



Australian Capital Territory

Building and Services Regulations 2000

Subordinate Law 2000 No 35

The Australian Capital Territory Executive makes the following regulations under the *Building and Services Act 1924*.

Dated 14 August 2000.

BRENDAN SMYTH
Minister

KATE CARNELL
Minister



Australian Capital Territory

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Subordinate Law 2000 No 35

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PART 1—PRELIMINARY

1 Name of regulations

These regulations are the *Building and Services Regulations 2000*.

2 Commencement

These regulations commence on the day they are notified in the Gazette.

3 Definitions for regulations

In these regulations:

authorised person—see regulation 11.

carrier—see *Telecommunications Act 1997* (Cwlth), section 7.

communication infrastructure means communication infrastructure and equipment, and fittings and cables in connection with communication infrastructure and equipment.

electricity network—see regulation 5.

landholder, in relation to private land, means—

- (a) an owner of the land; or
- (b) if the land is occupied by a person other than the owner—
an occupier of the land.

on land includes over and under land.

owner, of land, means—

- (a) a person who owns the land; or
- (b) a lessee of the land under a lease granted by or for the Commonwealth.

private land means land other than—

- (a) public land; and
- (b) land leased to the Territory or a Territory instrumentality.

public land means national land or unleased Territory land.

the Act means the *Building and Services Act 1924*.

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, ss 12 (1), (4) and (5) (as applied by the *Subordinate Laws Act*, s 9) for the legal status of notes.

5 Meaning of *electricity network*

(1) For these regulations, an *electricity network* consists of infrastructure used, or for use, in relation to the distribution of electricity by a person for supply to someone else's premises.

(2) In this regulation:

infrastructure means—

- (a) powerlines; or
- (b) substations and equipment for monitoring, distributing, converting, transforming, or controlling electricity; or
- (c) a structure supporting overhead powerlines; or
- (d) wires, ducts or pipes for wires, equipment or anything else ancillary to any other part of the infrastructure.

**PART 2—INSTALLATION OF COMMUNICATION
INFRASTRUCTURE**

6 Application of pt 2

This Part applies to the provision under section 2 of the Act of communication infrastructure by a carrier.

7 Power of entry and powers on entry

(1) For this Part, a carrier may—

- (a) enter any land; and
- (b) inspect or occupy the land.

(2) If a carrier enters land under this regulation, the carrier may do anything reasonable and necessary in relation to the installation of communication infrastructure, including, for example—

- (a) use any plant, machinery, equipment or goods; and
- (b) fell or lop trees; and
- (c) clear vegetation; and
- (d) make excavations; and
- (e) take soil, vegetation and other material away from the land; and
- (f) install equipment, fittings and cables by attaching or securing them to an electricity network.

(3) For this regulation, *carrier* includes—

- (a) an employee of the carrier; and
- (b) a person acting for the carrier under a contract; and
- (c) an employee of a person mentioned in paragraph (b); and
- (d) a person engaged by a person mentioned in paragraph (b).

8 Installation

If a carrier enters land under regulation 7, the carrier may only install communication infrastructure on the land by attaching or securing it to an electricity network—

- (a) owned by the carrier; or
- (b) owned by someone else who has consented to the installation.

9 Notice to landholder

- (1) Before entering private land under regulation 7, a carrier must give at least 7 days written notice to the landholder of—
- (a) the carrier's intention to enter the land; and
 - (b) the purpose of the entry.
- (2) Subregulation (1) does not apply if—
- (a) a carrier intends to do something under regulation 7; and
 - (b) the thing needs to be done without delay to protect—
 - (i) the integrity of the communication infrastructure; or
 - (ii) the health or safety of anyone; or
 - (iii) property; or
 - (iv) the environment.

10 Service of notices

- (1) A notice under regulation 9 may be given as follows:
- (a) by giving it to the landholder;
 - (b) by sending it by prepaid post to the occupier of the land;
 - (c) by leaving it in a letterbox on the land;
 - (d) by securing it in a conspicuous place on the land.
- (2) Subregulation (1) does not limit the ways in which the notice may lawfully be given to the landholder.

Note Section 17A of the *Interpretation Act 1967* provides generally for the ways in which notices may be given to people.

11 Authorised people

- (1) A carrier may, in writing, appoint a person mentioned in subregulation 7 (3) to be an *authorised person* for the carrier for these regulations.
- (2) An authorised person must act in accordance with any conditions of appointment and any direction given to the person by the carrier.

12 Identity cards

The carrier must give each authorised person an identity card that specifies the person's name and appointment as an authorised person.

13 Production of identity card

An authorised person may not remain on land entered under regulation 7 if, on request by the landholder or a person apparently in charge of the land, the authorised person does not produce the person's identity card.

14 Carrier to minimise disruption, inconvenience and damage

If a carrier does something on private land under regulation 7, the carrier must take all reasonable steps to ensure that the carrier causes as little disruption or inconvenience to the landholder, and does as little damage, as practicable.

15 Carrier to do things in reasonable way etc

If a carrier does something on private land under regulation 7, the carrier must—

- (a) do it in a reasonable way; and
- (b) as far as practicable, ensure that any property on the land, including any domestic animal, is kept secure; and
- (c) do it in accordance with any work method approved by the operator of the electricity network.

16 Carrier to restore land and structures

If a carrier does something on private land under regulation 7, the carrier must take all reasonable steps to—

- (a) restore the land to a condition similar to its condition before the thing was done; and
- (b) restore any structure that has been damaged by the carrier to a condition similar to its condition before the damage was done.

17 Cost of things done for installation

The cost of doing something in relation to the installation of communication infrastructure is to be borne by the carrier.

18 Compensation

(1) A person may claim reasonable compensation from a carrier if the person suffers loss or expense because of a thing done by the carrier under this Part.

(2) Compensation may be claimed and ordered in a proceeding for compensation brought in a court of competent jurisdiction.

(3) A court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.

(4) Without limiting subregulation (3), a court may take into account whether the carrier has restored land or a structure under these regulations in considering whether it is just to make an order under this regulation.

PART 3—MISCELLANEOUS

19 Operation of other Territory laws

To remove any doubt, these regulations do not affect the operation of any other Territory law.

20 Ownership of communication infrastructure

Nothing in these regulations is to be taken to give the owner of an electricity network a proprietary interest in a thing attached or secured to the network under these regulations, only because of that attachment or securing.

21 Expiry of regulations

These regulations expire 3 years after they commence.

Endnote

Notification

1 Notified in Gazette 2000 No S45 on 16 August 2000.