

Changes to land access

August 2025



We're working to deliver the energy infrastructure Victoria needs to keep the lights on as coal-fired power becomes increasingly unreliable and closes down.

The following factsheet has been produced to provide clear information on the existing way transmission companies can access land, and to explain changes that are proposed in legislation currently before Parliament.

The Government is committed to meaningful and respectful engagement with landholders. Our first priority will be voluntary land access agreements.

Existing land access arrangements

Transmission companies have existing powers under section 93 of the Electricity Industry Act 2000 to access land to carry out work planning, developing and operating transmission infrastructure including to conduct surveys.

Before transmission companies access land, they must ensure that they have first attempted to negotiate a landholder's access agreement and consulted with the potential host landholder in accordance with the Land Access Code of Practice which is regulated by the Essential Services Commission.

The Land Access Code of Practice requires licensed transmission companies to use genuine efforts to engage landholders, manage biosecurity risks and seek voluntary access wherever possible.

Currently, when access to properties has been blocked, transmission companies' only option is to seek court-ordered access via the Supreme Court.

Changes proposed in legislation

The proposed changes outlined in the legislation before Parliament establish a framework that includes written notices, warnings, directions and infringement notices. These are intended to be used as a last resort once all avenues for voluntary access have been exhausted.

The changes are designed to give communities and industry certainty and to bring arrangements for transmission infrastructure in line with the delivery of other vital major public infrastructure such as water, transport and telecommunications.

Legislation changes

Proposed changes are based on existing land access frameworks that support delivery of essential public infrastructure and bring arrangements for transmission in line with major transport projects, telecommunications and delivery of transmission in other states.

If legislation is passed, transmission companies will have three pathways to facilitate land access:

1. As is already the case, landholders can enter into voluntary access agreements which offer more flexibility to negotiate how and when access will be provided. This agreement may also include voluntary benefits such as a participation fee paid to the landholder for allowing access.
2. As is already the case, transmission companies can seek access under section 93 of the Electricity Industry Act 2000 (EIA) to enter land, but must comply with the existing safeguards in the Land Access Code of Practice.
3. Should transmission companies still be unable to achieve access, they will be able to follow an operational framework that includes Authorised Officers and compliance with the procedural safeguards in the legislation.



Access by Authorised Officers

The authorised officer powers are an alternative path to enable access once all avenues for agreeing on voluntary access have been exhausted.

At any point along the access pathway, landholders can negotiate a voluntary access agreement that may include a participation fee paid to the landholder.

Authorised Officers

Authorised Officers are tasked with assisting transmission companies to access land for critical survey, investigation and other planning work.

Authorised Officers must carry identification cards, identify themselves upon request and may issue warnings, directions and infringement notices for hindering, obstructing or delaying access onto land up to a maximum of 6 penalty units (approx. \$1,200).

Land Access Code of Practice

The Essential Services Commission's Land Access Code of Practice requires genuine efforts by transmission companies to achieve early engagement and discussions with landholders.

Transmission companies must:

- Provide clear project information early, including about access options, rights and obligations. This is a crucial stage in the process when landholders can ask questions, provide feedback, and negotiate the terms of any proposed voluntary access agreement, including preferred access dates.
- Consult openly and in good faith, considering landholder feedback on access needs, timing, and property-specific concerns such as biosecurity, health, and cultural heritage.
- Give detailed written information on the land access process including access rights, proposed activities, and alternatives at least 30 business days before first entry, with reminders sent 48 hours before each visit.

Note: Emergency access does not require prior engagement but affected parties must be informed afterward



LAND ACCESS PREFERRED APPROACH

ALTERNATE PATHWAY

At any point along the access pathway, landholders can negotiate a voluntary access agreement including voluntary benefits

Step 1 Transmission company exhausts all efforts to negotiate voluntary access agreement
In accordance with Land Access Code of Practice

Step 2 Transmission company issues Notice of Entry – 30 business days in advance
Including advice Authorised Officers may attend

Step 3 Transmission company issues Reminder Notice
– 48 hours prior to entry

Step 4 Transmission company attempts entry
with Authorised Officer assistance

ACCESS BLOCKED

Step 5 Authorised Officer may issue a warning for refusal, obstruction or delay of entry onto land

Step 6 Authorised Officer may issue a direction for refusal, obstruction or delay of entry onto land

Step 7 Authorised Officer may issue an infringement notice for refusal, obstruction or delay of entry onto land
Up to a maximum of \$1,200

Step 8 Authorised Officer applies to Court for Entry Order
Fair notice periods and right to object applies

Step 9 Court may grant Entry Order
The Court may authorise police attendance and use of reasonable force

Step 10 Transmission company attempts entry
with Authorised Officer assistance

Step 11

Police may issue a summary offence for obstruction

Step 12

Court hears offence

The maximum penalties of up to 60 penalty units (approx. \$12,000) only apply when the offence is charged by police, the penalty would then be heard and imposed by a court

Access by Authorised Officers

Transmission companies must exhaust all genuine efforts to reach a voluntary access agreement.

Authorised Officers may facilitate access by transmission companies or VicGrid to undertake necessary surveys and planning work.

Where an Authorised Officer is facilitating access, a notice of entry must be sent at least 30 business days ahead of the initial entry and notice must be served again at least 48 hours before the first date of proposed entry.

An Authorised Officer must announce themselves on entry, identify themselves upon request, provide a copy of the entry notice to the landholder, and their presence on the land property must be no more disruptive or longer in duration than necessary.

If all required notice provisions have been followed, and if an Authorised Officer reasonably believes a person is hindering, obstructing or delaying land access, the Authorised Officer:

- May issue a warning
- If hindrance, obstruction or delay to land access continues, may issue a direction
- Finally, if hindering, obstructing or delay to land access continues after warnings and directions have been issued, they may issue an infringement notice at a maximum of \$1,200.

Court entry order

Processes currently exist for transmission companies to apply to the Supreme Court for an entry order.

Under new arrangements, where land access has previously been hindered, delayed or obstructed, an Authorised Officer may also apply to the Magistrates' Court for a court order to enable access.

Further fair notice periods, landholder rights to object and minimum timeframes for hearings apply if a court order is sought.

A court order may authorise the use of reasonable force to gain entry to land if it is reasonably necessary to do so, and Victoria Police co-attendance.

Operational Framework Safeguards

Several procedural safeguards are proposed:

- Fair written notice periods (30 business days prior to the initial entry; and again 48 hours prior to entry)
- Requirement for Authorised Officers to announce themselves on entry, identify themselves on request, and provide landholders with a copy of the entry notice.
- Access must be no more disruptive and no longer in duration on the land than is reasonably necessary and prohibits entry into residential premises or buildings.
- The "reasonable excuse" defence also exists in relation to the infringeable offences.

Biosecurity, everyone's responsibility

Safeguards in the Land Access Code of Practice include the requirement for transmission companies to consider specific landholder feedback on access needs, timing, and property-specific concerns such as biosecurity, health, and cultural heritage.

Provisions in the Land Access Code of Practice work to reduce biosecurity risks through the application of Biosecurity Management Plans, compliant biosecurity signage and visitor consent procedures consistent with "come clean, stay clean, go clean" practices.

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