

Australian Capital Territory

# Utilities (Technical Regulation) (Gas Metering Code) Approval 2021

Disallowable instrument DI2021–220

made under the

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

## EXPLANATORY STATEMENT

---

This explanatory statement relates to the *Utilities (Technical Regulation) (Gas Metering 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 Metering Code) Approval 2021* (the *instrument*). The purpose of the instrument is to approve the making of the Gas Metering Code 2021 and revoke the Gas General Metering Code, December 2000 (contained within DI2000-369). The Gas Metering Code 2021 (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 in section 6 as follows:

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

The purpose of the Code is to set out the requirements to ensure that gas delivered to customers through a gas distribution network is measured accurately. It replaces the

existing Gas General Metering Code to modernise language and 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 Distribution Networks – Network management.
- b) AS/NZS 4647 Diaphragm Gas Meters.
- c) AS/NZS 4944 Gas meters – In service compliance testing.

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 utilities. The public can access copies of many national standards at the National Library of Australia.

The Code establishes the design features and performance requirements for the metering equipment on a customer's premises to ensure the proper and accurate metering of gas being delivered by the utility.

The Code includes a framework for the testing of meters (before and after installation as relevant), managing meter life (including provision to extend meter life if appropriate) and managing the identification of defective meters including rectification or replacement as necessary.

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 Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) 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.