



Australian Capital Territory

Utilities (Streetlight Network) Legislation Amendment Act 2017

A2017-19

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Australian Capital Territory

Utilities (Streetlight Network) Legislation Amendment Act 2017

A2017-19

An Act to amend legislation about the streetlight network, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Utilities (Streetlight Network) Legislation Amendment Act 2017*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the following legislation:

- *Electricity Safety Act 1971*
- *Electricity Safety Regulation 2004*
- *Utilities Act 2000*.

Part 2 Electricity Safety Act 1971

4 Regulation-making power Section 66 (2) (b)

before

construction

insert

design, approval, certification,

Part 3 Electricity Safety Regulation 2004

5 New section 6

insert

6 Application of AS/NZS 3000 to streetlight network

- (1) This section applies to the streetlight network.
- (2) The streetlight network is taken to comply with AS/NZS 3000 if the streetlight network complies with a specific design and installation method in AS/NZS 3000, part 1, whether or not AS/NZS 3000, part 2 can be met.
- (3) In this section:
streetlight network—see the [Utilities Act 2000](#), section 229.

Part 4 Utilities Act 2000

6 New section 109A

insert

109A Notice to owner of structure—network operations

- (1) This section applies to network operations on infrastructure owned by a utility and installed in a structure owned by the Territory.
- (2) At least 7 days before beginning network operations, the utility must give the Territory written notice of the proposed operations.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) The notice must—
 - (a) so far as practicable, state the following matters:
 - (i) the purpose of the operations;
 - (ii) the nature of the activities involved;
 - (iii) the structure to be accessed;
 - (iv) the period or periods during which the operations are expected to be carried out; and
 - (b) state the utility's obligations under this part.

Note The utility's obligations include taking all reasonable steps to ensure that it causes as little inconvenience, detriment and damage as is practicable (see s 108), removing its property and waste (see s 112) and restoring the land (see s 113).

- (4) The Territory may, in writing, agree to a notice period of less than 7 days.

- (5) However, there is no notice period for network operations carried out—
- (a) in urgent circumstances in which it is necessary to protect—
 - (i) the integrity of a territory network or territory network facility; or
 - (ii) the health or safety of people; or
 - (iii) public or private property; or
 - (iv) the environment; or
 - (b) for streetlight network infrastructure—in accordance with an access agreement between the utility and the Territory, made under a streetlight network code.

7 **Definitions for pt 14**
Section 226, definition of *streetlight network code*

substitute

streetlight network code means a streetlight network code approved under section 230.

8 **Section 226, new definition of *streetlight network framework***

insert

streetlight network framework—see section 229A.

**9 Streetlight network
Section 229 (1)**

omit

in relation to the provision of streetlighting.

substitute

in relation to—

- (a) the provision of streetlighting; and
- (b) services provided in relation to the provision of streetlighting.

10 Section 229 (1), new example

insert

9 service delivery infrastructure connected to and powered by the streetlight network

11 Section 230

substitute

229A Streetlight network framework

- (1) The Minister may approve a framework for the interaction between the streetlight network and the electricity network (the ***streetlight network framework***).
- (2) The Minister may only approve a streetlight network framework if the electricity distributor agrees to the framework.
- (3) The streetlight network framework must not limit the operation of any other Act or any other legal right.
- (4) An approved streetlight network framework is a notifiable instrument.

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

229B Draft streetlight network code

- (1) The director-general may prepare a draft streetlight network code for this part.
- (2) The draft streetlight network code may set out the following:
 - (a) arrangements for the interaction between the Territory and another entity in relation to the streetlight network, including the following:
 - (i) the Territory's access to infrastructure owned by the Territory that is installed in a structure not owned by the Territory;
 - (ii) an entity's access to infrastructure owned by the entity that is installed in a structure owned by the Territory;
 - (iii) resolving disputes in relation to the arrangement;
 - (b) arrangements in relation to the appointment of a territory service authorised person for the streetlight network;

Note The director-general may appoint a person as a territory service authorised person (see s 242 (1) (a)).
 - (c) arrangements for protecting the following in relation to the streetlight network:
 - (i) the health or safety of people, including people carrying out work on the streetlight network;
 - (ii) public and private property;
 - (iii) the environment;
 - (d) arrangements for the implementation of a streetlight network framework;
 - (e) infrastructure, including a class of infrastructure, to be excluded from the streetlight network;

- (f) any other matter necessary or convenient to give effect to this part.
- (3) The draft streetlight network code must not limit the operation of any other Act or any other legal right.
- (4) The director-general—
 - (a) must give a copy of the draft streetlight network code to—
 - (i) the construction occupations registrar; and
 - (ii) each regulated utility providing services that are likely to be effected by the operation and maintenance of the streetlight network; and
 - (b) may give a copy of the draft streetlight network code to a person the director-general believes has an interest in the streetlight network.
- (5) A person who is given any copy of the draft streetlight network code under subsection (4) may make a submission to the director-general about the draft streetlight network code within a stated period of not less than 20 days.
- (6) The director-general—
 - (a) must consider a submission made under this section; and
 - (b) may make a recommendation to the Minister about approval of the draft streetlight network code.

230 Streetlight network code approval

- (1) The Minister may approve a draft streetlight network code as recommended by the director-general under section 229B (6) if the Minister is satisfied on reasonable grounds that—
 - (a) section 229B has been complied with; and

(b) the streetlight network code is consistent with the objects of this Act.

(2) An approved streetlight network code is a notifiable instrument.

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

12 Installation of territory network facilities
New section 231 (1) (aa)

insert

(aa) enter and occupy a structure, other than a structure used for residential purposes, that is not owned by the Territory if—

- (i) the structure is on territory land; and
- (ii) infrastructure relating to the streetlight network is installed in the structure; and

13 Maintenance of territory network facilities
New section 232 (1) (aa)

insert

(aa) entering and occupying a structure, other than a structure used for residential purposes, on territory land; and

14 New section 232 (2) (ca)

insert

(ca) upgrading the facility to—

- (i) improve the energy efficiency of the network; and
- (ii) install new technology on the network;

15 New section 235A**235A Notice to owner of structure—territory network operations**

- (1) This section applies to territory network operations on infrastructure owned by the Territory and installed in a structure not owned by the Territory, if the structure is on territory land.
- (2) At least 7 days before beginning territory network operations, the Territory must give the owner of the structure written notice of the proposed operations.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) The notice must—
 - (a) so far as practicable, state the following matters:
 - (i) the purpose of the operations;
 - (ii) the nature of the activities involved;
 - (iii) the structure to be accessed;
 - (iv) the period or periods during which the operations are expected to be carried out; and
 - (b) state the Territory's obligations under this part.

Note The Territory's obligations include taking all reasonable steps to ensure that it causes as little inconvenience, detriment and damage as is practicable (see s 234), removing its property and waste (see s 239) and restoring the land (see s 240).

- (4) The owner of the structure may, in writing, agree to a notice period of less than 7 days.

- (5) However, there is no notice period for territory network operations carried out—
- (a) in urgent circumstances in which it is necessary to protect—
 - (i) the integrity of a territory network or territory network facility; or
 - (ii) the health or safety of people; or
 - (iii) public or private property; or
 - (iv) the environment; or
 - (b) in accordance with an access agreement between the Territory and the owner of the structure, made under a streetlight network code.

16 Section 242

substitute

242 Territory service authorised people

- (1) Each of the following is a territory service authorised person for this part:
- (a) a person appointed by the director-general;
 - (b) a person appointed by an entity if—
 - (i) the Territory engages the entity to exercise a function under this part; and
 - (ii) the director-general is satisfied that the entity has appropriate arrangements in place for authorising a person as a service authorised person for this part.

- (2) A territory service authorised person must exercise the person's functions under this part in accordance with the conditions of appointment (if any) and any direction given to the person by the appointer.
- (3) In this section:
- appointer*, for a territory service authorised person, means—
- (a) the director-general; or
 - (b) for a person appointed under subsection (1) (b)—the entity that appointed the person.

17 Interference with territory networks
Section 248, penalty

substitute

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

18 Dictionary, note 2

insert

- construction occupations registrar

19 Dictionary, definition of *streetlight network code*

omit

section 230

substitute

section 226

20 Dictionary, new definition of *streetlight network framework*

insert

streetlight network framework, for part 14 (Streetlighting and stormwater)—see section 229A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 May 2017.

2 Notification

Notified under the [Legislation Act](#) on 15 June 2017.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Utilities (Streetlight Network) Legislation Amendment Bill 2017, which was passed by the Legislative Assembly on 8 June 2017.

Clerk of the Legislative Assembly

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