

# Utilities (Technical Regulation) (Regulated Utility Coordination Code) Approval 2021

Disallowable instrument DI2021-212

made under the

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

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Utilities (Technical Regulation) (Regulated Utility Coordination 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 explanatory 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.

### Background

This disallowable instrument is made 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) (Regulated Utility Coordination Code) Approval 2021* (the instrument). It clarifies the responsibility of regulated utilities and facilitates coordination among them. This instrument revokes the *Utilities (Technical Regulation) (Regulated Utility Coordination Code) Approval 2016* (DI2016-20).

### Overview

Under the *Utilities (Technical Regulation) (Light Rail—Regulated Utility Service) Regulation 2016*, the supply of electricity from a light rail network is a light rail regulated service.

The Regulated Utility Coordination Code (this Code) is a technical code under part 3 of the Act. This Code applies to all regulated utilities, including a light rail regulated utility that provides a light rail regulated utility service.

The purpose of this Code is to clarify the responsibility of regulated utilities and to facilitate coordination amongst those regulated utilities in relation to:

- (1) each regulated utility network; and
- (2) any light rail regulated utility network.

This Code requires the regulated utilities to engage and coordinate with each other in respect of any changes to the design, construction, testing, commissioning, operation, maintenance, augmentation, and expansion of their networks that affect or could affect the existing or future design, construction, commissioning, operation and/or maintenance of other regulated utilities' networks.

The Code provides the coordination procedures to be followed by the regulated utilities in respect of proposed works relevant to their networks, including the issues that are not agreed between the regulated utilities.

### **Consultation**

In accordance with section 13 of the Act, the technical regulator consulted the Transport Canberra and City Services, Major Projects Canberra, ActewAGL, Canberra Metro Operations, TransGrid, Telstra, Office of the National Rail Safety Regulator, APA Group, Independent Competition and Regulatory Commission (ICRC) and Electrical Trades Union.

### **Human rights and Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) Terms of Reference**

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

This instrument is consistent with the Terms of Reference for the Legislative Assembly's Standing Committee on Justice and Community Safety (Legislative Scrutiny Role). 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.

### **Regulatory Impact Statement**

A Regulatory Impact Statement for the 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) of the *Legislation Act 2001*.

## **Outline of the provisions**

### **Section 1 Name of instrument**

This section names the instrument as the Utilities (Technical Regulation) (Regulated Utility Coordination Code) Approval 2021.

### **Section 2 Commencement**

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

### **Section 3 Approval**

This section provides the Minister's approval of this Code as set out in the schedule to the instrument.

### **Section 4 Public Access**

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

### **Section 5 Revocation**

This section revokes the existing technical code – the *Utilities (Technical Regulation) (Regulated Utility Coordination Code) Approval 2016* (DI2016-20).