

Australian Capital Territory

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

Subordinate Law SL2023-33

The Australian Capital Territory Executive makes the following regulation under the [Climate Change and Greenhouse Gas Reduction Act 2010](http://www.legislation.act.gov.au/a/2010-41).

Dated 28 November 2023.

Andrew Barr

Chief Minister

Shane Rattenbury

Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Climate Change and Greenhouse Gas Reduction Amendment Regulation 2023 (No 1)*.

2 Commencement

This regulation commences on 8 December 2023.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Climate Change and Greenhouse Gas Reduction Regulation 2011](http://www.legislation.act.gov.au/sl/2011-10).

4 New part 1 heading

insert

Part 1 Preliminary

5 New parts 2 and 3

after section 4, insert

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](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1.

connection—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), 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](http://www.legislation.act.gov.au/a/2002-39), dictionary.

gas distributor—see the [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65), dictionary.

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

Note 1 The national gas rules are accessible at [www.aemc.gov.au](http://www.aemc.gov.au).

Note 2 The [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), s 8 applies the National Gas Law set out in the [National Gas (South Australia) Act 2008](https://www.legislation.sa.gov.au/lz?path=%2FC%2FA%2FNATIONAL%20GAS%20(SOUTH%20AUSTRALIA)%20ACT%202008) (SA), schedule as if it were an ACT law called the National Gas (ACT) Law.

new gas connection—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

premises—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

provide, a new gas connection—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

zone—see the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), 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);

(l) 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](http://www.legislation.act.gov.au/a/2002-39), dictionary.

section, in relation to land—see the [Districts Act 2002](http://www.legislation.act.gov.au/a/2002-39), 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 |
| 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](http://www.legislation.act.gov.au/a/2004-11), other than a building approval for which—

(a) a certificate of occupancy has been issued under the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11); or

(b) the development period under the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 36 has ended.

development approval means a development approval made under—

(a) the [Planning and Development Act 2007](http://www.legislation.act.gov.au/a/2007-24), other than a development approval—

(i) for which a certificate of occupancy has been issued under the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 69; or

(ii) that has ended under the [Planning and Development Act 2007](http://www.legislation.act.gov.au/a/2007-24), section 187; or

(iii) that has been revoked under the [Planning and Development Act 2007](http://www.legislation.act.gov.au/a/2007-24), section 189; or

(iv) for which a certificate of compliance has been issued under the [Planning and Development Act 2007](http://www.legislation.act.gov.au/a/2007-24), section 296; or

(b) the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), other than a development application—

(i) for which a certificate of occupancy has been issued under the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 69; or

(ii) that has been revoked under the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), section 204; or

(iii) that has ended under the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), section 211 or section 212; or

(iv) for which a certificate of compliance has been issued under the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), 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.

(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](https://www.legislation.act.gov.au/a/2010-41/), 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](https://www.legislation.act.gov.au/a/2010-41/), 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.

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

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.

Note The [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), s 8 applies the National Gas Law set out in the [National Gas (South Australia) Act 2008](https://www.legislation.sa.gov.au/lz?path=%2FC%2FA%2FNATIONAL%20GAS%20(SOUTH%20AUSTRALIA)%20ACT%202008) (SA), schedule as if it were an ACT law called the National Gas (ACT) Law.

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.

(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](http://www.legislation.act.gov.au/a/2000-65), section 25 (2) (d).

division, in relation to premises—see the [Districts Act 2002](http://www.legislation.act.gov.au/a/2002-39), 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](https://www.legislation.act.gov.au/a/2010-41/), part 2A (New natural gas connections);

(b) government policies or procedures in relation to the [Act](https://www.legislation.act.gov.au/a/2010-41/), 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](https://www.legislation.act.gov.au/a/2010-41/), 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](https://www.legislation.act.gov.au/a/2010-41/), part 2A (New natural gas connections); and

(b) the effectiveness of government actions taken in relation to the implementation and operation of the [Act](https://www.legislation.act.gov.au/a/2010-41/), part 2A.

18 Expiry—pt 3

This part expires on 31 December 2030.

6 New part 4 heading

before section 5, insert

Part 4 Sector agreements

7 Section 5

renumber as section 19

8 New schedule 1

insert

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](http://www.legislation.act.gov.au/a/2010-41), 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](http://www.legislation.act.gov.au/a/2010-41), section 13A (Restriction on certain natural gas connections).

9 Dictionary, note 2

insert

 independent competition and regulatory commission

10 Dictionary, note 3

insert

 ACT target (see s 6)

11 Dictionary, new definitions

insert

block, for division 2.3 (Exempt new connections)—see the [Districts Act 2002](http://www.legislation.act.gov.au/a/2002-39), 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](https://www.legislation.act.gov.au/a/2010-41/), 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](http://www.legislation.act.gov.au/a/2002-39), dictionary.

gas distributor, for part 2 (New natural gas connections)—see the [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65), 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](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

premises, for part 2 (New natural gas connections)—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

provide, a new gas connection, for part 2 (New natural gas connections)—see the [Act](https://www.legislation.act.gov.au/a/2010-41/), section 13A (4).

section, in relation to land, for division 2.3 (Exempt new connections)—see the [Districts Act 2002](http://www.legislation.act.gov.au/a/2002-39), dictionary.

zone, for part 2 (New natural gas connections)—see the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), dictionary.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 29 November 2023.

2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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