

WESTERN POWER — POWER POLE DEFECT NOTICES

Grievance

MR M. HUGHES (Kalamunda) [9.33 am]: My grievance is to the Minister for Energy. Minister, following the judgement of the Supreme Court of Western Australia sitting as the Court of Appeal handed down on 2 July 2021 on liability for the cause of the 2014 Parkerville fire, Western Power announced that it would commence the inspection of power poles on private property that are directly connected to the network. As I understand it, Western Power began these inspections in mid-October 2021. The inspections are conducted to ensure that the supply of electricity from the network remains safe. The poles are variously referred to as consumer poles, carryover poles and attachment poles.

The question of responsibility for the safety of the distribution network on private property and the ensuing liability was settled by the Court of Appeal, which determined it is the responsibility of not only the property owner, but also Western Power. In apportioning liability, the court found Western Power to be the primary tortfeasor, given its breach occurred over many years. Although the focus of the court's decision was the cause of the fire in the rural setting of Parkerville and apportioning liability, it was taken to extend to all attachment poles in whatever setting, including those in non-rural residential settings, hence the subsequent increased vigilance of Western Power in carrying out inspections across the network.

Here is the rub for my constituents who have been subject to the new inspection regime. Minister, the need to put safety first is not disputed, but an excess of zeal is. Their complaint, and the basis of my grievance to the minister, relates to defect notices issued regarding lattice or tripod poles. These poles were standard at the time of their installation but are now deemed non-standard. The Western Power website provides information to the public on the reasons a private power pole will be assessed as defective—that is, the lack of structural integrity. The reference to lattice or tripod poles refers specifically to rusting and corrosion. There is no reference to the fact that lattice or tripod poles are defective in and of themselves because they are now considered non-standard. However, on the power pole defect notice the reference to lattice or tripod poles is a separate item and regarded as a defect because it is a non-standard metal structure regardless of whether it is structurally sound.

I have had previous correspondence from Western Power on non-standard lattice or tripod poles in respect of a defect notice issued in 2019, following a decision by Western Power to upgrade the main transmission lines outside a residence in Echo Street, Kalamunda. The owner was told the pole had to be replaced because it was climbable. This was corrected by Western Power as incorrect advice. The nub of the written clarification given is as follows —

The type of legacy tripod consumer pole has been found to be unstable when disconnecting the overhead service wire. From a safety perspective, Western Power has adopted a policy where it is no longer prepared to contribute to any continued safety risk by incorporating non-compliant customer equipment in maintenance works; primarily this involves customer poles such as this, and points of attachment.

That is the poles I have mentioned. These legacy poles were compliant at the time of installation of the connection to the network. They are not inherently unsafe, and do not pose a present and real danger. Demonstrably they have been fit for purpose for decades. They remain fit for purpose until similar major maintenance work of the type described at the property in Echo Street, Kalamunda needs to be undertaken. Plainly, the need for replacement in those circumstances is warranted.

The property owners referred to in the grievance who were served with current notices and given 90 days to rectify the defect, in default of which they will be disconnected, do not fall into the category of necessary maintenance work to the overhead service wire.

Electrical contractors responding to approaches by property owners to fix defects are having a field day. There are wide variations in quotes for the work, with quoted figures of between \$4 000 and \$7 000 for the replacement of a single pole. One constituent who has three poles on his property, although required by Western Power to replace only the attachment pole, was told by one contractor that unless he replaced all three, at between \$4 000 and \$5 000 each, together with cabling, meter box, and new fuse holders and isolators would cost upwards of \$20 000, the contractor would not undertake the work. I recognise that is a separate problem. My request, however, is that Western Power re-examine the decision to axiomatically include tripod lattice attachment poles in its defects notice as a result of its inspection regime, except for those notices that relate to the assessed compromised structural integrity of a pole, or where a pole needs to be replaced because it is included in maintenance work of the type described in the correspondence previously provided by Western Power on this matter.

I thank the minister for taking my grievance.

MR W.J. JOHNSTON (Cannington — Minister for Energy) [9.40 am]: I thank the member very much for the grievance and for representing the interests of his constituents so assiduously. I am very pleased to discuss this matter. I have also had discussions with the members for Swan Hills and Darling Range, who are similarly impacted

upon by the decision of the Court of Appeal here in Western Australia to extend the obligations of Western Power to the safety of the private point-of-attachment pole, which is the first consumer pole on a property.

This is a difficult issue, because the question of the safety of the pole and the consumer assets on the property is not now, nor has it ever been, the responsibility of Western Power, and the safety risks are exactly the same today as they were yesterday and will be tomorrow. There can be serious safety issues with consumer poles that are not matters regulated by Western Power. Of course, that does not change the safety risks. Consumers also have obligations to other agencies, including the Department of Mines, Industry Regulation and Safety through building and energy safety, for their consumer infrastructure.

Taking this out of the peri-urban area and into a more suburban setting, a Western Power crew will sometimes attend a property to change a meter box or do other work to the service connection and will find that there is inadequate and unsafe wiring in a house and they will disconnect power to the house. Local members, including me, are sometimes approached by people saying, “It’s outrageous. Western Power disconnected my house.” Of course, it is actually because Western Power is not allowed to make a connection to an unsafe property, because it has obligations. The Court of Appeal held that Western Power is not only liable, as the act specifies, for its own infrastructure; it is also potentially liable for the infrastructure that its infrastructure is attached to. If a service connection goes to a first consumer pole, Western Power is required to maintain the safety of that first element.

Western Power—like Horizon Power and, indeed, other network service providers in other states that are watching this matter closely—has now adopted a new practice, which is to inspect the private point-of-attachment pole. Photos have been provided to me by Western Power of a situation in which the service connection came in and the consumer pole was on the ground. The service cable continued to a second pole on the ground and then went up to a third service pole and into the house. Clearly, everyone would agree that that is unacceptable. That is what the member’s constituents were particularly concerned about, and as I say, other members have raised this issue with me. The challenge then is when it is not an imminent danger, but there is a failure of the consumer pole to meet the obligations set for Western Power.

In that regard, Western Power has issued 90-day notices in respect of lattice and tripod private poles. The decision to identify these structures as requiring replacement was based primarily, as the member explained, on current network operator technical specifications and the recommendations in the applicable Australian standards and building and energy guidelines. Western Power acknowledges that queries have been raised about this decision, and therefore would like to take the opportunity to review its position on the appropriate treatment of lattice and tripod pole structures and alternative options that may be available for both the owners of the pole and Western Power as the network operator.

Whilst this process is underway, Western Power has made the decision to pause any action on any of the currently issued 90-day replacement notices, and will not be issuing additional 90-day replacement notices that are based on the specific structure of the pole. However, new notices may still be issued, should the condition of the lattice and tripod structure be deemed to be in an unsafe state and to require immediate remediation. Western Power will be updating its advice to make sure that people are aware of the approach it is now taking.

I must emphasise that there will still be occasions when structures are not considered to be safe and Western Power will take action, as it is required to, to comply with the decision of the court. I want to also let members know that Western Power has, with the approval of the government of Western Australia, introduced a hardship program and can therefore make hardship arrangements with consumers to assist in the process of making consumer poles on private properties safe. If members have constituents who are in hardship, they should ask them to speak directly to Western Power. If there are any challenges there, they should invite them, through their offices, to contact my office and we will work with them.

This is a very difficult issue. Western Power is seeking leave to appeal to the High Court, and network service providers all around the country are watching this. It is a completely new expectation on network service providers, but we do not yet know whether the High Court will even consider the matter. I thank the member again, and I acknowledge the other members who also have an interest in this matter.