

Utilities (Technical Regulation) (Water and Sewerage Network Boundary Code) Approval 2018

Disallowable instrument DI2018–62

made under the

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

EXPLANATORY STATEMENT

Overview

The purpose of the Water and Sewerage Network Boundary Code (this Code) is to define the boundary between:

- (1) the water network of one water utility and the water network of another water utility;
- (2) a water utility's water network and a customer's premises;
- (3) the sewerage network of one sewerage utility and the sewerage network of another sewerage utility; and
- (4) a sewerage utility's sewerage network and a customer's premises.

Under section 53 of the *Utilities (Technical Regulation) Act 2014* (the Act), the boundary of a network must be worked out in accordance with a technical code. This Code is a technical code under part 3 of the Act. This Code gives effect to the defined network boundaries and assets of water utilities, sewerage utilities and their customers in accordance with the Act.

Prior to the introduction of the Act, the boundaries of utility networks were defined in industry codes under the *Utilities Act 2000*. Due to the technical nature of boundary issues, the *Utilities Act 2000* was amended and boundary issues are no longer covered by industry codes. The Act covers boundary issues in part 7 and network boundaries are now required to be defined in technical codes under the Act.

This Code reflects this transitional change. The content of the Utilities (Water and Sewerage Network Boundary Code) Determination 2013 (DI2013-73) now revoked remains the same in this Code. No changes were made to the definitions of boundaries.

In accordance with section 13 of the Act, the Technical Regulator consulted the Independent Competition and Regulatory Commission and the relevant regulated utilities to prepare this Code.

A Regulatory Impact Statement for this instrument is not required in accordance with section 34(1) of the *Legislation Act 2001*, as it is not likely to 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), (e) and (f) of the *Legislation Act 2001*.

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

This instrument is consistent with the Legislative Assembly's Scrutiny 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.

Outline of the provisions

Section 1 Name of instrument

This section names the instrument as the Utilities (Technical Regulation) (Water and Sewerage Network Boundary Code) Approval 2016.

Section 2 Commencement

This section provides for the commencement of the instrument on the day after it is notified.

Section 3 Approval of code

This section provides the Minister's approval of the Code set out in the schedule.

Section 4 Public Access

This section provides details of public access to the Code under section 15 of the Act.