



**AUSTRALIAN CAPITAL TERRITORY**  
**BUILDING AND SERVICES ACT 1924**  
**BUILDING AND SERVICES REGULATIONS 2000**  
**SUBORDINATE LAW NO. 35 OF 2000**  
**EXPLANATORY STATEMENT**

## Building and Services Regulations 2000

### OUTLINE

These are new Regulations.

The *Building and Services Act 1924* ("the Principal Act") allows the making of provision for the supply of services, including the provision of communication infrastructure and equipment and of fittings and cable in connection with communication infrastructure and equipment.

The Regulations allow people to enter public land and private land and take actions for the installation of communication services. The Regulations are intended to allow the installation of a new fibre-optic cable network and specifically provide for excavation to install cables and associated equipment underground and the use of electricity poles and other electricity distribution infrastructure to support communications cables and related equipment. Underground cables will normally be on public land but electricity poles may have been erected on private land.

Owners of private land cannot prevent entry to their land for the installation of telecommunication equipment but the Regulations limit what can be done, set conditions for how it is done and allow for damage to be made good or compensation paid. Trees or other vegetation may have grown up around or close to electricity distribution infrastructure and the Regulations allow them to be cut back or removed if necessary to allow the attachment of communication equipment or the stringing of cables.

The purpose of the Regulations is to provide a simple process for the installation of communication infrastructure than is available under the *Telecommunications Act 1997* of the Commonwealth ("the Telecommunications Act"). The Regulations deal only with installation and maintenance continues to be regulated by the Telecommunications Act. The life of the Regulations is limited to three years. This provision is intended to allow the Legislative Assembly to monitor their effect on the community.

### Financial Implications

There are no financial implications.

## REGULATION NOTES

### PART 1-PRELIMINARY

#### Formal regulations

**Regulations 1 and 2** are formal regulations that deal with the name and date of commencement of the Regulations.

#### Definitions for regulations

##### *Meaning of electricity network*

**Regulations 3 and 5** give the meaning in the Regulations of the terms "authorised person", "carrier", "communication infrastructure", "electricity network", "landholder", "on land", "owner", "private land", "public land" and "the Act".

#### Notes

**Regulation 4** states that notes in the Regulations are only provided as a guide to readers.

### PART 2-INSTALLATION OF COMMUNICATION INFRASTRUCTURE

#### Application of pt 2

**Regulation 6** states that Part 2 of the Regulations applies to the installation of communication infrastructure by a telecommunication carrier, authorised under the Telecommunications Act, of communication infrastructure as provided for in section 2, "Supply of service", of the Principal Act.

#### Power of entry and powers on entry

**Regulation 7** states that a telecommunication carrier and its employees or its contractors or an employee of a contractor or a person engaged by a contractor may enter land and inspect or occupy it. After entering, such a person may do anything reasonably necessary for the installation of communication infrastructure and the regulation lists some relevant actions.

#### Installation

Regulation 7 includes fixing communication infrastructure to electricity distribution infrastructure among the actions that a telecommunication carrier or its agents may carry out. **Regulation 8** limits the exercise of this power to electricity infrastructure owned by the carrier or infrastructure the owner of which has authorised the fixing.

### **Notice to landholder**

**Regulation 9** requires a telecommunication carrier or its agents to give owners or occupiers of private land 7 days notice that an entry is to take place and the notice must state what the carrier intend to do. In an emergency entry may be made without notice. Paragraph 9 (2) (b) identifies the types of emergencies.

### **Service of notices**

**Regulation 10** identifies some valid ways of serving notices on the owners or occupiers of private land private land.

### **Authorised people**

**Regulation 11** allows a telecommunication carrier to give people written authority to take actions under the Regulations as authorised persons. An authorised person must act as required by the authorising document or as otherwise required by the carrier.

### **Identity card**

**Regulation 12** requires a telecommunication carrier to give each authorised person a card that gives their name and identifies them as an authorised person.

### **Production of identity card**

**Regulation 13** states that if the owner or occupier of private land or a person apparently in charge of the land asks, authorised people must produce their identity card or leave the land.

### **Carrier to minimise disruption, inconvenience and damage**

**Regulation 14** requires a telecommunication carrier to cause as little disruption, inconvenience and damage as practicable when exercising its powers on private land.

### **Carrier to do things in a reasonable way etc**

**Regulation 15** requires a telecommunication carrier to exercise its powers on private land in a reasonable way, to take steps for the security of things on the land, including preventing the escape of animals, and, when work on or near electricity distribution infrastructure is involved, to observe the requirements of the operator of the electricity network.

### **Carrier to restore land and structures**

**Regulation 16** requires a telecommunication carrier that has exercised its powers after entry to private land to restore the land and any structures damaged by the carrier to something similar to their original state, as far as this is reasonable.

### **Cost of things done for installation**

**Regulation 17** states that the telecommunication carrier involved is responsible for costs related to the installation of communication infrastructure.

### **Compensation**

**Regulation 18** allows people to claim reasonable compensation through the courts from a telecommunication carrier for loss or damage caused by the carrier's actions under Part 2 of the Regulations. The court must consider the particular case before granting compensation and, among other things, may consider whether the carrier has taken reasonable steps to restore land or structures under the regulations.

## **PART 3-MISCELLANEOUS**

### **Operation of other Territory laws**

**Regulation 19** states that the Regulations do not affect the operation of other ACT laws that apply to the installation of communication infrastructure.

### **Ownership of communication infrastructure**

**Regulation 20** provides that the Regulations do not affect rights of ownership in communication infrastructure simply because it is fixed to electricity distribution infrastructure.

### **Expiry of regulations**

**Regulation 21** limits the Regulations to a life of three years.