

# Making a Land Access Code of Practice

## Consultation fact sheet



## The Essential Services Commission is proposing an enforceable code of practice on how electricity transmission companies can access land

### Consultation open

On 15 June 2023, the Essential Services Commission proposed rules that electricity transmission companies must follow when using their powers under section 93 of the *Electricity Industry Act 2000* to access private land.

We want to hear from stakeholders to ensure that the final code is practical and effective.

### Have your say!

You can provide feedback by completing our survey or lodging a submission via Engage Victoria at <https://engage.vic.gov.au/making-a-land-access-code-of-practice>.

The website also includes access to our full report into our draft decision. Submissions and survey responses are due by **5pm on 27 July 2023**.

### Developing the new code

The proposed code of practice aims to set minimum processes that transmission companies must follow for land access – pursuant to statutory powers before accessing land, during land access, and after land access has occurred.

### How is the proposed code enforceable?

The Essential Services Commission is Victoria's independent regulator of essential services. We regulate energy businesses through licensing, rulemaking, and promoting compliance and taking enforcement action on licenced energy businesses.

Having rules in a 'code of practice' means the commission can take a range of enforcement actions such as issuing penalty notices or commencing legal proceedings for breaches of the code of practice.

### Who would the proposed code apply to?

The proposed code would apply to any licenced electricity transmission companies using land access powers under section 93 of the *Electricity Industry Act 2000*. The Land Access Code of Practice would apply to:

- Any activities relating to land access for new transmission projects and significant upgrades on existing transmission assets.
- Any stage of a new transmission project – planning, investigation, construction, maintenance and operation.





## Summary of proposed obligations and processes for land access

The following provides a summary of the obligations in the code of practice that would apply to electricity transmission companies. A full description of obligations is set out in our draft decision at: <https://engage.vic.gov.au/making-a-land-access-code-of-practice>.

Before accessing land	During land access	After land access
<ul style="list-style-type: none"><li>• Communicate with and provide project information to landowners, occupiers and other parties interested in land.</li><li>• Once a project progresses, to provide more specific information to landowners and occupiers regarding access, timing of access and section 93 rights and obligations.</li><li>• Publish on its website details of the projects and a summary of the affected parties' rights and the transmission company's obligations.</li><li>• Send a 'notice of proposed access' to a landowner 10 business days beforehand, with detailed information about the proposed access.</li></ul>	<ul style="list-style-type: none"><li>• Staff and contractors who access land must have the relevant training and skills, and respect the privacy and private assets of affected parties.</li><li>• Minimise inconvenience and damage to the land.</li><li>• Consult on biosecurity needs with landowners and occupiers. Develop, implement and provide information to landowners and occupiers of biosecurity policies and procedures in accordance with good industry practice.</li><li>• Consult with landowners and occupiers and implement policies and procedures relating to fire risk and health risk management.</li></ul>	<ul style="list-style-type: none"><li>• Manage complaints in a timely manner and in accordance with processes developed in accordance with Australian standards.</li><li>• Provide information on an approved customer dispute resolution scheme.</li><li>• Inform affected parties of their rights to refer complaints to a customer dispute resolution scheme approved by the commission.</li><li>• Transmission company must maintain records of all contact with affected parties related to land access.</li><li>• Provide monthly reports to the commission to monitor compliance, which may be published by the commission.</li></ul>

### What is out of scope of the code?

Compensation arrangements, acquisition of easements and obligations on landowners are beyond the scope of the proposed code. The *Land Acquisition and Compensation Act 1986* regulates compensation amounts and processes, which is not directly administered by the commission.

The proposed code does not prescribe the content of voluntary access agreements. However, to help landowners make informed decisions, the code would require transmission companies to provide information to landowners before entering into voluntary access agreements.

