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#### **REVIEW OF THE REGULATORY FRAMEWORK FOR METERING SERVICES**

The Electrical Trades Union of Australia ('the ETU') is a division of the Communications, Electrical and Plumbing Union ('the CEPU').<sup>1</sup> The ETU is the principal union for electrical and electrotechnology tradespeople and apprentices in Australia, representing well over sixty-one thousand workers around the country. The CEPU represents close to one hundred thousand workers nationally, making us amongst the largest trade unions in Australia.

In the spirit of reconciliation, the ETU acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

The ETU welcomes the opportunity to make a submission to the Australian Energy Market Commission's (AEMC) Review of the Regulatory Framework for Metering Services (the Metering Review).

ETU members are directly impacted by the operation of the regulatory environment that pertains to metering and we welcome the initiative to explore improvements to metering services for both consumers and for workers. ETU members perform work across multiple jurisdictions and employers, engaging in the installation, servicing, repair, and replacement of metering services.

The quality, safety, and complexity of work performed by ETU members spans domestic, industrial, commercial, and mining sectors. It is critical that high standards of job security, work health and safety, consumer safety, and quality controls are maintained and applied consistently across the industry. This can only be achieved by the AEMC recognising that the regulatory framework for metering services directly impacts the prevalence of unsafe, insecure, and low-quality metering

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<sup>1</sup> CEPU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth).

services. The current regulatory framework would benefit from significant improvements to better deliver safety for workers and the public while also delivering better outcomes for consumers.

The ETU notes that this current review is almost completely blind to the impacts on workers that this regulatory framework can cause and what effect regulatory change will have on job security, work health and safety, consumer safety, or quality of work. In fact, during discussions with the AEMC, representatives of the regulator regularly seek to dismiss or 'buck pass' the ETU's concerns as somehow being someone else's responsibility.

The reality is, the AEMC's regulatory framework is directly responsible for facilitating the fragmented conditions which lead to workers and consumers being unnecessarily exposed to asbestos, workers being moved from permanent secure jobs to precarious employment arrangements, and for the performance of unlicensed and low-quality metering services work.

The AEMC must reform the regulatory framework to mitigate these consequences and to stop facilitating an unsafe, insecure, and low-quality metering services industry, with its resultant impacts on workers and consumers.

The following is a series of accounts from ETU members of the impacts resulting from the current regulatory framework.

### **Asbestos**

Asbestos exposures have skyrocketed under this regulatory framework and the proposed review does nothing to curtail this significant safety concern to both workers and consumers. In fact, the existing framework and the scope of the review will simply allow for this problem to continue to grow.

The regulatory framework is driving some deeply disturbing behaviours where companies deliberate manipulate which work is performed by who, knowing full well that trained crews following proper procedures will not meet the productivity or time requirements being driven by the contestable model.

Instead, what happens is these jobs get issued to installers that are well known for doing the job 'quickly'. While technicians in companies with proper safety and training take approximately 1-4 hrs to safely remove and install new meters on asbestos panels, other businesses take half the time simply by not following proper safety procedures. Due to the lack of training, their workers often have no idea of the risks or how to identify or manage them.

On example reported by an ETU member, which is a prevalent issue reported to the Union, included:

*'We were required to isolate a multi-tenancy block of units for a meter installer engaged by the retailer, the switchboard panel was asbestos, and he had to change multiple meters. He had no safe work plan for the removal and install of meters on this asbestos panel.'*

- *No face mask*
- *No HEPA vacuum cleaner*
- *No asbestos removal bags*

- *He had no equipment to do this job safely*

*I returned approximately 1 hour later for re-energisation and found asbestos dust on bottom of switchboard and asked him if was going to clean that up and explained the dangers of working with asbestos, he said no and had no idea how.*

This subject is perhaps the one issue that every single metering employee is most fearful of. As was described by an ETU member from Queensland:

*Although Ergon /Energex has very high standards for working with and disposal of Asbestos Containing Materials (ACM) this was not always the case, with the now across the board decision for electrical contractors (ECs) to carry out solar installs on boards with ACM. The board or at least the meter panel must be replaced. This was vigorously resisted by the company saying we could not pass on the cost of an upgrade on the consumer. Due to constant pressure from the ETU with regard to safety the company yielded, and ECs now have to replace a minimum of the panel on solar installs.*

*This is now embraced by EQ who are seen to be industry leaders because of this and other innovations led from the field. (I find it amusing seeing how hard they opposed these changes.)*

*But that is only one task (solar installs) that has elimination as the control measure. Field staff are tasked daily with working with and on switchboards and metering equipment. Even with solar installs only the meter panel is required to be changed. In this case I would go so far as to say as almost no EC decontaminates the site to the required standard, and our direct staff begin work and only find out after they have started that there is possible ACM still in the area.*

*I myself have been to site where I have informed the EC on site that they need to decontaminate the area, in this case the EC produced a Makita Vacuum to carry out this task. I informed him that unless it was a H class vacuum it was not to be used on Asbestos cleanup without the correct filter system*

*ACM would just be dispersed through the site.*

*However, the above was one of the better cases, our experience is that the favored tool for an EC to cleanup a site is a battery powered blower. I was on a site once where the board had been changed and there was a blower on the ground with other tools. I remembered this particular incident as there were small children playing nearby.*

*On retail led meter exchanges no upgrade or elimination takes place. Ergon/Energex staff carry out these jobs with all our controls that is*

- *a positive airflow hood,*
- *a HEPA H class vacuums,*
- *wet wipes,*
- *double bagging of ACM waste,*
- *in most cases a generator to supply power to the vacuum cleaner, and*
- *special designed meter panels that are stuck onto the board to eliminate or drastically minimize destructive methods to affix the meter.*

*As you can see this is the safest method but has an impact on time and cost per job. At the end of the day we will be compared to contractors on a per job rate to see if we remain the preferred tender.*

The AEMC regime places direct financial pressure on industry participants to engage in this behaviour. A failure to acknowledge this pressure will necessarily lead to heightened asbestos exposure and, subsequently, an increase in asbestos related diseases.

The Commonwealth Government has a longstanding commitment to combat the dangers of asbestos. The AEMC should work proactively with industry, unions, health and safety regulators, and the Asbestos Safety and Eradication Agency, to develop a regime to help remove this scourge from our society.

## **Efficiencies**

The regulatory framework is driving deep inefficiencies in the way work is performed. Lower skilled workers are less productive and the fragmented contracting out model means sites are often visited several times unnecessarily.

A case in point is the frequency with which a worker attends a site on a job where an asbestos panel is identified on a meter exchange driven by the retailer. Regularly the job won't proceed due to the technician not being trained and/or not having the required safety equipment to remove and install a new meter. The job then goes back and gets issued out to trained persons.

Contestability has also led to a serious lack of understanding of site factors which, while affecting worker safety, also lead to inefficient installation times.

Access to a meter position is impacted by numerous factors and rather than recognising and allowing for these factors, the regulatory framework actually promotes 'competition' to see who can get around these the fastest, all the while comparing 'productivity' with no consideration of climatic, geographical, legacy engineering, and socioeconomic factors the vary significantly from region to region.

For example, ETU members regularly face a multitude of factors in accessing meters, including:

- Switchboards located at different parts of a property providing for access issues such as location or aggressive dogs not restrained
- Switchboards located near creek or river crossings creating access issues such as vehicle suitability, wet conditions, etc, or
- Challenges with native wildlife that inhibit switchboards like the prevalence of snakes and spiders etc

Examples of incidents ETU members experience include:

*Meter installer receiving notification of switchboard at back of house and dog was restrained, walked through gate and started commencing work on switchboard and dog came out from other side of house and attacked the meter installer, received various bite marks and hospitalised.*

*Meter installer working on metering position located on property pole was charged by aggressive bull, major injuries.*

*Meter installer working on switchboard near creek bed, open switchboard panel and snake made aggressive approach.*

*Meter installer had a switchboard located under the house with a height approximately 800mm, basically crawled on hands and knees about 10 metres, struck head on supporting beam.*

*Switchboard located down 5 flights of stairs in basement one way in one way out, no lighting in switch room, limited access, no ventilation.*

Every one of these scenarios is viewed through the prism of ‘taking longer than required to perform the job’. Manifestly, this prism places workers at greater risk of injury or death. Again, the AEMC should work with industry, unions, and health and safety regulators to deliver a regime that promotes – or at least does not endanger – worker safety.

### **Training and Safety**

There are many meter installers in the system who have no work practices, no safety equipment to safely do these jobs, and who are frequently leaving the customer’s premises in an unsafe situation with asbestos dust in and around switchboard.

There is limited monitoring, compliance, or enforcement activities overseeing the work or the finished product. There are occasional ‘desk top audits’ and even more infrequent actual site visits and inspections. The AEMC simply argues that it is ‘someone else’s responsibility, or worse, AEMC representatives demand to know why the ETU ‘doesn’t do something about it’ despite not providing any resources to the ETU, nor any authority to conduct monitoring, compliance and enforcement activities. Despite this, the ETU does regularly follow up these complaints and wherever possible seeks to prevent them or remediate them.

The AEMC must decide where it stands on this issue. Either it should build in strong requirements around safety and training into the regime, or it should explicitly countenance a role for the ETU in enforcing that training and safety issues which result.

### **Insecure Work**

Contestability has led to an explosion of insecure and unlicensed work. What were formerly well paid, secure jobs are now being displaced with a ramping up of contracting out, labour hire, and casual employment contracts.

ETU members often report to us that they have been performing the same work, for the same DNSP, for the past 7 years but have ‘changed shirts’ up to five times in that period (working for different employers). They have no annual leave, no personal leave (ie. sick leave), are on a lower hourly rate, and miss out on the benefits of accrued long service leave. The employers refuse to engage them as permanent due to the cyclical nature of the contracts, with this cyclical nature directly resulting from the AEMC’s current regime.

While the employers change under contestability the workers don't, and each time a new contract is awarded the very same workers simply flow to the new employer but without the entitlements.

What's worse is the AEMC continues to rely heavily on the arguments of the electrical contracting businesses, that giving more work to the contracting businesses themselves is in the best interest of consumers. The self interest is evident, but never questioned or challenged by the AEMC.

In meetings with the AEMC the ETU has been challenged as to why the 'workers or the Union don't report it', demonstrating a complete lack of understanding of the nature of precarious work the risks workers face in raising any kind of safety issue. If a worker raises a safety issue in one of the many labour hire or sub-contractors the employer pretends they weren't aware and will remedy it immediately and by the start of the next shift the worker is notified they are no longer required.

The AEMC's regime should acknowledge the significant benefits which flow from metering being performed by a stable workforce. Such a workforce is better trained, works more safely, and is – ultimately – more productive and cost effective. But the real commercial value for an employer of having a permanent workforce is undercut by the way the current regime operates, failing to deliver certainty to any of the industry participants.

## **Conclusion**

Until the AEMC accepts that their regulatory framework has a direct relationship to the prevalence of insecure, unsafe, and low-standard work practices, it is impossible for the ETU to support any regulatory framework being proposed.

This review continues to turn a blind eye to the impacts on workers and consumers and what affect regulatory change will have on job security, work health and safety, consumer safety, and quality of work. The ETU would welcome the opportunity to enter into meaningful discussions with the AEMC in order to address these deficiencies and so that a future regulatory framework is fit for purpose and adequately balances the needs of consumers and the safety of workers.