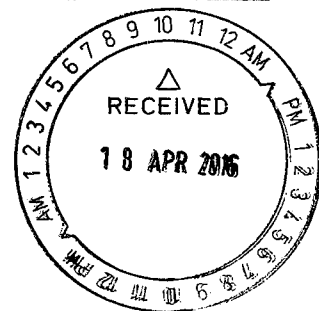




**Hon Mike Nahan MLA
Treasurer; Minister for Energy;
Citizenship and Multicultural Interests**

Our ref: 48-16322



Hon Stephen Dawson MLC
Deputy Chair
Standing Committee on Environment and Public Affairs
Parliament House
Perth WA 6000

Dear Mr Dawson *Stephen*

Petition 109 – Energy Operators accessing private land

I refer to your letter of 16 March 2016 seeking a response to the petition tabled by the Hon Robyn McSweeney MLC in the Legislative Council on 17 February 2016, as well as the submission from Mr Terry Ealing.

In order for households and businesses to be provided with electricity, electricity network operators such as Western Power require land access to perform their functions. This ability is outlined in the *Energy Operators (Powers) Act 1979 (WA)* (the Act) and enables Western Power to enter public and private land to undertake necessary works and maintenance. The Act seeks to balance protection of the rights of land owners and occupiers against broad community benefits arising from safe and efficient network operation.

Once infrastructure is located on land, it is considered to be lawfully placed under the Act and the property of electricity network operator until the electricity network operator determines otherwise. Western Power carefully determines the location of their infrastructure considering factors including current land use, local and state planning requirements and whether any alternative line routes are appropriate. Where infrastructure is best located on private land, under the Act Western Power can place assets on this land without a written agreement or easement for assets under 200kVA. In this instance, Western Power will engage closely with the affected landowner.

Mr Ealing has made a significant number of representations to the Energy Ombudsman, Western Power and to my office regarding his concerns about Western Power's assets and their access to his land. These concerns have been taken seriously and a comprehensive investigation of his concerns undertaken by all parties. All investigations have concluded that the electricity infrastructure placed on Mr Ealing's property was placed and operates lawfully, and that access by Western Power to that land is permissible.

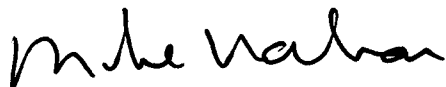
Western Power acknowledges that a chain on Mr Ealing's property was damaged as contractors sought to complete urgent bushfire mitigation works in November 2013. Access of the property was in line with Western Power's ability under the Act, with the damaged chain subsequently replaced. Western Power has also advised that work is underway to reinstate damage to a culvert caused by a Western Power contractor. Western Power otherwise refutes Mr Ealing's allegations including those that Western Power has engaged in criminal acts, deceit, deceptive or corrupt practices in placement of network assets on his property.

Neither Western Power nor myself can comment on Mr Ealing's lack of awareness of the assets on the land at his time of purchase. Western Power does note it can provide location details of its electricity infrastructure to prospective buyers on request, and that its network infrastructure is typically visible by any person when inspecting land.

Pursuit of the petition's recommendations will have a serious impact on Western Power's capacity to ensure the safe maintenance of the network, as well as require relocation of all infrastructure currently placed on private land. I am advised that relocation is estimated to be in the billions of dollars, as well as require longer line routes, increasing Western Power's ongoing expenditure. This would lead to increased costs for Western Power, and have an impact on tariffs. Further, in many situations there may be no alternative relocation opportunity, or require more electricity infrastructure to be located in public places, such as road reserves, which will have safety implications.

I thank the Committee for bringing this petition to my attention, and am satisfied that Mr Ealing's concerns have been dealt with sufficiently by the Energy Ombudsman, Western Power and my office. Should further information be required please let me know.

Yours sincerely



**DR MIKE NAHAN MLA
TREASURER; MINISTER FOR ENERGY;
CITIZENSHIP & MULTICULTURAL INTERESTS**

14 APR 2016