



Application for Operating Certificate

Utilities (Technical Regulation) Act 2014, Section 43

This is an application to the Technical Regulator for an operating certificate under part 6 of the *Utilities (Technical Regulation) Act 2014* (the Act).

Under section 43 of the Act, an unlicensed regulated utility must apply to the Technical Regulator for an operating certificate. Under section 42 of the Act, an unlicensed regulated utility means a person who provides, or proposes to provide, a regulated utility service under the Act, but is not required to be licensed under the *Utilities Act 2000* or is exempted from the requirement to be licensed under the *Utilities Act 2000*. A regulated utility service is defined in section 9 of the Act.

How to complete this form

Please read the associated guidance available from the Access Canberra website

www.accesscanberra.act.gov.au *Operating Certificates – A guide for unlicensed regulated utility services in the ACT.*

Section A — Applicant Details

1. Applicant (the individual or entity applying for the Operating Certificate, who will be responsible for any obligations arising from the requested Operating Certificate):

Applicant Name (individual or entity name) ☐ Mr ☐ Ms ☐ Other _____

Australian Company Number/Australian Business Number (ACN/ABN) _____

Business Address _____

Postal Address _____

Suburb _____ State _____ Postcode _____

Phone Number _____ Mobile Number _____

Email _____

2. Contact Person

Name ☐ Mr ☐ Ms ☐ Other _____

Phone Number _____ Mobile Number _____

Email _____

3. Agent, if applicable (an individual or entity that you have authorised through a contractual arrangement to discuss this application and any obligations arising from the requested Operating Certificate):

Enclose copy of contractual arrangement between applicant and agent

Name ☐ Mr ☐ Ms ☐ Other _____

Applicant Name (individual or entity name) _____

Australian Company Number/Australian Business Number (ACN/ABN) _____

Postal Address _____

Suburb _____ State _____ Postcode _____

Phone Number _____ Mobile Number _____

Email _____

Signature of Applicant authorising Agent:

_____ Date: / /

Signature of Agent:

_____ Date: / /

Section B — Proposed Regulated Utility Service

1. Please state what utility service(s) you have been providing or intend to provide in the ACT:

2. Provide the location of the proposed service. If the proposed service is located in or on a building, or within the boundaries of a single block of land (a Crown Lease) please provide the block, section and suburb. If the proposed service extends over multiple blocks of land please provide a system plan that clearly demonstrates where each component of the regulated utility network is / will be located:

Location: _____

Block / Section / Suburb: _____

System Plan included: Y / N _____

3. If you are an electricity generator, please tick your registration status with the Australian Energy Market Operator (AEMO):

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Applied but not registered |
| <input type="checkbox"/> Have not applied and not registered | <input type="checkbox"/> Exempted by AEMO |

4. For an existing utility service, please state the date when you commenced operation:

Commencement date for operation: ____/____/____

5. For a proposed utility service, please state the date when you will complete / anticipate completion of your project. This date must be reflected in your regulatory plan:

Proposed utility service, completion date: ____/____/____

Section C — Supporting Documents

1. Regulatory Plan Y / N

In most cases a regulatory plan must be submitted with this application. The **regulatory plan** is a document developed by an applicant for an operating certificate that:

- describes the design, operation and maintenance of the regulated utility service and identifies key milestones within each process;
- identifies the entities involved with the service and demonstrates the suitability of any key staff for their identified role;
- identifies the stage (or stages for complex projects) for which an operating certificate is sought, such as the Design and Construct stage or Provision of Service stage;
- identifies when relevant stages will be ready for inspection by technical inspectors to verify key elements of a project;
- is developed by the senior project engineer who can give consideration as to when inspections at key milestones should involve the Technical Regulator, and how this can support delivery of the proposed regulated utility service;
- states the length of time for which the operating certificate is sought and includes appropriate operation and maintenance considerations appropriate to the proposed duration; and
- acknowledges that conditions may be required on the operating certificate that will consider future audits, inspections or compliance activity once the regulated utility service is operational (as per s 48 of the Act).

The regulatory plan should include the following information required under section 43 of the Act about the utility's:

- a) capacity to ensure the safe, reliable and efficient delivery of regulated utility services; and
- b) promotion of the long-term serviceability of regulated utility networks and regulated utility services; and
- c) promotion of design integrity and functionality of regulated utility networks; and
- d) capacity to ensure the safe and reliable operation and maintenance of regulated utility networks and regulated utility services to protect the following:
 - i. the public;
 - ii. people working on regulated utility networks and regulated utility services;
 - iii. property near regulated utility networks and regulated utility services;
 - iv. the environment.

2. Exception to providing Regulatory Plan – Certificate of Electrical Safety Y / N

A regulatory plan may not be required if the utility service you are providing is a smaller electricity generator designed to switch off in the event of a failure, and is built to *AS3000 – Electrical Installations (Australian/New Zealand Wiring Rules)*. If you have included a Certificate of Electrical Safety (CES) and intend to change, or have already made changes to your regulated utility services that are outside of AS3000 and will not receive a CES, you are required to submit a regulatory plan. Please include a copy of every CES issued for your property.

Section D — Fees

The following cost recovery fees are charged for assessing a regulatory plan and for activities relating to compliance with operating certificate conditions:

	Until 30 June 2017	1 July 2017 until 30 June 2018	Commencing on 1 July 2018
Grant of operating certificate – where no regulatory plan is required	Nil	Nil	Nil
Grant of operating certificate – with assessment of regulatory plan (rounded up to the nearest full hour)	\$200 <i>per hour</i>	\$210 <i>per hour</i>	\$220 <i>per hour</i>
Annual fee (for review of reports showing compliance with conditions of the operating certificate)	\$750	\$788	\$827
Cost recovery fee for audit, inspection, or compliance activity in accordance with conditions of the operating certificate (rounded up to the nearest full hour)	\$200 <i>per hour</i>	\$210 <i>per hour</i>	\$220 <i>per hour</i>

Section E — Consent and Application Declaration

I,

Insert name, address and occupation of person making the declaration

make the following declaration

- I declare** that I make this application to the Technical Regulator for an operating certificate to provide a regulated utility service under the Act and that all statements, and the documents/information provided in support of the application, are accurate, true and correct.
- I authorise and consent:**
 - to the Technical Regulator and the Utilities Technical Regulation Team making enquiries of, and exchanging information with, the relevant regulatory authorities of any State or Territory, or other country, regarding my operating certificate and practice of my regulated utility service, or otherwise regarding matters relevant to this application; and

- b) to receive information from the Technical Regulator and the Utilities Technical Regulation Team relevant to my operating certificate.

3. I acknowledge:

- a) that the Technical Regulator and the Utilities Technical Regulation Team may validate documents provided in support of this application or wish to confirm my identity;
- b) that failure to complete all relevant sections of this application and enclose all supporting documentation may result in this application not being accepted or additional fees being applied as per the statutory instrument authorising fees to be taken under the Act;
- c) that the Technical Regulator has the right to refuse my application if not satisfied that I am eligible to hold an operating certificate; and
- d) that the Technical Regulator may impose a condition on my operating certificate.
4. I affirm that I have authority to undertake any activity necessary to comply with the *Utilities (Technical Regulation) Act 2014* and a direction issued by the Technical Regulator (this section applies to operators of utility services who are not owners).
5. I undertake to comply with the *Utilities (Technical Regulation) Act 2014* and technical codes made under the Act relevant to my operating certificate when providing, or offering to provide, a regulated utility service(s); and
6. If signing on behalf of a company or organisation, I the undersigned declare I/we have the appropriate delegation or authority to sign on behalf of the company or organisation.

Giving false or misleading information is a serious criminal offence under the *Criminal Code 2002*

Print name of applicant: _____

Signature of applicant: _____ Date ____ / ____ / ____

Section F — Privacy Notice

Any personal information on this form is provided to the Technical Regulator for the purpose of processing your application. If all or some of the personal information is not provided, your application cannot be processed. The personal information you provide may be disclosed to other ACT Government agencies and third parties external to the ACT Government as required by specific ACT or Commonwealth legislation, or where the Technical Regulator reasonably believes that the use or disclosure of the information is necessary for enforcement activities conducted by, or on behalf of, an enforcement body. Your application information will be shared with Access Canberra for the purposes of assessing your application. The CMTEDD Information Privacy Policy and the EPD Information Privacy Policy contain information about how you may access or seek to correct your personal information, and how you may complain about an alleged breach of the Territory Privacy Principles.

Section G — Lodgement and Contact Information

Lodgement of this application form to the Utilities Technical Regulation Team may be via email, post or in person at the Access Canberra Environment Planning and Land Shopfront. You will be invoiced for the fees payable after lodgement of your application.

Utilities Technical Regulation Team

Postal Address: GPO Box 158, Canberra ACT 2601

OR

Access Canberra Environment, Planning and Land Shopfront
Dame Pattie Menzies Building, 16 Challis Street, Dickson ACT 2602

Office Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)

Phone: 13 22 81

Email: Techregulator.Utilities@act.gov.au

Website: www.accesscanberra.act.gov.au