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To: State Development
Subject: Standing Committee Inquiry Feasibility of undergrounding the transmission infrastructure for renewable energy projects

Answer to Question with Notice from the Standing Committee Inquiry - Feasibility of undergrounding the transmission infrastructure for renewable energy projects

At the hearing in Tumut I took a question on notice. The question was as follows:

Can you suggest a legislative platform to oversee the power transmission agency decisions to address the community harms currently being experienced?

In my view, this legislative platform should be simple and straightforward. It needs to be, to avoid imposing both the burden of time and the burden of cost.

The approach to designing the legislative platform should be predicated on identifying the wrongs which the third party oversight is trying to address.

These would include the following:

1. To call out acts and representations by the power transmission agencies which are in bad faith, misrepresentative or driven by the goals of the agency at the expense of the community. The public utility undertaking of a waste management facility by Wagga City Council being compromised by the action of Transgrid provides a case study. Our submission provides the detail here but suffice to say that a third party review would almost certainly have called out and prevented the community harm delivered by Transgrid. This harm presents in many ways.

Wagga Cit Council has recently received a refusal of a formal GIPA application seeking a copy of the application which attained the consent of a Minister and the Governor of NSW to the compulsory acquisition of the Council waste management facility land. The reasoning is factually wrong and we suspect another example of Transgrid misleading a decision maker to exclude public knowledge of their actions. It should raise alarm for the Standing Committee as it suggest a positive aversion by Transgrid to transparency and accountability.

The mechanism available to the third party in this instance would be a requirement that the third party must endorse a request by the agency for the exercise of executive power in a particular way if it is opposed by another stakeholder.

2. A second area for third party supervision is to provide a point of review and direction were the power transmitter and the community are in dispute. The legislative mechanism would be for the third party to have a power to direct the power transmitter where it is satisfied they are not acting in the interest of the community. Similarly, the power would be provide to decline to act if no power od direction is warranted.
3. A third area where a third party could be useful is to provide a gap analysis in technology and innovation being delivered by the power transmission agency.

The mechanism would be that an allegation of a failure to pursue best practice in power transmission is made. In the alternative, an allegation might be made that the power transmitter is causing community harm in order to benefit its own interests. Once an allegation is accepted, the third party would undertake an inquisitorial process to determine if the allegation has merit. If yes- then a power of direction would be available.

The composition of the third party entity would be streamlined. I would suggest members who are both competent to undertake the work and likely to be trusted by the community to act independently. A small secretariate would be required. A power to engage advisors for particular task would also be required. It should be funded by the power transmission agencies as a cost of projects.

Importantly, the mechanisms and scope of work of the third party entity needs to be able to drive cultural change within the power transmission agencies.

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Wagga Wagga City Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future and extends our respect to all First Nations Peoples in Wagga Wagga. We recognise and respect their cultural heritage, beliefs and continuing connection with the land and rivers. We also recognise the resilience, strength and pride of the Wiradjuri and First Nations communities.

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