



Australian Capital Territory

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

Subordinate Law SL2023-33

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The Australian Capital Territory Executive makes the following regulation under the *Climate Change and Greenhouse Gas Reduction Act 2010*.

Dated 28 November 2023.

ANDREW BARR  
Chief Minister

SHANE RATTENBURY  
Minister

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[Climate Change and Greenhouse Gas Reduction Act 2010](#)

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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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](#), s 75 (1)).

**3 Legislation amended**

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

**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](#), 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 [www.aemc.gov.au](http://www.aemc.gov.au).

*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);
  - (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*, 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**

<b>column 1 item</b>	<b>column 2 new connection to premises</b>	<b>column 3 circumstances</b>	<b>column 4 last day to make connection application</b>	<b>column 5 timeframe to provide new connection</b>
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: <ul style="list-style-type: none"> <li>• 12 months after connection application made;</li> <li>• 30 March 2029</li> </ul>
3	new connection in relation to building approval	building approval is issued before 2 March 2024	7 December 2028	the earlier of the following: <ul style="list-style-type: none"> <li>• 12 months after connection application made;</li> <li>• 30 March 2029</li> </ul>
4	new connection for which approval for exemption is issued under s 11 (1)		7 December 2028	the earlier of the following: <ul style="list-style-type: none"> <li>• 12 months after connection application made;</li> <li>• 30 March 2029</li> </ul>



(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.
- (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.

## **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.

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## 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*, 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*.

## 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](#), 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.

**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*, 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).

### 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](#), 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).

*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 Notification

Notified under the [Legislation Act](#) 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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