

# 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: 23/07/2023**

**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?**

Perhaps.

**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?**

The Electricity Industry Act (Vic) grants extraordinary powers of land access to 'electricity corporations'. Where existing infrastructure and land access agreements are in place, this is completely reasonable. However, without a landowners consent, even law enforcement must gain a warrant from a judicial officer to enter private property. The proponents of new transmission projects can now be private, foreign owned companies with limited local knowledge or concern beyond economics. In the interests of transparency and accountability in the use of these powers, landholders deserve that each land access request be signed off by the Minister responsible for the Act being invoked. The seriousness of forced land access must be understood and justified.

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

Where a voluntary agreement cannot be reached, the proponent should request land access via the Minister responsible for the Act for each impacted property. Landholders should be allowed the opportunity to submit a letter to the Minister (to explain their objections) which would be presented simultaneously with the proponents request. A great deal of time and money could be saved with the ministers early arbitration and possible identification of frivolous access requests and routes unlikely to succeed.

**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?**

That the decision to access this property will be reviewed by the minister. That the landowner has the opportunity to explain to the minister why a voluntary land access agreement could not be reached and explain any special circumstances pertaining to the property or its connection to the surrounding area. That the landowners input will be reviewed by the minister at the same time as the access request.

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

No. It should be 30 days from confirmed receipt of the notice. The notice should be correctly addressed.

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

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

**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?**

**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?**

I dealt with EWOV when my property was initially accessed by AusNet. EWOV was very thorough and they provide an important service. EWOV has a jurisdictional limitation in that they cannot prevent a land access or future land access. This is why I am advocating for the Minister to be more involved and accountable in the initial land access requests.

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

For forced land access, they should be permanent publicly held documents. These transmission projects have real potential to cause permanent environmental, economic and social damage. Future projects and governments will benefit from the lessons learnt.

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

Access dates, qualifications of staff, sample results, landholder and traditional owner objections, mitigation measures, heritage and ecology recorded at location. All to become public documents not held by the transmission company.

**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?**

**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?**

6.7 million people live in Victoria. The 5 million of us that live in Melbourne are totally reliant on the regions for our food, fibre, timber, water, earth resources, natural spaces, bio-diversity and energy. Lets make sure we value all the people and places that sustainably produce the things essential to our way of life and demand accountability from the people we elect to ensure that continues.

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