

Australian Capital Territory

Utilities (Licensing) Exemption 2023 (No 1)

Disallowable instrument DI2023–50

made under the

Utilities Act 2000, section 22 (Exemption)

EXPLANATORY STATEMENT

This explanatory statement relates to the Utilities (Licensing) Exemption 2023 (No 1) disallowable instrument (the instrument). It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly. The 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.

According to section 21 of the *Utilities Act 2000* (the Act), a person must not provide a utility service except in accordance with a licence. Section 22 of the Act allows the Minister to exempt a person from the requirement to hold a licence in relation to a utility service. An exemption may be subject to conditions stated in the instrument of exemption.

Suburban Land Agency & Riverview Developments (ACT) Pty Limited ABN 72 619 778 053 (West Belconnen Joint Venture also commonly referred to as the Ginninderry Joint Venture) will build and commission stormwater infrastructure in the Ginninderry Estate in West Belconnen. The stormwater infrastructure will include the assets that make a network for stormwater capture, treatment, distribution and reuse, which is considered as a utility service under the Act. This disallowable instrument exempts the West Belconnen Joint Venture from the requirement of holding a utility licence to design and construct stormwater infrastructure. Upon the completion of construction, the West Belconnen Joint Venture will commission and handover the infrastructure to the Australian Capital Territory. West Belconnen Joint Venture consists of the ACT Government, represented by the Suburban Land Agency, and Riverview Projects (ACT) Pty Ltd.

Under the exemption, the West Belconnen Joint Venture must:

- comply with the requirements of the *Utilities (Technical Regulation) Act 2014* (the UTR Act) including technical codes made under that Act, and,
- hold an operating certificate under section 46 of the UTR Act to design and construct the stormwater infrastructure, and
- comply with applicable industry codes made under the Act.

In accordance with section 36 (1) (b) of the *Legislation Act 2001* a Regulatory Impact Statement is unnecessary as the disallowable instrument provides for a matter that does not operate to the disadvantage of anyone by affecting the person's rights, or imposing liabilities on the person. The instrument also does not impose appreciable costs on the community, or a part of the community.

This Instrument does not engage any rights contained in the *Human Rights Act 2004*.