Examined and certified by:

Clerk of the Parliament

In the name and on behalf of His Majesty King Charles III, I hereby assent to this Act this 12th day of February, 2026

King's Representative

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An Act to repeal the Energy Act 1998 and to provide for the regulation of the providers of utility services in the Cook Islands.

The Parliament of the Cook Islands enacts as follows—

1 Title
This Act is the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2026.

2 Commencement
This Act comes into force on 1 April 2025.

Part 1
Preliminary matters

3 Purpose
The purposes of this Act are the following:

(a) to provide for the regulation of providers of utility services in the Cook Islands, in particular, the providers of electricity, water, and sewerage services:

(b) to provide for the regulation of electrical workers and water network technicians and of network equipment and customer equipment:

(c) to protect the consumer rights of those who use utility services:

(d) related purposes.

4 Interpretation

(1) In this Act, unless the context otherwise requires,—

Authority means the Competition and Regulatory Authority established by the Competition and Regulatory Authority Act 2019

certificate of competency means a certificate issued under section 53

Consumer Protection Code means the code made under section 17(1)

Court means the High Court of the Cook Islands

customer equipment—

(a) means any equipment that is connected to or used with, or intended to be connected to or used with, a utility service; but

(b) does not include equipment that is used, or intended to be used, in a utility network (*see* the corresponding definition of network equipment)

customer service guarantees means the minimum guarantees specified under section 14

Electrical Code of Practice means the code issued under section 39

Electrical Inspector means a person appointed under section 36

electrical worker means a person carrying out electrical work

Electrical Workers Registration Board or **Board** means the Board established under section 50

electricity network means infrastructure that—

(a) consists of any of the following:

(i) generators:

(ii) poles:

(iii) ducts:

(iv) cables:

(v) conductors:

(vi) transformers:

(vii) a thing that is ancillary to a part of the infrastructure described in any of subparagraphs (i) to (vi); and

(b) is used, or intended to be used, for the purpose of providing electricity services by a person to the premises of another person

electricity service means the generation, transmission, or distribution of electricity by means that include an electricity network and includes any service that is declared by the Minister to be an electricity service by notice published in the *Gazette*

end user means a person (and includes a customer) who is the ultimate recipient of a utility service or of another service the provision of which is dependent on that utility service including customer equipment

exempt network means any utility network that—

(a) is owned or operated by the Island Government of—

(i) Mangaia:

(ii) Atiu:

(iii) Mauke:

(iv) Mitiaro:

(v) Penrhyn:

(vi) Manihiki:

(vii) Rakahanga:

(viii) Palmerston:

(ix) Pukapuka and Nassau; or

(b) is the water network owned or operated by the Island Government of Aitutaki; or

(c) is the Te Puka Sanitation System; or

(d) is an electricity network capable of supplying not more than 50,000kWh annually of metered or unmetered electricity to fewer than 6 premises that are owned by a person other than the owner of the network; or

(e) is declared by the Minister to be an exempt network by notice published in the *Gazette*

exempt service means any utility service that—

(a) is supplied directly or indirectly by the Island Government of—

(i) Mangaia:

(ii) Atiu:

(iii) Mauke:

(iv) Mitiaro:

(v) Penrhyn:

(vi) Manihiki:

(vii) Rakahanga:

(viii) Palmerston:

(ix) Pukapuka and Nassau; or

(b) is a water service supplied by the Island Government of Aitutaki; or

(c) is a sewerage service supplied by means of the Te Puka Sanitation System; or

(d) comprises the supply of not more than 50,000kWh annually of metered or unmetered electricity to fewer than 6 premises that are owned by a person other than the owner of the network; or

(e) is declared by the Minister to be an exempt service by notice published in the *Gazette*

Industry Code means a code made under section 19

internet site means an internet site that is available to the public and free of charge

Island Government has the meaning given in the Island Government Act 2012-13

management banning order means an order made under section 51

market means a market in the Cook Islands for goods or services as well as other goods or services that, as a matter of fact and commercial common sense, are substitutable for them

Minister means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

network equipment means equipment used, or intended to be used, in a utility network and excludes customer equipment

prohibited equipment means any equipment prohibited under section 46

Public Health Act 2024 includes the Public Health Act 2004 to the extent that it remains in force

registered electrical worker means a person who is registered as an electrical worker under section 33

registered water network technician has the meaning given in section 40(3)

regulations means regulations made under this Act

regulatory breach has the meaning given in section 50

regulatory enactment has the meaning given in the Competition and Regulatory Authority Act 2019

service charge means the amount payable by a customer for a utility service, whether specified as a price or rate, or calculated in accordance with a formula, or determined by another method

Service Pricing Principles means the principles made under section 25

service quality indicator means an indicator established under section 12(1)

sewerage network means infrastructure that—

(a) consists of any of the following:

(i) sewerage storage, trunk sewers, mains, or treatment plants:

(ii) pumps, facilities, and equipment for conveying sewage or monitoring or controlling the conveyance of sewage:

(iii) other pipes or equipment:

(iv) a thing that is ancillary to a part of the infrastructure described in any of subparagraphs (i) to (iii); and

(b) is used, or intended to be used, for the purpose of providing sewerage services by a person to the premises of another person

sewerage service means the conveyance, collection, treatment, or disposal of sewage by a person from the premises of another person by means that include a sewerage network and includes any service that is declared by the Minister to be a sewerage service by notice published in the *Gazette*

technical standards means the standards made under section 44

utility network or **network** means any of the following:

(a) an electricity network:

(b) a sewerage network:

(c) a water network:

(d) a network declared by the Minister to be a utility network, by notice published in the *Gazette*

utility service or **service** means any of the following (*see also* subsection (2)):

(a) electricity services:

(b) sewerage services:

(c) water services:

(d) a service declared by the Minister to be a utility service, by notice published in the *Gazette*

utility service provider or **service provider** or **provider** means any person who provides or offers to provide a utility service in the Cook Islands

water network means infrastructure that—

(a) consists of any of the following:

(i) water storage, mains, and treatment plants:

(ii) pumps, facilities, and equipment for distributing water or monitoring or controlling the distribution of water:

(iii) other pipes or equipment:

(iv) a thing that is ancillary to a part of the infrastructure described in any of subparagraphs (i) to (iii); and

(b) is used, or intended to be used, for either or both of the following purposes:

(i) the collection and treatment of water for distribution by a person to the premises of another person:

(ii) the distribution of water by a person for supply to the premises of another person

water service means any of the following:

(a) the collection or treatment, or both, of water for distribution through a water network:

(b) the distribution of water through a water network:

(c) the supply of water from a water network to premises for consumption:

(d) the connection of premises to a water supply:

(e) making a water network available for the distribution or supply of water or the connection of premises to a water supply:

(f) any service that is declared by the Minister to be a water service by notice published in the *Gazette*.

(2) To avoid doubt, none of the following are utility services:

(a) broadcasting, as defined in section 2 of the Broadcasting Act 1989:

(b) radiocommunications, as defined in section 5 of the Telecommunications Act 2019:

(c) a telecommunications service, as defined in section 5 of the Telecommunications Act 2019:

(d) postal services:

(e) a service that is an exempt service or that is provided by means of an exempt network.

5 Relationship with Competition and Regulatory Authority Act 2019

Nothing in the Competition and Regulatory Authority Act 2019 limits or affects anything in this Act.

6 Act binds the Crown

This Act binds the Crown.

Part 2
Authority

7 Competition and Regulatory Authority

(1) The Authority has the functions and powers conferred by this Act.

(2) In exercising any power or performing any function under this Act or the regulations, the Authority must have regard to the matters that will promote the long-term benefit of end users, as set out in subsection (3).

(3) The long-term benefit of end users will be promoted by—

(a) efficient pricing and use of, and sustainable investment in, utility networks:

(b) innovation in, and in the use of, utility networks and utility services:

(c) outcomes for end users in the Cook Islands that match or exceed those for end users in comparable countries:

(d) effective and fair regulation of the supply of utility services:

(e) efficient use of scarce resources required for utility networks and utility services:

(f) equitable access to utility services for end users within the boundaries of a utility network:

(g) development and retention in the Cook Islands of personnel with technical skills:

(h) fair and transparent dealing between utility service providers and end users.

(4) In exercising any power or performing any function under Parts 7 to 9, the Authority must have regard to the safety of end users of utility services and members of the public in the Cook Islands.

Part 3
Non-discrimination, Consumer Protection Code, and Industry Codes

Subpart 1—Non-discrimination

8 Non-discrimination

(1) Except as expressly allowed by this Act, a utility service provider must not discriminate between any persons or classes of persons to whom it offers a utility service or customer equipment.

(2) Except as expressly allowed by this Act, a utility service provider must not discriminate between any persons or classes of persons by withholding or refusing to offer or supply a utility service or customer equipment.

(3) In this section, discriminate means to treat any persons or classes of persons differently in relation to—

(a) the terms and conditions on which the provider offers a utility service or customer equipment; or

(b) charges, except to the extent that the discrimination only makes reasonable allowance for difference in the cost or likely cost of providing the service or equipment; or

(c) the performance characteristics of the service or equipment.

(4) *See* the following for examples of different treatment allowed by this Act:

(a) section 9 (commercial considerations as grounds for discrimination):

(b) section 17(2)(l) and (m) (the Consumer Protection Code may deal with the provision of utility services or customer equipment to people with disabilities or serious medical conditions or low-income customers):

9 Permitted grounds for discrimination

(1) Section 8 does not prohibit a utility service provider from discriminating between any persons or classes of persons:

(a) with reference to whether the supply is for private, domestic, purposes, as opposed to commercial purposes:

(b) on commercially reasonable grounds:

(c) on operationally reasonable grounds (for example, to manage supply during short-term periods of excess demand or constrained supply).

(2) The Authority may require a utility service provider to demonstrate that particular discrimination between persons or classes of persons is justified on grounds permitted by this section, if the Authority suspects that the provider is in breach of section 8.

10 Facilities sharing

A contract, arrangement, or understanding between utility service providers, or between a utility service provider and 1 or more other persons, to use, own, or hold an interest together in any utilities network, or to lease or otherwise share any network equipment, does not contravene section 8 if the terms and conditions of the contract, arrangement, or understanding do not unreasonably limit sharing the network equipment with other utility service providers, or as the case may be, other persons.

Subpart 2—Consumer protection

11 Misleading or deceptive conduct

(1) A utility service provider must not make or cause to be made any claim or representation concerning its services, facilities, network, or equipment, or those of a competing utility service provider, that is misleading or deceptive or likely to mislead or deceive.

(2) A person who contravenes subsection (1) is liable to a pecuniary penalty set by regulations.

12 Service quality indicators

(1) The Authority may, by written determination, require a utility service provider to—

(a) establish indicators for assessing the quality of any particular utility service offered to end users, including a specified method by which those indicators will be assessed (**service quality indicators**); and

(b) submit proposed indicators, or proposed changes to indicators, to the Authority for its approval; and

(c) make any changes to indicators that are required by the Authority; and

(d) report to the Authority annually (or at any intervals that the Authority may reasonably require) on its performance against the applicable indicators.

(2) An indicator does not have effect in relation to any characteristic of a water service that is the subject of a regulation or standard under the Public Health Act 2024.

(3) If a utility service provider fails to establish, submit, or make changes to indicators in accordance with subsection (1)(a), (b), or (c), the Authority may determine the indicators that will apply and give notice in writing to the service provider and that provider must then comply with those indicators.

(4) A utility service provider that fails to report in accordance with subsection (1)(d) is deemed to have materially contravened a term or condition of its utility licence unless—

(a) the report is provided by a time required by the Authority; and

(b) the Authority is satisfied that the provider had good reason for not providing the report when first required.

13 Performance remediation plans

(1) If a utility service provider fails to meet an applicable service quality indicator, it must,—

(a) within 30 days after providing the relevant performance report under section 12(1)(d), provide to the Authority, for its approval, a draft remediation plan to address the performance failure; and

(b) if the Authority directs the service provider to revise the draft remediation plan, revise it as directed by the Authority and resubmit it for approval by the Authority.

(2) The Authority may approve a remediation plan (or revised remediation plan) if the Authority is satisfied that action by the utility service provider in compliance with the plan will improve the quality of the utility services to which it relates.

(3) If a utility service provider fails to provide the Authority with a draft remediation plan (or revised remediation plan), the Authority may, by written determination, determine a remediation plan to address the performance failure.

(4) A utility service provider must comply with any remediation plan approved by the Authority under subsection (2) or determined by the Authority under subsection (3).

(5) A decision by the Authority under this section is reviewable by a Review Panel appointed under the Competition and Regulatory Authority Act 2019 on application by the utility service provider.

14 Customer service guarantees

(1) The Authority may, by notice published in the *Gazette*, specify or amend minimum customer service guarantees that utility service providers must comply with in relation to any the following:

(a) making arrangements with customers about the period required to connect them to specified kinds of utility services:

(b) the periods that service providers may offer to customers when making those arrangements:

(c) compliance by service providers with the terms of those arrangements:

(d) the period taken to comply with requests to rectify faults or service difficulties relating to specified kinds of utility services:

(e) keeping appointments to meet customers, or representatives of customers, if the appointment relates to a new service connection or rectification of a fault or service difficulty:

(f) any other matter concerning the supply, or proposed supply, of a utility service to a customer.

(2) Before specifying a customer service guarantee or amending it, the Authority must publish a draft version of the proposed or amended customer service guarantee and must—

(a) give notice of the proposed or amended customer service guarantee in whatever way the Authority considers appropriate to bring it to the

attention of persons who the Authority considers are likely to be affected by it; and

(b) give interested persons a reasonable opportunity to make comments on it; and

(c) consider all relevant comments received within any time frames set.

(3) The Authority may also revoke all or part of a customer services guarantee and the requirements of subsection (2)(a) to (c) apply to a proposal to do so.

(4) A customer service guarantee must specify a scale of compensation for contraventions, including—

(a) categories of contraventions; and

(b) the amount of compensation payable for a contravention in each of those categories, which must not exceed $5,000.

(5) If a utility service provider has contravened an applicable customer service guarantee, it must pay compensation to the customer in the amount specified in the guarantee.

(6) A claim for compensation under this section must be made within 6 months after the customer became aware or ought reasonably to have become aware of the circumstances giving rise to the claim.

(7) If a customer claims compensation for contravention of a customer service guarantee,—

(a) the customer must in the first instance submit a claim for compensation to the relevant utility service provider; and

(b) if the customer is dissatisfied with the response of the utility service provider to the claim, then—

(i) the customer may apply to the Authority for assistance in relation to the claim; and

(ii) the Authority must consult the customer and the utility service provider regarding the alleged contravention; and

(iii) after considering the information received from the parties (within any time frames set), inform them of the Authority's opinion as to whether or not compensation is due.

(8) A customer may recover any compensation to which the customer is entitled under this section by action against the utility service provider in any court or tribunal of competent jurisdiction.

(9) To avoid doubt, a customer may not waive a customer service guarantee.

15 Standard terms

(1) A utility service provider must ensure that the standard terms and conditions on which it offers services to end users are—

(a) fair and reasonable; and

(b) expressed in plain language.

(2) A utility service provider must, at the time that it offers a utility service or customer equipment to end users,—

(a) publish on its internet site, and make available for inspection at its offices, the standard terms and conditions (including the price) for that service; and

(b) provide a copy to the Authority.

(3) A utility service provider must, at the time that it changes any of the standard terms and conditions (including the price) on which it offers a utility service or customer equipment to end users,—

(a) publish on its internet site, and make available for inspection at its offices, the new standard terms and conditions (including the price) for that service; and

(b) provide a copy to the Authority.

(4) The terms and conditions on which a utility service or customer equipment are supplied to an end user are—

(a) if the utility service provider and the end user agree on those terms and conditions, the agreed terms and conditions; and

(b) if the utility service provider and the end user do not agree on terms and conditions but standard terms and conditions are published on the service provider's internet site in accordance with this section, those standard terms and conditions, so far as they are applicable to the relevant supply.

16 Complaints and disputes

(1) A utility service provider must establish a procedure for dealing with complaints from and disputes with customers that—

(a) is expeditious, fair, and reasonable; and

(b) is expressed in plain language; and

(c) provides remedies, including refunds and compensation where circumstances warrant; and

(d) is available on its internet site.

(2) A customer who considers that a complaint or dispute has not been handled by a utility service provider in accordance with its complaints and disputes procedure may apply to the Authority for an order—

(a) requiring the utility service provider to consider or reconsider the complaint or dispute in accordance with its complaints and disputes policy; or

(b) requiring the utility service provider to provide the customer with any form of remedy permitted by its complaints and disputes policy.

(3) A utility service provider must, on or before 31 March each year, report to the Authority on—

(a) the types and number of complaints and disputes received by it during the preceding calendar year; and

(b) the manner in which they were all resolved; and

(c) the number of complaints or disputes it declined to deal with under subsection (4).

(4) A utility service provider may decline to deal with any complaint or dispute that it considers on reasonable grounds to be frivolous or vexatious.

17 Consumer Protection Code

(1) The Authority may by written determination, in consultation with the public and utility service providers, make or amend a code for the protection of end users'

rights as consumers of utility services or customer equipment (the **Consumer Protection Code**).

(2) The Consumer Protection Code may deal with any of the following, so far as they relate to a utility service provider providing or offering utility services or customer equipment to end users:

(a) advertising and promotion, including offering discounts, rebates, gifts, or incentives:

(b) the supply, connection, and use of customer equipment, including the right of customers to use customer equipment supplied by a third party:

(c) the nature, extent, and availability of information about the pricing, quality, features, functions, or use of (including any restrictions on the use of) a utility service or item of customer equipment:

(d) terms that must be included in a contract for supply of a utility service, including any circumstances in which a term may be waived or modified:

(e) the nature, extent, and availability to end users of information, by means of SMS, email alerts, or online metering, regarding their usage of a utility service and the credit consumed or charges incurred in the use of the utility service:

(f) outbound telemarketing or email marketing:

(g) the way in which a utility service or customer equipment is marketed to the public or customers at the point of sale:

(h) billing, including requirements for itemised billing:

(i) the retention of documents:

(j) the circumstances in which a utility service may be suspended or disconnected by a utility service provider, and the procedures for suspension and disconnection:

(k) the transfer of end users between utility service providers:

(l) provision of utility services to customers with disabilities or serious medical conditions:

(m) provision of utility services to low-income customers or customers with poor credit worthiness:

(n) credit policy, including checking of credit worthiness with, or reporting credit problems to, third parties:

(o) complaint or dispute processes:

(p) the steps that an end user may take to seek compliance with the code:

(q) the role and functions of the Authority in relation to the code.

(3) Before making the Consumer Protection Code or amending it, the Authority must publish a draft version of the proposed or amended code and must—

(a) give notice of the proposed code or amended code in whatever way the Authority considers appropriate to bring it to the attention of persons who the Authority considers are likely to be affected by it; and

(b) give interested persons a reasonable opportunity to make comments on it; and

(c) consider all relevant comments received within any time frames set.

(4) The Authority may also revoke all or part of the Consumer Protection Code and the requirements of subsection (3)(a) to (c) apply to a proposal to do so.

(5) A utility service provider must comply with the Consumer Protection Code.

Subpart 3—Confidentiality and privacy

18 Confidential information

(1) A utility service provider must not, except as authorised under this section, collect, use, or disclose information about the affairs or particular details of a person except to the extent reasonably necessary for the purposes of conducting the service provider's business.

(2) A utility service provider must ensure that information it collects, uses, or discloses about a person is accurate and complete for the purposes for which it is to be used.

(3) A utility service provider must allow a person, for no charge, to inspect relevant records regarding them and must correct or remove any information about the person that the person shows to be incorrect.

(4) A utility service provider must publish on its internet site a statement disclosing—

(a) the purposes for which information about persons is collected, used, or disclosed by the utility service provider; and

(b) that any person is entitled to inspect relevant records regarding that person, free of charge; and

(c) that the utility service provider is required to correct or remove any information about a person that the person shows to be incorrect.

(5) The Authority may, by written direction,—

(a) prohibit or restrict the collection, use, maintenance, or disclosure of specified information relating to customers, including information about billing:

(b) authorise or require the disclosure of specified information relating to customers in specified circumstances or to specified persons:

(c) require a utility service provider to correct, delete, or destroy any specified information.

(6) Subject to subsection (5), this section does not prohibit the collection, use, or disclosure of particular information by a utility service provider if—

(a) the utility service provider believes on reasonable grounds that the collection, use, or disclosure of the information is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of a person; or

(b) the collection, use, or disclosure of the information is required by a lawful warrant or order of the Court or by the law of the Cook Islands; or

(c) the person to whom the information relates has consented to the collection, disclosure, or use in the circumstances concerned.

Subpart 4—Industry Codes

19 Industry Codes

(1) The Authority may, by written determination, in consultation with the public and utility service providers, make or amend 1 or more codes for utilities service providers (each being an **Industry Code**) setting out required practices, standards, and other matters relevant to the provision of a utility service.

(2) An Industry Code may deal with any of the following:

(a) the boundaries of a utility network:

(b) connection of a utility service to the premises of a customer:

(c) service standards:

(d) the protection of customers:

(e) the handling and resolution of complaints by or disputes with customers:

(f) the metering of utility services:

(g) the provision of utility services generally:

(h) the termination or suspension of utility services:

(i) disconnections from a utility network:

(j) arrangements between utility service providers concerning the use of a utility network:

(k) the development of a utility network:

(l) the steps that an end user may take to seek compliance with an Industry Code:

(m) the role and functions of the Authority in relation to an Industry Code.

(3) Before making an Industry Code or amending it, the Authority must publish a draft version of the proposed or amended code and must—

(a) give notice of the proposed or amended code in whatever way the Authority considers appropriate to bring it to the attention of persons who the Authority considers are likely to be affected by it; and

(b) give interested persons a reasonable opportunity to make comments on it; and

(c) consider all relevant comments received within any time frames set.

(4) The Authority may also revoke all or part of an Industry Code and the requirements of subsection (3)(a) to (c) apply to a proposal to do so.

(5) The Authority may have regard to any failure by a particular utility service provider to comply with an Industry Code when performing a function or exercising a power under this Act, the regulations, or the Competition and Regulatory Authority Act 2019 in relation to that service provider.

(6) A utility service provider must comply with an applicable Industry Code.

Part 4
Tariffs

20 Utility service must be tariffed

(1) A utility service provider must not supply or offer to supply a utility service to the public unless the service is included in a tariff that has been approved by the Authority.

(2) A utility service provider may at any time submit to the Authority a written tariff.

(3) A tariff submitted to the Authority under subsection (2) must comply with section 21 and with the Service Pricing Principles.

(4) The Authority must, within 10 working days after the submission of a tariff to it, notify the relevant utility service provider—

(a) that the Authority approves that tariff; or

(b) that the Authority declines to approve that tariff.

(5) The Authority must decline to approve a tariff if the Authority is not satisfied that—

(a) the tariff complies with—

(i) section 21 of this Act;

(ii) the Service Pricing Principles; and

(iii) any applicable regulations; and

(b) the terms and conditions of the tariff, including as to price, are reasonable in the circumstances.

(6) If the Authority has not given notice under subsection (4) within 10 working days after the submission of a tariff to it, approval is deemed to have been declined.

21 Content of tariffs

(1) A tariff must be in writing in a form approved by the Authority.

(2) A tariff must state the period (the **term**) for which it is intended to be in force, which must not begin—

(a) before 10 working days after submission of that tariff to the Authority; or

(b) before the expiry or termination of any other tariff that applies to the same utility service.

(3) A tariff must set out, in relation to each utility service that the utility service provider proposes to offer during the term,—

(a) a description of the service; and

(b) the particulars of the service charges payable for the service and how those will be determined; and

(c) the units of measurement in which the service will be supplied; and

(d) the terms and conditions on which the service will be supplied; and

(e) any discounts, allowances, rebates, or credits to be given or allowed on the supply of the service; and

(f) any goods or other services to be supplied in connection with the service; and

(g) the prices payable for any goods or other services to be supplied in connection with the service, or the rates at which charges payable for the goods or other services will be determined; and

(h) any other relevant information the Authority may reasonably require to be included.

(4) A tariff must be written in plain language and must contain sufficient detail to enable an end user to work out the charges payable for the supply of the service in particular cases.

(5) If a tariff is accompanied by a document setting out terms and conditions on which the utility service provider proposes to supply a service described in the tariff, the document is taken to be part of the tariff.

22 Publication of tariffs

A utility service provider must, as soon as reasonably practicable after a tariff has been approved by the Authority, make the text of that tariff available on the utility service provider's internet site.

23 Supply in accordance with tariffs

(1) A utility service provider must not supply or offer to supply a utility service—

(a) for a service charge that exceeds the maximum service charge specified in or calculated in accordance with the applicable tariff; or

(b) on terms and conditions that are less favourable in any respect than those set out in the tariff.

(2) A utility service provider that contravenes subsection (1) is deemed to have materially contravened a term or condition of its utility licence.

(3) The Authority may, by notice published in the *Gazette*, exempt (including on conditions) from subsection (1)—

(a) a specified utility service provider or class of utility service providers; or

(b) a specified utility service or kind of utility service.

(4) The Authority must have regard to the long-term benefit of end users (described in section 7(3)) when determining whether to give an exemption under subsection (3).

(5) The Authority must, if it gives an exemption under subsection (3), publish its reasons for doing so as soon as reasonably practicable on its internet site.

24 Withdrawal and revocation of tariffs

(1) The Authority may revoke approval of a tariff at any time, by notice in writing to the utility service provider, if the Authority is satisfied on reasonable grounds that—

(a) the tariff is false or misleading in a material particular; or

(b) the tariff does not comply or no longer complies with subsection 20(5).

(2) A utility service provider must, if a tariff is revoked under subsection (1), cease providing the utility services comprised in that tariff within 30 days after the notice is given, unless subsection (3) applies.

(3) A utility service provider may, if a tariff is revoked under subsection (2), continue to provide the services comprised in that tariff only—

(a) if the utility service provider has submitted to the Authority a new tariff in substitution for a tariff revoked under subsection (2) within 30 days after the notice is given; and

(b) after the Authority makes a decision only if it approves the new tariff.

Part 5
Service Pricing Principles, Reviews, and Tariff Determinations

25 Service Pricing Principles

(1) The Minister may, acting on the advice of the Authority, determine or amend principles to be applied by the Authority (**Service Pricing Principles**) when setting tariffs.

(2) The Authority must, not later than 12 months after the date on which this Act commences, provide the Minister with recommended Service Pricing Principles.

(3) Service Pricing Principles must specify the utility service or services to which they apply.

(4) Service Pricing Principles may relate to any of the following:

(a) pricing methodologies:

(b) methodologies for evaluating or determining the following matters for determining service rates for utility services:

(i) appropriate economic returns from the services, for example, the cost of capital:

(ii) appropriate valuation and replacement of assets, including depreciation, and treatment of capital expenditures and revaluations:

(iii) appropriate estimation of operating costs:

(iv) allocation of common costs, including between activities, businesses, customer classes, and geographic areas:

(v) treatment of taxation:

(vi) incidence of charges on particular services:

(vii) procedures and rules in relation to developing Service Pricing Principles, including procedures for information sharing and preparing worked examples.

(5) In the course of developing recommended Service Pricing Principles, the Authority—

(a) may publish notices, consultation documents, or papers in whatever way it considers appropriate to bring them to the attention of persons who the Authority considers are likely to be affected by the principles; and

(b) must give interested persons a reasonable opportunity to make comments; and

(c) may hold 1 or more conferences; and

(d) must consider all relevant comments received within any time frames set.

(6) The Service Pricing Principles must be published in the *Gazette*.

(7) The Authority—

(a) must review the Service Pricing Principles no later than 7 years after the date on which they were made and, after that, at intervals of not more than 7 years; and

(b) may review the Service Pricing Principles from time to time on its own initiative; and

(c) must give notice of a review in whatever way it considers appropriate to bring it to the attention of persons who the Authority considers are likely to be affected by the principles; and

(d) must give interested persons a reasonable opportunity to provide comments on the review; and

(e) may hold 1 or more conferences; and

(f) must consider all relevant comments received within any time frames set; and

(g) may recommend to the Minister any variation to the Service Pricing Principles that the Authority considers necessary or desirable.

Part 6
Electrical workers and Electrical Code of Practice

Subpart 1—Practising Licence

26 Prescribed electrical work only by licensed electrical worker

(1) A person must not carry out any of the kinds of electrical work prescribed by regulations unless that person—

(a) holds a current practising licence to perform work of that kind; or

(b) is carrying out that work under the direct supervision of a person who holds a current practising licence to perform work of that kind.

(2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $20,000 or imprisonment for a term not exceeding 24 months, or both:

(b) in any other case, a fine not exceeding $150,000.

27 Practising licences

(1) The Authority may issue a practising licence to any person or renew a person's licence who—

(a) is a registered electrical worker; and

(b) has completed any training requirement specified by the Authority as a condition of the practising licence issue or renewal; and

(c) has applied on the prescribed form; and

(d) has paid the prescribed fee.

(2) A practising licence expires on the date, or at the end of the period, specified in the practising licence.

(3) A practising licence may be issued—

(a) in any form; and

(b) subject to restrictions on the kinds of prescribed electrical work the holder is permitted to perform; and

(c) subject to any terms and conditions that the Authority may from time to time determine.

(4) The Authority must, when determining whether to issue a practising licence, have regard to the advice of the Electrical Workers Registration Board.

28 Examinations and rules for practising licences

The Authority may from time to time prescribe, in relation to any category of practising licence,—

(a) qualifying examinations:

(b) criteria for eligibility:

(c) rules to be observed by the holder of a practising licence.

29 Suspension and cancellation of practising licences

(1) The Authority may, by notice in writing to a practising licence holder, cancel, suspend, or restrict a practising licence if the Authority is satisfied on reasonable grounds that—

(a) the practising licence holder is not, or has ceased to be, a registered electrical worker; or

(b) the practising licence holder has ceased to be qualified to hold the practising licence; or

(c) the practising licence holder has breached a term or condition of the practising licence and failed to remedy the breach within a reasonable time of being notified of it; or

(d) the practising licence holder has been convicted of an offence against this Act or the regulations; or

(e) the practising licence holder has incurred a pecuniary penalty under the regulations; or

(f) the practising licence holder has failed to pay prescribed fees; or

(g) it is desirable in the public interest to do so.

(2) If subsection (1) applies, the Authority may determine—

(a) that the person's practising licence be cancelled; or

(b) that the person's practising licence be suspended for any period the Authority thinks fit; or

(c) that the person's practising licence be suspended until the time the person has—

(i) completed any specified course of training; or

(ii) passed any specified examination; or

(iii) completed and passed both; or

(d) that the person's practising licence be restricted for any period the Authority thinks fit—

(i) by limiting the kinds of electrical work that the person can carry out; or

(ii) by limiting the circumstances in which the person can carry out electrical work.

(3) The Authority must, in exercising a power under this section, have regard to the advice of the Electrical Workers Registration Board.

(4) To avoid doubt, the Authority must not require the person to pay any fine or costs.

30 Review of suspension or cancellation of practising licence

A decision by the Authority to suspend or cancel a practising licence is reviewable by the Review Panel under the Competition and Regulatory Authority Act 2019.

Subpart 2—Registration of electrical workers

31 Electrical Workers Registration Board

(1) The Minister may appoint up to 5, but not less than 3, suitably qualified persons as members of the Electrical Workers Registration Board.

(2) Each member of the Board must be appointed for a term not exceeding 3 years but may from time to time be reappointed.

(3) A member of the Board may at any time—

(a) resign from membership by notice in writing to the Minister:

(b) be removed from membership by the Minister for inability to perform the functions of the office, insolvency, neglect of duty, or misconduct proved to the reasonable satisfaction of the Minister.

(4) A member is entitled to be paid remuneration, allowances, and expenses that are prescribed by regulations.

(5) Members of the Board have no civil, criminal, or administrative liability (and no damages or penalties may be imposed on them) for any act or matter done or omitted to be done in good faith in the exercise or intended exercise of their functions under this Act, the regulations, or any regulatory enactment.

32 Meetings and functions of Electrical Workers Registration Board

(1) The Electrical Workers Registration Board must meet when requested to do so by the Authority and not less than 4 times annually.

(2) At any meeting of the Board,—

(a) the quorum necessary for the transaction of business is 3 members; and

(b) the members present must appoint one of their number to chair the meeting; and

(c) all questions arising must be decided by a majority of the votes of members present and voting; and

(d) subject to this Act, the Board may regulate its procedure in the manner it thinks fit.

(3) The functions of the Board are to consider, and advise the Authority on,—

(a) applications for or relating to practising licences under section 27:

(b) applications for or relating to registration under section 33:

(c) suspension, cancellation, or variation of a person's registration or practising licence:

(d) measures to ensure the competence of registered persons in the field of electrical work.

(4) Without limiting subsection (3), the Board may, on its own initiative or on request by the Authority, advise the Authority on any matter relevant to the safety of prescribed electrical work.

33 Register of electrical workers

(1) The Authority must establish and maintain a register of registered electrical workers.

(2) A person who meets the criteria set out in regulations may apply to the Authority to be registered by—

(a) applying on the prescribed form; and

(b) completing any training requirements specified by the Authority as a condition of the issue or renewal of registration; and

(c) paying the prescribed fee.

(3) The Authority must include on the register—

(a) the details of persons whom the Authority is satisfied have the necessary qualifications, skills, training, and experience to be registered; and

(b) any relevant limits on the kinds of electrical work the person is qualified to carry out or the circumstances in which the person may carry out electrical work; and

(c) relevant particulars of any proceeding under this Act or the regulations or regulatory enactment in which the person was convicted of an offence or held liable to pay a pecuniary penalty.

(4) The Authority must, when determining whether to include the details of a person on the register, have regard to—

(a) the advice of the Electrical Workers Registration Board; and

(b) the criteria set out in the regulations.

(5) The Authority must make the register available for inspection by any person free of charge—

(a) at the offices of the Authority during ordinary business hours; and

(b) on its internet site; and

(c) in any other manner the Authority considers appropriate.

(6) The Authority may omit confidential information from any entry made in the register under this section and, if confidential information has been omitted, that fact must be disclosed on the register.

34 Suspension or cancellation of registration

(1) The Authority may exercise a power under subsection (2) if the Authority is satisfied on reasonable grounds that—

(a) the person is found to have not been eligible for registration; or

(b) the person has ceased to be eligible for registration; or

(c) the person has breached a term or condition of the person's registration or practising licence and has failed to remedy the breach within a reasonable time of being notified of it; or

(d) the person has been convicted of an offence under this Act or the regulations; or

(e) the person has incurred a pecuniary penalty under the regulations; or

(f) the person has failed to pay prescribed fees; or

(g) it is desirable in the public interest to do so.

(2) If subsection (1) applies, the Authority may determine—

(a) that the person's registration be cancelled; or

(b) that the person's registration be suspended for any period the Authority thinks fit; or

(c) that the person's registration be suspended until the person has—

(i) completed any specified course of training; or

(ii) passed any specified examination; or

(d) that the person's registration be restricted for any period the Authority thinks fit—

(i) by limiting the kinds of electrical work that the person can carry out; or

(ii) by limiting the circumstances in which the person can carry out electrical work.

(3) The Authority must promptly amend the register to give effect to any decision under this section.

(4) The Authority must, when exercising a power under this section, have regard to the advice of the Electrical Workers Registration Board.

(5) To avoid doubt, the Authority must not require the person to pay any fine or costs under this section.

35 Review of suspension or cancellation of registration

A decision by the Authority to suspend or cancel the registration of a registered electrical worker is reviewable by the Review Panel under the Competition and Regulatory Authority Act 2019.

Subpart 3—Inspections and investigations

36 Electrical Inspectors

(1) The Authority may appoint 1 or more suitably qualified persons as Electrical Inspectors.

(2) The Authority may appoint 1 Electrical Inspector as Chief Electrical Inspector.

(3) An Electrical Inspector may be appointed on the terms and conditions the Authority considers appropriate, including on a temporary or part-time basis.

(4) To avoid doubt, a person is not ineligible for appointment as an Electrical Inspector solely by reason that the person is in business or has other employment.

(5) The Authority must take steps to ensure that Electrical Inspectors—

(a) promote the compliance of all electrical work and electrical installations with applicable regulations, standards, and codes; and

(b) inspect and examine all new electrical work and electrical installations for compliance with applicable regulations, standards, and codes; and

(c) recommend to the Authority whether or not the Authority should give new electrical work and electrical installations any approval required under relevant regulations, standards, or codes; and

(d) investigate and report to the Authority on matters referred to them by the Authority, including accidents under section 38.

37 Powers and immunity of Electrical Inspectors

(1) An Electrical Inspector may enter, inspect, and examine any place or vessel that the Inspector has reason to believe—

(a) is a place at which or vessel on which electrical work is being, or has recently been, carried out; or

(b) is a place at which or a vessel on which electrical generation equipment is installed; or

(c) has been the site of an accident referred to in section 38; or

(d) is a place or vessel to which the inspector reasonably requires access in order to perform a function under this Act or the regulations.

(2) A person must not knowingly obstruct or interfere with an Electrical Inspector exercising a power under this section.

(3) A person who, without reasonable excuse, contravenes subsection (2) is guilty of an offence and liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $5,000, or imprisonment for a term not exceeding 6 months, or both:

(b) in any other case, a fine not exceeding $50,000.

(4) Electrical Inspectors have no civil, criminal, or administrative liability (and no damages or penalties may be imposed on them) for any act or matter done or omitted to be done in good faith in the exercise or intended exercise of their functions under this Act, the regulations, or a regulatory enactment.

38 Electrical work accidents

(1) If an electrical worker or any other person has been killed or injured in the course of electrical work being carried out,—

(a) that person's employer must report the accident as soon as practicable to the Authority; and

(b) the Authority must investigate the accident and report its findings to the Minister, if requested by the Minister; and

(c) the Authority may investigate the accident and report its findings to the Minister on its own initiative.

(2) The Authority must, each year, provide the Minister with—

(a) a summary of all accidents investigated by the Authority; and

(b) any recommendations the Authority has for improving the safety of electrical workers, electrical work, and electrical installations; and

(c) any recommendations the Electrical Workers Registration Board has made to the Authority for improving the safety of electrical workers, electrical work, and electrical installations.

(3) To avoid doubt, an obligation under this section to report or investigate an accident does not exclude or limit the application of any other enactment in relation to the same accident.

Subpart 4—Electrical Code of Practice

39 Authority may issue Electrical Code of Practice

(1) The Authority may issue or amend an Electrical Code of Practice.

(2) Before issuing the Electrical Code of Practice or amending it, the Authority must publish a draft version of the proposed or amended code and must—

(a) give notice of the proposed or amended code in whatever way the Authority considers appropriate to bring it to the attention of persons who the Authority considers are likely to be affected by it; and

(b) give interested persons a reasonable opportunity to make comments on it; and

(c) consider all relevant comments received within any time frames set.

(3) The Authority may also revoke all or a part of the Electrical Code of Practice and the requirements of subsection (2)(a) to (c) apply to a proposal to do so.

(4) The Authority must make a current version of the Electrical Code of Practice available on its internet site.

(5) The Electrical Code of Practice may make provision for any matter falling within the functions and powers of the Authority under this Act or the regulations, including the following:

(a) standards or specifications for electrical works and electrical installations:

(b) inspection and assessment of electrical works and electrical installations:

(c) the safety of persons and property.

(6) The Electrical Code of Practice is not binding on persons to whom it applies.

(7) Without limiting other matters to which the Authority may have regard, the Authority must have regard to the Electrical Code of Practice if it is relevant to a determination being made under this Part.

Part 7
Water Network Technicians

40 Work on water network only by registered water network technicians

(1) A person must not carry out work on a water network unless that person—

(a) is a registered water network technician; or

(b) is carrying out that work under the direct supervision of a registered water network technician.

(2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $20,000 or imprisonment for a term not exceeding 24 months, or both:

(b) in any other case, a fine not exceeding $150,000.

(3) In this section, **registered water network technician** means a person who is registered as a water network technician under section 41.

41 Register of water network technicians

(1) The Authority must establish and maintain a register of registered water network technicians.

(2) A person who meets the criteria set out in regulations may apply to the Authority to be registered by—

(a) applying on the prescribed form; and

(b) completing any training requirements specified by the Authority as a condition of the issue or renewal of registration; and

(c) paying the prescribed fee.

(3) The Authority must include on the register—

(a) the details of persons whom the Authority is satisfied have the necessary qualifications, skills, training, and experience to be registered; and

(b) any relevant limits on the kinds of work the person is qualified to carry out or the circumstances in which the person may carry out work; and

(c) relevant particulars of any proceeding under this Act or the regulations or regulatory enactment in which the person was convicted of an offence or held liable to pay a pecuniary penalty.

(4) The Authority must, when determining whether to include the details of a person on the register, have regard to the criteria set out in the regulations.

(5) The Authority must make the register available for inspection by any person free of charge—

(a) at the offices of the Authority during ordinary business hours; and

(b) on its internet site; and

(c) in any other manner the Authority considers appropriate.

(6) The Authority may omit confidential information from any entry made in the register under this section and, if confidential information has been omitted, that fact must be disclosed on the register.

42 Suspension or cancellation of registration

(1) The Authority may exercise a power under subsection (2) if the Authority is satisfied on reasonable grounds that—

(a) the person is found to have not been eligible for registration; or

(b) the person has ceased to be eligible for registration; or

(c) the person has breached a term or condition of the person's registration and failed to remedy the breach within a reasonable time of being notified of it; or

(d) the person has been convicted of an offence against this Act or the regulations; or

(e) the person has incurred a pecuniary penalty under the regulations; or

(f) the person has failed to pay prescribed fees; or

(g) it is desirable in the public interest to do so.

(2) If subsection (1) applies, the Authority may determine—

(a) that the person's registration be cancelled; or

(b) that the person's registration be suspended for any period the Authority thinks fit; or

(c) that the person's registration be suspended until the time the person has—

(i) completed any specified course of training; or

(ii) passed any specified examination; or

(d) that the person's registration be restricted for any period the Authority thinks fit—

(i) by limiting the kinds of work on a water network that the person can carry out; or

(ii) by limiting the circumstances in which the person can carry out work on a water network.

(3) The Authority must promptly amend the register to give effect to any determination under this section.

(4) To avoid doubt, the Authority must not require the person to pay any fine or costs under this section.

43 Review of suspension or cancellation of registration

A decision by the Authority to suspend or cancel registration of a registered water network technician is reviewable by the Review Panel under the Competition and Regulatory Authority Act 2019.

Part 8
Technical standards and prohibited equipment

44 Determination of technical standards

(1) The Authority may, by notice published in the *Gazette*, make or amend technical standards for any of the following:

(a) utility networks:

(b) network equipment:

(c) customer equipment:

(d) electrical consumer products:

(e) features of electrical consumer products that are designed to cater for the special needs of persons with disabilities:

(f) energy efficiency characteristics of electrical equipment, electrical consumer products, and electrical services:

(g) interconnection of utility service providers' utility networks:

(h) the supply of water or sewerage services.

(2) The Authority may, by notice published in the *Gazette*, prescribe or amend an approval process, including conditions that apply, for approval of utility equipment for importation to the Cook Islands.

(3) The Authority may, by notice in the *Gazette*, adopt or incorporate (including by reference), with or without modifications, any technical standards or approval processes—

(a) of other countries; or

(b) under the Infrastructure Act 2019.

(4) Before making any technical standard or prescribing any approval process, or amending it, the Authority must —

(a) in the case of utility networks and network equipment, first consult with the relevant service provider to ascertain whether there is any reasonable need for any technical standard or approval process to be imposed; and, in every case:

(i) publish a draft version of the proposed or amended technical standard or approval process and must—

(ii) give notice of the proposed or amended technical standard or approval process in whatever way the Authority considers appropriate to bring it to the attention of persons who the Authority considers are likely to be affected by it; and

(iii) give interested persons a reasonable opportunity to make comments on it; and

(iv) consider all relevant comments received within any time frames set.

(5) The requirements of subsection (4)(a) to (c) also apply to action taken by the Authority under subsection (3).

(6) The Authority may also revoke all or part of a technical standard or approval process and the requirements of subsection (4)(a) to (c) apply to a proposal to do so.

(7) The Authority must publish any technical standards and approval processes referred to in subsections (1) to (3), on its internet site.

(8) A regulation made under the Infrastructure Act 2019 prevails over a technical standard referred to in this section in the event of any inconsistency between them.

(9) In making any technical standard or prescribing any approval process, the Authority must have regard to the need to ensure against or minimise—

(a) damage to utility networks; and

(b) quality degradation to utility services; and

(c) public nuisance; and

(d) risk to public health and safety.

(10) To avoid doubt, technical standards may not include standards relating to access to land.

45 Compliance with technical standards

(1) A utility service provider must ensure that the following comply with any applicable technical standard:

(a) utility services offered by it:

(b) its utility network:

(c) its network equipment:

(d) any customer equipment or electrical consumer products offered by it.

(2) The Authority may have regard to any failure by a particular service provider to comply with a technical standard when performing a function or exercising a power under this Act, the regulations, or the Competition and Regulatory Authority Act 2019 in relation to that service provider.

46 Prohibited equipment

(1) The Authority may, by written determination, identify specified equipment or equipment of a specified kind or class to be prohibited equipment.

(2) The Authority may also amend a determination under subsection (1) by removing or adding items from or to it.

(3) The Authority must, before making or amending a determination,—

(a) give notice of the proposed determination or amended determination in a manner the Authority considers appropriate to bring it to the attention of persons who the Authority considers likely to be affected by it; and

(b) give interested persons a reasonable opportunity to make comments on the proposed determination or amended determination; and

(c) consider all relevant comments received within any time frames set.

(4) The Authority must, when making or amending a determination, have regard to the need to prevent or minimise all of the following:

(a) risk to public health and safety:

(b) public nuisance:

(c) degradation of utility service quality:

(d) damage to utility networks.

(5) The Authority must publish a determination or amended determination in the *Gazette*, on its internet site, and in a newspaper circulated in the Cook Islands, within 14 days after it has been made.

(6) A person must not, without reasonable excuse,—

(a) operate or supply any equipment that the person knows, or ought reasonably to have known, is prohibited equipment; or

(b) have possession of equipment that the person knows, or ought reasonably to have known, is prohibited equipment for the purpose of operating or supplying it.

(7) A person who contravenes subsection (6) commits an offence and is liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $5,000, or imprisonment for a term not exceeding 6 months, or both:

(b) in any other case, a fine not exceeding $50,000.

Part 9
Miscellaneous provisions

Enforcement

47 Proceedings for offences

(1) Proceedings in relation to an offence under this Act or the regulations may be commenced and continued by the Authority or a person authorised in writing by the Authority to do so.

(2) However, subsection (1) does not limit the operation of any other law or the power of the Attorney-General under section 10 of the Crown Law Office Act 1980 relating to the institution and conduct of proceedings.

48 General penalty for offences

A person who commits an offence against this Act or the regulations, for which no penalty is otherwise provided by this Act or the regulations, is liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $20,000, or imprisonment for a term not exceeding 24 months, or both:

(b) in any other case, a fine not exceeding $150,000.

49 Proceedings for pecuniary penalties

(1) The Authority may apply to the Court for an order requiring a person to pay a pecuniary penalty that is prescribed by this Act or the regulations for a breach of this Act or the regulations.

(2) For any pecuniary penalty, the regulations may prescribe—

(a) a particular amount; or

(b) a maximum amount.

(3) The Court may grant the order if the Court is satisfied, on the balance of probabilities, that the person has breached the provision of this Act or the regulations or committed a regulatory breach to which the penalty relates.

(4) If a maximum amount is set for a pecuniary penalty, an order must require the person to pay an amount up to the maximum that the Court determines to be appropriate, having regard to all relevant matters, including—

(a) the nature of the person's conduct; and

(b) the circumstances in which the conduct took place; and

(c) the nature and extent of any gain made, or loss avoided, by the person as a result of the conduct; and

(d) the nature and extent of any loss or damage suffered by anyone else as a result of the conduct; and

(e) whether the person has previously been found to have breached this Act or the regulations or committed a regulatory breach.

(5) If conduct by a person constitutes a breach of 2 or more provisions of this Act or the regulations or regulatory breaches for which there is a pecuniary penalty,—

(a) a proceeding may be brought against that person for the breach of any 1 or more of the provisions; but

(b) no person is liable to have more than 1 order made under this section for the same conduct.

(6) A person cannot be ordered to pay a pecuniary penalty, and be liable for a fine or to imprisonment under any enactment, for the same conduct.

(7) A proceeding under this section is a civil proceeding and the usual rules of court and rules of evidence and procedure for civil proceedings apply (including the standard of proof).

(8) A proceeding under this section must be commenced within 10 years after the conduct giving rise to the relevant breach of this Act or the regulations or regulatory breach occurred.

50 Regulatory breaches

(1) A person must comply with an obligation imposed on that person under any of the following and a failure to do so is a **regulatory breach**:

(a) an applicable Industry Code or the Consumer Protection Code:

(b) a technical standard made under this Act:

(c) a utility licence or practising licence issued under this Act:

(d) any lawful direction or determination given, or condition imposed, by the Authority under this Act.

(2) The Authority may, if it reasonably considers that a person has breached subsection (1), apply to the Court for—

(a) a pecuniary penalty:

(b) any orders the Court has jurisdiction to make.

51 Management banning orders

(1) The Court may, on application by the Authority, make a management banning order against an individual if the individual has been convicted of an offence, or held liable for a pecuniary penalty, under this Act or the regulations and they—

(a) have on 1 or more occasions in the previous 3 years been convicted of an offence, or held liable for a pecuniary penalty, under this Act or the regulations; and

(b) the Court is satisfied that the order is necessary having regard to the risk of a further breach of this Act or the regulations by the individual or by a body corporate in which the individual has a management function or role.

(2) The period specified in the order must not exceed 2 years

(3) An individual who is the subject of a management banning order must not, during the period specified in the order, without the leave of the Court, be a director of or be otherwise involved in, the management of a body corporate in the Cook Islands.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding $20,000 or imprisonment for a term not exceeding 1 year.

52 Other orders

(1) The Court may make the orders it sees fit if it is satisfied that a person has engaged, is engaging, or is intending to engage in conduct that breaches or is likely to breach any of the following:

(a) this Act:

(b) the regulations:

(c) an applicable Industry Code or the Consumer Protection Code:

(d) a technical standard made under this Act:

(e) a utility licence or practising licence issued under this Act:

(f) any lawful direction or determination given, or condition imposed, by the Authority under this Act.

(2) Without limiting subsection (1), the Court may make any of the following orders:

(a) an order requiring a person to cease or refrain from engaging in specified conduct:

(b) an order requiring the provision of corrective information or other information to the public, or to classes of persons, about relevant services or service charges:

(c) an order requiring that money paid by customers for utility services be refunded to them:

(d) an order requiring the repair or replacement of goods, the reprovision of utility services, or the provision of services to correct the effects of the breach:

(e) an order declaring any relevant agreement void or voidable at the election of the person who has been supplied relevant utility services:

(f) an order varying any agreement for the supply of utility services:

(g) an order that the defendant pay all or part of the costs incurred by the Authority in investigating the breach or offence and bringing the proceedings:

(h) an order directing a person who has breached section 26 or 27 to dispose of whatever was transferred to or acquired by them to the extent specified in the order.

(3) An order under subsection (2)(h) may be made at any time within 2 years after the date on which the breach occurred.

Certificates of competency

53 Certificates of competency issued by Electrical Workers Registration Board

The Electrical Workers Registration Board may, in compliance with any requirements prescribed by regulations,—

(a) conduct examinations of electrical workers who apply to be granted a certificate of competency; and

(b) issue a certificate of competency to an electrical worker who achieves the required standard in their examination.

Regulations

54 Regulations

The King's Representative may, by Order in Executive Council, on the advice of the Minister given in accordance with a recommendation of the Authority, make regulations for all or any of the following purposes:

(a) providing for any matters that this Act says must or may be prescribed, provided for, set, or otherwise dealt with by or in regulations; or

(b) prescribing offences and penalties for breaches of the regulations; or

(c) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

Repeal, amendments, and savings

55 Repeal of Energy Act 1998

The Energy Act 1998 is repealed.

56 Amendments to Acts

The Acts listed in Schedule 1 are amended as set out in that schedule.

57 Saving of Energy Regulations

(1) Subject to subsection (2), the Energy Regulations 2006 continue in force, and may be amended, revoked, or replaced, as if they were made under section 80.

(2) The Energy Regulations 2006 apply with any modifications necessary to ensure consistency with this Act.

58 Saving of licences, registrations, codes, and appointments

(1) A licence or registration under the Energy Act 1998 or a code made under the Energy Regulations 2006 continues to have effect for the purposes of subsection (2) if it—

(a) is referred to in column 2 of the table set out in Schedule 2; and

(b) was in force immediately before the commencement of this Act.

(2) The licence, registration, or code—

(a) continues to have effect (on the same terms) after the commencement of this Act as if it had been issued or made by the Authority as the licence, registration, or code referred to as the corresponding item in column 3 of the table set out in Schedule 2; and

(b) is taken, for all purposes, to have been made by the Authority under this Act.

(3) A person appointed under the Energy Regulations 2006 as an Inspector at the time of commencement of this Act is deemed to have been appointed as an Electrical Inspector under this Act.

(4) A person appointed under the Energy Regulations 2006 as the Chief Electrical Inspector at the time of commencement of this Act is deemed to have been appointed as the Chief Electrical Inspector under this Act.

Schedule 1
Amendments to Acts

Control of Prices Act 1966

In section 2, definition of services, after "servant", insert "but *see* section 29A, which disapplies the Act for specified utility services".

After section 29, insert:

"**29A Act does not apply to utility services**

"This Act does not apply to any utility service under the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2024."

Disaster Risk Management Act 2007

In the Schedule, after the item relating to all schools and tertiary institutions, insert:

"All utility service providers as defined in the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2024"

Te Aponga Uira O Tumu-Te-Varovaro Act 1991

After section 2, insert:

"**2A Inconsistency with Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2024**

"If a provision of this Act and a provision of the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2026 are inconsistent, the provision of this Act prevails to the extent of the inconsistency."

In section 17(2)(c), after "for providing energy", insert "that comply with the Utilities Regulations (Electricity, Water, and Sewerage Services) Act 2024"

To Tatou Vai Act 2021

Replace section 26(2) with:

"(2) Subject to subsection (2A), the Authority may—

"(a) set and charge tariffs to customers for the supply of water; and

"(b) set and impose charges for the connection of a water supply.

"(2A) Tariffs must comply with the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2024."

Replace section 26(6) with:

"(6) If the Authority imposes tariffs or charges, they—

"(a) must be reviewed in advance on an annual basis; and

"(b) may be varied to the extent necessary to comply with section 31; and

"(c) may be varied at any time for the purpose of ensuring compliance with the Utilities Regulation (Electricity, Water, and Sewerage Services) Act 2024."

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Schedule 2
Continuing instruments

Column 1 Item	Column 2 Licence or registration issued under Energy Act 1998 or code made under Energy Regulations 2006	Column 3 Licence, registration, or code issued or made under this Act
1	Licence under section 6 of the Energy Act 1998	Utility licence under section 22
3	Practising license under section 19 of the Energy Act 1998	Practising licence for registered electrical worker under section 46
2	Registration under section 18 of the Energy Act 1998	Registration as a registered electrical worker under section 52
4	Electrical Code of Safety Practice under regulation 70 of the Energy Regulations 2006	Electrical Code of Practice under section 58

This Act is administered by the Ministry of Finance and Economic Management.
Printed under the authority of the Cook Islands Parliament—2026.