

Australian Capital Territory

Utilities (Gas Network Boundary Code) Determination 2012

Disallowable instrument DI2012–168

made under the

Utilities Act 2000, s 59 (Determined codes) and s 63 (Public access)

EXPLANATORY STATEMENT

Purpose of Gas Network Boundary Code

The Gas Network Boundary Code (the Code) is an industry code determined by the Independent Competition and Regulatory Commission (the Commission) under the *Utilities Act 2000* (the Utilities Act). The Code defines the boundary between a gas transmission network and a gas distribution network; connected gas distribution networks; and a gas distributor's network and a customer's premises.

The Code applies to Gas Distributors.

The Code is enforceable under the Utilities Act. The Commission is responsible for monitoring the compliance of utilities with this and other industry codes.

Legislative provisions — industry codes

The Utilities Act provides a regulatory framework for utilities in the ACT. Section 21 of the Act provides that a person must not provide a utility service except in accordance with a licence. Licences are subject to a number of conditions with which utilities are required to comply. For example, section 25 of the Act requires all licensees to comply with any relevant industry or technical codes.

Provisions relating to industry codes are set out in Part 4 of the Utilities Act. An industry code 'may set out practices, standards and other matters about the provision of a utility service'.

Section 59 of the Utilities Act provides for industry codes to be determined by the Commission. The Commission may determine an industry code if it has consulted with the Minister and the Minister responsible for technical regulation and is satisfied that the code is not inconsistent in material respects with another industry code or a technical code; and it is necessary or convenient to determine the code.

Section 60 of the Utilities Act sets out the public consultation requirements for industry codes to be followed unless the Commission is satisfied under section 61 that “the variation is unlikely to adversely affect anyone and would not materially alter the code”.

Under section 62 of the Utilities Act, an industry code determined under section 59 of the Act is a disallowable instrument.

Section 63 of the Utilities Act sets out a number of requirements relating to public access to industry codes.

Revocation and remaking of Code

This Disallowable Instrument revokes the Gas Network Boundary Code, which was determined on 21 December 2000, under the *Utilities (Industry Codes) Determination 2000* (DI2000-368) and determines a new Code as set out in the Attachment to the Disallowable Instrument.

This revocation and remaking process ensures that an authorised version of the Code is available through the Legislation Register.

Outline of the Code

The Code has been revoked and remade in the same terms as the previous Code. Proposed variations have not been included at this stage to allow for further consultation with the technical regulator and stakeholders.

The Code sets out the boundary between:

- a Gas Transmission Network and a Gas Distribution Network
- two Gas Distribution Networks
- a Gas Distribution Network and a Customer’s Premises.

The Code allows a customer and a gas distributor to agree on an alternative boundary. Both customer and gas distributor are defined in the Utilities Act. The gas distributor will be required to provide evidence of this agreement with their current customer if the Gas Distribution Network is inspected.

Consultation on variations to Code

In accordance with the Utilities Act, the Commission has consulted with relevant parties on the variations between the new and previous Codes. A notice was also published in the Canberra Times and on the Commission’s website inviting comments. The submissions received and the outcome of consultation is detailed on the Commission’s website.

In accordance with the requirements of the Utilities Act, the Commission consulted with the Minister and the Minister responsible for technical regulation and is satisfied that the Code is not inconsistent in material respects with another industry code or a technical code and it is necessary or convenient to determine the Code.

The Commission has had due regard to the submissions received in response to the consultation process.

Public access to the Code

Copies of the Gas Network Boundary Code are available for inspection by members of the public between 9:00 am and 5:00 pm, Monday to Friday, at the Commission's offices at Level 8, 221 London Circuit, Canberra City ACT and on the Commission's website (www.icrc.act.gov.au). Copies of these documents can be made at the Commission's offices. Electronic copies are available on request. No charge will apply.