

Submission to the Developing a Land Access Code of Practice Draft Decision

Submission received through Engage Victoria

From 15 June to 27 July 2023, the commission accepted submissions on our draft Land Access Code of Practice via Engage Victoria. On 17 July 2023 we hosted an online public forum on the project, followed by an in-person forum with landholders on 25 July 2023. We have used these submissions to inform our final decision.

Date submitted: 27/07/2023

Name: Anonymous

Stakeholder/interest group: Community member

Q6. Do you consider that the current proposed obligations in the code of practice provide enough clarity on what is expected from transmission companies when accessing land? Do the proposed obligations provide sufficient flexibility to develop new transmission projects and undertake significant upgrades?

No. This code is a extremely onesided code, with little proection for affected party. An idependant body is required to ensure the ETC are adhering to codes and socially acceptable behaviour, and when they do not there is a body to "police" their actions. Understanding ESC involvement in this, there is no body checking the checker, nor will ETC self reporting allow for good practice.

Q7. Do you agree to the code of practice applying to all stages of a new transmission project in which section 93 access may be required?

Q8. Do you identify any issues with the proposed scope of the code of practice – that it would apply to all new transmission projects and significant upgrades on existing transmission projects?

No. The Section 93 is forced upon an affected party, for something that was never sought. There is nothing in the code of practice re fair and reasoned legal representation paid by the ETC, either in pre access discussion voluntarily access or not. This must be available in a situation of a Hostile Access or Take over of private land/business by another private entity

Q9. Do you have any comments on the proposed general communication and engagement obligations on transmission companies before accessing land?

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Relevant and appropriate - How determines what is relevant or appropriate? This is so open ended and would lead to exploitation by the ETC, as already being experienced from AusNet's process of the WRL

Q10. Do you have any comments on the proposed information and notices that should be provided by transmission companies to affected landowners and occupiers before accessing land under section 93 of the Act or entering into a voluntary access agreement? Should any information be added, removed or amended?

Yes. All persons (individuals) proposed to be accessing affected parties property, should be individual identified for OH&S, Biosecurity purpose and also Commercial and Personal public liability insurance details of all individuals entering Affected parties property must provide insurance details - Insurer and policy numbers

Q11. Do you consider that the proposed timing of 10 business days is sufficient period for a Notice of Access?

There is a need to have a time line, but 10 business days in the agricultural sector is very limiting, when farming programs and practices are controlled by many factors

Q12. Do you have any comments on the proposed maximum access period?

No more than 6 months. Dependant on the stage of process. Discovery access should be limited to 2 week. Construction 3 months Maintenance 6 months

Q13. Do you have any comments on the proposed risk mitigation obligations in the draft code of practice?

This is covered by many other Act's of legislation. The risk to the agriculture sector is significant on biosecurity, health and bushfire, but following on from these the economic risk is monumental

Q14. Do you have any comments on the proposed specific risk mitigation obligations in the draft code of practice related to biosecurity protocols, fire risk management and health management?

Q15. Do you have any comments on the proposed complaints handling and dispute resolution obligations in the draft code of practice?

This is ambiguous in its terms. So the ETC is controlling the dispute resolution process, until escalated to higher level??? And where does that go? AEIC and EWOV have not proven to be a successful means of dispute resolution. This is the largest hole in this code of practice, and requires significant investment in structure and power to enable this code to be anywhere near a workable code. This void has been truly exposed over the last 3 years of the WRL PROPOSED

project This is like the abuser controlling the resolution of the abused,. Hasn't worked in the Catholic Church, and will not work here in such a 'imposing' legislation

Q16. Do you have any comments on the Energy and Water Ombudsman Victoria (EWOV) being the proposed dispute resolution scheme? Are there other dispute resolution bodies we should consider? What would be the costs and benefits of those options?

As above

Q17. For what period of time should transmission companies be required to retain records related to land access?

20 years. A breach of biosecurity could have multigenerational repercussions on affected party

Q18. What scope of records should transmission companies be required to retain?

All

Q19. Are the proposed reporting requirements appropriate to monitor compliance with this draft code of practice? If no, what reporting should be required? Do you have any comments on whether the monthly reports should be used for additional purposes?

As per previous comments, the ETC should be monitoring its own compliance, but this cannot be controlled by the ETC. Who is physically auditing their compliance (not just their paper based report, who is out in the field physically monitoring their compliance?)

Q20. Is there any additional information we should consider on the expected costs and benefits of the draft code of practice?

Q21. Are there any other issues with implementing the code of practice we should consider?

OH&S legislation, as previously mentioned !Please find marked up Land Access Code of Practice attached. There are significant holes throughout this code. Being mindful, that I am not on the government payroll to reimburse my time and effort to construct this code, and I have a business to run and stress of a potential hostile take over to overcome.