

Australian Capital Territory

Utilities (Gas Network Capital Contribution Code) Revocation 2015

Disallowable Instrument DI2015-178

made under the

Utilities Act 2000, section 59 (determined codes) and *Legislation Act 2001, section 46* (power to repeal instrument).

EXPLANATORY STATEMENT

Section 59 of the *Utilities Act 2000* gives the Independent Competition and Regulatory Commission the power to determine industry codes. The determination of an industry code is a disallowable instrument.

Section 46(1) of the *Legislation Act 2001* provides that a power to make a statutory instrument includes the power to repeal the instrument.

The *Gas Network Capital Contribution Code* (DI2012-169) regulated the amount a gas distributor could charge a customer in relation to costs incurred by the distributor in developing its gas network in response to a customer's request.

On 1 July, 2012 the *National Energy Retail Law* was applied as a law of the Territory by the *National Energy Retail Law Act (ACT) 2012*. The creation of the National Energy Customer Framework transferred regulatory responsibility for energy industry from the Independent Competition and Regulatory Commission to the Australian Energy Regulator.

Due to transitional arrangements, the regulation of capital contribution for gas networks remained with the Independent Competition and Regulatory Commission. However, section 104 of the *National Energy Retail Law (Consequential Amendments) Act 2012* (commencing as a result of section 2(3) of the same Act) amends section 101 of the *Utilities Act* removing application to gas networks.

From 1 July 2015 gas network capital contributions in the Australian Capital Territory will be regulated by the *National Gas Rules*.