



Australian Capital Territory

# Electricity Safety Legislation Amendment Act 2023

A2023-4

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Australian Capital Territory

# Electricity Safety Legislation Amendment Act 2023

**A2023-4**

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An Act to amend legislation about electricity safety, and for other purposes

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

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J2022-600

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electricity Safety Legislation Amendment Act 2023*.

### 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 *Construction Occupations (Licensing) Act 2004* and the *Electricity Safety Act 1971*.

*Note* The *Electricity Safety Act 1971* is also amended in sch 1.

## Part 2

# Construction Occupations (Licensing) Act 2004

### 4 Certain entities not to provide construction services Section 84 (3), new note

*insert*

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (3A) (see [Criminal Code](#), s 58).

### 5 New section 84 (3A)

*insert*

- (3A) Also, this section does not apply to an entity if—
- (a) the entity provides an electrical wiring service; and
  - (b) the entity—
    - (i) is an exempt regulated utility; or
    - (ii) provides the service for an exempt regulated utility.

### 6 New section 84 (4), new note

*insert*

*Note* The defendant has a legal burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 59).

### 7 New section 84 (6)

*insert*

- (6) In this section:

***exempt regulated utility*** means a regulated utility exempted from the [Electricity Safety Act 1971](#) by an exemption under that Act, section 62B.

*regulated utility*—see the *Utilities (Technical Regulation) Act 2014*, section 8.

**8** **Allowing unlicensed people to provide construction service**  
**Section 85 (3), new note**

*insert*

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (3A) (see [Criminal Code](#), s 58).

**9** **New section 85 (3A)**

*insert*

- (3A) Also, this section does not apply to a regulated utility if—
- (a) the regulated utility engages someone else, or allows an employee of the regulated utility, to provide an electrical wiring service for the regulated utility; and
  - (b) the regulated utility is an exempt regulated utility.

**10** **Section 85 (4), new note**

*insert*

*Note* The defendant has a legal burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 59).

**11** **New section 85 (5)**

*insert*

- (5) In this section:
- exempt regulated utility*—see section 84 (6).
- regulated utility*—see section 84 (6).

## Part 3 Electricity Safety Act 1971

### 12 New section 62B

*in part 9, insert*

#### 62B Minister may exempt regulated utility

- (1) The Minister may exempt a regulated utility from this Act if the Minister is reasonably satisfied that—
  - (a) the regulated utility is adequately regulated under another territory or Commonwealth law; and
  - (b) the exemption does not increase the risk to public safety.

*Note* Power to make an exemption includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) An exemption is a disallowable instrument.
- (3) In this section:

***regulated utility***—see the [Utilities \(Technical Regulation\) Act 2014](#), section 8.

## Schedule 1 Electricity Safety Act 1971— Technical amendments

(see s 3)

### [1.1] Section 9, definition of *declaration of compliance*, paragraph (b)

*substitute*

(b) standards stated in a corresponding law.

#### Explanatory note

This amendment omits words that are not necessary because of the definition of *corresponding law* and the effect of section 10 (1).

### [1.2] Section 11A (6) (a) (ii) and (iii)

*omit*

of a State or another Territory

#### Explanatory note

This amendment omits words that are not necessary because of the definition of *corresponding law* and the effect of section 10 (1).

### [1.3] Section 20 (3) (a)

*omit*

of a State or another Territory

#### Explanatory note

This amendment omits words that are not necessary because of the definition of *corresponding law* and the effect of section 10 (1).



**[1.4] Section 22 (2)**

*omit*

the corresponding law of a State or another Territory

*substitute*

a corresponding law

**Explanatory note**

This amendment omits words that are not necessary because of the definition of *corresponding law* and the effect of section 10 (1).

**[1.5] Section 23**

*omit*

the corresponding law of a State or another Territory

*substitute*

a corresponding law

**Explanatory note**

This amendment omits words that are not necessary because of the definition of *corresponding law* and the effect of section 10 (1).

**[1.6] Section 58 (3), note 1**

*substitute*

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

**Explanatory note**

This amendment updates the note in line with current legislative drafting practice.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 October 2022.

**2 Notification**

Notified under the [Legislation Act](#) on 15 February 2023.

**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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I certify that the above is a true copy of the Electricity Safety Legislation Amendment Bill 2023, which originated in the Legislative Assembly as the Electricity Safety Legislation Amendment Bill 2022 and was passed by the Assembly on 9 February 2023.

Clerk of the Legislative Assembly

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