

2014

Manager, Customer & Community Engagement
Locked Bag 14051,
Melbourne City Mail Centre,
Melbourne VIC 8001

Dear Mr. ,

MIRN

Intention to Replace Existing Gas Meter

Thank you for your recent offer to replace my existing gas meter with the same type of meter.

Sadly, this matter between us occurred after an attempt to changeover the meter had been revealed when I found the installer's card in my letter box; which happened almost a week prior to receiving an official SP AusNet letter announcing the changeover. Had my dog not kept your unannounced installer off the premises, I may have received one of your Model 750 meters installed on to my property against my will, which I would be most unhappy about.

May I say that I am not normally an aggressive person as might be presumed from my previous letter; however the Smart Meter Rollout (SMR) has forced many power company customers to conclude they cannot trust what the various power companies tell them anymore.

This is because companies like SP AusNet lied to their electricity customers claiming it was the customers who were "mandated" to have the smart meters installed instead of the power companies being "mandated" by the government to undertake the Smart Meter Rollout. This deception perpetrated upon Victorians was bad enough, but then things became worse!

A friend sent me a copy of an SP AusNet smart meter installer's 'list of instructions' that gives installers permission to break well-established trespassing laws, by informing them to:

- "Enter a property without the customer's explicit permission..."
- "Ignore general 'no trespass' or 'do not install' signs..."

A copy of the notice to your installers can be viewed on the last page of this letter and an extract of the notice is shown below.



As a meter installer, you are allowed to:

- Enter a property to conduct maintenance of SP AusNet's assets or for the installation/upgrade of a meter
- Use the designated path of entry to enter a customer's property to access SP AusNet's assets
- Enter a property without a customer's explicit permission to access SP AusNet's assets
- Open a closed gate or fence on a customer's property in order to access SP AusNet's assets
- Ignore general 'no trespass' or 'do not install' signs (ensuring the environment is safe) to access SP AusNet's assets
- Walk away from a property if the situation is unsafe (notifying your Team Leader immediately)

For SP AusNet to encourage their contractors to break the law in this instance is a criminal act perpetrated upon Victorians at the highest level of your company. Had the person receiving this notice taken legal action, your company could have been fined severely, and the manager responsible possibly jailed. This evidence of your company's blatant abuse of Australia's criminal law demonstrates your company's corporate leadership is run by criminals.

To explain this aspect of trespass better, the judges of the High Court of Australia's decision in [Plenty v Dillon](#) (1991) 171 CLR 635 F.C. 91/004) made the following statements that confirm my claims above (with the relevant **emphasis** indicated):

"The respondents entered as police officers with all the power of the State behind them, **knowing that their entry was against the wish of the appellant and in circumstances likely to cause him distress.** It is not to the point that the appellant was unco-operative or even unreasonable. **The first and second respondents** [police officers] **had no right to enter his land. The appellant was entitled to resist their entry.** If the occupier of property has a right not to be unlawfully invaded, then, as Mr Geoffrey Samuel has pointed out in another context, the "right must be supported by an effective sanction otherwise the term will be just meaningless rhetoric."

"If the courts of common law do not uphold the rights of individuals by granting effective remedies [against trespass in this case], **they invite anarchy, for nothing breeds social disorder as quickly as the sense of injustice which is apt to be generated by the unlawful invasion of a person's rights,** particularly when the invader is a government official. The appellant is entitled to have his right of property vindicated by a substantial award of damages."

What SP AusNet is effectively saying is that Plenty V Dillon applies only to police officers and NOT to their staff and contractors; thereby putting SP AusNet's commercial interests above the civil law – meaning there is no trespass law. No wonder that we (as 'customers') are rightfully suspicious of ANY offer being made to us by any electricity or gas company employee.

Therefore, where you say in your letter:

The Email 610 meter currently installed at your premise, and any replacement meter, will not contain radiofrequency devices of any kind, and do not emit radiofrequency. The metering will not be fitted with pulse output capability, and it will continue to be manually read. This is the standard set-up for domestic gas meters on SP AusNet's gas distribution network.

From what you say, I am willing to have your replacement Email 610 meter installed on my property provided it is what you claim it to be – that it "*will not contain radiofrequency devices of any kind and do not emit radiofrequency...[and] will not be fitted with pulse output capability...*".

Thank you for this statement; however I will agree to allow the meter changeover to take place only if the following conditions have been met:

1. I would like to receive some written acknowledgement (an email and a mailed letter would be nice) from you acknowledging my concerns here.
2. I would like your written reassurance there will be no 'retrofitting' of the Email 610 meter with a radio frequency device at any time in the future. If any such retrofit does take place without my consent or knowledge, I will hold **you** and **the CEO of SP AusNet** personally liable for this breach of trust, as I stated in my previous letter.
3. Assuming you agree to points 1 and 2, I would like you to provide for me the first and last name of the person(s) who intend exchanging my gas meter. This information should be provided at least 7 days prior to the intended changeover date.
4. I would like the replacement meter's internal meter section 'opened' so that I can be given access to inspect the inside of the meter for any radio frequency devices present.
5. Once I am satisfied the replacement meter is free of any radio frequency devices and I deem it suitable to install, your contractors can complete the installation.

██████████, I am sorry that circumstances require me to be so blunt, but the utility companies have damaged their credibility among many Victorians through their criminal acts. Unless individuals like me take this stand against our laws being broken and our rights being trampled on, we will no longer have any freedoms that remain, as provided by our laws.

Yours faithfully,

June 2013

INSTALLER RIGHTS AND RESPONSIBILITIES

When conducting work on behalf of SP AusNet, our staff, contractors and installers are afforded rights and responsibilities you can rely on and must adhere to. Some of the most common rights and responsibilities related to meter installations are outlined below:



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As a meter installer, you are not allowed to:

- Compromise your safety or the safety of others
- Threaten or abuse a customer
- Conduct other activities on a customer's property not related to SP AusNet business without a customer's permission
- Wilfully damage, or take with you, a customer's property (e.g. meter boxes)
- Wilfully damage SP AusNet's property

You must always:

- Consider your safety and the safety of others as paramount
- Treat customers and their property with respect
- Carry and show photo identification when requested by a customer
- Complete an ESV Safety Advice Card and leave this and an install pack with the customer
- Make every effort to notify the customer of your attendance on-site
- Report any abuse or threats from customers immediately

More detail about your rights and responsibilities when conducting work on behalf of SP AusNet can be found under **Section 93** of the *Electricity Industry Act 2000*.

Should you or customers have any questions about your rights and responsibilities, please don't hesitate to contact our Customer Service Centre on **1300 360 795** (and press 8, then 2 for priority service).

SP AusNet

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