

# Public engagement summary: Developing a Land Access Code of Practice

## Project background

There have been significant challenges associated with the engagement of landowners by electricity transmission companies in respect to their access to private land for the development of new transmission projects. In particular, in relation to the consultation and engagement process undertaken by transmission companies with landowners and affected parties when exercising their power to access land under section 93 of the *Electricity Industry Act 2000* (the Act). The scope of these matters was considered in our 2022 consultation process. The outcomes of this process are documented in the [Electricity transmission company land access statement of expectations | Engage Victoria](#) in addition to our '[explanatory statement](#)' which summarises the initial community concerns we heard in relation to land access.

To help mitigate these challenges and build on interim expectations outlined in the Statement of Expectations, we have developed an enforceable Land Access Code of Practice (code of practice) regulating access to private land under section 93 of the Act. The code of practice applies to all stages of new transmission projects and relevant upgrades to existing lines, such as augmentation or extension. It does **not** apply to operation and maintenance activities on existing lines, access agreements entered into prior to the commencement of the code of practice, access to private land by easement, or to land that is not private land.

Under the Act, a transmission company may exercise its statutory right to access land under section 93 subject to any provision of a code of practice about the entry on land. Until now, there has not been a code of practice that regulates how transmission companies should exercise this statutory right.

The development of the code of practice involved a structured engagement program. This program included forums, roundtables and requests for feedback via Engage Victoria (see below). Through our engagement activities, stakeholders confirmed the need for a land access code of practice to help improve consultation and effective engagement between landowners, affected parties and a transmission company during the entire land access process.

We expect the code of practice to reduce costs, delays and disputes related to private land access. The code of practice requires a transmission company to report to the commission about its land access activities. This will allow us to take compliance and enforcement actions against transmission companies where there are alleged breaches of the code of practice and monitor whether transmission companies are making tangible improvements in relation to land access.

## How we engaged



### Key dates

- May 2022: Released Statement of Expectations regarding land access as an interim measure
- December 2022 – March 2023: Early stakeholder forums and meetings
- 2 February: Release of [Making a Land Access Code of Practice Consultation Paper](#)
- February – June 2023: Formal Consultation to develop draft Code of Practice
- 15 June 2023: Release of [Making a Land Access Code of Practice Draft Decision](#) and [Draft Land Access Code of Practice](#)
- June 2023: Consultation sessions with community and industry
- 15 June – 27 July 2023: Submissions to the Draft Decision and draft Land Access Code of Practice
- 30 November 2023: Final decision released
- 1 March 2024: Code of practice takes effect



### Methodology

We worked to provide stakeholders with several opportunities to engage with this process.

### Statement of Expectations

We released a Statement of Expectations in May 2022 as an immediate, targeted and interim response to community concerns and provide a framework for the use of land access statutory powers. We required AusNet to report on their monthly performance against the principles outlined in the statement of expectations, noting data collected has informed the final version of the code of practice.

We held a public forum on 13 December 2022 where we heard from stakeholders about their experience with land access following the release of the *Electricity Transmission Company Land Access Statement of Expectations*. We also provided information on timelines and engagement platforms.

### **Draft code of practice**

We sought public submissions via Engage Victoria at two stages:

- Consultation paper to develop draft code of practice (February/March 2023)
- Draft decision accompanied by the draft Land Access Code of Practice (June/July 2023)

Stakeholders were invited to provide feedback on the draft code of practice using a method most suitable to their needs. They could make submissions through an online survey or by making general comments over email, mail or phone.

Stakeholders were notified about this opportunity through emails, the commission's webpage and social media.

We also held various forums during the submission period in July 2023:

- Online public forum on 17 July 2023
- Online industry session on 18 July 2023
- Grampians Shire Council Transmission Forum on 19 July 2023
- Roundtable with landowners in Ballarat on 25 July 2023

We presented the proposed scope and content of the draft code of practice at the 17 July 2023 public forum. Stakeholders provided their feedback on the draft code of practice and shared their experiences regarding land access.



### **Number of participants**

- 5,574 views of our Engage Victoria Code of Practice page between 01 November 2022 – 31 October 2023
- During our consultation to develop a draft code of practice between 2 February 2023 and 3 March 2023, there were 494 unique visitors to our Engage Victoria page
- During our consultation on the draft code of practice between 15 June 2023 and 27 July 2023 there were 367 unique visitors to our Engage Victoria page

- 15 stakeholders responded to our consultation paper in February/March 2023
- 37 participants (mostly landowners) attended the Online Public Forum on 17 July 2023
- 14 participants attended the Industry Session on 18 July 2023
- 7 landowners attended the Roundtable in Ballarat on 25 July 2023



**Number of submissions received (written, verbal)**

- 10 submissions to our consultation paper in February/March 2023
- 12 submissions received on the draft decision from:
  - AusNet
  - TransGrid
  - Australian Energy Infrastructure Commissioner (AEIC)
  - Energy and Water Ombudsman (EWOV)
  - City of Melton
  - Australian Energy Market Operator (AEMO)
  - Energy Networks Australia (ENA)
  - Law Institute of Victoria
  - RE-Alliance
  - Clean Energy Council (CEC)
  - Moorabool and Central Highlands Power Alliance (MCHPA)
  - Community members (x9)