



Australian Capital Territory

# **Utilities (Electricity Restrictions) Regulation 2004**

**SL2004-61**

made under the

**Utilities Act 2000**

**Republication No 4**

**Effective: 1 July 2011 – 13 October 2015**

Republication date: 1 July 2011

Last amendment made by [A2011-22](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Utilities (Electricity Restrictions) Regulation 2004*, made under the *Utilities Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Utilities (Electricity Restrictions) Regulation 2004

made under the

**Utilities Act 2000**

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Australian Capital Territory

# Utilities (Electricity Restrictions) Regulation 2004

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made under the

**Utilities Act 2000**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Utilities (Electricity Restrictions) Regulation 2004*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*emergency controller*—see the *Emergencies Act 2004*, dictionary' means that the term 'emergency controller' is defined in that dictionary and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

### 5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Electricity restriction scheme

### 6 Approved electricity restriction scheme

- (1) The Minister may approve a scheme to restrict the use of electricity (the *approved electricity restriction scheme*) if satisfied that the scheme is necessary to—
  - (a) facilitate, as far as practicable, the provision of efficient, reliable and sustainable electricity services by utilities to consumers; or
  - (b) protect the interests of consumers; or
  - (c) manage the safety and security of the electricity network; or
  - (d) protect public safety.
- (2) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### 7 Scope of electricity restriction scheme

- (1) The Minister may approve an electricity restriction scheme under section 6 only if the scheme provides for—
  - (a) the imposition of restrictions in different stages; and
  - (b) a range of restriction measures that may be imposed under each stage.
- (2) An approved electricity restriction scheme may include provision for a utility to exempt a consumer from an electricity restriction if the restriction would cause the consumer serious detriment.

### 8 Public inspection of scheme documents

- (1) The director-general must name a place where copies of a document or documents setting out the approved electricity restriction scheme may be inspected.



- (2) An instrument under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## **9 Declaration of electricity restriction stages**

- (1) The Minister may declare that a stage of an approved electricity restriction scheme is in force.
- (2) The declaration must be in accordance with the approved electricity restriction scheme.
- (3) The declaration must state—
- (a) the stage to which it applies; and
  - (b) the restriction measures, including their duration or maximum duration, that may be imposed under that stage; and
  - (c) that a utility may, under section 10, impose those restriction measures; and
  - (d) the period (not longer than 3 months) the declaration is in force.
- (4) To remove any doubt, the Minister may make more than 1 declaration in relation to the same stage of electricity restrictions.
- (5) A declaration is a notifiable instrument.

*Note 1* A notifiable instrument must be notified under the [Legislation Act](#).

*Note 2* The power to make a declaration includes the power to revoke the declaration (see [Legislation Act](#), s 46).

## **10 Utility may impose electricity restriction measures**

- (1) A utility may, in writing, impose electricity restriction measures under an electricity restriction stage in force under section 9.
- (2) The imposition must be in accordance with the approved electricity restriction scheme.

- (3) As soon as possible after imposing electricity restriction measures, the utility must ensure that public notice of the imposition is—
  - (a) broadcast in the ACT by television or radio; and
  - (b) published on the utility's internet web site; and
  - (c) published in a daily newspaper.
- (4) To remove any doubt, the utility may make more than 1 imposition of electricity restriction measures under an electricity restriction stage in force under section 9.
- (5) A failure to comply with subsection (3) does not affect the validity of the imposition.

## **11 Reports on electricity restrictions**

- (1) The director-general may require a utility to give the director-general reports about the effectiveness and operation of restrictions imposed under an approved electricity restriction scheme.
- (2) The requirement may include requirements about the content, frequency and timing of reports.
- (3) A utility must comply with the requirement.

## **12 State of emergency**

Restrictions imposed under this regulation have effect subject to the exercise of a function by an emergency controller under the [Emergencies Act 2004](#).

## Part 3 Enforcement

### 13 Meaning of *electricity restriction* for pt 3

In this part:

*electricity restriction* means an electricity restriction imposed under section 9 (Declaration of electricity restriction stages).

### 14 Contravening electricity restrictions

- (1) A person commits an offence if—
  - (a) the person is the occupier of premises; and
  - (b) electricity is used on the premises in contravention of an electricity restriction; and
  - (c) the electricity restriction has been notified by public notice under section 10 (Utility may impose electricity restriction measures).

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant did not know the electricity restriction had been imposed.

### 15 Directions by authorised people

- (1) This section applies if an authorised person believes on reasonable grounds that—
  - (a) electricity has been used, or is being used, on premises in contravention of an electricity restriction; or
  - (b) electricity has been used on premises in contravention of an electricity restriction and that a further contravention is likely.

- (2) The authorised person may give the occupier of the premises a written direction to take action stated in the direction to ensure that electricity is used in accordance with the electricity restrictions.
- (3) It is sufficient if the direction is addressed to ‘the occupier’ of the premises.
- (4) The direction may state a period in which the person must comply with the direction.
- (5) The direction may also be given—
  - (a) by leaving it in the letterbox at the premises; or
  - (b) by securing it in a conspicuous place at the premises.

*Note* For other ways in which the direction may be given, see the [Legislation Act](#), pt 19.5.

## **16 Contravening directions of authorised person**

- (1) A person commits an offence if—
  - (a) an authorised person has given the person a direction under section 15; and
  - (b) the person contravenes the direction.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

## **17 Power to enter premises**

- (1) This section applies if an authorised person believes on reasonable grounds that electricity has been used, or is being used, on premises in contravention of an electricity restriction.
- (2) For this regulation, an authorised person may enter any part of the premises (other than a part used for residential purposes) at any reasonable time, and—
  - (a) inspect the premises and anything on the premises; and

- (b) take action under section 19 (Ending unauthorised use of electricity).
- (3) For subsection (2), the authorised person may enter the premises with any necessary assistance and force.

## **18 Production of identity card**

An authorised person must not remain on premises entered under this part if, when asked by the occupier, the authorised person does not produce the authorised person's identity card for inspection by the occupier.

## **19 Ending unauthorised use of electricity**

- (1) An authorised person may arrange to stop the supply of electricity from the electricity network to premises if the person believes on reasonable grounds that a person is contravening a direction under section 15 (Directions by authorised people); or
- (2) An authorised person may also arrange to stop the supply of electricity from the electricity network to premises if the authorised person believes on reasonable grounds that—
  - (a) electricity is being used on premises in contravention of an electricity restriction; and
  - (b) a direction under section 15 is unlikely to end the contravention because, for example—
    - (i) the premises are unoccupied (whether temporarily or permanently); or
    - (ii) after making reasonable inquiries, the authorised person cannot find the occupier of the premises; or
    - (iii) the occupier is unlikely to comply with the direction; and

- (c) the contravention is likely to continue unless action is taken under this section.

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) The authorised person must give the occupier of the premises a written notice stating that the supply of electricity will be stopped.
- (4) It is sufficient if the notice is addressed to ‘the occupier’ of the premises.
- (5) The notice may also be given—
  - (a) by leaving it in the letterbox at the premises; or
  - (b) by securing it in a conspicuous place at the premises.

*Note* For other ways in which the direction may be given, see the [Legislation Act](#), pt 19.5.

## **20 Damage etc to be minimised**

- (1) In the exercise, or purported exercise, of a function under this regulation, an authorised person must take reasonable steps to ensure that the authorised person, and anyone helping the authorised person, causes as little inconvenience, detriment and damage as is practicable.
- (2) If an authorised person, or anyone helping an authorised person, damages anything in the exercise, or purported exercise, of a function under this regulation, the authorised person must give written notice of the particulars of the damage to the person whom the authorised person believes is the owner of the thing.
- (3) It is sufficient if the notice is addressed to ‘the occupier’ of the premises where the damage happened.

- (4) The notice may also be given—
- (a) by leaving it in the letterbox at the premises where the damage happened; or
  - (b) by securing it in a conspicuous place at those premises.

*Note* For other ways in which the direction may be given, see the [Legislation Act](#), pt 19.5.

## **21 Immunity from Liability**

- (1) A utility, an authorised person, a person helping an authorised person or anyone acting under the direction of a utility, is not liable for anything done or omitted to be done honestly—
- (a) in the exercise of a function under this regulation; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under this regulation.
- (2) Any liability that, apart from subsection (1), would attach to a person attaches instead to the Territory.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- contravene
- daily newspaper
- director-general (see s 163)
- Minister (see s 162).

*Note 3* Terms used in this regulation have the same meaning that they have in the [Utilities Act 2000](#) (see [Legislation Act](#), s 148.) For example, the following terms are defined in the [Utilities Act 2000](#), dict:

- authorised person
- premises.

***approved electricity restriction scheme***—see section 6.

***electricity restriction***, for part 3 (Enforcement)—see section 13.

***emergency controller***—see the [Emergencies Act 2004](#), dictionary.

***identity card*** means an identity card issued under section 115 of the [Act](#) identifying a person as an authorised person for this regulation.

***utility*** means electricity distributor.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Utilities (Electricity Restrictions) Regulation 2004 SL2004-61**

notified LR 21 December 2004

s 1, s 2 commenced 21 December 2004 (LA s 75 (1))

remainder commenced 22 December 2004 (s 2)

as amended by

#### **Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.75**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.75 commenced 22 September 2009 (s 2)

#### **Emergencies Amendment Act 2010 A2010-17 sch 1 pt 1.2**

notified LR 12 May 2010

s 1, s 2 commenced 12 May 2010 (LA s 75 (1))

sch 1 pt 1.2 commenced 20 August 2010 (s 2 and [CN2010-8](#))

#### **Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.164**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.164 commenced 1 July 2011 (s 2 (1))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Dictionary**

s 3 am [A2010-17](#) amdt 1.5

#### **Approved electricity restriction scheme**

s 6 am [A2009-20](#) amdt 3.217

#### **Public inspection of scheme documents**

s 8 am [A2009-20](#) amdt 3.217; [A2011-22](#) amdt 1.456

#### **Declaration of electricity restriction stages**

s 9 am [A2009-20](#) amdt 3.217

#### **Reports on electricity restrictions**

s 11 am [A2011-22](#) amdt 1.457

**State of emergency**s 12 am [A2010-17](#) amdt 1.6**Dictionary**dict am [A2009-20](#) amdt 3.216; [A2011-22](#) amdt 1.458  
def **emergency controller** ins [A2010-17](#) amdt 1.7  
def **territory controller** om [A2010-17](#) amdt 1.8**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 22 Dec 2004	22 Dec 2004– 21 Sept 2009	not amended	new regulation
R2 22 Sept 2090	22 Sept 2009– 19 Aug 2010	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R3 20 Aug 2010	20 Aug 2010– 30 June 2011	<a href="#">A2010-17</a>	amendments by <a href="#">A2010-17</a>

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