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Dr John Hamill
Chief Executive Officer
Essential Services Commission
Level 8, 570 Bourke Street
Melbourne Victoria 3000

Locked Bag 14051
Melbourne City Mail Centre
Victoria 8001 Australia
T: 1300 360 795
www.ausnetservices.com.au

Submitted via energyreform@esc.vic.gov.au

Dear John

Response to the Making a Land Access Code of Practice consultation paper

AusNet Pty Ltd (**AusNet**) appreciates the opportunity to provide a submission to the Essential Services Commission's (**Commission**) *Making a Land Access Code of Practice* consultation paper. We recognise the importance of quality and constructive engagement practices that clarify the processes that transmission licensees must follow seeking access to private land to deliver critical transmission projects to connect renewable energy from wind and solar farms. Therefore, to be effective, any instrument purporting to regulate land access must meet two important objectives:

- Provide clear guidance to both landholders and licensees about the scope and breadth of the specific rights and obligations of all parties in the context of land access, such as the process for obtaining access (including timeframes) and engagement and communication between the parties. This clarity and specificity will ensure landholders are better informed and better equipped when dealing with licensees in relation to land access.
- Provide for a transparent and efficient process to enable disputes to be resolved fairly but quickly. This is crucial to ensure a transmission licensee is able to deliver the urgent transmission and generation capacity in the time frames required by Victorian Government Policy and by the Australian Energy Market Operator (**AEMO**).

The link between the proposed Land Access Code of Practice and these objectives is essential to the success of the energy transition. We appreciate the Commission's leadership and guidance on landowner and community engagement practices.

We fully support the establishment of the Land Access Code of Practice. The Commission's interim Electricity Transmission Company Land Access Statement of Expectations (**SOE**) sets out a balanced set of initial principles and provides a strong foundation for the code of practice. We have invested significant personnel and financial resources into designing and implementing processes to facilitate constructive, effective relationships between transmission licensees and landholders as envisaged by the SOE, thereby enabling us to build further trust within Victorian communities. AusNet now has considerable lived experience of the practical application of the SOE and is well-placed to identify the changes that are crucial to designing a land access code of practice that meets both the above objectives. We urge the Commission to adopt our suggested improvements.

Background to the Transition

Both the Federal and State Governments have legislated decarbonisation targets to allow Australia to meet its Paris Treaty commitments to limit long term climate change. Specifically in Victoria, there are legislated targets of 50% renewable generation by 2030 and net zero emissions for the Victorian economy as a whole by 2050. The Government also recently announced it intends legislating new renewable energy targets of 65% by 2030 and 95% by 2035, as well as new economy-wide emission reduction targets of 75% to 80% by 2035 and net zero by 2045. These are supported by announced targets for storage capacity and offshore wind generation.

In practice, this means significant extra transmission capacity must be built to allow connection of:

- An additional 4GW of additional renewable generation required between 2025 and 2030 to meet 2030 targets; and
- At least 18GW (the equivalent of more than 10 Hazelwood Power Stations) of additional renewable generation needed between 2031 and 2040 to meet net zero.

Some of the best (cheapest) wind and solar generation sites are located in areas of the state not well serviced by transmission capacity. Therefore, most of these new transmission lines will have to traverse areas of the State that do not currently have transmission infrastructure. Transmission infrastructure has long lead times to build, so it is critical that project delivery is supported by a land access regime that provides strong protections to landholders but also facilitates access in reasonable timeframes. A key tenet of this support is ensuring that disputes are adjudicated within reasonable timeframes.

All Victorians benefit hugely from the efficient delivery of these transmission projects, including by accessing cheaper renewable electricity, helping mitigate the effects of climate change and improving overall system security and reliability.

Western Renewables Link

AusNet, through its transmission licensee AusNet Transmission Group Pty Ltd, is privileged to be developing and building the Western Renewables Link (**WRL**), the first of many projects that will have to be built in Victoria to deliver the decarbonisation targets. WRL is the first major transmission infrastructure project to be built in the State in decades. As such, there is little or no recent industry experience of the complexities of negotiating access to private land for the purposes of such significant infrastructure builds. AusNet's experience with land access for WRL has provided important learnings for both the WRL project and future transmission infrastructure projects.

Over the past three years, our people have conducted numerous community engagement and site visits with great professionalism. Our team is dedicated to delivering this necessary infrastructure to link vast resources of wind and solar generation with the urban centres of Victoria – powering the livelihoods and wellbeing of millions of people. At all times while undertaking this important work, our staff and contractors have remained committed to respecting the landholders, local communities, their heritage, and the land itself. We work closely with landholders, communities, AEMO, the Australian Energy Infrastructure Commissioner (**AEIC**), the Energy and Water Ombudsman Victoria (**EWOV**) and the Commission as important partners in this significant undertaking.

WRL is currently preparing an Environment Effects Statement (**EES**) which assesses the potential environmental effects of the project. This is required by the Minister for Planning (Victoria) as part of the approval process, and must be completed before any statutory decisions about whether to grant the required project approvals are made. Obtaining timely access to parcels of land now is a crucial input into the planning and approvals phase of project. Our extensive efforts to negotiate access to date means we have a unique and current experience and practical insights on the challenges involved in securing land access, and the workability of current land access processes.

Key learnings from our experience with land access under the SOE to date

The operation of section 93 is not well understood

One of the most significant challenges we are facing in developing the WRL and preparing its EES is the lack of understanding amongst stakeholders about how a licensee's power to land access under s. 93 operates. Our experience has been that communities perceive s. 93 as giving the licensee an unfettered right to access private land. Conversely, key authorities that are essential in when we properly exercise our land access powers do not recognise the extent of those rights. The introduction of the Land Access Code of Practice presents a valuable opportunity to educate key stakeholders and law enforcement bodies about what a licensee is permitted to do when exercising its rights under s. 93, and how the exercise of those rights might be constrained. One option could be to include a statement at the start of the Land Access Code of Practice that summarises these matters.

Clarity on the complaints and dispute resolution processes is needed urgently

A key issue of material concern to AusNet is the current process by which complaints are referred to and investigated by EWOV.

Principle 22 of the SOE specifically refers to EWOV as the body that can be approached by landholders and parties interested in land who are affected by the licensee's land access. This is consistent with the terms of EWOV's charter, which permits it to handle complaints about the way a member (i.e. a licensee) has exercised its statutory right to access or use land under s 93.

However, the practical application of Principle 22 has resulted in several unintended and counter-productive outcomes:

- EWOV is receiving complaints about all aspects of the WRL project. For example, the substance of a number of the complaints relate to dissatisfaction with the proposed WRL route, the impact on farming activities and local flora and fauna, and the bushfire risk posed by WRL. In most cases, the complaints are wholly unrelated to the issue of land access under s. 93. Furthermore, these are matters that are most appropriately addressed in other ways. For instance, issues that AusNet is required to address as part of WRL's EES (including the route and its impacts on local activities and environment) should be raised as part of the EES process by making a submission to an expert panel when the EES is placed on public exhibition. Prior to the EES being placed on public exhibition, such complaints should be referred to the Government department managing the EES process who has set the EES scoping requirements.
- It is essential that the Land Access Code of Practice is clear about the type of matters that can be referred to EWOV in its dispute resolution capacity. We would welcome the opportunity to discuss with the Commission and EWOV options to ensure complaints are referred to the appropriate body in a timely manner and the dispute resolution process is undertaken by an appropriate independent expert.
- The process that has evolved is unsustainable and detrimental to all parties:
 - There is no distinction between a complaint and a dispute. Principle 21 governs the licensee's internal complaint handling systems, and Principle 22 is directed to dispute resolution by EWOV. However, the absence of a clearly defined methodology for determining which process applies means it is difficult for any party (including the licensee and EWOV) to ensure that concerns are being handled under the appropriate process.
 - Consequently, matters are raised with EWOV that are properly dealt with (at least initially) via the licensee's own complaint handling process. By accepting these matters and taking a considerable time to complete preliminary enquiries and investigations, EWOV is increasing its workload, creating confusion and uncertainty about its jurisdiction, and further delaying time to resolution for those matters properly within its remit. In addition, by accepting these matters EWOV is depriving the licensee of the opportunity to address the individual's concern in the first instance.
 - EWOV often requires a licensee to cease all engagement with a landholder while a stage 2 complaint is being handled, even where the complaint relates to the WRL project but not to land access under s. 93. The licensee's inability to communicate with the landholder for what is often a lengthy period results in project delays and, therefore, increased costs, which are ultimately borne by consumers (see Appendix C for an illustration of our EWOV dispute resolution data).
 - Many landholders are confused about the purpose of third-party dispute resolution and what outcomes it is intended to deliver in relation to statutory land access. The Land Access Code of Practice should provide clarity that complaints and any dispute resolution process in respect of statutory land access is in relation to the way a licensee has exercised its statutory land access power (as set out in EWOV's charter) not wider concerns such as route, EES impacts, compensation, etc.
 - It is essential that the complaints and dispute resolution processes are not exploited to impede or significantly delay genuine engagement in the statutory land access process, or undermine the lawful and appropriate use of s. 93. We propose that a statutory land access negotiation should only be delayed in exceptional circumstances, and never where land access is required in the event of an emergency. To assist landholders to better understand their rights, we recommend

that the Land Access Code of Practice include reference to a landholder's right to compensation where land access under s. 93 has resulted in damage.

Benefits of early engagement and clear behavioural expectations on all parties engaging in the process

Our processes for communicating with landholders about land access reflect best practice (and the SOE) but, in our experience, some landholders choose not to engage with us in response to these communications. This makes it difficult to deliver positive outcomes for landholders in such cases because AusNet does not have the ability to address any issues of concern or with the landholder to accommodate special requests.

We encourage the Commission to include explicit expectations in the Land Access Code of Practice that all parties are to conduct themselves in accordance with minimum standards of behaviour at all times and that actively opposing land access and threats of, or actual, physical violence is not acceptable and should not be tolerated. The Land Access Code of Practice should prescribe that such behaviour or repeated attempt to not engage in good faith with communications (e.g. return letters unopened or hang up when called) will be taken into account in third party dispute resolution processes and in assessing the licensee's compliance. Additionally, the Land Access Code of Practice should set out the benefits for landholders of engaging early and respectfully.

Balancing enforceability and regulatory burden

Finally, we note that our recent experience of land access issues has been in the context of a non-binding regulatory arrangement i.e. the SOE. We understand that the Commission intends that at least some parts of the Land Access Code of Practice will impose binding obligations on licensees, thereby allowing the Commission to take enforcement action in the event of non-compliance.

While we agree that binding obligations can be an appropriate component of a regulatory framework, it is essential to balance the objective of creating more harmonious dealings in land access for all parties against the compliance burden that these obligations will create for licensees. This burden is exacerbated where the regulatory obligation is expressed in language that is imprecise or otherwise unclear, because it can be difficult for the licensee to first, identify what specifically is required to ensure compliance with the obligation and, second, to demonstrate compliance to the regulator.

In order to strike an appropriate balance, we encourage the Commission to consider incorporating most of the SOE principles as principles within the Land Access Code of Practice initially. This would ensure consistency and continuity for all parties. For those existing SOE principles that are to form the basis of an enforceable obligation, we ask the Commission to consider whether the current wording of the principle is appropriate. A number of the SOE principles are drafted in language that does not lend itself to effective regulation. For example, paragraph 2 of Principle 21 says that the complaint-handling process "is to ensure honest, respectful, and timely responses to issues raised by landowners and parties interested in land affected by its land access." While this drafting is not problematic when expressed as an expectation, it would be difficult for a licensee to determine with certainty what it is required to do to comply if this were a binding regulatory obligation. In our view, the Land Access Code of Practice will be a more effective regulatory instrument if the Commission remains mindful of the need for clarity and precision in the drafting.

If you have any queries on our submission, please do not hesitate to contact me.

Yours sincerely



Tom Hallam
General Manager Regulation (Transmission and Gas)
AusNet

Appendix A: Response to questions raised in the consultation paper

Question asked in the Consultation Paper response

AusNet's response

1. Do the principles in the Electricity Transmission Company Land Access Statement of Expectations provide an appropriate basis for enforceable obligations in a Land Access Code of Practice? If not, why not?

The principles in the Electricity Transmission Company Land Access SOE provide an appropriate basis for monthly reporting and general guidance on many aspects of land access, but as an enforceable instrument they are too vague. Regulatory best practice requires that instruments that have serious consequences for non-compliance (like we understand the Land Access Code of Practice is intended to – at least in some respects) must clearly express the scope and nature of the obligation in order to provide certainty to the licensee, the regulator and the courts.

We invite the Commission to consider retaining the SOE principles as non-binding expectations in the Land Access Code of Practice, and supplement them with a limited number of specific obligations of limited scope. If the Commission is minded to convert the SOE principles to binding obligations, we encourage the Commission to give careful consideration to which principles require re-drafting to ensure they provide the request regulatory certainty.

2. Is the scope of the Electricity Transmission Company Land Access Statement of Expectations – applying to electricity transmission companies seeking to access land for new greenfields transmission projects – appropriate? Should other activities related to private land access undertaken by an electricity transmission company under section 93 of the Electricity Industry Act 2000 be included in the code?

We support retaining of the scope of the Land Access Code of Practice to statutory land access for new greenfield transmission augmentation projects. Specifically, we see no basis for extending the Land Access Code of Practice to apply to:

- other activities undertaken by licensees relating to land access to private land under s. 93;
- voluntary access arrangements and access permitted under other statutory process and the provision of compliance with its obligations in respect to these matters.

However, we recommend that the Land Access Code of Practice should go beyond the scope of the SOE to:

- clarify the appropriate complaints avenues and more effective dispute resolution processes;
- set explicit expectations that landholders will engage early and in good faith with the licensee after being notified in our first two letters;
- relatedly, set expectations of appropriate respectful behaviour standards for all parties. To ensure all parties feel safe and respected when engaging in processes governed by the Code of Practice; and

- require that the complaints and dispute resolution process not be used to impede the statutory land access process.

The Commission's SOE set out a balanced set of initial principles and provided a formal framework to facilitate constructive, effective relationships between transmission licensees and landowners. We appreciate that the SOE in sections 3 and 4 formally recognises our statutory powers under s 93 and the importance of showing respect and communicating in good faith.

3. How has your experience with land access been following the release of the Electricity Transmission Company Land Access Statement of Expectations? Are there any issues you have experienced that could be further addressed in a code of practice with enforceable obligations?

However as detailed in the above letter,

- There are real issues with the current dispute resolution process that results in extensive delays, which are causing consequential higher process and project costs (which inevitably consumers will pay) and final determinations that are unclear or indeterminate.
- We have also observed that non-engagement and raising the multiple disputes has been used as a tactic for delaying land access.

Our recommendations in this submission seek to address these issues and improve the land access framework as a whole.

Dispute resolution

As detailed in the above letter, the current approach to handling complaints and dispute resolution processes results in extensive delays, which are causing consequential higher process and project costs (which inevitably consumers will pay) and final determinations that are unclear or indeterminate.

We would encourage an audit of complaints and dispute relation processes under the SOE, including feedback from complainants on their satisfaction with the current process as a measure of its value.

Monthly reporting

There are opportunities to better present and highlight the pertinent facts included in the monthly confidential reports we provide to the Commission. We also suggest reducing the volume of reported material for example we don't see a need for the Commission to continue to receive a copy of each signed voluntary land access consent forms. Improving the readability of reports and summary data will be an essential element of maintaining strong confidence in the Land Access Code of Practice framework throughout this important period of growth in the renewable electricity industry and required transmission lines.

3.1. What do you consider are the most important problems that need to be addressed when electricity transmission companies access land under section 93 of the Electricity Industry Act 2000?

3.2. What other options do you think the commission could consider in addressing the identified problems related to land access under section 93 of the Electricity Industry Act 2000? Are there alternative elements to consider within the code? What are the costs and benefits of those alternatives?

As detailed in the above letter, we recommend that the Land Access Code of Practice:

- Effect changes to dispute resolution processes to stop it from delaying statutory land access negotiations unless exceptional circumstances apply.
- Create incentives for landholders to engage respectfully and early in the process for negotiating voluntary land access. This could involve "raising the bar" on access to third party dispute resolution, or limiting the licensee's obligations to engage further with landholders who are unwilling to communicate (e.g. who return letters unopened and hang up when called).
- If the above changes cannot be achieved by means of EWOV we recommend consideration of the Commission taking a more active role in ensuring the energy transition in Victoria stays on track for success.

Additionally, we caution against further detailed reporting obligations and the duplication of escalated dispute management processes. Any such changes should be subject to a cost benefit assessment to avoid additional electricity costs on customers through industry regulation.

3.3. Are there any elements of the Electricity Transmission Company Land Access Statement of Expectations that should be clarified in a Land Access Code of Practice?

Our submission (comprising our letter and its attachments) sets out the key matters from the SOE that we consider should be clarified in the Land Access Code of Practice. We have provided to the Commission a table outlining some specific principle-level recommendations that would benefit from some improvement, refer to Appendix B. Once we have the draft Land Access Code of Practice, we will provide further advice.

4. What obligations do you think are needed to cater for the specific needs of private land (such as, and including, biosecurity protections and processes)?

We are proud of and committed to our biosecurity protocols and industry leading practices that maintain the biosecurity integrity of our hardworking agricultural producers. The land corridor for the WRL traverses parts of Australia's blue ribbon farming areas. Our land liaison officers are extensively trained on biosecurity using the best national resources.

All vehicles entering the property after being on another property must wash all tyres and mudguards with water to remove all adherent mud, seeds and faeces and all AusNet's authorised persons before entering the property after having been on another property must undertake a wash down of their footwear to remove all traces of mud, seeds and faeces.

Where the property utilises a biosecurity register, AusNet and our authorised persons will sign the register prior to access, and any additional agreed protocols established for the Property will be complied with (if applicable).

To provide further confidence to all parties, we propose that the licensee's monthly report could provide summary data detailing the number of land access agreements with specific biosecurity protocol or signage and the number of land accesses agreements that contain our standard biosecurity protocol.

5. Compared to the principles set out in the Electricity Transmission Company Land Access Statement of Expectations, should the Land Access Code of Practice have more prescriptive obligations about the time provided to landowners prior to accessing land, the transparency of processes when accessing land, or level of flexibility on the time to access land? If so, what specifically should be required of electricity transmission companies? What are the benefits and costs of having more prescriptive requirements?

If the Commission is minded to convert some or all the voluntary SOE principles to enforceable obligations under the Land Access Code of Practice, we invite the Commission to consider whether the current drafting of those principles is appropriately specific for a binding and enforceable obligation. We also ask that the Commission have regard to the additional regulatory burden the new obligation will impose on. Any changes to the current SOE arrangements to make these principles more prescriptive need to be justified with a cost benefit assessment.

If there is to be greater clarity on any of the principles currently in the SOE, it could be to prescribe the multiple letter process that was developed in association with the AEIC with a caveat that fewer letters can be used in extenuating circumstances (including emergencies).

6. The Energy and Water Ombudsman (Victoria) (EWOV) is the current complaints and dispute resolution body for the resolution of disputes involving electricity transmission companies under the statement of expectations. Are there other options for complaint handling that we should consider as we develop the code of practice? What would be the costs and benefits of those options?

As detailed in the above letter, we recommend that the scope of the SOE should be extended in the Code of Practice to:

- Establish more effective complaint handling and dispute resolution processes.
- Create incentives for landholders to engage respectfully and early in the process for negotiating voluntary land access. This could involve "raising the bar" on access to third party dispute resolution, or limiting the licensee's obligations to engage further with landholders who are unwilling to communicate (e.g. who return letters unopened and hang up when called).

AusNet wishes to reiterate the points made above and in the covering letter.

7. Is there anything else you want us to consider when drafting the Land Access Code of Practice?

In addition, we urge the Commission to avoid creating obligations that require licensees to comply with legal or regulatory requirements that they are already required to comply with e.g. manage fire risks, health directions. Duplicating obligations only serves to confuse landholders into mistakenly thinking the Commission is the relevant arbiter of these matters – when every opportunity should be taken to minimise confusion. Additionally, it disproportionately magnifies the consequence of any non-compliance.

Appendix B: Principle based suggestions

Principal	Description	AusNet's response
1. General Principle: Comply with this statement of expectations	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.	No comments at this stage.
2. Ensure staged, timely engagement and consultation	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.	No comments at this stage.
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 address issues promptly during all stages of a transmission project.	No comments at this stage.
4. Use accessible, readable communications	All written electricity transmission company communication materials regarding land access must be readable and readily accessible by those affected by a transmission project.	No comments at this stage.
5. Employ respectful two-way communication	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.	Depending on how the Commission proposes to integrate the SOE principles with the Land Access Code of Practice, it may be necessary to remove a number of the examples accompanying this principle on the basis that they lack specificity. We would appreciate the opportunity to work with the Commission to ensure that any SOE principles that are to be converted to binding obligations under the Land Access Code of Practice are appropriately specific.

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.	No comments at this stage
7. Provide identification on contact	<p>An electricity transmission company will ensure that anyone contacting landowners regarding land access (whether by phone or 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.</p> <p>The electricity transmission company need not disclose the full names of individuals acting for or on its behalf, provided that the individual has identification or written authorisation that a landowner can readily verify with the electricity transmission company</p>	No comments at this stage
8. Outline access rights and obligations	<p>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.</p> <p>An electricity transmission company will publish or provide a link to this statement of expectations on the electricity transmission company's website.</p>	There are issues associated with a lack of land access enforcement support for the rights and activities of the electricity transmission company of under s.93 powers. Therefore, EWOV should also publish this information.
9. Make clear when and why access is required	<p>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.</p> <p>An electricity transmission company will provide its best estimate of the duration of access and will also explain variables that may affect that duration.</p> <p>Agreed arrangements for access may be time and purpose limited.</p>	No comments at this stage

10. Explain the processes involved	An electricity transmission company will provide information on the processes and decisions relating to its proposed land access for a greenfield transmission project	No comments at this stage
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.	No comments at this stage
12. Give reasonable notice of proposed access	<p>An electricity transmission company will ensure that notice periods and notice content (that is, providing details of activities) are reasonable. These must be proportionate both to the stage of the project, and to the potential impact of access on landowners and parties interested in the land.</p> <p>An electricity transmission company will establish and publish minimum notice periods for land access. Where practicable, notice periods and formats should reflect the landowner's preferences.</p>	We suggest that this principle is extended to include notices sent to landowners who do not respond to or acknowledge receiving the notice. The principle should also acknowledge that the requirement to provide written notice in advance may not apply in the event of extenuating circumstances (including emergencies, threats to public health and safety, or to maintain transmission system security or reliability).
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.	No comments at this stage
14. Maintain confidentiality and respect privacy	An electricity transmission company will ensure that it collects and maintains data strictly in accordance with privacy legislation.	We suggest rephrasing to electricity transmission company must have a publicly available privacy policy that meets requirements of privacy legislation
15. Minimise impact on land and landowners	<p>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.</p> <p>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 access powers under section 93 of the Act.</p>	We suggest the wording of Principal 15: should be "minimise impact on land and on landowners"

16. Meet expected work standards	<p>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 laws. These activities are to be conducted in a proper, efficient and effective manner.</p>	<p>No comments at this stage</p>
17. Meet requirements for field-based employees and contractors accessing land	<p>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.</p> <p>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 where necessary and in accordance with good industry practice.</p>	<p>This is very broad and is a general requirement for all companies. We suggest merging "relevant skills, training and qualifications to undertake their allocated tasks" with Principal 16 on meeting relevant work standards.</p> <p>Also, we suggest this could be reframed as "all persons accessing land must respect the landowner's privacy, private assets and infrastructure and follow landholder preferences and requirements where agreed between the electricity transmission company and the landholder".</p>
18. Implement environmental and biosecurity controls	<p>An electricity transmission company will take all reasonable actions to ensure that in accessing land, it does not spread weeds, pests or pathogens.</p> <p>They will consult with landowners to understand property-specific needs (including any relevant biosecurity plans) and will provide details of its own environmental and biosecurity policies and plans on request.</p>	<p>We would welcome further engagement with the Commission to define a template for minimum standards of biosecurity that must be adhered to, and used in the absence of a property specific biosecurity plan which has been agreed with landholders.</p>
19. Manage fire risks	<p>An electricity transmission company will take all reasonable measures to identify and mitigate fire risks associated with accessing and using land for transmission and will act in accordance with its own bushfire management plans</p>	<p>We suggest merging with principal 16. Relates to meeting relevant legislation, work standards and training.</p>
20. Manage COVID and other health risks	<p>An electricity transmission company will implement a COVID-safe protocol to cover all aspects of access.</p> <p>An electricity transmission company will implement such other measures and protocols as are required from time to time under orders issued by</p>	<p>We suggest reframing as "companies to have a covid safe policy or procedure publicly available which meets relevant legislation" and merging with principal 16.</p>

the Minister for Health under the Public Health and Wellbeing Act 2008, or as are reasonably requested by a landowner.

21. Implement effective complaint handling	<p>An electricity transmission company will implement effective complaint-handling processes and standards that meet current Australia and New Zealand standards for complaints handling.</p> <p>This process is to ensure honest, respectful, and timely responses to issues raised by landowners and parties interested in land affected by its land access.</p>	<p>We suggest specifying that a complaints handling policy be made public. The code of practice should also contain a threshold level of landholder engagement to participate in escalation activities under the code of practice. For example, participation in direct engagements in response to the transmission company's letters or personal contact attempts (phone/email or in person).</p>
22. Offer dispute resolution	<p>An electricity transmission company will offer third party dispute resolution to landowners and parties interested in land affected by its land access.</p> <p>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.</p> <p>An electricity transmission company is encouraged to include provision for third party dispute resolution in its negotiated access agreements.</p>	<p>As detailed in the above letter, we recommend that the scope of the SOE should be extended in the Land Access Code of Practice to:</p> <ul style="list-style-type: none">• Establish more effective dispute resolution processes for statutory land access.• Create incentives for landholders to engage respectfully and early in the process for negotiating voluntary land access. This could involve "raising the bar" on access to third party dispute resolution, or limiting the licensee's obligations to engage further with landholders who are unwilling to communicate (e.g. who return letters unopened and hang up when called).• Additionally, landholders should be encouraged to engage directly with the licensee early and not at the receipt of a s.93 notice.

Appendix C: Illustration of dispute resolution data

In providing context to our experience with land access under the SOE to date regarding dispute resolution processes with EWOV we examined the data of active disputes since May 2022. The table and figure below show the number of resolved disputes by EWOV, showing the maximum stage of escalation in the EWOV process, and the average number of days.

EWOV Stage	Count	Average resolution time (days)
Unassisted referrals	1	69
Assisted referrals	3	26
Stage two investigations	13	134
Stage three investigations	3	177
Other Project Complaints (excluded from EWOV's process)	41**	20

**On the 29th of August 2022, a total of 928 direct complaints were received by AusNet. This was one complaint copied and submitted 928 times, hence has only been recorded as 1 complaint item in the above reporting.

