENT

STATEMENT BY: **Clause 6(1)**

Telephone: **Clause 6(1)**

Address: **Clause 6(1)**

Date: 12/04/2022

This statement consisting of two pages signed by me is true to the best of my knowledge and belief. I know this statement may be used for the purpose of legal proceedings, and that if it contains material that I know to be false or misleading, I may be guilty of an offence.

Dated the:

12/04/22

Signed:

Clause 6(1)

Witness by (name):

Clause 6(1)

Signature of Witness:

Clause 6(1)

Of (address):

Clause 6(1)

The electricity meter units which belong to all eight units are installed in front of unit number 1. There is a dedicated communal area for meters away from the properties and this should have been located there. There are young children in each of the property and the location is not safe.

Also is not even completed properly, as shown in the attached photos, the bottom of the unit still has the wooden frame. There are holes and it is exposed, easily a child can put their hand inside. Also, it is not straight and owners are worried about the safety of this.

We have contacted both builder and the developer and they both are saying they don't know who installed this. Also the strata data who manage the strata doesn't know who did this either.

Signed:

Signature witnessed by:



STATEMENT OF WITNESS

Continuation of statement of: **Clause 6(1)**

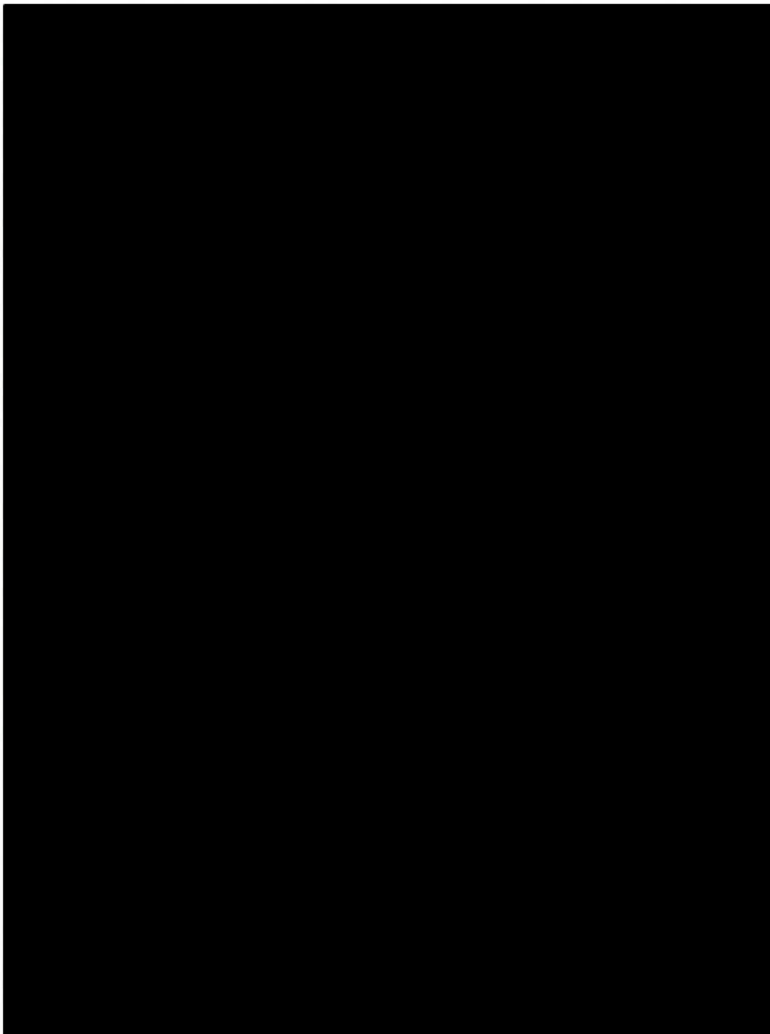
Page 2 of 2

This is a brand-new development; they still have plenty of time to relocate this and install this unit securely and safely.

Hope we can expect a solution for this issue and we do not know what else to do.

Thanks and Regards

Clause 6(1)



Signed:

Signature witnessed by:



Signed:

Signature witnessed by:



Signed: **Clause 6(1)**

Signature witnessed by: **Clause 6(1)**

McIntyre, Branka (DEM)

From: DEM:OTR Mail
Sent: Wednesday, 13 April 2022 10:05 AM
To: [REDACTED] (DEM)
Cc: DEM:OTR Mail
Subject: FW: CM: FW: [REDACTED] - Attention Darren
Attachments: 1642139270510.jpg

OFFICIAL

Hi DW,
 See attached picture and email for CE104448 (Complaint)
 It has been logged in PEGI.
 Thanks
 Luke

From: Clause 6(1)
Sent: Wednesday, 13 April 2022 9:25 AM
To: DEM:OTR Mail <otrmail@sa.gov.au>
Subject: CM: FW: [REDACTED] Attention Darren

Darren

This is the only photo we have.

Excavator for [REDACTED] hit the sub-mains and comms conduits for Unit 2. We de-energised the whole complex to perform the repair.

The team repaired to get residents back into power and advised [REDACTED] who were working for the builder that the depth was non-compliant and that we would note it on the certificate of compliance.

The team believe the original excavation was probably at 600mm but due to the sloping block (sloping down to the road), the builders/excavators were scraping it near the bottom to achieve certain levels for concreting.

I've spoken to C6(1) and Clause 6(1) who performed the repair that the depth should of also been noted in the Risk Assessment of the COC.

Whilst there were other residents around waiting for the repair to be completed, they do not believe anyone was there from Unit 2.

Regards

Clause 6(1)

Clause 6(1)

M: Clause 6(1)

E: C6(1)



[REDACTED]

[REDACTED]

From: Clause 6(1) [REDACTED]

Sent: Wednesday, 13 [REDACTED]

[REDACTED] Clause 6(1) [REDACTED]

Subject: [REDACTED]

Hi Simon,

Photo as requested for Darren @ Office of the Technical Regulator

Kind Regards

Clause 6(1) [REDACTED]

Clause 6(1) [REDACTED]

P: [REDACTED]

E: [REDACTED] C6(1)



Give us your Feedback







OFFICIAL
**ELECTRICAL INSTALLATION AUDIT -
AUTHORISED ETSSO REPORT**

Case #: **CE104448** ETSSO Auditor: [REDACTED] Audit Time/Date: **04/05/2022 & 13/5/22**
 Priority: **P2**

Audit Type: ☐ eCoC ☐ SAPOL ☐ SAPN ☒ Complaint
☐ Desktop ☐ MFS ☐ Drive By ☐ Other

Audit 1 Name: [REDACTED] **(PRIMARY)**
 Work Type: New build eCoC: E1106106 Priority: P2

Audit 2 Name: _____
 Work Type: _____ eCoC: _____ Priority: _____

Audit 3 Name: _____
 Work Type: _____ eCoC: _____ Priority: _____

Audit 4 Name: _____
 Work Type: _____ eCoC: _____ Priority: _____

Premises Details ☒ Energised On Arrival ☐ OTR/SAPN Disconnected

Address: [REDACTED]

Site Details: Communal

Premises Type: ☒ Domestic ☐ Commercial ☐ Industrial ☐ Other

Premises Status: ☒ Occupied ☐ Attended ☐ Under Construction

Occupier Details ☐ Also Owner

Name: Clause 6(1) Telephone: _____

Postal Address: [REDACTED]

Business Name: _____

Owner/Client Details ☐ Also Occupier

Name: Community corporation Telephone: _____

Postal Address: [REDACTED]

Business Name: Corporation number - [REDACTED]

Electrical Installation Details

Meter Number: LG022212099 ☐ Not Available

Audit History: _____ Network Operator: _____

Supply Type: ☐ Overhead ☐ Over/Under ☐ High Voltage
☒ URD Pit ☐ Transformer ☐ Generator
☐ Solar/Grid ☐ Stand-alone ☐ Other
 Supply Voltage: ☐ 230V ☒ 400V ☐ HV

Note: _____

Note To Admin: ☒ Special Attention ☐ Verification Required

The homeowner letter to be sent to the Strata group and the owner of unit 2.

Audit 1 Details☐ Owner/OccupierName: **Clause 6(1)** Telephone: **Clause 6(1)**Postal Address: **Clause 6(1)**Business Name: **Clause 6(1)** Licence: **Clause 6(1)**☒ Electrical Contractor ☐ Electrical Worker ☐ Repairer☐ In-House Elec Worker ☐ UnknownAudit Results: ☐ Satisfactory ☐ Existing Faults Noticed☒ Work Performed By This Person Is Non-CompliantAssociated eCoC: ☐ As Above ☐ Other: _____Notes:

Contractor breach

Audit Summary

Complaint from owner of unit 1 complaining over location and installation of MSB. Initial phone conversation I discussed with owner that the MSB was energised by the network operator therefore it may deem to comply. By adding bollards may increase the likelihood of impact. A curb or nib wall could be erected to reduce impact and add to aesthetics.

He advised that the developer is not returning emails or phone calls.

Site visit indicated that the original contractor was not in breach as there appears to be a large excavation for the terraced driveway however no wiring maps provided at the MSB.

Unit 2 has a repair eCoC (E1339963) from **Clause 6(1)** repairing sub-mains at wrong depth. The eCoC mentions damage caused by bobcat preparing for driveway and only at 150mm deep. I discussed with supervisor of **Clause 6(1)** and he provided a repair photo. I suggested when repairing a non-compliant installation in future they should refer to advice from OTR or at a minimum mention in risk assessment on eCoC.

It appears that during the construction of the driveway a large quantity of dirt has been excavated and reduced the depth of the sub-mains cables. This is supported by the foundation of the MSB is exposed by approximately 200-300mm.

Sample measurements with cable depth instrument were inconclusive but indicate all submains may be too low at the lower end (**Clause 6(1)**) of communal driveway.

This report made by myself accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. This report is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I may be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Full Name of Authorised ETSSO Auditor:

Darren Winter

Signed: **Clause 6(1)**

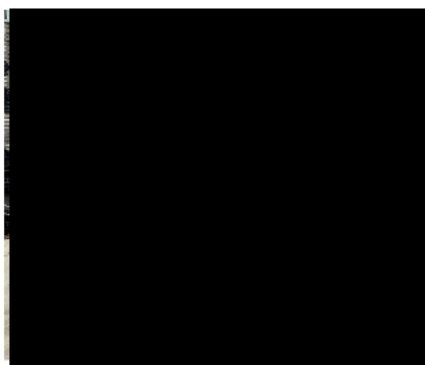
Audit Submission Date: 16/05/2022

BREACH 1☐ P1 ☒ P2 ☐ P3 ☐ P4 Breach Code:**E3.11.4**Breach:

breach only

Breach Details:

The underground submains to units 1-8 have not been identified at the switchboard from which the circuit originates in breach of clause 3.11.4.6 of AS/NZS3000.



Property i.d.



Meters



Consumer underground wiring mains

ePhoto ID: 6077

ePhoto ID: 6079

ePhoto ID: 6080

See Additional Photographs:

BREACH 2☐ P1 ☒ P2 ☐ P3 ☐ P4 Breach Code:**E3.11.4**Breach:

Unit 2 owner and Strata group breach

Breach Details:

The underground submain cable supplying unit 2 is at the incorrect depth from the main switchboard to the terraced retaining wall in breach of clause 3.11.4.4 of AS/NZS3000.

It is **(Added by DW)** highly likely that all sub-mains supplying the remainder of the units are at the incorrect depth at the lower end of the driveway. Excavation works appear to have reduced the depth during the installation of the common driveway of the community estate.

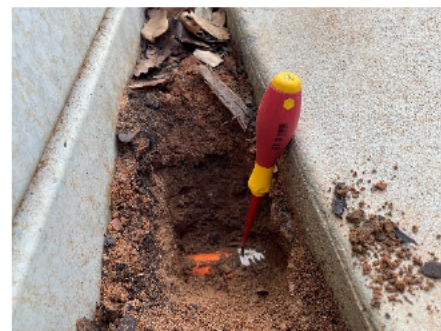
(Added by DW) Note: The consumer mains cable from the main freestanding switchboard (adjacent to unit 1) to the underground connection point may also be at the incorrect depth. It is advised to verify the depth by engaging a licenced electrical worker or electrical contractor.



Terraced driveway



Unit 2 (Second visit)

Unit 2 sub-mains
(Second visit)

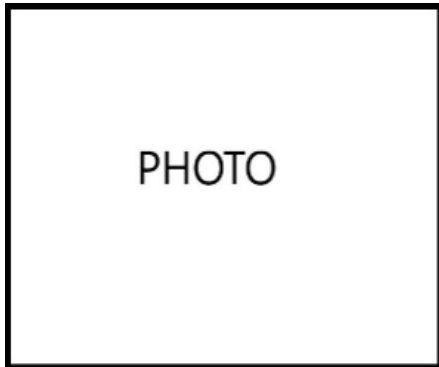
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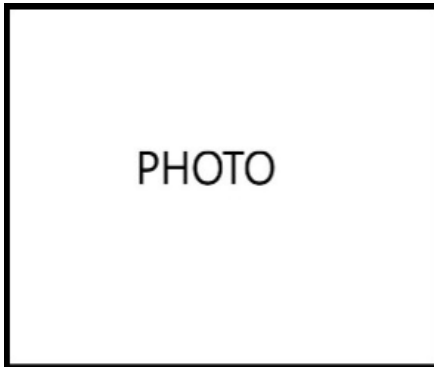
See Additional Photographs:  photo

Question Details:



(2)

ePhoto ID:



[2]

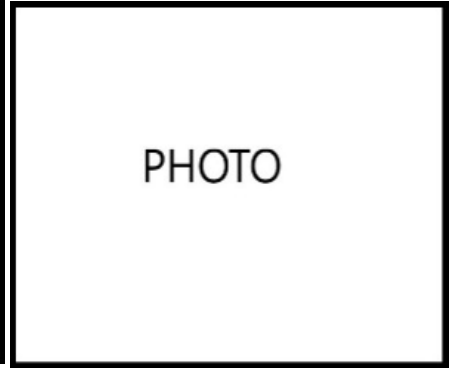
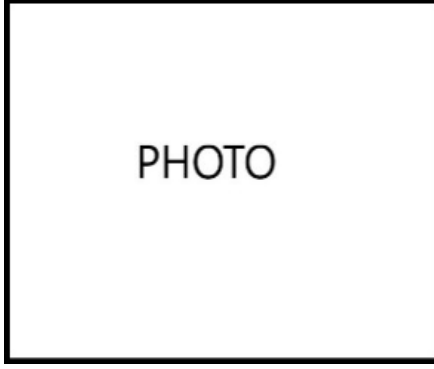
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[2]

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See Additional Photographs:



ePhoto ID:

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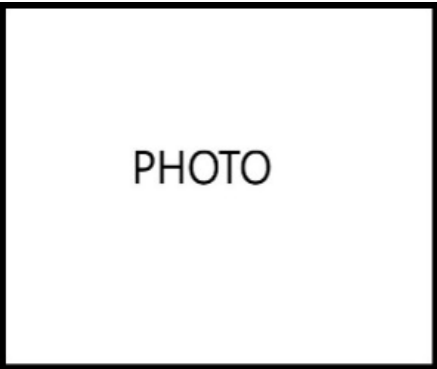
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See Additional Photographs:

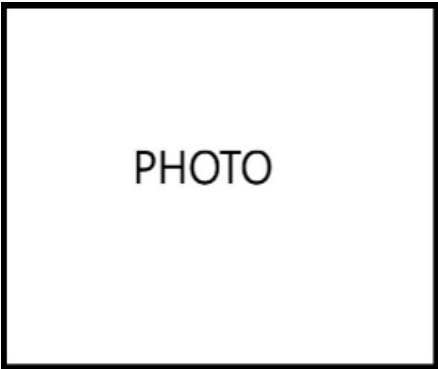
Additional photos



Repaired sub-mains to unit 2



[4]



[4]

ePhoto ID: [REDACTED] [photo](#) ePhoto ID: ePhoto ID:

ADMIN ACTION REQUIRED

Action Done

ADMIN ACTION REQUIRED		Action	Done
<input checked="" type="checkbox"/> E07	Contractor Letters A B C D <input type="checkbox"/> Hold Until: _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1. Evidence instrument Correct <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 2. Start and Finish <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 3. Your Contraventions <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 4. Work Altered <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 5. Assisted with Work <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 6. Issue eCoC <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 8. Explanation for no eCoC <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 9. When and What Actions <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 10. Explanation of Contravention <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 11. Future Work <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 12. Explanation for repeated Non-Compliance <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 14. Opening Statement	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E11	Occupier Letter <input type="checkbox"/> Occupier <input type="checkbox"/> HIB Housing Improvement Branch	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> E13	Owner Audit Results	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E13a	Owner/Agent Letter – Disconnected Premises <input type="checkbox"/> Verification of Whole Installation <input type="checkbox"/> Verification of:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E13b	Owner/Agent Letter – For Premises Still Connected <input type="checkbox"/> Verification of Whole Installation <input type="checkbox"/> Verification of:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E13c	Owner/Agent Letter – Request For Information	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	3rd Party Letter – Builder/Principle Contractor, etc.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E18	No Access Letter	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	eCoC For Original Work Required	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> E16	Contractor Letter For Additional Training <input type="checkbox"/> Electrical Installation Verification And Testing <input type="checkbox"/> 10 Week AS3000 Wiring Rules Refresher Course <input type="checkbox"/> 20 Week AS3000 Wiring Rules Course	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Expiation Notice Letter <input type="checkbox"/> E19 With Letter <input type="checkbox"/> Letter E24 (E07 Already Sent)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Notify CBS <input type="checkbox"/> Via Telephone <input type="checkbox"/> Letter E30	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Contractor Warning <input type="checkbox"/> Faults Rectified On Site And eCoC Received <input type="checkbox"/> Verbal On Site <input type="checkbox"/> Verbal Via Telephone	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Program Addition Audits After: _____ months	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Verification Required after Repair eCoCs Are Received	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Close File When All Repair eCoCs Are Received	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Close File When All Test And Verification Results And All Repair eCoCs Are Received	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Close File	<input type="checkbox"/>	<input type="checkbox"/>



Government of
South Australia

OFFICE OF THE TECHNICAL REGULATOR

GPO Box 320
ADELAIDE SA 5001

Telephone: 8226 5518
Facsimile: 8226 5529
E-mail: otrmail@sa.gov.au
Internet: www.sa.gov.au/otr

Our Ref: CE104448 (Please quote this number when contacting this Office)

Community Corporation No. [REDACTED]
[REDACTED]
[REDACTED]

19/05/2022

Dear Sir/Madam

Re: Electrical installation at [REDACTED]

On 04/05/2022 an Authorised Officer under the *Electricity Act 1996* carried out an examination on a sample of the electrical installation at the above address on behalf of the Technical Regulator, and has reported that aspects of the work do not comply with the requirements of sections 60 & 61 of the Act and Regulations thereunder.

1. The aspects of the electrical installation that are considered to not comply are:

1.1. Underground wiring systems have been installed in breach of clause 3.11.4 of AS/NZS 3000:2018.

Details: The underground submains to units 1-8 have not been identified at the switchboard from which the circuit originates in breach of clause 3.11.4.6 of AS/NZS3000.

A copy of the above list has been sent to [REDACTED].

The breach listed below is considered to be existing and not as a result of the electrical installation performed by [REDACTED]

1.2. Underground wiring systems have been installed in breach of clause 3.11.4 of AS/NZS 3000:2018.

Details: The underground submain cable supplying unit 2 is at the incorrect depth from the main switchboard to the terraced retaining wall in breach of clause 3.11.4.4 of AS/NZS3000. It is highly likely that all sub-mains supplying the remainder of the units are at the incorrect depth at the lower end of the driveway. Excavation works appear to have reduced the depth during the installation of the common driveway of the community estate.

Note: The consumer mains cable from the main freestanding switchboard (adjacent to unit 1) to the underground connection point may also be at the incorrect depth. It is advised to verify the depth by engaging a licenced electrical worker or electrical contractor.

The auditing of a sample of the electrical installation is only for the purpose of checking compliance with the requirements of the *Electricity Act 1996* and Regulations.

Because breaches were identified in the sample of the electrical installation which was examined, it may be in your best interest to have an electrical contractor carry out a more extensive examination at the time the above breaches are rectified.

Under section 60 of the *Electricity Act 1996* it is the responsibility of the owner or operator of the installation to ensure that the electrical installation complies with the technical and safety requirements imposed under the regulations, and is safe and safely operated.

In accordance with the powers under section 62 of the *Electricity Act 1996* which have been delegated to me by the Technical Regulator, I hereby give a direction requiring the rectification of the above work. If not already completed, it should be done as soon as possible, and in any case by **18/06/2022**.

On completion of the repair work a copy of the Certificate of Compliance for the repair work must be sent to this office at-

**Office of The Technical Regulator
GPO Box 320
ADELAIDE SA 5001**

OR Fax to 8226 5529

A copy of the relevant extracts from the Act and/or Regulations are attached for your information.

Should you require further information on any matters relating to the above, please contact an Electrical Technical Standards & Safety Officer on telephone 8226 5518 between the hours of 8.30 a.m. to 4.30 p.m. Monday to Friday.

Yours sincerely

Clause 6(1)

**Authorised Officer
The Office of the Technical Regulator**

ELECTRICITY ACT 1996

Extract

Part 6—Safety and technical issues

60—Responsibility of owner or operator of infrastructure or installation

- (1) A person who owns or operates electricity infrastructure must take reasonable steps to ensure that—
 - (a) the infrastructure complies with, and is operated in accordance with, technical and safety requirements imposed under the regulations; and
 - (b) the infrastructure is safe and safely operated.

- (1a) A person who contravenes subsection (1) is guilty of an offence.

Maximum penalty:

- (a) if the person committed the offence intentionally or recklessly and with the knowledge that an immediate and material risk of harm to any person will or might result—
 - (i) if the offender is a body corporate—a penalty of \$250 000; or
 - (ii) in any other case—a penalty of \$50 000; or
 - (b) in any other case—
 - (i) if the offender is a body corporate—a penalty of \$100 000; or
 - (ii) in any other case—a penalty of \$20 000.
- (1b) A person who owns or operates an electrical installation must take reasonable steps to ensure that—
 - (a) the installation complies with, and is operated in accordance with, technical and safety requirements imposed under the regulations; and
 - (b) the installation is safe and safely operated.

Maximum penalty:

- (a) if the offender is a body corporate—a penalty of \$50 000;
- (b) in any other case—a penalty of \$10 000.

Expiation fee: \$315.

- (2) For the purpose of ensuring under this section that an electrical installation complies with the technical and safety requirements and is safe, a person may, subject to the regulations, rely on a certificate of compliance issued under this Part in relation to the installation.

61—Electrical installation work

- (1) A person to whom this subsection applies who carries out work on an electrical installation or proposed electrical installation must ensure that—
 - (a) the work is carried out as required under the regulations; and
 - (b) examinations and tests are carried out as required under the regulations; and
 - (c) the requirements of the regulations as to notification and certificates of compliance are complied with.

Maximum penalty:

- (a) if the offender is a body corporate—a penalty of \$50 000;

(b) in any other case—a penalty of \$10 000.

Expiation fee: \$315.

(2) Subsection (1) applies—

- (a) if a licensed electrical contractor under the *Plumbers, Gas Fitters and Electricians Act 1995* or licensed building work contractor under the *Building Work Contractors Act 1995* has employed or engaged a registered electrical worker under the *Plumbers, Gas Fitters and Electricians Act 1995* to personally carry out work on an electrical installation or proposed electrical installation—to the licensed electrical contractor or licensed building work contractor; or
- (b) if a registered electrical worker under the *Plumbers, Gas Fitters and Electricians Act 1995* who personally carries out work on an electrical installation or proposed electrical installation has not been employed or engaged to do so by a licensed electrical contractor under the *Plumbers, Gas Fitters and Electricians Act 1995* or licensed building work contractor under the *Building Work Contractors Act 1995*—to the registered electrical worker.

(3) A prosecution for an offence against subsection (1) may be brought at any time within the period of 3 years after the date on which the offence is alleged to have been committed.

(4) If a person other than a person to whom subsection (1) applies personally carries out work of a kind prescribed by the regulations on an electrical installation or proposed electrical installation, the person must ensure that the work is carried out as required under the regulations.

Maximum penalty: \$10 000.

Expiation fee: \$315.

62—Power to require rectification etc in relation to infrastructure, installations or equipment

(1) If electricity infrastructure, an electrical installation or electrical equipment is unsafe, or the Technical Regulator believes on reasonable grounds that the infrastructure, installation or equipment is, or may become, unsafe when in use, or does not comply with this Act, the Technical Regulator may give a direction requiring—

- (a) rectification of the infrastructure, installation or equipment to the Technical Regulator's satisfaction within a period specified in the direction;
- (b) if appropriate, the temporary disconnection of the electricity supply while the rectification work is carried out;
- (c) the disconnection and removal of the infrastructure, installation or equipment.

(2) Subject to this section, a direction under this section must be given—

- (a) in relation to infrastructure—to the electricity entity that operates the infrastructure;
- (b) in relation to an installation or equipment—

- (i) in the case of an installation or equipment that is unsafe, or in relation to which it is reasonably believed that the installation or equipment is, or may become, unsafe when in use, as a result of work performed on the installation or equipment within 2 years before the giving of the direction and with the consent of the person in charge of the installation or equipment or the occupier of the place in which the installation or equipment is situated—to the person who carried out the work, unless that person is not authorised to carry out such work; or
 - (ii) in any other case—to the person in charge of the installation or equipment or the occupier of the place in which the installation or equipment is situated.
- (3) A direction may be given by written notice or, if the Technical Regulator is of the opinion that immediate action is required, orally (but if the direction is given orally it must be confirmed in writing).
- (4) A person to whom a direction is given under this section—
 - (a) must comply with the direction; and
 - (b) must not fail to take action specified in the direction to rectify the contravention within the period specified in the direction; and
 - (c) must not reconnect or permit the reconnection of the electricity supply, or connect or permit the connection of the infrastructure (or part of the infrastructure), installation or equipment to any other supply of electricity, without the written approval of an authorised officer.

Maximum penalty: \$50 000.

Expiation fee:

- (a) in the case of an offence against paragraph (c)—\$1 000;
 - (b) in any other case—\$315.
- (5) If a person does not comply with a direction, the Technical Regulator may take the action that is reasonable and necessary to have the direction carried out.
- (6) A person, authorised in writing by the Technical Regulator, may do what is reasonable and necessary to carry out the direction.
- (7) The costs incurred in carrying out the direction are recoverable as a debt due to the Crown.

Part 7—Enforcement

73—Power to require information or documents

- (1) An authorised officer may require a person to provide information in the person's possession relevant to the enforcement of this Act.
- (2) An authorised officer may require a person to produce documents in the person's possession that may be relevant to the enforcement of this Act for inspection by the authorised officer.
- (3) A person must not, without reasonable excuse, fail to comply with a requirement under this section.

Maximum penalty: \$20 000.

Division 3—Related matters

74—Self-incrimination

- (1) Subject to subsection (2), a natural person is not required to give information or produce a document under this Part if the answer to the question or the contents of the document would tend to incriminate the person of an offence.
- (2) If an authorised officer informs a natural person required to give information or produce a document under this Part that the requirement is made for the administration or enforcement of Part 6 relating to the safety of electricity infrastructure, an electrical installation or electrical equipment, and the information or document would tend to incriminate the person of an offence, the person must nevertheless give the information or produce the document, but the information or document so given or produced will not be admissible in evidence against the person in proceedings for an offence (other than an offence relating to the making of a false or misleading statement or declaration).

OFFICIAL
REGULATIONS UNDER THE ELECTRICITY ACT 1996
Electricity (General) Regulations 2012

Division 2—Certain electrical installation work

56—Certain electrical installation work and electronic certificates of compliance

- (1) The following provisions apply for the purposes of section 61(1) of the Act:
- (a) work on an electrical installation or proposed electrical installation that is work of any kind referred to in AS/NZS 3000 or another Australian Standard or Australian/New Zealand Standard called up by AS/NZS 3000 must be carried out, and the installation must be examined and tested—
 - (i) in accordance with AS/NZS 3000 and any Australian Standard or Australian/New Zealand Standard called up by AS/NZS 3000 and so that the installation complies with any other technical and safety requirements under these regulations; and
 - (ii) in accordance with the technical installation rules of the operator of the distribution network to which the installation is or is to be connected;
 - (b) subject to subregulation (1a)—
 - (i) if an electronic certificate of compliance is issued by a registered electrical worker who is an employed worker—
 - (A) the registered electrical worker must, before the electrical installation is made available for energisation, complete the electronic certificate of compliance to the extent required by the Technical Regulator under regulation 57 and issue the certificate to—
 - the contractor; or
 - the contractor's duly authorised agent; and
 - (B) the contractor or the contractor's duly authorised agent (as the case may be), if satisfied that the work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1), must—
 - complete the electronic certificate of compliance; and
 - within 30 days after the electrical installation was made available for energisation, provide the electronic certificate of compliance to the Technical Regulator and the owner or operator of the installation; or

- (ii) if an electronic certificate of compliance is issued by a registered electrical worker other than under subparagraph (i), the registered electrical worker must, within 30 days after the electrical installation was made available for energisation, complete and issue the electronic certificate of compliance to—
 - (A) the Technical Regulator; and
 - (B) the owner or operator of the installation;
 - (d) if the work is associated with the making of a connection to a transmission or distribution network, the electronic certificate of compliance (completed in accordance with paragraphs (b) and (c)) must be furnished to the operator of the network before the energisation of the work or a part of the work;
 - (e) if the work was, or examinations and tests were, carried out on behalf of the owner or occupier of the premises concerned (whether under a contract or arrangement made directly between the owner or occupier and the person to whom section 61(1) of the Act applies, under a subcontract or otherwise), the electronic certificate of compliance (completed in accordance with paragraphs (b) and (c)) must be furnished to the owner or occupier within 30 days after the installation was made available for energisation;
 - (f) the electronic certificate of compliance (completed in accordance with paragraphs (b) and (c)) must be stored at the business premises of the person to whom section 61(1) of the Act applies or, if that person does not have business premises, at that person's residence for at least 5 years after the installation was made available for energisation.
- (1a) Despite subregulations (1) and (2), a designated registered electrical worker must issue a hard copy certificate of compliance approved by the Technical Regulator that certifies that work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1) for the purposes of this regulation in accordance with any requirements of the Technical Regulator under regulation 57.
- (1b) Despite subregulation (1)(b)(i)(A), a registered electrical worker—
- (a) is not required to complete and issue an electronic certificate of compliance before an electrical installation is made available for energisation if it is not reasonably practicable to do so (for example, because the worker's electronic device cannot connect to a telecommunications network in the relevant location); but
 - (b) must instead complete and issue the electronic certificate of compliance as soon as is reasonably practicable after the electrical installation is made available for energisation.
- (2) An electronic certificate of compliance may not be relied on by an owner or operator of an electrical installation under section 60(2) of the Act if the certificate has been issued in relation to the installation by a registered electrical worker who is an employee of the owner or occupier.

Note:- Full copies of the Act and Regulations may be purchased from-
Government Legislation Outlet
 108 North Tce, Adelaide
 Or
 Download from the Internet www.legislation.sa.gov.au



Government of
South Australia

OFFICE OF THE TECHNICAL REGULATOR

GPO Box 320
ADELAIDE SA 5001

Telephone: 8226 5518
Facsimile: 8226 5529
E-mail: otrmail@sa.gov.au
Internet: www.sa.gov.au/otr

Our Ref: CE104448 (Please quote this number when contacting this Office)

Clause 6(1)

19/05/2022

Dear Clause 6(1)

Re: Electrical installation at

On 4/05/2022 an Authorised Officer under the *Electricity Act 1996* carried out an examination on a sample of the electrical installation at the above address on behalf of the Technical Regulator, and has reported that aspects of the installation may not comply with the requirements of section 61 (1) of the Act and regulations thereunder.

The aspects of the electrical installation that are considered to not comply are:

1. Underground wiring systems have been installed in breach of clause 3.11.4 of AS/NZS 3000:2018.

Details: The underground submains to units 1-8 have not been identified at the switchboard from which the circuit originates in breach of clause 3.11.4.6 of AS/NZS3000.

A copy of the above list has been sent to Community Corporation No. Inc.

From information supplied it would appear that you may be responsible for some or all of the above-mentioned work.

As an Authorised Officer, in accordance with my powers under Section 73 of the *South Australia Electricity Act 1996*, you are hereby required to provide the following information;

- a) ***Your response to each of the questions on the reply sheet.***
- b) ***Include in your response all copies of certificates of compliance issued by you for work done at this installation.***

- c) **On completion of the repair work a copy of the Certificate of Compliance for the repair work must also be sent to this office.**

You are required to reply in writing by 4/06/2022 using the attached reply sheet. Penalties for non-compliance with this requirement may apply.

Copies of Regulation 56, sections 60, 61, 62 and 73 of the *Electricity Act 1996* are attached for your information.

Should you require further information on any matters relating to the above, please contact an Electrical Technical Standards & Safety Officer on telephone 8226 5518 between the hours of 8.30 a.m. to 4.30 p.m. Monday to Friday.

Yours sincerely

Clause 6(1)

Authorised Officer

The Office of the Technical Regulator

Audit Reply Sheet

CE104448 Clause 6(1)

Due Date: 4/06/2022

Did you or an electrical worker employed by or contracted to you carry out any electrical work at the above address? **YES/NO**

If **NO** please explain.

If **YES** respond to the breaches, in the spaces provided below each breach.

1.1. Underground wiring systems have been installed in breach of clause 3.11.4 of AS/NZS 3000:2018.

Details: The underground submains to units 1-8 have not been identified at the switchboard from which the circuit originates in breach of clause 3.11.4.6 of AS/NZS3000.

.....
.....

If you did carry out electrical work respond to the questions, in the space provided below each question.

1. When did you personally start and finish the electrical installation work, or when did your firm start and finish the electrical installation work?

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2. Were any of these contraventions to the ELECTRICITY ACT 1996 a result of your work or a worker engaged by you?

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3. When and what actions do you intend to take concerning any contraventions of the ELECTRICITY ACT 1996 resulting from your work?

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4. If any of the contraventions to the ELECTRICITY ACT 1996 were the result of your electrical work, would you please provide an explanation for this?
Failure to provide an adequate explanation could result in prosecution or the imposition of an expiation fee for each breach of the Act.

Thank you for responding to this audit report, please post /fax/email this to the Office of the Technical Regulator by the due date given in the letter.

- ❖ Postal Address: GPO Box 320 ADELAIDE SA 5001
- ❖ Fax No: 8226 5529
- ❖ Email: otrmail@sa.gov.au

Please print your name: Date:.....

Signature: Business Contact Number:.....



Government of
South Australia

OFFICE OF THE TECHNICAL REGULATOR

GPO Box 320
ADELAIDE SA 5001

Telephone: 8226 5518
Facsimile: 8226 5529
E-mail: otrmal@sa.gov.au
Internet: www.sa.gov.au/otr

ENFORCEMENT

Our Ref: CE104448

Community Corporation No. [REDACTED]
[REDACTED]
[REDACTED]

31/08/2022

Dear Sir/Madam

I refer to previous correspondence in this matter. A copy of this letter is attached.

On 04/05/2022 and 13/5/2022, an authorised officer from the Office of the Technical Regulator ("OTR") conducted an electrical installation audit at the premises at [REDACTED]

In a letter dated 19/05/2022, the OTR confirmed the electrical installation was non-compliant with the requirements of the *Electricity Act 1996* ("*Electricity Act*") and *Electricity (General) Regulations 1997* ("*Regulations*"). That letter set out the relevant breaches of the AS/NZS 3000.

The OTR requested you arrange for repair works on the electrical installation to ensure compliance with the *Electricity Act* and *Regulations*.

In accordance with r 56(1)(b) of the *Regulations*, upon completion of the repair works, the registered electrical worker must complete a certificate of compliance. The OTR requested you provide a copy of the relevant certificate of compliance.

As the OTR has not received confirmation that all of the breaches of the AS/NZS 3000 have been rectified, the electrical installation at the above mentioned premises is listed as **non-compliant** with the *Electricity Act* and *Regulations*.

This letter notifies you that the premises has been listed on the Lands Titles Office database.

The effect of this listing is that, in the event of a sale of the premises, potential purchasers who buy a Property Interest Report will be advised that the OTR has an interest in the premises and that they may contact the OTR for further details in relation to the non-compliance.

This notification of non-compliance will remain on the premises until rectification work is completed and an electrical certificate of compliance is received by this office.

I remind you that under section 60 of the *Electricity Act* it is your responsibility to ensure the electrical installation complies with the technical and safety requirements imposed under the *Regulations* and that the electrical installation is safe and safely operated.

Section 60 of the *Electricity Act 1996* provides a maximum penalty of \$50,000.00 in the event of a successful prosecution.

It is in your best interest to ensure the breaches are rectified and the certificate of compliance is forwarded to this office.

A copy of the relevant extracts from the Act and/or Regulations are attached for your information.

Should you require further information on any matters relating to the above, please contact an Electrical Technical Standards & Safety Officer on telephone 8226 5518 between the hours of 8.30 a.m. to 4.30 p.m. Monday to Friday.

Yours faithfully

Clause 6(1)

for the **Technical Regulator**
Office of the Technical Regulator

McIntyre, Branka (DEM)

From: DEM:OTR Mail
Sent: Friday, 28 October 2022 3:07 PM
To: [REDACTED]
Cc: DEM:OTR Mail
Subject: CM: RE: CM: Re:RE: Fw:E1372727 - [REDACTED]
 !!!

OFFICIAL

Hello ^{Clause 6(1)} [REDACTED],

Breach 1.1 has been rectified however breach 1.2 is still outstanding.

Please note that further investigations have found that this breach is not limited to unit 2.

Our office and an independent electrical contracting company have carried out cable depth measurements and found a number of cables supplying electricity to units 1- 8, particularly at the lower end of the drive-way, are not at the correct depth as required in AS/NZS3000 "The Wiring Rules".

We have not received any evidence that multiple cables supplying units 1 – 8 are at the correct depth under the common drive-way.

Regards,

Office of The Technical Regulator
 Department for Energy and Mining
 Postal: GPO Box 320 Adelaide SA 5001
 Ph: 8226 5518
 Email: otrmail@sa.gov.au



Out of scope