



LET'S DO THIS – WE CAN'T JUST ROLL OVER AND GIVE UP!!!

WE ARE GOING TO APPEAL THE SUPREME COURT JUDGMENT THAT DISMISSED OUR CASE AGAINST THE VICTORIAN GOVERNMENT'S MINISTERIAL ORDERS

THE ORDERS HAVE FORCED THE BURDEN OF THE WRL & VNI WEST PROJECTS ONTO ALL OF US WE HAVE TO SEE THIS THROUGH TO THE END – IT'S OUR LAST LEGAL OPPORTUNITY TO BREAK THESE PROJECTS

KEEP FIGHTING FOR YOUR HOMES, FARMS, BUSINESSES AND THE ENVIRONMENT

WE NEED FUNDS, NOW IS THE TIME TO DONATE

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Name: Moorabool and Central Highlands Power Alliance

BSB: 633 000

ACC: 175 892 850

WHAT IS THIS ABOUT?

- In 2023, the Moorabool and Central Highlands Power Alliance Inc. (the **MCHPA**) took the Victorian Government to the Supreme Court and challenged the “VNI West and Western Renewables Link Ministerial Orders.” These Orders were published in February and May 2023 by the Minister for Energy and Resources, Lily D’Ambrosio, to fast-track the construction of these two high-capacity 500kV double-circuit overhead transmission lines plus terminal stations.
- The Alliance sought a Judicial Review of our submission that the two Orders ought to be quashed (set aside) because of flawed reasoning and incorrect application of the law by Minister D’Ambrosio. The hearing was held in September 2023.
- On 20 December 2023 the single Judge handed down his judgment and rejected our claims. His reasons leaned heavily on what the Minister’s Counsel submitted, without much analysis of why, and just flat out rejected many of our Counsel’s key arguments, often without adequate explanation or consideration.
- Our Counsel has reviewed the judgment carefully and advised the MCHPA of reasonable prospects of success to overturn this decision at appeal on narrow but compelling grounds. The MCHPA Steering Committee has consulted with our members and authorised Counsel this week to prepare the appeal. This preparation is underway right now. It must be submitted by 16 February 2024.
- The appeal itself will be heard by 2-3 judges in the Court of Appeal and their task will be to consider, independently and for themselves, whether the original Judge was wrong in dismissing our application. The hearing should only take 1 day and depending on the Court timetable should happen mid this year.
- Of course, there is no 100% guarantee that we will win but what’s the alternative if we do nothing? The Victorian Government has fought us at every turn and proved that it is prepared to do whatever it takes to bulldoze these two projects through our regions. See the next page if you want to know more. Winning at appeal will quash the Orders and directly block the legal authority for VNI West and WRL to proceed.
- And without challenge, the precedent will be set for Minister D’Ambrosio to write Orders to put other huge transmission lines and terminal stations **anywhere** in Victoria. You could get more transmission lines in your district in the future and there will be nothing that can be done to stop them.
- The impacts and the risks associated with these projects are very real – they are life changing and will have generational impact. We must continue to stand together and take every opportunity to protect valuable agricultural land and the environment, along with our homes and livelihoods. If you have any questions, please email the MCHPA Vice Chair, Vicki Johnson, at vj1009@hotmail.com.

BACKGROUND

- The MCHPA is a legal entity and was incorporated on 30 July 2020 to represent landowners and communities along the extent of the proposed Western Renewables Link project. In May 2023 the MCHPA registered the name Regional Victoria Power Alliance (**RVPA**) with ASIC and allied with the communities along the VNI West project corridor under that banner name to fight these two projects together. This Newsletter gives a good overview - <https://www.stoplaborstowers.com.au/news/stop-ausnets-towers-newsletter-16-jun-2023/>
- It is important to know that VNI West and the Western Renewables Link (**WRL**) are **not** two separate projects but one enormous 500kV transmission spine (plus terminal stations) that stretches from Sydenham to Bulgana to near Kerang and then into New South Wales. There will be so much impact!
- The RVPA acts on behalf of over 2,300 members including landholders, business owners, and community members along both project corridors. If you want to become a member, which is obligation and liability free, go here - <https://www.stoplaborstowers.com.au/get-involved/> . Your membership helps us show that we represent many impacted people.

HOW HAS THE VICTORIAN GOVERNMENT AND AEMO TRIED TO STOP US AT EVERY TURN?

- We reckon we must be on the right track – the Government and AEMO has tried to throw everything at us to force these projects through without proper process, and to remove our legal rights.
- In 2022, the MCHPA wrote a comprehensive letter to AEMO demanding that under rule 5.16.4(z3) of the National Energy Rules (NER) that it should reapply the RIT-T, a cost benefit analysis that created the WRL project. Of course, AEMO said NO in its reply – a 44-page report (decision). In their minds they are never wrong! So, the MCHPA and their legal team made an application to the Supreme Court on 23 December 2022 to challenge AEMO’s decision and we were all set to proceed in 2023.
- But on 20 February 2023 Minister D’Ambrosio published the first Ministerial Order to pull WRL and VNI West together and give AEMO a lot of power to do whatever they said needed to be done. The Minister also disapplied many of the NER that govern all the processes to decide if a transmission line is needed and will have an acceptable cost-benefit. Surprise, surprise rule 5.16.4(z3) was disapplied and AEMO’s lawyers wrote to our lawyers a few hours after the February Order was published telling us we had no right to proceed with our case. We vowed not to give up - this case remains on hold pending the current appeal.
- So, we got our legal team working on challenging the February Order and made an application to the Supreme Court. In the first few months we had to jump through various hoops to apply to discover briefing documents and produce another Affidavit to prove that we had standing to represent our members in this case. It was all proceeding at a good pace and a date for the hearing had been set.
- Another surprise – Minister D’Ambrosio’s published a second Ministerial Order on Saturday (!) 27 May 2023 to order AEMO produce a Project Assessment Conclusions Report (PACR) for VNI West that said the option that had to be built was Option 5A. The PACR was published a few hours later! In the reasons published with this Order the Minister says that about a month earlier this is what the AEMO CEO recommended she do. And that he had also provided her with a draft PACR that remained essentially unchanged until it was published. This PACR outcome also massively impacts WRL with an increase from 220kV to 500kV in the western half of the Project line meaning bigger towers and wider easements. Who knows what WRL will cost now as well.
- How is this right??? Behind the scenes, AEMO has been running to the Minister to get her to publish her dictatorial Orders to force these projects through without proper process, and to remove our legal rights. The Victorian Government and AEMO wants these two projects to be built! We have to do everything we can to stop them riding roughshod over us. Including HOLD THE LINE and DON’T SIGN!

MAKING A DONATION - PLEASE USE THE BANK DETAILS ON THE FIRST PAGE. THANK YOU!

Overall, we will need some \$200k to make a submission and then have it heard in the Court of Appeal. Justice is unfortunately not cheap, but we can spread the load. If people could consider donating around \$1-\$2k (or more or less depending on how much they will be impacted) we will get to the end.

We already have many generous pledges to enable us to lodge our submission to the Court of Appeal, but we will need more to see it out to the end. If not, we will have to stop and the Government and AEMO will have won.