

# Utilities (Technical Regulation) (Gas Service and Installation Code) Approval 2021

## Disallowable instrument DI2021–219

made under the

Utilities (Technical Regulation) Act 2014, s 14 (Technical codes—approval)

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Utilities (Technical Regulation) (Gas Service and Installation Code) Approval 2021* as presented to the Legislative Assembly. It has been prepared to assist the reader of the disallowable instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

This statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Overview

This is a disallowable instrument under the *Utilities (Technical Regulation) Act 2014* (the **Act**). The Act provides a technical regulatory framework for regulated utilities in the Australian Capital Territory. Section 14 of the Act authorises the Minister to approve a technical code as recommended by the technical regulator.

This disallowable instrument is the *Utilities (Technical Regulation) (Gas Service and Installation Code) Approval 2021* (the **instrument**). The purpose of the instrument is to approve the making of the Gas Service and Installation Code 2021 and revoke the *Utilities (Gas Service and Installation Rules Code) Determination 2013* (DI2013-172). The Gas Service and Installation Code (the **Code**) is a technical code under part 3 of the Act. The Code is provided in schedule 1 of the instrument.

Technical codes must be consistent with the objects of the Act as follows:

- Ensuring safe, reliable and efficient delivery of regulated utility services
- Promotion of long-term serviceability of networks
- Promotion of networks' design integrity and functionality; and
- Safe and reliable operation of a regulated utility services.

The purpose of the Code is to ensure the safe, reliable and efficient installation, modification and operation and maintenance of gas connections and to set out the requirements for the utility in developing the Gas Service and Installation Rules (*GS&I Rules*). The code specifically states that the GS&I Rules, as developed by the utility and approved by the technical regulator, must be adhered to by other parties such as contractors, subcontractors, customers, property developers, builders and plumbers in order to achieve the purpose of the GS&I Rules and the Code.

The Code replaces the existing Gas Service and Installation Rules Code to modernise language and to ensure consistency with national legislation and standards and current practice.

The Code applies to a utility licensed to distribute gas through a gas distribution network within the ACT. It provides that a utility must conform, at a minimum, with the following relevant national standards:

- (a) AS/NZS 4645 – Gas Networks – network management
- (b) AS/NZS 5601 – Gas installations
- (c) AS/NZS 60079 – Explosive atmospheres.

These standards may be purchased at [www.standards.org.au](http://www.standards.org.au). The copyright in Australian Standards is owned by a non-government organisation, Standards Australia. While it may be prohibitive for members of the public to purchase these standards, undue expense is minimised as the only parties materially affected by the Code are regulated utilities. Ensuring the safe, reliable and efficient delivery of utility services, in conformance with Australian Standards or Australian/New Zealand Standards is core business for the utilities. The public can access copies of many national standards at the National Library of Australia.

The Code establishes the primary obligations of a utility, such as the requirement to manage the design and installation (among other things) of gas connections to ensure the safe, reliable and efficient supply of gas. The utility must ensure that gas connections only occur with its approval and must refuse to connect any unsafe or non-compliant gas connection. The Code also requires that a utility must not unreasonably refuse connection to the network.

The Code includes a framework for the development, consultation, approval, amendment and revision of the GS&I Rules. It also includes the scope of the GS&I Rules, including mandatory provisions.

The final part of the Code includes the inspection requirements to which the utility must adhere and the process and consequences in the event of a breach of the GS&I Rules by either the utility, customer or third party.

The Code is consistent with the objects of the Act and with the purposes of technical codes outlined in section 11 of the Act.

## **Consultation**

In accordance with section 13 of the Act, the technical regulator consulted the Independent Competition and Regulatory Commission and the relevant regulated utilities in preparing the Code.

## **Regulatory Impact Statement**

A regulatory impact statement for the instrument is not required in accordance with section 34 (1) of the *Legislation Act 2001*. The updates to the Code do not impose appreciable costs on the community, or part of the community. Further, a regulatory impact statement is unnecessary in accordance with section 36 (1) (b) of the *Legislation Act 2001*.

## **Human rights and Scrutiny of Committee Terms of Reference**

The instrument does not engage or limit any person's human rights.

The instrument is consistent with the Legislative Assembly's Scrutiny of Bills Committee Terms of Reference. In particular, the instrument:

- is made under a ministerial power found in the Act;
- is in accordance with the general objects of the Act under which the instrument is made;
- does not unduly trespass on rights previously established by law; and
- does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions.