

Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018

Disallowable instrument DI2018-207

made under the

Utilities (Technical Regulation) Act 2014, section 14 (Technical codes—approval)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

This statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The ACT Electricity Powerline Vegetation Management Code 2018 (the Code) is a technical code under part 3 of the *Utilities (Technical Regulation) Act 2014* (the Act). The Act provides a technical regulatory framework for regulated utilities in the Australian Capital Territory. Section 14 of the Act authorises the Minister to approve a technical code as recommended by the technical regulator. The Code is provided in the schedule to the instrument.

Purpose of the Code

The purpose of the Code is to outline technical requirements for a responsible utility under section 41D of the Act when managing the clearance of vegetation near powerlines. The purpose of vegetation management near powerlines is to reduce the risk of fire and outages caused by trees and other vegetation coming into contact with the lines or associated infrastructure.

Section 3 of the Code outlines the requirements of the responsible utility in relation to accrediting contractors to undertake vegetation management work and making that information available to the public.

Section 4 of the Code relates to non-urban land and rural leased land, and provides specific pruning requirements that apply to the responsible utility and its contractors to ensure trees are protected from undue damage. It also requires the responsible utility to prepare a Vegetation Management (Bushfire and Environmental) Works Plan for approval by the Technical Regulator, subject to endorsement by the Conservator of Flora and Fauna. The works plan will outline proposed vegetation management work for a one to three year period and the management of environmental concerns through a variety of measures including technical modification to the electricity network.

Section 5 of the Code relates to unleased land in the urban area and provides specific pruning requirements that apply to the responsible utility and its contractors to ensure trees are protected from undue damage.

Section 6 of the Code provides details of other legislation that might interact with the Code, and is not intended to be exhaustive.

Consultation

In accordance with section 13 of the Act, the Technical Regulator consulted the Independent Competition and Regulatory Commission, Evoenergy and the Conservator of Flora and Fauna in creating this Code.

TransGrid were not consulted, because there is no change to existing regulatory requirements for the transmission utility.

Regulatory Impact Statement (RIS)

A Regulatory Impact Statement has been provided for this disallowable instrument.

Human rights

The disallowable instrument does not affect any human rights contained in the *Human Rights Act 2004*.

Outline of provisions

Clause 1 provides the name of the instrument.

Clause 2 provides for when the instrument will commence.

Clause 3 provides the Minister's approval of the Code.

Clause 4 provides when and where the Code will be available for access by the public, as required by section 15 of the Act.