



# Submission to electricity transmission company land access Statement of Expectations

## **Submission received through Engage Victoria**

From 24 March to 19 April 2022, the commission accepted submissions on our draft Statement of Expectations for electricity transmission company land access via [Engage Victoria](#). On the 4 April 2022 we hosted a public webinar on the project, followed by a meeting with industry representatives on 5 April 2022. We have used these submissions to inform our final decision.

**Date submitted: 12 April 2022**

**Name: Steven Harper**

**Stakeholder/interest group: Landowner, Business owner and Operator, Landcare**

### **Q5. What has worked well in relation to prior instances of land access?**

Over the past 18 months AusNet's approach to landholders including myself has been disingenuous, deceitful, and aggressive. Ausnet's actions in relation to the project and land access has been permeated by intimidation tactics and bullying behaviour specifically when seeking access to land. AusNet have deliberately sought to intimidate and apply stand-over tactics to myself and other landholders.

This activity has been underpinned by a lack of meaningful process, lack of trust, lack of social license and above all, a critical lack of accountability when it comes to exercising land access powers.

There have been physical assaults on landholders undertaken by AusNet and its agents. The stress and anxiety imposed on landowners is part of a deliberate effort to "wear" the community down – it's not working.

This all leads to an urgent need to develop through, transparent and accountable mechanisms for accessing land.

**Q6. What key challenges have you faced under current land access arrangements?**

As being undertaken in NSW by TransGrid, landholder's should reserve the right to deny access. Land may only be accessed under volunteer consent. If the project proponent can demonstrate suitable rational to the landholder, then the landowner may decide for themselves.

Suitable notification and consolation have not occurred.

Only those require undertaking a study may access the land i.e. an ecologist not in some instances the 12 or so personal to accompany the two ecologist which has included up to six security personnel. This heavy volume of personnel has been a deliberately aggressive and intimidation tactic.

**Q7. What information do you consider you need prior to land access to feel comfortable with an exercise of a right to access land?**

Land access should only be granted with the landowner's consent and therefore there should be no forced access.

Information that should be made available to the landholder should include an understanding the process for how landowners will be notified, the specific reason for the land access, the specific period of access required, how work will be undertaken, where this specific work will be carried out on the land, who will access the land and the rights of the landowner in terms of denying access or negotiating a suitable access period.

Again assuming the landholder consent to the access the landholder must control the duration of the access, desired dates, where on the land may be access, what vehicles or equipment may be brought on and how a landholder may be engaged with.

Landholder must be given suitable compensation for legal advice (at a minimum this should be around \$5,000) and duly compensated for any time they are require assisting with the land access.

**Do you think the principles of the draft Statement of Expectations on land access address issues of concern to you?**

The Statement of expectations is a constructive step however it is an interim measure, pending the commission's future development of a Code of Practice which will be able to enforce guidelines outlined within the Statement of Expectations.

A Code of Practice must be developed that identifies accountability mechanisms, to ensure electricity transmission companies are fulfilling these expectations. Without this accountability mechanism, electricity transmission companies will continue to access land as they are now.

**Q7. What information do you think we should collect about a transmission companies' performance in relation to land access and frequency?**

It needs to be clear how compliance will be measured and who will monitor and regulate this compliance.

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 transmission project.

It is unclear how this communication will take place. All communication should be via registered mail or by a method of choice by the landholder such as e-mail but must be in writing.

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

The Statement of Expectations indicates electricity transmission companies are to direct stakeholders to this statement of expectations and to related published information. The Statement of Expectations does not address what rights landowners have nor does it indicate whether landowners can seek independent legal advice and who pays for this advice.

An electricity transmission company will consult with landowners on access details and commit to how access will occur. Landowners' preferences will be prioritized and adhered to.

**Q8. Do you think the principles of the draft Statement of Expectations on land access address issues of concern to you?**

No answer provided

**Q9. What information do you think we should collect about a transmission companies' performance in relation to land access and frequency?**

No answer provided

**Q10. Is there anything else you want us to consider when finalising this Statement of Expectations?**

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

In addition to the points mentioned in the draft statement, it is also important landowners understand what compensation they will receive for legal advice, business disruption, moving of stock and equipment, or agistment that may be required.

An electricity transmission will consult with landowners to understand property specific needs and provide details of environmental and biosecurity policies and plans on request.

Managing biosecurity is fundamental.

Biosecurity incidents can destroy farming and agricultural businesses and impact the broader environment.

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.

The further development of a Code of Practice that uses the Statement of Expectations as a guideline needs to be the outcome.

A Code of Practice and suitable accountability mechanisms are needed to ensure electricity transmission companies are fulfilling their obligations.

It is essential that all land access by AusNet be placed on immediate hold until the appropriate mechanisms may be put in place.

**Q12. I agree to the collection notice on this page.**

Yes

**Q13. I'd like my name or other identifying information withheld when published.**

No

**Q14. I'd like my submission to be treated as confidential.**

No