



Australian Capital Territory

Utility Networks (Public Safety) Regulations 2001

Subordinate Law 2001 No 28

The Australian Capital Territory Executive makes the following regulations under the *Utilities Act 2000*.

Dated 15 August 2001.

GARY HUMPHRIES
Minister

BRENDAN SMYTH
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Utility Networks (Public Safety) Regulations 2001*.

2 Commencement

These regulations commence on a day fixed by the Minister by notice in the Gazette.

Note 1 The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2000*, s 75).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Legislation Act 2000*, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see *Legislation Act 2000*, s 79).

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations.

Note 2 A definition in the dictionary applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

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

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 General

5 Application

- (1) These regulations do not apply to a thing done by a person in relation to a network facility in accordance with the written authorisation of the responsible utility.
- (2) These regulations do not apply to a thing done by a person in relation to a network facility in the course of the person's employment or engagement by the responsible utility.

6 Authorisation by utility

- (1) An application for authorisation mentioned in regulation 5 may be made to the responsible utility—
 - (a) orally or in writing; or
 - (b) if acceptable to the utility—by telephone, fax or other electronic means.
- (2) An authorisation is subject to any condition stated in the authorisation.

7 Evidence of authorisation

In a proceeding for an offence against these regulations, a certificate that appears to be signed by or on behalf of a utility and contains a statement to the effect that—

- (a) a stated thing was done by a stated person in accordance with an authorisation by the utility under regulation 6; or
- (b) an authorisation by the utility under regulation 6 was subject to a stated condition at a stated time or date;

is evidence of the matters stated.

8 Excavations—steps required to protect underground network facilities

- (1) This regulation applies to an opening in the ground, or a ground cover, that uncovers or exposes an underground network facility, or might reasonably be expected to have that effect.
- (2) A person must not, without reasonable excuse, make such an opening in the ground or ground cover unless the person has taken reasonable steps to—
 - (a) find out whether an underground network facility is likely to be affected; and
 - (b) avoid damaging the facility or endangering its safe or efficient operation.

Maximum penalty: 10 penalty units.

- (3) Without limiting subregulation (2), a person takes reasonable steps for the purpose of subregulation (2) if the person—
 - (a) contacts the responsible utility and requests advice about the matters mentioned in subregulation (2) (a) and (b); and
 - (b) acts in accordance with the written advice of the utility about those matters.

9 Interfering with network telemetry

- (1) A person must not, without reasonable excuse, interfere with—
 - (a) telemetry used in connection with the operation of a network facility; or
 - (b) equipment used, or for use, for such telemetry;if the interference is likely to interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

- (2) In this regulation:

interference includes interference attributable directly or indirectly to the emission of electromagnetic energy from a device.

10 Interfering with network facility signs

A person must not, without reasonable excuse, interfere with, change or remove—

- (a) a sign displayed or maintained by or on behalf of a utility at or on a network facility; or
- (b) a seal, lock, chain or any other device used in connection with securing any part of a network facility;

if the action is likely to endanger people or property.

Maximum penalty: 10 penalty units.

11 Entering secured areas

- (1) A person must not, without reasonable excuse, enter a *secured area* maintained by or on behalf of a utility in connection with the provision of a utility service.

Maximum penalty: 10 penalty units.

- (2) In this regulation:

secured area means a network facility, and any land or water surrounding the facility, that is enclosed for the purpose of preventing unauthorised access.

Part 3 Electricity network facilities

12 Throwing objects at facilities

A person must not, without reasonable excuse, throw or otherwise project an object—

- (a) with intent to strike an electricity network facility; or
- (b) if the object is likely to strike an electricity network facility;

if the striking is likely to endanger any person or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

13 Entangled objects

A person must not, without reasonable excuse, touch or interfere with any object resting on, or entangled in, an electricity network facility if the touching or interference is likely to endanger any person or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

14 Explosives and fires

A person must not, without reasonable excuse—

- (a) light, use or maintain a fire, or detonate an explosive, in a way that is likely to damage an electricity network facility or interrupt or endanger its safe or efficient operation; or
- (b) do a thing that creates an explosive atmosphere that is likely to endanger the safe or efficient operation of an electricity network facility.

Maximum penalty: 10 penalty units.

15 Underground electricity network facilities

A person must not, without reasonable excuse, place or keep, above or adjacent to an underground electricity network facility, any corrosive, abrasive, heavy or harmful material or substance that is likely to damage the facility or endanger its safe or efficient operation.

Maximum penalty: 10 penalty units.

16 Excavating

A person must not, without reasonable excuse—

- (a) cut away, excavate or remove any earth or material supporting or covering an electricity network facility in a way that is likely to damage the facility or endanger its safe or efficient operation; or
- (b) make an excavation—
 - (i) deeper than 0.9m within 15m of a tower supporting an aerial line; or
 - (ii) deeper than 0.3m within 1.5m of such a tower; or
- (c) make an excavation deeper than 1.8m within 3m of—
 - (i) any pole supporting an aerial line; or
 - (ii) any pole, or stay anchorage, to which is attached a staywire used for the support of a pole mentioned in subparagraph (i); or
 - (iii) deeper than 0.9m within 1.5m of a pole or anchorage mentioned in subparagraph (i) or (ii); or
- (d) make an excavation deeper than 0.3m within 0.6m of any wall, fence or foundation of a substation that forms part of an electricity network facility.

Maximum penalty: 10 penalty units.

17 Changing ground level

A person must not, without reasonable excuse, change the ground level—

- (a) below an aerial line or any point to which the line may swing;
or
- (b) above or adjacent to an electricity network facility;

if that is likely to damage the line or facility, endanger its safe or efficient operation, or impede reasonable access to it for the purposes of its operation.

Maximum penalty: 10 penalty units.

18 Clearances from aerial lines—people

- (1) A person must not, without reasonable excuse, be too close to an aerial line.

Maximum penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to—
 - (a) the holder of an electrician's licence, grade A under the *Electricity Safety Act 1971* who is carrying out electrical wiring work under that Act in relation to the line; or
 - (b) a person who is—
 - (i) carrying out work associated with the connection of premises to the relevant electricity network or varying the capacity of such a connection; and
 - (ii) accredited under the relevant technical code for such work.

- (3) A person is too close to an aerial line if at any time the person, or any part of a thing held by or attached to the person, is within the minimum distance from any part of the line worked out in accordance with the following table:

direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable where- $33 \text{ kV} < U \leq 132 \text{ kV}$
Any direction	0.1m	1.5m	2.0m	4.0m

Note Symbols used in the table are defined in the dictionary.

19 Clearances from aerial lines—structures

- (1) A person must not, without reasonable excuse, erect or maintain any part of a structure too close to an aerial line.

Maximum penalty: 10 penalty units.

- (2) A part of a structure is too close to an aerial line if at any time it is within the minimum distance from any part of the line worked out in accordance with the table at the end of this regulation.
- (3) The minimum distance stated in column B, row 3 of the table does not apply to any part of a structure within that distance from the point at which an insulated aerial service line is attached to the structure by or for the responsible utility.

	column A	column B	column C	column D	column E
	direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
row 1	vertically, from any part of the structure normally accessible to people	2.7m	3.7m	4.6m	5.0m
row 2	vertically, from any part of the structure not normally accessible to people but on which a person could stand	1.2m	2.7m	3.7m	4.6m
row 3	any direction (other than vertically), from any part of the structure not normally accessible to people	0.3m	1.5m	2.7m	3.0m
row 4	any direction (other than vertically), from any window, opening balcony or other part of the structure normally accessible to people	1.5m	2.0m	2.7m	3.0m

Part 3 Electricity network facilities

Regulation 19

	column A direction in which minimum distance must be observed	column B minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	column C minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	column D minimum distance from aerial conductor or aerial cable, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	column E minimum distance from aerial conductor or aerial cable, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
row 5	any direction (other than vertically), from any window, opening balcony or other part of the structure not normally accessible to people but on which a person could stand	1.5m	2.0m	2.7m	3.0m
row 6	vertically, from any part of a fully extended clothes line	1.8m	3.7m	4.6m	n/a
row 7	any direction (other than vertically), from any part of a fully extended clothes line	1.8m	3.0m	3.0m	n/a
row 8	any direction, from an outdoor wireless or television aerial or any part of a staywire for the aerial	1.5m	1.5m	1.5m	n/a
row 9	any direction, from the outer edge of the water container of a swimming pool or the maximum water level of the pool	5.0m; or 3.0m (if the line is a neutral screened cable)	5.5m	5.5m	n/a

Note Symbols used in the table are defined in the dictionary.

- (4) In this regulation:

neutral screened cable has the same meaning as in Australian Standard 3000, as in force on 15 September 1999.

20 Clearances from aerial conductors—flammable materials

- (1) This regulation does not apply to a structure to which regulation 19 applies.

- (2) A person must not, without reasonable excuse, place or keep timber or other flammable material vertically below an aerial conductor.

Maximum penalty: 10 penalty units.

- (3) A person must not, without reasonable excuse, place or keep timber or other flammable material too close to an aerial conductor.

Maximum penalty: 10 penalty units.

- (4) Timber or other flammable material is too close to an aerial conductor if at any time it is within the minimum distance from any part of the conductor worked out in accordance with the following table:

direction in which minimum distance must be observed	minimum distance from aerial conductor, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
horizontally, from any point of the vertical projection below the aerial conductor or aerial cable	3.0m	3.0m	3.0m

Note Symbols used in the table are defined in the dictionary.

21 Clearances from aerial lines—non-flammable materials

- (1) This regulation does not apply to a structure to which regulation 19 applies.

- (2) A person must not, without reasonable excuse, place or keep any non-flammable material too close to an aerial line.

Maximum penalty: 10 penalty units.

- (3) Non-flammable material is too close to an aerial line if, at any time—
- (a) any part of the material is vertically below the line and within the minimum distance from any part of the line worked out in accordance with row 1 of the following table; or
 - (b) if the material is not vertically below the line—any part of the material is within—
 - (i) the minimum horizontal distance, worked out in accordance with row 2 of the following table, from the vertical projection below the line; and
 - (ii) the minimum vertical distance, worked out in accordance with row 1 of the following table, below the horizontal projection from any part of the line.

	column A	column B	column C	column D	column E
	direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
row 1	vertical projection below the aerial line	2.7m	3.7m	4.6m	5.0m
row 2	horizontally, from any point of the vertical projection below the aerial line	1.5m	2.0m	2.7m	3.0m

Note Symbols used in the table are defined in the dictionary.

22 Clearances from aerial lines—aircraft

A person must not, without reasonable excuse, launch, release, operate, fly or land any aircraft, glider, hang glider, hot air balloon, parachute, mechanically propelled model aircraft, model glider or kite within 50m of an aerial line.

Maximum penalty: 10 penalty units.

23 Clearances from aerial lines—vehicles

- (1) A person must not, without reasonable excuse, operate a vehicle on land if any part of the vehicle is too close to an aerial line.

Maximum penalty: 10 penalty units.

- (2) In this regulation:

vehicle includes any load on the vehicle but does not include mobile plant to which regulation 24 applies.

- (3) A part of a vehicle is too close to an aerial line if at any time it is within the minimum distance from any part of the line worked out in accordance with the following table:

direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable where- $33 \text{ kV} < U \leq 132 \text{ kV}$
any direction	0.3m	0.6m	0.9m	2.1m

Note Symbols used in the table are defined in the dictionary.

24 Clearances from aerial lines—mobile plant, vessels

- (1) A person must not, without reasonable excuse, operate mobile plant if any part of the plant is too close to an aerial line.

Maximum penalty: 10 penalty units.

(2) In subregulation (1):

mobile plant means a crane, elevating work platform, tip truck or similar plant, any equipment fitted with a jib or boom, or any device for raising or lowering a load.

(3) A person must not, without reasonable excuse, operate a vessel on water if any part of the vessel is too close to an aerial line.

Maximum penalty: 10 penalty units.

(4) A part of a mobile plant or vessel is too close to an aerial line if at any time it is within the minimum distance from any part of the line worked out in accordance with the following table:

direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
any direction	1.0m	1.0m	3.0m	3.0m

Note Symbols used in the table are defined in the dictionary.

25 Clearances from aerial lines—vegetation

(1) A lessee of Territory land must not, without reasonable excuse, allow any part of a tree or other vegetation on the land to be too close to an aerial line.

Maximum penalty: 10 penalty units.

(2) A person must not, without reasonable excuse, prune or clear a tree or other vegetation if any part of the tree or vegetation is likely to fall too close to an aerial line.

Maximum penalty: 10 penalty units.

- (3) A part of a tree or other vegetation is too close to an aerial line if at any time it is within the minimum distance from any part of the line worked out in accordance with the following table:

direction in which minimum distance must be observed	minimum distance from insulated aerial cable or insulated aerial service line, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or covered aerial cable, where- $U \leq 1 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $1 \text{ kV} < U \leq 33 \text{ kV}$	minimum distance from aerial conductor or aerial cable, where- $33 \text{ kV} < U \leq 132 \text{ kV}$
any direction	1.0m	1.5m	2.0m	3.0m

Note Symbols used in the table are defined in the dictionary.

26 Measuring clearances from aerial lines

For these regulations, the minimum distance from any part of an aerial line is to be measured from the nearest point to which the line sags or swings.

27 Placing of materials near substations or switchyards

A person must not, without reasonable excuse—

- (a) place or keep any timber or other flammable material closer than 3m in any direction from a wall or fence of a substation, or switchyard, that forms part of an electricity network; or
- (b) place or keep any material in a way that is likely to—
 - (i) impede access to any door, gate or entrance of a substation, or switchyard, that forms part of an electricity network; or
 - (ii) interfere with the free flow of air through any opening or fitting used for ventilation in the walls of a substation, or switchyard, that forms part of an electricity network.

Maximum penalty: 10 penalty units.

28 Attachments, or climbing, on electricity network facility

- (1) A person must not, without reasonable excuse, attach a thing to an electricity network facility if it is likely to interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

- (2) A person must not, without reasonable excuse, climb an electricity network facility.

Maximum penalty: 10 penalty units.

Part 4 **Water and sewerage network facilities**

29 **Throwing objects at facilities**

A person must not, without reasonable excuse, throw or otherwise project an object—

- (a) with intent to strike a water or sewerage network facility; or
- (b) if the object is likely to strike a water or sewerage network facility;

if the striking is likely to endanger any person or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

30 **Driving etc over underground water or sewerage network facilities**

A person must not, without reasonable excuse, drive a vehicle, or operate plant, machinery or equipment, over an underground water or sewerage network facility if it is likely to damage the facility or endanger its safe or efficient operation.

Maximum penalty: 10 penalty units.

31 **Underground water or sewerage network facilities**

A person must not, without reasonable excuse, place or keep, above or adjacent to an underground water or sewerage network facility, any corrosive, abrasive, heavy or harmful material or substance that is likely to damage the facility or endanger its safe or efficient operation.

Maximum penalty: 10 penalty units.

32 Excavating

A person must not, without reasonable excuse—

- (a) cut away, excavate or remove any earth or material supporting or covering a water or sewerage network facility in a way that is likely to damage the facility or endanger its safe or efficient operation; or
- (b) make an excavation deeper than 0.3m within 0.6m of any wall, fence or foundation of a structure that forms part of a water or sewerage network.

Maximum penalty: 10 penalty units.

33 Changing ground level

A person must not, without reasonable excuse, change the ground level above or adjacent to a water or sewerage network facility if that is likely to damage the facility, endanger its safe or efficient operation, or impede reasonable access to it for the purposes of its operation.

Maximum penalty: 10 penalty units.

34 Climbing on water or sewerage network facilities

A person must not, without reasonable excuse, climb a water or sewerage network facility.

Maximum penalty: 10 penalty units.

35 Entry to water or sewerage network facilities

A person must not, without reasonable excuse, enter a water or sewerage network facility.

Maximum penalty: 10 penalty units.

36 Work on water or sewerage network facilities etc

- (1) A person must not, without reasonable excuse, *work* on—

(a) a water or sewerage network facility; or

(b) a pipe that communicates with such a facility;

in a way that is likely to endanger people or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

(2) In this regulation:

work includes installation and removal.

Part 5 Gas network facilities

37 Throwing objects at facilities

A person must not, without reasonable excuse, throw or otherwise project an object—

- (a) with intent to strike a gas network facility; or
- (b) if the object is likely to strike a gas network facility;

if the striking is likely to endanger any person or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

38 Driving etc over underground gas network facilities

A person must not, without reasonable excuse, drive a vehicle, or operate plant, machinery or equipment, over an underground gas network facility if it is likely to damage the facility or endanger its safe or efficient operation.

Maximum penalty: 10 penalty units.

39 Underground gas network facilities

A person must not, without reasonable excuse, place or keep, above or adjacent to an underground gas network facility, any corrosive, abrasive, heavy or harmful material or substance that is likely to damage the facility or endanger its safe or efficient operation.

Maximum penalty: 10 penalty units.

40 Excavating

A person must not, without reasonable excuse—

- (a) cut away, excavate or remove any earth or material near, supporting or covering a gas network facility in a way that is

likely to damage the facility or endanger its safe or efficient operation; or

- (b) make an excavation deeper than 0.3m within 0.6m of any wall, fence or foundation of a structure that forms part of a gas network.

Maximum penalty: 10 penalty units.

41 Changing ground level

A person must not, without reasonable excuse, change the ground level above or adjacent to a gas network facility if that is likely to damage the facility, endanger its safe or efficient operation, or impede reasonable access to it for the purposes of its operation.

Maximum penalty: 10 penalty units.

42 Climbing on gas facilities

A person must not, without reasonable excuse, climb a gas network facility.

Maximum penalty: 10 penalty units.

43 Work on gas network facilities etc

- (1) A person must not, without reasonable excuse, *work* on—
- (a) a gas network facility; or
- (b) a pipe or equipment directly connected to, but not part of, such a facility;

in a way that is likely to endanger people or property or interrupt or endanger the safe or efficient operation of the facility.

Maximum penalty: 10 penalty units.

- (2) In this regulation:
work includes installation or removal.

Dictionary

(see reg 3)

aerial cable means any insulated or covered conductor or assembly of cores (with or without protective covering) that is above ground or water, suspended in the open air between 2 or more supports and forms part of an electricity network.

aerial conductor means any bare conductor that is above ground or water, suspended in the open air between 2 or more supports and forms part of an electricity network.

aerial line means an aerial cable, aerial conductor or aerial service line.

aerial service line means the final span or section of a low voltage aerial conductor of an upstream network that is connected to a point of supply.

conductor means a finished circular stranded assembly consisting of 3 or more metallic wires laid up together that has the specific function of carrying electrical current.

covered conductor means a conductor around which is applied a specified thickness of insulating material.

electricity network facility means any part of the infrastructure of an electricity network.

gas network facility means any part of the infrastructure of a gas network.

insulated, for a thing, means the thing is surrounded by a nonconducting substance that provides resistance to—

- (a) the passage of current; or
- (b) disruptive discharges through or over the surface of the thing at the operating voltage; or

(c) the injurious leakage of current.

sewerage network facility means any part of the infrastructure of a sewerage network.

structure means a thing constructed by people and attached to land, or buried within land.

U, for an aerial line, means its nominal voltage.

switchgear means the equipment for controlling the distribution of electrical energy or for controlling or protecting circuits, machines, transformers or other equipment.

water network facility means any part of the infrastructure of a water network.

< means less than.

≤ means less than or equal to.

Endnotes

Notification

- 1 Notified in Gazette 2001 No 34 on 23 August 2001.

Penalty units

- 2 The *Legislation Act 2001*, section 133 deals with the meaning of offence penalties that are expressed in penalty units.