

**2005**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**UTILITIES (SHORTAGE OF ESSENTIAL SERVICES)  
AMENDMENT BILL 2005**

**EXPLANATORY STATEMENT**

Circulated by the authority of

Jon Stanhope MLA  
Chief Minister

## Utilities (Shortage of Essential Services) Amendment Bill 2005

### PURPOSE

The purpose of the Bill is to provide a head of power whereby the Minister responsible for the legislation can make regulations in relation to the implementation of essential service restrictions in the ACT.

### BACKGROUND

This Bill will overcome the current lack of a provision for a head of power in legislation to impose restrictions on the use of essential services in times of supply shortage.

### DETAILS OF THE BILL

**Clause 1** provides that the name of the Act is the *Utilities (Shortage of Essential Services) Amendment Act 2005*.

**Clause 2** provides the commencement date of the regulation as the day after its notification.

**Clause 3** provides the Legislation amended as the *Utilities Act 2000*.

**Clause 4** provides for a new regulatory framework for dealing with shortage of essential services by inserting a new Part 9A of the *Utilities Act 2000*. There are four new sections of Part 9A.

- New section 149A: provides definitions for the new part, including:
  - **essential service** means electricity, gas and water,
  - **essential service restriction** means a restriction or other regulation in relation to the use of an essential service.
- New section 149B: provides for a regulation-making power, under which regulations can be made in relation to a shortage, or possible shortage, in the amount of an essential service needed for the community, including provisions regulating the use of an essential service by consumers.
- New section 149C: provides power for an authorised person to enter and inspect premises (other than parts used for residential purposes), and anything at the premises, if the authorised person believes, on reasonable grounds, that essential service is being used, or has just been used, in contravention of an essential service restriction. The authorised person may enter the premises at any reasonable time and without payment of an entry fee or other charge. On entry, the authorised person may take action prescribed by regulation in relation to a contravention of the essential service restriction.

- New section 149D: provides for the compulsory production of an identity card by the authorised person while entering premises, when asked by the occupier. The authorised person must not remain on the premises if an identity card is not produced for inspection by the occupier.

**Clause 5** inserts the definitions of “essential service” and “essential service restriction” in the Dictionary.