

Schedule 1 — Amendments to regulation 35

[r. 3]

1A. Modified regulations 35(1)(a) and (b)

Regulations 35(1)(a) and (b) are amended by adding at the end of each of them —

“

, unless the excess is justifiable under subregulation (1a)

”.

1B. Additional subregulation (1a)

After regulation 35(1) the following subregulation is inserted —

“

- (1a) If the price, or a component of the price, exceeds the amount to which it would be limited because of subregulation (1), the excess is justifiable if it is no more than is necessary to offset the consequences of the New Tax System changes (and no other changes) in relation to that contract.

”.

1. Additional subregulations (3a) and (3b)

After regulation 35(3), the following subregulations are inserted —

“

- | | |
|------|---|
| (3a) | For T1 capacity or T2 capacity available after the year 1999, if the service is a full-haul service — |
| (a) | the maximum capacity reservation charge that applies per gigajoule per gas day of reserved capacity — |
| (i) | for T1 capacity, is \$0.728029; |
| (ii) | for T2 capacity, is \$0.691628; |
| (b) | the maximum commodity charge that applies per gigajoule delivered is \$0.271971 or, where applicable, that amount adjusted as described in subregulation (3b); |
| (3b) | The maximum commodity charge applying under subregulation (3a)(b) per gigajoule delivered, for T1 capacity or T2 capacity available after the year 2000, is adjusted, for a year for which the DBNGP owner could have adjusted the charge if the service were being provided under a contract to which clause 95 applied, to the maximum amount to which the charge could have been adjusted under clause 95 if it had applied. |

”.

2. Definitions inserted

- (1) In regulation 35(7):
- (a) at the end of the definition of “year 1999”, the full stop is deleted and a semicolon is inserted instead;
 - (b) the following definitions are inserted in their appropriate alphabetical positions —

“

“**clause 95**” means clause 95 of the standard contract set out in the Schedule to the DBNGP access manual;

“**New Tax System changes**” has the same meaning as it has in the New Tax System Price Exploitation Code text applying as a law of this State under the *New Tax System Price Exploitation Code (Western Australia) Act 1999*.

“**year 2000**” means the year ending on 1 January 2001 at 08:00 hours.

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3. Certain references extended to new provisions

- (1) In regulation 35(1)(a), after “(3),”, the following is inserted —

“ (3a), ”.

- (2) In regulation 35(4), before “the year 1999”, the following is inserted —

“ in or after ”.

[Schedule 1 amended in Gazette 23 June 2000 p.3192.]