

**AUSTRALIAN CAPITAL TERRITORY**

**UTILITIES ACT 2000**

**VARIATIONS TO  
CONTESTABLE WORK ACCREDITATION CODE**

**INSTRUMENT NO. 203 OF 2001**

**EXPLANATORY STATEMENT**

Part 5 of the *Utilities Act 2000* (the Act) provides for the making and variation of technical codes as part of the requirements that licensed utilities must observe. Provisions for technical codes are set out as variations on the provisions of Part 4 of the Act for industry codes. Sections 61 and 65 of the Act provide for the variation of technical codes. Section 236 of the Act allowed the determination of first technical codes.

Under section 62 of the Act, a variation of a technical code is a disallowable instrument.

On 21 December 2000 the Minister for Urban Services determined first technical codes including a Contestable Work Accreditation Code (“the Code”) in Instrument No 369 of 2000. Notification of the making of this determination was published in Gazette No S69 of 21 December 2000. The present instrument varies the Code in the following ways:

**Application**

- 1 Clause 1.1 is changed to extend the application of the code from electricity distributors and water utilities to sewerage utilities.

**Utilities to make register available**

- 2 Clause 5.1 is amended in accordance with the change in the application of the Code.

A provision is inserted in clause 5.1 that allows a utility the alternative of identifying a category of eligible persons or qualifications for persons. These persons are then considered automatically eligible to provide connection services. This new provision is additional to the existing provision for setting criteria for eligibility and approving individuals as qualified.

A utility that adopts the method of identifying categories or qualifications need not publish a current list of accredited persons but may instead provide details that identify the category or the qualified persons in a straightforward way.

The intention is to allow utilities to accredit people who hold licences under other legislation, provided that the legislation allows them to carry out other kinds of electrical or plumbing and draining work. This other legislation establishes registers of licensed persons.

### **Dictionary – “Sewerage Services” and “Sewerage Utility”**

- 3 The Dictionary is modified by adding definitions of “sewerage services” and “sewerage utility”, in accordance with the change in the application of the Code.

### **Dictionary – “Electricity Network” and “Water Network”**

- 4 The Dictionary is modified by removing the definitions of ‘Electricity Network and “Water Network”, which are not used in the text of the Code.

### **Dictionary – “Minister”**

- 5 The Dictionary is modified by replacing the definition of “Minister” by one that makes the relevant Minister the one administering Part 5 of the Act (Technical Regulation) and not Part 4 (Industry Codes). The definition is used in two other definitions, those of “Contestable Work Accreditation Code” and “Technical Code”, where the references are to Part 5 of the Act.

### **Dictionary - Numbering**

- 6 The items in the modified Dictionary are renumbered.

Copies of the code will be made available for public inspection at the offices of the Independent Competition and Regulatory Commission. These offices are currently located at Level 7, FAI House, 197 London Circuit, Civic ACT 2601. Under section 63 of the Act the Commission’s office is a place where copies of industry codes made under Part 4 of the Act must be available for public inspection.

Section 65 of the Act requires the Minister administering Part 5 of the Act to consult the Independent Competition and Regulatory Commission and all licensed utilities to which a technical code applies and give due consideration to comments before approving a variation to that code. This process of consultation was carried out for the variations made by the present instrument.