

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Climate Change and Sustainability)

Utilities Legislation Amendment Bill 2017

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Utilities Legislation Amendment Bill 2017

A Bill for

An Act to amend legislation about utilities, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Utilities Legislation Amendment Act 2017*.

4 **2 Commencement**

5 (1) This Act (other than sections 5 and 6 and part 4) commences on the
6 day after its notification day.

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

9 (2) Sections 5 and 6 and part 4 commence on 1 December 2017.

10 **3 Legislation amended**

11 This Act amends the following legislation:

- 12 • [Utilities Act 2000](#)
13 • [Utilities \(Technical Regulation\) Act 2014](#)
14 • [Utilities \(Technical Regulation\) Regulation 2017](#).

Part 2 Utilities Act 2000

4 New section 15A

insert

15A Exempt classes of utility services

- (1) A regulation may exempt a class of utility service from this Act if, after consulting the ICRC and having regard to the matters in subsection (2), the Minister is satisfied on reasonable grounds that—
- (a) the class of utility service is, either—
 - (i) adequately regulated under another law applying in the ACT; or
 - (ii) not required to be regulated; and
 - (b) exempting the class of utility service will not significantly impede the ICRC achieving its objects under section 3.
- (2) For subsection (1), the Minister must have regard to the following:
- (a) the nature and kind of utility service;
 - (b) the level of risk of—
 - (i) a utility service in the class failing; or
 - (ii) a utility failing to provide a utility service in the class in a safe, reliable and effective way;
 - (c) the consequences for consumers, public safety and the environment if—
 - (i) a utility service in the class were to fail; or
 - (ii) a utility were to fail to provide a utility service in the class in a safe, reliable and effective way.

5 New section 262*insert***262 Utilities (General) Regulation 2017—sch 2**

- (1) The provisions set out in schedule 2 are taken, on the commencement of this section, to be a regulation made under section 261.
- (2) To remove any doubt and without limiting subsection (1), the regulation may be amended or repealed as if it had been made by the Executive under section 261.
- (3) Also to remove any doubt, the regulation is taken—
- (a) to have been notified under the [Legislation Act](#) on the day the *Utilities Legislation Amendment Act 2017* is notified; and
 - (b) to have commenced on the commencement of this section; and
 - (c) not to be required to be presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1).
- (4) Subsections (1) to (3) are laws to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This section and schedule 2 expire on the day they commence.

1 **6 New schedule 2**

2 *insert*

3 **Schedule 2 Utilities (General) Regulation**
4 **2017**

5 (see s 262)



Australian Capital Territory

6 **Utilities (General) Regulation 2017**

7 **Subordinate Law SL2017–**

8 made under the

9 [Utilities Act 2000](#)

10 **1 Name of regulation**

11 This regulation is the *Utilities (General) Regulation 2017*.

2 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

3 Exempt class of utility service—Act, s 15A

(1) An embedded network is an exempt class of utility service.

(2) In this section:

embedded network means an embedded network under the national electricity rules, chapter 10 (Glossary).

Note ***National electricity rules*** is defined in the [Act](#), dict.

Part 3 Utilities (Technical Regulation) Act 2014

7 New section 10A

in part 2, insert

10A Exempt classes of regulated utility services

- (1) A regulation may exempt a class of regulated utility service from this Act if, after consulting the technical regulator and having regard to the matters in subsection (2), the Minister is satisfied on reasonable grounds that—
- (a) the class of regulated utility service is, either—
 - (i) adequately regulated under another law applying in the ACT; or
 - (ii) not required to be regulated; and
 - (b) exempting the class of regulated utility service will not significantly impede the objects under section 6 being achieved.
- (2) For subsection (1), the Minister must have regard to the following:
- (a) the nature and kind of regulated utility service;
 - (b) the level of risk of—
 - (i) a regulated utility service in the class failing; or
 - (ii) a regulated utility failing to provide a regulated utility service in the class in a safe, reliable and effective way;

- 1 (c) the consequences for consumers, public safety and the
2 environment if—
- 3 (i) a regulated utility service in the class were to fail; or
- 4 (ii) a regulated utility were to fail to provide a regulated
5 utility service in the class in a safe, reliable and effective
6 way.

1 **Part 4** **Utilities (Technical Regulation)**
2 **Regulation 2017**

3 **8** **New section 2A**

4 *insert*

5 **2A** **Exempt class of regulated utility service—Act, s 10A**

6 (1) An embedded network is an exempt class of regulated utility
7 service.

8 (2) In this section:

9 *embedded network* means an embedded network under the national
10 electricity rules, chapter 10 (Glossary).

11 *Note* *National electricity rules* is defined in the [Act](#), dict.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 September 2017.

2 Notification

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

3 Republications of amended laws

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

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