2026

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELEVENTH ASSEMBLY

Utilities Legislation Amendment Bill 2026

EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)

Presented by
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September 2026

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Utilities Legislation Amendment Bill 2026

This explanatory statement relates to the Utilities Legislation Amendment Bill 2026 (the **Bill**) as presented to the ACT Legislative Assembly.

The statement is to be read in conjunction with the Bill. It is not a complete description but provides information about the intent of the provisions in the Bill.

It has been prepared to assist the reader. It does not form part of the Bill, has not been endorsed by the Assembly and is not to be taken as providing definitive interpretation of the meaning of a provision.

The Bill is not a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The purpose of this Bill is to make minor amendments to the *Utilities Act 2000* and the *Utilities (Technical Regulation) Act 2014,* these amendments fall into four categories:

1. Removal of the presumption of continued growth in regulated utilities;
2. Outline the otherwise implied power of regulators to regulate the removal of utility infrastructure;
3. Adding information sharing about utility services to the scope of code making for regulators; and
4. Technical amendments for electrical safety and operating certificate applications.

CONSULTATION ON THE PROPOSED APPROACH

Consultation on the Bill was conducted with the Utilities Technical Regulator, the Independent Competition and Regulatory Commission, the Human Rights Unit in the Justice and Community Safety Directorate and Evoenergy.

CLIMATE IMPACT

The Bill is primarily about providing clarity for ACT utility regulators and regulated entities, on the scope of matters which regulatory codes may deal with, as well as adding information sharing provisions to support the efficient planning and operation of utilities.

The Bill does not materially increase or reduce emissions, however it may support a more efficient energy transition which would lower costs of reducing emissions.

CONSISTENCY WITH HUMAN RIGHTS

Rights engaged

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This Bill engages the right to work.

The objective of this Bill is primarily to provide clarity for ACT utility regulators and regulated entities, on the scope of matters which regulatory codes may deal with, including adding information sharing provisions to support the efficient planning and operation of utilities. These are not in effect new or additional scope, rather the updates provide clarity by providing explicit, rather than implied coverage.

It is noted that industry and technical codes made under the Acts amended by the Bill may engage a range of human rights. Industry and technical codes made under the Acts are subject to formal code making processes which include public consultation requirements and are subject to disallowance. Future potential human rights that may be engaged through codes already exist under the current scope of the Act.

Rights Promoted

The Bill promotes the right to work by amending the definition of notifiable incidents to be consistent with work health and safety legislation, aiming to further improve the safety of workers in the utility services industry.

Rights Limited

No rights are limited by this Bill.

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Utilities Legislation Amendment Bill 2026

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Utilities Legislation Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004.*

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Dr Marisa Paterson MLA
Acting Attorney-General

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CLAUSE NOTES

Part 1 - Preliminary

Clause 1 Name of Act

This clause provides that the name of the Act is the *Utilities Legislation Amendment Act 2026*.

Clause 2 Commencement

This clause provides for the commencement of the Act on the day after the Act's notification day.

Clause 3 Legislation amended

This clause provides that the Act amends the *Utilities Act 2000* and the *Utilities (Technical Regulation) Act 2014*.

Part 2 – Utilities Act 2000

Clauses 4 and 5 ICRC's Objects and Objects of Act

These clauses omits the ICRC's Objects under section 3 of the *Utilities Act 2000*, and splits those objects into new section 5B Objects of Act and new section 5C ICRC's objects, with the following amendments:

- Section 3 (d) is split into new sections 5B (d) and (e) and are reframed to remove refence to encouraging growth in utility service industries. Instead 5B (d) encourages prudent and efficient long-term investment, and 5B (e) encourages sustainable levels of employment in utility service industries. This change is made as an object of continual growth is unsustainable and could promote outcomes that unnecessarily raise the cost of services to consumers.
- New section 5B (h) provides that ending the provision of utility services and decommissioning of networks is carried out in a safe, efficient, equitable and transparent way. This change ensures that the Act promotes a range of considerations before ending utility services or decommissioning network infrastructure.
- Section 3 (i) is omitted as it duplicates the effect of section 19 (4), in that the ICRC must give effect to Ministerial directions under section 19.
- New section 5C (c) provides that the ICRC is to give effect to the Objects of the Act.

Clauses 6-8 and 10-11 Consequential and minor drafting amendments

These clauses make various consequential amendments and minor drafting amendments that deal with the restructuring of the Objects and standard drafting practices.

Clause 9 New sections 55 (2) (l) to (o)

This clause adds to the list of examples of matters that industry codes may deal with.

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New sections 55 (2) (l) to (n) deal with ending the provision of services, removing network facilities and decommissioning of a network. These examples provide scope in alignment with new Object of Act 5B (h) to ensure that any work is carried out in a safe, efficient, equitable and transparent way.

New section 55 (2) (o) deals with information sharing between utilities about utilities services. This example provides a flag that different utility services hold information which is relevant for efficient planning of other utilities, and that enabling the sharing of this information is in the community's interest. This section is not intended for the sharing of individuals personal information, and is to be exercised in line the *Information Privacy Act 2014* and the *Human Rights Act 2004*.

Clause 12 New definition

This clause provides for a definition of **decommission**, which includes the removal or disabling of network facilities.

This definition when read with the existing definition for **network facility** covers the decommissioning of parts or of a whole utility network.

It is noted that disabling can be read both in terms of temporary disabling, such as capping a pipe, or permanent disabling, such as filling a pipe with concrete.

Part 3 – Utilities (Technical Regulation) Act 2014

Clause 13 New section 6 (e)

New section 6 (e) provides that ending the provision of regulated utility services and the decommissioning of regulated utility networks is carried out in a safe, efficient and transparent way. This change ensures that the Act promotes a range of considerations before ending regulated utility services or decommissioning regulated network infrastructure.

Clauses 14 and 15 New sections 11 (1) (ea) to (ed), (h) and (i)

These clauses add to the list of purposes that technical codes may be made for.

New sections 11 (1) (ea) to (ed) deal with the safe and efficient disconnection of customers' premises from a regulated utility network, ending the provision of regulated utility services, the removal of network facilities and decommissioning of a regulated utility network. These purposes are aligned with new Object of Act 6 (e) and provide scope to make technical codes on these topics to ensure that any work is carried out in a safe, efficient and transparent way.

New sections 11 (1) (h) and (i) deal with information sharing by regulated utilities about regulated utility services, both with other regulated utilities and the community. This will support more efficient planning of utilities and greater transparency for the community. These sections are not intended for the sharing of individuals personal information, and are to be exercised in line the *Information Privacy Act 2014* and the *Human Rights Act 2004*.

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Clause 16 Amended definition – section 28 (b)

This clause amends the definition of a **dangerous incident**, to clarify that uncontrolled fire, implosion or explosion, also includes electrical explosions and arc flash explosions. This amendment improves clarity on the intent of the definition.

Clause 17 New section 43 (3) to (5)

This clause enables the technical regulator to require a regulatory plan as part of the application of an operating certificate, as well as any other information that would be reasonable in order to decide the application, or is prescribed by regulation.

The clause enables the technical regulator to determine the requirements for a regulatory plan via a notifiable instrument.

Clause 18 Consequential Amendment – section 43 (1)

This clause is a consequential amendment arising from clause 17, as the new sections 43(3) to (5) deal with requirements for regulatory plans. This change will allow for requirements to be placed upfront and in an instrument, rather than following written notice.

Clause 19 New definition

This clause provides for a definition of **decommission**, which includes the removal or disabling of network facilities.

This definition when read with the existing definition for **network facility** covers the decommissioning of parts or of a whole utility network.

It is noted that disabling can be read both in terms of temporary disabling, such as capping a pipe, or permanent disabling, such as filling a pipe with concrete.

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