



Western Australia

Gas Pipelines Access (Western Australia) Act 1998

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

Reprint 1: The regulations as at 4 March 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

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

CONTENTS

Part 1 — Preliminary		
1.	Citation	1
2.	Definitions	1
Part 2 — Charges		
3.	Standing charges	3
4.	Assessment and payment of standing charges	4
Part 4 — Miscellaneous		
9.	Board's power in relation to cost and expenses of proceedings	5
10.	Recovery of unpaid amounts	5
11.	Matters to be included in arbitrator's annual report	6
Schedule 1 — Percentages for certain pipelines		
		7
Notes		
	Compilation table	8



Reprinted under the
Reprints Act 1984 as
at 4 March 2005

Western Australia

Gas Pipelines Access (Western Australia) Act 1998

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);

r. 2

“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) *repealed*]

- (2) For each quarter during any of which a pipeline specified in Schedule 1 is a covered pipeline, a charge is payable for each specified pipeline 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.]*

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. Repealed in Gazette 30 Dec 2003 p. 5735.]

[Part 3 (r. 6-8) repealed 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 incurred by the Board in connection with the hearing and determination of particular proceedings before it.
- (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.

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.
- (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);

r. 11

- (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.]

Schedule 1 — Percentages for certain pipelines

[r. 3]

	Pipeline	Percentage
1.	Mid West and South West Gas Distribution System being the system to which WA:GDL2 relates	23.39
2.	Dampier to Bunbury Natural Gas Pipeline (WA:PL40)	49.90
3.	Goldfields Gas Pipeline (WA:PL24)	20.66
4.	Tubridgi Pipeline System (WA:PL16 and WA:PL19)	3.30
5.	Kalgoorlie to Kambalda Pipeline (WA:PL27)	2.75

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

[Schedule 1 inserted in Gazette 20 Dec 2002 p. 6019.]

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

=====

Notes

- ¹ This reprint is a compilation as at 4 March 2005 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 *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999* as at 4 Mar 2005 (includes amendments listed above)
