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National Gas Access (WA) Act 2009

## **National Gas Access (WA) (Local Provisions) Regulations 2009**

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## **National Gas Access (WA) (Part 3) Regulations 2009**

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Electricity Industry Act 2004

## **Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

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## **Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2009**

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Economic Regulation Authority Act 2003

## **Economic Regulation Authority (National Gas Access Funding) Regulations 2009**

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Energy Arbitration and Review Act 1998

## **Energy Arbitration and Review Repeal Regulations 2009**

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Corporations (Ancillary Provisions) Act 2001

## **Corporations (Ancillary Provisions) Amendment Regulations 2009**



Western Australia

## **National Gas Access (WA) (Local Provisions) Regulations 2009**

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### CONTENTS

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#### **Part 1 — Preliminary matters**

1. Citation
2. Commencement
3. Terms used

#### **Part 2 — Reference tariffs for supply to small use customers**

4. Terms used
5. Part 2 applies only to distribution pipelines
6. Uniform tariff for small use customers
7. Impact on small use customers and retailers to be taken into account

#### **Part 3 — Arbitrator funding**

8. Terms used
9. Standing charges
10. Assessment and payment of standing charges
11. Recovery of unpaid amounts
12. Matters to be included in WA arbitrator's annual report
13. Transitional provisions — standing charge for first period

#### **Schedule 1 — Percentages for calculating standing charges**



National Gas Access (WA) Act 2009

## **National Gas Access (WA) (Local Provisions) Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 21 of the Act.

### **Part 1 — Preliminary matters**

**1. Citation**

These regulations are the *National Gas Access (WA) (Local Provisions) Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* section 21 comes into operation.

**3. Terms used**

(1) In these regulations —

*National Gas Law* means the National Gas Access (Western Australia) Law as defined in the *National Gas Access (WA) Act 2009* section 3(1).

(2) A term has the same meaning in these regulations as it has in the National Gas Law unless the contrary intention appears in these regulations.

**National Gas Access (WA) (Local Provisions) Regulations 2009****Part 2** Reference tariffs for supply to small use customers**r. 4**

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**Part 2 — Reference tariffs for supply to small use customers****4. Terms used**

In this Part —

**delivery point** means a point on a distribution pipeline at which gas is withdrawn from the pipeline and delivered to an end user;

**reference tariff variation mechanism** has the meaning given in rule 92 of the Rules;

**small delivery point** means a delivery point at which gas is delivered to a user for delivery by the user to a small use customer;

**small delivery service** means a reference service to the extent that it is or may be used for the delivery of gas to a small delivery point;

**small use customer** means an end user —

- (a) to whom gas is delivered at a delivery point; and
- (b) to whom less than 1 terajoule of gas is delivered at that delivery point in any year; and
- (c) who is not a user;

**tariff area** means one of the following areas as defined in the *Energy Coordination (Gas Tariffs) Regulations 2000* regulation 4(1) —

- (a) the Albany area; or
- (b) the Kalgoorlie-Boulder area; or
- (c) the Mid-West/South-West area.

**5. Part 2 applies only to distribution pipelines**

This Part applies only in relation to a distribution pipeline.

***National Gas Access (WA) (Local Provisions) Regulations 2009***  
Reference tariffs for supply to small use customers **Part 2**

**r. 6**

**6. Uniform tariff for small use customers**

- (1) The ERA must not approve or make an access arrangement for a distribution pipeline if the reference tariff for any small delivery service provided for in the access arrangement varies according to the geographical location of the small delivery point to which the gas is delivered.
- (2) The ERA must not approve or make an access arrangement (*arrangement A*) for a distribution pipeline unless the reference tariff for any small delivery service provided for in arrangement A is the same as the reference tariff for the equivalent reference service in any neighbouring access arrangement.
- (3) In subregulation (2) a *neighbouring access arrangement* is an applicable access arrangement for a distribution pipeline —
  - (a) that is operated by the same pipeline operator as the pipeline to which arrangement A relates; and
  - (b) by means of which gas is or may be delivered to small delivery points anywhere in the tariff area in which gas is or may be delivered by means of a small delivery service provided for in arrangement A,  
  
other than an access arrangement that is to be revised or varied by arrangement A.
- (4) This regulation applies despite anything in the National Gas Law or Rules to the contrary.

**7. Impact on small use customers and retailers to be taken into account**

- (1) When exercising a discretion in approving or making an access arrangement for a distribution pipeline the ERA must take into account the possible impact of the proposed reference tariffs,

**National Gas Access (WA) (Local Provisions) Regulations 2009****Part 2** Reference tariffs for supply to small use customers**r. 7**

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the method of determining the tariffs and the reference tariff variation mechanisms on —

- (a) users to whom gas is or might be delivered by means of a small delivery service provided for in the access arrangement; and
  - (b) small use customers to whom gas is or might be delivered by those users.
- (2) In subregulation (1) a reference to the impact of something is not limited to the economic impact of that thing.
- (3) A requirement under this regulation to take a matter into account applies —
- (a) despite anything in the National Gas Law or Rules that would otherwise prevent the matter being taken into account; and
  - (b) in addition to any requirement under the National Gas Law or Rules —
    - (i) for any other matter to be taken into account; or
    - (ii) as to the content of the access arrangement.
- (4) For the avoidance of doubt, this regulation does not permit the ERA to approve or make an access arrangement that does not include a reference tariff variation mechanism that complies with rule 92 of the Rules.



**National Gas Access (WA) (Local Provisions) Regulations 2009**  
Arbitrator funding **Part 3**

r. 8

## Part 3 — Arbitrator funding

### 8. Terms used

In this Part —

**allowed period** means the period referred to in regulation 10(2) or such further period as the WA arbitrator may allow;

**assessment amount** means the total amount payable as specified in a notice of assessment under regulation 10(1)(b)(i);

**core function costs**, for a quarter, means costs that —

- (a) are incurred in the quarter in connection with the performance by the WA arbitrator of its functions under the national gas scheme laws; and
- (b) cannot be recovered under the *National Gas Access (WA) (Part 3) Regulations 2009* regulation 9;

**national gas scheme laws** means —

- (a) the National Gas Law; and
- (b) the National Gas Rules; and
- (c) the National Gas Access (Western Australia) Regulations as defined in the *National Gas Access (WA) Act 2009* section 3(1); and
- (d) the *National Gas Access (WA) Act 2009* and any regulations made under Part 6 of that Act;

**prescribed rate** means an interest rate that is 5 percentage points higher than —

- (a) the rate quoted on Reuters Screen BBSW as the Bank Bill Reference Rate (Mid-Rate) for a one month bill at or about 10 a.m. (Sydney time) on the first day after the allowed period; or
- (b) if a rate is not quoted as described in paragraph (a) — the rate determined by the WA arbitrator having regard to comparable indices then available;

**National Gas Access (WA) (Local Provisions) Regulations 2009****Part 3** Arbitrator funding**r. 9**

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**quarter** means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April;

**standing charge** means a charge under regulation 9(1).

**9. Standing charges**

- (1) For each quarter, for each pipeline that during any of the quarter is specified in Schedule 1 and is a covered pipeline, a charge is payable in connection with the performance by the WA arbitrator of its functions under the national gas scheme laws.
- (2) A charge under subregulation (1) for a pipeline for a quarter is payable by any person who is the service provider during the quarter.
- (3) The amount of the charge under subregulation (1) payable by a person for a pipeline for a quarter is determined in accordance with the following formula —

$$S = C \times P \times \frac{D_P}{D_Q}$$

where —

- S is the amount of the standing charge;
- C is the amount of the core function costs for the quarter;
- P is the percentage specified in Schedule 1 for the pipeline;
- D<sub>Q</sub> is the number of days in the quarter;
- D<sub>P</sub> is the number of days in the quarter during which —
  - (a) the pipeline is specified in Schedule 1 and is a covered pipeline; and
  - (b) the person is the service provider of the pipeline.

**National Gas Access (WA) (Local Provisions) Regulations 2009**

Arbitrator funding

**Part 3****r. 10****10. Assessment and payment of standing charges**

- (1) As soon as is practicable after the end of each quarter the WA arbitrator must —
  - (a) assess the standing charges payable by a person for a quarter; and
  - (b) give a notice of assessment to the person specifying —
    - (i) the amount of each of those charges and the total amount payable; and
    - (ii) the amount of the core function costs used in calculating those charges; and
    - (iii) the day on which the notice of assessment was issued.
- (2) A person given a notice of assessment must pay the assessment amount to the WA arbitrator within 30 days after the day specified under subregulation (1)(b)(iii).
- (3) If the person does not pay the assessment amount in full within the allowed period, interest on the outstanding amount is payable to the WA arbitrator at the prescribed rate calculated daily.

**11. Recovery of unpaid amounts**

- (1) The WA arbitrator may recover any unpaid assessment amount, together with any interest payable under regulation 10(3), in a court of competent jurisdiction as a debt due to the WA arbitrator.
- (2) In proceedings under subregulation (1) a certificate —
  - (a) purporting to be signed by the WA arbitrator; and
  - (b) specifying an amount as being an assessment amount; and
  - (c) specifying an amount as being interest payable under regulation 10(3); and

**National Gas Access (WA) (Local Provisions) Regulations 2009****Part 3** Arbitrator funding**r. 12**

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(d) specifying a person as being liable to pay the specified amounts; and

(e) stating that the specified amounts are unpaid,

is, without proof of the appointment of the WA arbitrator or of the authenticity of the signature, sufficient evidence of the matters specified or stated.

**12. Matters to be included in WA arbitrator's annual report**

The annual report submitted by the WA arbitrator under the *Financial Management Act 2006* section 61 must include details of the total amount of standing charges for each person in respect of the financial year to which the annual report relates.

**13. Transitional provisions — standing charge for first period**

Despite the definition in regulation 8, in this Part —  
*quarter* includes the period —

(a) beginning on the day on which the *National Gas Access (WA) Act 2009* section 30 comes into operation; and

(b) ending on 31 December 2009.

**National Gas Access (WA) (Local Provisions) Regulations 2009**  
Percentages for calculating standing charges **Schedule 1**

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**Schedule 1 — Percentages for calculating standing charges**

[r. 9]

	<b>Pipeline</b>	<b>Percentage</b>
1.	Mid West and South West Gas Distribution System (WA:GDL8)	27.01%
2.	Dampier to Bunbury Natural Gas Pipeline (WA:PL40)	50.00%
3.	Goldfields Gas Pipeline (WA:PL24)	20.27%
4.	Kalgoorlie to Kambalda Pipeline (WA:PL27)	2.72%

Note: WA:GDL refers to a distribution licence under the *Energy Coordination Act 1994*.

WA:PL refers to a pipeline licence under the *Petroleum Pipelines Act 1969*.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.



Western Australia

## **National Gas Access (WA) (Part 3) Regulations 2009**

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### CONTENTS

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1. Citation
2. Commencement
3. Interpretation
4. Designated pipelines
5. Definition of pipeline
6. Civil penalty provisions
7. Conduct provisions
8. Summons to appear as witness
9. Dispute resolution body to be able to charge for costs of access disputes
12. Definition of small to medium user or end user
13. Content of request for Rule
14. Fees
15. Transitional arrangements for Gas Review Board

#### **Schedule 1 — Designated pipelines**

#### **Schedule 2 — Exclusions from definition of pipeline**

#### **Schedule 3 — Civil penalties**

#### **Schedule 4 — Conduct provisions**

#### **Schedule 5 — Fees**





National Gas Access (WA) Act 2009

## **National Gas Access (WA) (Part 3) Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under Part 3 of the Act on the unanimous recommendation of the Ministers of the participating jurisdictions.

**1. Citation**

These regulations are the *National Gas Access (WA) (Part 3) Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 3 comes into operation.

**3. Interpretation**

In these regulations —

*Act* means the *National Gas Access (WA) Act 2009*;

*NGL* means the National Gas Law.

**4. Designated pipelines**

- (1) For the purposes of the definition of *designated pipeline* in section 2 of the NGL a pipeline listed in Schedule 1 is prescribed to be a designated pipeline.

**National Gas Access (WA) (Part 3) Regulations 2009****r. 5**

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- (2) For the purposes of Schedule 1, the **WA commencement date** is the date of commencement of the *National Gas Access (WA) (Part 3) Regulations 2009*.

**5. Definition of pipeline**

For the purposes of the definition of **pipeline** in section 2 of the NGL —

- (a) a gas processing plant listed in column 1 of the table in Schedule 2 is a prescribed gas processing plant; and
- (b) in relation to a pipeline conveying natural gas from such a gas processing plant — the flange or point described in column 2 of that table opposite the reference to the plant is a prescribed exit flange or prescribed as a connection point (as the case requires).

**6. Civil penalty provisions**

For the purposes of section 3(b) of the NGL, a provision of the NGL or the Rules listed in Schedule 3 is prescribed to be a civil penalty provision.

**7. Conduct provisions**

For the purposes of section 4(b) of the NGL, a provision of the NGL or the Rules listed in Schedule 4 is prescribed to be a conduct provision.

**8. Summons to appear as witness**

- (1) A summons issued by the dispute resolution body under Chapter 6 Part 6 of the NGL must include —
- (a) the name and address of the person on whom the summons is to be served; and
  - (b) if the summons is for the production of a document —
    - (i) a proper description of the document; and

**National Gas Access (WA) (Part 3) Regulations 2009**

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**r. 8**

- (ii) if the document is to be produced by a person that is a corporation, the name and title of the appropriate officer of the corporation who is to attend and produce the document;
  - and
  - (c) the date, time and place of the hearing of the dispute resolution body at which the person is required to attend and (if required) to produce the document.
- (2) The summons will remain in force for a period specified in the summons or, if no period is specified, until the conclusion of the proceeding in relation to which the summons has been issued.
- (3) The summons will be taken to be effectively served if —
- (a) a copy of the summons is handed to the person to be served or, where service by that method is refused or obstructed or made impracticable, a copy of the summons is placed as near as practicable to the person and the person is informed of the nature of the summons; or
  - (b) a copy of the summons is delivered to a legal practitioner acting for the person to be served and the legal practitioner endorses a statement on the summons to the effect that the legal practitioner accepts service; or
  - (c) where the person to be served is a corporation, a copy of the summons is served on the corporation in accordance with the provisions of the *Corporations Act 2001* of the Commonwealth; or
  - (d) a copy of the summons is served in accordance with an agreement made between the parties as to the place and method of service and the person on whom service may be effected; or
  - (e) an answer to the summons is filed with the dispute resolution body; or

**National Gas Access (WA) (Part 3) Regulations 2009****r. 9**

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- (f) the dispute resolution body is satisfied that the person to be served has received a copy of the summons.

**9. Dispute resolution body to be able to charge for costs of access disputes**

Pursuant to section 216 of the NGL, the dispute resolution body may —

- (a) charge the parties to an access dispute for its costs in the access dispute; and
- (b) apportion those costs between the parties.

[Note: r. 10 and 11 have intentionally been left blank.]

**12. Definition of small to medium user or end user**

For the purposes of the definition of *small to medium user or end user* in section 244 of the NGL, a level of 100 terajoules is fixed.

**13. Content of request for Rule**

- (1) For the purposes of section 298 of the NGL, a request for the making of a Rule must contain the following information —
  - (a) the name and address of the person making the request;
  - (b) a description of the Rule that the person proposes be made;
  - (c) a statement of the nature and scope of the issue that is proposed to be addressed and an explanation of how the proposed Rule would address the issue;
  - (d) an explanation of how the proposed Rule will or is likely to contribute to the achievement of the national gas objective;
  - (e) an explanation of the expected benefits and costs of the proposed change and the potential impacts of the change on those likely to be affected;

**National Gas Access (WA) (Part 3) Regulations 2009**

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**r. 14**

- (f) in the case of a request by a gas market regulatory body in the circumstances described in section 305(1)(a) of the NGL — a summary of the consultation conducted by the gas market regulatory body (including information about the extent of the consultation and about the issues raised during the consultation and the gas market regulatory body's response to those issues).
- (2) A request under section 295 of the NGL for the making of a Rule must be in writing.

**14. Fees**

- (1) The fees set out in Schedule 5 are prescribed.
- (2) A fee is not payable for the notification of an access dispute under section 181 of the NGL if the notification is made by a user consuming less than 1 terajoule of gas per year.

**15. Transitional arrangements for Gas Review Board**

- (1) In this regulation —
  - Board* has the meaning given in the *Energy Arbitration and Review Act 1998* section 49;
  - Gas Pipelines Access Law* has the meaning given in section 11 of the Act;
  - transitional provisions* means —
    - (a) the provisions of —
      - (i) the NGL and National Gas Rules, as defined in the NGL; and
      - (ii) the Act and the regulations made under it, that deal with matters of a transitional, application or savings nature relating to the transition from the application of provisions of the Gas Pipelines Access Law to the application of provisions of the NGL; and

**National Gas Access (WA) (Part 3) Regulations 2009****r. 15**

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- (b) any provisions of the Gas Pipelines Access Law that continue to have effect as a result of the provisions referred to in paragraph (a).
- (2) The Board has the functions of the local appeals board under the transitional provisions.
- (3) Despite the repeal of the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999*, in relation to the exercise by the Board of the functions referred to in subregulation (2) —
  - (a) the Board may exercise the functions of the Board under regulations 9 of those regulations; and
  - (b) the WA arbitrator may exercise the functions of the arbitrator under regulation 10 of those regulations in relation to amounts payable under regulation 9,as if those regulations had not been repealed.

**National Gas Access (WA) (Part 3) Regulations 2009**  
Designated pipelines      **Schedule 1**

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**Schedule 1 — Designated pipelines**

[r. 4(1)]

**1. Distribution pipelines — South Australia**

- (1) Distribution pipelines which, immediately before 1 July 2008, were subject to the Access Arrangement for the South Australian Gas Distribution System dated October 2006 made under the Gas Code (as drafted and approved by the Essential Services Commission of South Australia) and as varied from time to time in accordance with the NGL and National Gas Rules.
- (2) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.

**2. Transmission pipelines — Western Australia**

- (1) The transmission pipeline which was, immediately before the WA commencement date, the subject of pipeline licence PL 40 under the *Petroleum Pipelines Act 1969* of Western Australia (the Dampier to Bunbury Natural Gas Pipeline).
- (2) The transmission pipeline which was, immediately before the WA commencement date, the subject of pipeline licence PL 24 under the *Petroleum Pipelines Act 1969* of Western Australia (the Goldfields Gas Pipeline).
- (3) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) or (2) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.

**3. Distribution pipelines — Western Australia**

- (1) The distributions pipelines which form part of the WA Gas Networks (formerly Alinta Gas) Distributions Systems and which, immediately before the WA commencement date, were subject to the “AlintaGas Networks Pty Ltd’s Access Arrangement for the

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 1** Designated pipelines

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Mid-West and South-West Gas Distribution Systems” approved by the ERA under the Gas Code on 10 August 2005.

- (2) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.



**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline **Schedule 2**

**Schedule 2 — Exclusions from definition of pipeline**

[r. 5]

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
<b>New South Wales</b>	
Rosalind Park (Camden)	In respect of the pipeline mentioned in pipeline licence no. 30 under the <i>Pipelines Act 1967</i> of New South Wales — <ul style="list-style-type: none"> <li>(a) the 150NB flange located approximately 2 metres upstream of the pipeline insulating joint and immediately downstream of the Rosalind Park Gas Plant's sales gas metering facility.</li> </ul>
<b>Northern Territory</b>	
Palm Valley Gas Plant	In respect of the Palm Valley Gas Pipeline the flange — <ul style="list-style-type: none"> <li>(a) shown as the insulating flange on the drawing entitled Palm Valley — Alice Springs Gas Pipe Line Well-Head Assembly — Drawing Number 10-011 (Revision 6 of 8/84) held by the Northern Territory Department of Mines and Energy at Darwin; and</li> <li>(b) situated at the Palm Valley Gas Plant immediately inside the perimeter fence downstream of the main gas plant and immediately upstream of the launching system.</li> </ul>
Mereenie Gas Plant	In respect of the Mereenie Gas Pipeline — the flange — <ul style="list-style-type: none"> <li>(a) shown as the insulating flange (I.F.) on the drawing entitled Amadeus Basin to Darwin Pipeline Mereenie Meter Station — P &amp; I</li> </ul>

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	<p>Diagram Inlet and Station Limit Valve — Drawing Number AD M000-7002 (Revision D of 25.2.86) held by the Northern Territory Department of Mines and Energy at Darwin; and</p> <p>(b) situated at the Mereenie Gas Plant immediately inside the perimeter fence and downstream of the main gas plant.</p>
<p><b>Queensland</b> References to diagrams in the entries relating to Queensland are references to diagrams held by the Department of Mines and Energy at Brisbane.</p>	
<p>Wungoona J.V. (Wallumbilla)</p>	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 2 (Wallumbilla to Brisbane) under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the flange located immediately upstream of the series of valves before the meter run, as shown on diagram W, Wungoona JV-RBP ML 1A Metering Station and marked “AA” on the diagram.</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 30 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the pipe weld on the upstream side of an insulating joint located immediately upstream of the main flow control valve, as shown on diagram X, Wungoona JV — Duke Energy Pipeline and marked “BB” on the diagram.</p>
<p>Ballera</p>	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 24 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 2 flanges on the upstream sides of 2 isolating valves upstream of where the</p>

**National Gas Access (WA) (Part 3) Regulations 2009**  
 Exclusions from definition of pipeline **Schedule 2**

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	<p>pipeline separates into 2 parallel meter runs, as shown on diagram Y, Ballera Gas Centre — SWQ Unit — Epic Pipeline and marked “CC” and “DD” on the diagram.</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 41 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the pipe weld on the upstream side of the insulating joint leading to the 2 meter runs operated by the Ballera-Mount Isa Pipeline, as shown on diagram Z, Ballera Gas Centre — SWQ Unit — Ballera and marked “EE” on the diagram.</p>
Gilmore	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 15 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the upstream flange of the actuated slamshut valve XV-0305 that is located on the metering skid downstream of the gas flow measurement, as shown on Energy Equity’s P &amp; I Drawing No. G101-40F-0004.</p>
Moura Mine	<p>In respect of the pipeline mentioned in mining lease ML no. ML 80032 under the <i>Mineral Resources Act 1923</i> of Queensland —</p> <p>(a) the downstream face of the flanged ball valve SLV 0202 located between the dehydration unit and the launcher station, as shown on Drawings Nos NP03777-P11 and NP03777-P77.</p>

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Kincora	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 3 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange immediately downstream of the Kincora Gas Plant's 150NB class 600 actuated isolation valve, as shown on P &amp; ID Drawing No. 600-1001 Rev 3.</p>
Central Treatment (Westgrove)	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 11 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 200NB class 900 flange located approximately 0.7 m away from the Central Treatment Plant's main 200NB pipeline and pig launching facility immediately downstream of the plant's 200NB class 900 main isolation valve, as shown on P &amp; ID Drawing No. 3100 10 0020 Rev 6.</p>
Rolleston	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 10 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 900 flange located immediately downstream of the 150NB class 900 isolation valve that is immediately downstream of the moisture analyser on the Rolleston Gas Plant's sales gas metering facility, as shown on P &amp; ID Drawing No. 3500-10-0020 Rev 5.</p>
Dawson River Central	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange located immediately downstream of the 150NB</p>

**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline **Schedule 2**

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	class 600 isolation valve at the tie-in station, as shown on P & ID Drawing No. DR — 11014 Rev 1.
Moura Central	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange located immediately downstream of the 150NB class 600 isolation valve at the tie-in station pit, as shown on P &amp; ID Drawing No. DR — 11014 Rev 1.</p>
<b>South Australia</b>	
Moomba Plant	<p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Adelaide —</p> <p>(a) the insulating joint situated between the meter station for the pipeline and EPIC's after cooler (as indicated in Diagram 1 below).</p> <p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Sydney —</p> <p>(a) the downstream weld of the 600 mm x 750 mm reducer situated, upstream of the insulation flange, between the meter station and East Australian Pipeline Ltd's mainline 750 mm valve on the outlet of the meter station (as indicated in Diagram 2 below).</p>
Katnook Plant	The insulating flange that is located one metre inside the boundary fence of the plant, upstream of the pipeline branch to Safries and downstream of the emergency shut down skid, as shown on

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

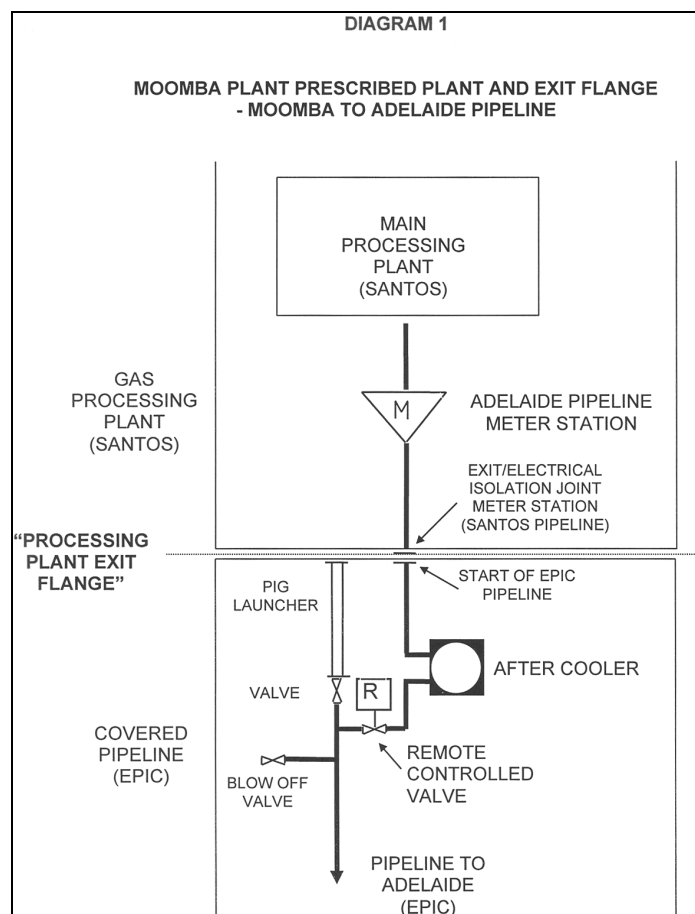
<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	drawing 107.5.1 held by the Office of Energy Policy at Adelaide.
<b>Victoria</b>	
Longford gas processing plant, Garretts Road, Longford, Victoria	The exit flanges contained within the Longford Metering Station at Garretts Road, Longford, Victoria which are connected to the two 600 mm pipes from the prescribed gas processing plant to the Longford Metering Station and are — <ul style="list-style-type: none"> <li>(a) the 600 mm weld on the 750 mm by 600 mm reducer; and</li> <li>(b) the upstream flange face of the 600 mm branch valve; and</li> <li>(c) the 600 mm weld 3000 mm downstream on the side arm of the 600 mm equal tee,</li> </ul> all of which are immediately upstream of the metering runs which form a part of the Longford Metering Station.
North Paaratte gas processing plant, Government Road, Paaratte, Victoria	The exit flange that is the upstream flange face of the first actuated slamshut valve immediately upstream of the metering runs which form a part of the Paaratte Metering Station at Government Road, Paaratte.
<b>Western Australia</b>	
North West Shelf Gas Project Domestic Gas	In respect of the pipeline that is the subject of pipeline licence PL40 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia — <ul style="list-style-type: none"> <li>(a) the upstream flange of the flange joint immediately upstream of the most upstream of the monolithic insulation joints that are inside the fence of the pipeline's Dampier facilities compound.</li> </ul>

**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline      **Schedule 2**

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Tubridgi	<p>In respect of the pipeline that is the subject of pipeline licence PL16 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the downstream flange of the plant exit shut down valve that —</p> <p style="padding-left: 20px;">(i) is between the pipeline pig launcher and the pipeline meter station; and</p> <p style="padding-left: 20px;">(ii) is the first shut down valve downstream of the connection to the 150 mm pipe from the filter separator.</p>
Dongara	<p>In respect of the pipeline that is the subject of pipeline licence PL1 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the upstream flange of the flange joint at the inlet end of the isolating valve that is at the inlet to the pipeline inlet gas flow meter.</p>
Beharra Springs	<p>In respect of the pipeline that is the subject of pipeline licence PL18 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the upstream flange of the insulated flange joint that —</p> <p style="padding-left: 20px;">(i) is immediately upstream of the first barred tee downstream of the pig launcher; and</p> <p style="padding-left: 20px;">(ii) is on the through line of the tee.</p>

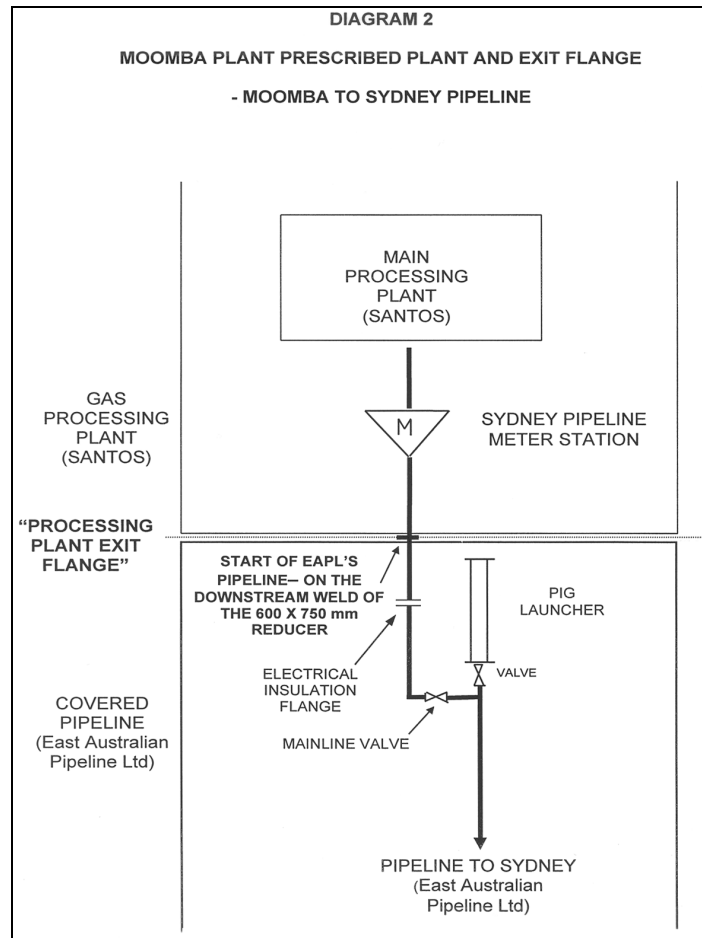
**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 2** Exclusions from definition of pipeline

Prescribed gas processing plant	Prescribed exit flange or connection point
Griffin	<p>In respect of the pipeline that is the subject of pipeline licence PL19 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the downstream flange of the flange joint that connects the 200 mm Griffin Gas Header pipe with the 200 mm pipe connecting with the 250 mm pipe to the pipeline meter station.</p>





**National Gas Access (WA) (Part 3) Regulations 2009**  
 Exclusions from definition of pipeline **Schedule 2**



**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 3** Civil penalties

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**Schedule 3 — Civil penalties**

[r. 6]

**Provisions of the Rules**

Rule 27(4)

Rule 33(1)

Rule 36

Rule 37

Rule 43(1)

Rule 46

Rule 52(1)

Rule 53(6)

Rule 107

Rule 108

Rule 109

Rule 110

Rule 111

Rule 112

Rule 137

Rule 138

**National Gas Access (WA) (Part 3) Regulations 2009**  
Conduct provisions      **Schedule 4**

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**Schedule 4 — Conduct provisions**

[r. 7]

**Provisions of the Rules**

- Rule 33(1)
- Rule 36
- Rule 107
- Rule 108
- Rule 109
- Rule 110
- Rule 111
- Rule 112
- Rule 115(3)
- Rule 137
- Rule 138

**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 5 Fees**

**Schedule 5 — Fees**

[r. 14]

		\$
1.	Application for a coverage determination under section 92 of the NGL	7 500
2.	Application for a coverage revocation determination under section 102 of the NGL	7 500
3.	Application to the NCC under section 128 of the NGL	2 000
4.	Application for a 15 year no-coverage determination under section 151 of the NGL	7 500
5.	Application for a price regulation exemption under section 160 of the NGL	7 500
6.	Notification of an access dispute under section 181 of the NGL	2 750

Unanimously recommended by the Ministers of the participating jurisdictions under section 10(5) of the Act —

\_\_\_\_\_  
Date

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

Western Australia

## **Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

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### CONTENTS

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1. Citation
2. Commencement
3. Terms used
4. Standing charges
5. Assessment and payment of standing charges
6. Board's power in relation to costs and expenses of proceedings
7. Recovery of unpaid amounts
8. Matters to be included in arbitrator's annual report

### **Schedule 1 — Percentages for calculating standing charges**



Electricity Industry Act 2004

## **Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### **1. Citation**

These regulations are the *Electricity Industry (Arbitrator and Board Funding) Regulations 2009*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Terms used**

- (1) In these regulations —

***allowed period*** means the period referred to in regulation 10(2) or such further period as the arbitrator may allow;

***assessment amount*** means the total amount payable as specified in a notice of assessment under regulation 10(1)(b)(i);

***Code*** has the meaning given in section 103 of the Act;

**Electricity Industry (Arbitrator and Board Funding) Regulations 2009****r. 3**

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**core function costs**, for a quarter, means costs that —

- (a) are incurred in the quarter in connection with the performance by the arbitrator and the Board of their functions under the Act and the *Energy Arbitration and Review Act 1998* Part 6; and
- (b) cannot be recovered under regulation 6;

**determined costs** means an amount determined by the Board under regulation 6 to be payable by a party to proceedings;

**prescribed rate** means an interest rate that is 5 percentage points higher than —

- (a) the rate quoted on Reuters Screen BBSW as the Bank Bill Reference Rate (Mid-Rate) for a one month bill at or about 10 a.m. (Sydney time) on the first day after the allowed period; or
- (b) if a rate is not quoted as described in paragraph (a) — the rate determined by the arbitrator having regard to comparable indices then available;

**proceedings** includes proceedings that are commenced but discontinued or otherwise not brought to finality;

**quarter** means —

- (a) the period beginning on the day on which regulation 9 comes into operation and ending on 31 December 2009; or
- (b) any subsequent period of 3 months beginning on 1 July, 1 October, 1 January or 1 April;

**standing charge** means a charge under regulation 9(1).

- (2) A term has the same meaning in these regulations as it has in the Code unless the contrary intention appears in these regulations.



**Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

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**r. 4****4. Standing charges**

- (1) For each quarter, for each network that during any of the quarter is specified in Schedule 1 and is a covered network, a charge is payable in connection with the performance by the arbitrator and the Board of their functions under the Act and the *Energy Arbitration and Review Act 1998* Part 6.
- (2) A charge under subregulation (1) for a network for a quarter is payable by any person who is the service provider for the network during the quarter.
- (3) The amount of the charge under subregulation (1) payable by a person for a network for a quarter is determined in accordance with the following formula —

$$S = C \times P \times \frac{D_P}{D_Q}$$

where —

- S is the amount of the standing charge;
- C is the amount of the core function costs for the quarter;
- P is the percentage specified in Schedule 1 for the network;
- D<sub>Q</sub> is the number of days in the quarter;
- D<sub>P</sub> is the number of days in the quarter during which —
  - (a) the network is specified in Schedule 1 and is a covered network; and
  - (b) the person is the service provider for the network.

**5. Assessment and payment of standing charges**

- (1) As soon as is practicable after the end of each quarter the arbitrator must —
  - (a) assess the standing charges payable by a person for the quarter; and

**Electricity Industry (Arbitrator and Board Funding) Regulations 2009****r. 6**

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- (b) give a notice of assessment to the person specifying —
  - (i) the amount of each of those charges and the total amount payable; and
  - (ii) the amount of the core function costs used in calculating those charges; and
  - (iii) the day on which the notice of assessment was issued.
- (2) A person given a notice of assessment must pay the assessment amount to the arbitrator within 30 days after the day specified under subregulation (1)(b)(iii).
- (3) If the person does not pay the assessment amount in full within the allowed period, interest on the outstanding amount is payable to the arbitrator at the prescribed rate calculated daily.

**6. Board's power in relation to costs and expenses of proceedings**

- (1) The Board may fix an amount that represents the cost and expenses of the hearing and determination of particular proceedings before it.
- (2) Without limiting subregulation (1), the cost and expenses of the hearing and determination of particular proceedings include —
  - (a) the costs of constituting the Board for the purposes of those proceedings, including the payment of any remuneration and allowances payable under the *Energy Arbitration and Review Act 1998* section 55 to the members of the Board; and
  - (b) any cost and expenses attributable to the provision of services, facilities and support under the *Energy Arbitration and Review Act 1998* section 56(1) for the purposes of those proceedings.

**Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

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**r. 7**

- (3) The Board may determine —
  - (a) which of the parties to the proceedings is liable for payment of the whole or any part of an amount fixed under subregulation (1); and
  - (b) the manner in which, and time within which, payment is to be made.
- (4) A party to proceedings must pay any amount determined by the Board to be payable by the person in the manner and within the time determined by the Board.

**7. Recovery of unpaid amounts**

- (1) The arbitrator may recover —
  - (a) any unpaid assessment amount, together with any interest payable under regulation 10(3); or
  - (b) any unpaid determined costs,in a court of competent jurisdiction as a debt due to the arbitrator.
- (2) In proceedings under subregulation (1) a certificate —
  - (a) purporting to be signed by the arbitrator; and
  - (b) specifying an amount as being an assessment amount or determined costs; and
  - (c) specifying an amount as being interest payable under regulation 10(3); and
  - (d) specifying a person as being liable to pay the specified amounts; and
  - (e) stating that the specified amounts are unpaid,is, without proof of the appointment of the arbitrator or of the authenticity of the signature, sufficient evidence of the matters specified or stated.

***Electricity Industry (Arbitrator and Board Funding) Regulations 2009*****r. 8**

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**8. Matters to be included in arbitrator's annual report**

The annual report submitted by the arbitrator under the *Financial Management Act 2006* section 61 must include details of the following matters in respect of the financial year to which the annual report relates —

- (a) the total amount of standing charges for each person;  
and
- (b) the total determined costs under regulation 6.

**Electricity Industry (Arbitrator and Board Funding) Regulations 2009**

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**r. 8****Schedule 1 — Percentages for calculating standing charges**

[r. 4]

	<b>Network</b>	<b>Percentage</b>
1.	The network that is a covered network under s. 3.1 of the Code (Western Power Network)	100%

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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Electricity Industry Act 2004

## **Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 3 comes into operation.

**3. Regulations amended**

These regulations amend the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*.

**4. Regulation 42 amended**

In regulation 42(2) delete “1998” and insert:

*1998* as in force immediately before that Schedule was deleted by the *National Gas Access (WA) Act 2009* section 51

**Electricity Industry (Wholesale Electricity Market) Amendment  
Regulations 2009**

**r. 5**

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**5. Regulation 49 replaced**

Delete regulation 49 and insert:

**49. Functions of the Board**

(1) In this regulation —

**Board function** means —

- (a) the making of an order by the Board under regulation 31(7) or 33; or
  - (b) the review of a reviewable decision by the Board under regulation 42 or 43.
- (2) The provisions of the *Energy Arbitration and Review Act 1998* Part 6 Division 2 (except section 50) apply to and in relation to the Board's functions.
- (3) The provisions referred to in subregulation (2) apply with the following modifications —
- (a) the *Energy Arbitration and Review Act 1998* sections 57(1) and 59(4) apply subject to the market rules;
  - (b) the *Energy Arbitration and Review Act 1998* section 58 does not apply to the extent to which it is inconsistent with regulation 50(1);
  - (c) in relation to the review of a procedural decision — modifications resulting from regulation 43.
- (4) The provisions of the *Gas Pipelines Access (Western Australia) Act 1998* Schedule 1 section 38(7) and (10) as in force immediately before that Schedule was deleted by the *National Gas Access (WA) Act 2009* section 51 apply to and in relation to the Board's functions.



***Electricity Industry (Wholesale Electricity Market) Amendment  
Regulations 2009***

**r. 5**

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- (5) The provisions referred to in subregulation (4) apply with the following modifications —
- (a) a reference to the relevant appeals body is to be read as a reference to the Board;
  - (b) in relation to the review of a procedural decision — modifications resulting from regulation 43.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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Western Australia

## **Economic Regulation Authority (National Gas Access Funding) Regulations 2009**

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### CONTENTS

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1. Citation
2. Commencement
3. Terms used
4. Standing charges
5. Assessment and payment of standing charges
6. Specific charges
7. Document fee
8. Meeting admission fee
9. Recovery of unpaid amounts
10. Matters to be included in Authority's annual report
11. Repeal
12. Transitional provisions — standing charge
13. Transitional provisions — specific charges

#### **Schedule 1 — Percentages for calculating standing charges**

#### **Schedule 2 — Functions for which specific charges payable**

#### **Schedule 3 — Transitioned GPA functions for which specific charges payable**



Economic Regulation Authority Act 2003

## **Economic Regulation Authority (National Gas Access Funding) Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### **1. Citation**

These regulations are the *Economic Regulation Authority (National Gas Access Funding) Regulations 2009*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — when the *National Gas Access (WA) Act 2009* Part 2 comes into operation.

### **3. Terms used**

- (1) In these regulations —

***allowed period*** means the period referred to in regulation 5(2) or 6(6), as the case requires, or such further period as the Authority may allow;

***assessment amount*** means the total amount payable as specified in a notice of assessment under regulation 5(1)(b)(i);

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**r. 3**

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**Coordinator** means the Coordinator of Energy referred to in the *Energy Coordination Act 1994* section 4;

**core function costs**, for a quarter, means costs that —

- (a) are incurred in the quarter in connection with the performance by the Authority of its functions under the national gas scheme laws; and
- (b) cannot be recovered through the imposition of fees or specific charges under these regulations;

**Director** means the Director of Energy Safety referred to in the *Energy Coordination Act 1994* section 5;

**National Gas Law** or **NGL** means the National Gas Access (Western Australia) Law as defined in the *National Gas Access (WA) Act 2009* section 3(1);

**National Gas Rules** or **NGR** means the National Gas Rules as defined in the National Gas Law section 2;

**national gas scheme laws** means —

- (a) the National Gas Law; and
- (b) the National Gas Rules; and
- (c) the National Gas Access (Western Australia) Regulations as defined in the *National Gas Access (WA) Act 2009* section 3(1); and
- (d) the *National Gas Access (WA) Act 2009* and any regulations made under Part 6 of that Act;

**prescribed rate** means an interest rate that is 5 percentage points higher than —

- (a) the rate quoted on Reuters Screen BBSW as the Bank Bill Reference Rate (Mid-Rate) for a one month bill at or about 10 a.m. (Sydney time) on the first day after the allowed period; or
- (b) if a rate is not quoted as described in paragraph (a) — the rate determined by the Authority having regard to comparable indices then available;

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 4**

***quarter*** means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April;

***specific charge*** means a charge under regulation 6(1);

***standing charge*** means a charge under regulation 4(1).

- (2) A term has the same meaning in these regulations as it has in the National Gas Law unless the contrary intention appears in these regulations.

**4. Standing charges**

- (1) For each quarter, for each pipeline that during any of the quarter is specified in Schedule 1 and is a covered pipeline, a charge is payable in connection with the performance by the Authority of its functions under the national gas scheme laws.
- (2) A charge under subregulation (1) for a pipeline for a quarter is payable by any person who is the service provider during the quarter.
- (3) The amount of the charge under subregulation (1) payable by a person for a pipeline for a quarter is determined in accordance with the following formula —

$$S = C \times P \times \frac{D_P}{D_Q}$$

where —

- S is the amount of the standing charge;
- C is the amount of the core function costs for the quarter;
- P is the percentage specified in Schedule 1 for the pipeline;
- D<sub>Q</sub> is the number of days in the quarter;
- D<sub>P</sub> is the number of days in the quarter during which —
- (a) the pipeline is specified in Schedule 1 and is a covered pipeline; and
  - (b) the person is the service provider of the pipeline.

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 5**

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**5. Assessment and payment of standing charges**

- (1) As soon as is practicable after the end of each quarter the Authority must —
  - (a) assess the standing charges payable by a person for the quarter; and
  - (b) give a notice of assessment to the person specifying —
    - (i) the amount of each of those charges and the total amount payable; and
    - (ii) the amount of the core function costs used in calculating those charges; and
    - (iii) the day on which the notice of assessment was issued.
- (2) A person given a notice of assessment must pay the assessment amount to the Authority within 30 days after the day specified under subregulation (1)(b)(iii).
- (3) If the person does not pay the assessment amount in full within the allowed period, interest on the outstanding amount is payable to the Authority at the prescribed rate calculated daily.

**6. Specific charges**

- (1) The Authority may give written notice to a person described in Schedule 2 requiring the person to pay a charge in connection with the performance of the corresponding functions described in that Schedule or the doing of anything that was necessary or convenient to be done for or in connection with the performance of those functions.
- (2) A notice under subregulation (1) must specify —
  - (a) the amount of the specific charge; and
  - (b) the day on which the notice was issued.



***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 7**

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- (3) The amount of a specific charge is to be an amount equivalent to costs described in subregulation (4) that —
  - (a) have been incurred by the Authority; and
  - (b) are directly attributable to the performance of the relevant function or to the doing of anything that was necessary or convenient to be done for or in connection with the performance of the relevant function.
- (4) For the purposes of subregulation (3), the costs are —
  - (a) costs of consultants or contractors engaged by the Authority including accommodation costs, travel costs and equipment costs; and
  - (b) photocopying, mailing, publishing and advertising costs; and
  - (c) costs associated with public consultation conducted under the national gas scheme laws.
- (5) The Authority must provide the person liable to pay a specific charge with an itemised account of the costs covered by the charge if the person so requests.
- (6) A person given a notice under subregulation (1) must pay the specific charge to the Authority within 30 days after the day specified under subregulation (2)(b).
- (7) If the person does not pay the specific charge in full within the allowed period, interest on the outstanding amount is payable to the Authority at the prescribed rate calculated daily.

**7. Document fee**

- (1) The Authority may require a person who requests a document prepared by or on behalf of the Authority in the performance of a function under the national gas scheme laws to pay a fee for the document.

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 8**

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- (2) The amount of the fee is to be an amount calculated by the Authority according to the costs incurred in producing the document but is not in any case to exceed \$100.
- (3) The Authority cannot require the Coordinator or the Director to pay a fee under subregulation (1).

**8. Meeting admission fee**

- (1) The Authority may require a person to pay a fee for admission to a meeting held for the purposes of public consultation under the National Gas Rules rule 6.
- (2) The amount of the fee is to be an amount calculated by the Authority according to the costs incurred in holding the meeting.
- (3) The Authority cannot require the Coordinator, the Director, or any representative of the Coordinator or the Director, to pay a fee under subregulation (1).

**9. Recovery of unpaid amounts**

- (1) The Authority may recover any unpaid assessment amount or specific charge, together with any interest payable under these regulations, in a court of competent jurisdiction as a debt due to the Authority.
- (2) In proceedings under subregulation (1) a certificate —
  - (a) purporting to be signed by the chairman; and
  - (b) specifying an amount as being an assessment amount or a specific charge; and
  - (c) specifying an amount as being interest payable under regulation 5(3) or 6(7); and
  - (d) specifying a person as being liable to pay the specified amounts; and
  - (e) stating that the specified amounts are unpaid,

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 10**

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is, without proof of the appointment of the chairman or of the authenticity of the signature, sufficient evidence of the matters specified or stated.

**10. Matters to be included in Authority's annual report**

The annual report submitted by the Authority under the *Financial Management Act 2006* section 61 must include details of the following matters in respect of the financial year to which the annual report relates —

- (a) the total amount of standing charges for each person;
- (b) the total amount of specific charges for each person;
- (c) the total amount of fees under these regulations.

**11. Repeal**

These regulations are repealed:

- (a) the *Economic Regulation Authority (Gas Pipelines Access Funding) Regulations 2003*;
- (b) the *Economic Regulation Authority (Transitional) Regulations 2003*.

**12. Transitional provisions — standing charge**

- (1) In this regulation —

***first NGL period*** means the period beginning on the transition day and ending on 31 December 2009;

***GPA funding regulations*** means the regulations repealed by regulation 11;

***last GPA period*** means the period beginning on 1 October 2009 and ending on the day before the transition day;

***transition day*** means the day on which the *National Gas Access (WA) Act 2009* section 30 comes into operation.

- (2) Despite the definition in regulation 3(1), in these regulations —  
***quarter*** includes the first NGL period.

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

**r. 13**

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- (3) For the purposes of determining a standing charge for the first NGL period, the core function costs for that period include any costs incurred in the last GPA period that would have been core function costs under the GPA funding regulations for the last GPA period had those regulations not been repealed.

**13. Transitional provisions — specific charges**

- (1) In this regulation —

***GPA charge notice*** means a notice under the *Economic Regulation Authority (Gas Pipelines Access Funding) Regulations 2003* regulation 6;

***transition day*** means the day on which the *National Gas Access (WA) Act 2009* section 30 comes into operation;

***transitioned GPA function*** means a function described in Schedule 3 that is exercised by the Authority after the transition day by reason of the operation of the transitional, application and saving provisions of the national gas scheme laws;

***uncharged GPA function*** means a function —

- (a) that was exercised by the Authority before the transition day; and
- (b) in connection with which the Authority could have, but had not, a given GPA charge notice.
- (2) The Authority may give a notice under regulation 6 in connection with the performance of an uncharged GPA function as if —
- (a) the person to whom the GPA charge notice for that function could have been given was a person described in Schedule 2; and
- (b) the uncharged GPA function was described in Schedule 2 as a function corresponding to that person.

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

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**r. 13**

- (3) The Authority may give a notice under regulation 6 in connection with the performance of a transitioned GPA function as if the persons and functions described in Schedule 3 were described in Schedule 2.
- (4) Despite regulation 3(2) a term has the same meaning in Schedule 3 as it has in the Gas Code unless the contrary intention appears in that Schedule.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**Schedule 1** Percentages for calculating  
standing charges

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**Schedule 1 — Percentages for calculating  
standing charges**

[r. 4]

	<b>Pipeline</b>	<b>Percentage</b>
1.	Mid West and South West Gas Distribution System (WA:GDL8)	27.01%
2.	Dampier to Bunbury Natural Gas Pipeline (WA:PL40)	50.00%
3.	Goldfields Gas Pipeline (WA:PL24)	20.27%
4.	Kalgoorlie to Kambalda Pipeline (WA:PL27)	2.72%

Note: WA:GDL refers to a distribution licence under the *Energy Coordination Act 1994*.  
WA:PL refers to a pipeline licence under the *Petroleum Pipelines Act 1969*.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

Functions for which specific charges payable **Schedule 2**

**Schedule 2 — Functions for which specific charges payable**

[r. 6]

Person liable to pay charge		Functions
<b>Coverage matters</b>		
1.	A person who requests the Authority to make an application under NGL s. 92.	Functions under NGL s. 92 exercised in connection with making the application.
2.	A service provider that provides light regulation services by means of a pipeline in respect of which a determination is made under NGL s. 19.	Functions under NGL s. 19 exercised in connection with making the determination.
<b>Approval of tender process</b>		
3.	A person who applies for approval of a proposed tender process as a competitive tender process under NGR r. 21.	Functions under NGR r. 22, 23, 25, 26 or 28 exercised in connection with — (a) the application; or (b) if the Authority makes a tender approval decision — (i) that decision; or (ii) the approved competitive tender process.
4.	A proponent who is required to give a report on a competitive tender process under NGR r. 24.	Functions under NGR r. 24 exercised in connection with the report.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**Schedule 2** Functions for which specific charges payable

<b>Person liable to pay charge</b>		<b>Functions</b>
5.	A service provider that is required to submit a CTP access arrangement proposal for approval under NGR r. 27.	Functions under NGR r. 27 exercised in connection with — (a) any application made under NGR r. 27(2) in relation to the proposal; or (b) dealing with the submission.
6.	A service provider that applies for approval to amend a CTP access arrangement under NGR r. 27(5).	Functions under NGR r. 27 exercised in connection with the application.
<b>Light regulation matters</b>		
7.	A service provider that applies for a light regulation determination under NGL s. 112.	Functions under NGR r. 35 exercised by the Authority in connection with the exercise by the NCC of its functions under NGL s. 113 in connection with the application.
8.	A service provider that is required to report on access negotiations under NGR r. 37.	Functions under NGR r. 37(2) exercised in connection with the service provider.
9.	A service provider that provides light regulation services in respect of which an application has been made for revocation of the light regulation determination under NGL s. 118.	Functions under NGR r. 39 exercised by the Authority in connection with the exercise by the NCC of its functions under NGL Ch. 3 Pt. 2 Div. 2 Subdiv. 2 in connection with the application.



**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

Functions for which specific charges payable **Schedule 2**

Person liable to pay charge		Functions
10.	A service provider that provides pipeline services by means of a designated pipeline in respect of which a review is conducted under NGL s. 125.	Functions under NGL s. 125 exercised in connection with the review.
<b>Approval of access arrangements</b>		
11.	A service provider that voluntarily submits or is required to submit — (a) a full access arrangement; or (b) revisions to an applicable access arrangement that is a full access arrangement, for approval under NGL s. 127 or 132.	Functions under NGR Pt. 8 Div. 2, 4, 5, 6, 8 or 9 or Pt. 9 or 10 or the <i>National Gas Access (WA) (Local Provisions) Regulations 2009</i> Part 2 exercised in connection with — (a) the requirement to make the submission; or (b) any requirement under NGR to provide information with the submission; or (c) dealing with the submission and information submitted with it.
12.	A service provider that submits or is required to submit — (a) a limited access arrangement; or (b) revisions to an applicable access arrangement that is a limited access arrangement, for approval under NGL s. 116 or 168.	Functions under NGR Pt. 8 Div. 2, 3, 5, 6, 7 or 9 or Pt. 10 or the <i>National Gas Access (WA) (Local Provisions) Regulations 2009</i> Part 2 exercised in connection with — (a) the requirement to make the submission; or (b) any requirement under NGR to provide information with the submission; or (c) dealing with the submission and information submitted with it.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**Schedule 2** Functions for which specific charges payable

<b>Person liable to pay charge</b>		<b>Functions</b>
13.	A service provider that submits a proposal for variation of an applicable access arrangement under NGR r. 65.	Functions under NGR Pt. 8 Div. 10 exercised in connection with the submission.  Plus if the proposal is referred under NGR r. 66 to be dealt with — (a) as a full access arrangement proposal — the functions described in item 11; or (b) as a full access arrangement proposal — the functions described in item 12.
14.	A service provider whose applicable access arrangement is varied or revoked under NGR r. 68.	Functions under NGR r. 68 exercised in connection with the varying or revoking of the arrangement.
15.	A service provider that applies for an advance determination with regard to future capital expenditure under NGR r. 80.	Functions under NGR r. 80 exercised in connection with the application.
<b>Matters relating to information</b>		
16.	A service provider or related provider named in a regulatory information notice given under NGL s. 48(2).	Functions under NGL Ch. 2 Pt. 1 Div. 4 exercised in connection with the notice.
17.	A service provider to which a notice requiring provision of information to prospective users is given under NGR r. 107(2).	Functions under NGR r. 107 exercised in connection with the notice.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

Functions for which specific charges payable **Schedule 2**

<b>Person liable to pay charge</b>		<b>Functions</b>
18.	A service provider which is required to establish a register of spare capacity under NGR r. 111.	Functions under NGR r. 111 exercised in connection with the register.
19.	A person to whom an initial disclosure notice is given under NGL s. 329(2).	Functions under NGL s. 329 exercised in connection with — (a) giving the notice under NGL s. 329(2) and any related notice under NGL s. 329(3); or (b) considering representations made in response to the notices; or (c) giving a notice under NGL s. 329(6) in relation to the information.
<b>Ring fencing requirements</b>		
20.	A service provider named in a ring fencing determination under NGL s. 143.	Functions under NGL Ch. 4 Pt. 2 Div. 3 or NGR r. 30 exercised in connection with the determination.
21.	A service provider that applies for an exemption from the minimum ring fencing requirements under NGL s. 146.	Functions under NGL Ch. 4 Pt. 2 Div. 4 or NGR r. 31 exercised in connection with — (a) the application; or (b) if the exemption is granted — monitoring compliance with the exemption.
22.	A service provider that applies for approval of — (a) an associate contract; or (b) a variation of an approved associate contract, under NGL s. 147 or 148.	Functions under NGL Ch. 4 Pt. 2 Div. 5 or NGR r. 32 or 33 exercised in connection with the contract or variation.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**Schedule 2** Functions for which specific charges payable

<b>Person liable to pay charge</b>		<b>Functions</b>
<b>Greenfields pipeline incentives</b>		
23.	A person on whose application a greenfields pipeline incentive was granted if the incentive is later revoked under NGL s. 175.	Functions under NGL s. 175 exercised in connection with making an application for the revocation of the incentive.
24.	A service provider that provides or intends to provide pipeline services by means of a pipeline for which a price regulation exemption is revoked under NGL s. 176.	Functions under NGL s. 176 exercised in connection with making an application for the revocation of the exemption.
<b>Performance matters</b>		
25.	A service provider in respect of which the Authority prepares a performance report under NGL s. 64.	Functions under NGL s. 64 exercised in connection with the report to the extent that the report relates to that service provider.

***Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009***

Transitioned GPA functions for which specific charges payable **Schedule 3**

**Schedule 3 — Transitioned GPA functions for which  
specific charges payable**

[r. 13]

<b>Person liable to pay charge</b>		<b>Function</b>
1.	Person requesting application be made under the Gas Code s. 1.3.	Application under the Gas Code s. 1.3 at the request of another person.
2.	Service provider given notification under the Gas Code s. 2.4.	Notification of requirement to submit separate access arrangements under the Gas Code s. 2.4.
3.	Service provider submitting access arrangement information.	Assessment of access arrangement information for the purposes of the Gas Code s. 2.6 and 2.8.
4.	Service provider submitting proposed access arrangement.	Assessment and approval of a proposed access arrangement under the Gas Code s. 2.9 to 2.27.
5.	Service provider submitting proposed revisions to access arrangement.	Review of an access arrangement under the Gas Code s. 2.28 to 2.48.
6.	Service provider of covered pipeline to which access arrangement relates.	Drafting and approval of Authority's own access arrangement under the Gas Code s. 2.20 or 2.23.
7.	Service provider making application for approval to enter into an associate contract.	Assessment of an application for approval to enter into an associate contract under the Gas Code s. 7.1.

**Economic Regulation Authority (National Gas Access Funding)  
Regulations 2009**

**Schedule 3** Transitioned GPA functions for which specific charges payable

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<b>Person liable to pay charge</b>		<b>Function</b>
8.	Service provider to which the document provided under Gas Code s. 7.9(a), (c), (d) or (e) relates.	Provision of copy of document to Code Registrar under the Gas Code s. 7.9(a), (c), (d) or (e).
9.	Person requesting further information under Gas Code s. 7.14.	Provision of further information under the Gas Code s. 7.14.
10.	Person making application for extension of time.	Assessment of application for extension of time under the Gas Code s. 7.19.
11.	Service provider making application under the Gas Code s. 8.21.	Assessment of written application under the Gas Code s. 8.21.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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Energy Arbitration and Review Act 1998

## **Energy Arbitration and Review Repeal Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 86 of the Act.

**1. Citation**

These regulations are the *Energy Arbitration and Review Repeal Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 7 Division 1 comes into operation.

**3. Regulations repealed**

These regulations are repealed:

- (a) *Gas Pipelines Access (Western Australia) Regulations 2000*;
- (b) *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999*.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.





Corporations (Ancillary Provisions) Act 2001

## **Corporations (Ancillary Provisions) Amendment Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Corporations (Ancillary Provisions) Amendment Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 7 Division 1 comes into operation.

**3. Regulations amended**

These regulations amend the *Corporations (Ancillary Provisions) Regulations 2001*.

**4. Regulation 4 amended**

(1) Delete regulation 4(1a) and insert:

(1A) Section 11(1) of the Act does not apply to any regulations, rules or by-laws, other than the *Rules of the Supreme Court 1971*.

**Corporations (Ancillary Provisions) Amendment Regulations 2009****r. 4**

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- (2) In regulation 4(2a) delete “those listed in subregulation (1a).” and insert:

*the Rules of the Supreme Court 1971.*

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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