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Landholder - Northern Grampians Shire



Hi Jean Paul/Gareth

If you don't mind, I'll address my input in response to the specific sections of the code.

Part 1: This Code of Practice

*Make clear in this section:

- The use of Sec 93 to access land is seen as an action of last resort when all other avenues of engagement, outlined in this code, have been exhausted.

Section 2.2 Communications and Notices

(a) to a natural person

- Perhaps there should be mention of deceased estates under probate and or those acting under a power of attorney.

2.2.2

(b) - I suggest (registered) mail and four days is inadequate considering the poor state of delivery times in country areas - Five working days at least.

Part 2: Obligations prior to accessing land.

4.1.1.

(c) - property specific needs, also relating to standard agricultural usage and seasonal activities perhaps provided by the landholder in an monthly or yearly activity schedule.

5.3.1. - ...,role and telephone number.

- Add email.

5.4. Communications and engagement

5.4.1. - consider replacing the phrase -(must have regard to and consider feedback) with (must have full regard to feedback).

6. Information on access rights and obligations

- contractors should make the landowner aware and that they carry appropriate liability insurance cover and cite such a policy before entering a property.

- a landowner should be given time to contact their insurance company to inform them of the entry of contractors and ascertain that their liability cover is not compromised by the works activities and are left with a possible claim action by the contractors.

6.1.1.

(b)for making full (and timely) compensation.

7. Notice of access under section 93

7.1.3. - 48 hours is inadequate for a reminder of access. A five business day period would help the landholder to rearrange activities.

Same for 7.3.1. (a)

7.3.2. - Replace (An affected party may request) with (An affected party has a right to request)

7.3.3.

(c) - provide (prompt) written reasons.

7.3.4.

(a) I see no reason for a limit of “three requests” as access could be over a matter of months.

(b) All delays would have material cost attached and this gives an easy out for the transmission company.

I suggest ...a demonstrable (and unacceptable) material cost impact.

- Mention should be made of the acknowledgment of possible delays identified by emergency services as a result of natural disasters such as fire or potential flooding.

Riverine flooding can take days or weeks to occur and the exact timing is not certain.

Part 3: Obligations during land access under section 93 of the Act

9.2.1.

(a) add - heritage

(b) ...is reasonably necessary (to the satisfaction and in consultation with the landholder)

9.4..

- Companies should abide by all fire warning and danger periods.

- Directions to stop work must be obeyed as soon as possible if directed by a CFA local brigade Captain and or Group Captains.

Fire risk can arise rapidly as weather conditions change.

Even without a Total Fire Ban declaration, local brigades often call a stop to outside works when they consider there's an unacceptable fire risk for the area. This is not usually for a long duration, mostly hours not a day.

9.5. Health risk management.

More work needed here!

Consider:

- withholding periods for chemicals used on the soil or crops.

- The holding of A Chemical Users Certificate (ACUP) and production of that certificate on demand by contractors if they intend to use chemicals on accessed land.

- Awareness of any residues from chemical use by a landholder prior to access or by the contractors as part of their work activities.

- Lists of chemicals to be used on the land by the company so that can be assessed by the landholder in case they materially damage their business long term and a one off compensation will not suffice.

Final Points:

- It should be made clear to Transmission Companies that compensation is not a “get out of jail card” to be played to cover bad work practices and cover damage that could have long term ramifications for the landholder.
- Remove the term “customer” from the sections dealing with complaints. A landowner should not be classified as a customer as the arrangement for land access could not sensibly be seen as a business/customer relationship.

Cheers,
Gerald Feeny.