

2005

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Urban Services)

## Utilities Amendment Bill 2005

### Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Notice about lopping trees etc on private land Section 110 (3) (d)	2
5 Notice to other utilities Section 111 (5)	3
6 Section 111 (6)	3
7 Section 111 (7)	3
8 Land to be restored Section 113 (2)	4
9 New part 14	4
10 Vicarious liability Part 14	23

## Contents

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	Page	
11	Section 226 heading	23
12	Miscellaneous Part 15	23
13	Section 229	23
14	Compensation—safety net Section 233 (1) (a)	24
15	Regulation-making power Section 234 (2)	24
16	Parts 14 to 16	24
17	Dictionary, definitions of <i>installation</i> and <i>interference</i>	25
18	Dictionary, definition of <i>proceeding under this Act</i>	25
19	Dictionary, new definitions	25
20	Ombudsman Act 1989, section 5 (2) (h)	26

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(Minister for Urban Services)

## Utilities Amendment Bill 2005

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### A Bill for

An Act to amend the *Utilities Act 2000*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Utilities Amendment Act 2005*.

3 **2 Commencement**

4 This Act commences on a day fixed by the Minister by written  
5 notice.

6 *Note 1* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

8 *Note 2* A single day or time may be fixed, or different days or times may be  
9 fixed, for the commencement of different provisions (see Legislation  
10 Act, s 77 (1)).

11 *Note 3* If a provision has not commenced within 6 months beginning on the  
12 notification day, it automatically commences on the first day after that  
13 period (see Legislation Act, s 79).

14 **3 Legislation amended**

15 This Act amends the *Utilities Act 2000*.

16 *Note* This Act also amends the *Ombudsman Act 1989* (see s 20).

17 **4 Notice about lopping trees etc on private land**  
18 **Section 110 (3) (d)**

19 *omit*

20 (5)

21 *substitute*

22 (6)

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1 **5 Notice to other utilities**  
2 **Section 111 (5)**

3 *omit*

4 (1)

5 *substitute*

6 (2)

7 **6 Section 111 (6)**

8 *omit*

9 (1)

10 *substitute*

11 (2)

12 **7 Section 111 (7)**

13 *substitute*

14 (7) In this section:

15 ***network facility*** includes—

- 16 (a) a telecommunications facility; and  
17 (b) a stormwater facility; and  
18 (c) a streetlight facility.

19 ***public utility*** includes—

- 20 (a) a utility licensed under this Act; and  
21 (b) a carrier or network operator under the *Telecommunications*  
22 *Act 1997* (Cwlth); and  
23 (c) the entity responsible for the operation of the stormwater  
24 network; and

1 (d) the entity responsible for the operation of the streetlight  
2 network.

3 *stormwater facility* means any part of the infrastructure of a  
4 stormwater network.

5 *streetlight facility* means any part of the infrastructure of a  
6 streetlight network.

7 *telecommunications facility* means a facility under the  
8 *Telecommunications Act 1997* (Cwlth).

9 **8 Land to be restored**  
10 **Section 113 (2)**

11 *substitute*

12 (2) Subsection (1) does not require the restoration of land to a condition  
13 that would involve—

14 (a) an interference with—

15 (i) a network or network facility; or

16 (ii) a territory network or territory network facility; or

17 (b) a contravention of a territory law.

18 **9 New part 14**

19 *insert*

20 **Part 14 Streetlighting and stormwater**

21 **Division 14.1 General**

22 **225A Definitions for pt 14**

23 In this part:

24 *installation*, of a territory network facility, includes—

- 1 (a) the construction or extension of the facility on, over or under  
2 any land or water; and
- 3 (b) the attachment of the facility to any building or other structure;  
4 and
- 5 (c) any activity that is ancillary or incidental to an activity  
6 mentioned in paragraph (a) or (b).
- 7 ***interference***, with a territory network or territory network facility,  
8 includes an action that—
- 9 (a) interferes with the safe or efficient operation of the network or  
10 facility or is likely to have that effect; or
- 11 (b) inhibits or obstructs lawful access to the network or facility or  
12 is likely to have that effect.
- 13 ***stormwater drainage*** means the collection and carriage of water  
14 run-off in or through an urban area.
- 15 ***stormwater network***—see section 225B.
- 16 ***stormwater network boundary***—see section 225C.
- 17 ***stormwater network code***—see section 225C.
- 18 ***streetlighting*** does not include streetlighting only for decorative or  
19 artistic purposes.
- 20 ***streetlight network***—see section 225D.
- 21 ***streetlight network code***—see section 225E.
- 22 ***territory network*** means a streetlight network or stormwater  
23 network.
- 24 ***territory network facility*** means any part of the infrastructure of a  
25 territory network.
- 26 ***territory network operations*** means work carried out by or for the  
27 Territory under this part for the provision of a territory service.

1            *territory network protection notice* means a notice under  
2            section 225X.

3            *territory service* means streetlighting or stormwater drainage.

4            *territory service authorised person* means a territory service  
5            authorised person under section 225Q.

6            **225B      Stormwater network**

7            (1) For this Act, a *stormwater network* is the infrastructure used, or for  
8            use, in relation to stormwater drainage.

9            **Examples of infrastructure**

- 10           1    drains, channels, floodways, mains, pipes, pollutant traps and storage  
11           facilities  
12           2    access holes, inlet sumps and surcharge sumps  
13           3    equipment associated with the infrastructure  
14           4    a thing ancillary to the infrastructure

15           *Note*     An example is part of the Act, is not exhaustive and may extend, but  
16           does not limit, the meaning of the provision in which it appears (see  
17           Legislation Act, s 126 and s 132).

18           (2) However, a *stormwater network* does not include infrastructure  
19           outside the stormwater network boundary and anything else  
20           excluded under the stormwater network code.

21           **225C      Stormwater network code and boundary**

22           (1) The Minister may, in writing, approve a *stormwater network code*  
23           for this part.

24           (2) The *stormwater network boundary* is to be worked out in  
25           accordance with the stormwater network code.

26           (3) The code is a notifiable instrument.

27           *Note*     A notifiable instrument must be notified under the Legislation Act.

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1     **225D     Streetlight network**

2           (1) For this Act, a *streetlight network* is the infrastructure used, or for  
3           use, in relation to the provision of streetlighting.

4           **Examples of infrastructure**

- 5           1     electrical power and control cables, and ducts or pipes for cables  
6           2     switching equipment  
7           3     lamps, brackets, insulators and fittings  
8           4     wires and ducts or pipes for wires or equipment  
9           5     fuses  
10          6     a structure supporting the infrastructure  
11          7     equipment associated with the infrastructure  
12          8     a thing ancillary to the infrastructure

13          *Note*     An example is part of the Act, is not exhaustive and may extend, but  
14                    does not limit, the meaning of the provision in which it appears (see  
15                    Legislation Act, s 126 and s 132).

16          (2) However, a *streetlight network* does not include infrastructure  
17          excluded under the streetlight network code.

18     **225E     Streetlight network code**

19           (1) The Minister may, in writing, approve a *streetlight network code* for  
20           this part.

21           (2) The code is a notifiable instrument.

22          *Note*     A notifiable instrument must be notified under the Legislation Act.

23     **Division 14.2           Territory network operations**

24     **Subdivision 14.2.1    General powers**

25     **225F     Installation of territory network facilities**

26           (1) For the provision of a territory service, the Territory may, at any  
27           time—

28           (a) enter and occupy land; and

- 1                   (b) carry out any work on the land that is necessary or desirable for  
2                   installing a territory network facility.
- 3           (2) Under subsection (1) (b), the Territory may, for example, carry out  
4           any of the following work:
- 5                   (a) make surveys, take samples and examine the soil;
- 6                   (b) construct, install or place any plant, machinery, equipment or  
7                   goods;
- 8                   (c) fell or lop trees, or clear and remove vegetation;
- 9                   (d) interrupt the provision of a territory service by the Territory;
- 10                  (e) make cuttings and excavations;
- 11                  (f) level the land or make roads;
- 12                  (g) erect offices, workshops, sheds, other buildings, fences and  
13                  other structures;
- 14                  (h) demolish, destroy or remove any territory network facility  
15                  installed or used by the Territory in relation to the provision of  
16                  a territory service;
- 17                  (i) put a gate or passageway in a fence or wall (except a wall of a  
18                  building) that prevents or hinders the Territory's work under  
19                  this section, or remove the gate or passageway;
- 20                  (j) temporarily divert or stop traffic on a public road or bridge;
- 21                  (k) restore the land, or fences, walls or other structures on the land,  
22                  affected by the Territory's work and, for that purpose, remove  
23                  and dispose of soil, vegetation and other material.
- 24           *Note*       An example is part of the Act, is not exhaustive and may extend, but  
25                        does not limit, the meaning of the provision in which it appears (see  
26                        Legislation Act, s 126 and s 132).
- 27           (3) This section does not entitle the Territory to act under subsection (1)  
28           on land for which it is not the land-holder unless—

- 1 (a) it or the Executive has an appropriate interest in the land; or  
2 (b) the owner of the land agrees to the action.
- 3 (4) If subsection (2) (i) applies, the Territory must ensure, so far as  
4 practicable, that the work is carried out in a way that minimises  
5 inconvenience and disruption to the passage of people, vehicles and  
6 vessels.

### 7 **225G Maintenance of territory network facilities**

- 8 (1) The Territory may, at any time, maintain a territory network facility  
9 and, for that purpose, do anything necessary or desirable, including,  
10 for example—

- 11 (a) entering and occupying land; and  
12 (b) carrying out any work mentioned in section 225F.

13 *Note* An example is part of the Act, is not exhaustive and may extend, but  
14 does not limit, the meaning of the provision in which it appears (see  
15 Legislation Act, s 126 and s 132).

- 16 (2) For subsection (1), the maintenance of a territory network facility  
17 includes, for example, the following work:

- 18 (a) the alteration, removal, repair, replacement or cleaning of any  
19 part of the facility;
- 20 (b) the provisioning of the facility with material or information  
21 (whether in electronic form or otherwise);
- 22 (c) inspecting or otherwise ensuring the proper functioning of the  
23 facility from time to time;
- 24 (d) action to which a territory network protection notice relates.

### 25 **225H National land**

26 Functions of the kind exercisable by the Territory under this part are  
27 exercisable in relation to national land only by agreement with the  
28 Commonwealth.



- 
- 1 (4) The land-holder may waive its right to all or part of the minimum  
2 period of notice under subsection (2).
- 3 (5) Subsection (1) does not apply if the operations are to be carried out  
4 in urgent circumstances in which it is necessary to protect—
- 5 (a) the integrity of a territory network or territory network facility;  
6 or
- 7 (b) the health or safety of people; or
- 8 (c) public or private property; or
- 9 (d) the environment.
- 10 **225K Notice about lopping trees etc on private land**
- 11 (1) This section applies to territory network operations to the extent that  
12 they involve—
- 13 (a) the felling or lopping of trees on private land; or
- 14 (b) the trimming of roots of trees or other plants on private land; or
- 15 (c) the clearing or removal of vegetation on private land.
- 16 (2) Before the Territory begins the operations, it must give the  
17 land-holder written notice of the proposed operations.
- 18 (3) The notice—
- 19 (a) must be given at least 7 days before the operations begin; and
- 20 (b) must indicate the trees or vegetation affected and the activity  
21 proposed; and
- 22 (c) may require the land-holder to carry out the activity within a  
23 stated period; and
- 24 (d) if paragraph (c) applies—must contain a statement about the  
25 effect of subsection (6); and

- 1           (e) if the operations relate to other territory network operations for  
2           which notice is required under this subdivision—may be given  
3           in or with the notice of the other operations.
- 4           (4) The land-holder may waive its right to all or part of the minimum  
5           period of notice under subsection (3) (a).
- 6           (5) If subsection (3) (c) applies, the stated period within which the  
7           land-holder is required to carry out the activity must be at least  
8           7 days beginning on the day the notice is given to the land-holder.
- 9           (6) If the land-holder does not carry out the activity in accordance with  
10          a requirement in the notice mentioned in subsection (3) (c)—
- 11          (a) the Territory may carry out the activity; and
- 12          (b) the reasonable expenses incurred by the Territory in carrying  
13          out the activity are a debt owing to the Territory by the  
14          land-holder.
- 15          (7) Subsection (6) (b) does not apply to a tree or vegetation growing on  
16          the land before a territory network facility was installed on the land.
- 17          (8) Subsection (2) does not apply, and the Territory may carry out the  
18          operations at its own expense, in urgent circumstances in which it is  
19          necessary to protect—
- 20          (a) the integrity of a territory network or a territory network  
21          facility; or
- 22          (b) the health or safety of people; or
- 23          (c) public or private property; or
- 24          (d) the environment.

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1     **225L     Territory network operations affecting heritage**  
2     **significance**

- 3           (1) If a notice under section 225J or section 225K is about territory  
4           network operations that may affect a place or object registered, or  
5           nominated for provisional registration, under the *Heritage Act 2004*,  
6           the Territory must also give a copy of the notice to the heritage  
7           council at least 7 days before the day operations begin.
- 8           (2) Subsection (1) does not apply if the operations are to be carried out  
9           in urgent circumstances in which it is necessary to protect—
- 10           (a) the integrity of a territory network or territory network facility;  
11           or
- 12           (b) the health or safety of people; or
- 13           (c) public or private property; or
- 14           (d) the environment.

15     **225M     Notice to utilities**

- 16           (1) This section applies to territory network operations that consist of,  
17           or include, an activity that affects or is reasonably likely to affect a  
18           network facility under the care and management of a utility.
- 19           (2) Before the Territory begins the operations, it must give the utility  
20           written notice of the proposed operations.
- 21           (3) The notice must—
- 22           (a) be given to the utility at least 7 days before the operations  
23           begin; and
- 24           (b) so far as practicable, state the following matters:
- 25               (i) the purpose of the operations;
- 26               (ii) the nature of the activities involved;
- 27               (iii) the network facility affected;

- 1 (iv) the period or periods during which the activities are  
2 expected to be carried out.
- 3 (4) The utility may waive its right to notice under subsection (2).
- 4 (5) Subsection (2) does not apply if the operations are to be carried out  
5 in urgent circumstances in which it is necessary to protect—
- 6 (a) the integrity of a territory network or territory network facility;  
7 or
- 8 (b) the health or safety of people; or
- 9 (c) public or private property; or
- 10 (d) the environment.

11 **225N Removal of Territory's property and waste**

- 12 (1) This section applies if the Territory carries out an activity as  
13 territory network operations on land for which it is not the  
14 land-holder.
- 15 (2) The Territory must, as soon as practicable, remove from the land—
- 16 (a) all of the following that the Territory constructed, installed or  
17 placed on the land and that do not form part of, or are not to be  
18 used in the operation of, the territory network facility to which  
19 the activity related:
- 20 (i) items of plant, machinery, equipment and other goods;
- 21 (ii) offices, workshops, sheds and other buildings;
- 22 (iii) roads and tracks; and
- 23 (b) all spoil, waste and rubbish and cleared vegetation resulting  
24 from the activity.
- 25 (3) The obligation in subsection (2) is subject to any agreement to the  
26 contrary between the Territory and the land-holder.

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1     **225O     Land to be restored**

- 2           (1) This section applies if the Territory carries out territory network  
3           operations on land for which it is not the land-holder.
- 4           (2) The Territory must take all reasonable steps to ensure that the land  
5           is restored as soon as practicable to a condition that is similar to its  
6           condition before the operations began.
- 7           (3) Subsection (2) does not require the restoration of land to a condition  
8           that would involve—
- 9                 (a) an interference with—
- 10                         (i) a territory network or territory network facility; or
- 11                         (ii) a network or network facility; or
- 12                 (b) a contravention of a territory law.
- 13           (4) The obligation in subsection (2) is subject to any agreement to the  
14           contrary between the Territory and the land-holder.

15     **225P     Compensation**

- 16           (1) A person may claim reasonable compensation from the Territory if  
17           the person suffers loss or expense because of territory network  
18           operations.
- 19           (2) Compensation may be claimed and ordered in a proceeding for  
20           compensation brought in a court of competent jurisdiction.
- 21           (3) A court may order the payment of reasonable compensation for the  
22           loss or expense only if satisfied it is just to make the order in the  
23           circumstances of the particular case.
- 24           (4) Without limiting subsection (3), a court may take into account  
25           whether the Territory has satisfied its obligations under  
26           section 225N (Removal of Territory's property and waste) and  
27           section 225O (Land to be restored) in considering whether it is just  
28           to make an order under this section.

1 **Subdivision 14.2.3 Authorised people and entry to premises**

2 **225Q Territory service authorised people**

3 (1) Each of the following is a territory service authorised person for this  
4 part:

5 (a) if the Territory engages a utility to exercise a function under  
6 this part—an authorised person for the utility under section 114  
7 (Appointment) whose functions are, or include, the exercise of  
8 a function under this part;

9 *Note* Section 114 (2) provides that an authorised person must exercise  
10 his or her functions in accordance with the conditions of  
11 appointment and any direction given to the person by the utility.

12 (b) if the Territory engages an entity (other than a utility or public  
13 servant) to exercise a function under this part—a person  
14 appointed by the entity as a territory service authorised person  
15 for this part;

16 (c) in any other case—a public servant appointed under  
17 subsection (2).

18 (2) The chief executive may appoint a public servant as a territory  
19 service authorised person for this part.

20 *Note 1* For the making of appointments (including acting appointments), see  
21 the Legislation Act, div 19.3.

22 *Note 2* In particular, a person may be appointed for a particular provision of a  
23 law (see Legislation Act, s 7 (3)) and an appointment may be made by  
24 naming a person or nominating the occupant of a position (see s 207).

25 (3) A territory service authorised person must exercise the person's  
26 functions under this part in accordance with the conditions of  
27 appointment (if any) and any direction given to the person by the  
28 appointer.

29 (4) In this section:

30 ***appointer***, for a territory service authorised person, means—

- 
- 1 (a) if the Territory engages a utility to exercise a function under  
2 this part—the utility; or
- 3 (b) if the Territory engages an entity (other than a utility or public  
4 servant) to exercise a function under this part—the entity; or
- 5 (c) in any other case—the chief executive.

6 **225R Identity cards**

- 7 (1) If the Territory engages a utility to exercise a function under this  
8 part, the identity card for each territory service authorised person for  
9 the utility is the identity card for the person under section 115  
10 (Identity cards).
- 11 (2) If the Territory engages an entity (other than a utility or public  
12 servant) to exercise a function under this part, the entity must give  
13 each territory service authorised person for the entity an identity  
14 card stating the person's name and that the person is a territory  
15 service authorised person.
- 16 (3) The chief executive must give each territory service authorised  
17 person appointed under section 225Q (2) an identity card stating the  
18 person's name and that the person is a territory service authorised  
19 person.
- 20 (4) The identity card mentioned in subsection (2) or (3) must show—
- 21 (a) a recent photograph of the person; and
- 22 (b) the card's date of issue and expiry; and
- 23 (c) anything else prescribed by regulation.
- 24 (5) A person commits an offence if—
- 25 (a) the person is a person mentioned in subsection (2) or (3); and
- 26 (b) the person stops being a territory service authorised person;  
27 and

- 1 (c) the person does not return the person's identity card to the  
2 appointer as soon as practicable, but no later than 7 days after  
3 the day the person stops being a territory service authorised  
4 person.

5 Maximum penalty: 1 penalty unit.

- 6 (6) An offence against this section is a strict liability offence.

- 7 (7) In this section:

8 *appointer*, for a territory service authorised person—see  
9 section 225Q (4).

10 **225S Entry to premises—territory network operations**

- 11 (1) If the Territory is authorised under this division to carry out territory  
12 network operations affecting particular premises, a territory service  
13 authorised person in relation to the operations may—

14 (a) enter the premises, with the people, vehicles and things that are  
15 necessary and reasonable for the operations; and

16 (b) carry out the activities necessary for the operations.

- 17 (2) The territory service authorised person may not remain on the  
18 premises if the person does not produce the person's identity card  
19 when asked by the land-holder or person apparently in charge of the  
20 premises.

- 21 (3) The territory service authorised person may enter and remain on the  
22 premises under this section with the assistance that is necessary and  
23 reasonable.

24 **225T Entry to premises—inspection of connections etc**

- 25 (1) A territory service authorised person in relation to a territory  
26 network may enter and remain on any premises—

27 (a) to check work associated with the connection of the premises  
28 to the network; or

- 
- 1 (b) to check the operation of a connection between the premises  
2 and the network, or install, repair, remove or replace the  
3 connection; or
- 4 (c) for a purpose related to the connection of the premises to the  
5 network, or its withdrawal.
- 6 (2) The territory service authorised person may not remain on the  
7 premises if the person does not produce the person's identity card  
8 when asked by the land-holder or person apparently in charge of the  
9 premises.
- 10 (3) The territory service authorised person may enter and remain on the  
11 premises under this section—
- 12 (a) at any reasonable time; and  
13 (b) with the assistance that is necessary and reasonable.

#### 14 **Subdivision 14.2.4 Miscellaneous**

##### 15 **225U Order to enforce exercise of functions**

- 16 (1) This section applies if—
- 17 (a) a territory service authorised person is entitled to exercise a  
18 function under this division in relation to premises; and
- 19 (b) someone obstructs, or proposes to obstruct, the authorised  
20 person in the exercise of the function.
- 21 (2) The Magistrates Court may, on the application of the territory  
22 service authorised person, make an order authorising a police officer  
23 or anyone else named in the order to use the assistance and force  
24 that are necessary and reasonable to enable the function to be  
25 exercised.
- 26 (3) A copy of an application under subsection (2) must be given to the  
27 obstructor, and the obstructor is entitled to appear and be heard on  
28 the hearing of the application.

1    **225V      Ownership of territory network facilities**

2           The owner or occupier of land to which a territory network facility  
3           is attached has no proprietary interest in the facility only because it  
4           is attached to the land.

5    **Division 14.3           Protection of territory networks**

6    **225W      Interference with territory networks**

7           A person commits an offence if the person—

- 8           (a) does something that interferes with a territory network or a  
9           territory network facility; and  
10          (b) is reckless about whether doing the thing would interfere with  
11          the network or facility.

12          Maximum penalty: 50 penalty units, imprisonment for 6 months or  
13          both.

14   **225X      Territory network protection notices**

- 15          (1) This section applies if the Territory is satisfied that a structure or  
16          activity on, under or over land or water interferes, or is reasonably  
17          likely to interfere, with a territory network or territory network  
18          facility.
- 19          (2) For a structure, the Territory may give the land-holder written notice  
20          to take whatever action is necessary to stop the interference with the  
21          network or facility, or to remove the likelihood of that interference.
- 22          (3) For an activity, the Territory may give the relevant person written  
23          notice to take whatever action is necessary to stop the interference  
24          with the network or facility, or to remove the likelihood of that  
25          interference
- 26          (4) The notice must—  
27               (a) indicate the structure or activity; and

- 
- 1 (b) require the person given the notice to take stated action to stop  
2 the interference, or remove the likelihood of the interference,  
3 within a stated period; and
- 4 (c) contain a statement about the effect of subsection (6).
- 5 (5) The stated period must be at least 7 days, starting on the day the  
6 notice is given.
- 7 (6) If the person given the notice does not comply with the notice—
- 8 (a) the Territory may do whatever is necessary to stop the  
9 interference or remove the likelihood of the interference; and
- 10 (b) the reasonable expenses incurred by the Territory to stop the  
11 interference or remove the likelihood of the interference are a  
12 debt owing to the Territory by the person given the notice.
- 13 (7) Subsection (6) (b) does not apply to a structure that was, or an  
14 activity that began, on, under or over the land before the installation  
15 of the territory network or territory network facility to which the  
16 interference relates.
- 17 (8) In urgent circumstances the Territory may, without giving a notice  
18 under subsection (2) or subsection (3) and at the Territory's  
19 expense, do whatever is necessary to stop the interference or remove  
20 the likelihood of the interference.
- 21 (9) If both of the following happen, the amount of the loss or damage is  
22 a debt owing to the person by the Territory:
- 23 (a) the Territory acts under this section in relation to a structure  
24 that was, or an activity that began, on, under or over the land  
25 before the installation of the territory network or territory  
26 network facility to which the interference relates;
- 27 (b) the person suffers loss or damage because of the Territory's  
28 action.

1 (10) In this section:

2 *activity* does not include an activity done by or for a utility under  
3 this Act.

4 *person given the notice* means—

5 (a) for a structure—the landholder; or

6 (b) for an activity—the relevant person.

7 *relevant person*, in relation to an activity, means—

8 (a) the person carrying out the activity; or

9 (b) the person on whose behalf the activity is being carried out.

10 *urgent circumstances* means circumstances in which it is necessary  
11 to protect—

12 (a) the integrity of the network or facility; or

13 (b) the health or safety of people; or

14 (c) public or private property; or

15 (d) the environment.

16 **225Y Territory network protection action affecting heritage**  
17 **significance**

18 (1) If a notice under section 225X is about action that may affect a place  
19 or object registered, or nominated for provisional registration, under  
20 the *Heritage Act 2004*, the Territory must also give a copy of the  
21 notice to the heritage council as soon as practicable.

22 (2) If the Territory acts in urgent circumstances as mentioned in  
23 section 225X (8), it must give the heritage council written notice of  
24 the action as soon as practicable.

- 1 **10 Vicarious liability**  
2 **Part 14**
- 3 *renumber as part 15*
- 4 **11 Section 226 heading**
- 5 *substitute*
- 6 **226 References in pt 15 to *proceeding under this Act***
- 7 **12 Miscellaneous**  
8 **Part 15**
- 9 *renumber as part 16*
- 10 **13 Section 229**
- 11 *substitute*
- 12 **229 Determination of fees**
- 13 (1) This section does not apply to an annual licence fee.
- 14 (2) ICRC may, in writing, determine fees for this Act (other than  
15 part 11 (Essential Services Consumer Council) and part 14  
16 (Streetlighting and stormwater)).
- 17 *Note* The Legislation Act contains provisions about the making of  
18 determinations and regulations relating to fees (see pt 6.3).
- 19 (3) The Minister may, in writing, determine fees for part 14.
- 20 (4) A determination is a disallowable instrument.
- 21 *Note* A disallowable instrument must be notified, and presented to the  
22 Legislative Assembly, under the Legislation Act.

1 **14 Compensation—safety net**  
2 **Section 233 (1) (a)**

3 *omit*

4 this section and division 9.2

5 *substitute*

6 this section, division 9.2 (Compensation) and section 225P  
7 (Compensation)

8 **15 Regulation-making power**  
9 **Section 234 (2)**

10 *substitute*

11 (2) A regulation may make provision in relation to the safe or efficient  
12 provision of—

13 (a) utility services, including provision prohibiting or regulating  
14 activities—

15 (i) to ensure the safe or efficient operation of a utility  
16 network or network facility; and

17 (ii) to protect people or property in relation to the operation  
18 of a utility network or network facility; and

19 (b) territory services, including provision prohibiting or regulating  
20 activities—

21 (i) to ensure the safe or efficient operation of a territory  
22 network or territory network facility; and

23 (ii) to protect people or property in relation to the operation  
24 of a territory network or territory network facility.

25 **16 Parts 14 to 16**

26 *renumber sections when Act next republished under Legislation Act*

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**17 Dictionary, definitions of *installation* and *interference***

*substitute*

***installation***—

(a) of a network facility, for part 7 (Network operations)—see section 103; and

(b) of a territory network facility, for part 14 (Streetlighting and stormwater)—see section 225A.

***interference***—

(a) with a network or network facility, for part 8 (Protection of networks)—see section 123; and

(b) with a territory network or territory network facility, for part 14 (Streetlighting and stormwater)—see section 225A.

**18 Dictionary, definition of *proceeding under this Act***

*substitute*

***proceeding under this Act***, for part 15 (Vicarious liability)—see section 226.

**19 Dictionary, new definitions**

*insert*

***stormwater drainage***, for part 14 (Streetlighting and stormwater)—see section 225A.

***stormwater network***—see section 225B.

***stormwater network boundary***, for part 14 (Streetlighting and stormwater)—see section 225C.

***stormwater network code***, for part 14 (Streetlighting and stormwater)—see section 225C.

- 1            *streetlighting*, for part 14 (Streetlighting and stormwater)—see  
2            section 225A.
- 3            *streetlight network*—see section 225D.
- 4            *streetlight network code*, for part 14 (Streetlighting and  
5            stormwater)—see section 225E.
- 6            *territory network*—see section 225A.
- 7            *territory network facility*—see section 225A.
- 8            *territory network operations*, for part 14 (Streetlighting and  
9            stormwater)—see section 225A.
- 10           *territory network protection notice*, for part 14 (Streetlighting and  
11           stormwater)—see section 225A.
- 12           *territory service*—see section 225A.
- 13           *territory service authorised person*, for part 14 (Streetlighting and  
14           stormwater)—see section 225A.

15    **20    Ombudsman Act 1989, section 5 (2) (h)**

- 16           *substitute*
- 17           (h) action taken by the Territory or a territory authority for the  
18           management of the environment (not including action taken  
19           under the *Utilities Act 2000*, part 14 (Streetlighting and  
20           stormwater)); or

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2005.

**2 Notification**

Notified under the Legislation Act on 2005.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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