



Western Australia

Gas Pipelines Access (Western Australia) Act 1998

**Gas Pipelines Access (Western Australia)
(Funding) Regulations 1999**

These regulations were repealed by the *Energy Arbitration and Review Repeal Regulations 2009* r. 3(b) as at 1 Jan 2010 (see r. 2 and *Gazette* 31 Dec 2009 p. 5327).

Gas Pipelines Access (Western Australia) (Funding) Regulations 1999

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Gas Pipelines Access (Western Australia) (Funding) Regulations 1999

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999*¹.

2. Definitions

- (1) In these regulations, unless the contrary intention appears —
- allowed period*** means the period referred to in regulation 4(2) or such further period as the arbitrator may allow;
- arbitrator*** has the same meaning as in Part 6 Division 3 of the Act;
- assessment amount*** means the total amount payable as specified in a notice of assessment under regulation 4(1)(b)(i);
- Board*** has the same meaning as in Part 6 Division 2 of the Act;
- Code*** has the meaning given by section 11 of the Act;
- core function costs*** means costs incurred in the quarter to which a standing charge relates in connection with the performance of the functions of the arbitrator and the Board under Part 6 of the Act, being costs that cannot be recovered under regulation 9;
- pipeline operator*** means the owner or operator of a covered pipeline;

prescribed rate means an interest rate that is 5 percentage points higher than the bank bill rate, where the bank bill rate is —

- (a) the rate quoted on Telerate page 39373 as the Bank Bill Reference Rate (Mid-Rate) for a one month bill at or about 10:00 hours (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;

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

standing charge means a charge referred to in regulation 3(2).

- (2) An expression used in these regulations that is also used in the Code has, unless the contrary intention appears, the same meaning as it has in the Code.

[Regulation 2 amended in Gazette 30 Dec 2003 p. 5734-5.]

Part 2 — Charges

3. Standing charges

[(1) deleted]

- (2) 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 of the functions of the arbitrator and the Board under Part 6 of the Act.
- (3) The charge under subregulation (2) for a pipeline is to be calculated using the formula —

$$C \times P$$

where —

C is the amount of the core function costs for the quarter;

P is the percentage specified in Schedule 1 for the pipeline.

- (4) If the pipeline is not specified in Schedule 1 during the whole of the quarter or is not a covered pipeline during the whole of the quarter, the charge for that quarter is reduced according to the number of days during which the pipeline is specified in Schedule 1 and is a covered pipeline.
- (5) The pipeline operator is liable to pay the charge under subregulation (2) and, if there is a change of pipeline operator during the quarter for which the charge is payable, the liability for the charge is to be apportioned between the pipeline operators according to the number of days in the quarter for which each of them is the pipeline operator while the pipeline is specified in Schedule 1 and is a covered pipeline.

[Regulation 3 amended in Gazette 20 Dec 2002 p. 6017-18; 30 Dec 2003 p. 5735; 30 Jun 2006 p. 2360.]

r. 4

4. Assessment and payment of standing charges

- (1) As soon as is practicable after the end of each quarter, the arbitrator is to —
 - (a) assess the standing charges payable by a person; and
 - (b) give a notice of assessment to the person specifying —
 - (i) the amount of each of those charges and the total amount payable;
 - (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) The assessment amount is payable 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.

*[Regulation 4 amended in Gazette 20 Dec 2002 p. 6018;
30 Dec 2003 p. 5735.]*

[5. Deleted in Gazette 30 Dec 2003 p. 5735.]

[Part 3 (r. 6-8) deleted in Gazette 30 Dec 2003 p. 5735.]

Part 4 — Miscellaneous

9. Board's power in relation to cost and expenses of proceedings

- (1) In this regulation —
proceedings includes proceedings that are commenced but discontinued or otherwise not brought to finality.
- (2) The Board may fix an amount that represents the cost and expenses of the hearing and determination of particular proceedings before it.
- (2a) Without limiting subregulation (2), the cost and expenses of the hearing and determination of particular proceedings include any cost and expenses attributable to the provision of services, facilities and support under section 56(1) of the Act for the purposes of those proceedings.
- (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 (2); and
 - (b) the manner in which, and time within which, payment is to be made.

[Regulation 9 amended in Gazette 1 Jul 2005 p. 2999.]

10. Recovery of unpaid amounts

- (1) The arbitrator may recover any unpaid assessment amount, together with any interest payable under these regulations, in a court of competent jurisdiction as if it were a debt due to the arbitrator.
- (2) The arbitrator may recover any unpaid amount fixed under regulation 9(2) in a court of competent jurisdiction as if it were a debt due to the arbitrator.

r. 11

- (3) Any amount recovered under subregulation (1) or (2) is to be credited to the account referred to in section 82 of the Act.
- (4) In proceedings under this regulation a certificate —
 - (a) purporting to be signed by the arbitrator;
 - (aa) specifying an amount as being an assessment amount or an amount fixed under regulation 9(2);
 - (b) specifying a person as being liable to pay the amount; and
 - (c) stating that the amount is 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.

[Regulation 10 amended in Gazette 30 Dec 2003 p. 5735-6.]

11. Matters to be included in arbitrator's annual report

The annual report submitted by the arbitrator under section 66 of the *Financial Administration and Audit Act 1985* is to include details of the total amount of standing charges paid by each person in respect of the financial year to which the annual report relates.

[Regulation 11 inserted in Gazette 30 Dec 2003 p. 5736.]

12. Standing charge for last period prior to repeal

- (1) In this regulation —

last GPA period means the period beginning on 1 October 2009 and ending immediately before the repeal of the *Gas Pipelines Access (Western Australia) Act 1998* section 87 by the *National Gas Access (WA) Act 2009* section 48.
- (2) The liability of a person to pay a standing charge for a pipeline for the last GPA period accrues immediately before the repeal of the *Gas Pipelines Access (Western Australia) Act 1998*

section 87 by the *National Gas Access (WA) Act 2009*
section 48.

[Regulation 12 inserted in Gazette 22 Dec 2009 p. 5255.]

Schedule 1 — Percentages for certain pipelines

[r. 3]

[Schedule 1 inserted in Gazette 30 Jun 2006 p. 2360.]

	Pipeline	Percentage
1.	Mid West and South West Gas Distribution System being the system to which WA:GDL2 relates	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 for this Schedule:

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

[Schedule 1 inserted in Gazette 30 Jun 2006 p. 2360.]

[Schedule 2 deleted in Gazette 30 Dec 2003 p. 5736.]

Notes

- ¹ This is a compilation of the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Gas Pipelines Access (Western Australia) (Funding) Regulations 1999</i>	14 Jan 2000 p. 171-81	14 Jan 2000
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2001</i>	11 Sep 2001 p. 4999	11 Sep 2001
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2002</i>	20 Dec 2002 p. 6017-19	20 Dec 2002
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2003</i>	30 Dec 2003 p. 5734-6	1 Jan 2004 (see r. 2)
Reprint 1: The <i>Gas Pipelines Access (Western Australia) (Funding) Regulations 1999</i> as at 4 Mar 2005 (includes amendments listed above)		
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2005</i>	1 Jul 2005 p. 2999	1 Jul 2005
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations (No. 2) 2006</i>	30 Jun 2006 p. 2359-60	1 Jul 2006 (see r. 2)
<i>Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2009</i>	22 Dec 2009 p. 5254-5	22 Dec 2009 (see r. 2)
These regulations were repealed by the <i>Energy Arbitration and Review Repeal Regulations 2009</i> r. 3(b) as at 1 Jan 2010 (see r. 2 and <i>Gazette</i> 31 Dec 2009 p. 5327)		

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
allowed period	2(1)
arbitrator	2(1)
assessment amount.....	2(1)
Board	2(1)
Code.....	2(1)
core function costs	2(1)
last GPA period.....	12(1)
pipeline operator	2(1)
prescribed rate.....	2(1)
proceedings	9(1)
quarter	2(1)
standing charge	2(1)