

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for the Environment and Sustainable Development)

## Utilities (Technical Regulation) Bill 2014

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(As presented)

(Minister for the Environment and Sustainable Development)

## Utilities (Technical Regulation) Bill 2014

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### **A Bill for**

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

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

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

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

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

15 **3 Dictionary**

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

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

20 For example, the signpost definition '*gas network*—see the [Utilities](#)  
21 [Act 2000](#), section 10.' means the term '*gas network*' is defined in that  
22 section and the definition applies to this Act.

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

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1     **4**           **Notes**

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

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

5     **5**           **Offences against Act—application of Criminal Code etc**

6                   Other legislation applies in relation to offences against this Act.

7           *Note 1*   *Criminal Code*

8                   The [Criminal Code](#), ch 2 applies to all offences against this Act (see  
9                   Code, pt 2.1).

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

14           *Note 2*   *Penalty units*

15                  The [Legislation Act](#), s 133 deals with the meaning of offence penalties  
16                  that are expressed in penalty units.

17     **6**           **Objects of Act**

18                   The objects of this Act are to—

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

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

23                  (c) promote design compliant, high performing and responsive  
24                  regulated utility networks; and

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

28                   (i) the public;

- 1 (ii) people working on regulated utility networks and  
2 regulated utility services;
- 3 (iii) property near regulated utility networks and regulated  
4 utility services;
- 5 (iv) the environment.

6 **7 Other laws not affected**

- 7 (1) This Act is in addition to, and does not limit, any other Act.
- 8 (2) In particular, nothing in this Act affects the exercise of a function  
9 under, or the obligation (if any) of a regulated utility service to  
10 comply with a requirement under any of the following:
- 11 (a) the *Australian Consumer Law (ACT)*;
- 12 (b) the *Electricity (National Scheme) Act 1997*;
- 13 (c) the *Electricity Safety Act 1971*;
- 14 (d) the *Emergencies Act 2004*;
- 15 (e) the *Environment Protection Act 1997*;
- 16 (f) the *Environment Protection and Biodiversity Conservation*  
17 *Act 1999* (Cwlth);
- 18 (g) the *Gas Safety Act 2000*;
- 19 (h) the *National Gas (ACT) Act 2008*;
- 20 (i) the *National Gas (ACT) Law*;
- 21 (j) the *National Gas (ACT) Regulation*;
- 22 (k) the *Planning and Development Act 2007*;
- 23 (l) the *Utilities Act 2000*;
- 24 (m) the *Water and Sewerage Act 2000*;

1 (n) the *Water Resources Act 2007*;

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

3 *Note* A reference to an Act includes a reference to the statutory instruments  
4 made or in force under the Act, including any regulation (see  
5 [Legislation Act](#), s 104).

1 **Part 2** **Regulated utility services**

2 **8** **Meaning of *regulated utility***

3 In this Act:

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

6 **9** **Meaning of *regulated utility service***

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

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

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

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

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

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

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

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

19 (g) the provision of a district energy service.

1 (2) In this section:

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

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

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

8 (c) providing reticulated gas, water or another fluid to more than  
9 1 building or premises;

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

12 **Example—discrete district network**

13 A solar installation located on a warehouse produces a form of energy such as  
14 electricity or hydraulic pressure that is provided to the warehouse and a number of  
15 other buildings in the neighbourhood for use. The solar installation and the cables  
16 distributing the energy are not connected to a network under the [Utilities  
17 Act 2000](#).

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

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

23 (a) electricity or another form of energy;

24 (b) reticulated gas, water or another fluid.

25 ***small scale electrical generation*** means the capacity to generate  
26 30kW or more but less than 5MW of energy that is connected to an  
27 electricity network.

1 **10 Prescribed regulated utility services**

- 2 (1) A regulation may prescribe a regulated utility service for this Act if  
3 the Minister is satisfied on reasonable grounds that the service  
4 includes infrastructure for the provision of electricity, gas, another  
5 form of energy, water or sewerage.
- 6 (2) A regulation may prescribe the regulated utility network and the  
7 infrastructure it consists of for a regulated utility service prescribed  
8 under subsection (1).



1 **Part 3** **Technical codes**

2 **Division 3.1** **Purpose of technical codes**

3 **11** **Technical codes—purpose**

- 4 (1) A technical code must be consistent with the objects of this Act and  
5 may be made for the following purposes:
- 6 (a) protecting the integrity of regulated utility networks and  
7 regulated utility services;
- 8 (b) protecting the health and safety of people who operate, work  
9 on, or are likely to be affected by, the operation of regulated  
10 utility networks and regulated utility services;
- 11 (c) ensuring the proper connection of customers' premises to a  
12 regulated utility network for the provision of a regulated utility  
13 service;
- 14 (d) establishing design features or performance requirements for—
- 15 (i) a regulated utility network or a regulated utility service;  
16 and
- 17 (ii) facilities or equipment on customer's premises that  
18 connect to a regulated utility network or regulated utility  
19 service;
- 20 (e) establishing boundaries that apply in relation to regulated  
21 utility networks, other networks and customer premises;
- 22 (f) protecting—
- 23 (i) public and private property; and  
24 (ii) the environment;
- 25 (g) emergency planning by a regulated utility service.

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

### 3            **Division 3.2                    Making technical codes**

#### 4            **12                    Draft technical codes—proposed by regulated utility**

- 5            (1) A regulated utility may propose a draft technical code by—  
6            (a) giving the technical regulator the draft technical code; and  
7            (b) asking the technical regulator to consider the draft technical  
8            code.

9            *Note 1*    If a form is approved under s 111 for this provision, the form must be  
10            used.

11            *Note 2*    A fee may be determined under s 110 for this provision.

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

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

#### 18            **13                    Draft technical codes—consultation**

- 19            (1) The technical regulator may prepare a draft technical code.  
20            (2) The technical regulator must give a copy of the draft technical code  
21            to—  
22            (a) the ICRC; and  
23            (b) each regulated utility providing services that are likely to be  
24            regulated under the draft code.

1 (3) A person who is given a copy of the draft technical code under  
2 subsection (2) may make a submission to the technical regulator  
3 about the draft technical code within a stated period of not less than  
4 20 days.

5 (4) The technical regulator—

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

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

9 **14 Technical codes—approval**

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

13 (a) section 13 has been complied with; and

14 (b) the technical code is—

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

16 (ii) not inconsistent with another technical code.

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

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

23 *Note* An AS or AS/NZS does not need to be notified under the [Legislation](#)  
24 [Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). An  
25 AS or AS/NZS may be purchased at [www.standards.org.au](http://www.standards.org.au).

26 (4) An approval is a disallowable instrument.

27 *Note* A disallowable instrument must be notified, and presented to the  
28 Legislative Assembly, under the [Legislation Act](#).

- 1    **15            Technical codes—public access**
- 2            (1) The technical regulator must make a copy of a technical code  
3            available for public inspection during ordinary office hours.
- 4            (2) The technical regulator must also make a copy of an instrument  
5            (other than an AS or AS/NZS) applied, adopted or incorporated in a  
6            technical code available for public inspection during ordinary office  
7            hours.
- 8            (3) A person may inspect, or make a copy of, all or part of a technical  
9            code.
- 10           (4) If a person requests that a copy be made available in electronic  
11           form, the technical regulator may provide a copy—
- 12                (a) on a data storage device; or  
13                (b) by electronic transmission.
- 14            *Note*        A fee may be determined under s 110 for this provision.

15    **Division 3.3            Enforcement of technical codes**

- 16    **16            Offence—fail to comply with technical code**
- 17            A regulated utility commits an offence if—
- 18                (a) a technical code applies to the regulated utility; and  
19                (b) the regulated utility fails to comply with a requirement of the  
20                technical code; and  
21                (c) the regulated utility is negligent about whether the technical  
22                code is complied with.
- 23            Maximum penalty: 2000 penalty units.

1 **17 Technical regulator's warning notice**

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

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

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

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

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

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

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

21 (a) the reasons for the warning notice; and

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

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

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

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

- 1 (ii) the technical regulator's compliance report will include  
2 details of the non-compliance.
- 3 (4) The technical regulator's compliance report must include details  
4 about—
- 5 (a) the regulated utilities that were given a notice under this  
6 section in a financial year; and
- 7 (b) the reasons for the notice; and
- 8 (c) whether the action required in the notice was taken within the  
9 time stated in the notice.

10 **18 Technical regulator's directions**

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

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

- 17 (2) The technical regulator may give the regulated utility a written  
18 notice (a *show cause notice*) stating—
- 19 (a) that the technical regulator proposes to issue a direction (a  
20 *technical regulator's direction*); and
- 21 (b) the details of the proposed technical regulator's direction; and
- 22 (c) that the regulated utility may, not later than 20 days after the  
23 day the regulated utility is given the show cause notice, give  
24 the technical regulator a written submission about the proposed  
25 technical regulator's direction.

- 1 (3) After considering any submission given under subsection (2) (c), the  
2 technical regulator may direct the regulated utility to take action  
3 stated in the technical regulator's direction to ensure compliance  
4 with the Act or the code, including action—
- 5 (a) to rectify the contravention; or  
6 (b) to avoid the likely contravention.
- 7 (4) The technical regulator may give a technical regulator's direction  
8 only if the technical regulator—
- 9 (a) has given the regulated utility a technical regulator's warning  
10 notice and the warning notice has not been complied with; or  
11 (b) has given the regulated utility a show cause notice under this  
12 section.
- 13 (5) As soon as practicable after a technical regulator's direction is  
14 given, the technical regulator must prepare a statement about the  
15 direction and the reasons for it.
- 16 (6) The direction and statement of reasons are a notifiable instrument.
- 17 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

18 **19 Offence—fail to comply with technical regulator's**  
19 **direction**

- 20 A regulated utility commits an offence if the regulated utility—
- 21 (a) is given a technical regulator's direction; and  
22 (b) intentionally fails to take reasonable steps to comply with the  
23 direction.

24 Maximum penalty: 2000 penalty units.

1    **20            Technical regulator’s urgent directions**

- 2            (1) This section applies if the technical regulator is satisfied on  
3            reasonable grounds that a regulated utility—  
4                    (a) has contravened, or is likely to contravene, this Act; and  
5                    (b) the contravention or likely contravention is occurring in urgent  
6                    circumstances.

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

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

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

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

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

- 19           (5) In this section:

20           ***urgent circumstances*** means circumstances in which it is necessary  
21           to protect—

- 22                    (a) the integrity of a regulated utility network or facility; or  
23                    (b) the health or safety of people; or  
24                    (c) public or private property; or  
25                    (d) the environment.



1 **21** **Offence—fail to comply with technical regulator’s urgent**  
2 **direction**

3 A regulated utility commits an offence if the regulated utility—

- 4 (a) is given a technical regulator’s urgent direction; and  
5 (b) intentionally fails to take reasonable steps to comply with the  
6 urgent direction.

7 Maximum penalty: 3000 penalty units.

8 **22** **Technical regulator—obtaining information and**  
9 **documents**

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

- 14 (a) to give the information to the technical regulator in writing  
15 signed by the person; or  
16 (b) to produce the document to the technical regulator.

17 (2) The notice must state—

- 18 (a) the place at which the information or document is to be given  
19 or produced to the technical regulator; and  
20 (b) the time at which, or the period within which, the information  
21 or document is to be given or produced.

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

- 24 (a) may—  
25 (i) take possession of, and make a copy of, or take extracts  
26 from, the document; and

- 1 (ii) keep the document for the period necessary for the  
2 purposes of this part; and
- 3 (b) must, during that period allow a person who would be entitled  
4 to inspect the document, if it was not in the possession of the  
5 technical regulator, to inspect the document at any reasonable  
6 time.

7 **23 Offence—contravention of requirement under s 22**

8 A person commits an offence if the person—

- 9 (a) is required to provide information or a document by notice  
10 under section 22; and
- 11 (b) fails to take reasonable steps to comply with the notice.

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

14 **24 Self-incrimination etc**

- 15 (1) A person is not excused from providing information or producing a  
16 document or thing when required to do so under section 22  
17 (Technical regulator—obtaining information and documents) on the  
18 ground that the information or document might tend to incriminate  
19 the person.
- 20 (2) However, the information, document or thing obtained as a direct or  
21 indirect consequence of the requirement is not admissible in  
22 evidence against the person in criminal proceedings, other than  
23 proceedings for—
- 24 (a) an offence against this Act; or

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

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

5 *Note 2* The [Legislation Act](#), s 171 deals with the application of client legal  
6 privilege.

7 **Division 3.4 Application to NERL retailers and**  
8 **NERL exempt sellers**

9 **25 Application to NERL retailers and NERL exempt sellers—**  
10 **pt 3**

- 11 (1) This part applies to a NERL retailer as if—
- 12 (a) a reference to a regulated utility were a reference to a NERL  
13 retailer; and
- 14 (b) a reference to a regulated utility service were a reference to the  
15 activity of selling electricity or gas to a person for premises;  
16 and
- 17 (c) a reference to a customer were a reference to a customer under  
18 the [National Energy Retail Law \(ACT\)](#); and
- 19 (d) any other necessary changes were made.
- 20 (2) This part applies to a NERL exempt seller as if—
- 21 (a) a reference to a regulated utility were a reference to a NERL  
22 exempt seller; and
- 23 (b) a reference to a regulated utility service were a reference to the  
24 activity of selling electricity or gas to a person for premises;  
25 and
- 26 (c) a reference to a customer were a reference to a customer under  
27 the [National Energy Retail Law \(ACT\)](#); and
- 28 (d) any other necessary changes were made.

- 1     **26**           **NERL retailers and NERL exempt sellers—determination**  
2                   **of application of technical code**
- 3           (1) The Minister may determine that a technical code applies to a NERL  
4           retailer or NERL exempt seller if the Minister is satisfied on  
5           reasonable grounds that it is appropriate for the code to apply to the  
6           retailer or seller.
- 7           *Note*     Power to make a statutory instrument (including a disallowable  
8           instrument) includes power to make different provision for different  
9           categories (see [Legislation Act](#), s 48).
- 10          (2) A determination is a disallowable instrument.
- 11          *Note*     A disallowable instrument must be notified, and presented to the  
12          Legislative Assembly, under the [Legislation Act](#).
- 13     **27**           **Inconsistency between Act and NERL**
- 14          (1) The *National Energy Retail Law (ACT)* prevails if there is an  
15          inconsistency between this Act in its application to a NERL retailer  
16          or NERL exempt seller and that Law.
- 17          *Note 1*    A reference to the *National Energy Retail Law (ACT)* includes a  
18          reference to the statutory instruments made or in force under that Law,  
19          including the *National Energy Retail Regulation (ACT)* and the  
20          *National Energy Retail Rules* (see *National Energy Retail Law (ACT)*  
21          *Act 2012*, s 9 (2) and [Legislation Act](#), s 104).
- 22          *Note 2*    A reference to an Act includes a reference to the statutory instruments  
23          made or in force under the Act, including any regulation (see  
24          [Legislation Act](#), s 104).
- 25          (2) This Act is taken to be consistent with that Law to the extent that it  
26          is capable of operating concurrently with that Law.

1       **Part 4**                               **Reporting of notifiable incidents**

2       **28**               **Definitions—pt 4**

3               In this part:

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

- 7               (a) an uncontrolled escape, spillage or leakage of a substance onto  
8               land, adjacent land or premises; or
- 9               (b) an uncontrolled implosion, explosion or fire; or
- 10              (c) an uncontrolled escape of gas or steam; or
- 11              (d) an uncontrolled escape of a pressurised substance; or
- 12              (e) electric shock; or
- 13              (f) the fall or release from a height of any plant, installation,  
14              substance or thing; or
- 15              (g) the collapse, overturning, failure or malfunction of, or damage  
16              to, any plant used in relation to the provision of a regulated  
17              utility service; or
- 18              (h) the collapse or partial collapse of a structure; or
- 19              (i) the collapse or failure of an excavation or of any shoring  
20              supporting an excavation; or
- 21              (j) the inrush of water, mud or gas in workings, in an underground  
22              excavation or tunnel, utility pit, switchboard, pipe or conduit;  
23              or
- 24              (k) any other event identified in a technical code; or
- 25              (l) any other event prescribed by regulation.

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

- 4 (a) the death of a person; or  
5 (b) a dangerous incident; or  
6 (c) serious damage to public or private property; or  
7 (d) serious damage to the environment.

8 **29 Offence—reporting of notifiable incidents by regulated**  
9 **utility**

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

14 Maximum penalty: 200 penalty units.

1 **Part 5** **Protection of regulated utility**  
2 **networks**

3 **Division 5.1** **General**

4 **30** **Meaning of *interference*—pt 5**

5 In this part:

6 *interference*, with a regulated utility network or network facility,  
7 includes an action that—

- 8 (a) interferes with, or is likely to interfere with, the safe or  
9 efficient operation of the network, the facility or the  
10 environment; or  
11 (b) inhibits or obstructs, or is likely to inhibit or obstruct, lawful  
12 access to the network or facility.

13 **Division 5.2** **General interference**

14 **31** **Offence—interference with regulated utility networks**

15 A person commits an offence if the person—

- 16 (a) does something that interferes with a regulated utility network,  
17 or a network facility; and  
18 (b) is reckless about whether doing the thing would interfere with  
19 the regulated utility network, or a network facility.

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

- 1 **32 Network protection notices**
- 2 (1) This section applies if a responsible utility is satisfied that a  
3 structure or activity on, under or over land or water interferes, or is  
4 reasonably likely to interfere, with the regulated utility network or a  
5 network facility.
- 6 (2) The responsible utility may give the landholder written notice to  
7 take whatever action is necessary to stop the interference with the  
8 regulated utility network or network facility, or to remove the  
9 likelihood of that interference.
- 10 (3) The notice must—
- 11 (a) indicate the structure or activity; and
- 12 (b) require the landholder to take stated action to stop the  
13 interference, or remove the likelihood of the interference,  
14 within a stated period; and
- 15 (c) contain a statement about the effect of subsection (5).
- 16 (4) The stated period must be at least 14 days starting on the date the  
17 notice is given to the landholder.
- 18 (5) If the landholder does not comply with the notice—
- 19 (a) the responsible utility may do whatever is necessary to stop the  
20 interference or remove the likelihood of the interference; and
- 21 (b) the reasonable expenses incurred by the utility are a debt due to  
22 the utility by the landholder.
- 23 (6) Subsection (5) (b) does not apply to a structure that was, or an  
24 activity that commenced, on, under or over the land before the  
25 installation of the regulated utility network or network facility to  
26 which the interference relates.



- 1 (7) In urgent circumstances, subsection (2) does not apply and the  
2 responsible utility may do whatever is necessary to stop the  
3 interference or to remove the likelihood of the interference—
- 4 (a) without notice to the landholder; and  
5 (b) at the expense of the utility.
- 6 (8) The responsible utility must, as soon as practicable after taking  
7 action under subsection (7), give written notice to the landholder  
8 and the technical regulator about—
- 9 (a) the action taken to stop the interference or to remove the  
10 likelihood of the interference; and  
11 (b) the urgent circumstances that required the action under  
12 subsection (7).
- 13 (9) If both of the following happen, the amount of the loss or damage is  
14 a debt owing to the person by the responsible utility:
- 15 (a) the responsible utility acts under this section in relation to a  
16 structure that was, or an activity that began, on, under or over  
17 the land before the installation of the regulated utility network  
18 or network facility to which the interference relates;  
19 (b) the person suffers loss or damage because of the responsible  
20 utility's action.
- 21 (10) This section has effect in relation to a tree that is a registered tree  
22 under the *Tree Protection Act 2005* subject to that Act, part 3  
23 (Protection of trees).
- 24 *Note* Under the *Tree Protection Act 2005*, pt 3 it is an offence to damage a  
25 registered tree (or do prohibited groundwork in the tree's protection  
26 zone) unless the damage or groundwork is allowed under that Act.  
27 Application may be made to the conservator for approval of tree  
28 damaging activity or prohibited groundwork (including in urgent  
29 circumstances).

- 1 (11) In subsection (7):  
2 *urgent circumstances* means circumstances in which it is necessary  
3 to protect—  
4 (a) the integrity of a regulated utility network or network facility;  
5 or  
6 (b) the health or safety of people; or  
7 (c) public or private property; or  
8 (d) the environment.

9 **33 Network protection—action affecting heritage**  
10 **significance**

- 11 (1) If a notice under section 32 is about action that may affect a place or  
12 object registered, or nominated for provisional registration, under  
13 the *Heritage Act 2004*, the responsible utility must also give a copy  
14 of the notice to the heritage council as soon as practicable.  
15 (2) If a responsible utility acts in urgent circumstances as mentioned in  
16 section 32 (7), it must give the heritage council written notice of the  
17 action as soon as practicable.

18 **Division 5.3 Contamination of water or sewerage**  
19 **networks**

20 **34 Offence—contamination of water**

- 21 A person commits an offence if the person—  
22 (a) engages in conduct that contaminates water in a water network;  
23 and  
24 (b) is reckless about whether the conduct is likely to contaminate  
25 water in a water network; and

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

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

5 **35 Offence—prohibited substances—water or sewerage**  
6 **network**

7 A person commits an offence if the person—

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

10 (b) is reckless about whether the substance—

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

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

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

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

19 **36 Exempt water treatments**

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

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

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

- 1 (2) For subsection (1) (b), a concentration is taken to be a concentration  
2 of 1.0mg/L if the concentration—  
3 (a) would result in an average concentration of 1.0mg/L during a  
4 period of 24 hours; and  
5 (b) does not exceed 1.2mg/L.

## 6 Division 5.4 Miscellaneous

### 7 37 Offence—unauthorised network connections

- 8 (1) A person commits an offence if the person—  
9 (a) connects premises to a regulated utility network; and  
10 (b) is not—  
11 (i) the responsible utility for the network; or  
12 (ii) an agent of the responsible utility; or  
13 (iii) authorised by the responsible utility.

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

- 16 (2) In this section:  
17 *responsible utility* includes a NERL retailer.

### 18 38 Offence—unauthorised abstraction etc of electricity

- 19 A person commits an offence if the person—  
20 (a) abstracts, diverts or uses electricity from an electricity  
21 network; and  
22 (b) is not authorised to abstract, divert or use the electricity by the  
23 responsible utility for the network.

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

- 1    **39**        **Offence—unauthorised abstraction etc of gas**
- 2            A person commits an offence if the person—
- 3            (a) abstracts, diverts or uses gas from a gas network; and
- 4            (b) is not authorised to abstract, divert or use the gas by the
- 5                 responsible utility for the network.
- 6            Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 7                 both.
- 8    **40**        **Offence—unauthorised abstraction etc of water**
- 9            A person commits an offence if the person—
- 10           (a) abstracts, diverts or uses water from a water network; and
- 11           (b) is not authorised to abstract, divert or use the water by the
- 12                 responsible utility for the network.
- 13            Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 14                 both.
- 15    **41**        **Extended meaning of *network***
- 16            (1) In section 38, section 39 and section 40:
- 17                 *network* includes related infrastructure between the network
- 18                 boundary and a customer meter.
- 19            (2) In this section:
- 20                 *customer meter*, in relation to the supply of electricity, gas or water,
- 21                 means a meter used to measure the supply to a customer’s premises.

1 **Part 6 Operating certificates**

2 **Division 6.1 General**

3 **42 Meaning of *unlicensed regulated utility*—pt 6**

4 In this part:

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

9 **Division 6.2 Operating certificates—unlicensed**  
10 **regulated utilities**

11 **43 Operating certificate—application**

12 An unlicensed regulated utility must apply to the technical regulator  
13 for an operating certificate.

14 *Note 1* If a form is approved under s 111 for this provision, the form must be  
15 used.

16 *Note 2* A fee may be determined under s 110 for this provision.

17 **44 Operating certificate—further information**

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

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

1 **45** **Operating certificate—information on likely compliance**  
2 **costs**

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

- 6 (a) the auditing and compliance schedules that will apply in  
7 relation to the regulated utility service being provided or  
8 proposed;
- 9 (b) the technical codes that will apply, or may need to be  
10 developed, in relation to the regulated utility service being  
11 provided or proposed;
- 12 (c) the costs and fees that are likely to apply in relation to auditing,  
13 compliance and technical codes.

14 **46** **Operating certificate—grant**

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

- 17 (a) for an unlicensed regulated utility providing a regulated utility  
18 service—the regulated utility service is being provided in  
19 accordance with this Act; or
- 20 (b) for an unlicensed regulated utility service that is proposing to  
21 provide a regulated utility service—
- 22 (i) the proposed service will be a regulated utility service;  
23 and
- 24 (ii) the proposed service can be constructed in such a way  
25 that it will operate, in accordance with this Act.

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

- 1 (2) If the technical regulator is satisfied on reasonable grounds that an  
2 unlicensed regulated utility is providing, or proposing to provide, a  
3 regulated utility service that is not covered by a technical code, the  
4 technical regulator may—
- 5 (a) before a technical code is approved—grant an operating  
6 certificate on the condition that the unlicensed regulated utility  
7 will comply with a technical code after the code is approved;  
8 or
- 9 (b) refuse to grant an operating certificate until after a technical  
10 code is approved.
- 11 (3) If the approval of a technical code is required as a result of  
12 subsection (2)—
- 13 (a) the technical code is a technical code under part 3 of this Act;  
14 and
- 15 (b) an unlicensed regulated utility that is proposing to provide a  
16 regulated utility service is to be taken to be a regulated utility  
17 for section 12 (Draft technical codes—proposed by regulated  
18 utility) and section 13 (Draft technical codes—consultation).
- 19 (4) To avoid any doubt, the grant of an operating certificate under this  
20 section does not authorise the sale of anything produced by the  
21 unlicensed regulated utility without an approval, licence or other  
22 thing required for the sale under other legislation.

23 *Note* See s 7 (Other laws not affected).

24 **47 Operating certificate—term**

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



1     **48           Operating certificate—general condition**

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

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

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

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

12           *Note*     A fee may be determined under s 110 for this provision.

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

16     **49           Operating certificate—revocation**

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

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

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

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

- 1 (2) Before revoking an operating certificate, the technical regulator  
2 must—
- 3 (a) give the unlicensed regulated utility a written notice stating—
- 4 (i) that the technical regulator proposes to revoke the  
5 operating certificate under this section; and
- 6 (ii) the reasons for the proposed revocation; and
- 7 (iii) that the unlicensed regulated utility may, not later than  
8 20 days after the day the written notice is given, give the  
9 technical regulator a written submission about the  
10 proposed revocation; and
- 11 (b) consider any submission given under paragraph (a) (iii).

12 **Division 6.3 Enforcement of operating certificates**

13 **50 Offence—providing regulated utility service without**  
14 **operating certificate**

15 An unlicensed regulated utility commits an offence if—

- 16 (a) the unlicensed regulated utility provides a regulated utility  
17 service; and
- 18 (b) an operating certificate is not in force in relation to the  
19 unlicensed regulated utility.

20 Maximum penalty: 3 000 penalty units.

- 1 **51** **Offence—constructing regulated utility service without**  
2 **operating certificate**
- 3 An unlicensed regulated utility commits an offence if—
- 4 (a) the unlicensed regulated utility constructs infrastructure for the  
5 provision of a regulated utility service; and
- 6 (b) an operating certificate is not in force in relation to the  
7 unlicensed regulated utility.
- 8 Maximum penalty: 3 000 penalty units.

1 **Part 7 Network boundaries and isolated**  
2 **infrastructure**

3 **Division 7.1 General**

4 **52 Definitions—pt 7**

5 In this part:

6 *alternative network boundary* means a boundary that—

- 7 (a) is allowed for under a technical code; and  
8 (b) is made by agreement between a regulated utility and another  
9 person; and  
10 (c) if made, applies instead of the network boundary under  
11 section 53 (1).

12 *infrastructure* means the following:

- 13 (a) in relation to an electricity network—  
14 (i) powerlines and cables; and  
15 (ii) substations and equipment for monitoring, distributing,  
16 converting, transforming or controlling electricity; and  
17 (iii) a structure supporting overhead powerlines and cables;  
18 and  
19 (iv) wires, ducts or pipes for wires or equipment; and  
20 (v) communication equipment for the management of the  
21 network; and  
22 (vi) any other thing ancillary to any other part of the  
23 infrastructure;  
24 (b) in relation to a gas network—  
25 (i) pipelines; and

- 1                   (ii) meters; and
- 2                   (iii) any equipment (including pressure control devices, excess  
3                   flow valves, control valves, actuators, electrical  
4                   equipment, telemetry equipment, cathodic protection  
5                   installations, compounds, pits, buildings, signs and  
6                   fences); and
- 7                   (iv) any other thing ancillary to any other part of the  
8                   infrastructure;
- 9                   (c) in relation to a water network—
- 10                   (i) water storages, mains and treatment plants; and
- 11                   (ii) pumps, facilities and equipment for distributing water, or  
12                   monitoring or controlling the distribution of water; and
- 13                   (iii) pipes or equipment; and
- 14                   (iv) any other thing ancillary to any other part of the  
15                   infrastructure;
- 16                   (d) in relation to a sewerage network—
- 17                   (i) sewage storages, trunk sewers, mains and treatment  
18                   plants; and
- 19                   (ii) pumps, facilities and equipment for conveying sewage, or  
20                   monitoring or controlling the conveyance of sewage; and
- 21                   (iii) pipes or equipment; and
- 22                   (iv) any other thing ancillary to any other part of the  
23                   infrastructure.

- 1                    *isolated infrastructure* means infrastructure that—
- 2                    (a) is connected to a network, but because of an alternative
- 3                    network boundary, is excluded from the network; and
- 4                    (b) has a connection point to premises; and
- 5                    (c) supplies electricity, gas, water or sewerage to the connection
- 6                    point of the premises.

7                    **Division 7.2                    Network boundaries**

8                    **53                    Network boundary**

- 9                    (1) The boundary of a network must be worked out in accordance with
- 10                    a technical code.
- 11                    (2) A technical code may deal with the boundary of a network by
- 12                    reference to a connection point between the network and—
- 13                    (a) customers' premises; or
- 14                    (b) buildings or structures on customers' premises; or
- 15                    (c) any other network.
- 16                    (3) If a technical code allows for an alternative network boundary to be
- 17                    agreed between a regulated utility and another person, the
- 18                    agreement may only be made if—
- 19                    (a) the location and properties of any isolated infrastructure that is
- 20                    created by the alternative boundary is clearly identified; and
- 21                    (b) the technical regulator agrees in writing to the alternative
- 22                    boundary.

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1     **Division 7.3**                    **Isolated infrastructure—maintenance**  
2    **requirements**

3     **54**             **Technical inspector’s warning notice—isolated**  
4    **infrastructure**

- 5             (1) A technical inspector may inspect isolated infrastructure.

6                 *Note*     For powers of technical inspectors, see div 9.4.

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

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

14               (b) the details of the proposed technical inspector’s warning  
15                notice; and

16               (c) that the owner of the isolated infrastructure may, not later than  
17                20 days after the day the owner is given the show cause notice,  
18                give the technical inspector a written submission about the  
19                proposed technical inspector’s warning notice.

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

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

27               (a) the reasons for the warning notice; and

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

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

- 1 (d) if the warning notice is not complied with in the time  
2 mentioned in paragraph (c), that—
- 3 (i) a technical regulator’s direction under section 55 may be  
4 given without further notice; and
- 5 (ii) the technical regulator’s compliance report must include  
6 details of the non-compliance.
- 7 (5) In this section:
- 8 *relevant regulated utility* means the regulated utility that owns the  
9 regulated utility network that is connected to the isolated  
10 infrastructure that is the subject of the technical regulator’s  
11 direction.
- 12 **55 Technical regulator’s directions—isolated infrastructure**
- 13 (1) This section applies if the technical regulator is satisfied on  
14 reasonable grounds that—
- 15 (a) the owner of isolated infrastructure is not maintaining the  
16 infrastructure in a way that is likely to prevent or resolve  
17 faults; and
- 18 (b) there is a risk of significant adverse effects on the community,  
19 the environment or a network if the isolated infrastructure fails.
- 20 (2) The technical regulator may give the owner of the isolated  
21 infrastructure a written notice (a *show cause notice*) stating—
- 22 (a) that the technical regulator proposes to issue a direction (a  
23 *technical regulator’s direction*); and
- 24 (b) the details of the proposed technical regulator’s direction; and
- 25 (c) that the owner of isolated infrastructure may, not later than  
26 20 days after the day the owner is given the show cause notice,  
27 give the technical regulator a written submission about the  
28 proposed technical regulator’s direction.



- 1 (3) After considering any submission given under subsection (2) (c), the  
2 technical regulator may direct the owner of the isolated  
3 infrastructure to take the action stated in the technical regulator's  
4 direction including 1 or more of the following:
- 5 (a) to ensure the isolated infrastructure is maintained in a way that  
6 is likely to prevent or resolve faults;
- 7 (b) to reduce the risk of significant adverse effects on the  
8 community, the environment or a network if the isolated  
9 infrastructure fails;
- 10 (c) to begin negotiations with the relevant regulated utility about  
11 the location of the alternative network boundary and the need  
12 to ensure that the isolated infrastructure becomes part of a  
13 network.
- 14 (4) If the technical regulator gives a direction to begin negotiations  
15 under subsection (3) (c), the technical regulator must also give the  
16 relevant regulated utility written notice about the issues that have  
17 arisen in relation to the isolated infrastructure.
- 18 (5) The technical regulator may give a technical regulator's direction to  
19 the owner of isolated infrastructure only if—
- 20 (a) a technical inspector has given a technical inspector's warning  
21 notice and the warning notice has not been complied with; or
- 22 (b) the technical regulator has given the owner of the isolated  
23 infrastructure a show cause notice under this section.
- 24 (6) As soon as practicable after a technical regulator's direction is  
25 given, the technical regulator must prepare a statement about the  
26 direction and the reasons for it.
- 27 (7) The technical regulator's direction and statement of reasons are  
28 notifiable instruments.

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

1 (8) In this section:

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

6 **56 Offence—owner of isolated infrastructure failing to**  
7 **comply with technical regulator's direction**

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

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

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

13 Maximum penalty: 2000 penalty units.

1 **Part 8** **Dams safety**

2 **Division 8.1** **General**

3 **57** **Definitions—pt 8**

4 In this part:

5 *dam* includes spillways, inlet and outlet works, tunnels, pipelines,  
6 penstocks, power stations and watercourse diversions.

7 *dams register*—see section 58.

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

10 *Googong dam* means the dam in the Googong Dam Area.

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

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

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

17 *proposed dam*—a dam is a *proposed dam* if a person obtains  
18 development approval for the dam under the *Planning and*  
19 *Development Act 2007*.

20 *registrable dam* means—

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

22 (i) is more than 5m high; or

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

2 (b) Googong dam.

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

6 *required information*—see section 59.

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

## 9 Division 8.2 Register of dams

### 10 58 Dams register

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

13 (2) The dams register—

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

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

18 (3) The dams register may be—

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

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

23 (i) in full; or

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

1    **59**           **Required information for dams register**

- 2           (1) The technical regulator must determine the information required for  
3           the dams register (the *required information*).
- 4           (2) The required information determined—
- 5               (a) must include the name and address of each owner of a  
6               registrable dam; and
- 7               (b) must include the location, size and capacity of a registrable  
8               dam; and
- 9               (c) may include any other information that the technical regulator  
10              considers relevant.
- 11          (3) A determination is a notifiable instrument.

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

13    **60**           **Notice to give required information**

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

16           *Note*     If a form is approved under s 111 for this provision, the form must be  
17           used.

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

21    **61**           **Offence—fail to give required information**

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

- 23               (a) receives written notice under section 60; and
- 24               (b) fails to give the technical regulator the required information  
25               within the time stated in the notice.

26           Maximum penalty: 20 penalty units.

27           *Note*     *Fail* includes refuse (see [Legislation Act](#), dict, pt 1).

1 **62 Technical regulator may require further information**

- 2 (1) The technical regulator may, by written notice, require the owner of  
3 a registrable dam to give any further information about the  
4 registrable dam (the *further information*) that the technical  
5 regulator reasonably requires.
- 6 (2) The notice must state the period within which the further  
7 information must be given to the technical regulator.

8 **63 Offence—fail to give further information**

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

- 10 (a) receives written notice under section 62; and  
11 (b) fails to give the technical regulator the further information  
12 within the time stated in the notice.

13 Maximum penalty: 20 penalty units.

14 *Note* *Fail* includes refuse (see [Legislation Act](#), dict, pt 1).

15 **64 Requirement to report change in ownership**

- 16 (1) This section applies if there is a change in the ownership of a  
17 registrable dam.
- 18 (2) The owner of the registrable dam must tell the technical regulator  
19 about the change in ownership as soon as practicable, but not later  
20 than 14 days after the day the change of ownership occurs.
- 21 (3) If the owner of a registrable dam tells the technical regulator about a  
22 change under subsection (2) the change must be entered in the dams  
23 register.

- 1    **65**        **Offence—fail to report change in ownership**
- 2        The owner of a registrable dam commits an offence if—
- 3        (a) there is a change in the ownership of a registrable dam; and
- 4        (b) the owner fails to tell the technical regulator about the change
- 5            in ownership within 14 days after the day the change of
- 6            ownership occurs.
- 7        Maximum penalty: 20 penalty units.
- 8        *Note*     *Fail* includes refuse (see [Legislation Act](#), dict, pt 1).
- 9    **66**        **Requirement to update required information and further**
- 10        **information**
- 11        (1) This section applies if there is a change to—
- 12            (a) the required information given under section 60 (Notice to give
- 13            required information); or
- 14            (b) the further information given under section 62 (Technical
- 15            regulator may require further information).
- 16        (2) The owner of the registrable dam must tell the technical regulator
- 17            about the change as soon as practicable, but not later than 30 days
- 18            after the day the change occurs.
- 19        (3) If the owner of a registrable dam tells the technical regulator about a
- 20            change under subsection (2), the change must be entered in the dams
- 21            register.
- 22    **67**        **Offence—fail to update required information or further**
- 23        **information**
- 24        The owner of a registrable dam commits an offence if—
- 25        (a) the required information given under section 60 (Notice to give
- 26            required information) or further information given under
- 27            section 62 (Technical regulator may require further
- 28            information) has changed; and

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

3 Maximum penalty: 20 penalty units.

4 *Note* **Fail** includes refuse (see [Legislation Act](#), dict, pt 1).

## 5 **68 Owner of registrable dam may correct dams register**

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

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

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

16 (4) The technical regulator must—

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

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

## 21 **Division 8.3 Listed dams**

### 22 **69 Listing of certain dams**

23 (1) The technical regulator must—

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



- 1 (b) consider the risk of significant adverse effects on the  
2 community if a registrable dam fails; and
- 3 (c) determine a list of the dams that present a risk of significant  
4 adverse effects on the community in the event of the failure of  
5 the dam.
- 6 (2) A determination is a disallowable instrument.

7 *Note* A disallowable instrument must be notified, and presented to the  
8 Legislative Assembly, under the [Legislation Act](#).

9 **70 Notification of listing of certain dams**

10 The technical regulator must—

- 11 (a) notify the owner of each listed dam that the dam is a listed  
12 dam; and
- 13 (b) ensure that the list of dams determined under section 69 is  
14 publically available on the technical regulator's website.

15 **Division 8.4 Technical codes for listed dams**

16 **71 Draft technical codes for listed dam—proposed by owner**  
17 **of listed dam**

- 18 (1) The owner of a listed dam may propose a draft technical code for  
19 listed dams by—
- 20 (a) giving the technical regulator the draft technical code; and
- 21 (b) asking the technical regulator to consider the draft technical  
22 code.

23 *Note 1* If a form is approved under s 111 for this provision, the form must be  
24 used.

25 *Note 2* A fee may be determined under s 110 for this provision.

- 1 (2) If the technical regulator receives a draft technical code under  
2 subsection (1), the technical regulator, after considering the draft  
3 technical code, may prepare the draft technical code (with or  
4 without amendment) for consultation under section 72.
- 5 (3) Nothing in this section requires the technical regulator to prepare a  
6 draft technical code for consultation.

7 **72 Technical codes for listed dams—consultation**

- 8 (1) The technical regulator must prepare a draft technical code for listed  
9 dams.
- 10 (2) The draft technical code for listed dams must include the following  
11 requirements in relation to:
- 12 (a) guidelines for listed dams;
- 13 (b) safety management systems applying to listed dams;
- 14 (c) the design, construction, commissioning and  
15 de-commissioning of listed dams;
- 16 (d) the operation and maintenance of listed dams;
- 17 (e) the surveillance of listed dams;
- 18 (f) safety reviews of listed dams;
- 19 (g) safety improvements of listed dams;
- 20 (h) dams safety emergency plans for listed dams;
- 21 (i) safety training for people whose work involves listed dams;
- 22 (j) providing information and reports to the technical regulator  
23 about listed dams;
- 24 (k) maintaining records about listed dams.

- 1           (3) The technical regulator must give a copy of the draft technical code  
2           for listed dams to—
- 3           (a) the ICRC; and
- 4           (b) each owner of a listed dam that is likely to be regulated under  
5           the draft code.
- 6           (4) A person who is given a copy of the draft technical code under  
7           subsection (2) may make a submission to the technical regulator  
8           about the draft code within a stated period of not less than 20 days.
- 9           (5) The technical regulator—
- 10          (a) must consider a submission made under this section; and
- 11          (b) may make a recommendation to the Minister about approval of  
12          the draft technical code for listed dams.

13   **73           Technical codes for listed dams—approval**

- 14           (1) The Minister may approve a technical code for listed dams as  
15           recommended by the technical regulator if the Minister is satisfied  
16           on reasonable grounds that—
- 17           (a) section 72 has been complied with; and
- 18           (b) the code is—
- 19                 (i) consistent with the objects of this Act; and
- 20                 (ii) not inconsistent with another technical code.
- 21           (2) An approved technical code may apply, adopt or incorporate a law  
22           or instrument, or a provision of a law or instrument, as in force from  
23           time to time.

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

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

7 (4) An approval is a disallowable instrument.

8 *Note* A disallowable instrument must be notified, and presented to the  
9 Legislative Assembly, under the [Legislation Act](#).

#### 10 **74 Technical codes for listed dams—public access**

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

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

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

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

21 (a) on a data storage device; or

22 (b) by electronic transmission.

23 *Note* A fee may be determined under s 110 for this provision.

1 **Division 8.5**                    **Enforcement of technical codes for**  
2    **listed dam**

3 **75**                    **Offence—fail to comply with technical code for listed dam**

4                    The owner of a listed dam commits an offence if—

- 5                    (a) a technical code for listed dams applies to the owner; and  
6                    (b) the owner fails to comply with the dams technical code; and  
7                    (c) the owner is negligent about whether the owner complies with  
8                    the dams technical code.

9                    Maximum penalty: 2000 penalty units.

1            **Part 9                    Enforcement**

2            **Division 9.1            General**

3            **76            Definitions—pt 9**

4            In this part:

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

- 6            (a) the offence has been committed in relation to it; or  
7            (b) it will provide evidence of the commission of the offence; or  
8            (c) it was used, is being used, or is intended to be used, to commit  
9            the offence.

10            *occupier*, of premises, includes—

- 11            (a) a person believed on reasonable grounds to be an occupier of  
12            the premises; and  
13            (b) a person apparently in charge of the premises.

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

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

18            **Division 9.2            Technical regulator**

19            **77            Technical regulator**

- 20            (1) There is to be a technical regulator (the *technical regulator*).  
21            (2) The director-general is the technical regulator.

1     **78           Technical regulator’s functions**

2           The technical-regulator has the following functions:

- 3           (a) to prepare and consult on draft technical codes (including  
4           technical codes for listed dams);
- 5           (b) to monitor and enforce compliance with technical codes by  
6           regulated utility services;
- 7           (c) to audit the performance and compliance of regulated utility  
8           services;
- 9           (d) to audit the performance and compliance of owners of isolated  
10          infrastructure;
- 11          (e) to monitor and enforce compliance with the technical codes for  
12          listed dams;
- 13          (f) to audit the performance and compliance of owners of listed  
14          dams;
- 15          (g) to prepare and publish a compliance report under section 80;
- 16          (h) to provide advice to the Minister and ICRC about the operation  
17          of the Act;
- 18          (i) any other function given to the technical regulator under this  
19          Act or another Territory law.

20     **79           Technical regulator may impose conditions on licence**

- 21           (1) The technical regulator may impose a condition on the licence of a  
22           utility service licensed under the *Utilities Act 2000* if satisfied on  
23           reasonable grounds that—
- 24           (a) the utility service has contravened this Act; or
- 25           (b) it is necessary to protect public safety or the environment.

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

- 1 (2) A condition may include, but is not limited to—  
2 (a) the giving of a bond; or  
3 (b) making good or rectifying damage to land or property.
- 4 **Example**  
5 a condition to comply with a plan to rectify damage to premises caused by the  
6 contravention of a technical code
- 7 *Note* An example is part of the Act, is not exhaustive and may extend, but  
8 does not limit, the meaning of the provision in which it appears (see  
9 [Legislation Act](#), s 126 and s 132).
- 10 (3) Before imposing a condition, the technical regulator must give the  
11 utility a written notice (a *show cause notice*) stating—  
12 (a) that the technical regulator proposes to impose a condition  
13 under this section; and  
14 (b) the details of the proposed condition; and  
15 (c) that the utility may, not later than 20 days after the day the  
16 regulated utility is given the show cause notice, give the  
17 technical regulator a written submission about the proposed  
18 condition.
- 19 (4) The technical regulator must give a copy of the show cause notice to  
20 the ICRC.
- 21 (5) After considering any submission given under subsection (3) (c) or  
22 by the ICRC, the technical regulator may—  
23 (a) impose the proposed condition; or  
24 (b) impose a condition that is not more burdensome than the  
25 proposed condition; or  
26 (c) not impose the condition.
- 27 (6) The technical regulator's compliance report must include details  
28 about any condition imposed under this section in a financial year  
29 and the reasons for the imposition of the condition.



1    **80            Technical regulator’s compliance report**

- 2            (1) The technical regulator must prepare and publish a compliance  
3            report each year.
- 4            (2) The report must include—
- 5                (a) information about the operation of this Act; and
- 6                (b) details about the compliance of regulated utilities, owners of  
7                isolated infrastructure and owners of listed dams with the  
8                provisions of this Act; and
- 9                (c) details required under section 17 (2) (Technical regulator’s  
10              warning notice); and
- 11              (d) details required under section 54 (Technical inspector’s  
12              warning notice—isolated infrastructure).

13    **Division 9.3            Technical inspectors**

14    **81            Technical inspectors—appointment**

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

17            *Note 1* For the making of appointments (including acting appointments), see  
18            the [Legislation Act](#), pt 19.3.

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

- 23            (2) A technical inspector must exercise his or her functions under this  
24            Act in accordance with the conditions of appointment and any  
25            direction given to the inspector by the technical regulator.

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

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

- 1 (b) the technical regulator has certified in writing that, after  
2 appropriate inquiry, the technical regulator is satisfied that the  
3 person is a suitable person to be appointed, having regard in  
4 particular to—
- 5 (i) whether the person has any criminal convictions; and  
6 (ii) the person’s employment record; and
- 7 (c) the technical regulator has certified in writing that the technical  
8 regulator is satisfied that the person—
- 9 (i) has satisfactorily completed adequate training; and  
10 (ii) is competent to exercise the functions of an inspector  
11 proposed to be given to the person.

12 **82 Identity cards**

- 13 (1) This section applies in relation to a technical inspector appointed  
14 under section 81.
- 15 (2) The technical regulator must give a technical inspector an identity  
16 card stating the person’s name and that the person is a technical  
17 inspector.
- 18 (3) The identity card must show—
- 19 (a) a recent photograph of the technical inspector; and  
20 (b) the card’s date of issue and expiry; and  
21 (c) anything else prescribed by regulation.
- 22 (4) A person commits an offence if the person—
- 23 (a) stops being a technical inspector; and  
24 (b) does not return the person’s identity card to the technical  
25 regulator as soon as practicable (but not later than 7 days) after  
26 the day the person stops being a technical inspector.

27 Maximum penalty: 10 penalty units.

- 1 (5) An offence against this section is a strict liability offence.
- 2 (6) Subsection (4) does not apply to a person if the person's identity  
3 card has been—
- 4 (a) lost or stolen; or
- 5 (b) destroyed by someone else.
- 6 *Note* The defendant has an evidential burden in relation to the matters  
7 mentioned in s (6) (see [Criminal Code](#), s 58).

8 **83 Power not to be exercised before identity card shown**

- 9 (1) This section applies in relation to a technical inspector appointed  
10 under section 81.
- 11 (2) The technical inspector may exercise a power under this Act in  
12 relation to a person only if the technical inspector first shows the  
13 person the technical inspector's identity card.

14 **Division 9.4 Powers of technical inspectors**

15 **84 Power to enter premises**

- 16 (1) A technical inspector may, for this Act—
- 17 (a) enter any premises at any time with the consent of the  
18 occupier; or
- 19 (b) enter premises occupied by a utility at any time the premises  
20 are being used; or
- 21 (c) at any reasonable time, enter premises to which a utility service  
22 is provided (other than a part of the premises used only for  
23 residential or private business purposes); or
- 24 (d) enter premises in accordance with a warrant under section 88  
25 (Warrants) or section 89 (Warrants—application made other  
26 than in person).

- 1 (2) A technical inspector may, without the occupier's consent or a  
2 warrant, enter the land and any common property to ask the  
3 occupier for consent to enter the premises.
- 4 (3) In this section:
- 5 *common property* includes common property under the *Community*  
6 *Title Act 2001* and the *Unit Titles Act 2001*.
- 7 *part of the premises used only for residential or private business*  
8 *purposes*—
- 9 (a) includes the inside of a residential building; and
- 10 (b) includes the inside of a building used to conduct a private  
11 business; but
- 12 (c) does not include the front yard, back yard or side yards of  
13 premises on which a residential building or a building used to  
14 conduct a private business are located.

15 **85 Production of identity card**

16 A technical inspector may not remain on premises entered under this  
17 division if, on request by the occupier, the inspector does not  
18 produce his or her identity card.

19 **86 Consent to entry**

- 20 (1) When seeking the consent of an occupier for entering premises  
21 under this division, a technical inspector must—
- 22 (a) produce his or her identity card; and
- 23 (b) tell the occupier—
- 24 (i) the purpose of the entry; and
- 25 (ii) that anything found and seized may be used in evidence  
26 in court; and
- 27 (iii) that consent may be refused.

- 1 (2) If the occupier consents, the inspector must ask the occupier to sign  
2 a written acknowledgment—
- 3 (a) that the occupier was told—
- 4 (i) the purpose of the entry; and
- 5 (ii) that anything found and seized under this division may be  
6 used in evidence in court; and
- 7 (iii) that consent may be refused; and
- 8 (b) that the occupier consented to the entry; and
- 9 (c) the time, and day, when consent was given.
- 10 (3) If the occupier signs an acknowledgment of consent, the technical  
11 inspector must immediately give a copy to the occupier.
- 12 (4) Unless the contrary is proven, a court must presume that an occupier  
13 of premises did not consent to an entry to the premises by a  
14 technical inspector under this division if—
- 15 (a) the question whether the occupier consented to the entry arises  
16 in proceedings in the court; and
- 17 (b) an acknowledgment under this section, or an acknowledgement  
18 of advance consent under section 87, is not produced in  
19 evidence for the entry or exercise of power; and
- 20 (c) it is not proved that the occupier consented to the entry.

21 **87 Advance consent to entry**

- 22 (1) A technical inspector may seek the advance consent of an occupier  
23 for entering premises.
- 24 (2) When seeking the advance consent of an occupier for entering  
25 premises, a technical inspector must contact the occupier in  
26 writing—
- 27 (a) giving a copy of his or her identity card; and

- 1 (b) stating—
- 2 (i) the proposed time and day when the entry would be
- 3 made; and
- 4 (ii) the purpose of the entry; and
- 5 (iii) that anything found and seized may be used in evidence
- 6 in court; and
- 7 (iv) that consent may be refused; and
- 8 (c) asking the occupier to—
- 9 (i) sign the acknowledgment of advance consent if the
- 10 occupier consents to the entry; and
- 11 (ii) return the acknowledgment of advance consent to the
- 12 technical inspector.
- 13 (3) If the occupier signs and returns the acknowledgment of advance
- 14 consent, the technical inspector must—
- 15 (a) enter the premises at the proposed time and day mentioned in
- 16 subsection (2); and
- 17 (b) when entering the premises—
- 18 (i) produce his or her identity card; and
- 19 (ii) produce the acknowledgment of advance consent; and
- 20 (iii) give the occupier of the premises a copy of the
- 21 acknowledgment of advance consent.
- 22 (4) In this section:
- 23 ***acknowledgment of advance consent*** means a written statement
- 24 signed by the occupier of premises stating the following:
- 25 (a) that the occupier was told—
- 26 (i) the proposed time and day when the entry would be
- 27 made; and

- 1 (ii) the purpose of the entry; and  
2 (iii) that anything found and seized under this division may be  
3 used in evidence in court; and  
4 (iv) that consent may be refused;  
5 (b) that the occupier consents in advance to the entry at the  
6 proposed time and day;  
7 (c) the time and day when the advance consent was given.

8 **88 Warrants**

- 9 (1) A technical inspector may apply to a magistrate for a warrant to  
10 enter premises.  
11 (2) The application must be sworn and state the grounds on which the  
12 warrant is sought.  
13 (3) The magistrate may refuse to consider the application until the  
14 inspector gives the magistrate all the information the magistrate  
15 requires about the application in the way the magistrate requires.  
16 (4) The magistrate may issue a warrant only if satisfied there are  
17 reasonable grounds for suspecting—  
18 (a) there is a particular thing or activity (the evidence) that may  
19 provide evidence of an offence against this Act or a related  
20 law; and  
21 (b) the evidence is, or may be within the next 14 days, at the  
22 premises.  
23 (5) The warrant must state—  
24 (a) that a technical inspector may, with necessary assistance and  
25 force, enter the premises and exercise the inspector's powers  
26 under this division; and  
27 (b) the offence for which the warrant is sought; and

- 1 (c) the evidence that may be seized under the warrant; and  
2 (d) the hours when the premises may be entered; and  
3 (e) the date, within 14 days after the warrant's issue, the warrant  
4 ends.

5 **89 Warrants—application made other than in person**

- 6 (1) A technical inspector may apply for a warrant by phone, fax, email,  
7 radio or other form of communication if the inspector considers it  
8 necessary because of—  
9 (a) urgent circumstances; or  
10 (b) other special circumstances.
- 11 (2) Before applying for the warrant, the inspector must prepare an  
12 application stating the grounds on which the warrant is sought.
- 13 (3) The inspector may apply for the warrant before the application is  
14 sworn.
- 15 (4) After issuing the warrant, the magistrate must immediately fax a  
16 copy to the inspector if it is reasonably practicable to do so.
- 17 (5) If it is not reasonably practicable to fax a copy to the inspector—  
18 (a) the magistrate must tell the inspector—  
19 (i) the terms of the warrant; and  
20 (ii) the date and time the warrant was issued; and  
21 (b) the inspector must complete a form of warrant (the *warrant*  
22 *form*) and write on it—  
23 (i) the magistrate's name; and  
24 (ii) the date and time the magistrate issued the warrant; and  
25 (iii) the warrant's terms.



- 1 (6) The faxed copy of the warrant, or the warrant form properly  
2 completed by the inspector, authorises the entry and the exercise of  
3 the technical inspector's other powers stated in the warrant issued  
4 by the magistrate.
- 5 (7) The inspector must, at the first reasonable opportunity, send the  
6 magistrate—
- 7 (a) the sworn application; and  
8 (b) if the inspector completed a warrant form—the completed  
9 warrant form.
- 10 (8) On receiving the documents, the magistrate must attach them to the  
11 warrant.
- 12 (9) A court must find that a power exercised by a technical inspector  
13 was not authorised by a warrant under this section if—
- 14 (a) the question arises in a proceeding before the court whether the  
15 exercise of power was authorised by a warrant; and  
16 (b) the warrant is not produced in evidence; and  
17 (c) it is not proved that the exercise of power was authorised by a  
18 warrant under this section.

19 **90 General powers on entry to premises**

- 20 (1) A technical inspector who enters premises under this division may,  
21 for this Act—
- 22 (a) inspect, measure, photograph or film the premises or anything  
23 on the premises; or  
24 (b) copy a document on the premises; or  
25 (c) test or take samples of, or from anything on, the premises; or  
26 (d) take into the premises any people, equipment or material the  
27 inspector reasonably needs for exercising a power under this  
28 division; or

- 1 (e) require the occupier, or a person on the premises to give the  
2 inspector reasonable help to exercise a power under this  
3 division.
- 4 (2) A person must take reasonable steps to comply with a requirement  
5 made of the person under subsection (1) (e).  
6 Maximum penalty: 20 penalty units.
- 7 **91 Power to seize evidence**
- 8 (1) A technical inspector who enters premises with a warrant under this  
9 division may seize the evidence for which the warrant was issued.
- 10 (2) A technical inspector who enters premises under this division with  
11 the occupier's consent may seize a thing on the premises if—
- 12 (a) the inspector is satisfied on reasonable grounds that the thing is  
13 connected with an offence against this Act or a related law; and
- 14 (b) seizure of the thing is consistent with the purpose of the entry  
15 told to the occupier when seeking the occupier's consent.
- 16 (3) A technical inspector may seize anything on the premises if the  
17 inspector is satisfied on reasonable grounds that—
- 18 (a) the thing is connected with an offence against this Act or a  
19 related law; and
- 20 (b) the seizure is necessary to prevent the thing being—
- 21 (i) concealed, lost or destroyed; or  
22 (ii) used to commit, continue or repeat the offence.
- 23 (4) Also, a technical inspector who enters premises under this division  
24 (whether with the occupier's consent, under a warrant or otherwise)  
25 may seize anything at the premises if satisfied on reasonable  
26 grounds that the thing poses a risk to—
- 27 (a) the health or safety of people; or

- 1 (b) public or private property; or  
2 (c) the environment.
- 3 (5) The powers of a technical inspector under subsection (3) and  
4 subsection (4) are additional to any powers of the technical  
5 inspector under subsection (1) or subsection (2) or any other  
6 territory law.
- 7 (6) Having seized a thing, a technical inspector may—  
8 (a) remove the thing from the premises where it was seized (the  
9 *place of seizure*) to another place; or  
10 (b) leave the thing at the place of seizure but restrict access to it.
- 11 (7) A person commits an offence if—  
12 (a) the person interferes with a seized thing, or anything  
13 containing a seized thing, to which access has been restricted  
14 under subsection (6); and  
15 (b) the person does not have a technical inspector's approval to  
16 interfere with the thing.

17 Maximum penalty: 20 penalty units.

18 **92 Receipt for things seized**

- 19 (1) As soon as practicable after a technical inspector seizes a thing  
20 under this division, the inspector must give a receipt for it to the  
21 person from whom it was seized.
- 22 (2) If, for any reason, it is not practicable to comply with subsection (1),  
23 the technical inspector must leave the receipt at the place of seizure  
24 in a reasonably secure way and in a conspicuous position.

1 **93 Access to things seized**

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

- 4 (a) inspect it; and  
5 (b) if it is a document—take extracts from it or make copies of it.

6 **94 Return of things seized**

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

- 10 (a) a prosecution for an offence relating to the thing is not  
11 instituted within 90 days of the seizure; or  
12 (b) the court does not find the offence proved in a prosecution for  
13 an offence relating to the thing.

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

- 16 (a) finds an offence relating to the thing to be proved; and  
17 (b) orders the forfeiture.

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

1 **Division 9.5** **Stop notice—utility infrastructure**  
2 **work**

3 **95** **Meaning of *utility infrastructure work*—div 9.5**

4 In this division:

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

- 7 (a) an electricity network;
- 8 (b) an electricity transmission network;
- 9 (c) a gas transmission network;
- 10 (d) a gas distribution network;
- 11 (e) a water network;
- 12 (f) a sewerage network;
- 13 (g) an installation that has the capacity to generate at least 30kW  
14 of electricity;
- 15 (h) a discrete district network under section 9 (Meaning of  
16 *regulated utility service*);
- 17 (i) infrastructure used by a regulated utility service prescribed  
18 under section 10 (Prescribed regulated utility services).

19 **96** **Stop notice**

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

- 23 (a) has contravened this Act; or
- 24 (b) has not complied with a technical regulator's direction under  
25 section 18 or section 55; or

- 1 (c) has not complied with a technical regulator’s urgent direction  
2 under section 20; or
- 3 (d) is undertaking the work without a licence under the *Utilities*  
4 *Act 2000*, in circumstances where a licence is required.
- 5 *Note* A reference to an Act includes a reference to the statutory instruments  
6 made or in force under the Act, including any regulation or technical  
7 code (see *Legislation Act*, s 104).
- 8 (2) A technical inspector may, by written notice to a person (a ***stop***  
9 ***notice***), require the person to stop carrying out the utility  
10 infrastructure work.
- 11 (3) A stop notice must state the following:
- 12 (a) that it is a stop notice under this section;
- 13 (b) the utility infrastructure work that must stop;
- 14 (c) who is required to stop doing the work;
- 15 (d) the grounds on which the notice is given;
- 16 (e) the place or places where the notice applies.
- 17 (4) A stop notice applies for a maximum period of 8 weeks—
- 18 (a) beginning on the day the technical inspector gives the notice  
19 to—
- 20 (i) the regulated utility; or
- 21 (ii) the person doing the utility infrastructure work; and
- 22 (b) ending on the day 8 weeks after the day the notice begins.

1    **97           Offence—fail to comply with stop notice**

2           A person commits an offence if—

- 3           (a) a stop notice applies to the person; and
- 4           (b) the person intentionally fails to take reasonable steps to comply
- 5                 with the notice.

6           Maximum penalty: 2000 penalty units.

7    **98           Cancellation of stop notice—application**

8           (1) A person who is required to stop doing utility infrastructure work by

9                 a stop notice may apply in writing to the technical regulator for

10                cancellation of the stop notice stating reasons why the notice should

11                be cancelled.

12          (2) Before making a decision on the application, the technical regulator

13                must consider—

- 14           (a) the application; and
- 15           (b) the grounds on which the stop notice was given; and
- 16           (c) the current state of the utility infrastructure work to which the
- 17                notice relates.

18          (3) The technical regulator may cancel the stop notice if satisfied on

19                reasonable grounds that the cancellation will not endanger—

- 20           (a) the integrity of a regulated utility network or facility; or
- 21           (b) the health or safety of people; or
- 22           (c) public or private property; or
- 23           (d) the environment.

1 **99 Rectification work allowed under stop notice**

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

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

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

8 **Division 9.6 Injunctions**

9 **100 Injunctions to restrain offences against Act or failure to**  
10 **comply with directions**

11 (1) This section applies if a person—

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

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

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

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

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

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

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



- 1           (4) The Supreme Court may grant the injunction—
- 2               (a) whether or not it appears to the court that the person intends to
- 3               contravene this Act, contravene this Act again or continue to
- 4               contravene this Act; and
- 5               (b) whether or not the person has previously contravened this Act;
- 6               and
- 7               (c) whether or not there is a likelihood of the health or safety of a
- 8               person being affected by, or property or the environment being
- 9               damaged by, a hazard if the person contravenes this Act; and
- 10              (d) whether or not a proceeding for an offence against this Act has
- 11              begun or is about to begin.
- 12           (5) The Supreme Court may grant an interim injunction restraining the
- 13           person from committing an offence against this Act (including
- 14           requiring the person to do something) before deciding an application
- 15           for an injunction under this section.

16   **101           Enforcement of injunctions**

17           The Magistrates Court has the same powers as the Supreme Court to

18           enforce an injunction (including an interim injunction) made under

19           this division.

20   **102           Amendment or discharge of injunctions**

21           The Supreme Court may amend or discharge an injunction

22           (including an interim injunction) made under this part on the

23           application of the technical regulator.

- 1     **103            Interim injunctions—undertakings about damages**
- 2            (1) If the technical regulator applies for an injunction under this part,  
3            the Supreme Court must not require the technical regulator to give  
4            an undertaking about costs or damages as a condition of granting an  
5            interim injunction.
- 6            (2) The Supreme Court must accept an undertaking from the technical  
7            regulator about costs or damages, and not require a further  
8            undertaking from anyone else, if—
- 9                    (a) the court would, apart from this subsection, require someone  
10                   else to give an undertaking about costs or damages; and
- 11                   (b) the technical regulator gives the undertaking.
- 12     **104            Supreme Court—other powers not limited**
- 13            (1) The powers given to the Supreme Court under this part are in  
14            addition to any other powers of the court.
- 15            (2) In particular, an application to the Supreme Court for an injunction  
16            under this part may be made without notice to the person against  
17            whom the injunction is sought.

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1 **Part 10** **Notification and review of**  
2 **decisions**

3 **105** **What is a *reviewable decision*?—pt 10**

4 In this part:

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

8 **106** **Reviewable decision notices**

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

12 *Note 1* The technical regulator must also take reasonable steps to give a  
13 reviewable decision notice to any other person whose interests are  
14 affected by the decision (see *ACT Civil and Administrative Tribunal*  
15 *Act 2008*, s 67A).

16 *Note 2* The requirements for a reviewable decision notice are prescribed under  
17 the *ACT Civil and Administrative Tribunal Act 2008*.

18 **107** **Applications for review**

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

- 21 (a) an entity mentioned in schedule 1, column 4 in relation to the  
22 decision;
- 23 (b) any other person whose interests are affected by the decision.

24 *Note* If a form is approved under the *ACT Civil and Administrative Tribunal*  
25 *Act 2008* for the application, the form must be used.

1 **Part 11** **Miscellaneous**

2 **108** **Protection from civil liability**

3 (1) A person exercising a function under this Act does not incur civil  
4 liability for an act or omission done honestly and without negligence  
5 for this Act.

6 (2) Civil liability that would, apart from this section, attach to a person  
7 attaches instead to the Territory.

8 *Note* A reference to an Act includes a reference to the statutory instruments  
9 made or in force under the Act, including any regulation (see  
10 [Legislation Act](#), s 104).

11 **109** **Evidentiary certificates**

12 (1) The technical regulator may issue a certificate, signed by the  
13 technical regulator, stating that on a date or during a period stated  
14 that—

15 (a) a stated technical code was in force under the Act; or

16 (b) a stated technical code for listed dams was in force under the  
17 Act; or

18 (c) a stated dam was a registrable dam and that a named person  
19 was included in the dams register as the owner of the dam; or

20 (d) a stated dam was a listed dam and that a named person was  
21 included in the dams register as the owner of the dam; or

22 (e) a named person did or did not have an operating certificate for  
23 a stated regulated utility service; or

24 (f) a stated regulated utility service did or did not have an  
25 operating certificate; or

26 (g) a utility service licensed under the [Utilities Act 2000](#) had a  
27 condition imposed on its licence and stating the details of the  
28 condition.

- 1 (2) A certificate under this section is evidence of the matters stated in it.  
2 (3) Unless the contrary is proved, a document that purports to be a  
3 certificate under this section is taken to be a certificate.

#### 4 **110 Determination of fees**

- 5 (1) The technical regulator may determine fees for this Act.

6 *Note* The [Legislation Act](#) contains provisions about the making of  
7 determinations and regulations relating to fees (see pt 6.3).

- 8 (2) A determination is a disallowable instrument.

9 *Note* A disallowable instrument must be notified, and presented to the  
10 Legislative Assembly, under the [Legislation Act](#).

#### 11 **111 Approved forms**

- 12 (1) The technical regulator may approve forms for this Act.

- 13 (2) If the technical regulator approves a form for a particular purpose,  
14 the approved form must be used for that purpose.

15 *Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- 16 (3) An approved form is a notifiable instrument.

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

#### 18 **112 Regulation-making power**

19 The Executive may make regulations for this Act.

20 *Note* A regulation must be notified, and presented to the Legislative  
21 Assembly, under the [Legislation Act](#).

1 **Part 12 Consequential amendments**

2 **113 Legislation amended—sch 2**

3 This Act amends the legislation mentioned in schedule 2.

1 **Part 20** **Transitional**

2 **200** **Definitions—pt 20**

3 In this part:

4 *commencement day* means the day this Act, section 9 (Meaning of  
5 *regulated utility service*) commences.

6 **201** **Technical codes under Utilities Act 2000**

7 (1) This section applies to a technical code made under the *Utilities*  
8 *Act 2000* in force immediately before the commencement day.

9 (2) The technical code is taken to be a technical code made under this  
10 Act.

11 **202** **Application of offence of providing regulated utility  
12 service without operating certificate**

13 (1) This section applies in relation to a person if—

14 (a) immediately before the commencement day the person is  
15 providing a service that is, immediately after the  
16 commencement day, a regulated utility service; and

17 (b) immediately after the commencement day the person is an  
18 unlicensed regulated utility and is continuing to provide the  
19 service mentioned in paragraph (a).

20 (2) Section 50 (Offence—providing regulated utility service without  
21 operating certificate) does not apply in relation to the person until  
22 2 years after the commencement day.

23 (3) In this section:

24 *unlicensed regulated utility*—see section 42 (Meaning of  
25 *unlicensed regulated utility*—pt 6).

1 **203 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or  
3 convenient to be prescribed because of the enactment of this Act.
- 4 (2) A regulation may modify this part (including in relation to another  
5 territory law) to make provision in relation to anything that, in the  
6 Executive's opinion, is not, or is not adequately or appropriately,  
7 dealt with in this part.
- 8 (3) A regulation under subsection (2) has effect despite anything  
9 elsewhere in this Act or another territory law.

10 **204 Expiry—pt 20**

11 This part expires 3 years after the day it commences.

12 *Note* Transitional provisions are kept in the Act for a limited time.  
13 A transitional provision is repealed on its expiry but continues to have  
14 effect after its repeal (see [Legislation Act](#), s 88).



## Schedule 1      Reviewable decisions

(see pt 10)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	18 (3)	issue technical regulator's direction	regulated utility
2	46 (1)	refuse to grant operating certificate	unlicensed regulated utility
3	46 (2)	refuse to grant operating certificate until after technical code approved	unlicensed regulated utility
4	49 (1)	revoke operating certificate	unlicensed regulated utility
5	55 (3)	issue technical regulator's direction for isolated infrastructure	owner of isolated infrastructure
6	68 (4)	refuse to correct dams register	owner of registrable dam
7	79 (5)	impose condition on licence of utility service	licensee
8	96 (2)	issue stop notice	person issued with stop notice
9	98 (3)	refuse to cancel stop notice	person applying for cancellation of stop notice

1 **Schedule 2 Consequential amendments**

2 (see s 113 )

3 **Part 2.1 Building (General) Regulation**  
4 **2008**

5 **[2.1] Schedule 2, section 2.1, new definitions**

6 *insert*

7 *licensed utility service* means a utility service licensed under the  
8 [Utilities Act 2000](#).

9 *regulated utility service*—see the *Utilities (Technical Regulation)*  
10 *Act 2014*, section 9.

11 *technical regulator*—see the *Utilities (Technical Regulation)*  
12 *Act 2014*, section 77.

13 **[2.2] Schedule 2, part 2.2, new item 8**

14 *insert*

8 construction of a regulated utility technical regulator  
service that is not a licensed utility  
service

15 **[2.3] Dictionary, new definitions**

16 *insert*

17 *licensed utility service*, for schedule 2 (Referral of building approval  
18 applications)—see schedule 2, section 2.1.

19 *regulated utility service*, for schedule 2 (Referral of building  
20 approval applications)—see schedule 2, section 2.1.

1 *technical regulator*, for schedule 2 (Referral of building approval  
2 applications)—see schedule 2, section 2.1.

## 3 **Part 2.2** Independent Competition and 4 **Regulatory Commission Act 1997**

### 5 **[2.4] Section 24E (3) (b)**

6 *substitute*

7 (b) the approval or determination of an industry code under the  
8 *Utilities Act 2000* or the approval of a technical code under the  
9 *Utilities (Technical Regulation) Act 2014*.

## 10 **Part 2.3** Tree Protection Act 2005

### 11 **[2.5] Section 19 (1) (d) (ii)**

12 *omit*

### 13 **[2.6] New section 19 (1) (d) (iiia)**

14 *insert*

15 (iiia) a network protection notice given under the *Utilities*  
16 *(Technical Regulation) Act 2014*, section 32; or

## 17 **Part 2.4** Utilities Act 2000

### 18 **[2.7] Section 3 (g)**

19 *omit*

20 , or the director-general under part 5 (Technical regulation),

1 **[2.8] New section 6 (c) and (d)**

2 *insert*

3 (c) the capacity to generate 5MW or more of energy connected to  
4 an electricity network;

5 (d) the transmission of electricity through an electricity network.

6 **[2.9] Section 16**

7 *omit*

8 **[2.10] Section 25 (2) (a) (vi)**

9 *substitute*

10 (vi) a technical regulator's direction given under the *Utilities*  
11 *(Technical Regulation) Act 2014* that applies to the  
12 utility;

13 **[2.11] Section 25, new note**

14 *insert*

15 *Note* A licence may be subject to a condition imposed by the technical  
16 regulator in certain circumstances (see *Utilities (Technical Regulation)*  
17 *Act 2014*, s 79)

18 **[2.12] Section 45 (2)**

19 *substitute*

20 (2) The annual licence fee for a particular utility is—

21 (a) the amount that the ICRC considers is a reasonable  
22 contribution towards the costs incurred, or expected to be  
23 incurred by—

24 (i) the ICRC in the exercise of functions, in the ACT or  
25 elsewhere, in relation to utility services; and

- 1 (ii) the ACAT in hearing and deciding matters to which a  
2 utility is a party; and  
3 (b) the amount determined by the technical regulator under  
4 subsection (3A).

5 **[2.13] New section 45 (3A) to (3C)**

6 *insert*

- 7 (3A) The technical regulator must—  
8 (a) determine the amount of costs incurred, or expected to be  
9 incurred for technical regulation; and  
10 (b) give the ICRC written notice of the determination.  
11 (3B) In determining the amount of costs incurred, or expected to be  
12 incurred for technical regulation, the technical regulator must  
13 consider the cost to the Territory of providing regulatory activities  
14 for energy utility services in relation to the *Utilities (Technical*  
15 *Regulation) Act 2014*.  
16 (3C) A determination under subsection (3A) is a notifiable instrument.

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

18 **[2.14] Section 45 (4)**

19 *omit*

20 determination

21 *substitute*

22 determination under subsection (1)

1 **[2.1] Section 54 (1) (a)**

2 *omit*

3 the director-general under part 5 (Technical regulation);

4 *substitute*

5 the technical regulator

6 **[2.2] Section 54F (1)**

7 *substitute*

8 (1) For this part, the *local regulatory cost* for a year is—

9 (a) the amount determined by the administrator to be the cost to  
10 the Territory of—

11 (i) providing regulatory activities in relation to consumer  
12 service and environmental behaviour for energy utility  
13 services; and

14 (ii) the administration of the levy; and

15 (b) the amount determined by the technical regulator under  
16 section 54FA.

17 **[2.3] New section 54FA**

18 *insert*

19 **54FA Local regulatory costs—technical regulation component**

20 (1) The technical regulator must, before 1 October in the levy year, in  
21 accordance with this section—

22 (a) determine the technical regulation component of local  
23 regulatory costs; and

24 (b) give the ICRC written notice of the determination.

1 (2) In determining the technical regulation component of local  
2 regulatory costs, the technical regulator must consider the cost to the  
3 Territory of providing regulatory activities for energy utility  
4 services in relation to the *Utilities (Technical Regulation) Act 2014*.

5 (3) A determination under this section is a notifiable instrument.

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

7 **[2.4] Section 58 (2) (a)**

8 *omit*

9 Minister responsible for part 5 (Technical regulation)

10 *substitute*

11 Minister responsible for the *Utilities (Technical Regulation)*  
12 *Act 2014*

13 **[2.5] Section 59 (1) (a)**

14 *omit*

15 Minister responsible for part 5 (Technical regulation)

16 *substitute*

17 Minister responsible for the *Utilities (Technical Regulation)*  
18 *Act 2014*

19 **[2.6] Part 5**

20 *omit*

21 **[2.7] Section 75B (2) (c), definition of *relevant parts***

22 *omit*

23 (c) part 5 (Technical regulation);

- 1 **[2.8] Section 75C (2) (a), definition of *relevant parts***  
2 *omit*  
3 (a) part 5 (Technical regulation);
- 4 **[2.9] Part 8**  
5 *omit*
- 6 **[2.10] Division 10.3 heading**  
7 *omit*
- 8 **[2.11] Section 164**  
9 *omit*
- 10 **[2.12] Division 10.4 heading**  
11 *omit*
- 12 **[2.13] Section 165**  
13 *omit*
- 14 **[2.14] Dictionary, definition of *interference*, paragraph (a)**  
15 *omit*
- 16 **[2.15] Dictionary, definition of *network boundary***  
17 *substitute*  
18 ***network boundary*** means a boundary worked out under the  
19 ***Utilities (Technical Regulation) Act 2014***, section 53 (Network  
20 **boundary**).



1 **[2.16] Dictionary, definition of *network*, paragraph (b)**

2 *omit*

3 **[2.17] Dictionary, definition of *network protection notice***

4 *omit*

5 **[2.18] Dictionary, definition of *technical code***

6 *substitute*

7 *technical code* means a technical code approved under the *Utilities*  
8 *(Technical Regulation) Act 2014*, section 14.

9 **[2.19] Dictionary, definition of *technical inspector***

10 *substitute*

11 *technical inspector* means a person appointed as a technical  
12 inspector under the *Utilities (Technical Regulation) Act 2014*,  
13 section 81.

14 **[2.20] Dictionary, new definition of *technical regulator***

15 *insert*

16 *technical regulator* means the technical regulator under the  
17 *Utilities (Technical Regulation) Act 2014*, section 77.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- AS (see s 164 (1))
- AS/NZS (see s 164 (2))
- director-general (see s 163)
- disallowable instrument (see s 9)
- independent competition and regulatory commission
- the Territory.

***alternative network boundary***, for part 7 (Network boundaries and isolated infrastructure)—see section 52.

***compliance report*** means the report under section 80 (Technical regulator’s compliance report).

***connected***, with an offence, for part 9 (Enforcement)—see section 76.

***customer***, for a regulated utility service, means—

- (a) a person for whom the service is provided under a customer contract; or
- (b) a person who has applied, orally or in writing, to be a regulated utility for—
  - (i) the service to be provided under a customer contract; or
  - (ii) approval of a plan for plumbing or drainage work to connect premises to a water network or sewerage network.

- 1           **customer contract**, for a regulated utility service, includes—
- 2           (a) a customer contract under the *Utilities Act 2000*; and
- 3           (b) a contract that is similar to a customer contract under the
- 4           *Utilities Act 2000*, but made between a regulated utility service
- 5           and a customer.
- 6           **dam**, for part 8 (Dams safety)—see section 57.
- 7           **dams register**, for part 8 (Dams safety)—see section 58.
- 8           **dangerous incident**, for part 4 (Reporting of notifiable incidents)—
- 9           see section 28.
- 10          **electricity network**—see the *Utilities Act 2000*, section 7.
- 11          **further information**, for part 8 (Dams safety)—see section 62.
- 12          **gas distribution network**—see the *Utilities Act 2000*, section 10.
- 13          **gas network**—see the *Utilities Act 2000*, section 10.
- 14          **gas transmission network**—see the *Utilities Act 2000*, section 10.
- 15          **Googong dam**, for part 8 (Dams safety)—see section 57.
- 16          **Googong Dam Area**, for part 8 (Dams safety)—see section 57.
- 17          **ICRC** means the independent competition and regulatory
- 18          commission.
- 19          **infrastructure**, for part 7 (Network boundaries and isolated
- 20          infrastructure)—see section 52.
- 21          **interference**, with a regulated utility network or network facility, for
- 22          part 5 (Protection of regulated utility networks)—see section 30.
- 23          **isolated infrastructure**, for part 7 (Network boundaries and isolated
- 24          infrastructure)—see section 52.
- 25          **listed dam**, for part 8 (Dams safety)—see section 57.
- 26          **national electricity rules** means the *National Electricity Rules* under
- 27          the *National Electricity (ACT) Law*.

- 1           **NERL exempt seller**—see the *Utilities Act 2000*, section 75A.
- 2           **NERL retailer**—see the *Utilities Act 2000*, section 75.
- 3           **network**—
- 4           (a) for this Act—means any of the following:
- 5                 (i) an electricity network;
- 6                 (ii) a gas network;
- 7                 (iii) a sewerage network;
- 8                 (iv) a water network;
- 9                 (v) a network prescribed for a prescribed utility service under
- 10                     the *Utilities Act 2000*, section 15; or
- 11           (b) for section 38, section 39 and section 40—see section 41
- 12                     (Extended meaning of *network*).
- 13           **network facility** means any part of the infrastructure of a regulated
- 14                     utility network.
- 15           **notifiable incident**, for part 4 (Reporting of notifiable incidents)—
- 16                     see section 28.
- 17           **occupier**, of premises, for part 9 (Enforcement)—see section 76.
- 18           **offence**, for part 9 (Enforcement)—see section 76.
- 19           **owner**, in relation to a dam or proposed dam, for part 8 (Dams
- 20                     safety)—see section 57.
- 21           **premises** includes land and place.
- 22           **proposed dam**, for part 8 (Dams safety)—see section 57.
- 23           **registrable dam**, for part 8 (Dams safety)—see section 57.
- 24           **regulated utility**—see section 8.
- 25           **regulated utility network** means a network that is owned by a
- 26                     regulated utility and used for providing a regulated utility service
- 27                     under this Act.

1           **regulated utility service**—see section 9.

2           **related law** means—

3           (a) the *Electricity Safety Act 1971*; and

4           (b) the *Gas Safety Act 2000*; and

5           (c) the *Water and Sewerage Act 2000*.

6           **Note**     A reference to an Act includes a reference to the statutory instruments  
7                     made or in force under the Act, including regulations (see [Legislation](#)  
8                     Act, s 104).

9           **required information**, for part 8 (Dams safety)—see section 59.

10          **responsible utility**, for a regulated utility network or network  
11          facility, means a regulated utility that provides utility services using  
12          the regulated utility network or network facility.

13          **reviewable decision**, for part 10 (Notification and review of  
14          decisions)—see section 105.

15          **sewerage network**—see the *Utilities Act 2000*, section 14.

16          **show cause notice**—

17          (a) for section 17 (Technical regulator’s warning notice)—see  
18          section 17 (2); and

19          (b) for section 18 (Technical regulator’s directions)—see  
20          section 18 (2); and

21          (c) for section 54 (Technical inspector’s warning notice—isolated  
22          infrastructure)—see section 54 (2); and

23          (d) for section 55 (Technical regulator’s directions—isolated  
24          infrastructure)—see section 55 (2); and

25          (e) for section 79 (Technical regulator may impose conditions on  
26          licence)—see section 79 (3).

27          **technical code** means a technical code approved under section 14.

- 1           ***technical code for listed dam***, for part 8 (Dams Safety) means a  
2           code approved under section 73.
- 3           ***technical inspector's warning notice***—see section 54.
- 4           ***technical regulator***—see section 77.
- 5           ***technical regulator's direction***—
- 6           (a) in relation to regulated utilities—see section 18; and  
7           (b) in relation to isolated infrastructure—see section 55.
- 8           ***technical regulator's urgent direction***—see section 20.
- 9           ***technical regulator's warning notice***—see section 17.
- 10          ***transmission*** means transmission under the national electricity  
11          rules.
- 12          ***unlicensed regulated utility***, for part 6 (Operating certificates)—see  
13          section 42.
- 14          ***utility infrastructure work***, for division 9.5 (Stop notice—utility  
15          infrastructure work)—see section 95.
- 16          ***warrant***, for part 9 (Enforcement)—see section 76.
- 17          ***water network***—see the [Utilities Act 2000](#), section 12.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 5 June 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**3 Republications of amended laws**

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

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