

OFFICIAL



# Electricity Transmission Company Land Access Draft Statement of Expectations

**AusNet marked up version – PUBLIC**

23 March 2022



CONFIDENTIAL

**An appropriate citation for this paper is:**

Essential Services Commission 2022, Electricity Transmission Company Land Access Draft Statement of Expectations: Draft, 23 March

**Copyright notice**

© Essential Services Commission, 2022



This work, Electricity Transmission Company Land Access Draft Statement of Expectations, is licensed under a Creative Commons Attribution 4.0 licence [[creativecommons.org/licenses/by/4.0/](https://creativecommons.org/licenses/by/4.0/)]. You are free to re-use the work under that licence, on the condition that you credit the Essential Services Commission as author, indicate if changes were made and comply with the other licence terms.

The licence does not apply to any brand logo, images or photographs within the publication.

CONFIDENTIAL

Preface

# 1. About this statement of expectations

## 1.1. Purpose

- 1.1.1 The objective of this statement is to establish the commission's clear expectations of Victorian electricity transmission licence holders when a licensee accesses private land under its powers derived from section 93 of the Electricity Industry Act 2000 (the Act).<sup>1</sup> Section 93 of the Act can be found in Appendix A of this document.

*AST comment: We agree, in principle, with the stated purpose but we consider the content of the document goes far beyond a licensee's exercise of its statutory rights under s.93. The draft SOE required a licensee to comply with engagement principles and, through the examples, specific actions that can only occur well in advance of a decision to exercise s.93. Further, the SOE expressly states in section 2 below that it will apply to negotiated access agreements, which greatly exceeds the scope stated here.*

- 1.1.2 This statement of expectations seeks to achieve a balance between the statutory right for electricity corporations to access private lands where necessary to provide their essential services, and the rights of those interested in the land affected by that exercise of power. It promotes effective engagement between landowners and parties interested in land<sup>2</sup> and electricity transmission companies as critical partners in the delivery of major energy projects, and provision of essential transmission services.

*AST comment 1: A licensee's right to exercise s.93 is more limited than "where necessary to provide the [ licensee's] essential services". The language of the section itself limits its use to the activities enumerated in s 93(1), and only where those activities are undertaken for the purposes of the EIA. Section 93 is not for use at large.*

*AST comment 2: We note this phrase is used in s93(2) but isn't defined. AusNet's preference is for the SOE to make it clear that it relates to parties holding a legal interest in the land, and this be stated in the text of section 1.1 (and the references to parties holding a (legal) interest in the land throughout the SOE).*

## 1.2. Date of effect

This statement of expectations was published on dd/mm/yyyy and takes effect from XXX-

<sup>1</sup> It is noted that the power under section 93 of the Act may be exercised by electricity corporations, which includes distribution companies, transmission companies and generation companies. This statement of expectations only applies to transmission companies in relation to greenfield augmentations undertaken in accordance with a transmission licence at this time, though a future code of practice may have a broader scope.

<sup>2</sup> The term 'parties interested in land' appears in section 93(2) of the Act, and may include a tenant with a leasehold interest.

CONFIDENTIAL

### 1.3. Application

1.3.1 This statement of expectations is made by the commission pursuant to section [XX of XX Act]. It applies to holders of electricity transmission licences issued by the commission under section 19 of the Act (electricity transmission companies).

*AST comment 1: As noted in our covering letter, the SOE should clearly state the head of power the ESC relies upon in making it.*

1.3.2 This statement of expectations applies to private land access by electricity transmission companies under the statutory power derived from section 93 of the Act during all stages of a transmission project lifecycle (that is, planning, investigation, construction, maintenance and operation).

*AST comment 1: As explained in our covering letter, the scope of the SOE should be limited and the limits of its application clearly stated. Should be limited in application - land access using section 93 statutory power, not all land access.*

*AST comment 2: Unless s. 93 powers are used, AST has some form of tenure document which provides for that right when conducting construction, maintenance and operation (e.g. an easement for a transmission line or a lease etc). Access to the land is via the agreed tenure document, not under s. 93.*

*A practical example is the situation where an easement specifies the landowner provides access to the easement land via their driveway or private track, avoiding the need to maintain gates, fences and unnecessary access tracks on the easement land.*

### 1.4. Changes to this statement

This statement of expectations is an interim measure, pending the commission's future development of a Code of Practice under Part 6 of the Essential Services Commission Act 2001 in relation to land access.

### 1.5. Reporting outcomes

The commission may request an electricity transmission company to report outcomes achieved in meeting the expectations set out in this statement. This data and other information about how the expectations are being adhered to will be reported publicly and compliance levels will be taken into account by the commission in its approach to a Code of Practice.

*AST comment: As noted in our covering letter, more specific details on any proposed reporting requirements are needed and should be the subject of public consultation. Reporting arrangements should also not require a licensee to disclose any commercially confidential information.*

CONFIDENTIAL

## 2. General principles for land access

The following table details general principles that the commission expects to apply to all instances of private land access undertaken by an electricity transmission company under the statutory power derived from section 93 of the Act, together with examples of actions by an electricity transmission company to give effect to the principles

The commission also expects these principles to be applied as minimum requirements where an electricity transmission company accesses private land for greenfield transmission projects under the statutory power derived from section 93 of the Act an agreement negotiated with a landowner, or with a person holding a legal interest in the relevant land.

**AST comment 1:** *The SOE should be limited to land access under s. 93 for proposed greenfield transmission augmentation projects and not to agreed access rights or existing infrastructure or existing tenure rights. Failing to limit the scope in this way gives rise to significant compliance costs and practical consequences for BAU transmission operations and maintenance.*

**AST comment 2:** *The second paragraph seeks to extend the scope of the SOE to negotiated agreements. It is neither necessary nor appropriate for the SOE to apply in respect of such agreements. If a licensee accesses land under a negotiated agreement, the licensee is not exercising its rights under s. 93. As noted above and in the cover letter, the scope of the SOE is properly limited to greenfield transmission augmentation projects. We suggest this second paragraph should be removed.*

General Principle	
1	<p><b>Comply with this statement of expectations</b></p> <p>An electricity transmission company will comply with this statement of expectations, and with any additional access terms and conditions agreed in writing with landowners or parties interested in land.</p>
Approach to communication and engagement	Examples of actions by electricity transmission companies
2	<p><b>Ensure staged, timely engagement and consultation</b></p> <p>An electricity transmission company will:</p>

CONFIDENTIAL

An electricity transmission company will undertake staged, timely, relevant and appropriate engagement and consultation with landowners and parties interested in land potentially affected by a proposed greenfield transmission ~~project~~augmentation.

*AST comment: The application of this principle increases the scope to engagement prior to serving a s.93 notice / negotiating access. For reasons outlined in our letter we consider the scope should be limited greenfield augmentation, where s. 93 powers are used.*

- As early as is practicable in the planning process, publish details of the project, timeline, and key milestones

*AST comment: It may not be reasonable to provide details and timeframes early on. It is more practical to provide a best estimate of timelines and milestones, and updates as information changes.*

*For example, planning and environmental approval is prerequisite for detailed construction planning activities.*

- Outline the electricity transmission company's commitments ~~and landowners' rights~~ in plain English

*AST comment: We agree that it is appropriate to outline our commitments, but consider it is not best practice to tell landowners what their rights are so as to avoid any actual or perceived conflict of interest.*

- Explain what landowner input is likely to be needed and why, and at what stages of the project
- Provide timely updates and additional details as necessary to inform affected ~~stakeholders~~landowners on project progress.

### 3 Be accessible and responsive

An electricity transmission company will provide affected landowners with an accessible point of contact in the company. They will be available to respond to questions and

- Provide a designated person, such as a 'land liaison officer', for each landowner.

CONFIDENTIAL

address issues promptly during all stages of a transmission project.

- Provide an emergency contact for outside business hours.

*AST comment: We suggest amending this to refer to a 24/7 contact number, rather than a specific contact person (which would cause a disproportionate resourcing impost given we would not expect emergencies to arise on land that does not yet have network built on it - a licensee's call centre is able to liaise with security staff and the control centre if required - this will be sufficient). The use of the word emergency is confusing - all emergencies should be referred to the proper authorities.*

#### 4 Use accessible, readable communications

All electricity transmission company communication materials regarding land access must be readable and readily accessible by those affected by a transmission project.

- Ensure all materials are written in plain English, concise and easy to follow. Avoid use of legal language.
- Ensure all material is readily accessible. General information may be published on an electricity transmission company's website, notifications placed in local papers or other media where warranted, and letters sent to affected landowners.

*AST comment: Site specific details can be confidential and posting publicly often not appropriate and may arouse tensions between neighbours.*

- Provide links to translation services in communications.

#### 5 Employ respectful two-way communication

- Conduct all communication collaboratively, sensitively and respectfully.

CONFIDENTIAL

An electricity transmission company will communicate openly and honestly, and act respectfully and collaboratively with landowners and other parties interested in land affected by its proposed land access.

Wherever possible, an electricity transmission company will incorporate landowner feedback into its decisions regarding proposed land access.

- Ensure that anyone who engages with landowners from or on behalf of the electricity transmission company has training in appropriate and effective stakeholder engagement, including on the principles in this document.
- Be flexible where possible to reschedule appointments if requested by the landowner.

***AST comment:** Our ability to be flexible can be limited by emergencies on site and time critical or seasonal surveys. Therefore, we suggest amending to say: "If requested by the landowner, use reasonable endeavours to reschedule appointments where doing so does not delay time critical works or cause additional costs".*

- ~~Adapt the mode and method of access if appropriate, if requested by the landowner.~~

For example, where it is possible without impacting project timelines,

adjustments could be made to minimise harm when paddocks are wet, during critical days of seasonal production operations, or when a landowner is unavoidably absent from a property.

***AST comment:** As this example relate to timing, we suggest removing references to adapting the mode and method of access. There is often no alternative to use*

CONFIDENTIAL

*heavy equipment and vehicles to perform most work tasks.*

- On request from a landowner an electricity transmission company should share ~~the~~ non-confidential outcomes of its investigations with the landowner where appropriate and where able to do so.

***AST comment:** Edited as sharing investigations may expose the confidential information of other landowners and commercial parties (eg LiDAR imagery).*

## Process of communication and engagement

## Examples of actions by electricity transmission companies

### 6 Identify and contact those affected

An electricity transmission company will make diligent and comprehensive efforts to identify and contact landowners and others likely to be directly affected by its proposed land access.

- Contact the registered landowner of the property to be accessed.
- Contact persons occupying the property to be accessed.
- Implement reasonable fallback measures when contact is not achieved or acknowledged (for example, making enquiries with neighbouring properties).

***AST comment:** We suggest removing this example. Contacting a landowner's neighbour is perceived as harassment by the landholder. In our experience, neighbours do not want to provide details or be seen as assisting the electricity transmission company.*

### 7 Provide identification on contact

An electricity transmission company will ensure that anyone contacting landowners regarding land access (whether by

CONFIDENTIAL

phone or ~~in writing~~ verbally in person) from or on behalf of the electricity transmission company, will clearly identify themselves and who they work for, and specify the purpose of the contact.

**AST comment 1:** *We suggest self-identification be verbal where contact is in person or by phone to better reflect the methods of communication used.*

**AST comment 2:** *Providing identification must be balanced with protecting the privacy and personal safety of those contacting landowners and in the field. Best practice in protecting our people is for land liaison officers to use their first names and ID card number only.*

## 8 Outline access rights and obligations

An electricity transmission company will provide information on the rights of landowners' and parties with a legal interest ~~interested~~ in the land in relation to its land access, as well as the company's commitment to meeting the principles in this statement of expectations.

**AST comment:** *We agree that it is appropriate to outline our commitments, but we consider it is not best practice to tell landowners what their rights are, as these rights could be wide-ranging or specific to a landowner's specific circumstance. We are also concerned that it may give rise to actual or perceived conflicts of interest. We invite the ESC to clarify its expectations.*

An electricity transmission company will publish this statement of expectations on the electricity transmission company's website.

- Direct stakeholders to this statement of expectations and to related published information.

## 9 Make clear when and why access is required

An electricity transmission company will provide such information as is reasonably necessary for a landowner to understand when and why proposed access to the landowner's property is required.

Explain:

- which stage of the transmission project lifecycle access relates to (that is for planning and investigations, construction, or for operation and maintenance of installed assets)

**AST comment:** *As stated above, AusNet would usually have an agreement in place with the landowner by the construction stage. If such, this information*

CONFIDENTIAL

*obligation is not required for the construction, operation and maintenance phases.*

- the best estimate (at the time notice is given) of the exact dates and approximate times when access is sought, and any changes to these dates and times

**AST comment:** *Dates and times may change based on and times makes organising protests and physical opposition to the access much more likely in those situations where relevant.*

- the specific types of activities to be conducted on the land
- the purpose of access (for example, survey, physical investigation, photographs or works)
- the nature of proposed investigations (for example, soil composition, groundwater, flora, fauna, indigenous sites)
- the specified area or areas of land which are requested to be accessed (if this can be identified prior to gaining physical access)
- the expected point or points of entry if the landowner informs the electricity transmission company in a clear and timely manner.

**AST comment:** *We would require the landowner to identify this and communicate with us.*

CONFIDENTIAL

## 10 Explain the processes involved

An electricity transmission company will provide information on the processes and decisions relating to its action of land access for greenfield transmission projects purposes.

- Provide timely information to help landowners ~~and parties interested in land~~ to understand the opportunities they have to participate in consultation on the project ~~understand what decisions they can and cannot influence for a transmission project~~. This information should be provided in addition to the general information listed in principle 2.

**AST comment:** *This is more accurately expressed as helping landowners understand the opportunities they have to participate in consultation on the project. It is not appropriate to require a licensee to be responsible for explaining a landowner's rights other than in general terms.*

- Explain interactions of the access sought with environmental, planning and other relevant government processes.

## 11 Commit to details on how access will occur

An electricity transmission company will consult with landowners on access details and commit to how access will occur. Where possible, landowners' preferences will be taken into consideration.

- Identify and agree where possible with the landowner the dates, times and expected duration of access. Identify the mode of access, whether on foot, or by vehicle, ~~or air (for example, using a drone)~~.

**AST comment:** *AusNet considers that when acting in accordance with all civil aviation safety authority (CASA) rules, the use of public air space by drones and helicopters does not infringe the rights of landowners. CASA rules*

CONFIDENTIAL

*effectively regulate the use of drones. Therefore, any reference that associates flight over property with land access should be removed.*

- Identify what equipment will be used.
- Identify how many people are expected to enter the land on behalf of the electricity transmission company, and which company or organisation they represent.
- Commit to minimising attendance where possible and appropriate, generally only with those personnel necessary to perform investigations or works permitted to access a property.

***AST comment:** Security personnel may be necessary in some instances to ensure the safety of our staff and contractors.*

## 12 Give reasonable notice of proposed access

An electricity transmission company will ensure that notice periods and notice content (that is, providing details of activities) are reasonable. These must be proportionate **with to** both the stage of the project, and **with-to** -the potential impact **of access** on landowners and parties **with a legal interested** in **the** land.

An electricity transmission company will establish and publish minimum notice periods for land access during different stages of its transmission projects (that is, planning, investigation, construction, maintenance and operational stages).

- Seek agreement on reasonable notice periods for access that reflect land use and timing requirements (for example, stages of crop growth, animal husbandry).
- Establish a preferred protocol with landowners for providing adequate notice for access requests or changing of access requests (for example, email, phone call or letter).

CONFIDENTIAL

**AST comment:** Publishing minimum notice periods for accessing based on stages would likely contravene agreed access requirements and cause delays where more frequent access is required. This won't work operationally. For section 93, we usually provide 7 days prior notice. If we have an agreement with the landowner for access or an easement, the document will contain the agreed access notice period (if any).

Where possible, notice periods and formats should reflect the landowner's reasonable preferences.

### 13 Keep records

~~In accordance with electricity transmission licences, an electricity transmission company will maintain access-related records of its contact with landowners and parties interested in land for a period of seven years~~

An electricity transmission company is required to keep records in accordance with the conditions of its electricity transmission licence.

- ~~Confirm verbal exchanges in writing.~~

**AST comment:** We are concerned this requirement may create an unnecessary point of friction between licensees and landowners. A file note is sufficient and would provide for better relationship management.

- Document all communications regarding access between electricity transmission company officers and landowners.
- ~~Make these communications available to the landowner upon their request.~~

### 14 Maintain confidentiality and respect privacy

An electricity transmission company will ensure that it collects and maintains data strictly in accordance with privacy legislation.

Apply privacy principles to access-related information collected. This includes:

**AST comment:** We suggest that the SOE refer directly (and only) to the Privacy Act and/or the APPs as some of the examples given below are not consistent with our interpretation of what the APPs require.

- ~~only collecting information that is needed~~

CONFIDENTIAL

- ~~protecting personal information ensuring the security of personal information in accordance with~~
- ~~using personal information only for the purpose that it was collected.~~
- ~~Provide individuals with the right to correct their personal information if necessary.~~
- 

## Managing impacts of access

## Examples of actions by electricity transmission companies

### 15 Minimise impact on land and landowners

An electricity transmission company will take all reasonable measures to minimise the impact of its access on landowners and parties ~~with a legal interest~~ interested in land, and on the land itself.

This reflects the company's statutory obligations in section 93 of the Act to do as little damage as possible, and to make full compensation to the owner and all parties interested in the land for damages they sustain in consequence of the exercise of the statutory access powers under section 93 of the Act.

**AST comment:** *The SOE must be clear that the obligations to do as little damage as possible and to pay full compensation for any damage sustained are directly linked to the exercise of s.93, and do not apply to access at large. Nevertheless, AusNet routinely offers to compensate landowners for damage pursuant to access agreements.*

In exercising a statutory powers of access, an electricity transmission company will:

- cause as little harm, inconvenience and damage as possible to the land, as well as anything on or growing on the land
- remain upon the land only for such a period as is reasonably necessary
- remove all plant, machinery, equipment, goods or buildings brought onto, or erected on, the land on completion of access (other than any of those things that the landowner or occupier agrees may be left on the land)

**AST comment:** *Some surveys require equipment to be left on a property overnight e.g. nocturnal*

CONFIDENTIAL

*surveys, or where completion of survey activities requires more than one day.*

- leave the land— as close as possible— in the condition in which it was immediately before the land was accessed
- use best endeavours to cooperate with the landowner and land occupier.

## 16 Meet expected work standards

An electricity transmission company will ensure that all its activities on the land are undertaken in accordance with all relevant Commonwealth, State and Local Government legislation. These activities are to be conducted in a proper, efficient and effective manner.

## 17 Meet requirements for field-based employees and contractors accessing land

An electricity transmission company will require all persons entering or accessing land on its behalf to provide identification, if requested, on each entry. Such persons are expected to have the relevant skills, training and qualifications to undertake their allocated tasks.

All persons must respect the landowner's privacy, private assets and infrastructure. All gates, fences and grids are to be left as found, unless otherwise advised by the landowner [or in accordance with good industry practice when s. 93 permits the cutting of locks.](#)

***AST comment:** We utilise s. 93 when we cannot agree access with a landowner. It is not uncommon for us to cut a lock and re-padlock it with a metal tag locked into the padlock. This notifies the landowner of our attendance and ensures that the gate is re-secured and the landowner can use his/her padlock to re-enter and be unobstructed. This particular type of lock also allows us to re-enter this access*

- Where practicable, ensure vehicles use existing roads, access points, tracks, designated work areas or set-down areas.
- Where not practicable, liaise with landowners to determine the most appropriate paths of entry.
- Use risk mitigation measures. Specific examples such measures are set out in principles 18 to 21.

CONFIDENTIAL

*point in future and use the AST padlock. This situation needs to be accommodated under the SOE.*

All reasonable measures to identify, avoid and mitigate risks must be observed, as well as compliance with this statement of expectations.

#### 18 **Implement environmental and biosecurity controls**

An electricity transmission company will take all reasonable actions to ensure that in accessing land, it does not spread weeds, pests or pathogens. They will endeavour to consult with landowners to understand property-specific needs and provide details of environmental and biosecurity policies and plans on request.

***AST comment:** When landholders are not willing to consult with us and we have to use s.93 as a last resort, we often do not have enough information about preferences to cater for specific property needs.*

#### 19 **Manage fire risks**

An electricity transmission company will take all reasonable measures to identify and mitigate fire risks associated with accessing and using land for transmission.

#### 20 **Manage COVID and other health risks**

An electricity transmission company will implement a COVID-safe protocol to cover all aspects of access.

An electricity transmission company will implement other measures and protocols as required. This action is in accordance with orders issued by the Minister for Health under the Public Health and Wellbeing Act 2008.

### **Managing complaints and disputes effectively and fairly**    Examples

#### 21 **Implement effective complaint handling**

An electricity transmission company will implement effective complaint-handling processes and standards that meet current Australia and New Zealand standards for complaints handling.

CONFIDENTIAL

This will ensure honest, respectful, and timely responses to issues raised by landowners and parties interested in land affected by its land access.

## 22. Offer dispute resolution

**AST comments:** *AusNet has a strong working relationship with EWOV for the resolution of land access disputes. We support EWOV providing dispute services in future to improve our working relationship with landowners.*

*However, there is a risk that landowners may seek to use the complaints or dispute resolution process to prevent or delay AST in exercising section 93 power while a complaint is investigated by EWOV.*

*Dispute management processes should restore trust and rectify any detriment but should not delay essential works. The whole point of section 93 is that there is a dispute about access but we need to proceed with the works – hence the limited scope of its application, the ‘do least harm’ obligations and the default compensation mechanism. Urgent and time critical works may need to occur – concurrently to dispute resolution.*

An electricity transmission company will offer third party dispute resolution to landowners and parties interested in land affected by its land access.

An electricity transmission company will provide landowners and parties interested in land affected by its land access with details of the Energy and Water Ombudsman Victoria (EWOV) scheme.

An electricity transmission company will ensure that its negotiated access agreements include provision for third party dispute resolution.

**AST comments:** *We consider the SOE may not have jurisdiction to require clauses in negotiated access agreements, as this is a contractual matter between AST and the landowner. If there is an access agreement between AST and a landowner, then AST will be accessing the land via the agreement, not utilising section 93. This SOE has a confused scope.*

EWOV may resolve disputes involving its electricity transmission company members.

- Where access does not meet reasonable expectations under this statement of expectations, landowners and parties with a legal interested in affected land may pursue dispute resolution through EWOV or through any third party dispute resolution body nominated under their negotiated access agreement.

CONFIDENTIAL

## Exception to notification to deal with emergencies

An electricity transmission company must ensure its network is always maintained and operated in a safe way.

If an emergency occurs during the design, planning, construction, maintenance or operation phases of a project, an electricity transmission company may require immediate access to land without prior notice in order to meet its safety or other legal or regulatory obligations. This Exercising a statutory power to gain access to land in such circumstances ~~action~~ is consistent with an electricity transmission company's legal rights and obligations, including the Act, the *Electricity Safety Act 1998 (Vic)*, *Electricity Industry (Residual Provisions) Act 1993 (Vic)*, national technical and safety regulation, and relevant easement terms and conditions.

As soon as practicable after the emergency access occurs, the electricity transmission company is expected to provide affected landowners and parties with a legal interested in the affected land with details of the access. This must include information on the time, duration and purpose of access.

CONFIDENTIAL

## 2. Expectations of landowners and parties interested in land

Landowners and parties with a legal interest in the affected land are critical partners and stakeholders with electricity transmission companies in the delivery of major energy projects. They also play a major role in provision of essential transmission services.

Cooperation and acceptable workable SOE outcomes are more likely to be achieved where landowners:

- liaise with the electricity transmission company in good faith
- provide responses to electricity transmission company requests or notices with minimum delay
- respect the rights and activities of the electricity transmission company, and provide reasonable access
- promptly notify the electricity transmission company of any damage to property caused by the company
- engage in negotiations with the electricity transmission company to determine appropriate conduct and compensation arrangements
- ensure that those present on their land do not impede the electricity transmission company's authorised activities and do not, in any circumstances, jeopardise the physical or personal safety of any authorised representative of the transmission company.

-The enforceability of the SOE can be compromised by landowner lack of cooperation with these expectations.

**AST comment:** *AusNet welcomes the ESC's recognition of the important role that landowners play in managing land access issues during the life cycle of transmission projects. However, we consider the ESC should strengthen its position and excuse the licensee from comply with certain obligations in the SOE in circumstances where landowners adopt and maintain an obstructionist or manifestly unreasonable position where the licensee has acted in accordance with the SOE. For example, commitments to physically obstruct or prevent access to the property could allow the licensee to provide less specific timeframes for access.*

CONFIDENTIAL

## Appendix A

### Section 93 Powers as to works etc.

#### Extract from the Electricity Industry Act 2000

Taken from Version No. 093, Electricity Industry Act 2000

Version incorporating amendments as at 1 March 2022

#### 93 Powers as to works etc.

- (1) For the purposes of this Act, an electricity corporation, subject to this Act—
  - (a) may enter upon any lands and sink bores and make surveys and do any other acts or things necessary for sinking bores or making surveys; and
  - (b) may, with any equipment or devices, receive, store, transmit, or supply electricity, water, brown coal or products of brown coal over, or under, any land and may enter on any land upon either side of such equipment and fell or remove any tree or part of a tree or any obstruction which in the opinion of the electricity corporation it is necessary to fell or remove; and
  - (c) subject to the **Water Act 1989**, may divert water from any waterway, lake, lagoon, swamp or marsh, or alter the bed, course or channel of any waterway; and
  - (d) subject to the **Road Management Act 2004**, may enter upon any public or private land or roads and construct any works or place on under or over any such land or road any structure or equipment and may repair, alter or remove any such structure or equipment or any works under its control; and
  - (e) may do all other things necessary or convenient for constructing, maintaining, altering, or using any works or undertakings of, or under the control of, the electricity corporation.
- (2) In the exercise of the powers under subsection (1), an electricity corporation must do as little damage as may be and, must, if required within 2 years from the exercise of the powers, make full compensation to the owner of and all parties interested in any land for any damage sustained by them in consequence of the exercise of the powers.
- (3) Compensation under subsection (2) shall be either a gross sum or a yearly rent as may be agreed and, in default of agreement, shall be determined in the manner provided in the **Land Acquisition and Compensation Act 1986**.
- (4) An electricity corporation may exercise its powers under this section by its officers or employees or by any other person authorised in writing by it or by the officers or employees of any such person.
- (5) This section applies—

**OFFICIAL**

- (a) to a distribution company, transmission company and a generation company holding a licence under Part 2; and
- (b) to the holder of any other licence under Part 2 as if a reference in this section to an electricity corporation included a reference to the holder—

and so applies—

- (c) subject to the conditions of the licence in relation to the exercise of powers under this section; and
- (d) subject to any provision of a Code of Practice about the entry on land by a person referred to in paragraph (a) or (b).

(6) The entitlement to compensation under subsection (2) is not affected by—

- (a) anything to the contrary in the **Road Management Act 2004**; or
- (b) any right conferred by, or any obligation or duty imposed under, the **Road Management Act 2004**.

(7) A provision of a Code of Practice about the entry on land by a person referred to in subsection (5)(a) or (b) has no effect to the extent that it—

- (a) confers, or purports to confer, any right or power which is inconsistent with the **Road Management Act 2004**; or

(b) imposes, or purports to impose, any obligation or duty which is inconsistent with the **Road Management**