

2000  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Treasurer)

**Utilities (Consequential Provisions) Bill 2000**

---

**CONTENTS**

Section		Page
	<b>PART 1—PRELIMINARY</b>	
1	Name of Act.....	1
2	Commencement .....	1
	<b>PART 2—AMENDMENTS OF LAWS</b>	
3	Laws amended .....	2
	<b>PART 3—MISCELLANEOUS</b>	
4	Regulation-making power.....	2
5	Expiry of pt 3 .....	3
	<b>SCHEDULE 1</b>	
	ACTS AMENDED.....	4
	<b>SCHEDULE 2</b>	
	REGULATIONS AMENDED.....	43

---

Job No.: 1999/010

2000  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Treasurer)

**Utilities (Consequential Provisions) Bill 2000**

---

**A BILL**

FOR

**An Act to make certain provisions consequent on the  
enactment of the *Utilities Act 2000* and for other purposes**

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

**PART 1—PRELIMINARY**

**1 Name of Act**

5 This Act is the *Utilities (Consequential Provisions) Act 2000*.

**2 Commencement**

(1) This Act commences on a day fixed by the Minister by notice in the  
Gazette.

(2) If a provision has not commenced within 6 months beginning on the day this Act is notified in the Gazette, it commences—

(a) on the first day after that period; or

(b) if, within that 6 months, the regulations prescribe a longer period—on the first day after the period so prescribed.

(3) Section 10E of the *Interpretation Act 1967* does not apply to this Act.

*Note 1* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (*Interpretation Act 1967*, s 10B)

*Note 2* A single day or time may be fixed, or different days or times may be fixed for different provisions (*Interpretation Act 1967*, s 10C (1))

*Note 3* S10E *Interpretation Act 1967* provides that, unless an Act provides otherwise, a provision of an Act that has not commenced within 6 months beginning on the date of notification of the Act automatically commences on that first day after that period. Subsections (2) and (3) would allow the regulations to postpone the automatic commencement of such provisions.

## **PART 2—AMENDMENTS OF LAWS**

### **3 Laws amended**

(1) This Act amends the Acts mentioned in Schedule 1.

(2) This Act amends the regulations mentioned in Schedule 2.

## **PART 3—MISCELLANEOUS**

### **4 Regulation-making power**

(1) The Executive may make regulations for this Act.

(2) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of the *Utilities Act 2000* or this Act.

(3) Without limiting the scope of subsection (2), the regulations may prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of the *Utilities Act 2000* or this Act instead of the provisions of the Acts repealed by the *Utilities Act 2000* or amended by this Act.

*Utilities (Consequential Provisions) No , 2000*

- (4) Regulations made for this section must not be taken to be inconsistent with—
- (a) this Act as far as they operate concurrently with this Act; or
  - (b) any provisions of the *Utilities Act 2000*.
- 5 (5) The regulations may modify the operation of this Act to make provision with respect to any matter that is not, or not adequately, dealt with in this Act.

**5 Expiry of pt 3**

This Part expires 1 year after it commences.

---

**SCHEDULE 1**  
**ACTS AMENDED**

(See s 3 (1))

**Part 1**  
***Building Act 1972***

5 **Paragraph 53 (9) (b)—**

Omit “the *Canberra Sewerage and Water Supply Regulations*”,  
substitute “a relevant law”.

**Paragraph 53 (9) (c)—**

10 Omit “*Electricity Act 1971*”, substitute “*Electricity Safety Act 1971*”.

**Section 53—**

Add at the end the following subsection:

“(13) In this section—

*relevant law* means—

- 15 (a) the *Water and Sewerage Act 2000*; or  
(b) the *Water and Sewerage Regulations 2000*; or  
(c) the *Canberra Sewerage and Water Supply Regulations* in  
force immediately before the repeal of the *Energy and*  
20 *Water Act 1988*.”.

**Part 2**

***Common Boundaries Act 1981***

**Subparagraph 2 (2) (c) (i)—**

Omit the subparagraph.

**SCHEDULE 1—continued**

**Part 3**

***Crimes Act 1900***

**Section 114—**

(a) Omit the heading, substitute the following heading:

5           **“114 Dishonest abstraction”.**

(b) After “electricity”, insert “, gas or water”.

**Part 4**

***Electricity Act 1971***

**Long title—**

10           Repeal the title, substitute the following title:

**“An Act relating to the safe use of electricity and for other purposes”.**

**Section 1—**

Repeal the section, substitute the following section:

15   **“1 Name of Act**

This Act is the *Electricity Safety Act 1971*.”.

**Subsection 3 (1) (definition of electrical installation)—**

Omit the definition, substitute the following definition:

20           **“*electrical installation* means any electrical wiring or associated equipment, appliance or apparatus used or for use in relation to the conveyance, control or use of electricity within premises to which electricity is supplied or intended to be supplied from an electricity network, but does not include anything—**

- 25           (a) forming part of the network; or  
(b) connected to and extending or situated beyond an electrical outlet socket.”.

**Subsection 3 (1) (definition of electricity distributor)—**

Omit the definition, substitute the following definition:

**“*electricity distributor*—see *Utilities Act 2000*, dictionary.”.**

**SCHEDULE 1—continued**

**Subsection 3 (1)—**

Insert the following definition:

*“electricity network—see Utilities Act 2000, section 7  
(Electricity network).”*

5 **Section 33—**

(a) Omit the heading, substitute the following heading:

**“33 Connecting electrical installations to network—  
inspections etc”.**

10 (b) Omit “the supply mains of an electricity distributor”, substitute  
“an electricity network”.

**Paragraph 55 (1) (h)—**

Omit “or has contravened section 59 or 76 of the Energy and Water  
Act”.

**Sections 90 and 93—**

15 Repeal the sections.

**Paragraph 94 (1) (p)—**

Omit the paragraph.

**Subsections 95 (4) and (5)—**

Omit the subsections.

20

**Part 5**

***Fair Trading Act 1992***

**Subsection 5 (1) (definition of *services*, subparagraphs (a) (i) and (ii))—**

Add at the end “or”.

**Subsection 5 (1) (definition of *services*, subparagraph (a) (iv))—**

25 Omit the subparagraph, substitute the following subparagraphs:

- “(iv) the supply of electricity, gas, or any other form of energy; or
- (v) the supply of water; or
- (vi) sewerage services; or”.

**SCHEDULE 1—continued**

**Subsection 5 (1) (definition of *services*, paragraph (b))—**

Add at the end “or”.

**Part 6**

***Independent Competition and Regulatory Commission Act 1997***

5 **Long title—**

Omit “supply”, substitute “provision”.

**Subsection 3 (1) (definition of *price direction*)—**

Omit the definition, substitute the following definition:

10 *price direction* means a direction under section 20 (Directions about prices) about prices for the provision of regulated services, as varied (if at all) under Part 4B (Variation of price directions).”.

**Subsection 3 (1) (definition of *price regulation*)—**

Omit the definition, substitute the following definition:

15 *price regulation* means the regulation of prices in relation to the provision of goods and services within a regulated industry, and includes the variation of a price direction for those prices”.

**Subsection 3 (1) (definition of *regulated industry*, paragraph (a))—**

Omit the paragraph, substitute the following paragraph:

20 “(a) an industry engaged in the provision in the Territory of a utility service; or”.

**Subsection 3 (1)—**

Insert the following definitions:

“*current reset principles*—see subsection 20B (2).

*eligible person*—see section 24J (Definitions for pt 4C).

25 *future reset principles*—see subsection 20B (3).

*Gas Pipelines Access (A.C.T.) Law*—see *Gas Pipelines Access Act 1998*, subsection 3 (1).



SCHEDULE 1—continued

**Gas Pipelines Access (A.C.T.) Regulations**—see *Gas Pipelines Access Act 1998*, subsection 3 (1).

**industry panel**—see section 24M (Industry panel).

**law of the Territory** includes—

- 5           (a) the National Electricity (ACT) Law; and  
          (b) the National Electricity (ACT) Regulations; and  
          (c) the National Electricity Code; and  
          (d) the *Gas Pipelines Access (A.C.T.) Law*; and  
          (e) the *Gas Pipelines Access (A.C.T.) Regulations*; and  
10          (f) the National Gas Code.

**National Electricity (ACT) Law**—see *Electricity (National Scheme) Act 1997*, section 5 (Application in the Territory of the National Electricity Law).

15          **National Electricity (ACT) Regulations**—see *Electricity (National Scheme) Act 1997*, section 6 (Application of Regulations under National Electricity Law).

**National Electricity Code** means the National Electricity Code approved under section 6 (National Electricity Code) of the National Electricity (ACT) Law.

20          **National Gas Code**—means the National Third Party Access Code for Natural Gas Pipeline Systems, within the meaning of the *Gas Pipelines Access (A.C.T.) Law*.

*Note*    S 8, *Gas Pipelines Access Act 1998* defines the Code for the *Gas Pipelines Access (A.C.T.) Law*.

25          **price variation trigger**—see paragraph 20A (3) (c)).

**reset principles**—see subsection 20B (1).

**revenue cap**—see paragraph 20A (1) (b).

**utility**—see *Utilities Act 2000*, dictionary.

**utility service**—see *Utilities Act 2000*, dictionary.

30          **variation**, of a price direction, means—

**SCHEDULE 1—continued**

- (a) a consent variation under Division 1 of Part 4B (Variation of price directions); or
- (b) a non-consent variation under Division 2 of Part 4B.

**Paragraph 3A (1) (a)—**

- 5           Omit “supply”, substitute “provision”.

**Subsection 3A (1)—**

After paragraph (a) insert the following paragraph:

“(aa) for an industry engaged in the provision in the Territory of gas services—the Minister;”

10   **New sections 4A and 4B—**

After section 4 insert the following sections in Part 1:

**“4A National Electricity Code—electricity distribution and transmission pricing**

- 15   “(1) On and after the day when ACT distribution service pricing becomes regulated under the National Electricity Code, no reference may be made under this Act for a price regulation investigation into that service.

- 20   “(2) However, a provision of a price direction for a matter related to ACT distribution service pricing that is in force on the day when prices for the service become regulated under the National Electricity Code continues in force (subject to the direction) after that day until the jurisdictional regulator makes a direction about that matter.

“(3) No reference may be made under this Act for a price regulation investigation into ACT transmission service pricing.

“(4) In this section—

- 25    **ACT distribution service** means a distribution service within the meaning given by the National Electricity Code for distribution networks (within the meaning of the code) situated in the Territory.

- 30    **ACT transmission service** means a transmission service within the meaning given by the National Electricity Code for transmission

SCHEDULE 1—continued

networks (within the meaning of the code) situated in the Territory.

**jurisdictional regulator** means the commission in its capacity as jurisdictional regulator under the National Electricity Code.

5 *Note 1* The day when distribution service pricing will become regulated under the National Electricity Code is fixed at 31 December 2000 (by the ACT derogation under the code), but may be changed under the derogation.

*Note 2* The day when transmission service pricing became regulated under the National Electricity Code was fixed at 1 July 1999 (by the ACT derogation under the code).

10 **“4B ACT gas transmission service pricing**

“(1) No reference may be made under this Act for a price regulation investigation into ACT gas transmission service pricing.

“(2) In this section—

15 **ACT gas transmission service** means a transmission service provided by means of a natural gas transmission pipeline within the meaning of the *Gas Pipelines Access (A.C.T.) Law*.”.

**Paragraph 8 (g)—**

Omit the paragraph, substitute the following paragraph:

- 20 “(g) any other function conferred by or under any of the following:
- (i) the *Utilities Act 2000*;
  - (ii) the National Electricity (ACT) Law;
  - (iii) the National Electricity (ACT) Regulations;
  - (iv) the National Electricity Code;
  - (v) the *Gas Pipelines Access (A.C.T.) Law*;
  - 25 (vi) the *Gas Pipelines Access (A.C.T.) Regulations*;
  - (vii) the National Gas Code;
  - (viii) another law of the Territory.”.

**Section 9—**

Add at the end the following paragraph:

- 30 “(j) any other functions performed by the commission.”.

**SCHEDULE 1—continued**

**Section 10—**

Omit all the words after “authority”.

**Section 17—**

After subsection (3) insert the following subsection:

- 5 “(3A) In a price regulation investigation, the commission—
- (a) must invite public submissions and conduct public hearings; and
  - (b) is not required to hear submissions from every person attending a public hearing.”.

**Paragraphs 18 (1) (a) and (b)—**

- 10 Omit “working”, substitute “business”.

**Subsection 18 (2)—**

Omit “, including any draft price direction,”.

**Section 18—**

After subsection (2) insert the following subsection:

- 15 “(2A) A draft report into a price regulation investigation must include all of the following:
- (a) a proposed price direction (or variation);
  - (b) a proposed statement of reasons for the direction (or variation);
  - (c) any proposed report by a commissioner dissenting from proposed
- 20 majority findings of the commission.”.

**Subsection 18 (4)—**

Omit the subsection.

**Subsection 19 (1)—**

After “person who is” insert “(or the persons who are)”.

- 25 **Paragraphs 19 (1) (a) and (b)—**

Add at the end “or”.

**SCHEDULE 1—continued**

**Paragraph 19 (1) (d)—**

Omit the paragraph, substitute the following paragraphs:

- 5       “(d) if the industry is engaged in the provision in the Territory of a utility service—the utility or utilities responsible for the provision of the service; or
- “(e) if the industry is a regulated industry because of the provision of any other services wholly or substantially by or on behalf of a single person—the person who provides those services.”.

**Section 19—**

- 10       Add at the end the following subsection:

      “(3) If more than 1 utility is liable to pay costs under paragraph (1) (d), the commission must, by written notice to each utility, determine the proportion of those costs to be borne by each utility.”.

**Paragraph 20 (2) (c)—**

- 15       Omit “supply”, substitute “provision”.

**Paragraph 20 (2) (f)—**

Omit the paragraph, substitute the following paragraph:

      “(f) the principles of ecologically sustainable development mentioned in subsection (4);”.

- 20       **Subsections 20 (4), (5) and (6)—**

Omit the subsections, substitute the following subsection:

- 25       “(4) For the purposes of paragraph (2) (f), *ecologically sustainable development* requires the effective integration of economic and environmental considerations in decision-making processes through the implementation of the following principles:

- (a) the precautionary principle—that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- 30       (b) the inter-generational equity principle—that the present generation should ensure that the health, diversity and

**SCHEDULE 1—continued**

productivity of the environment is maintained or enhanced for the benefit of future generations;

- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.”.

5 **New sections 20A, 20B and 20C—**

After section 20 insert the following sections in Part 4:

**“20A Price regulation provisions**

“(1) A price direction must include a direction about the pricing of regulated services in the form of either or both of the following:

- 10 (a) a price, a maximum price or both a minimum and maximum price for each regulated service;
- (b) a maximum total amount (*revenue cap*) that may be earned by a person providing regulated services from the provision of those services.

15 “(2) A price direction must be made in accordance with the current reset principles for the regulated industry (see section 20B).

“(3) A price direction may include any or all of the following:

- (a) a formula for calculating a price or amount mentioned in subsection (1);
- 20 (b) a method (for example, by reference to price indices) by which a price or amount mentioned in subsection (1) is to be ascertained;
- (c) a reference to an event or events (*price variation triggers*) the occurrence of which would entitle the commission to initiate a reference for an investigation into a variation of the direction
- 25 (under section 24F (Commission-initiated variation)).

**“20B Reset principles**

“(1) *Reset principles* are principles governing the redetermination of prices or revenue caps in a regulated industry.

30 “(2) *Current reset principles* governing a price direction for a regulated industry are the reset principles currently in force in the industry (by virtue of a previous price direction).

SCHEDULE 1—continued

“(3) *Future reset principles* are reset principles included in a price direction that are to take effect after the expiration of the current reset principles.

“(4) In a price direction, the commission may not—

- 5       (a) vary, omit or replace the current reset principles; or  
      (b) include any future reset principles that will have the effect of varying, omitting or replacing the current reset principles in their application at a future date.

10       “(5) The commission may fix a period of effect for a price regulation provision of a price direction for regulated services that expires before the day on which the current reset principles for the regulated services expire.

15       “(6) If the current reset principles governing a price direction (*the earlier direction*) will expire on or before the date on which any price regulation provisions in the earlier direction (*the earlier provision*) will expire, the earlier direction must include future reset principles governing any price regulation provision (in the next price direction for the industry) that will supersede the earlier provision.

“20C **Effective dates**

“(1) Each provision of a price direction—

- 20       (a) comes into effect on a day ascertained in accordance with the direction, or 14 days after the day on which the final report containing the direction is tabled in the Legislative Assembly, whichever is later; and  
25       (b) remains in effect until a day ascertained in accordance with the direction.

“(2) Under subsection (1), the dates and periods of effect of different provisions of a price direction may be different.

30       *Note* The dates and periods of effect of the price regulation provisions of the direction and any future reset principles in the direction will necessarily be different (see s 20B (3)).”.

**Paragraph 21 (c)—**

Omit the paragraph, substitute the following paragraph:

“(c) for a price direction or price variation investigation—

**SCHEDULE 1—continued**

- (i) a copy of the price direction; and
- (ii) a statement of the reasons for the direction; and
- (iii) a statement of the methodology used in determining the direction; and
- 5 (iv) a statement to the effect that review of the decision by an industry panel (except in the case of a price variation by consent) is available under Part 4C (Review of price directions), subject to procedures explained in the statement;”.

10 **New Parts 4B and 4C—**

After Part 4A insert the following Parts:

**“PART 4B—VARIATION OF PRICE DIRECTIONS**

***“Division 1—Consent variations***

**“24C Consent variations**

- 15 “(1) A referring authority for a regulated service, or a utility providing a regulated service, may apply in writing to the commission for consent to a variation of a price direction in force for the service.
- “(2) The commission may consent to the variation applied for by giving the applicant a written report (a *consent report*) to that effect.
- 20 “(3) The commission may consent to a variation only if satisfied on reasonable grounds that the variation is—
  - (a) justified, having regard to the criteria listed at subsection 20 (2); and
  - 25 (b) in accordance with the current reset principles for the regulated service.
- “(4) The commission may not consent to a variation of a direction with the effect of—
  - 30 (a) varying, omitting or replacing the current reset principles for the regulated service, or any future reset principles included in the direction; or
  - (b) including any future reset principles into the price direction.



**SCHEDULE 1—continued**

“(5) The following sections apply to a consent report as if it were the final report into a price regulation investigation:

- section 21 (Final reports);
- section 23 (Confidential material in reports);
- 5     • section 24 (Tabling of reports in Legislative Assembly);
- section 24B (Correction of errors in reports).

“(6) When laid before the Legislative Assembly under section 24, a consent report has the effect of varying the provisions of the price direction as indicated in the report with effect from a day (or days) ascertained in accordance with the report, or 14 days after the report is laid before the  
10     Assembly, whichever is later.

***“Division 2—Non-consent variations***

**“24D Reference by the referring authority**

“(1) The referring authority for a regulated service may provide a  
15     reference for the purposes of Part 3 (Investigations) requiring the commission to investigate whether a price direction in force for the service should be varied.

“(2) The commission may accept the reference from the referring  
20     authority only if, in the opinion of the commission based on reasonable grounds, there has been a material change in the cost conditions for the provision of the regulated service.

**“24E Reference by utility**

“(1) A utility providing a regulated service may provide a reference for the purposes of Part 3 requiring the commission to investigate whether a  
25     price direction in force for the service should be varied.

“(2) The commission may accept the reference from the utility only if, in the opinion of the commission based on reasonable grounds—

- (a) there has been a material change in the cost conditions for the provision of the regulated service; and
- 30     (b) the change was brought about by external events beyond the control of the utility.

**SCHEDULE 1—continued**

“(3) The external events mentioned in paragraph (2) (b) include the following:

- (a) a Ministerial direction under section 19 (Ministerial directions) of the *Utilities Act 2000*;
- 5 (b) the approval or determination of a technical code (or a variation to a technical code) under the *Utilities Act 2000*.

“(4) Terms of reference for the variation—

- (a) may be specified by the utility under section 16 (Terms of reference); and
- 10 (b) are not disallowable under subsection 16 (3).

**“24F Commission-initiated variation**

“(1) The commission may initiate a reference for the purposes of Part 3 (Investigations) for the investigation of whether a price direction in force for regulated services should be varied.

- 15 “(2) The commission may only initiate a reference for the variation of a price direction if a price variation trigger stated in the price direction has occurred.

“(3) Terms of reference for the variation—

- 20 (a) may be specified by the commission under section 16 (Terms of reference); and
- (b) are not disallowable under subsection 16 (3).

**“24G Permissible non-consent variations**

“(1) The commission may vary a price direction only if it is satisfied on reasonable grounds that the variation is—

- 25 (a) justified by the material change in cost conditions, or price variation trigger, that is the basis for the investigation, having regard to the criteria listed at subsection 20 (2); and
- (b) in accordance with the current reset principles for the regulated service.

- 30 “(2) The commission may not vary a price direction so as to—

- (a) vary, omit or replace the current reset principles for the regulated service; or

SCHEDULE 1—continued

(b) include any future reset principles into the price direction that will have the effect of varying, omitting or replacing the current reset principles for the regulated service in their application at a future date.

- 5 “(3) Subject to subsections (1) and (2), the commission may vary a price direction to vary, omit or replace any future reset principles in the direction, or to include future reset principles into the direction.

“24H Procedure for non-consent price variation investigation

10 The commission must conduct a price variation investigation in the same way as a price direction investigation.

“24I Effect of non-consent price variations

15 When laid before the Legislative Assembly under section 24 (Tabling of reports in Legislative Assembly), a report into a price variation investigation has the effect of varying the provisions of the price direction as indicated in the report (if at all) with effect from a day (or days) ascertained in accordance with the report, or 14 days after the report is laid before the Assembly, whichever is later.

“PART 4C—REVIEW OF PRICE DIRECTIONS

“24J Definitions for pt 4C

20 In this Part—

*eligible person*, for the purposes of a review of a price direction for regulated services, means any of the following persons:

- (a) the referring authority;
- (b) a utility providing any of those services;
- 25 (c) any person—
- (i) who made a submission to the commission in the course of the investigation into the price direction; and
- (ii) whose interests are adversely affected by a decision
- 30 of the commission arising out of the investigation.

*price direction* includes a variation of a price direction.

**SCHEDULE 1—continued**

**“24K Right of review**

“(1) Either of the following persons may apply for the review by an industry panel of a price direction for regulated services:

- (a) the referring authority;
- 5 (b) a utility providing the services (or any of them).

“(2) An application for review in a form approved by the commission (stating the grounds of the application) must be lodged with the commission within 3 months after the final report into the price direction investigation is laid before the Legislative Assembly under section 24  
10 (Tabling of reports in Legislative Assembly).

“(3) After lodgment of an application for review, the commission must—

- (a) give all other eligible persons a copy of the application, inviting them to lodge written notice with the commission within 14 days if they intend to appear as a party; and
- 15 (b) publish notice of the application in a daily newspaper published and circulating in the Territory.

**“24L Who are the parties to a review?**

“(1) The applicant and any eligible person who notifies the commission as invited under subsection 24K (3) are the parties to the review.

20 “(2) A party to a review may be represented by another person.

**“24M Industry panel**

“(1) An application for review must be heard by a panel (an *industry panel*) of 3 members.

25 “(2) Provisions for the constitution of the panel and for the terms of office of the panel and panel members are set out in Schedule 2A.

“(3) The *Statutory Appointments Act 1994* does not apply in relation to an appointment to an industry panel.

**“24N Nature of review**

30 “(1) On an application for review of a price direction, an industry panel may—

- (a) substitute a new price direction for the original price direction; or

**SCHEDULE 1—continued**

(b) confirm the original direction.

“(2) An industry panel must make a decision on an application for review—

- 5       (a) on the merits of the case, having regard to the criteria listed at subsection 20 (2) for price directions; and
- (c) as required by sections 20A, 20B and 20C for price directions.

10       “(3) Despite subsection (2), the panel may not consider any matter on an application for review that was not raised on behalf of the applicant in submissions to the commission for the purposes of the investigation of the price direction that is the subject of the review.

**“24O Procedure for review**

“(1) In considering an application for review, an industry panel has the same powers as the commission in conducting a price regulation investigation.

15       “(2) Without limiting subsection (1), the following provisions apply to the panel on the hearing of the application for review as if it were the commission conducting a price regulation investigation:

- 20       • section 17 (Procedure);
- section 18 (Draft reports);
- Part 7 (Information);
- Part 8 (Cooperation with the commission).

**“24P Referral of matters to commission**

“(1) An industry panel may, in writing, refer any matter raised in the course of a review to the commission for an advisory opinion.

25       “(2) The commission must consider any matter raised on a reference from the panel, and give the panel a report setting out its findings.

      “(3) The panel must take into account the commission’s findings on the reference in making a decision on the review.

**“24Q Witnesses and evidence**

30       “(1) At the request of any party, an industry panel must exercise its powers under section 41 (Provision of information to commission) and 49

**SCHEDULE 1—continued**

(Attendance at hearing) (as applied by section 24O (Procedure for review)) to require the provision of information or a document, or to require a person to attend before the panel, for the purpose of hearing the application for review.

- 5 “(2) The party must pay all the expenses of any person in complying with a requirement on a request under subsection (1).

**“24R Frivolous or vexatious applications**

If an industry panel considers that an application for review is frivolous or vexatious, it may, at any stage during the hearing—

- 10 (a) by a written direction—dismiss the application; and  
(b) at the request of any party—make a written declaration preventing any subsequent application for the review of any price direction by the applicant from being heard without leave of an industry panel established for the purpose of the later application.

15 **“24S Implementation of price direction under review**

“(1) A price direction has effect despite any application for its review, unless the industry panel, on an application by a party, declares in writing that the implementation of the price direction is suspended or altered until—

- 20 (a) if the panel confirms the price direction under review—the day on which the report of the review is tabled in the Legislative Assembly (under section 24U (Functions of the commission)); or  
(b) if the panel substitutes a new direction for the price direction under review—the day (or days) on which the substituted  
25 direction comes into effect.

“(2) The declaration of suspension or alteration is taken to be a variation of the price direction while the direction remains in force.

“(3) The following sections apply to the declaration of suspension or alteration as if it were the final report of a price regulation investigation:

- 30 • section 21 (Final reports);  
• section 23 (Confidential material in reports);  
• section 24 (Tabling of reports in Legislative Assembly);  
• section 24B (Correction of errors in reports).

**SCHEDULE 1—continued**

**“24T Effect of decision**

“(1) If, as a result of a review, an industry panel substitutes a new price direction for the original—

- 5 (a) each provision of the substituted direction comes into effect on a day ascertained in accordance with the direction, or 14 days after the day on which the final report of the direction is tabled in the Legislative Assembly, whichever is later; and
- (b) each provision of the substituted direction remains in effect until a day ascertained in accordance with the direction; and
- 10 (c) the date and period of effect of different provisions of the substituted direction may be different; and
- (d) this Act applies as if the substituted price direction were a price direction made by the commission (subject to subsection (2))—for example, the substituted price direction may be varied under Part
- 15 4B (Variation of price directions).

“(2) A substituted direction may not be reviewed under this Part.

**“24U Functions of the commission**

“(1) The commission must give an industry panel any assistance the panel requires, including the provision of all the information available to

20 the commission in the original investigation.

“(2) The following sections apply (with necessary changes) to the report of an industry panel’s decision on an application for review as if it were a report by the commission into a price regulation investigation:

- section 21 (Final reports);
- 25 • section 23 (Confidential material in reports);
- section 24 (Tabling of reports in Legislative Assembly);
- section 24B (Correction of errors in reports).

“(3) The commission must take any action necessary to implement a decision of an industry panel.

30 **“24V Costs**

“(1) The reasonable costs of the review of a price direction, as assessed by the industry panel and notified to the applicant, are payable as follows:

- (a) the costs of each party are payable by the party;

**SCHEDULE 1—continued**

- (b) the costs of the industry panel are payable by the utilities to which the review relates in proportions determined by the commission.

5 “(2) The costs of the industry panel include any costs incurred by the panel in obtaining the assistance of the commission or any other person, body (whether incorporated or unincorporated) or government agency.

**“24W Legal protection of panel members, parties and representatives**

“(1) An action, suit or proceeding does not lie against someone who is or has been a member of an industry panel for any act done in good faith in the exercise or purported exercise of a function under this Act.

10 “(2) An action, suit or proceeding does not lie against someone who is or has been a party to an application or a representative of a party for any act done in good faith in that capacity.”.

**New Schedule 2A—**

After Schedule 1 insert the following Schedule:

15

**SCHEDULE 2A**

See s 24M

**INDUSTRY PANELS—CONSTITUTION AND PROCEDURE**

**1 Appointment of members of industry panels**

20 (1) The referring authority must appoint an industry panel of 3 members (1 of whom is declared in the appointment as the president) to hear an application for the review of a price direction.

(2) The following are not eligible to be members of an industry panel established for the review of a price direction:

- 25 (a) a commissioner;  
(b) a member of the staff of the commission;  
(c) a party to the review.

(3) A member holds office (subject to this Act) until the conclusion of the review for which he or she is appointed.

(4) A member is otherwise appointed on terms, not inconsistent with this Act, determined by the referring authority.



**SCHEDULE 1—continued**

**2 Qualifications**

A member of an industry panel must have knowledge or experience in 1 of the following fields:

- (a) commerce;
- 5 (b) economics;
- (c) industry;
- (d) law;
- (e) public administration.

**3 Appointment defects and vacancies**

10 An act or decision of an industry panel is not invalid merely because of a defect or irregularity in the appointment of a member of the panel, or a vacancy in the office of a member.

**4 Remuneration and allowances**

15 A member of a panel is entitled to such remuneration, allowances and other entitlements—

- (a) as are determined by the Remuneration Tribunal in respect of the member; or
- (b) if there is no such determination—as are determined by the Chief Minister in respect of the member by an interim determination
- 20 under the *Remuneration Tribunal Act 1995*.

**5 Presiding member**

- (1) The president presides over the hearing of an application.
- (2) If the president resigns or is removed from office, the referring authority must declare another member to be the presiding member.
- 25 (3) A declaration must be in writing.
- (4) A copy of a declaration must be given to the other members of the panel and the parties to the review.

**6 Decision-making**

The panel's decision on a review must be reached as follows:

- 30 (a) if all, or a majority, of the panel are of a particular opinion—the decision is to be made according to that opinion;

**SCHEDULE 1—continued**

- (b) if no 2 members agree—in accordance with the opinion of the president or, if the president has resigned or been removed from office, the presiding member.

**7 Disclosure of interests**

- 5 (1) Before a panel begins to hear an application for review, the members of the panel must give written notice to the referring authority of any direct or indirect pecuniary interests that they have in relation to the review.
- (2) On receiving notice of the interests of a member of a panel, the  
10 referring authority may—
- (a) give written notice of the interests to the other members and to the parties to the review; or
- (b) by written notice to the member, remove the member from office.
- (3) The referring authority must give a copy of a notice of the removal  
15 of a member from office to the other members and to the parties to the review.
- (4) If a member of a panel is removed from office—
- (a) the review may proceed under the remaining members, if the parties agree; or
- 20 (b) failing agreement—the referring authority must dissolve the panel and constitute a new panel (under this Schedule) with the remaining members and a new member.

**8 Resignation**

- 25 (1) A member of a panel may resign from office by written notice to the referring authority.
- (2) A member of a panel must give written notice of absence to the referring authority if he or she becomes unavailable to consider the application at any stage of the review.
- (3) After a notice of absence is given, the member must resign from the  
30 panel if so directed in writing by the referring authority.
- (4) If a member of the panel resigns—
- (a) the review may proceed under the remaining members, if the parties agree; or

**SCHEDULE 1—continued**

- (b) failing agreement—the referring authority must dissolve the panel and constitute a new panel (under this Schedule) with the remaining members and a new member.

**9 Removal from office**

- 5 (1) The Executive may, by written notice to a member of a panel, suspend the member from office for mental or physical incapacity or incompetence.
- (2) A notice of suspension must include a full statement of the grounds for suspension.
- 10 (3) The notice of suspension must be tabled in the Legislative Assembly within 7 sitting days after it is given to the member.
- (4) The Executive must remove the member from office if, within 15 sitting days after the notice of suspension was tabled in the Legislative Assembly, the Assembly by resolution declares that the member ought to be removed from office.
- 15 (5) The member resumes office if, after 15 sitting days have elapsed since the notice of suspension was tabled in the Legislative Assembly, the Legislative Assembly has not passed a resolution declaring that the member ought to be removed from office.
- 20 (6) A member of a panel ceases to hold office if he or she becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors.”.

**Part 7**

25 ***Lands Acquisition Act 1994***

**Section 3 (definition of *acquiring authority*, paragraphs (a) and (b))—**

Omit the paragraphs, substitute the following paragraphs:

- “(a) the Executive; or
- (b) a Territory authority; or
- 30 (c) a utility.”.

**SCHEDULE 1—continued**

**Section 3—**

Insert the following definition:

*“utility—see Utilities Act 2000, dictionary.”*

**Subsection 9 (3)—**

- 5           Omit “authority”, substitute “utility or other person”.

**New Part 7A—**

After Part 7 insert the following Part:

**“PART 7A—COMPENSATION FOR ACQUISITION BY UTILITIES**

10           **“96A Application of Parts 6 and 7 to compensation for acquisition by  
                  utilities**

Parts 6 and 7 apply to the acquisition of land (including an interest  
in land) by a utility under Part 7 (Network operations) of the *Utilities Act*  
*2000* as if—

- 15           (a) a reference to the Executive were a reference to a utility; and  
             (b) a reference in paragraph 43 (4) (a) to the Territory or the  
                 Commonwealth were omitted; and  
             (c) in subparagraph 45 (2) (e) (ii) ‘or a person authorised under  
                 subsection 5 (4) of the *Government Solicitor Act 1989*’ were  
20           omitted and ‘, a person authorised under subsection 5 (4) of the  
                 *Government Solicitor Act 1989* or a utility’ were substituted; and  
             (d) in subparagraph 54 (1) (b) (ii) ‘or a person authorised under  
                 subsection 5 (4) of the *Government Solicitor Act 1989*’ were  
                 omitted and ‘, a person authorised under subsection 5 (4) of the  
                 *Government Solicitor Act 1989* or a utility’ were substituted; and  
25           (e) in subparagraph 72 (1) (d) (i) ‘or a person authorised under  
                 subsection 5 (4) of the *Government Solicitor Act 1989*’ were  
                 omitted and ‘, a person authorised under subsection 5 (4) of the  
                 *Government Solicitor Act 1989* or a utility’ were substituted; and  
30           (f) in subparagraph 72 (1) (d) (ii) ‘or a person so authorised’ were  
                 omitted and ‘, a person so authorised or a utility’ were substituted;  
                 and

**SCHEDULE 1—continued**

- (g) section 75 (Payment of compensation into trust account) were repealed; and
- (h) section 95 (Payment of compensation into trust account) were repealed; and
- 5 (i) a reference in section 109 (Award of costs in administrative appeals tribunal proceedings) to the Executive were a reference to a utility; and
- (j) a reference in section 112 (Payments to be a good discharge) to the Executive were a reference to a utility; and
- 10 (k) a reference in subsection 116 (1) to the Executive or the Minister were a reference to a utility; and
- (l) a reference in subsections 116 (2) and (3) to the Executive or the Minister were a reference to a utility.

**“96B Modification of operation of pt 7A**

- 15 “(1) The regulations may modify the operation of this Part to make provision with respect to any matter that is not, or not adequately, dealt with in this Part.

“(2) This section expires 1 year after it commences.”.

**New section 97A—**

- 20 Before section 98 insert the following section in Part 9:

**“97A Definition for pt 9**

In this Part—

*acquiring authority* does not include a utility.”.

**Part 8**

- 25 ***Magistrates Court (Civil Jurisdiction) Act 1982***

**New section 12B—**

After section 12A insert the following section:

**“12B Complaints under Utilities Act, pt 12 (Complaints)**

- 30 The Magistrates Court has no jurisdiction with respect to a matter to the extent to which it is the subject of—

**SCHEDULE 1—continued**

- (a) a complaint under Part 12 (Complaints) of the *Utilities Act 2000*;  
or
- (b) a direction or declaration of the council under that Part.”.

**New Division 7, Part 19—**

5           After section 380 insert the following Division in Part 19:

***“Division 7—Miscellaneous***

**“380A Enforcement of payment directed by Essential Services  
Consumer Council**

“(1) In this section—

10           *council* means the Essential Services Consumer Council.

*payment direction* means a direction by the council under section 204  
(Payment for loss or damage) of the *Utilities Act 2000* that a  
utility pay a stated amount to a complainant.

15           “(2) If a copy of a payment direction, certified by the registrar of the  
council, is filed, the direction is enforceable under this Part as if it were a  
judgment of the Small Claims Court.”.

**Part 9**

***Nature Conservation Act 1980***

**Section 76A—**

20           Omit the section, substitute the following section:

**“76A Act not to apply to certain appointed people**

          This Act does not apply in relation to a person appointed for the  
purposes of section 33 (Connecting electrical installations to network—  
inspections etc) of the *Electricity Safety Act 1971* in the exercise of his or  
25           her powers under that section as a person so appointed.”.

**Part 10**

***Ombudsman Act 1989***

**Subparagraph 5 (1) (a) (i)—**

          Add at the end “or”.

**SCHEDULE 1—continued**

**Paragraphs 5 (2) (a), (b), (c), (ca), (cb), (cc) and (cd)—**

Add at the end “or”.

**Subparagraphs 5 (2) (ce) (i), (ii), (iii) and (v)—**

Add at the end “or”.

**5 Paragraph 5 (2) (ce) (second occurring)—**

Omit the paragraph, substitute the following paragraph:

“(cf) action taken by a judicial commission under the *Judicial Commissions Act 1994*; or”

**Paragraph 5 (2) (d)—**

10 Add at the end “or”.

**Subparagraph 5 (2) (f) (ii)—**

Add at the end “or”.

**Subsection 5 (2)—**

Add at the end the following paragraph:

15 “(g) action taken by the essential services consumer council.”.

**Section 6B—**

Repeal the section, substitute the following section:

**“6B Mandatory referral**

20 “(1) If the ombudsman decides that it would be more appropriate for a complaint to be investigated by any of the following entities, the ombudsman must refer the complaint to the entity:

- (a) the commissioner for the environment;
- (b) the community and health services complaints commissioner;
- (c) the essential services consumer council.

25 “(2) If a complaint is referred to an entity, the ombudsman must give the entity the relevant documents and information about the complaint.”.

**SCHEDULE 1—continued**

**Part 11**

***Plumbers, Drainers and Gasfitters Board Act 1982***

**Section 3 (definition of *proper authority*)—**

Omit the definition.

5 **Paragraph 5 (1) (a)—**

Omit “proper authority”, substitute “chief executive”.

**Paragraph 10 (2) (d)—**

Omit “proper authority”, substitute “chief executive”.

**Subparagraphs 26 (1) (a) (i) and (b) (i)—**

- 10 Omit “*Canberra Sewerage and Water Supply Regulations*”,  
substitute “*Water and Sewerage Act 2000 and the Water and Sewerage  
Regulations 2000*”.

**Paragraph 31 (2) (c)—**

- 15 Omit “*Canberra Sewerage and Water Supply Regulations*”,  
substitute “a relevant law”.

**Section 31—**

Add at the end the following subsection:

“(4) In this section—

*relevant law* means—

- 20 (a) the *Water and Sewerage Act 2000*; or  
(b) the *Water and Sewerage Regulations 2000*; or  
(c) the *Canberra Sewerage and Water Supply Regulations* in  
force immediately before the repeal of the *Energy and  
Water Act 1988*.”.

25

**Part 12**

***Public Health Act 1997***

**Subsection 5 (1)—**

Insert the following definition:



**SCHEDULE 1—continued**

***“utility—see Utilities Act 2000, dictionary.”.***

**Section 20 (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

5 **“Maximum penalty:**

- (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or
- (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”.

10 **Subsection 21 (1) (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

**“Maximum penalty:**

- 15 (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or
- (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”

**Subsection 21 (2) (penalty provision)—**

20 Omit the penalty provision, substitute the following penalty provision:

**“Maximum penalty:**

- (a) for a person who is not a utility—50 penalty units; or
- (b) for a utility—2,000 penalty units.”.

**Section 25 (penalty provision)—**

25 Omit the penalty provision, substitute the following penalty provision:

**“Maximum penalty:**

- (a) for a person who is not a utility—30 penalty units; or
- (b) for a utility—2,000 penalty units.”.

**SCHEDULE 1—continued**

**Section 57 (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 5       (a) for a person who is not a utility—100 penalty units; or  
      (b) for a utility—2,000 penalty units.”.

**Subparagraphs 66 (3) (c) (i) and (ii)—**

Omit the subparagraphs, substitute the following subparagraphs:

- 10       “(i) for a person who is not a utility—100 penalty units; or  
      (ii) for a utility—2,000 penalty units.”.

**Subsection 66 (4) (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 15       (a) for a person who is not a utility—100 penalty units, imprisonment  
      for 12 months or both; or  
      (b) for a utility—2,000 penalty units, imprisonment for 12 months or  
      both.”.

**Subparagraphs 73 (3) (c) (i) and (ii)—**

20       Omit the subparagraphs, substitute the following subparagraphs:

- “(i) for a person who is not a utility—50 penalty units; or  
      (ii) for a utility—2,000 penalty units.”.

**Subsection 73 (4) (penalty provision)—**

25       Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- (a) for a person who is not a utility—100 penalty units; or  
      (b) for a utility—2,000 penalty units.”.

**SCHEDULE 1—continued**

**Subsection 82 (1) (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 5       (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or
- (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”.

**Subsection 82 (2) (penalty provision)—**

10       Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- (a) for a person who is not a utility—50 penalty units; or
- (b) for a utility—2,000 penalty units.”.

15       **Section 83 (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 20       (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or
- (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”.

**Subsection 93 (2) (penalty provision)—**

25       Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or
- 30       (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”.

**SCHEDULE 1—continued**

**Section 98 (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 5       (a) for a person who is not a utility—50 penalty units; or  
      (b) for a utility—2,000 penalty units.”.

**Subparagraphs 118 (3) (c) (i) and (ii)—**

Omit the subparagraphs, substitute the following subparagraphs:

- “(i) for a person who is not a utility—50 penalty units; or  
10       (ii) for a utility—2,000 penalty units.”.

**Subsection 118 (4) (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 15       (a) for a person who is not a utility—100 penalty units; or  
      (b) for a utility—2,000 penalty units.”.

**New Parts 6A and 6B—**

After Part 6 insert the following Parts:

**“PART 6A—PUBLIC HEALTH ALERTS**

20   **“118A Issue of public health alerts**

      If the chief health officer considers that it is necessary—

- (a) to protect the public from a public health risk; or  
      (b) to provide a rapid response to a public health risk;

      he or she may publish a notice (a *public health alert*) about the risk and  
25   precautions that may be taken by the public to deal with the risk.

**SCHEDULE 1—continued**

**“PART 6B—DRINKING WATER AND SEWAGE PROCESSING**

***“Division 1—Drinking water***

**“118B Definitions for div 1**

In this Division—

5     *processing*, of drinking water, means collecting, treating, distributing  
or supplying drinking water.

*water distributor*—see *Utilities Act 2000*, dictionary.

*water supplier*—see *Utilities Act 2000*, dictionary.

*water utility* means a water distributor or a water supplier.

10   **“118C Relationship with other provisions of this Act**

This Part does not prevent the application of any other provision of  
this Act as it relates to the processing of drinking water by a water utility.

**“118D Water processing health risk—public warning by utility**

15     A water utility must, if it has reasonable grounds for believing that  
an imminent serious risk to public health is likely to arise due to the  
processing of drinking water by it—

(a) inform the chief health officer as soon as possible about the risk;  
and

20     (b) publish a notice in a daily newspaper published and circulating in  
the Territory alerting the public to the risk; and

(c) take all other reasonable measures to alert the public to the risk.

Maximum penalty: 2,000 penalty units.

**“118E Misleading information about water processing**

25     “(1) If the chief health officer has reasonable grounds for believing that a  
water utility has published misleading information to the public or to a  
section of the public about the processing of drinking water by the utility,  
the chief health officer may, by written notice to the utility, direct the utility  
to correct the information in the manner stated in the direction.

**SCHEDULE 1—continued**

“(2) The direction may include a requirement that the utility publish the correction in a stated manner, in a stated medium (or media) and within a stated period.

“(3) The utility must comply with the direction.

5 Maximum penalty: 2,000 penalty units.

**“118F Provision of water processing information to chief health officer**

“(1) The chief health officer may, by written notice to a water utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of drinking water by the utility.

“(2) The utility must comply with the requirement.

Maximum penalty: 500 penalty units.

***“Division 2—Sewage***

**“118G Definitions for div 2**

15 In this Division—

*processing*, of sewage, means conveying sewage from premises or collecting, treating or disposing of sewage.

*sewerage utility*—see *Utilities Act 2000*, dictionary.

**“118H Relationship with other provisions of this Act**

20 This Part does not prevent the application of any other provision of this Act as it relates to the processing of sewage by a sewerage utility.

**“118I Sewage processing health risk—public warning by utility**

25 A sewerage utility must, if it has reasonable grounds for believing that an imminent serious risk to public health is likely to arise due to the processing of sewage by it—

- (a) inform the chief health officer as soon as possible about the risk; and
- (b) publish a notice in a daily newspaper published and circulating in the Territory alerting the public to the risk; and
- 30 (c) take all other reasonable measures to alert the public to the risk.

**SCHEDULE 1—continued**

Maximum penalty: 2,000 penalty units.

**“118J Misleading information about sewage processing**

5 “(1) If the chief health officer has reasonable grounds for believing that a sewerage utility has published misleading information to the public or to a section of the public about the processing of sewage by the utility, the chief health officer may, by written notice to the utility, direct the utility to correct the information, in the manner stated in the direction.

10 “(2) The direction may include a requirement that the utility publish the correction in a stated manner, in a stated medium (or media) and within a stated period.

“(3) The utility must comply with the direction.

Maximum penalty: 2,000 penalty units.

**“118K Provision of sewage processing information to chief health officer**

15 “(1) The chief health officer may, by written notice to a sewerage utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of sewage by the utility.

“(2) The utility must comply with the requirement.

Maximum penalty: 500 penalty units.”.

20 **Subsection 120 (3) (penalty provision)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 25 (a) for a person who is not a utility—50 penalty units; or  
(b) for a utility—2,000 penalty units.”.

**Subsections 129 (1), (2) and (3) (penalty provisions)—**

Omit the penalty provision, substitute the following penalty provision:

“Maximum penalty:

- 30 (a) for a person who is not a utility—50 penalty units, imprisonment for 6 months or both; or

**SCHEDULE 1—continued**

- (b) for a utility—2,000 penalty units, imprisonment for 6 months or both.”.

**Paragraphs 138 (2) (a) and (b)—**

Omit the paragraphs, substitute the following paragraphs:

- 5       “(a) for a person who is not a utility—10 penalty units; or  
      (b) for a utility—400 penalty units.”.

**Part 13**

***Rates and Land Rent (Relief) Act 1970***

**Subsection 2 (1) (definition of *Commissioner*)—**

- 10       Omit the definition, substitute the following definition:

      “*commissioner* means the Commissioner for Australian Capital Territory Revenue.”.

**Subsection 2 (1) (definitions of *excess water rates*, *sewerage rates* and *water rates*)—**

- 15       Omit the definitions.

**Section 2AB—**

      Repeal the section.

**Subsection 2B (1) (definition of *rates*)—**

      Omit the definition, substitute the following definition:

- 20       “*rates* means land rates.”.

**Section 21A (definition of *parcel of land*)—**

      Omit the definition, substitute the following definition:

      “*parcel of land* means rateable residential land under the *Rates and Land Tax Act 1926*, including—

- 25       (a) a lease; or  
      (b) a unit under the *Unit Titles Act 1970*.”.



SCHEDULE 1—continued

Section 21A (definition of rates)—

Omit “, sewerage rates or water rates”.

Section 21B—

Repeal the section.

5 Section 21H—

Omit “section 27 of the *Sewerage Rates Act 1968* or section 32 of the *Water Rates Act 1959*”.

New section 25—

After section 24 insert the following section:

10 “25 Savings and transitional arrangements

“(1) In this section—

*applied provisions* means the provisions of the former Act mentioned in subsection (3).

15 *commencement day* means the day on which Part 13 (*Rates and Land Rent (Relief) Act 1970*) of Schedule 1 of the *Utilities (Consequential Provisions) Act 2000* commences.

*former Act* means the *Rates and Land Rent (Relief) Act 1970*, and the regulations under that Act, in force immediately before the commencement day.

20 “(2) On and after the commencement day—

(a) any instrument in force under the former Act in relation to rates mentioned in subsection (3) continues in force subject to the applied provisions of the former Act; and

25 (b) any other thing having effect under the former Act in relation to rates mentioned in subsection (3) has effect on and after that day subject to the applied provisions of the former Act.

“(3) For subsection (2), despite the amendment of this Act by the *Utilities (Consequential Provisions) Act 2000*, the provisions of the former Act continue to apply in relation to water rates and sewerage rates in  
30 respect of any period before the commencement day.

“(4) Subsection (2) does not limit the operation of subsection (3).

**SCHEDULE 1—continued**

“(5) The Executive may make regulations modifying the operation of this section to make provision—

- 5 (a) with respect to any matter that is not already, or is not adequately, dealt with by this section arising from, connected with or consequential on the amendment of this Act by the *Utilities (Consequential Provisions) Act 2000*; and
- (b) in particular, by way of specifying a person or entity who is to perform a function under the applied provisions of the former Act as continued in force under this section.

10 “(6) This section expires 6 months after it commences.”.

**Part 14**

***Scaffolding and Lifts Act 1912***

**Subsection 3 (1) (definition of *excavation work*, paragraphs (a) and (b))—**

15 Add at the end “or”.

**Subsection 3 (1) (definition of *excavation work*, paragraph (c))—**

Omit “, and”, substitute “; or”.

**Subsection 3 (1) (definition of *excavation work*, paragraph (d))—**

Omit the paragraph, substitute the following paragraphs:

- 20 “(d) the installation or maintenance of a network facility under the *Utilities Act 2000*; or
- (e) excavating for water, sewerage, drainage, gas or electricity supply;”.

**Subsection 3 (1)—**

25 Insert the following definition:

“*network facility*—see *Utilities Act 2000*, dictionary.”.

*Utilities (Consequential Provisions) No , 2000*

**SCHEDULE 1—continued**

**Part 15**

***Trade Measurement Act 1991***

**Paragraph 6 (2) (a)—**

Omit the paragraph.

---

**SCHEDULE 2**  
**REGULATIONS AMENDED**

(Sec s 3 (2))

**Part 1**

***Building Regulations***

- 5 **Subregulation 12 (2) (definitions of *the sewerage system and water main*)—**

Omit "*the Canberra Sewerage and Water Supply Regulations*", substitute "*Australian Standard 3500 as in effect on 1 March 1999*".

**Part 2**

- 10 ***Construction Practitioners Registration Regulations***

**Subregulation 4 (2)—**

Omit "*Canberra Sewerage and Water Supply Regulations*", substitute "*Water and Sewerage Act 2000 and the Water and Sewerage Regulations 2000*".

- 15 **Subregulation 4 (3)—**

Omit "*the Canberra Sewerage and Water Supply Regulations*", substitute "*Australian Standard 3500 as in effect on 1 March 1999*".

**Part 3**

***Dangerous Goods Regulation 1978***

- 20 **Subclause 225 (7)—**

Omit the subclause, substitute the following subclauses:

"(7) This clause does not apply to a gas network.

"(8) In this clause—

*gas network*—see *Utilities Act 2000*, section 10 (Gas networks)."

**SCHEDULE 2—continued**

**Part 4**

***Electricity Regulations***

**Regulation 1—**

Omit the regulation, substitute the following regulation:

5   **“1   Name of regulations**

These regulations are the *Electricity Safety Regulations 1971*.

**Regulation 2 (definition of the Act)—**

Omit “*Electricity Act 1971*”, substitute “*Electricity Safety Act 1971*”.

10

**Part 5**

***Public Health Regulations 2000***

**Regulations 71, 74 and 75—**

15       Omit “*Canberra Sewerage and Water Supply Regulations*”,  
substitute “*Water and Sewerage Act 2000* and the *Water and Sewerage Regulations 2000*”.

---

**Endnote**

**Penalty units**

Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.