

Australian Capital Territory

Utilities (Technical Regulation) Act 2014

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

About this republication

The republished law

This is a republication of the *Utilities (Technical Regulation) Act 2014* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 January 2026. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 5 January 2026.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Utilities (Technical Regulation) Act 2014

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Australian Capital Territory

Utilities (Technical Regulation) Act 2014

An Act relating to the safe, reliable and efficient delivery of regulated utility services, and for other purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Utilities (Technical Regulation) Act 2014*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere.

For example, the signpost definition '***gas network***—see the *Utilities Act 2000*, section 10.' means the term 'gas network' is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

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5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Objects of Act

The objects of this Act are to—

(a) ensure the safe, reliable and efficient delivery of regulated utility services; and

(b) promote the long-term serviceability of regulated utility networks and regulated utility services; and

(c) promote design integrity and functionality of regulated utility networks; and

(d) ensure the safe and reliable operation and maintenance of regulated utility networks and regulated utility services to protect the following:

(i) the public;

(ii) people working on regulated utility networks and regulated utility services;

(iii) property near regulated utility networks and regulated utility services;

(iv) the environment.

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7 Other laws not affected

(1) This Act is in addition to, and does not limit, any other Act.

(2) In particular, nothing in this Act affects the exercise of a function under, or the obligation (if any) of a regulated utility service to comply with a requirement under any of the following:

(a) the *Australian Consumer Law (ACT)*;

(b) the *Electricity (National Scheme) Act 1997*;

(c) the *Electricity Safety Act 1971*;

(d) the *Emergencies Act 2004*;

(e) the *Environment Protection Act 1997*;

(f) the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth);

(g) the *Gas Safety Act 2000*;

(h) the *National Gas (ACT) Act 2008*;

(i) the *National Gas (ACT) Law*;

(j) the *National Gas (ACT) Regulation*;

(k) the *Planning Act 2023*;

(l) the *Utilities Act 2000*;

(m) the *Water and Sewerage Act 2000*;

(n) the *Water Resources Act 2007*;

(o) the *Work Health and Safety Act 2011*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

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Part 2 Regulated utility services

8 Meaning of *regulated utility*

In this Act:

regulated utility means a person who provides a service that is a regulated utility service under this Act.

9 Meaning of *regulated utility service*

(1) For this Act, each of the following is a ***regulated utility service***:

(a) a utility service under the *Utilities Act 2000*, part 2;

Note The *Utilities Act 2000* requires a person who provides a utility service to be licensed (see that Act, s 21).

(b) a regulated utility service prescribed under section 10;

(c) in relation to electricity—small or medium scale electrical generation;

(d) in relation to electricity—the supply of electricity from an electricity network to premises;

(e) in relation to gas—the supply of gas from a gas network to premises;

(f) in relation to water—owning, leasing or subleasing a registrable dam;

(g) the provision of a district energy service.

(2) In this section:

discrete district network means infrastructure that is not connected to a network and is used for 1 or more of the following:

(a) providing a form of energy to more than 1 building or premises;

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(b) converting a form of energy to another form of energy and providing that energy to more than 1 building or premises;

(c) providing reticulated gas, water or another fluid to more than 1 building or premises;

(d) storing a form of energy, gas, water or another fluid for provision to more than 1 building or premises.

Example—discrete district network

A solar installation located on a warehouse produces a form of energy such as electricity or hydraulic pressure that is provided to the warehouse and a number of other buildings in the neighbourhood for use. The solar installation and the cables distributing the energy are not connected to a network under the *Utilities Act 2000*.

district energy service means the provision for use in a discrete district network of 1 or both of the following:

(a) electricity or another form of energy;

(b) reticulated gas, water or another fluid.

small or medium scale generation means the capacity to generate an amount of power that—

(a) is not less than the lower limit, but less than the upper limit prescribed by regulation; and

(b) is connected to an electricity network.

10 Prescribed regulated utility services

(1) A regulation may prescribe a regulated utility service for this Act if the Minister is satisfied on reasonable grounds that the service includes infrastructure for the provision of electricity, gas, another form of energy, water or sewerage.

(2) A regulation may prescribe the regulated utility network and the infrastructure it consists of for a regulated utility service prescribed under subsection (1).

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10A Exempt classes of regulated utility services

(1) A regulation may exempt a class of regulated utility service from this Act if, after consulting the technical regulator and having regard to the matters in subsection (2), the Minister is satisfied on reasonable grounds that—

(a) the class of regulated utility service is, either—

(i) adequately regulated under another law applying in the ACT; or

(ii) not required to be regulated; and

(b) exempting the class of regulated utility service will not significantly impede the objects under section 6 being achieved.

(2) For subsection (1), the Minister must have regard to the following:

(a) the nature and kind of regulated utility service;

(b) the level of risk of—

(i) a regulated utility service in the class failing; or

(ii) a regulated utility failing to provide a regulated utility service in the class in a safe, reliable and effective way;

(c) the consequences for consumers, public safety and the environment if—

(i) a regulated utility service in the class were to fail; or

(ii) a regulated utility were to fail to provide a regulated utility service in the class in a safe, reliable and effective way.

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Part 3 Technical codes

Division 3.1 Purpose of technical codes

11 Technical codes—purpose

(1) A technical code must be consistent with the objects of this Act and may be made for the following purposes:

(a) protecting the integrity of regulated utility networks and regulated utility services;

(b) protecting the health and safety of people who operate, work on, or are likely to be affected by, the operation of regulated utility networks and regulated utility services;

(c) ensuring the proper connection of customers' premises to a regulated utility network for the provision of a regulated utility service;

(d) establishing design features or performance requirements for—

(i) a regulated utility network or a regulated utility service; and

(ii) facilities or equipment on customer's premises that connect to a regulated utility network or regulated utility service;

(e) establishing boundaries that apply in relation to regulated utility networks, other networks and customer premises;

(f) protecting—

(i) public and private property; and

(ii) the environment;

(g) emergency planning by a regulated utility.

(2) A technical code may make provision in relation to the accreditation of people for work associated with regulated utility services.

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Division 3.2 Making technical codes

12 Draft technical codes—proposed by regulated utility

(1) A regulated utility may propose a draft technical code by—

(a) giving the technical regulator the draft technical code; and

(b) asking the technical regulator to consider the draft technical code.

(2) If the technical regulator receives a draft technical code under subsection (1), the technical regulator, after considering the draft technical code, may prepare the draft technical code (with or without amendment) for consultation under section 13.

(3) Nothing in this section requires the technical regulator to prepare a draft technical code for consultation.

13 Draft technical codes—consultation

(1) The technical regulator may prepare a draft technical code.

(2) The technical regulator must give a copy of the draft technical code to—

(a) the ICRC; and

(b) if the draft technical code is for protecting the environment—the conservator of flora and fauna; and

(c) each regulated utility providing services that are likely to be regulated under the draft code.

(3) A person who is given a copy of the draft technical code under subsection (2) may make a submission to the technical regulator about the draft technical code within a stated period of not less than 20 days.

(4) The technical regulator—

(a) must consider a submission made under this section; and

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(b) may make a recommendation to the Minister about approval of the draft technical code.

14 Technical codes—approval

(1) The Minister may approve a technical code as recommended by the technical regulator if the Minister is satisfied on reasonable grounds that—

(a) section 13 has been complied with; and

(b) the technical code is—

(i) consistent with the objects of this Act; and

(ii) not inconsistent with another technical code.

(2) An approved technical code may apply, adopt or incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.

(3) The Legislation Act, section 47 (6) does not apply in relation to an AS or AS/NZS applied, adopted or incorporated under subsection (2).

Note An AS or AS/NZS does not need to be notified under the Legislation Act because s 47 (6) does not apply (see Legislation Act, s 47 (7)). An AS or AS/NZS may be purchased at www.standards.org.au.

(4) An approval is a disallowable instrument.

15 Technical codes—public access

(1) The technical regulator must make a copy of a technical code available for public inspection during ordinary office hours.

(2) The technical regulator must also make a copy of an instrument (other than an AS or AS/NZS) applied, adopted or incorporated in a technical code available for public inspection during ordinary office hours.

(3) A person may inspect, or make a copy of, all or part of a technical code.

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(4) If a person requests that a copy be made available in electronic form, the technical regulator may provide a copy—

(a) on a data storage device; or

(b) by electronic transmission.

Division 3.3 Enforcement of technical codes

16 Offence—fail to comply with technical code

(1) A regulated utility commits an offence if—

(a) a technical code applies to the regulated utility; and

(b) the regulated utility fails to comply with a requirement of the technical code; and

(c) the regulated utility is negligent about whether the technical code is complied with.

Maximum penalty: 2 000 penalty units.

(2) A regulated utility commits an offence if—

(a) a technical code applies to the regulated utility; and

(b) the regulated utility fails to comply with a requirement of the technical code.

Maximum penalty: 30 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

17 Technical regulator's warning notice

(1) This section applies if the technical regulator is satisfied on reasonable grounds that a regulated utility has contravened, or is likely to contravene, this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

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(2) The technical regulator must give the regulated utility a written notice (a ***show cause notice***) stating—

(a) that the technical regulator proposes to issue a notice (a ***technical regulator's warning notice***); and

(b) the details of the proposed technical regulator's warning notice; and

(c) that the regulated utility may, not later than 20 days after the day the regulated utility is given the show cause notice, give the technical regulator a written submission about the proposed technical regulator's warning notice.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) After considering any submission given under subsection (2) (c), the technical regulator may give the regulated utility a technical regulator's warning notice stating—

(a) the reasons for the warning notice; and

(b) the action required to rectify the contravention or to avoid the likely contravention; and

(c) the time within which the action is required; and

(d) if the warning notice is not complied with in the time mentioned in paragraph (c), that—

(i) a technical regulator's direction under section 18 may be given without further notice; and

(ii) the technical regulator's compliance report will include details of the non-compliance.

(4) The technical regulator's compliance report must include details about—

(a) the regulated utilities that were given a notice under this section in a financial year; and

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(b) the reasons for the notice; and

(c) whether the action required in the notice was taken within the time stated in the notice.

18 Technical regulator's directions

(1) This section applies if the technical regulator is satisfied on reasonable grounds that a regulated utility has contravened, or is likely to contravene, this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) The technical regulator may give the regulated utility a written notice (a ***show cause notice***) stating—

(a) that the technical regulator proposes to issue a direction (a ***technical regulator's direction***); and

(b) the details of the proposed technical regulator's direction; and

(c) that the regulated utility may, not later than 20 days after the day the regulated utility is given the show cause notice, give the technical regulator a written submission about the proposed technical regulator's direction.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) After considering any submission given under subsection (2) (c), the technical regulator may direct the regulated utility to take action stated in the technical regulator's direction to ensure compliance with this Act or the code, including action—

(a) to rectify the contravention; or

(b) to avoid the likely contravention.

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(4) The technical regulator may give a technical regulator's direction only if the technical regulator—

(a) has given the regulated utility a technical regulator's warning notice and the warning notice has not been complied with; or

(b) has given the regulated utility a show cause notice under this section.

(5) As soon as practicable after a technical regulator's direction is given, the technical regulator must prepare a statement about the direction and the reasons for it.

Note For what must be included in a statement of reasons, see the Legislation Act, s 179.

(6) The direction and statement of reasons are a notifiable instrument.

19 Offence—fail to comply with technical regulator's direction

A regulated utility commits an offence if the regulated utility—

(a) is given a technical regulator's direction; and

(b) intentionally fails to take reasonable steps to comply with the direction.

Maximum penalty: 2 000 penalty units.

20 Technical regulator's urgent directions

(1) This section applies if the technical regulator is satisfied on reasonable grounds that a regulated utility—

(a) has contravened, or is likely to contravene, this Act; and

(b) the contravention or likely contravention is occurring in urgent circumstances.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

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(2) The technical regulator may direct the regulated utility to take the action stated in the direction (a ***technical regulator's urgent direction***) to ensure compliance with the technical code within a stated period.

(3) As soon as practicable after a technical regulator's urgent direction is given, the technical regulator must prepare a statement about the urgent direction and the reasons for it.

Note For what must be included in a statement of reasons, see the Legislation Act, s 179.

(4) The direction and statement of reasons are a notifiable instrument.

(5) In this section:

urgent circumstances means circumstances in which it is necessary to protect—

(a) the integrity of a regulated utility network or facility; or

(b) the health or safety of people; or

(c) public or private property; or

(d) the environment.

21 Offence—fail to comply with technical regulator's urgent direction

A regulated utility commits an offence if the regulated utility—

(a) is given a technical regulator's urgent direction; and

(b) intentionally fails to take reasonable steps to comply with the urgent direction.

Maximum penalty: 3 000 penalty units.

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22 Technical regulator—obtaining information and documents

(1) If the technical regulator is satisfied that a person is capable of providing information or producing a document that the technical regulator reasonably requires for this part, the technical regulator may, by written notice given to the person, require the person—

(a) to give the information to the technical regulator in writing signed by the person; or

(b) to produce the document to the technical regulator.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(2) The notice must state—

(a) the place at which the information or document is to be given or produced to the technical regulator; and

(b) the time at which, or the period within which, the information or document is to be given or produced.

(3) If a document is produced in accordance with a requirement under subsection (1), the technical regulator—

(a) may—

(i) take possession of, and make a copy of, or take extracts from, the document; and

(ii) keep the document for the period necessary for the purposes of this part; and

(b) must, during that period allow a person who would be entitled to inspect the document, if it was not in the possession of the technical regulator, to inspect the document at any reasonable time.

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23 Offence—contravention of requirement under s 22

A person commits an offence if the person—

(a) is required to provide information or a document by notice under section 22; and

(b) fails to take reasonable steps to comply with the notice.

Maximum penalty: 200 penalty units, imprisonment for 6 months or both.

24 Self-incrimination etc

(1) A person is not excused from providing information or producing a document or thing when required to do so under section 22 (Technical regulator—obtaining information and documents) on the ground that the information or document might tend to incriminate the person.

(2) However, the information, document or thing obtained as a direct or indirect consequence of the requirement is not admissible in evidence against the person in criminal proceedings, other than proceedings for—

(a) an offence against this Act; or

(b) any other offence in relation to the falsity of the information or document.

Note 1 A reference to an offence against a Territory law includes a reference to a related ancillary offence, eg attempt (see Legislation Act, s 189).

Note 2 The Legislation Act, s 171 deals with the application of client legal privilege.

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Division 3.4 Application to NERL retailers and NERL exempt sellers

25 Application to NERL retailers and NERL exempt sellers—pt 3

(1) This part applies to a NERL retailer as if—

(a) a reference to a regulated utility were a reference to a NERL retailer; and

(b) a reference to a regulated utility service were a reference to the activity of selling electricity or gas to a person for premises; and

(c) a reference to a customer were a reference to a customer under the *National Energy Retail Law (ACT)*; and

(d) any other necessary changes were made.

(2) This part applies to a NERL exempt seller as if—

(a) a reference to a regulated utility were a reference to a NERL exempt seller; and

(b) a reference to a regulated utility service were a reference to the activity of selling electricity or gas to a person for premises; and

(c) a reference to a customer were a reference to a customer under the *National Energy Retail Law (ACT)*; and

(d) any other necessary changes were made.

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26 NERL retailers and NERL exempt sellers—determination of application of technical code

(1) The Minister may determine that a technical code applies to a NERL retailer or NERL exempt seller if the Minister is satisfied on reasonable grounds that it is appropriate for the code to apply to the retailer or seller.

Note Power to make a statutory instrument (including a disallowable instrument) includes power to make different provision for different categories (see Legislation Act, s 48).

(2) A determination is a disallowable instrument.

27 Inconsistency between Act and NERL

(1) The *National Energy Retail Law (ACT)* prevails if there is an inconsistency between this Act in its application to a NERL retailer or NERL exempt seller and that Law.

Note 1 A reference to the *National Energy Retail Law (ACT)* includes a reference to the statutory instruments made or in force under that Law, including the *National Energy Retail Regulation (ACT)* and the *National Energy Retail Rules* (see *National Energy Retail Law (ACT) Act 2012*, s 9 (2) and Legislation Act, s 104).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(2) This Act is taken to be consistent with that Law to the extent that it is capable of operating concurrently with that Law.

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Part 4 Reporting of notifiable incidents

28 Definitions—pt 4

In this part:

dangerous incident means an incident that exposes, or potentially exposes, a person to a serious risk to the person's health or safety emanating from an immediate or imminent exposure to—

(a) an uncontrolled escape, spillage or leakage of a substance onto land, adjacent land or premises; or

(b) an uncontrolled implosion, explosion or fire; or

(c) an uncontrolled escape of gas or steam; or

(d) an uncontrolled escape of a pressurised substance; or

(e) electric shock; or

(f) the fall or release from a height of any plant, installation, substance or thing; or

(g) the collapse, overturning, failure or malfunction of, or damage to, any plant used in relation to the provision of a regulated utility service; or

(h) the collapse or partial collapse of a structure; or

(i) the collapse or failure of an excavation or of any shoring supporting an excavation; or

(j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel, utility pit, switchboard, pipe or conduit; or

(k) any other event identified in a technical code; or

(l) any other event prescribed by regulation.

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notifiable incident means an incident, in relation to the operation of a regulated utility network, or infrastructure used in a regulated utility network, that involves—

(a) the death of a person; or

(b) a dangerous incident; or

(c) serious damage to public or private property; or

(d) serious damage to the environment.

29 Offence—reporting of notifiable incidents by regulated utility

A regulated utility commits an offence if a notifiable incident happens and the regulated utility fails to tell the technical regulator about the notifiable incident, by telephone or email, within 24 hours after the regulated utility becomes aware of the notifiable incident.

Maximum penalty: 200 penalty units.

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Part 5 Protection of regulated utility networks

Division 5.1 General

30 Meaning of *interference*—pt 5

(1) In this part:

interference, with a regulated utility network or network facility—

(a) includes an action that—

(i) interferes with, or is likely to interfere with, the safe or efficient operation of the network, the facility or the environment; or

(ii) inhibits or obstructs, or is likely to inhibit or obstruct, lawful access to the network or facility; but

(b) does not include the encroachment of vegetation within the minimum distance from an aerial line, worked out under section 41D, on unleased territory land, rural leased land or national land.

Note Under s 41D, a responsible utility for an electrical network is responsible for the clearance of vegetation near an aerial line on unleased territory land, rural leased land or national land.

(2) In this section:

aerial line—see section 41C.

rural leased land—see section 41A.

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Division 5.2 General interference

31 Offence—interference with regulated utility networks

A person commits an offence if the person—

(a) does something that interferes with a regulated utility network, or a network facility; and

(b) is reckless about whether doing the thing would interfere with the regulated utility network, or a network facility.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

32 Network protection notices

(1) This section applies if a responsible utility is satisfied that a structure, tree or activity on, under or over land or water interferes, or is reasonably likely to interfere, with the regulated utility network or a network facility.

(2) The responsible utility may give the landholder written notice to take whatever action is necessary to stop the interference with the regulated utility network or network facility, or to remove the likelihood of that interference.

Note 1 Utilities may also maintain network facilities under the *Utilities Act 2000*, s 106 (Maintenance of network facilities).

Note 2 For how documents may be given, see the Legislation Act, pt 19.5.

(3) The notice must—

(a) indicate the structure, tree or activity; and

(b) require the landholder to take stated action to stop the interference, or remove the likelihood of the interference, within a stated period; and

(c) contain a statement about the effect of subsection (5).

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(4) The stated period must be at least 14 days starting on the date the notice is given to the landholder.

(5) If the landholder does not comply with the notice—

(a) the responsible utility may do whatever is necessary to stop the interference or remove the likelihood of the interference; and

(b) the reasonable expenses incurred by the utility are a debt due to the utility by the landholder.

(6) Subsection (5) (b) does not apply to a structure or tree that was, or an activity that commenced, on, under or over the land before the installation of the regulated utility network or network facility to which the interference relates.

(7) In urgent circumstances, subsection (2) does not apply and the responsible utility may do whatever is necessary to stop the interference or to remove the likelihood of the interference—

(a) without notice to the landholder; and

(b) at the expense of the utility.

(8) The responsible utility must, as soon as practicable after taking action under subsection (7), give written notice to the landholder and the technical regulator about—

(a) the action taken to stop the interference or to remove the likelihood of the interference; and

(b) the urgent circumstances that required the action under subsection (7).

(9) If both of the following happen, the amount of the loss or damage is a debt owing to the person by the responsible utility:

(a) the responsible utility acts under this section in relation to a structure or tree that was, or an activity that began, on, under or over the land before the installation of the regulated utility network or network facility to which the interference relates;

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(b) the person suffers loss or damage because of the responsible utility's action.

(10) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that Act, s 16 and s 17). However, the offences do not apply to—

(a) for a public or regulated tree—anything done in relation to the tree under this section; or

(b) for any other protected tree—an activity approved under that Act, s 28 or s 32 (see that Act, s 18 (1) (c)).

(11) In subsection (7):

urgent circumstances means circumstances in which it is necessary to protect—

(a) the integrity of a regulated utility network or network facility; or

(b) the health or safety of people; or

(c) public or private property; or

(d) the environment.

33 Network protection—action affecting heritage significance

(1) If a notice under section 32 is about action that may affect a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*, the responsible utility must also give a copy of the notice to the heritage council as soon as practicable.

(2) If a responsible utility acts in urgent circumstances as mentioned in section 32 (7), it must give the heritage council written notice of the action as soon as practicable.

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Division 5.3 Contamination of water or sewerage networks

34 Offence—contamination of water

A person commits an offence if the person—

(a) engages in conduct that contaminates water in a water network; and

(b) is reckless about whether the conduct is likely to contaminate water in a water network; and

(c) is not authorised to engage in the conduct by the responsible utility for the network.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

35 Offence—prohibited substances—water or sewerage network

A person commits an offence if the person—

(a) introduces a substance, or allows a substance to be introduced, into a water network or sewerage network; and

(b) is reckless about whether the substance—

(i) is likely to interfere with a regulated utility network or a network facility; or

(ii) will form a compound that is likely to interfere with a regulated utility network or a network facility; and

(c) is not authorised to introduce the substance by the responsible utility for the network.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

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36 Exempt water treatments

(1) Section 34 and section 35 do not apply to the addition by the responsible utility to a water network of—

(a) a chemical for the purpose of clarifying, purifying or otherwise treating the water in that network at a concentration that is not injurious to public health; or

(b) fluoride at a concentration not exceeding 1.0mg/L.

(2) For subsection (1) (b), a concentration is taken to be a concentration of 1.0mg/L if the concentration—

(a) would result in an average concentration of 1.0mg/L during a period of 24 hours; and

(b) does not exceed 1.2mg/L.

Division 5.4 Miscellaneous

37 Offence—unauthorised network connections

(1) A person commits an offence if the person—

(a) connects premises to a regulated utility network; and

(b) is not—

(i) the responsible utility for the network; or

(ii) an agent of the responsible utility; or

(iii) authorised by the responsible utility.

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

(2) In this section:

responsible utility includes a NERL retailer.

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38 Offence—unauthorised abstraction etc of electricity

A person commits an offence if the person—

(a) abstracts, diverts or uses electricity from an electricity network; and

(b) is not authorised to abstract, divert or use the electricity by the responsible utility for the network.

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

39 Offence—unauthorised abstraction etc of gas

A person commits an offence if the person—

(a) abstracts, diverts or uses gas from a gas network; and

(b) is not authorised to abstract, divert or use the gas by the responsible utility for the network.

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

40 Offence—unauthorised abstraction etc of water

A person commits an offence if the person—

(a) abstracts, diverts or uses water from a water network; and

(b) is not authorised to abstract, divert or use the water by the responsible utility for the network.

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

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41 Extended meaning of *network*

(1) In section 38, section 39 and section 40:

network includes related infrastructure between the network boundary and a customer meter.

(2) In this section:

customer meter, in relation to the supply of electricity, gas or water, means a meter used to measure the supply to a customer's premises.

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Part 5A Vegetation and electrical infrastructure management

Division 5A.1 General

41A Definitions—pt 5A

In this part:

occupier, of premises, includes—

(a) a person whom a responsible utility believes on reasonable grounds to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

owner, in relation to land—

(a) means a person who leases or subleases the land; and

(b) includes an occupier of premises on the land.

responsible utility means the responsible utility for an electricity network.

rural lease—see the *Planning Act 2023*, section 256.

rural leased land means land in relation to which a rural lease is granted.

41B National land

Functions of the kind exercisable by a responsible utility under this part are exercisable in relation to national land only by agreement with the Commonwealth.

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Division 5A.2 Vegetation management

41C Definitions—div 5A.2

In this division:

aerial cable means any insulated or covered conductor or assembly of cores (with or without protective covering) that is above ground or water, suspended in the open air between 2 or more supports and forms part of an electricity network.

aerial conductor means any bare conductor that is above ground or water, suspended in the open air between 2 or more supports and forms part of an electricity network.

aerial line means an aerial cable, aerial conductor or aerial service line.

aerial service line means the final span or section of a low voltage aerial conductor of an upstream network that is connected to a point of supply.

conductor means a finished circular stranded assembly consisting of 3 or more metallic wires laid up together that has the specific function of carrying electrical current.

covered conductor means a conductor around which is applied a specified thickness of insulating material.

insulated, for a thing, means the thing is surrounded by a nonconducting substance that provides resistance to—

(a) the passage of current; or

(b) disruptive discharges through or over the surface of the thing at the operating voltage; or

(c) the injurious leakage of current.

U, for an aerial line, means its nominal voltage.

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41D Clearance from aerial lines—vegetation

(1) A responsible utility is responsible for the clearance of vegetation near an aerial line on the following (the ***land***):

(a) unleased territory land;

(b) rural leased land;

(c) national land.

Examples—par (a)
park, nature strip, nature reserve, national park

Example—par (b)
farm

(2) A responsible utility may—

(a) enter and occupy the land; and

(b) undertake any activity or work on the land that is reasonably necessary for the clearance of vegetation near an aerial line, including—

(i) the felling or lopping of trees; or

(ii) the trimming of roots of trees or other plants; or

(iii) the clearing or removal of vegetation.

Note A responsible utility must give notice to the owner of the land before entering or occupying the land (see s 41L).

(3) However, the responsible utility may only undertake an activity or work under subsection (2) (b) in accordance with a technical code (if any) that applies to the activity or work.

Note A responsible utility commits an offence if a technical code applies to the utility, and the utility fails to comply with a requirement of the code (see s 16 (2)).

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(4) A responsible utility commits an offence if the responsible utility—

(a) is responsible for the clearance of vegetation near an aerial line on the land; and

(b) allows any part of a tree or other vegetation on the land to be too close to the aerial line.

Maximum penalty: 10 penalty units.

(5) An offence against subsection (4) is a strict liability offence.

(6) Subsection (4) does not apply if the responsible utility has a reasonable excuse.

(7) A part of a tree or other vegetation on the land is too close to an aerial line if at any time it is within the minimum distance from any part of the line worked out in accordance with table 41D.

(8) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that Act, s 16 and s 17). However, the offences do not apply to—

(a) for a public or regulated tree—anything done in relation to the tree under this section; or

(b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or

(c) for a protected tree in any other case—an activity approved under that Act, s 28 or s 32 (see that Act, s 18 (1) (c)).

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Table 41D

column 1	column 2	column 3	column 4	column 5
direction in which minimum distance must be observed	**minimum distance from insulated aerial cable or insulated aerial service line, where- U ≤ 1 kV**	**minimum distance from aerial conductor or covered aerial cable, where- U ≤ 1 kV**	**minimum distance from aerial conductor or aerial cable, where- 1 kV < U ≤ 33 kV**	**minimum distance from aerial conductor or aerial cable, where- 33 kV < U ≤ 132 kV**
any direction	1.0m	1.5m	2.0m	3.0m

41E Measuring clearances from aerial lines

For this Act, the minimum distance from any part of an aerial line is to be measured from the nearest point to which the line sags or swings.

Division 5A.3 Electrical infrastructure management

41F Definitions—div 5A.3

In this division:

electrical infrastructure, means—

(a) powerlines and cables; and

(b) substations and equipment for monitoring, distributing, converting, transforming or controlling electricity; and

(c) a structure supporting overhead powerlines and cables; and

(d) wires, ducts or pipes for wires or equipment; and

(e) communication equipment for the management of an electricity network; and

(f) anything else ancillary to paragraphs (a) to (e).

network boundary means a boundary between an electricity network and customers' premises worked out under section 53.

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41G Maintenance of electrical infrastructure within network boundary

(1) A responsible utility is responsible for maintaining electrical infrastructure within the network boundary.

(2) A responsible utility commits an offence if the responsible utility—

(a) is responsible for maintaining electrical infrastructure within the network boundary; and

(b) fails to adequately maintain the electrical infrastructure.

Maximum penalty: 10 penalty units.

(3) Subsection (2) does not apply if the responsible utility has a reasonable excuse.

41H Maintenance of electrical infrastructure within network boundary—powers

(1) For section 41G, a responsible utility may maintain electrical infrastructure and, for that purpose, do anything reasonably necessary, including—

(a) entering and occupying land; and

(b) undertaking any work on the land for maintaining electrical infrastructure.

Note A responsible utility must give notice to the owner of land before entering or occupying the land (see s 41L).

(2) However, the responsible utility may only undertake work under subsection (1) (b) in accordance with a technical code (if any) that applies to the work.

Note A responsible utility commits an offence if a technical code applies to the utility, and the utility fails to comply with a requirement of the code (see s 16 (2)).

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(3) For subsection (1) (b), the maintenance of electrical infrastructure includes the following:

(a) the alteration, removal, repair or replacement of any part of the electrical infrastructure;

(b) inspecting or otherwise ensuring the proper functioning of the electrical infrastructure from time to time;

(c) constructing, installing or placing any plant, machinery, equipment or goods;

(d) interrupting the provision of utility services by the responsible utility;

(e) demolishing, destroying or removing any electrical infrastructure installed or used by the responsible utility in relation to the provision of a utility service.

(4) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that Act, s 16 and s 17). However, the offences do not apply to—

(a) for a public or regulated tree—anything done in relation to the tree under this section; or

(b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or

(c) for a protected tree in any other case—an activity approved under that Act, s 28 or s 32 (see that Act, s 18 (1) (c)).

41I Inspection of electrical infrastructure outside network boundary

(1) This section applies in relation to electrical infrastructure—

(a) on rural leased land (the ***land***); and

(b) outside the network boundary.

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(2) A responsible utility—

(a) must inspect the electrical infrastructure at least every 3 years to check if it is maintained adequately and in a safe state; and

(b) may enter the land to carry out the inspection.

Note A responsible utility must give notice to the owner of the land before entering the land (see s 41L).

(3) If, on inspection of the electrical infrastructure, the responsible utility is satisfied on reasonable grounds that the electrical infrastructure is not being maintained adequately and is in an unsafe state, the responsible utility may give the owner written notice to take whatever action is necessary to repair and restore the electrical infrastructure to a safe state.

(4) The notice must—

(a) state the repairs needed to restore the electrical infrastructure to a safe state; and

(b) require the owner to take stated action to repair and restore the electrical infrastructure within a stated period; and

(c) contain a statement about the effect of subsection (6); and

(d) contain a statement about the effect of section 41M (Management operations outside network boundary—dispute); and

Note The owner may make a submission to the responsible utility and apply to the ACAT for a determination under s 41M.

(5) The stated period must be a reasonable period (not less than 14 days) starting on the date the notice is given to the owner.

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(6) If the owner does not comply with the notice—

(a) the responsible utility may do whatever is necessary to repair and restore the electrical infrastructure to a safe state; and

(b) the reasonable expenses incurred by the responsible utility are a debt due to the responsible utility by the owner.

Note A responsible utility must give notice to the owner of the land before repairing and restoring the electrical infrastructure to a safe state (see s 41L).

(7) In urgent circumstances, the responsible utility may do whatever is necessary to repair and restore the electrical infrastructure to a safe state—

(a) without giving notice to the owner under subsection (3); and

(b) at the utility's expense.

(8) The responsible utility must, as soon as practicable after taking action under subsection (7), give written notice to the owner and the technical regulator about—

(a) the action taken to repair and restore the electrical infrastructure to a safe state; and

(b) the urgent circumstances that required the action.

(9) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that Act, s 16 and s 17). However, the offences do not apply to—

(a) for a public or regulated tree—anything done in relation to the tree under this section; or

(b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or

(c) for a protected tree in any other case—an activity approved under that Act, s 28 or s 32 (see that Act, s 18 (1) (c)).

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(10) In this section:

urgent circumstances means circumstances in which it is necessary to protect—

(a) the integrity of a regulated utility network or network facility; or

(b) the health or safety of people; or

(c) public or private property; or

(d) the environment.

Division 5A.4 Performance of management operations

41J Definitions—div 5A.4

In this division:

management operations means an activity or work undertaken by a responsible utility—

(a) to clear vegetation near an aerial line under division 5A.2 (Vegetation management); or

(b) to maintain electrical infrastructure within the network boundary under division 5A.3 (Electrical infrastructure management); or

(c) to inspect electrical infrastructure outside the network boundary under division 5A.3; or

(d) to repair and restore electrical infrastructure outside the network boundary to a safe state under section 41I (6) if the owner does not comply with a notice under section 41I (3).

private land means land other than public land.

public land means national or unleased territory land.

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41K Damage etc to be minimised

In carrying out management operations, a responsible utility must take all reasonable steps to ensure that it causes as little inconvenience, detriment and damage as practicable.

41L Notice to owner

(1) This section applies to management operations on private land.

(2) Before a responsible utility starts the management operations, it must give the owner written notice of the proposed operations.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The notice must—

(a) be given a reasonable period (not less than 7 days) before the management operations start; and

(b) so far as practicable, state the following:

(i) for vegetation clearance near an aerial line—the trees and vegetation affected and the activity proposed;

(ii) for maintenance of electrical infrastructure—the electrical infrastructure requiring maintenance and the activity proposed;

(iii) for the inspection of electrical infrastructure—the electrical infrastructure to be inspected;

(iv) for the repair and restoration of electrical infrastructure under section 41I (6)—

(A) that the utility intends to repair and restore the electrical infrastructure to a safe state; and

(B) that the reasonable expenses incurred by the responsible utility are a debt due to the responsible utility by the owner; and

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(C) the effect of section 41M (Management operations outside network boundary—dispute); and

Note The owner may make a submission to the responsible utility and apply to the ACAT for a determination under s 41M.

(v) the period during which the activity is expected to be carried out.

(4) The owner may waive its right to all or part of the minimum period of notice under subsection (3) (a).

(5) Subsection (2) does not apply if the management operations are to be carried out in urgent circumstances in which it is necessary to protect—

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

(b) the health or safety of people; or

(c) public or private property; or

(d) the environment.

41M Management operations outside network boundary—dispute

(1) This section applies if—

(a) a responsible utility gives notice to an owner to repair and restore electrical infrastructure under section 41I (4); or

(b) the responsible utility gives notice to the owner under section 41L (3) (b) (iv) that—

(i) the utility intends to repair and restore the electrical infrastructure to a safe state; and

(ii) the reasonable expenses incurred by the responsible utility are a debt due to the responsible utility by the owner.

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(2) The owner may—

(a) make a submission to the responsible utility about the repairs; or

(b) propose a different period for the repairs to be carried out.

(3) If the responsible utility and the owner cannot agree on the repairs, or the period for the repairs to be carried out, either the utility or the owner may apply to the ACAT for a determination of the repairs or the period.

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Part 6 Operating certificates

Division 6.1 General

42 Meaning of *unlicensed regulated utility*—pt 6

In this part:

unlicensed regulated utility means a person who provides, or proposes to provide, a regulated utility service under this Act, but is not required to be licensed under the *Utilities Act 2000* (or is exempt from the requirement to be licensed under that Act).

Division 6.2 Operating certificates—unlicensed regulated utilities

43 Operating certificate—application

(1) An unlicensed regulated utility must apply to the technical regulator for an operating certificate.

(2) An application must include information about the utility's—

(a) capacity to ensure the safe, reliable and efficient delivery of regulated utility services; and

(b) promotion of the long-term serviceability of regulated utility networks and regulated utility services; and

(c) promotion of design integrity and functionality of regulated utility networks; and

(d) capacity to ensure the safe and reliable operation and maintenance of regulated utility networks and regulated utility services to protect the following:

(i) the public;

(ii) people working on regulated utility networks and regulated utility services;

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(iii) property near regulated utility networks and regulated utility services;

(iv) the environment.

44 Operating certificate—further information

(1) The technical regulator may, by written notice, require the applicant to give the technical regulator further stated information about the application including plans detailing the regulated utility service or the proposed regulated utility service.

(2) The technical regulator is not required to decide an application until the applicant complies with a requirement under subsection (1).

45 Operating certificate—information on likely compliance costs

Before granting an operating certificate, the technical regulator may, by written notice, give the applicant information about the following:

(a) the auditing and compliance schedules that will apply in relation to the regulated utility service being provided or proposed;

(b) the technical codes that will apply, or may need to be developed, in relation to the regulated utility service being provided or proposed;

(c) the fees that are likely to apply in relation to auditing, compliance and technical codes.

46 Operating certificate—grant

(1) The technical regulator must grant an operating certificate if satisfied on reasonable grounds that—

(a) for an unlicensed regulated utility providing a regulated utility service—the regulated utility service is being provided in accordance with the following criteria:

(i) provision in accordance with this Act;

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(ii) delivery in a safe, reliable and efficient manner;

(iii) sufficient consideration of long-term serviceability;

(iv) sufficient consideration of design integrity and functionality;

(v) safe and reliable operation and maintenance in a manner that protects the following:

(A) the public;

(B) people working on the regulated utility service;

(C) property near the regulated utility service;

(D) the environment; or

(b) for an unlicensed regulated utility that is proposing to provide a regulated utility service—

(i) the proposed service will be a regulated utility service; and

(ii) the proposed service can be constructed in such a way that it will operate, in accordance with the criteria in subsection (1) (a).

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) If the technical regulator is satisfied on reasonable grounds that an unlicensed regulated utility is providing, or proposing to provide, a regulated utility service that is not covered by a technical code, the technical regulator may—

(a) before a technical code is approved—grant an operating certificate on the condition that the unlicensed regulated utility will comply with a technical code after the code is approved; or

(b) refuse to grant an operating certificate until after a technical code is approved.

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(3) If the approval of a technical code is required as a result of subsection (2)—

(a) the technical code is a technical code under part 3 of this Act; and

(b) an unlicensed regulated utility that is proposing to provide a regulated utility service is to be taken to be a regulated utility for section 12 (Draft technical codes—proposed by regulated utility) and section 13 (Draft technical codes—consultation).

(4) To remove any doubt, the grant of an operating certificate under this section does not authorise the sale of anything produced by the unlicensed regulated utility without an approval, licence or other thing required for the sale under other legislation.

Note See s 7 (Other laws not affected).

47 Operating certificate—term

An operating certificate granted under section 46 is in force for the term stated in the certificate.

48 Operating certificate—general condition

(1) The technical regulator may give an unlicensed regulated utility written notice of the following:

(a) the auditing and compliance schedules that apply to the regulated utility service being provided under the operating certificate;

(b) the technical codes that apply to the regulated utility service being provided under the operating certificate;

(c) that the development of a technical code is required for the regulated utility service being provided or proposed by the unlicensed regulated utility;

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(d) the fees that apply in relation to auditing, compliance and technical codes.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(2) It is a condition of an operating certificate that the unlicensed regulated utility operating under the certificate must comply with a requirement notified under subsection (1).

49 Operating certificate—revocation

(1) The technical regulator may revoke an operating certificate if the technical regulator is satisfied on reasonable grounds that—

(a) a condition of the operating certificate is not being complied with; or

(b) the unlicensed regulated utility is providing a regulated utility service in contravention of this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) Before revoking an operating certificate, the technical regulator must—

(a) give the unlicensed regulated utility a written notice stating—

(i) that the technical regulator proposes to revoke the operating certificate under this section; and

(ii) the reasons for the proposed revocation; and

(iii) that the unlicensed regulated utility may, not later than 20 days after the day the written notice is given, give the technical regulator a written submission about the proposed revocation; and

(b) consider any submission given under paragraph (a) (iii).

Note For how documents may be given, see the Legislation Act, pt 19.5.

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Division 6.3 Enforcement of operating certificates

50 Offence—providing regulated utility service without operating certificate

An unlicensed regulated utility commits an offence if—

(a) the unlicensed regulated utility provides a regulated utility service; and

(b) an operating certificate is not in force in relation to the unlicensed regulated utility.

Maximum penalty: 3 000 penalty units.

51 Offence—constructing regulated utility service without operating certificate

An unlicensed regulated utility commits an offence if—

(a) the unlicensed regulated utility constructs infrastructure for the provision of a regulated utility service; and

(b) an operating certificate is not in force in relation to the unlicensed regulated utility.

Maximum penalty: 3 000 penalty units.

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Part 7 Network boundaries and isolated infrastructure

Division 7.1 General

52 Definitions—pt 7

In this part:

alternative network boundary means a boundary that—

(a) is allowed for under a technical code; and

(b) is made by agreement between a regulated utility and another person; and

(c) if made, applies instead of the network boundary under section 53 (1).

infrastructure means the following:

(a) in relation to an electricity network—

(i) powerlines and cables; and

(ii) substations and equipment for monitoring, distributing, converting, transforming or controlling electricity; and

(iii) a structure supporting overhead powerlines and cables; and

(iv) wires, ducts or pipes for wires or equipment; and

(v) communication equipment for the management of the network; and

(vi) any other thing ancillary to any other part of the infrastructure;

(b) in relation to a gas network—

(i) pipelines; and

(ii) meters; and

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(iii) any equipment (including pressure control devices, excess flow valves, control valves, actuators, electrical equipment, telemetry equipment, cathodic protection installations, compounds, pits, buildings, signs and fences); and

(iv) any other thing ancillary to any other part of the infrastructure;

(c) in relation to a water network—

(i) water storages, mains and treatment plants; and

(ii) pumps, facilities and equipment for distributing water, or monitoring or controlling the distribution of water; and

(iii) pipes or equipment; and

(iv) any other thing ancillary to any other part of the infrastructure;

(d) in relation to a sewerage network—

(i) sewage storages, trunk sewers, mains and treatment plants; and

(ii) pumps, facilities and equipment for conveying sewage, or monitoring or controlling the conveyance of sewage; and

(iii) pipes or equipment; and

(iv) any other thing ancillary to any other part of the infrastructure.

isolated infrastructure means infrastructure that—

(a) is connected to a network, but because of an alternative network boundary, is excluded from the network; and

(b) has a connection point to premises; and

(c) supplies electricity, gas, water or sewerage to the connection point of the premises.

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Division 7.2 Network boundaries

53 Network boundary

(1) The boundary of a network must be worked out in accordance with a technical code.

(2) A technical code may deal with the boundary of a network by reference to a connection point between the network and—

(a) customers' premises; or

(b) buildings or structures on customers' premises; or

(c) any other network.

(3) If a technical code allows for an alternative network boundary to be agreed between a regulated utility and another person, the agreement may only be made if—

(a) the location and properties of any isolated infrastructure that is created by the alternative boundary is clearly identified; and

(b) the technical regulator agrees in writing to the alternative boundary.

Division 7.3 Isolated infrastructure—maintenance requirements

54 Technical inspector's warning notice—isolated infrastructure

(1) A technical inspector may inspect isolated infrastructure.

Note For powers of technical inspectors, see div 9.4.

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(2) If, on inspection, a technical inspector is satisfied on reasonable grounds that isolated infrastructure is not being maintained in a way that is likely to prevent or resolve faults, the technical inspector must give the owner of the isolated infrastructure a written notice (a ***show cause notice***) stating—

(a) that the technical inspector proposes to issue a notice (a ***technical inspector's warning notice***); and

(b) the details of the proposed technical inspector's warning notice; and

(c) that the owner of the isolated infrastructure may, not later than 20 days after the day the owner is given the show cause notice, give the technical inspector a written submission about the proposed technical inspector's warning notice.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The technical inspector must give a copy of the show cause notice to the relevant regulated utility.

(4) After considering any submission given under subsection (2) (c), the technical inspector may, if satisfied on reasonable grounds that the isolated infrastructure is not being maintained in a way that is likely to prevent or resolve faults, give the owner of the isolated infrastructure a technical inspector's warning notice stating—

(a) the reasons for the warning notice; and

(b) the action required to properly maintain the infrastructure; and

(c) the time period within which the action is required; and

(d) if the warning notice is not complied with in the time mentioned in paragraph (c), that—

(i) a technical regulator's direction under section 55 may be given without further notice; and

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(ii) the technical regulator's compliance report must include details of the non-compliance.

(5) In this section:

relevant regulated utility means the regulated utility that owns the regulated utility network that is connected to the isolated infrastructure that is the subject of the technical regulator's direction.

55 Technical regulator's directions—isolated infrastructure

(1) This section applies if the technical regulator is satisfied on reasonable grounds that—

(a) the owner of isolated infrastructure is not maintaining the infrastructure in a way that is likely to prevent or resolve faults; and

(b) there is a risk of significant adverse effects on the community, the environment or a network if the isolated infrastructure fails.

(2) The technical regulator may give the owner of the isolated infrastructure a written notice (a ***show cause notice***) stating—

(a) that the technical regulator proposes to issue a direction (a ***technical regulator's direction***); and

(b) the details of the proposed technical regulator's direction; and

(c) that the owner of isolated infrastructure may, not later than 20 days after the day the owner is given the show cause notice, give the technical regulator a written submission about the proposed technical regulator's direction.

Note For how documents may be given, see the Legislation Act, pt 19.5.

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(3) After considering any submission given under subsection (2) (c), the technical regulator may direct the owner of the isolated infrastructure to take the action stated in the technical regulator's direction including 1 or more of the following:

(a) to ensure the isolated infrastructure is maintained in a way that is likely to prevent or resolve faults;

(b) to reduce the risk of significant adverse effects on the community, the environment or a network if the isolated infrastructure fails;

(c) to begin negotiations with the relevant regulated utility about the location of the alternative network boundary and the need to ensure that the isolated infrastructure becomes part of a network.

(4) If the technical regulator gives a direction to begin negotiations under subsection (3) (c), the technical regulator must also give the relevant regulated utility written notice about the issues that have arisen in relation to the isolated infrastructure.

(5) The technical regulator may give a technical regulator's direction to the owner of isolated infrastructure only if—

(a) a technical inspector has given a technical inspector's warning notice and the warning notice has not been complied with; or

(b) the technical regulator has given the owner of the isolated infrastructure a show cause notice under this section.

(6) As soon as practicable after a technical regulator's direction is given, the technical regulator must prepare a statement about the direction and the reasons for it.

Note For what must be included in a statement of reasons, see the Legislation Act, s 179.

(7) The technical regulator's direction and statement of reasons are notifiable instruments.

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(8) In this section:

relevant regulated utility means the regulated utility that owns the regulated utility network that is connected to the isolated infrastructure that is the subject of the technical regulator's direction.

56 Offence—owner of isolated infrastructure failing to comply with technical regulator's direction

An owner of isolated infrastructure commits an offence if the owner—

(a) is given a technical regulator's direction; and

(b) intentionally fails to take reasonable steps to comply with the direction.

Maximum penalty: 2 000 penalty units.

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Part 8 Dams safety

Division 8.1 General

57 Definitions—pt 8

In this part:

dam—

(a) means an artificial barrier, and incidental or related works, constructed for the storage or control of water, other liquids, or other material within a liquid; but

(b) does not include a concrete and steel ring tank that is reliant on hoop stress for structural stability.

dams register—see section 58.

further information—see section 62 (Technical regulator may require further information).

Googong dam means the dam in the Googong Dam Area.

Googong Dam Area—see the *Canberra Water Supply (Googong Dam) Act 1974* (Cwlth), section 3.

listed dam means a dam or proposed dam that is listed under section 69 (Listing of certain dams).

owner, in relation to a dam or proposed dam, means a person who owns, leases, subleases or proposes to develop the dam.

proposed dam—a dam is a ***proposed dam*** if a person obtains development approval for the dam under the *Planning Act 2023*.

registrable dam means—

(a) a dam, or proposed dam, in the Territory that—

(i) is more than 5m high; or

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(ii) has a water storage capacity of more than 250ML; and

(b) Googong dam.

Note Under the *Canberra Water Supply (Googong Dam) Act 1974* (Cwlth), s 4 the Australian Capital Territory Executive has functions in relation to the operation and maintenance of a dam in the Googong Dam Area.

required information—see section 59.

technical code for listed dam means a technical code approved under section 73.

Division 8.2 Register of dams

58 Dams register

(1) The technical regulator must keep a register of dams (the ***dams register***).

(2) The dams register—

(a) must include the required information about registrable dams and owners of registrable dams; and

(b) may also include anything else the technical regulator considers relevant.

(3) The dams register may be—

(a) kept in any form, including electronic form, that the technical regulator decides; and

(b) made publically available on the technical regulator's website either—

(i) in full; or

(ii) if the technical regulator believes on reasonable grounds that the information would be inappropriate to disclose—in part.

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59 Required information for dams register

(1) The technical regulator must determine the information required for the dams register (the ***required information***).

(2) The required information determined—

(a) must include the name and address of each owner of a registrable dam; and

(b) must include the location, size and capacity of a registrable dam; and

(c) may include any other information that the technical regulator considers relevant.

(3) A determination is a notifiable instrument.

60 Notice to give required information

(1) The technical regulator may, by written notice, require the owner of a dam to give the required information.

(2) The notice must state the time period, of not less than 30 days after the day the notice is given, within which the owner must give the required information to the technical regulator.

61 Offence—fail to give required information

The owner of a registrable dam commits an offence if the owner—

(a) receives written notice under section 60; and

(b) fails to give the technical regulator the required information within the time stated in the notice.

Maximum penalty: 20 penalty units.

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

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62 Technical regulator may require further information

(1) The technical regulator may, by written notice, require the owner of a registrable dam to give any further information about the registrable dam (the ***further information***) that the technical regulator reasonably requires.

(2) The notice must state the period within which the further information must be given to the technical regulator.

63 Offence—fail to give further information

The owner of a registrable dam commits an offence if the owner—

(a) receives written notice under section 62; and

(b) fails to give the technical regulator the further information within the time stated in the notice.

Maximum penalty: 20 penalty units.

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

64 Requirement to report change in ownership

(1) This section applies if there is a change in the ownership of a registrable dam.

(2) The owner of the registrable dam must tell the technical regulator about the change in ownership as soon as practicable, but not later than 14 days after the day the change of ownership occurs.

(3) If the owner of a registrable dam tells the technical regulator about a change under subsection (2) the change must be entered in the dams register.

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65 Offence—fail to report change in ownership

The owner of a registrable dam commits an offence if—

(a) there is a change in the ownership of a registrable dam; and

(b) the owner fails to tell the technical regulator about the change in ownership within 14 days after the day the change of ownership occurs.

Maximum penalty: 20 penalty units.

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

66 Requirement to update required information and further information

(1) This section applies if there is a change to—

(a) the required information given under section 60 (Notice to give required information); or

(b) the further information given under section 62 (Technical regulator may require further information).

(2) The owner of the registrable dam must tell the technical regulator about the change as soon as practicable, but not later than 30 days after the day the change occurs.

(3) If the owner of a registrable dam tells the technical regulator about a change under subsection (2), the change must be entered in the dams register.

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67 Offence—fail to update required information or further information

The owner of a registrable dam commits an offence if—

(a) the required information given under section 60 (Notice to give required information) or further information given under section 62 (Technical regulator may require further information) has changed; and

(b) the owner fails to tell the technical regulator about the change within 30 days after the day the change occurs.

Maximum penalty: 20 penalty units.

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

68 Owner of registrable dam may correct dams register

(1) The technical regulator must, if asked in writing by the owner of a registrable dam, give the owner a copy of the information held in the dams register in relation to the owner and the owner's registrable dam.

(2) The technical regulator must comply with subsection (1) as soon as practicable, but not later than 14 days after the day the technical regulator is asked.

(3) The owner of a registrable dam may ask the technical regulator to amend any incorrect information held in the dams register in relation to the owner or the owner's registrable dam.

(4) The technical regulator must—

(a) if satisfied that the information is incorrect—correct the information; or

(b) notify the owner of the registrable dam of the reason for not changing the dams register.

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Division 8.3 Listed dams

69 Listing of certain dams

(1) The technical regulator must—

(a) consider the information and further information provided in relation to registrable dams under division 8.2 (Register of dams); and

(b) consider the risk of significant adverse effects on the community if a registrable dam fails; and

(c) determine a list of the dams that present a risk of significant adverse effects on the community in the event of the failure of the dam.

(2) A determination is a disallowable instrument.

70 Notification of listing of certain dams

The technical regulator must—

(a) notify the owner of each listed dam that the dam is a listed dam; and

(b) ensure that the list of dams determined under section 69 is publically available on the technical regulator's website.

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Division 8.4 Technical codes for listed dams

71 Draft technical codes for listed dam—proposed by owner of listed dam

(1) The owner of a listed dam may propose a draft technical code for listed dams by—

(a) giving the technical regulator the draft technical code; and

(b) asking the technical regulator to consider the draft technical code.

(2) If the technical regulator receives a draft technical code under subsection (1), the technical regulator, after considering the draft technical code, may prepare the draft technical code (with or without amendment) for consultation under section 72.

(3) Nothing in this section requires the technical regulator to prepare a draft technical code for consultation.

72 Technical codes for listed dams—consultation

(1) The technical regulator must prepare a draft technical code for listed dams.

(2) The draft technical code for listed dams must include requirements in relation to the following:

(a) guidelines for listed dams;

(b) safety management systems applying to listed dams;

(c) the design, construction, commissioning and de-commissioning of listed dams;

(d) the operation and maintenance of listed dams;

(e) the surveillance of listed dams;

(f) safety reviews of listed dams;

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(g) safety improvements of listed dams;

(h) dams safety emergency plans for listed dams;

(i) safety training for people whose work involves listed dams;

(j) providing information and reports to the technical regulator about listed dams;

(k) maintaining records about listed dams.

(3) The technical regulator must give a copy of the draft technical code for listed dams to—

(a) the ICRC; and

(b) each owner of a listed dam that is likely to be regulated under the draft code.

(4) A person who is given a copy of the draft technical code under subsection (3) may make a submission to the technical regulator about the draft code within a stated period of not less than 20 days.

(5) The technical regulator—

(a) must consider a submission made under this section; and

(b) may make a recommendation to the Minister about approval of the draft technical code for listed dams.

73 Technical codes for listed dams—approval

(1) The Minister may approve a technical code for listed dams as recommended by the technical regulator if the Minister is satisfied on reasonable grounds that—

(a) section 72 has been complied with; and

(b) the code is—

(i) consistent with the objects of this Act; and

(ii) not inconsistent with another technical code.

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(2) An approved technical code may apply, adopt or incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.

(3) The Legislation Act, section 47 (6) does not apply in relation to an AS or AS/NZS applied, adopted or incorporated under subsection (2).

Note An AS or AS/NZS does not need to be notified under the Legislation Act because s 47 (6) does not apply (see Legislation Act, s 47 (7)). An AS or AS/NZS may be purchased at www.standards.org.au.

(4) An approval is a disallowable instrument.

74 Technical codes for listed dams—public access

(1) The technical regulator must make a copy of a technical code available for public inspection during ordinary office hours.

(2) The technical regulator must also make a copy of an instrument (other than an AS or AS/NZS) applied, adopted or incorporated in a technical code available for public inspection during ordinary office hours.

(3) A person may inspect, or make a copy of, all or part of a technical code.

(4) If a person requests that a copy be made available in electronic form, the technical regulator may provide a copy—

(a) on a data storage device; or

(b) by electronic transmission.

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Division 8.5 Enforcement of technical codes for listed dam

75 Offence—fail to comply with technical code for listed dam

The owner of a listed dam commits an offence if—

(a) a technical code for listed dams applies to the owner; and

(b) the owner fails to comply with the dams technical code; and

(c) the owner is negligent about whether the owner complies with the dams technical code.

Maximum penalty: 2 000 penalty units.

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Part 9 Enforcement

Division 9.1 General

76 Definitions—pt 9

In this part:

connected—a thing is ***connected*** with an offence if—

(a) the offence has been committed in relation to it; or

(b) it will provide evidence of the commission of the offence; or

(c) it was used, is being used, or is intended to be used, to commit the offence.

occupier, of premises, includes—

(a) a person believed on reasonable grounds to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

warrant means a warrant issued under division 9.4 (Powers of technical inspectors).

Division 9.2 Technical regulator

77 Technical regulator

(1) There is to be a technical regulator (the ***technical regulator***).

(2) The director-general is the technical regulator.

77A Delegation by technical regulator

The technical regulator may delegate the technical regulator's functions to a public servant.

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78 Technical regulator's functions

The technical regulator has the following functions:

(a) to prepare and consult on draft technical codes (including technical codes for listed dams);

(b) to monitor and enforce compliance with technical codes by regulated utility services;

(c) to audit the performance and compliance of regulated utility services;

(d) to audit the performance and compliance of owners of isolated infrastructure;

(e) to monitor and enforce compliance with the technical codes for listed dams;

(f) to audit the performance and compliance of owners of listed dams;

(g) to prepare and publish a compliance report under section 80;

(h) to provide advice to the Minister and ICRC about the operation of this Act;

(i) any other function given to the technical regulator under this Act or another Territory law.

79 Technical regulator may recommend conditions on licence

(1) The technical regulator may recommend that the ICRC vary the licence of a utility service licensed under the *Utilities Act 2000* to include a condition (a ***recommended condition***) if satisfied on reasonable grounds that—

(a) the utility service has contravened this Act; or

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(b) the recommended condition is necessary to protect public safety or the environment.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) A recommended condition may include, but is not limited to—

(a) the giving of a bond; or

(b) making good or rectifying damage to land or property.

Example

a condition to comply with a plan to rectify damage to premises caused by the contravention of a technical code

(3) Before recommending a condition, the technical regulator must give the utility a written notice (a ***show cause notice***) stating—

(a) that the technical regulator proposes to recommend a condition under this section; and

(b) the details of the proposed recommended condition; and

(c) that the utility may, not later than 20 days after the day the regulated utility is given the show cause notice, give the technical regulator a written submission about the proposed recommended condition.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) After considering any submission given under subsection (3) (c) the technical regulator may give the ICRC written notice recommending that the ICRC vary the utility's licence under the *Utilities Act 2000*, section 38 to include—

(a) the recommended condition; or

(b) a condition that is not more burdensome than the recommended condition.

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(5) Notice under subsection (4) must include a copy of—

(a) the show cause notice given under subsection (3); and

(b) any written submission given by the utility under subsection (3); and

(c) any other material that the technical regulator is satisfied on reasonable grounds is relevant to the recommendation.

(6) The technical regulator's compliance report must include details about any recommendation under subsection (4) in a financial year and the reasons for the recommendation.

80 Technical regulator's compliance report

(1) The technical regulator must prepare and publish a compliance report each year.

(2) The report must include—

(a) information about the operation of this Act; and

(b) details about the compliance of regulated utilities, owners of isolated infrastructure and owners of listed dams with the provisions of this Act; and

(c) details required under section 17 (2) (Technical regulator's warning notice); and

(d) details required under section 54 (Technical inspector's warning notice—isolated infrastructure); and

(e) details required under section 79 (6) (Technical regulator may recommend conditions on licence).

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Division 9.3 Technical inspectors

81 Technical inspectors—appointment

(1) The technical regulator may appoint a person as a technical inspector for this Act.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

(2) A technical inspector must exercise the inspector's functions under this Act in accordance with the conditions of appointment and any direction given to the inspector by the technical regulator.

(3) A person must not be appointed under subsection (1) unless—

(a) the person is an Australian citizen or a permanent resident of Australia; and

(b) the technical regulator has certified in writing that, after appropriate inquiry, the technical regulator is satisfied that the person is a suitable person to be appointed, having regard in particular to—

(i) whether the person has any criminal convictions; and

(ii) the person's employment record; and

(c) the technical regulator has certified in writing that the technical regulator is satisfied that the person—

(i) has satisfactorily completed adequate training; and

(ii) is competent to exercise the functions of an inspector proposed to be given to the person.

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82 Identity cards

(1) This section applies in relation to a technical inspector appointed under section 81.

(2) The technical regulator must give a technical inspector an identity card stating the person's name and that the person is a technical inspector.

(3) The identity card must show—

(a) a recent photograph of the technical inspector; and

(b) the card's date of issue and expiry; and

(c) anything else prescribed by regulation.

(4) A person commits an offence if the person—

(a) stops being a technical inspector; and

(b) does not return the person's identity card to the technical regulator as soon as practicable (but not later than 7 days) after the day the person stops being a technical inspector.

Maximum penalty: 10 penalty units.

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

(6) Subsection (4) does not apply to a person if the person's identity card has been—

(a) lost or stolen; or

(b) destroyed by someone else.

Note The defendant has an evidential burden in relation to the matters mentioned in s (6) (see Criminal Code, s 58).

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83 Power not to be exercised before identity card shown

(1) This section applies in relation to a technical inspector appointed under section 81.

(2) The technical inspector may exercise a power under this Act in relation to a person only if the technical inspector first shows the person the technical inspector's identity card.

Division 9.4 Powers of technical inspectors

84 Power to enter premises

(1) A technical inspector may, for this Act—

(a) enter any premises at any time with the consent of the occupier; or

(b) enter premises occupied by a utility at any time the premises are being used; or

(c) at any reasonable time, enter premises to which a utility service is provided (other than a part of the premises used only for residential or private business purposes); or

(d) enter premises in accordance with a warrant under section 88 (Warrants) or section 89 (Warrants—application made other than in person).

(2) A technical inspector may, without the occupier's consent or a warrant, enter the land and any common property to ask the occupier for consent to enter the premises.

(3) In this section:

common property includes common property under the *Community Title Act 2001* and the *Unit Titles Act 2001*.

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part of the premises used only for residential or private business purposes—

(a) includes—

(i) the inside of a residential building; and

(ii) the inside of a building used to conduct a private business; but

(b) does not include the front yard, back yard or side yards of premises on which a residential building or a building used to conduct a private business are located.

85 Production of identity card

A technical inspector may not remain on premises entered under this division if, on request by the occupier, the inspector does not produce the inspector's identity card.

86 Consent to entry

(1) When seeking the consent of an occupier for entering premises under this division, a technical inspector must—

(a) produce the inspector's identity card; and

(b) tell the occupier—

(i) the purpose of the entry; and

(ii) that anything found and seized may be used in evidence in court; and

(iii) that consent may be refused.

(2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment—

(a) that the occupier was told—

(i) the purpose of the entry; and

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(ii) that anything found and seized under this division may be used in evidence in court; and

(iii) that consent may be refused; and

(b) that the occupier consented to the entry; and

(c) the time, and day, when consent was given.

(3) If the occupier signs an acknowledgment of consent, the technical inspector must immediately give a copy to the occupier.

(4) Unless the contrary is proven, a court must presume that an occupier of premises did not consent to an entry to the premises by a technical inspector under this division if—

(a) the question whether the occupier consented to the entry arises in proceedings in the court; and

(b) an acknowledgment under this section, or an acknowledgment of advance consent under section 87, is not produced in evidence for the entry or exercise of power; and

(c) it is not proved that the occupier consented to the entry.

87 Advance consent to entry

(1) A technical inspector may seek the advance consent of an occupier for entering premises.

(2) When seeking the advance consent of an occupier for entering premises, a technical inspector must contact the occupier in writing—

(a) giving a copy of the inspector's identity card; and

(b) stating—

(i) the proposed time and day when the entry would be made; and

(ii) the purpose of the entry; and

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(iii) that anything found and seized may be used in evidence in court; and

(iv) that consent may be refused; and

(c) asking the occupier to—

(i) sign the acknowledgment of advance consent if the occupier consents to the entry; and

(ii) return the acknowledgment of advance consent to the technical inspector.

(3) If the occupier signs and returns the acknowledgment of advance consent, the technical inspector must—

(a) enter the premises at the proposed time and day mentioned in subsection (2); and

(b) when entering the premises—

(i) produce the inspector's identity card; and

(ii) produce the acknowledgment of advance consent; and

(iii) give the occupier of the premises a copy of the acknowledgment of advance consent.

(4) In this section:

acknowledgment of advance consent means a written statement signed by the occupier of premises stating the following:

(a) that the occupier was told—

(i) the proposed time and day when the entry would be made; and

(ii) the purpose of the entry; and

(iii) that anything found and seized under this division may be used in evidence in court; and

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(iv) that consent may be refused;

(b) that the occupier consents in advance to the entry at the proposed time and day;

(c) the time and day when the advance consent was given.

88 Warrants

(1) A technical inspector may apply to a magistrate for a warrant to enter premises.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

(4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—

(a) there is a particular thing or activity (the evidence) that may provide evidence of an offence against this Act or a related law; and

(b) the evidence is, or may be within the next 14 days, at the premises.

(5) The warrant must state—

(a) that a technical inspector may, with necessary assistance and force, enter the premises and exercise the inspector's powers under this division; and

(b) the offence for which the warrant is sought; and

(c) the evidence that may be seized under the warrant; and

(d) the hours when the premises may be entered; and

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(e) the date, within 14 days after the warrant's issue, the warrant ends.

89 Warrants—application made other than in person

(1) A technical inspector may apply for a warrant by phone, fax, email, radio or other form of communication if the inspector considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances.

(2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

(3) The inspector may apply for the warrant before the application is sworn.

(4) After issuing the warrant, the magistrate must immediately provide a written copy to the inspector if it is reasonably practicable to do so.

(5) If it is not reasonably practicable to provide a written copy to the inspector—

(a) the magistrate must tell the inspector—

(i) the terms of the warrant; and

(ii) the date and time the warrant was issued; and

(b) the inspector must complete a form of warrant (the ***warrant form***) and write on it—

(i) the magistrate's name; and

(ii) the date and time the magistrate issued the warrant; and

(iii) the warrant's terms.

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(6) The written copy of the warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the technical inspector's other powers stated in the warrant issued by the magistrate.

(7) The inspector must, at the first reasonable opportunity, send the magistrate—

(a) the sworn application; and

(b) if the inspector completed a warrant form—the completed warrant form.

(8) On receiving the documents, the magistrate must attach them to the warrant.

(9) A court must find that a power exercised by a technical inspector was not authorised by a warrant under this section if—

(a) the question arises in a proceeding before the court whether the exercise of power was authorised by a warrant; and

(b) the warrant is not produced in evidence; and

(c) it is not proved that the exercise of power was authorised by a warrant under this section.

90 General powers on entry to premises

(1) A technical inspector who enters premises under this division may, for this Act—

(a) inspect, measure, photograph or film the premises or anything on the premises; or

(b) copy a document on the premises; or

(c) test or take samples of, or from anything on, the premises; or

(d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this division; or

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(e) require the occupier, or a person on the premises to give the inspector reasonable help to exercise a power under this division.

(2) A person must take reasonable steps to comply with a requirement made of the person under subsection (1) (e).

Maximum penalty: 20 penalty units.

91 Power to seize evidence

(1) A technical inspector who enters premises with a warrant under this division may seize the evidence for which the warrant was issued.

(2) A technical inspector who enters premises under this division with the occupier's consent may seize a thing on the premises if—

(a) the inspector is satisfied on reasonable grounds that the thing is connected with an offence against this Act or a related law; and

(b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.

(3) A technical inspector may seize anything on the premises if the inspector is satisfied on reasonable grounds that—

(a) the thing is connected with an offence against this Act or a related law; and

(b) the seizure is necessary to prevent the thing being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(4) Also, a technical inspector who enters premises under this division (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that the thing poses a risk to—

(a) the health or safety of people; or

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(b) public or private property; or

(c) the environment.

(5) The powers of a technical inspector under subsection (3) and subsection (4) are additional to any powers of the technical inspector under subsection (1) or subsection (2) or any other territory law.

(6) Having seized a thing, a technical inspector may—

(a) remove the thing from the premises where it was seized (the ***place of seizure***) to another place; or

(b) leave the thing at the place of seizure but restrict access to it.

(7) A person commits an offence if—

(a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and

(b) the person does not have a technical inspector's approval to interfere with the thing.

Maximum penalty: 20 penalty units.

92 Receipt for things seized

(1) As soon as practicable after a technical inspector seizes a thing under this division, the inspector must give a receipt for it to the person from whom it was seized.

(2) If, for any reason, it is not practicable to comply with subsection (1), the technical inspector must leave the receipt at the place of seizure in a reasonably secure way and in a conspicuous position.

93 Access to things seized

A person who would, apart from the seizure, be entitled to a thing seized under this division may—

(a) inspect it; and

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(b) if it is a document—take extracts from it or make copies of it.

94 Return of things seized

(1) A thing seized under this division must be returned to its owner, or reasonable compensation must be paid to the owner by the technical regulator for the loss of the thing, if—

(a) a prosecution for an offence relating to the thing is not instituted within 90 days of the seizure; or

(b) the court does not find the offence proved in a prosecution for an offence relating to the thing.

(2) A thing seized under this division is forfeited to the technical regulator if a court—

(a) finds an offence relating to the thing to be proved; and

(b) orders the forfeiture.

(3) If subsection (2) (a) applies, but a court does not order forfeiture of the thing seized, the technical regulator must return the thing to its owner or pay reasonable compensation to the owner in relation to the loss of the thing.

Division 9.5 Stop notice—utility infrastructure work

95 Meaning of *utility infrastructure work*—div 9.5

(1) In this division:

utility infrastructure work means work that involves the construction or alteration of any of the following:

(a) an electricity distribution network;

(b) an electricity transmission network;

(c) a gas distribution network;

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(d) a gas transmission network;

(e) a water network;

(f) a sewerage network;

(g) an installation that has the capacity to generate at least the prescribed amount of electricity;

(h) a discrete district network under section 9 (Meaning of *regulated utility service*);

(i) infrastructure used by a regulated utility service prescribed under section 10 (Prescribed regulated utility services).

(2) In this section:

electricity distribution network—see the *Utilities Act 2000*, section 7.

electricity transmission network—see the *Utilities Act 2000*, section 7.

gas distribution network—see the *Utilities Act 2000*, section 10.

gas transmission network—see the *Utilities Act 2000*, section 10.

96 Stop notice

(1) This section applies if a technical inspector is satisfied on reasonable grounds that a regulated utility or a person undertaking utility infrastructure work—

(a) has contravened this Act; or

(b) has not complied with a technical regulator's direction under section 18 or section 55; or

(c) has not complied with a technical regulator's urgent direction under section 20; or

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(d) is undertaking the work without a licence under the *Utilities Act 2000*, in circumstances where a licence is required.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) A technical inspector may, by written notice to a person (a ***stop notice***), require the person to stop carrying out the utility infrastructure work.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) A stop notice must state the following:

(a) that it is a stop notice under this section;

(b) the utility infrastructure work that must stop;

(c) who is required to stop doing the work;

(d) the grounds on which the notice is given;

(e) the place or places where the notice applies.

(4) A stop notice applies for a maximum period of 8 weeks—

(a) beginning on the day the technical inspector gives the notice to—

(i) the regulated utility; or

(ii) the person doing the utility infrastructure work; and

(b) ending on the day 8 weeks after the day the notice begins.

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97 Offence—fail to comply with stop notice

A person commits an offence if—

(a) a stop notice applies to the person; and

(b) the person intentionally fails to take reasonable steps to comply with the notice.

Maximum penalty: 2 000 penalty units.

98 Cancellation of stop notice—application

(1) A person who is required to stop doing utility infrastructure work by a stop notice may apply in writing to the technical regulator for cancellation of the stop notice stating reasons why the notice should be cancelled.

(2) Before making a decision on the application, the technical regulator must consider—

(a) the application; and

(b) the grounds on which the stop notice was given; and

(c) the current state of the utility infrastructure work to which the notice relates.

(3) The technical regulator may cancel the stop notice if satisfied on reasonable grounds that the cancellation will not endanger—

(a) the integrity of a regulated utility network or facility; or

(b) the health or safety of people; or

(c) public or private property; or

(d) the environment.

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99 Rectification work allowed under stop notice

A stop notice does not require a person to stop utility infrastructure work if—

(a) the only purpose of the work is to fix or reverse the utility infrastructure work for which the notice was given; and

(b) a technical inspector or the technical regulator gives written approval for the work.

Division 9.6 Injunctions

100 Injunctions to restrain offences against Act or failure to comply with directions

(1) This section applies if a person—

(a) has committed, is committing, or is likely to commit, an offence against this Act; or

(b) has not complied with a technical regulator's direction given under section 18 or section 55; or

(c) has not complied with a technical regulator's urgent direction given under section 20.

Note 1 A reference to an offence against a territory law includes a reference to a related ancillary offence, eg attempt (see Legislation Act, s 189).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) The technical regulator may apply to the Supreme Court for an injunction.

(3) On application under subsection (2), the Supreme Court may grant an injunction restraining the person from contravening this Act (including by requiring the person to do something).

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(4) The Supreme Court may grant the injunction—

(a) whether or not it appears to the court that the person intends to contravene this Act, contravene this Act again or continue to contravene this Act; and

(b) whether or not the person has previously contravened this Act; and

(c) whether or not there is a likelihood of the health or safety of a person being affected by, or property or the environment being damaged by, a hazard if the person contravenes this Act; and

(d) whether or not a proceeding for an offence against this Act has begun or is about to begin.

(5) The Supreme Court may grant an interim injunction restraining the person from committing an offence against this Act (including requiring the person to do something) before deciding an application for an injunction under this section.

101 Enforcement of injunctions

The Magistrates Court has the same powers as the Supreme Court to enforce an injunction (including an interim injunction) made under this division.

102 Amendment or discharge of injunctions

The Supreme Court may amend or discharge an injunction (including an interim injunction) made under this part on the application of the technical regulator.

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103 Interim injunctions—undertakings about damages

(1) If the technical regulator applies for an injunction under this part, the Supreme Court must not require the technical regulator to give an undertaking about costs or damages as a condition of granting an interim injunction.

(2) The Supreme Court must accept an undertaking from the technical regulator about costs or damages, and not require a further undertaking from anyone else, if—

(a) the court would, apart from this subsection, require someone else to give an undertaking about costs or damages; and

(b) the technical regulator gives the undertaking.

104 Supreme Court—other powers not limited

(1) The powers given to the Supreme Court under this part are in addition to any other powers of the court.

(2) In particular, an application to the Supreme Court for an injunction under this part may be made without notice to the person against whom the injunction is sought.

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Part 10 Notification and review of decisions

105 What is a *reviewable decision*?—pt 10

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

106 Reviewable decision notices

If the technical regulator makes a reviewable decision, the technical regulator must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note The technical regulator must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

107 Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

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Part 11 Miscellaneous

108 Protection from civil liability

(1) A person exercising a function under this Act does not incur civil liability for an act or omission done honestly and without negligence for this Act.

(2) Civil liability that would, apart from this section, attach to a person attaches instead to the Territory.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

109 Evidentiary certificates

(1) The technical regulator may issue a certificate, signed by the technical regulator, stating that on a date or during a period stated that—

(a) a stated technical code was in force under this Act; or

(b) a stated technical code for listed dams was in force under this Act; or

(c) a stated dam was a registrable dam and that a named person was included in the dams register as the owner of the dam; or

(d) a stated dam was a listed dam and that a named person was included in the dams register as the owner of the dam; or

(e) a named person did or did not have an operating certificate for a stated regulated utility service; or

(f) a stated regulated utility service did or did not have an operating certificate; or

(g) a utility service licensed under the *Utilities Act 2000* had a condition imposed on its licence and stating the details of the condition.

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(2) A certificate under this section is evidence of the matters stated in it.

(3) Unless the contrary is proved, a document that purports to be a certificate under this section is taken to be a certificate.

110 Determination of fees

(1) The technical regulator may determine fees for this Act.

(2) A determination is a disallowable instrument.

111 Approved forms

(1) The technical regulator may approve forms for this Act.

(2) If the technical regulator approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

112 Regulation-making power

The Executive may make regulations for this Act.

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Schedule 1 Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	18 (3)	issue technical regulator's direction	regulated utility
2	46 (1)	refuse to grant operating certificate	unlicensed regulated utility
3	46 (2)	refuse to grant operating certificate until after technical code approved	unlicensed regulated utility
4	49 (1)	revoke operating certificate	unlicensed regulated utility
5	55 (3)	issue technical regulator's direction for isolated infrastructure	owner of isolated infrastructure
6	68 (4)	refuse to correct dams register	owner of registrable dam
7	96 (2)	issue stop notice	person issued with stop notice
8	98 (3)	refuse to cancel stop notice	person applying for cancellation of stop notice

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Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- amend
- appoint
- AS (see s 164 (1))
- AS/NZS (see s 164 (2))
- change
- conservator of flora and fauna
- director-general (see s 163)
- disallowable instrument (see s 9)
- fail
- function
- independent competition and regulatory commission
- Minister (see s 162)
- national land
- notifiable instrument (see s 10)
- penalty unit (see s 133)
- territory land
- the Territory.

aerial cable, for division 5A.2 (Vegetation management)—see section 41C.

aerial conductor, for division 5A.2 (Vegetation management)—see section 41C.

aerial line, for division 5A.2 (Vegetation management)—see section 41C.

aerial service line, for division 5A.2 (Vegetation management)—see section 41C.

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alternative network boundary, for part 7 (Network boundaries and isolated infrastructure)—see section 52.

compliance report means the report under section 80 (Technical regulator's compliance report).

conductor, for division 5A.2 (Vegetation management)—see section 41C.

connected, with an offence, for part 9 (Enforcement)—see section 76.

covered conductor, for division 5A.2 (Vegetation management)—see section 41C.

customer, for a regulated utility service, means—

(a) a person for whom the service is provided under a customer contract; or

(b) a person who has applied, orally or in writing, to be a regulated utility for—

(i) the service to be provided under a customer contract; or

(ii) approval of a plan for plumbing or drainage work to connect premises to a water network or sewerage network.

customer contract, for a regulated utility service, includes—

(a) a customer contract under the *Utilities Act 2000*; and

(b) a contract that is similar to a customer contract under the *Utilities Act 2000*, but made between a regulated utility service and a customer.

dam, for part 8 (Dams safety)—see section 57.

dams register, for part 8 (Dams safety)—see section 58.

dangerous incident, for part 4 (Reporting of notifiable incidents)—see section 28.

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electrical infrastructure, for division 5A.3 (Electrical infrastructure management)—see section 41F.

electricity network—see the *Utilities Act 2000*, section 7.

further information, for part 8 (Dams safety)—see section 62.

gas network—see the *Utilities Act 2000*, section 10.

Googong dam, for part 8 (Dams safety)—see section 57.

Googong Dam Area, for part 8 (Dams safety)—see section 57.

ICRC means the independent competition and regulatory commission.

infrastructure, for part 7 (Network boundaries and isolated infrastructure)—see section 52.

insulated, for a thing, for division 5A.2 (Vegetation management)—see section 41C.

interference, with a regulated utility network or network facility, for part 5 (Protection of regulated utility networks)—see section 30.

isolated infrastructure, for part 7 (Network boundaries and isolated infrastructure)—see section 52.

listed dam, for part 8 (Dams safety)—see section 57.

management operations, for division 5A.4 (Performance of management operations)—see section 41J.

national electricity rules means the *National Electricity Rules* under the *National Electricity (ACT) Law*.

NERL exempt seller—see the *Utilities Act 2000*, section 75A.

NERL retailer—see the *Utilities Act 2000*, section 75.

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network—

(a) for this Act—means any of the following:

(i) an electricity network;

(ii) a gas network;

(iii) a sewerage network;

(iv) a water network;

(v) a network prescribed for a prescribed utility service under the *Utilities Act 2000*, section 15; or

(b) for section 38, section 39 and section 40—see section 41 (Extended meaning of *network*).

network boundary, for division 5A.3 (Electrical infrastructure management)—see section 41F.

network facility means any part of the infrastructure of a regulated utility network.

notifiable incident, for part 4 (Reporting of notifiable incidents)—see section 28.

occupier, of premises—

(a) for part 5A (Vegetation and electrical infrastructure management)—see section 41A; and

(b) for part 9 (Enforcement)—see section 76.

offence, for part 9 (Enforcement)—see section 76.

owner—

(a) for part 5A (Vegetation and electrical infrastructure management)—see section 41A; and

(b) in relation to a dam or proposed dam, for part 8 (Dams safety)—see section 57.

premises includes land and place.

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private land, for division 5A.4 (Performance of management operations)—see section 41J.

proposed dam, for part 8 (Dams safety)—see section 57.

protected tree—see the *Urban Forest Act 2023*, section 9.

public land, for division 5A.4 (Performance of management operations)—see section 41J.

registrable dam, for part 8 (Dams safety)—see section 57.

regulated utility—see section 8.

regulated utility network means a network that is owned by a regulated utility and used for providing a regulated utility service under this Act.

regulated utility service—see section 9.

related law means—

(a) the *Electricity Safety Act 1971*; and

(b) the *Gas Safety Act 2000*; and

(c) the *Water and Sewerage Act 2000*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

required information, for part 8 (Dams safety)—see section 59.

responsible utility—

(a) for this Act generally—for a regulated utility network or network facility, means a regulated utility that provides utility services using the regulated utility network or network facility; and

(b) for part 5A (Vegetation and electrical infrastructure management)—see section 41A.

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reviewable decision, for part 10 (Notification and review of decisions)—see section 105.

rural lease, for part 5A (Vegetation and electrical infrastructure management)—see the *Planning Act 2023*, section 256.

rural leased land, for part 5A (Vegetation and electrical infrastructure management)—see section 41A.

sewerage network—see the *Utilities Act 2000*, section 14.

show cause notice—

(a) for section 17 (Technical regulator's warning notice)—see section 17 (2); and

(b) for section 18 (Technical regulator's directions)—see section 18 (2); and

(c) for section 54 (Technical inspector's warning notice—isolated infrastructure)—see section 54 (2); and

(d) for section 55 (Technical regulator's directions—isolated infrastructure)—see section 55 (2); and

(e) for section 79 (Technical regulator may recommend conditions on licence)—see section 79 (3).

technical code means a technical code approved under section 14.

technical code for listed dam, for part 8 (Dams safety)—see section 57.

technical inspector's warning notice—see section 54.

technical regulator—see section 77.

technical regulator's direction—

(a) in relation to regulated utilities—see section 18; and

(b) in relation to isolated infrastructure—see section 55.

technical regulator's urgent direction—see section 20.

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technical regulator's warning notice—see section 17.

transmission means transmission under the national electricity rules.

U, for an aerial line, for division 5A.2 (Vegetation management)—see section 41C.

unlicensed regulated utility, for part 6 (Operating certificates)—see section 42.

utility infrastructure work, for division 9.5 (Stop notice—utility infrastructure work)—see section 95.

warrant, for part 9 (Enforcement)—see section 76.

water network—see the *Utilities Act 2000*, section 12.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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3 Legislation history

Utilities (Technical Regulation) Act 2014 A2014-60
notified LR 8 December 2014
s 1, s 2 commenced 8 December 2014 (LA s 75 (1))
remainder commenced 1 March 2015 (s 2 and CN2015-1)

as amended by

Planning, Building and Environment Legislation Amendment Act 2016 (No 2) A2016-24 pt 12
notified LR 11 May 2016
s 1, s 2 commenced 11 May 2016 (LA s 75 (1))
pt 12 commenced 12 May 2016 (s 2 (1))

Planning, Building and Environment Legislation Amendment Act 2017 A2017-3 pt 8
notified LR 22 February 2017
s 1, s 2 commenced 22 February 2017 (LA s 75 (1))
pt 8 commenced 23 February 2017 (s 2 (1))

Statute Law Amendment Act 2017 A2017-4 sch 3 pt 3.35
notified LR 23 February 2017
s 1, s 2 commenced 23 February 2017 (LA s 75 (1))
sch 3 pt 3.35 commenced 9 March 2017 (s 2)

Utilities Legislation Amendment Act 2017 A2017-33 pt 3
notified LR 7 November 2017
s 1, s 2 commenced 7 November 2017 (LA s 75 (1))
pt 3 commenced 8 November 2017 (s 2 (1))

Utilities (Technical Regulation) Amendment Act 2017 A2017-34
notified LR 8 November 2017
s 1, s 2 commenced 8 November 2017 (LA s 75 (1))
remainder commenced 1 July 2018 (s 2 (1) and CN2018-5)

Red Tape Reduction Legislation Amendment Act 2018 A2018-33 sch 1 pt 1.38
notified LR 25 September 2018
s 1, s 2 commenced 25 September 2018 (LA s 75 (1))
sch 1 pt 1.38 commenced 23 October 2018 (s 2 (4))

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Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.36
notified LR 8 November 2018
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))
sch 3 pt 3.36 commenced 22 November 2018 (s 2 (1))

Planning and Environment Legislation Amendment Act 2020 A2020-22 pt 9
notified LR 10 June 2020
s 1, s 2 commenced 10 June 2020 (LA s 75 (1))
pt 9 commenced 11 June 2020 (s 2)

Statute Law Amendment Act 2022 A2022-14 sch 3 pt 3.40
notified LR 10 August 2022
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))
sch 3 pt 3.40 commenced 24 August 2022 (s 2)

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.68
notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.68 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

Urban Forest (Consequential Amendments) Act 2023 A2023-52 sch 1 pt 1.13
notified LR 11 December 2023
s 1, s 2 commenced 11 December 2023 (LA s 75 (1))
sch 1 pt 1.13 commenced 1 January 2024 (s 2 and see Urban Forest Act 2023 A2023-14, s 2)

Statute Law Amendment Act 2025 A2025-29 sch 4 pt 4.186
notified LR 6 November 2025
s 1, s 2 commenced 6 November 2025 (LA s 75 (1))
sch 4 pt 4.186 commenced 5 January 2026 (s 2 (8))

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4 Amendment history

Commencement
s 2 om LA s 89 (4)

Meaning of *regulated utility service*
s 9 am A2017-3 s 25

Other laws not affected
s 7 am A2023-36 amdt 1.401

Exempt classes of regulated utility services
s 10A ins A2017-33 s 7

Draft technical codes—proposed by regulated utility
s 12 am A2025-29 amdt 4.189

Draft technical codes—consultation
s 13 am A2017-34 s 4; pars renum R8 LA

Technical codes—approval
s 14 am A2025-29 amdt 4.189

Technical codes—public access
s 15 am A2025-29 amdt 4.189

Offence—fail to comply with technical code
s 16 am A2017-34 s 5

Technical regulator's warning notice
s 17 am A2017-4 amdt 3.210

Technical regulator's directions
s 18 am A2017-4 amdt 3.200, amdt 3.210; A2025-29 amdt 4.189

Technical regulator's urgent directions
s 20 am A2017-4 amdt 3.200; A2025-29 amdt 4.189

Technical regulator—obtaining information and documents
s 22 am A2017-4 amdt 3.210

NERL retailers and NERL exempt sellers—determination of application of technical code
s 26 am A2025-29 amdt 4.189

Offence—reporting of notifiable incidents by regulated utility
s 29 am A2017-3 s 26

Meaning of *interference*—pt 5
s 30 sub A2017-34 s 6

Network protection notices
s 32 am A2017-4 amdt 3.201; A2023-52 amdts 1.109-1.111

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Vegetation and electrical infrastructure management
pt 5A hdg ins A2017-34 s 7

General
div 5A.1 hdg ins A2017-34 s 7

Definitions—pt 5A
s 41A ins A2017-34 s 7
def ***occupier*** ins A2017-34 s 7
def ***owner*** ins A2017-34 s 7
def ***responsible utility*** ins A2017-34 s 7
def ***rural lease*** ins A2017-34 s 7
sub A2023-36 amdt 1.402
def ***rural leased land*** ins A2017-34 s 7

National land
s 41B ins A2017-34 s 7

Vegetation management
div 5A.2 hdg ins A2017-34 s 7

Definitions—div 5A.2
s 41C ins A2017-34 s 7
def ***aerial cable*** ins A2017-34 s 7
def ***aerial conductor*** ins A2017-34 s 7
def ***aerial line*** ins A2017-34 s 7
def ***aerial service line*** ins A2017-34 s 7
def ***conductor*** ins A2017-34 s 7
def ***covered conductor*** ins A2017-34 s 7
def ***insulated*** ins A2017-34 s 7
def ***U*** ins A2017-34 s 7

Clearance from aerial lines—vegetation
s 41D ins A2017-34 s 7
am A2023-52 amdt 1.112

Measuring clearances from aerial lines
s 41E ins A2017-34 s 7

Electrical infrastructure management
div 5A.3 hdg ins A2017-34 s 7

Definitions—div 5A.3
s 41F ins A2017-34 s 7
def ***electrical infrastructure*** ins A2017-34 s 7
def ***network boundary*** ins A2017-34 s 7

Maintenance of electrical infrastructure within network boundary
s 41G ins A2017-34 s 7

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Maintenance of electrical infrastructure within network boundary—powers
s 41H ins A2017-34 s 7
am A2023-52 amdt 1.113

Inspection of electrical infrastructure outside network boundary
s 41I ins A2017-34 s 7
am A2023-52 amdt 1.114

Performance of management operations
div 5A.4 hdg ins A2017-34 s 7

Definitions—div 5A.4
s 41J ins A2017-34 s 7
def ***management operations*** ins A2017-34 s 7
def ***private land*** ins A2017-34 s 7
def ***public land*** ins A2017-34 s 7

Damage etc to be minimised
s 41K ins A2017-34 s 7

Notice to owner
s 41L ins A2017-34 s 7

Management operations outside network boundary—dispute
s 41M ins A2017-34 s 7

Operating certificate—application
s 43 am A2016-24 s 62; A2025-29 amdt 4.189

Operating certificate—grant
s 46 am A2016-24 s 63, s 64; A2017-4 amdt 3.202; A2022-14 amdt 3.214

Operating certificate—general condition
s 48 am A2017-4 amdt 3.203; A2025-29 amdt 4.189

Operating certificate—revocation
s 49 am A2017-4 amdt 3.210

Technical inspector's warning notice—isolated infrastructure
s 54 am A2017-4 amdt 3.210

Technical regulator's directions—isolated infrastructure
s 55 am A2017-4 amdt 3.204, amdt 3.210; A2025-29 amdt 4.189

Definitions—pt 8
s 57 def ***proposed dam*** am A2023-36 amdt 1.403

Required information for dams register
s 59 am A2025-29 amdt 4.189

Notice to give required information
s 60 am A2025-29 amdt 4.189

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Listing of certain dams
s 69 am A2025-29 amdt 4.189

Draft technical codes for listed dam—proposed by owner of listed dam
s 71 am A2025-29 amdt 4.189

Technical codes for listed dams—consultation
s 72 am A2018-42 amdt 3.114, amdt 3.115

Technical codes for listed dams—approval
s 73 am A2025-29 amdt 4.189

Technical codes for listed dams—public access
s 74 am A2025-29 amdt 4.189

Delegation by technical regulator
s 77A ins A2020-22 s 25

Technical inspectors—appointment
s 81 am A2022-14 amdt 3.215

Power to enter premises
s 84 am A2017-4 amdt 3.205

Production of identity card
s 85 am A2022-14 amdt 3.215

Consent to entry
s 86 am A2022-14 amdt 3.215

Advance consent to entry
s 87 am A2022-14 amdt 3.215

Warrants—application made other than in person
s 89 am A2018-33 amdt 1.73, amdt 1.74

Meaning of *utility infrastructure work*—div 9.5
s 95 am A2016-24 s 65; A2017-3 s 27; A2017-4 amdt 3.206, amdt 3.207

Stop notice
s 96 am A2017-4 amdt 3.210

Reviewable decision notices
s 106 am A2025-29 amdt 4.189

Applications for review
s 107 am A2025-29 amdt 4.189

Determination of fees
s 110 am A2025-29 amdt 4.189

Approved forms
s 111 am A2025-29 amdt 4.189

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Regulation-making power
s 112 am A2025-29 amdt 4.189

Consequential amendments
pt 12 hdg om LA s 89 (3)

Utilities (Technical Regulation) Regulation 2017—sch 2
s 113 om LA s 89 (3)
ins A2017-3 s 28
exp 23 February 2017 (s 113 (5))

Transitional
pt 20 hdg exp 1 March 2018 (s 204)

Definitions—pt 20
s 200 exp 1 March 2018 (s 204)
def ***commencement day*** exp 1 March 2018 (s 204)

Technical codes under Utilities Act 2000
s 201 exp 1 March 2018 (s 204)

Application of offence of providing regulated utility service without operating certificate
s 202 exp 1 March 2018 (s 204)

Transitional regulations
s 203 exp 1 March 2018 (s 204)

Expiry—pt 20
s 204 exp 1 March 2018 (s 204)

New Utilities (Technical Regulation) Regulation 2017
sch 2 om LA s 89 (3)
ins A2017-3 s 29
exp 23 February 2017 (s 113 (5))

Dictionary
dict am A2017-34 s 8; A2018-42 amdt 3.116
def ***aerial cable*** ins A2017-34 s 9
def ***aerial conductor*** ins A2017-34 s 9
def ***aerial line*** ins A2017-34 s 9
def ***aerial service line*** ins A2017-34 s 9
def ***conductor*** ins A2017-34 s 9
def ***covered conductor*** ins A2017-34 s 9
def ***electrical infrastructure*** ins A2017-34 s 9
def ***electricity distribution network*** ins A2016-24 s 66
om A2017-4 amdt 3.208
def ***electricity transmission network*** ins A2016-24 s 66
om A2017-4 amdt 3.208
def ***gas distribution network*** om A2017-4 amdt 3.208
def ***gas transmission network*** om A2017-4 amdt 3.208
def ***insulated*** ins A2017-34 s 9

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def ***management operations*** ins A2017-34 s 9
def ***network boundary*** ins A2017-34 s 9
def ***network protection notice*** om A2017-4 amdt 3.208
def ***occupier*** sub A2017-34 s 10
def ***owner*** sub A2017-34 s 10
def ***private land*** ins A2017-34 s 11
def ***protected tree*** ins A2023-52 amdt 1.115
def ***public land*** ins A2017-34 s 11
def ***responsibility utility*** sub A2017-34 s 12
def ***rural lease*** ins A2017-34 s 13
sub A2023-36 amdt 1.404
def ***rural leased land*** ins A2017-34 s 13
def ***technical code for listed dam*** sub A2017-4 amdt 3.209
def ***U*** ins A2017-34 s 13

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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Mar 2015	1 Mar 2015– 11 May 2016	not amended	new Act
R2 12 May 2016	12 May 2016– 22 Feb 2017	A2016-24	amendments by A2016-24
R3 23 Feb 2017	23 Feb 2017– 23 Feb 2017	A2017-3	amendments by A2017-3
R4 24 Feb 2017	24 Feb 2017– 8 Mar 2017	A2017-3	expiry of provisions (s 113 and sch 2)
R5 9 Mar 2017	9 Mar 2017– 7 Nov 2017	A2017-4	amendments by A2017-4
R6 8 Nov 2017	8 Nov 2017– 1 Mar 2018	A2017-33	amendments by A2017-33
R7 2 Mar 2018	2 Mar 2018– 30 June 2018	A2017-33	expiry of transitional provisions (pt 20)
R8 1 July 2018	1 July 2018– 22 Oct 2018	A2017-34	amendments by A2017-34
R9 23 Oct 2018	23 Oct 2018– 21 Nov 2018	A2018-33	amendments by A2018-33
R10 22 Nov 2018	22 Nov 2018– 10 June 2020	A2018-42	amendments by A2018-42
R11 11 June 2020	11 June 2020– 23 Aug 2022	A2020-22	amendments by A2020-22

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R12 24 Aug 2022	24 Aug 2022– 26 Nov 2023	A2022-14	amendments by A2022-14
R13 27 Nov 2023	27 Nov 2023– 31 Dec 2023	A2023-36	amendments by A2023-36
R14 1 Jan 2024	1 Jan 2024– 4 Jan 2026	A2023-52	amendments by A2023-52

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6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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