



Australian Capital Territory

# Planning, Building and Environment Legislation Amendment Act 2016 (No 2)

A2016-24

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
4	Legislation repealed 3
<b>Part 2</b>	<b>Architects Act 2004</b>
5	New section 69A 4

---

J2015-807

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page
<b>Part 3</b>	<b>Building and Construction Industry (Security of Payment) Act 2009</b>
6	New section 33A 5
7	Reviewable decisions Schedule 1, new items 2 and 3 6
<b>Part 4</b>	<b>Electricity Safety Act 1971</b>
8	Testing and reporting of electrical work Section 6 (1) (b) 7
<b>Part 5</b>	<b>Environment Protection Act 1997</b>
9	Definitions for sch 2 Schedule 2, section 2.1, new definition of <i>AS/NZS 4012</i> 8
10	Schedule 2, section 2.1, definition of <i>solid fuel-burning equipment</i> 8
11	Schedule 2, new section 2.1 (2) 8
12	Sale of solid fuel-burning equipment Schedule 2, section 2.4 (1) (a) and (b) 9
13	Schedule 2, section 2.4 (3) 9
14	Schedule 2, section 2.4 (4) 10
15	Interference with solid fuel-burning equipment or attached plates Schedule 2, section 2.5 (1) 10
16	Schedule 2, new section 2.5 (1A) 10
17	Schedule 2, section 2.5 (4) 11
18	Dictionary, new definition of <i>AS/NZS 4012</i> 11
<b>Part 6</b>	<b>Environment Protection Regulation 2005</b>
19	New division 2.4A 12
20	Minimum overall efficiency—Act, s 2.4 Section 14B 12
21	Maximum appliance particulate emission factor—Act, s 2.4 Section 14C, paragraphs (a) and (b) 13
22	Storage and use of certain agvet chemical products New section 55 (2A) 13
23	Dictionary, note 2 13
<hr/>	
contents 2	Planning, Building and Environment Legislation Amendment Act 2016 (No 2) A2016-24

	Page	
<b>Part 7</b>		
<b>Heritage Act 2004</b>		
24	Meaning of <i>heritage significance</i> Section 10 (c)	14
25	Public consultation about heritage guidelines Section 26 (2)	14
26	New section 26 (4A)	14
27	New section 26 (7)	14
28	Request for urgent provisional registration New section 30 (2) (d)	15
29	New section 30 (3) (c)	15
30	Section 30 (4) (a)	15
31	Notice of decision about provisional registration Section 34 (5)	16
32	Public consultation about registration of place or object New section 37 (1A) and (1B)	17
33	Public consultation about cancellation proposal New section 46 (1A) and (1B)	17
34	Section 57	18
35	Application to excavate Section 61E (1)	19
36	New section 61E (3)	19
37	Permit to excavate Section 61F (1)	20
38	Section 61J	20
39	Heritage direction by council Section 62 (2) (b)	21
40	Conservation management plan Section 110 (4) (c)	21
41	New section 118B	21
42	Reviewable decisions Schedule 1, item 2, column 2	23
43	Dictionary, definition of <i>conservation management plan</i>	23
44	Further amendments, mentions of <i>section 47</i>	24
45	Further amendments, mentions of <i>comments</i>	24
46	Further amendments, mentions of <i>comments</i>	25
<hr/>		
A2016-24	Planning, Building and Environment Legislation Amendment Act 2016 (No 2)	contents 3

	Page	
<b>Part 8</b>	<b>Nature Conservation Act 2014</b>	
47	Conservator—functions Section 21 (4) (d), example and note	26
48	Section 21 (4) (e), new example and note	26
49	What is a <i>controlled native species</i> ?—ch 7 Section 157 (2) and example	26
50	Section 161	27
<b>Part 9</b>	<b>Planning and Development Act 2007</b>	
51	Controlled activities Schedule 2, item 7, column 3	28
<b>Part 10</b>	<b>Planning and Development Regulation 2008</b>	
52	Disapplication of Legislation Act, s 47 (5) and (6)—regulation Section 400 (2) (e) and (f)	29
53	Section 400 (3), definition of <i>utility rule</i>	29
54	Criterion 1—easement and other access clearances Schedule 1, section 1.11 (4), definition of <i>utility infrastructure access or protection space</i> , examples 1 and 2	29
55	Schedule 1, section 1.11 (4), definition of <i>utility rule</i> and note	29
<b>Part 11</b>	<b>Utilities Act 2000</b>	
56	Section 7 heading	30
57	New section 7 (1A)	30
58	Section 7 (1)	30
59	Dictionary, new definition of <i>electricity distribution network</i>	30
60	Dictionary, definition of <i>electricity network</i>	30
61	Dictionary, new definition of <i>electricity transmission network</i>	31
<b>Part 12</b>	<b>Utilities (Technical Regulation) Act 2014</b>	
62	Operating certificate—application New section 43 (2)	32
63	Operating certificate—grant Section 46 (1) (a)	33
64	Section 46 (1) (b) (ii)	33
<hr/>		
contents 4	Planning, Building and Environment Legislation Amendment Act 2016 (No 2)	A2016-24

Contents

---

	Page
65	Meaning of <i>utility infrastructure work</i> —div 9.5 Section 95 (a) 34
66	Dictionary, new definitions 34
<b>Part 13</b>	<b>Work Health and Safety Regulation 2011</b>
67	Duty of person conducting a business or undertaking Section 166 35





Australian Capital Territory

# Planning, Building and Environment Legislation Amendment Act 2016 (No 2)

**A2016-24**

---

An Act to amend legislation about planning, building and the environment, and for other purposes

---

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Planning, Building and Environment Legislation Amendment Act 2016 (No 2)*.

### 2 Commencement

- (1) This Act (other than sections 20 and 21) commence on the day after its notification day.

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

- (2) Sections 20 and 21 commence on 1 September 2019.

### 3 Legislation amended

This Act amends the following legislation:

- *Architects Act 2004*
- *Building and Construction Industry (Security of Payment) Act 2009*
- *Electricity Safety Act 1971*
- *Environment Protection Act 1997*
- *Environment Protection Regulation 2005*
- *Heritage Act 2004*
- *Nature Conservation Act 2014*
- *Planning and Development Act 2007*
- *Planning and Development Regulation 2008*
- *Utilities Act 2000*
- *Utilities (Technical Regulation) Act 2014*
- *Work Health and Safety Regulation 2011*.



**4 Legislation repealed**

- (1) This Act repeals the *Utilities (Electricity Transmission) Regulation 2006* (SL2006-7).
- (2) All other legislative instruments under the *Utilities (Electricity Transmission) Regulation 2006* are repealed.

## Part 2 Architects Act 2004

### 5 New section 69A

*in division 7.1, insert*

#### 69A Delegation by board

The board may delegate to the registrar the function to renew the registration of an architect in the following circumstances:

- (a) in the 12 months before the architect applies for the renewal—
  - (i) no relevant circumstance under section 9 (4) relates to the architect; and
  - (ii) the board has not received a complaint against the architect; and
  - (iii) no disciplinary action has been taken, or is pending, against the architect;
- (b) the architect's registration is not subject to a condition.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

---

## Part 3 Building and Construction Industry (Security of Payment) Act 2009

### 6 New section 33A

*insert*

#### 33A Suspension, cancellation or withdrawal of authorisation

(1) The Minister may suspend for up to 12 months, or cancel, a nominating authority's authorisation if the Minister is satisfied on reasonable grounds—

(a) the nominating authority has contravened this Act; or

*Note 1* A reference to an Act includes a reference to statutory instruments made or in force under the Act, including a regulation and any law or instrument applied, adopted or incorporated by the Act (see [Legislation Act](#), s 104).

*Note 2* A reference to an entity includes a reference to a person exercising a function of the entity (see [Legislation Act](#), s 184A and dict, pt 1, def *entity*).

(b) the nominating authority is no longer suitable for authorisation, having regard to the matters listed in section 32 (1) (Nominating authority—suitability).

(2) If the nominating authority has contravened this Act, before deciding to suspend or cancel a nominating authority's authorisation, the Minister must have regard to—

(a) the extent to which the nominating authority, or a person engaged or employed by the nominating authority, is responsible for the contravention; and

(b) the impact of the contravention on 1 or more of the following:

(i) the rights or entitlements of a person under this Act;

- (ii) the integrity of the adjudication process under this Act;
  - (iii) any adjudication process undertaken by the nominating authority.
- (3) If the Minister is satisfied the nominating authority's authorisation should be suspended or cancelled, the Minister must, in writing—
- (a) tell the nominating authority that the Minister intends to suspend or cancel the authorisation; and
  - (b) give the nominating authority reasons for the suspension or cancellation; and
  - (c) give the nominating authority at least 14 days after the notice is given to the nominating authority to make representations to the Minister about the matter.
- (4) The Minister must consider any representations made by the nominating authority within the time set out in the notice before making a decision to suspend or cancel the nominating authority's authorisation.
- (5) The Minister may withdraw authorisation if the Minister is satisfied on reasonable grounds that information given to the Minister by the nominating authority in relation to the nominating authority's suitability for authorisation was false or misleading.

## 7 Reviewable decisions Schedule 1, new items 2 and 3

*insert*

1	33A (1)	suspension or cancellation of authorisation	nominating authority
2	33A (5)	withdrawal of authorisation	nominating authority

## Part 4 Electricity Safety Act 1971

### 8 Testing and reporting of electrical work Section 6 (1) (b)

*substitute*

- (b) within 14 days after the day the test is carried out, the person does not give a report of the test to—
- (i) the construction occupations registrar; and
  - (ii) the owner of the installation for which the work was done.

*Note* If a form is approved under s 65 for this provision, the form must be used.

## Part 5 Environment Protection Act 1997

### 9 Definitions for sch 2 Schedule 2, section 2.1, new definition of *AS/NZS 4012*

*insert*

*AS/NZS 4012* means AS/NZS 4012 (Domestic solid fuel burning appliances—Method for determination of power output and efficiency) as in force from time to time.

*Note* AS/NZS 4012 may be purchased at [www.standards.org.au](http://www.standards.org.au).

### 10 Schedule 2, section 2.1, definition of *solid fuel-burning equipment*

*omit*

AS/NZS 4013 applies

*substitute*

AS/NZS 4012 or AS/NZS 4013 apply

### 11 Schedule 2, new section 2.1 (2)

*insert*

- (2) The [Legislation Act](#), section 47 (6) does not apply to the following:
- (a) AS/NZS 4012;
  - (b) AS/NZS 4013.

*Note* The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

**12 Sale of solid fuel-burning equipment  
Schedule 2, section 2.4 (1) (a) and (b)**

*substitute*

- (a) a certificate of compliance under subsection (3) has been issued in relation to equipment of the same type by an entity authorised by the authority, in writing, for this paragraph; and
- (b) the equipment—
  - (i) complies with AS/NZS 4012, other than the required overall efficiency for the equipment; and
  - (ii) in accordance with the test procedure set out in AS/NZS 4012, has an overall efficiency of not less than the prescribed amount; and
- (c) the equipment—
  - (i) complies with AS/NZS 4013, other than the required appliance particulate emission factor; and
  - (ii) in accordance with the test procedure set out in AS/NZS 4013, has an appliance particulate emission factor of not more than the prescribed amount.

**13 Schedule 2, section 2.4 (3)**

*substitute*

- (3) For subsection (1) (a), a certificate of compliance, in relation to solid fuel-burning equipment of a particular type, must state that—
  - (a) in accordance with the test procedure set out in AS/NZS 4012, the equipment has an overall efficiency of not less than the prescribed amount; and
  - (b) in accordance with the test procedure set out in AS/NZS 4013, the equipment has an appliance particulate emission factor of not more than the prescribed amount.

**14 Schedule 2, section 2.4 (4)**

*omit*

subsection (1) (b)

*substitute*

subsection (1) (a)

**15 Interference with solid fuel-burning equipment or attached plates  
Schedule 2, section 2.5 (1)**

*omit*

in accordance with AS/NZS 4013, section 10

*substitute*

in accordance with—

(a) AS/NZS 4012, section 8; or

(b) AS/NZS 4013, section 10

**16 Schedule 2, new section 2.5 (1A)**

*insert*

(1A) A person must not mark on solid fuel burning equipment that the equipment complies with 1 or both of the following standards if the equipment does not comply with the standard:

(a) AS/NZS 4012 (other than the required overall efficiency for the equipment);

(b) AS/NZS 4013 (other than the required appliance particulate emission factor).



**17 Schedule 2, section 2.5 (4)**

*omit*

subsection (1) or

*substitute*

subsection (1), (1A) or

**18 Dictionary, new definition of AS/NZS 4012**

*insert*

**AS/NZS 4012**, for schedule 2 (Specific offences)—see schedule 2, section 2.1.

## Part 6 Environment Protection Regulation 2005

### 19 New division 2.4A

*insert*

#### Division 2.4A Solid fuel-burning equipment

##### 14B Minimum overall efficiency—Act, sch 2, s 2.4 (1)

The prescribed minimum overall efficiency is 55%.

##### 14C Maximum appliance particulate emission factor—Act, sch 2, s 2.4 (1)

The prescribed maximum appliance particulate emission factor is—

- (a) for a heater without a catalytic combustor—2.5g/kg; and
- (b) for a heater with a catalytic combustor—1.4g/kg.

### 20 Minimum overall efficiency—Act, s 2.4 Section 14B

*omit*

55%

*substitute*

60%

**21 Maximum appliance particulate emission factor—Act, s 2.4**  
**Section 14C, paragraphs (a) and (b)**

*substitute*

- (a) for a heater without a catalytic combustor—1.5g/kg; and
- (b) for a heater with a catalytic combustor—0.8g/kg.

**22 Storage and use of certain agvet chemical products**  
**New section 55 (2A)**

*insert*

- (2A) Subsection (2) (b) does not apply to a person if the person is a veterinary surgeon, or another person following instructions issued by a veterinary surgeon, acting in the course of treating an animal under the veterinary surgeon's care.

*Note* **Veterinary surgeon**—see the [Legislation Act](#), dictionary, pt 1.

**23 Dictionary, note 2**

*insert*

- veterinary surgeon

## Part 7 Heritage Act 2004

### 24 Meaning of *heritage significance* Section 10 (c)

*before*

information

*insert*

important

### 25 Public consultation about heritage guidelines Section 26 (2)

*omit*

### 26 New section 26 (4A)

*insert*

(4A) The council may give public notice to extend the consultation period (an *extension notice*).

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* The council may extend the consultation period after it has ended (see [Legislation Act](#), s 151C).

### 27 New section 26 (7)

*insert*

(7) The following are notifiable instruments:

- (a) the consultation notice;
- (b) any extension notice.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**28 Request for urgent provisional registration  
New section 30 (2) (d)**

*before the examples, insert*

- (d) must explain the circumstances that require an urgent decision to be made.

**29 New section 30 (3) (c)**

*insert*

- (c) the council is satisfied an urgent decision must be made because—
- (i) if the heritage council believes on reasonable grounds that the place or object is likely to have heritage significance—1 or more of the following is reasonably likely to occur if the decision is not made:
    - (A) the likely heritage significance of the place or object will be diminished or damaged;
    - (B) if a development application applies to the place or object—approval of the development proposal will authorise action that will diminish or damage the place or object; or
  - (ii) the heritage council believes on reasonable grounds that the application is reasonable in the circumstances.

**30 Section 30 (4) (a)**

*omit*

as if the place or object was a nominated place or object

**31 Notice of decision about provisional registration  
Section 34 (5)**

*substitute*

- (5) The notice must include—
- (a) for a decision to provisionally register the place or object—the following:
    - (i) the registration details of the place or object;
    - (ii) the council’s reasons for its decision;
    - (iii) the date of provisional registration;
    - (iv) an indication of the council’s intention to decide whether to register the place or object under division 6.2; and
  - (b) for a decision not to provisionally register the place or object—the following:
    - (i) the name of the place or object;
    - (ii) the location or address of the place or object;
    - (iii) a description of the place or object, including (if relevant) its extent or boundary;
    - (iv) the council’s reasons for its decision, including an assessment of the place or object against the heritage significance criteria;
    - (v) the date the decision takes effect.

**32 Public consultation about registration of place or object  
New section 37 (1A) and (1B)**

*insert*

(1A) The council may give public notice (an *extension notice*) to extend the public consultation period.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* The council may extend the public consultation period after it has ended (see [Legislation Act](#), s 151C).

(1B) An extension notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**33 Public consultation about cancellation proposal  
New section 46 (1A) and (1B)**

*insert*

(1A) The council may give public notice to extend the consultation period (an *extension notice*).

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* The council may extend the consultation period after it has ended (see [Legislation Act](#), s 151C).

(1B) An extension notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**34 Section 57**

*substitute*

**57 Limited access to restricted information**

- (1) This section applies if a person applies to access restricted information.
- (2) The council must give the applicant the restricted information—
  - (a) if land is offered for sale; and
  - (b) the applicant is an interested person for the land, or someone considering buying an interest in the land; and
  - (c) the restricted information is relevant to the conservation and use of the land.
- (3) The council may give the applicant the restricted information if—
  - (a) the council is satisfied on reasonable grounds that the release of the information will not diminish the heritage significance of a place or object, or damage an Aboriginal place or object; and
  - (b) the applicant satisfies the council that the applicant will use the information for 1 or more of the following:
    - (i) academic research in connection with a recognised tertiary institution;
    - (ii) as a consultant or researcher engaged by an interested person in connection with planning, land management, or a development proposal;
    - (iii) to assess heritage significance;



- (iv) to assess whether proposed conduct will diminish the heritage significance of a place or object, or damage an Aboriginal place or object.

*Note 1* If a form is approved under s 119 for an application, the form must be used.

*Note 2* A fee may be determined under s 120 for this provision.

*Note 3* **Interested person**—see s 13.

- (4) If the council gives a person restricted information the council must, at the same time, give the person a written explanation about the operation of this part.

### **35 Application to excavate Section 61E (1)**

*omit*

excavation work

*substitute*

archaeological excavation work

### **36 New section 61E (3)**

*insert*

- (3) In this section:
- archaeological excavation work** means excavation undertaken—
- (a) in a systematic way; and
  - (b) using archaeological methods; and
  - (c) to investigate the heritage significance of a place or object.

**37 Permit to excavate  
Section 61F (1)**

*omit*

excavation work

*substitute*

archaeological excavation work

**38 Section 61J**

*substitute*

**61J Application for approval of conservation management plan**

- (1) A person or entity responsible for a place or object with heritage significance, or an Aboriginal place or Aboriginal object, (a ***heritage site***) may make an application to the council for approval of a conservation management plan for the heritage site.
- (2) An application must—
  - (a) be in writing; and
  - (b) be given to the council; and
  - (c) include the following information:
    - (i) the applicant's name and address;
    - (ii) the location or address of the heritage site;
    - (iii) any other matter prescribed by regulation; and

(d) attach the applicant's conservation management plan.

*Note 1* If a form is approved under s 119 for a conservation management plan, the form must be used.

*Note 2* A fee may be determined under s 120 for this provision.

*Note 3* Section 117 deals with giving documents to the council.

**39 Heritage direction by council  
Section 62 (2) (b)**

*after*

owner

*insert*

or custodian

**40 Conservation management plan  
Section 110 (4) (c)**

*before*

completion date

*insert*

new

**41 New section 118B**

*insert*

**118B Council may ask for information about leases from  
commissioner for revenue**

(1) The council may, in writing, ask the commissioner for revenue for the following information in relation to a lease:

(a) the lessee's name;

(b) the lessee's home address or other contact address.

*Note 1* The Territory privacy principles apply to the council (see *Information Privacy Act 2014*, sch 1).

*Note 2* The council may ask the commissioner for information in relation to more than 1 lease at a time. Words in the singular include the plural (see *Legislation Act*, s 145 (b)).

(2) The commissioner for revenue must disclose the information required in a request made in accordance with subsection (1).

*Note* See also the *Taxation Administration Act 1999*, s 97 (c) for power to disclose the information.

(3) The council must not—

(a) make a request under subsection (1) in relation to a lease more often than—

(i) once every 3 months; or

(ii) if a regulation prescribes a longer period—once each period; and

(b) use the information provided by the commissioner for revenue about a lessee other than—

(i) for giving notice to the lessee under this Act; or

(ii) to take action under this Act which affects the lessee.

(4) Nothing in this section prevents the council from asking for information under section 118A.

(5) In this section:

*lease*—see the *Planning and Development Act 2007*, section 235.

*lessee*—see the *Planning and Development Act 2007*, section 234.

**42 Reviewable decisions  
Schedule 1, item 2, column 2**

*omit*

47

*substitute*

49

**43 Dictionary, definition of *conservation management plan***

*substitute*

***conservation management plan*** means a plan that—

- (a) sets out the conservation measures that must be adopted for, and conditions on future use of, a place or object or Aboriginal place or object to conserve its heritage significance; and
- (b) identifies any threat, or potential threat, to the heritage significance of the place or object or Aboriginal place or object, and sets out a plan for management of the threats; and
- (c) includes the following information:
  - (i) a description of the place or object or Aboriginal place or object;
  - (ii) the history of the place or object or Aboriginal place or object;
  - (iii) details about the heritage significance of the place or object or Aboriginal place or object;
  - (iv) any other matter prescribed by regulation.

**44 Further amendments, mentions of *section 47***

*omit*

section 47

*substitute*

section 49

*in*

- section 13 (1) (h)
- section 13 (2) (b)
- section 43 (3) (b)
- section 114A (1) (a)
- section 202 (c)
- dictionary, definition of *heritage decision*, paragraph (c).

**45 Further amendments, mentions of *comments***

*after*

comments

*insert*

, in writing,

*in*

- section 13 (1) (g) and (h)
- section 26 (4) (c)
- section 37 (1)
- section 46 (1)

**46 Further amendments, mentions of *comments***

*before*

comments

*insert*

written

*in*

- section 26 (6)
- section 26B (c) and (e)
- section 37 (2)
- section 38 (c) and (e)
- section 46 (2)
- section 47 (c) and (e)

## Part 8 Nature Conservation Act 2014

### 47 Conservator—functions Section 21 (4) (d), example and note

*omit*

### 48 Section 21 (4) (e), new example and note

*insert*

**Example**

kangaroo management plan

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

### 49 What is a *controlled native species*?—ch 7 Section 157 (2) and example

*substitute*

- (2) The Minister may declare a native species to be a controlled native species if satisfied that the species is having, or is likely to have, an unacceptable environmental, social or economic impact.

**Example—unacceptable social impact**

a threatened native species poses a serious threat to human health



**50 Section 161***substitute***161 Draft controlled native species management plan—  
consultation with lessee and custodian**

- (1) In preparing a draft controlled native species management plan for a controlled native species on stated land, the conservator must consult the relevant person for the stated land if the plan requires or permits the relevant person to do or not do something.
- (2) In this section:  
*relevant person*, for stated land, means—
  - (a) if the land is leased land—the lessee of the land; and
  - (b) if the land is unleased land or public land—the custodian of the land.

## Part 9 Planning and Development Act 2007

### 51 Controlled activities Schedule 2, item 7, column 3

*insert*

60 penalty units

---

## Part 10 Planning and Development Regulation 2008

**52 Disapplication of Legislation Act, s 47 (5) and (6)—  
regulation  
Section 400 (2) (e) and (f)**

*omit*

**53 Section 400 (3), definition of *utility rule***

*omit*

**54 Criterion 1—easement and other access clearances  
Schedule 1, section 1.11 (4), definition of *utility  
infrastructure access or protection space*, examples 1  
and 2**

*omit*

*Utilities Act 2000*

*substitute*

*Utilities (Technical Regulation) Act 2014*

**55 Schedule 1, section 1.11 (4), definition of *utility rule* and  
note**

*substitute*

***utility rule*** means a rule, as in force from time to time, made under a technical code, as in force from time to time, made under the *Utilities (Technical Regulation) Act 2014*.

*Note* Technical codes made under the *Utilities (Technical Regulation) Act 2014* are accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). Rules for the service and installation of water and sewerage are accessible at [www.iconwater.com.au](http://www.iconwater.com.au). Rules for the service and installation of electricity are accessible at [www.actewagl.com.au](http://www.actewagl.com.au).

## Part 11 Utilities Act 2000

### 56 Section 7 heading

*substitute*

### 7 Electricity networks

### 57 New section 7 (1A)

*before subsection (1), insert*

- (1A) For this Act, an *electricity transmission network* consists of infrastructure used, or for use, in relation to the transmission of electricity by a person to an electricity distribution network.

### 58 Section 7 (1)

*omit*

*electricity network*

*substitute*

*electricity distribution network*

### 59 Dictionary, new definition of *electricity distribution network*

*insert*

*electricity distribution network*—see section 7 (1).

### 60 Dictionary, definition of *electricity network*

*substitute*

*electricity network*—see section 7.

**61 Dictionary, new definition of *electricity transmission network***

*insert*

*electricity transmission network*—see section 7 (1A).

## Part 12 Utilities (Technical Regulation) Act 2014

### 62 Operating certificate—application New section 43 (2)

*insert*

- (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;
    - (iii) property near regulated utility networks and regulated utility services;
    - (iv) the environment.

**63      Operating certificate—grant  
Section 46 (1) (a)**

*omit*

in accordance with this Act; or

*substitute*

in accordance with the following criteria:

- (i) provision in accordance with this Act;
- (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

**64      Section 46 (1) (b) (ii)**

*omit*

this Act

*substitute*

the criteria in subsection (1) (a)

**65** **Meaning of *utility infrastructure work*—div 9.5**  
**Section 95 (a)**

*substitute*

(a) an electricity distribution network;

**66** **Dictionary, new definitions**

*insert*

*electricity distribution network*—see the [Utilities Act 2000](#), section 7.

*electricity transmission network*—see the [Utilities Act 2000](#), section 7.



## Part 13                      Work Health and Safety    Regulation 2011

### 67                      Duty of person conducting a business or undertaking    Section 166

*omit*

and the *Utilities Act 2000*

*substitute*

, the *Utilities Act 2000* and the *Utilities (Technical Regulation) Act 2014*

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 7 April 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 11 May 2016.

**3 Republications of amended laws**

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

---

I certify that the above is a true copy of the Planning, Building and Environment Legislation Amendment Bill 2016 (No 2), which originated in the Legislative Assembly as the Planning, Building and Environment Legislation Amendment Bill 2016 and was passed by the Assembly on 3 May 2016.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2016