

Climate Change and Greenhouse Gas Reduction Regulation 2011

SL2011-10

made under the

Climate Change and Greenhouse Gas Reduction Act 2010

Republication No 2

Effective: 8 December 2023 - 8 December 2025

Republication date: 8 December 2023

Last amendment made by SL2023-33

About this republication

The republished law

This is a republication of the Climate Change and Greenhouse Gas Reduction Regulation 2011, made under the Climate Change and Greenhouse Gas Reduction Act 2010 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes)) as in force on 8 December 2023. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 8 December 2023.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol $\boxed{\textbf{U}}$ appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Part 1 Preliminary

1 Name of regulation

This regulation is the Climate Change and Greenhouse Gas Reduction Regulation 2011.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

- Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.
- Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 New natural gas connections

Division 2.1 Definitions—pt 2

5 Definitions—pt 2

In this part:

class, for a building, means the class of building under the building code.

Note **Building code**—see the Legislation Act, dict, pt 1.

connection—see the Act, section 13A (4).

connection application, in relation to premises, means an application under the national gas rules, section 119R (Application process) for a connection service to a new gas connection to the premises.

district—see the Districts Act 2002, dictionary.

gas distributor—see the *Utilities Act 2000*, dictionary.

national gas rules means the National Gas Rules under the *National Gas (ACT) Law*.

Note 1 The national gas rules are accessible at <u>www.aemc.gov.au</u>.

Note 2 The National Gas (ACT) Act 2008, s 8 applies the National Gas Law set out in the National Gas (South Australia) Act 2008 (SA), schedule as if it were an ACT law called the National Gas (ACT) Law.

new gas connection—see the Act, section 13A (4).

premises—see the Act, section 13A (4).

provide, a new gas connection—see the Act, section 13A (4).

zone—see the *Planning Act 2023*, dictionary.

Division 2.2 Restricted new natural gas connections

6 Prescribed areas and stated premises—Act, s 13A (1)

- (1) An area located in any of the following zones is prescribed:
 - (a) CFZ (Community Facility Zone);
 - (b) CZ1 (Core Zone);
 - (c) CZ2 (Business Zone);
 - (d) CZ3 (Services Zone);
 - (e) CZ4 (Local Centres Zone);
 - (f) CZ5 (Mixed Use Zone);
 - (g) CZ6 (Leisure and Accommodation Zone);
 - (h) RZ1 (Suburban Zone);
 - (i) RZ2 (Suburban Core Zone);
 - (j) RZ3 (Urban Residential Zone);
 - (k) RZ4 (Medium Density Residential Zone);
 - (1) RZ5 (High Density Residential Zone).
- (2) Premises on which any of the following are located, in any zone, are prescribed:
 - (a) a class 1 building;
 - (b) a class 2 building;
 - (c) a class 3 building;
 - (d) a class 4 building.

Division 2.3 Exempt new connections

7 Definitions—div 2.3

In this division:

block—see the Districts Act 2002, dictionary.

section, in relation to land—see the *Districts Act 2002*, dictionary.

8 Exempt new connections—Act, s 13A (4), def new gas connection, par (b) (iii)

- (1) A new connection to premises mentioned in an item in table 8, column 2 is prescribed if—
 - (a) all the circumstances mentioned in the item, column 3 apply; and
 - (b) the connection application for the new connection is made by the date mentioned in the item, column 4; and
 - (c) the new connection is provided by a gas distributor within the timeframe mentioned in the item, column 5.

Table 8 Exempt new connections

column 1 item	column 2 new connection to premises	column 3 circumstances	column 4 last day to make connection application	column 5 timeframe to provide new connection
1	new connection		7 December 2023	12 months after connection application is made

Section 8

column 1	column 2 new connection to premises	column 3 circumstances	column 4 last day to make connection application	column 5 timeframe to provide new connection
2	new connection in relation to development approval	development application in relation to the development approval is lodged or made before 2 March 2024	7 December 2028	the earlier of the following: • 12 months after connection application made; • 30 March 2029
3	new connection in relation to building approval	building approval is issued before 2 March 2024	7 December 2028	the earlier of the following: • 12 months after connection application made; • 30 March 2029
4	new connection for which approval for exemption is issued under s 11 (1)		7 December 2028	the earlier of the following: • 12 months after connection application made; • 30 March 2029

(2) In this section:

building approval means a building approval issued under the *Building Act 2004*, other than a building approval for which—

- (a) a certificate of occupancy has been issued under the *Building Act* 2004; or
- (b) the development period under the *Building Act 2004*, section 36 has ended.

development approval means a development approval made under—

- (a) the *Planning and Development Act 2007*, other than a development approval—
 - (i) for which a certificate of occupancy has been issued under the *Building Act 2004*, section 69; or
 - (ii) that has ended under the *Planning and Development Act* 2007, section 187; or
 - (iii) that has been revoked under the *Planning and Development Act 2007*, section 189; or
 - (iv) for which a certificate of compliance has been issued under the *Planning and Development Act 2007*, section 296; or
- (b) the *Planning Act 2023*, other than a development application—
 - (i) for which a certificate of occupancy has been issued under the *Building Act 2004*, section 69; or
 - (ii) that has been revoked under the *Planning Act 2023*, section 204; or
 - (iii) that has ended under the *Planning Act 2023*, section 211 or section 212; or
 - (iv) for which a certificate of compliance has been issued under the *Planning Act 2023*, section 368.

9 Exempt new connections—application

- (1) The owner of premises may apply to the Minister for approval for a new connection to the premises to be exempted under section 11 (1).
- (2) The application must be in the form required by the Minister by notice on an ACT government website approved by the Minister.
- (3) An approval under subsection (2) is a notifiable instrument.

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(4) The application is *properly completed* only if—

- (a) the application includes all information and documents required by the form mentioned in subsection (2); and
- (b) a document required to be included with the application includes all information required to be included in the document and is substantially complete; and
- (c) the application, and any document or information included in the application, is verified in the way required by the form; and
- (d) the application does not include information or documents that are not required by the form.
- (5) If the application is not properly completed—
 - (a) the Minister may refuse to consider the application; and
 - (b) if the Minister refuses to consider the application—the application lapses.

10 Exempt new connections—request for more information

- (1) The Minister may, in writing, ask an applicant under section 9 or a gas distributor to give the Minister additional information that the Minister reasonably needs to decide the application.
- (2) The Minister may refuse to consider the application further if the applicant does not provide the information requested within the period stated in the request.

11 Exempt new connections—decision

- (1) If the Minister receives an application under section 9, the Minister must—
 - (a) approve the application; or
 - (b) approve the application subject to stated conditions; or

- (c) refuse to approve the application.
- (2) The Minister must refuse to approve the application if the premises to which the application relates are located—
 - (a) in either of the following zones in the district of Molonglo:
 - (i) CZ1 (Core Zone);
 - (ii) CZ2 (Business Zone); or
 - (b) on a block that is, or is proposed to be, designated 1 of the following zones:
 - (i) RZ1 (Suburban Zone);
 - (ii) RZ2 (Suburban Core Zone);
 - (iii) RZ3 (Urban Residential Zone);
 - (iv) RZ4 (Medium Density Residential Zone);
 - (v) RZ5 (High Density Residential Zone).
- (3) The Minister must also refuse to approve the application if the connection is intended to provide gas to a class 1 or class 2 building.
- (4) In considering the application, the Minister must also consider the following:
 - (a) the objects of the Act;
 - (b) the ACT target and any interim targets determined under the Act, section 7 (2);

Note The ACT target is to reduce greenhouse gas emissions in the ACT to achieve zero net emissions by 30 June 2045 (see Act, s 6).

- (c) the likely impact on the Territory if the application is approved;
- (d) any other information provided by the gas distributor.
- (5) The Minister may also consider any other relevant information.

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12 Exempt new connection—form of approval

- (1) The approval for exemption must be in writing and state the following:
 - (a) the address and block and section number of the premises to which the approval relates;
 - (b) the name of the owner of the premises;
 - (c) the maximum size of gas meter permitted for the new connection;
 - (d) the date by which the connection application must be made;
 - (e) the timeframe in which the new connection must be provided;
 - (f) any condition applying to the approval.
- (2) The Minister must give a copy of the approval to each gas distributor operating in the ACT.

13 Expiry—div 2.3

Note

This division expires on 31 March 2029.

Division 2.4 Modification of certain national laws

14 Modification of National Gas (ACT) Law—Act, s 13B (1) (b)

The National Gas (ACT) Law is modified by schedule 1.

The *National Gas (ACT) Act 2008*, s 8 applies the National Gas Law set out in the *National Gas (South Australia) Act 2008* (SA), schedule as if it were an ACT law called the *National Gas (ACT) Law*.

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Division 2.5 Information sharing

15 Information gas distributor must give Territory—Act, s 13B (3) (a)

- (1) A gas distributor must include the following information in its annual report:
 - (a) the total number of new gas connections provided by the gas distributor in the ACT;
 - (b) for each new gas connection the distributor provides to premises—
 - (i) the day the connection application was received; and
 - (ii) the day the connection was provided; and
 - (iii) whether the new gas connection—
 - (A) is a new connection to the premises; or
 - (B) alters an existing connection resulting in an additional point of supply of natural gas to the premises or other premises; or
 - (C) replaces or reinstates an existing connection to the premises; and
 - (iv) the division, district and zone where the premises are located; and
 - (v) if the new gas connection is an exempt new connection, the type of exemption; and
 - (vi) the class of each building supplied by the connection; and
 - (vii) the type of connection; and
 - (viii) the size of gas meter for the connection;
 - (c) any other information the Minister directs.

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- (2) However, in its annual report for the 2023-2024 financial year, a gas distributor need not include the information mentioned in subsection (1) in relation to a new gas connection for which a connection application is made before 8 December 2023.
- (3) A direction is a notifiable instrument.
- (4) In this section:

annual report means an annual report for a financial year given to the independent competition and regulatory commission under the *Utilities Act 2000*, section 25 (2) (d).

division, in relation to premises—see the *Districts Act 2002*, dictionary.

type, of exempt new connection, means a type of new gas exemption mentioned in an item in table 8, column 2.

(5) This subsection and subsection (2) expire 2 years after the day this section commences.

16 Information gas distributor must give customers—Act, s 13B (3) (b)

- (1) A gas distributor must make available to existing and potential customers information about the following that the Minister directs the distributor to make available:
 - (a) the operation or implementation of the Act, part 2A (New natural gas connections);
 - (b) government policies or procedures in relation to the Act, part 2A.
- (2) A direction may include a requirement about how the gas distributor must make the information available.
- (3) A direction is a notifiable instrument.

Part 3 Functions of Minister

17 Annual report by Minister—reporting in relation to natural gas connections

- (1) This section applies to a report prepared by the Minister under the Act, section 15 for the 2026-2027 financial year and 2029-2030 financial year.
- (2) The report must include a report for the 3-year period ending on the last day of the financial year on—
 - (a) the actions the Minister has taken in that period in relation to the implementation and operation of the Act, part 2A (New natural gas connections); and
 - (b) the effectiveness of government actions taken in relation to the implementation and operation of the Act, part 2A.

18 Expiry—pt 3

This part expires on 31 December 2030.

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Part 4 Sector agreements

19 Requirements for sector agreements—Act, s 23 (2)

A sector agreement with an entity—

- (a) must include provisions to review and report on the operation of the agreement; and
- (b) may include provisions about 1 or more of the following:
 - (i) goals of the agreement in relation to reducing greenhouse gas emissions;
 - (ii) strategies for the entity the agreement is made with to achieve the goals;

Examples

- 1 reducing energy use
- 2 improving energy efficiency
- 3 using renewable energy
- (iii) functions of the Minister and the entity;
- (iv) strategies for the entity to support research and development in relation to reducing greenhouse gas emissions;
- (v) a method for measuring the entity's progress in reducing greenhouse gas emissions.

Schedule 1 Modification—National Gas (ACT) Law

(see s 14)

Part 1.1 National Gas (ACT) Law

[1.1] Section 133 (6)

substitute

- (6) Subsection (1) does not apply to—
 - (a) conduct engaged in in accordance with an agreement, if the agreement was in force on 30 March 1995; or
 - (b) conduct that complies with the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 13A (Restriction on certain natural gas connections).

Part 1.2 National Gas Rules

[1.2] New section 119AA

in division 1, insert

119AA Application—pt 12A

This part does not apply in relation to a new connection that a distributor must not provide under the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 13A (Restriction on certain natural gas connections).

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Dictionary

(see s 3)

- Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.
- *Note 2* For example, the Legislation Act, dict, pt 1, defines the following term:
 - entity
 - independent competition and regulatory commission.
- Note 3 Terms used in this regulation have the same meaning that they have in the Climate Change and Greenhouse Gas Reduction Act 2010 (see Legislation Act, s 148). For example, the following term is defined in the Climate Change and Greenhouse Gas Reduction Act 2010, dict:
 - ACT target (see s 6)
 - greenhouse gas emissions.

block, for division 2.3 (Exempt new connections)—see the *Districts Act 2002*, dictionary.

class, for a building, for part 2 (New natural gas connections)—see section 5.

connection, for part 2 (New natural gas connections)—see the Act, section 13A (4).

connection application, in relation to premises, for part 2 (New natural gas connections)—see section 5.

district, for part 2 (New natural gas connections)—see the *Districts Act 2002*, dictionary.

gas distributor, for part 2 (New natural gas connections)—see the *Utilities Act 2000*, dictionary.

national gas rules, for part 2 (New natural gas connections)—see section 5.

new gas connection, for part 2 (New natural gas connections)—see the Act, section 13A (4).

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premises, for part 2 (New natural gas connections)—see the Act, section 13A (4).

provide, a new gas connection, for part 2 (New natural gas connections)—see the Act, section 13A (4).

section, in relation to land, for division 2.3 (Exempt new connections)—see the *Districts Act 2002*, dictionary.

zone, for part 2 (New natural gas connections)—see the Planning Act 2023, dictionary.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the Legislation Act 2001, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 **Abbreviation key**

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A = ActNI = Notifiable instrument

AF = Approved form o = order

om = omitted/repealed am = amended amdt = amendment ord = ordinance

AR = Assembly resolution orig = original

par = paragraph/subparagraph ch = chapter CN = Commencement notice pres = present

def = definition prev = previous

DI = Disallowable instrument (prev...) = previously dict = dictionary pt = part

disallowed = disallowed by the Legislative r = rule/subrule Assembly reloc = relocated div = division renum = renumbered

exp = expires/expired R[X] = Republication No Gaz = gazette RI = reissue

hdg = heading s = section/subsection IA = Interpretation Act 1967 sch = schedule ins = inserted/added sdiv = subdivision LA = Legislation Act 2001 SL = Subordinate law

LR = legislation register sub = substituted LRA = Legislation (Republication) Act 1996 underlining = whole or part not commenced mod = modified/modification

or to be expired

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3 Legislation history

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notified LR 11 April 2011 s 1, s 2 commenced 11 April 2011 (LA s 75 (1)) remainder commenced 12 April 2011 (s 2)

as amended by

Climate Change and Greenhouse Gas Reduction Amendment Regulation 2023 (No 1) SL2023-33

notified LR 29 November 2023 s 1, s 2 commenced 29 November 2023 (LA s 75 (1)) remainder commenced 8 December 2023 (s 2)

Amendment history 4

Preliminary

pt 1 hdg ins SL2023-33 s 4

Commencement

om LA s 89 (4)

New natural gas connections

pt 2 hdg ins SL2023-33 s 5

Definitions—pt 2

div 2.1 hdg ins SL2023-33 s 5

Definitions—pt 2

s 5 orig s 5

renum as s 19 pres s 5

ins SL2023-33 s 5

def *class* ins SL2023-33 s 5

def connection ins SL2023-33 s 5

def connection application ins SL2023-33 s 5

def district ins SL2023-33 s 5

def gas distributor ins SL2023-33 s 5

def national gas rules ins SL2023-33 s 5

def new gas connection ins SL2023-33 s 5

def premises ins SL2023-33 s 5 def provide ins SL2023-33 s 5

def **zone** ins SL2023-33 s 5

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div 2.2 hdg ins SL2023-33 s 5

Prescribed areas and stated premises—Act, s 13A (1)

ins SL2023-33 s 5

Exempt new connections

div 2.3 hdg ins SL2023-33 s 5

exp 31 March 2029 (s 13)

Definitions—div 2.3

s 7 ins SL2023-33 s 5

exp 31 March 2029 (s 13) def **block** ins SL2023-33 s 5 exp 31 March 2029 (s 13) def section ins SL2023-33 s 5 exp 31 March 2029 (s 13)

Exempt new connections—Act, s 13A (4), def new gas connection, par (b) (iii)

ins SL2023-33 s 5 s 8

exp 31 March 2029 (s 13)

Exempt new connections—application

ins SL2023-33 s 5

exp 31 March 2029 (s 13)

 $\begin{array}{ll} \textbf{Exempt new connections} - \textbf{request for more information} \\ \textbf{s 10} & \textbf{ins SL2023-33 s 5} \\ \end{array}$

exp 31 March 2029 (s 13)

Exempt new connections—decision

s 11 ins SL2023-33 s 5

exp 31 March 2029 (s 13)

Exempt new connection—form of approval

s 12 ins SL2023-33 s 5

exp 31 March 2029 (s 13)

Expiry—div 2.3

ins SL2023-33 s 5 s 13

exp 31 March 2029 (s 13)

Modification of certain national laws

div 2.4 hdg ins SL2023-33 s 5

Modification of National Gas (ACT) Law—Act, s 13B (1) (b)

ins SL2023-33 s 5

Information sharing

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ins SL2023-33 s 5 div 2.5 hdg

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Information gas distributor must give Territory—Act, s 13B (3) (a)
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s 15 ins SL2023-33 s 5

(2), (5) exp 8 December 2025 (s 15 (5))

Information gas distributor must give customers—Act, s 13B (3) (b)

s 16 ins SL2023-33 s 5

Functions of Minister

pt 3 hdg ins SL2023-33 s 5

exp 31 December 2030 (s 18)

Annual report by Minister—reporting in relation to natural gas connections

s 17 ins SL2023-33 s 5

exp 31 December 2030 (s 18)

Expiry—pt 3

s 18 ins SL2023-33 s 5

exp 31 December 2030 (s 18)

Sector agreements

pt 4 hdg ins SL2023-33 s 6

Requirements for sector agreements—Act, s 23 (2)

s 19 (prev s 5) renum as s 19 SL2023-33 s 7

Modification—National Gas (ACT) Law

sch 1 ins SL2023-33 s 8

Dictionary

dict am SL2023-33 s 9, s 10

def **block** ins SL2023-33 s 11 def **class** ins SL2023-33 s 11 def **connection** ins SL2023-33 s 11

def connection application ins SL2023-33 s 11

def *district* ins SL2023-33 s 11 def *gas distributor* ins SL2023-33 s 11 def *national gas rules* ins SL2023-33 s 11 def *new gas connection* ins SL2023-33 s 11

def *premises* ins SL2023-33 s 11 def *provide* ins SL2023-33 s 11 def *section* ins SL2023-33 s 11 def *zone* ins SL2023-33 s 11

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 12 Apr 2011	12 Apr 2011– 7 Dec 2023	not amended	new regulation

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