

Australian Capital Territory

Utilities (Technical Regulation) (Non-drinking Water Supply Code) Approval 2024

Disallowable instrument DI2024–126

made under the

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

EXPLANATORY STATEMENT

This explanatory statement relates to the *Utilities (Technical Regulation) (Non-drinking Water Supply Code) Approval 2024* 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.

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) (Non-drinking Water Code) Approval 2023* (the *instrument*). The purpose of the instrument is to approve the making of the Non-drinking Water Supply Code and revoke the *Utilities (Non-drinking Water Supply Code) Determination 2014 (DI2014-293)*.

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 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 the safe and reliable planning, design, construction, maintenance and operation of non-drinking water networks in delivering non-drinking water services to customers. It replaces the existing code to correct references to governing legislation (this code having been created under the *Utilities Act 2000* but now administered under the *Utilities (Technical Regulation) Act 2014*), and references to water and sewerage technical codes which have recently been replaced with the *Utilities (Technical Regulation) (Water and Sewerage Code) Approval 2024*.

The Code applies to a utility licensed to provide non-drinking water utility services within the ACT.

The Code is consistent with the objects of the Act and with 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 to create 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 new Code does 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.