



Western Australia

Gas Services Information Act 2012

## **Gas Services Information Regulations 2012**

---

As at 03 Apr 2017

Version 01-h0-01

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## Gas Services Information Regulations 2012

### Contents

<b>Part 1 — Preliminary</b>		
1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4A.	Gas market participants	3
<b>Part 2 — Functions of the operator</b>		
4.	Functions of operator — AEMO	4
<b>Part 3 — GSI rules</b>		
5.	GSI rules	5
6.	Making GSI rules	5
7.	Amending GSI rules	5
8.	GSI rules generally	6
8A.	Transitional GSI rules for transfer of functions from IMO to ERA or Rule Change Panel	8
9.	Availability of copies of GSI rules	9
10.	GSI procedures	10
11.	Administration of GSI rules and GSI procedures	10
<b>Part 4 — Obligations to provide information</b>		
12.	Ongoing requirement to provide information	12
13.	Operator and IMO may request information	12
<b>Part 5 — Enforcement of GSI rules</b>		
<b>Division 1 — Preliminary</b>		
14.	Terms used	14

Contents

---

	<b>Division 2 — Orders and penalties</b>	
15.	Civil penalty provisions and civil penalties	14
16.	Contravention of category A civil penalty provision: ERA may demand civil penalty	15
17.	Contraventions of provisions of GSI rules: applications for orders from Board	17
18.	Contraventions of provisions of GSI rules: orders Board may make	18
19.	Enforcement of orders of Board	19
20.	Contravention of provision of GSI rules not an offence	19
21.	Conduct contravening more than one civil penalty provision	19
22.	Application of civil penalties received by operator	20
23.	ERA to notify certain persons of decision not to take action	20
24.	Applications for orders from Board: procedure	21
	<b>Part 6 — Review by the Board</b>	
	<b>Division 1 — Review by the Board</b>	
25.	Reviewable decisions and procedural decisions	22
26.	Review by Board: all reviewable decisions	22
27.	Review by Board: procedural decisions	23
28.	Application for review	23
29.	Effect of application for review	24
30.	Procedure generally	25
31.	Procedure: conferences	27
32.	Parties to proceedings	28
	<b>Division 2 — Arbitrator and Board funding</b>	
33.	Terms used	29
34.	Arbitrator funding: standing charges	29
35.	Costs and expenses of proceedings before Board	30
36.	Recovery of unpaid amounts	31
37.	Matters to be included in Arbitrator's annual report	31
	<b>Part 7 — Protection of information</b>	
38A.	References to operator to include IMO	32
38.	Protection of protected information	32
39.	Disclosure with prior written consent	32
40.	Disclosure authorised or required by law	32

41.	Disclosure for purposes of proceedings before court or tribunal	33
42.	Other grounds for disclosure	33
<b>Part 8 — Accountability and review of operations</b>		
43.	Minister may give directions	34
44.	When directions take effect	34
45.	Consultation	35
46.	Minister to have access to information	35
47.	Provision of information in compiled form	36
48A.	Provision of information and advice to Minister: operator's functions	37
48.	Review of GBB and GSOO	37
<b>Part 9 — Miscellaneous</b>		
49.	Maximum civil monetary liabilities	39
50.	Continuing offences: daily penalties	39
51.	Supplementary provision for laying documents before Parliament	40
<b>Schedule 1 — Civil penalty provisions and amounts</b>		
<b>Schedule 2 — Reviewable decisions and procedural decisions</b>		
1.	Reviewable decisions	45
2.	Procedural decisions	45
<b>Notes</b>		
	Compilation table	46
<b>Defined terms</b>		



## Gas Services Information Regulations 2012

### Part 1 — Preliminary

[Heading inserted in Gazette 14 Jun 2013 p. 2228.]

#### 1. Citation

These regulations are the *Gas Services Information Regulations 2012*<sup>1</sup>.

#### 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 on which the *Gas Services Information Act 2012* section 7 comes into operation<sup>1</sup>.

#### 3. Terms used

- (1) In these regulations, unless the contrary intention appears —  
*AEMO* means the Australian Energy Market Operator Limited (ACN 072 010 327);  
*amend* means replace, in whole or in part, add to or vary, and the doing of any 2 or more of such things simultaneously or by the same instrument;  
*Arbitrator* means the Western Australian Energy Disputes Arbitrator appointed under the *Energy Arbitration and Review*

*Act 1998* section 62 and includes a person acting under section 71 of that Act;

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

**ERA** means the Economic Regulation Authority established by the *Economic Regulation Authority Act 2003* section 4;

**GSI procedures** means procedures, made under the GSI rules, to be followed by gas market participants and by the operator, in complying with, or in connection with, the GSI rules;

**GSI rules** means the rules referred to in regulation 5;

**GSI website** means a website maintained for the purposes of regulation 11(2);

**IMO** means the Independent Market Operator established by the *Electricity Industry (Independent Market Operator) Regulations 2004* regulation 4;

**registered**, in relation to a gas market participant, means registered under the GSI rules;

**Rule Change Panel** means the Rule Change Panel established by the *Energy Industry (Rule Change Panel) Regulations 2016* regulation 4;

**specified**, in relation to an instrument or document made under or referred to in these regulations, means specified in that instrument or document;

**warning notice** means a notice, given under the GSI rules, warning a gas market participant that the ERA believes that the participant has contravened a provision of the GSI rules.

- (2) Unless the contrary intention appears, a reference to the performance of the functions of the operator, the IMO or the ERA is a reference to the performance of its functions under the Act.



*[Regulation 3 inserted in Gazette 14 Jun 2013 p. 2228-9; amended in Gazette 2 Oct 2015 p. 3932; 13 Nov 2015 p. 4638, 4641 and 4641-2; 24 Jun 2016 p. 2304 and 2308; 23 Nov 2016 p. 5271.]*

**4A. Gas market participants**

For the purposes of the definition of *user*, paragraph (c), in section 3(1) of the Act, end users who acquire at least 1 terajoule of natural gas per year are prescribed.

*[Regulation 4A inserted in Gazette 14 Jun 2013 p. 2229.]*

## **Part 2 — Functions of the operator**

*[Heading inserted in Gazette 14 Jun 2013 p. 2229.]*

### **4. Functions of operator — AEMO**

- (1) It is a function of the AEMO —
  - (a) to establish and operate the GBB; and
  - (b) to prepare and publish the GSOO.
- (2) Without limiting subregulation (1), the AEMO has the following functions —
  - (a) to collect, collate and manage information for the GBB and the GSOO;
  - (b) to derive from the information referred to in paragraph (a) information for inclusion on the GBB or in the GSOO;
  - (c) to include information on the GBB of the kinds that may or must be included on the GBB under the Act or any other written law;
  - (d) to prepare and publish the GSOO periodically.

*[Regulation 4 amended in Gazette 14 Jun 2013 p. 2229;  
28 Jun 2013 p. 2933; 13 Nov 2015 p. 4638-9.]*

### Part 3 — GSI rules

*[Heading inserted in Gazette 14 Jun 2013 p. 2230.]*

#### 5. GSI rules

There are to be rules relating to the form, content and operation of the GBB and to the form and content of the GSOO (the **GSI rules**).

*[Regulation 5 inserted in Gazette 14 Jun 2013 p. 2230.]*

#### 6. Making GSI rules

- (1) In this regulation —  
**GSI rules** includes rules that amend the GSI rules.
- (2) Subject to regulation 7, GSI rules are to be made by the Minister.
- (3) GSI rules commence at a time fixed —
  - (a) by the GSI rules; or
  - (b) in a manner provided for by the GSI rules.
- (4) Different commencement times may be fixed under —
  - (a) subregulation (3)(a) for different provisions of GSI rules; or
  - (b) subregulation (3)(b) for different provisions of GSI rules unless those GSI rules provide otherwise.
- (5) GSI rules made by the Minister are to be published in the *Gazette* and are to be laid before each House of Parliament within 10 sitting days of that House next following their publication in the *Gazette*.

*[Regulation 6 inserted in Gazette 14 Jun 2013 p. 2230.]*

#### 7. Amending GSI rules

- (1) In this regulation —  
**amending rules** means rules that amend the GSI rules.

- (2) The GSI rules may provide for matters relating to the initiation, development, making, approval, publication and commencement of amending rules.
- (3) The GSI rules under subregulation (2) may be made so as to apply to —
  - (a) amending rules of a specified kind; or
  - (b) amending rules other than rules of a specified kind,and have effect despite regulation 6(2).
- (4) Despite anything in this regulation or the GSI rules —
  - (a) rules replacing the GSI rules in whole are to be made by the Minister and regulation 6(5) applies to them; and
  - (b) rules amending, repealing or replacing GSI rules dealing with the matters referred to in regulation 8(2)(c) in relation to the Rule Change Panel must be approved by the Minister before they are made.
- (5) Despite anything in this regulation or the GSI rules, the Minister may make amending rules during the period beginning on the day on which the *Gas Services Information Amendment Regulations (No. 3) 2015* regulation 6 comes into operation and ending on 1 July 2017.

*[Regulation 7 inserted in Gazette 14 Jun 2013 p. 2230-1; amended in Gazette 13 Nov 2015 p. 4639; 23 Nov 2016 p. 5272.]*

**8. GSI rules generally**

- (1) The GSI rules may confer functions, relating to the functions referred to in section 7(2)(a) of the Act, on the operator, the Rule Change Panel (to the extent to which those functions relate to the matters referred to in regulation 7(2)), the IMO, the Minister, the Coordinator and the ERA.
- (2) Without limiting anything else in these regulations, the GSI rules may provide for the following —

- (a) the registration of gas market participants for the purposes of the GSI rules;
- (b) procedures, fees and other matters relating to registration of gas market participants;
- (c) governance matters, including financial management, relating to the performance of the functions of the operator, the Rule Change Panel or the IMO under these regulations and the GSI rules;
- (d) fees and charges to be paid by registered gas market participants for —
  - (i) the performance of the functions of the operator, the Rule Change Panel, the IMO or the ERA under these regulations and the GSI rules; and
  - (ii) the performance of the functions of the AEMO under the *Australian Energy Market Operator (Functions) Regulations 2015* to the extent to which they are functions under the Act; and
  - (iii) the performance of the functions of the ERA under the *Energy Industry (Rule Change Panel) Regulations 2016* to the extent to which they are functions under the Act;
- (e) the resolution of disputes between gas market participants and the operator or the IMO;
- (f) the limiting of access to parts of the GBB;
- (g) the Coordinator (including in his or her capacity as a hazard management agency) to direct the operator as to the performance of the functions of the operator in circumstances specified in the rules, being circumstances in the nature of an emergency, a disruption to the supply of natural gas or a threat to the safety, reliability or security of a pipeline or the supply of natural gas;
- (h) a failure to comply with specified requests for information made during or in relation to circumstances

**r. 8A**

---

specified under paragraph (g) is neither an offence nor a contravention of the GSI rules;

- (i) the monitoring and investigation of compliance with these regulations, the GSI rules and GSI procedures;
  - (j) the giving of notices warning a gas market participant that the ERA believes that the participant has contravened a provision of the GSI rules;
  - (k) the suspension of requirements imposed under the GSI rules or GSI procedures;
  - (l) the use or disclosure of protected information by the operator, the IMO or the ERA;
  - (m) the delegation of powers or duties conferred or imposed by the GSI rules other than the power to —
    - (i) make rules amending the GSI rules;
    - (ii) formulate GSI procedures or amendments of GSI procedures;
  - (n) the establishment, functions and governance of advisory committees;
  - (o) transitional matters;
  - (p) any other matters that are necessary or convenient to be dealt with.
- (3) For the purposes of section 8(1) of the Act, the matters referred to in subregulation (2)(a), (c), (d), (e), (i) and (j) are prescribed.

*[Regulation 8 inserted in Gazette 14 Jun 2013 p. 2231-2; amended in Gazette 2 Oct 2015 p. 3932; 13 Nov 2015 p. 4639, 4641 and 4641-2; 24 Jun 2016 p. 2304; 23 Nov 2016 p. 5272-3.]*

**8A. Transitional GSI rules for transfer of functions from IMO to ERA or Rule Change Panel**

- (1) Without limiting regulation 8(2)(o), the GSI rules may provide for transitional matters arising in connection with the transfer of a function from the IMO to the ERA or Rule Change Panel including, without limitation, by providing for —

- 
- (a) a thing done or omitted to be done by, to or in relation to the IMO before the transfer to be taken after the transfer to have been done or omitted by, to or in relation to the ERA or Rule Change Panel; and
  - (b) a right or obligation of the IMO before the transfer to be taken after the transfer to be a right or obligation of the ERA or Rule Change Panel; and
  - (c) a reference to the IMO in an instrument or document made or given for the purposes of these regulations or the GSI rules to be taken after the transfer to be a reference to the ERA or Rule Change Panel.
- (2) A reference in this regulation to the transfer of a function from the IMO to the ERA or Rule Change Panel is a reference to a function —
- (a) being conferred on the ERA or Rule Change Panel (whichever is relevant) under these regulations or the GSI rules; and
  - (b) ceasing to be a function of the IMO under these regulations or the GSI rules.

*[Regulation 8A inserted in Gazette 24 Jun 2016 p. 2304-5; amended in Gazette 23 Nov 2016 p. 5273-4.]*

## **9. Availability of copies of GSI rules**

- (1) The ERA must make a copy of the GSI rules as in force for the time being available —
- (a) for inspection free of charge at its principal place of business during its ordinary working hours at that place; and
  - (b) on a website maintained by the ERA.
- (2) If the GSI rules adopt a text of a published document, either as that text exists at a particular time or as it may from time to time be amended, the ERA must make that text available on the website referred to in subregulation (1)(b) or specify on that website a place where the text may be obtained.

*[Regulation 9 inserted in Gazette 14 Jun 2013 p. 2232;  
amended in Gazette 13 Nov 2015 p. 4641-2; 23 Nov 2016  
p. 5274.]*

**10. GSI procedures**

- (1) The GSI rules may provide for matters relating to the initiation, development, formulation, approval, publication and commencement of —
  - (a) GSI procedures; and
  - (b) amendments of GSI procedures.
- (2) Until GSI rules referred to in subregulation (1) are in operation, the operator may develop, formulate and publish on the GSI website —
  - (a) GSI procedures; and
  - (b) amendments of GSI procedures.
- (3) GSI procedures referred to in subregulation (2) —
  - (a) have effect from the time specified in them; and
  - (b) continue to have effect after GSI rules referred to in subregulation (1) are in operation as if they had been published under those GSI rules.

*[Regulation 10 inserted in Gazette 14 Jun 2013 p. 2232-3.]*

**11. Administration of GSI rules and GSI procedures**

- (1) The operator is responsible for the development, in accordance with the GSI rules, of amendments of and replacements for the GSI procedures, to the extent to which the procedures relate to its functions.
- (2) The operator is to maintain a website (the **GSI website**) for the purpose of —
  - (a) publishing the GSOO; and



- (b) publishing or releasing information to gas market participants that is not published or released via the GBB.
- (3) The IMO is responsible for the development, in accordance with the GSI rules, of amendments of and replacements for the GSI procedures, to the extent to which the procedures relate to its functions.
- (4) The ERA is responsible for the development, in accordance with the GSI rules, of amendments of and replacements for the GSI procedures, to the extent to which the procedures relate to its functions.
- (5) The Rule Change Panel is responsible for the development, in accordance with the GSI rules, of amendments of and replacements for the GSI rules.

*[Regulation 11 inserted in Gazette 14 Jun 2013 p. 2233; amended in Gazette 13 Nov 2015 p. 4639; 24 Jun 2016 p. 2305; 23 Nov 2016 p. 5275.]*

## **Part 4 — Obligations to provide information**

*[Heading inserted in Gazette 28 Jun 2013 p. 2934.]*

### **12. Ongoing requirement to provide information**

- (1) A gas market participant of a particular class must give to the operator, the IMO or the ERA the information specified in the GSI rules in relation to that class of gas market participant.  
Penalty: a fine of \$20 000 and a daily penalty of \$2 000.
- (2) The operator, the IMO or the ERA may, in accordance with the GSI rules, exempt a gas market participant from the requirement in subregulation (1) in relation to some or all of the information the participant would otherwise be required to give.

*[Regulation 12 inserted in Gazette 28 Jun 2013 p. 2934; amended in Gazette 13 Nov 2015 p. 4641; 24 Jun 2016 p. 2305.]*

### **13. Operator and IMO may request information**

- (1) The operator may, for the purposes of the performance of its function, request a gas market participant to give specified information to the operator.
- (2A) The IMO may, for the purposes of the performance of its function, request a gas market participant to give specified information to the IMO.
- (2B) The ERA may, for the purposes of the performance of its function, request a gas market participant to give specified information to the ERA.
- (2) The request must —
  - (a) be in writing; and
  - (b) specify the information; and
  - (c) specify the occasion or occasions on which, or the frequency at which, the information is to be given; and

- (d) specify the time within which the information must be given.
- (3) A person given a request must comply with it.  
Penalty: a fine of \$20 000 and a daily penalty of \$2 000.
- (4) Subregulation (5) has effect in relation to a request, in effect immediately before the time at which the *Gas Services Information Amendment Regulations (No. 3) 2015* regulation 9(2) comes into operation (**commencement time**), that was made by the IMO for the purposes of the performance of a function under these regulations or the GSI rules that, at commencement time, becomes a function of the AEMO.
- (5) The request becomes, at commencement time, a request made by the AEMO (as the operator) and has effect after commencement time according to its terms.

*[Regulation 13 inserted in Gazette 28 Jun 2013 p. 2934-5; amended in Gazette 13 Nov 2015 p. 4639-40; 24 Jun 2016 p. 2305.]*

## **Part 5 — Enforcement of GSI rules**

*[Heading inserted in Gazette 28 Jun 2013 p. 2935.]*

### **Division 1 — Preliminary**

*[Heading inserted in Gazette 28 Jun 2013 p. 2935.]*

#### **14. Terms used**

In this Part —

***civil penalty*** means a penalty demanded by the ERA under regulation 16(1) or imposed by the Board under regulation 18(1);

***civil penalty provision*** has the meaning given in regulation 15(1).

*[Regulation 14 inserted in Gazette 28 Jun 2013 p. 2935; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2308.]*

### **Division 2 — Orders and penalties**

*[Heading inserted in Gazette 28 Jun 2013 p. 2935.]*

#### **15. Civil penalty provisions and civil penalties**

- (1) The provisions of the GSI rules specified in Schedule 1 are ***civil penalty provisions*** for the purposes of these regulations.
- (2) The category of a civil penalty provision is the category specified for the provision in Schedule 1.
- (3) The maximum civil penalty amount (which may include a daily amount) that may be demanded from or imposed upon a gas market participant who contravenes a civil penalty provision is prescribed in Schedule 1.
- (4) An amount specified as a daily amount in Schedule 1 in respect of a contravention of a civil penalty provision applies, as part of

the prescription of the maximum civil penalty amount for the contravention, for each day or part of a day that the contravention continues after —

- (a) if a day or time by which the contravention was to be rectified is specified in a warning notice given to the gas market participant — the day by which the contravention was to be rectified; or
  - (b) in any other case — the day on which the gas market participant is given a warning notice.
- (5) For the purposes of subregulation (4), if the contravention consists of a failure to do something required to be done, the contravention is to be regarded as continuing until the act is done, despite the fact that any period within which, or time before which, the act is required to be done has expired or passed.

*[Regulation 15 inserted in Gazette 28 Jun 2013 p. 2935-6.]*

**16. Contravention of category A civil penalty provision: ERA may demand civil penalty**

- (1) If the ERA considers that a gas market participant has contravened a category A civil penalty provision, the ERA may, by notice given to the participant, demand that the participant pay to the operator a civil penalty of an amount that does not exceed the lesser of —
  - (a) the maximum civil penalty amount prescribed for the contravention in Schedule 1; and
  - (b) \$20 000.
- (2) The ERA cannot demand that the participant pay the civil penalty unless the ERA has already given the participant a warning notice.
- (3) The demand must be made within 6 years after the day on which the participant is considered by the ERA to have contravened the provision.

- (4) The notice must —
- (a) be in writing; and
  - (b) state the name and address of the participant; and
  - (c) state that the notice is given under the *Gas Services Information Regulations 2012* regulation 16; and
  - (d) specify the category A civil penalty provision that the ERA considers the participant has contravened; and
  - (e) provide details of the contravention, including the act or omission that the ERA considers constitutes the contravention; and
  - (f) specify the amount of the civil penalty; and
  - (g) inform the participant that the participant may apply to the Board for review of the ERA's decision to demand the penalty; and
  - (h) contain a statement to the effect that if the participant does not, within 28 days after the day on which the participant receives the notice —
    - (i) pay to the operator the amount demanded; or
    - (ii) apply to the Board for review of the ERA's decision to demand the penalty,the ERA may apply to the Board for an order for the payment of the penalty.
- (5) If the participant does not, within 28 days after the day on which the participant received the notice —
- (a) pay to the operator the penalty demanded in the notice; or
  - (b) apply to the Board for review of the ERA's decision to demand the penalty,
- the ERA may, within a further 28 days, apply to the Board for an order for the payment of the penalty demanded in the notice.
- (6) The Board may make an order that the participant pay the civil penalty demanded of the participant if —

- (a) the ERA made the demand in accordance with this regulation; and
  - (b) the participant has not paid the civil penalty to the operator; and
  - (c) the participant has not applied to the Board for review of the ERA's decision to demand the amount.
- (7) If the Board has made an order under regulation 18 that a gas market participant pay a civil penalty in respect of a contravention of a civil penalty provision —
- (a) the ERA may not demand that the participant pay the operator a civil penalty in respect of the contravention; and
  - (b) the Board may not make an order that the participant pay the civil penalty demanded of the participant.
- (8) The ERA cannot make a demand under subregulation (1) in relation to a contravention that occurs before 1 November 2013.
- [Regulation 16 inserted in Gazette 28 Jun 2013 p. 2936-8; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2305-7 and 2308.]*

**17. Contraventions of provisions of GSI rules: applications for orders from Board**

- (1) If the ERA considers that a gas market participant has contravened a provision of the GSI rules, the ERA may apply to the Board for one or more orders under regulation 18.
- (2) The application must be made within 6 years after the day on which the participant is considered by the ERA to have contravened the provision.
- (3) No other person may apply for an order under regulation 18.
- (4) The ERA cannot make an application for an order under regulation 18 in relation to a contravention that occurs before 1 November 2013.

*[Regulation 17 inserted in Gazette 28 Jun 2013 p. 2938-9;  
amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016  
p. 2308.]*

**18. Contraventions of provisions of GSI rules: orders Board may make**

- (1) If the Board determines that a gas market participant has contravened a provision of the GSI rules, the Board may make one or more of the following orders —
  - (a) if the provision is a civil penalty provision — an order that the participant pay to the operator a civil penalty of an amount that does not exceed the maximum civil penalty amount prescribed for the contravention in Schedule 1;
  - (b) an order that the participant cease, within a specified period, the act or omission constituting the contravention;
  - (c) an order that the participant take the action, or adopt the practice, that the Board requires for remedying the contravention or preventing a recurrence of the contravention;
  - (d) an order that the participant implement a specified programme for compliance with the GSI rules.
- (2) Before making an order, the Board must have regard to all relevant matters, including the following —
  - (a) the nature and extent of the contravention;
  - (b) the nature and extent of any loss or damage suffered as a result of the contravention;
  - (c) the circumstances in which the contravention took place;
  - (d) whether the participant has previously been found by the Board in proceedings under the Act to have engaged in any similar conduct;
  - (e) the consequences of making the order.



- (3) If the ERA has demanded that a gas market participant pay to the operator a civil penalty in respect of the contravention of a civil penalty provision, the Board may not make an order under this regulation that the participant pay a civil penalty in respect of the contravention.

*[Regulation 18 inserted in Gazette 28 Jun 2013 p. 2939-40; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2307.]*

**19. Enforcement of orders of Board**

- (1) The ERA may enforce an order of the Board made under regulation 16(6) or 18(1) by lodging with the Supreme Court a certified copy of it, and an affidavit stating to what extent it has not been complied with.
- (2) When lodged, the order is to be taken to be a judgment of the court and may be enforced accordingly.

*[Regulation 19 inserted in Gazette 28 Jun 2013 p. 2940; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2308-9.]*

**20. Contravention of provision of GSI rules not an offence**

A contravention of a provision of the GSI rules is not an offence.

*[Regulation 20 inserted in Gazette 28 Jun 2013 p. 2940.]*

**21. Conduct contravening more than one civil penalty provision**

- (1) If the conduct of a gas market participant constitutes a contravention of 2 or more civil penalty provisions, action may be taken under this Part against the participant in relation to the contravention of any one or more of those provisions.
- (2) However, the participant is not liable for more than one civil penalty in respect of the same conduct.

*[Regulation 21 inserted in Gazette 28 Jun 2013 p. 2940-1.]*

**22. Application of civil penalties received by operator**

A civil penalty received by the operator must be credited to the Consolidated Account.

*[Regulation 22 inserted in Gazette 28 Jun 2013 p. 2941; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2307.]*

**23. ERA to notify certain persons of decision not to take action**

- (1) If the operator is given information by a person in relation to a contravention or possible contravention of a provision of the GSI rules by a gas market participant —
  - (a) the operator must give the information to the ERA; and
  - (b) if authorised by the person to do so, the operator must give the person's contact details to the ERA.
- (2) Subregulation (3) applies if the ERA is given information in relation to a contravention or possible contravention of a provision of the GSI rules by a gas market participant —
  - (a) by a person (otherwise than anonymously); or
  - (b) by the operator under subregulation (1)(a), together with the contact details referred to in subregulation (1)(b).
- (3) If the ERA —
  - (a) decides not to investigate the contravention or possible contravention; or
  - (b) following an investigation, decides not to demand a civil penalty under regulation 16 or seek an order from the Board under regulation 18,

the ERA must, in writing, notify the person who gave the information to the ERA or to the operator (whichever is relevant) of the decision.

*[Regulation 23 inserted in Gazette 24 Jun 2016 p. 2308.]*

**24. Applications for orders from Board: procedure**

An application by the ERA to the Board for an order under regulation 16(6) or 18(1) must —

- (a) be in writing; and
- (b) state that the applicant is the ERA; and
- (c) specify the provision of these regulations under which the ERA is seeking the order; and
- (d) provide details of the contravention of the GSI rules that the ERA considers has occurred, including the name and address of the gas market participant alleged to have contravened the GSI rules; and
- (e) specify the nature of the order sought.

*[Regulation 24 inserted in Gazette 28 Jun 2013 p. 2941-2; amended in Gazette 13 Nov 2015 p. 4641-2; 24 Jun 2016 p. 2308-9.]*

## **Part 6 — Review by the Board**

*[Heading inserted in Gazette 28 Jun 2013 p. 2942.]*

### **Division 1 — Review by the Board**

*[Heading inserted in Gazette 28 Jun 2013 p. 2942.]*

#### **25. Reviewable decisions and procedural decisions**

- (1) In this Part —

***procedural decision*** means a reviewable decision made under a provision listed in the Table to Schedule 2 clause 2;

***reviewable decision*** means a decision that is reviewable under section 12(1) of the Act.

- (2) For the purposes of section 12(1) of the Act, the decisions made under provisions of these regulations or the GSI rules not listed in the Table to Schedule 2 clause 1 are specified.

*[Regulation 25 inserted in Gazette 28 Jun 2013 p. 2942.]*

#### **26. Review by Board: all reviewable decisions**

- (1) A person whose interests are adversely affected by a reviewable decision may apply to the Board for a review of the decision.
- (2) The Board may make an order affirming, setting aside or varying (immediately or as from a specified future date) the decision and, for the purposes of the review, may exercise the same powers with respect to the subject matter of the decision as may be exercised with respect to that subject matter by the person who made the decision.
- (3) The Board may refuse to review a reviewable decision if it considers that the application for review is trivial or vexatious.
- (4) A determination by the Board on the review of a reviewable decision has the same effect as if it were made by the person who made the decision.

(5) If the Board decides that a person's interests are not adversely affected by a reviewable decision, the Board must give the person written reasons for its decision.

(6) This regulation is subject to regulation 27.

*[Regulation 26 inserted in Gazette 28 Jun 2013 p. 2942-3.]*

**27. Review by Board: procedural decisions**

(1) In reviewing a procedural decision, the Board is to consider only the question of whether the decision maker followed the procedure required to be followed under these regulations, the GSI rules or the GSI procedures in connection with the making of the decision.

(2) In reviewing a procedural decision, the Board is to be constituted by a legal practitioner only.

(3) In reviewing a procedural decision, the Board must —

(a) if it finds that the decision maker followed the procedure — affirm the decision; or

(b) if it finds that the decision maker did not follow the procedure — set the decision aside and remit the matter to the decision maker.

(4) If the Board remits a matter to the decision maker under subregulation (3)(b), the Board may make recommendations as to how the decision maker should go about making the decision.

*[Regulation 27 inserted in Gazette 28 Jun 2013 p. 2943-4.]*

**28. Application for review**

(1) An application for review of a reviewable decision must be made within —

(a) if notice of the making of the decision is required by these regulations or the GSI rules to be given to a person affected by the decision — 28 days after the day on which the notice is given; or

- (b) in any other case — 28 days after the day on which notice of the making of the decision is published in accordance with subregulation (2).
- (2) For the purposes of subregulation (1)(b), notice of a decision is published if the notice is published on the GSI website.
- (3) An application for review of a reviewable decision must —
  - (a) be in writing; and
  - (b) state the name and address of the applicant; and
  - (c) provide details of the decision, including who made the decision and under which regulation or GSI rule the decision was made or purportedly made; and
  - (d) state how the applicant is adversely affected by the decision.
- (4) The Board may extend the time within which an application for review of a reviewable decision may be made, by 14 days, and may do so even though the time has elapsed.
- (5) The Board must give written notice of an application for review of a reviewable decision to the person who made the decision.

*[Regulation 28 inserted in Gazette 28 Jun 2013 p. 2944-5.]*

**29. Effect of application for review**

- (1) The making of an application for review of a reviewable decision does not affect the operation of the decision or prevent the taking of action to implement it unless the Board, on application by a party to the proceedings, makes an order under subregulation (2).
- (2) The Board may make an order staying or otherwise affecting the operation or implementation of the whole or a part of the decision if the Board thinks that it is appropriate to do so for the purpose of securing the effectiveness of the hearing and determination of the application, after taking into account the interests of any persons who may be affected by the review.

- (3) An order under this regulation —
  - (a) may be varied or revoked; and
  - (b) is subject to the conditions specified in the order; and
  - (c) has effect until the earlier of —
    - (i) the end of the period of operation specified in the order (if any); or
    - (ii) the time at which the decision of the Board on the application comes into operation.

*[Regulation 29 inserted in Gazette 28 Jun 2013 p. 2945.]*

**30. Procedure generally**

- (1) This regulation applies to proceedings before the Board for a review of a reviewable decision.
- (2) The Board must make its determination on the review within 120 days after receiving the application for review.
- (3) The Board may extend, or further extend, the period referred to in subregulation (2) by a period of 30 days if it considers that the matter cannot be dealt with properly without the extension, either because of its complexity or because of other special circumstances.
- (4) If the Board extends the period, it must, before the end of the period, notify the applicant of the extension and the reasons for it.
- (5) The Board may require the operator or the ERA to give information and other assistance, and to make reports, as specified by the Board for the purposes of the proceedings.
- (6) In the proceedings —
  - (a) it is a reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person; and

- (b) it is a reasonable excuse for a person to fail to produce a document if producing the document might tend to incriminate the person.
- (7) On the application of a party to the proceedings, the Board may conduct the proceedings in the absence of the public.
- (8) If the Board is satisfied that it is desirable to do so because of the confidential nature of any evidence or matter or for any other reason, relating to the proceedings, the Board may, by order —
  - (a) give directions prohibiting or restricting the publication of evidence given before the Board (whether in public or private) or of matters contained in documents filed with, or received in evidence by, the Board; or
  - (b) give directions prohibiting or restricting the disclosure to some or all of the parties to the proceedings, of evidence given before the Board or of matters contained in documents filed with, or received in evidence by, the Board.
- (9) In considering whether to make an order under subregulation (8) the Board is to take as the basis of its consideration the principle that the evidence and the matters contained in the documents should be made available to all parties, but must pay due regard to any reasons given to the Board as to why publication or disclosure of the evidence or matter should be prohibited or restricted.
- (10) A witness summoned to appear at a hearing of the Board is entitled to be paid such allowances and expenses as the Board determines.

*[Regulation 30 inserted in Gazette 28 Jun 2013 p. 2945-7; amended in Gazette 13 Nov 2015 p. 4641; 24 Jun 2016 p. 2308-9.]*



**31. Procedure: conferences**

(1) If an application is made to the Board for review of a reviewable decision, the Board may direct that a conference of the parties to the proceedings be held, presided over by a member of the Board.

(2) If —

(a) a conference is held; and

(b) at or after the conference, agreement is reached between the parties as to the terms of a decision of the Board in the proceedings that would be acceptable to the parties; and

(c) the terms of the agreement are written down, signed by the parties and given to the Board; and

(d) the Board is satisfied that —

(i) a decision in those terms would be within the powers of the Board; and

(ii) that it would be appropriate to make a decision in those terms,

the Board may, without holding a hearing, make a decision in accordance with those terms.

(3) At the hearing of proceedings before the Board evidence must not be given, and statements must not be made, about anything that happened at a conference held under subregulation (1) in relation to the proceedings, unless the parties otherwise agree.

(4) If, in relation to the hearing of proceedings before the Board —

(a) a party to the proceedings who was present at a conference objects to the member of the Board who presided over the conference participating in the proceedings; and

(b) that party notifies the Board of that objection before or at the start of the hearing,

the member is not entitled to be a member of the Board constituted for the purposes of the proceedings.

*[Regulation 31 inserted in Gazette 28 Jun 2013 p. 2947-8.]*

**32. Parties to proceedings**

- (1) If a party to proceedings before the Board has had reasonable notice of the proceedings and fails, without reasonable excuse, either to appear at a conference or at the hearing of the proceedings, the Board may —
  - (a) if the only other party to the proceedings is the person who made the reviewable decision — dismiss the application concerned; or
  - (b) in any other case — direct that the person who failed to appear ceases to be a party to the proceedings.
- (2) If an application has been made by a person for review of a reviewable decision, any other person whose interests are adversely affected by the decision may apply to the Board to be made a party to the proceedings and the Board may, by order, make the person a party to the proceedings.
- (3) An application under subregulation (2) must —
  - (a) be in writing; and
  - (b) state the name and address of the applicant; and
  - (c) provide details of the proceedings to which the applicant is applying to be made a party; and
  - (d) provide details of how the applicant's interests are adversely affected by the decision.

*[Regulation 32 inserted in Gazette 28 Jun 2013 p. 2948-9.]*

**Division 2 — Arbitrator and Board funding**

*[Heading inserted in Gazette 28 Jun 2013 p. 2949.]*

**33. Terms used**

In this Division —

**assessment amount** means the amount payable as specified in a notice of assessment under regulation 34(3)(b);

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

- (a) are incurred in the quarter in connection with the performance by the Arbitrator of the Arbitrator's functions under the *Energy Arbitration and Review Act 1998* in relation to the Board's functions under this Part; and
- (b) cannot be recovered under regulation 35;

**determined costs** means an amount determined by the Board under regulation 35 to be payable by a party to proceedings;

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

**quarter** means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April, but does not include a quarter beginning before 1 July 2013;

**standing charge** means a charge under regulation 34.

[Regulation 33 inserted in Gazette 28 Jun 2013 p. 2949-50.]

**34. Arbitrator funding: standing charges**

- (1) At the end of each quarter the operator is liable to pay a charge in connection with the performance by the Arbitrator of the Arbitrator's functions under the *Energy Arbitration and Review Act 1998* in relation to the Board's functions under this Part.
- (2) The amount of the charge is the amount of the core functions costs for the quarter.
- (3) As soon as is practicable after the end of each quarter the Arbitrator must —
  - (a) assess the standing charge payable; and
  - (b) give a notice of assessment specifying —

- (i) the amount of the charge payable; and
- (ii) the core functions costs used in calculating the charge; and
- (iii) the day on which the notice of assessment was issued.

*[Regulation 34 inserted in Gazette 28 Jun 2013 p. 2950.]*

**35. Costs and expenses of proceedings before Board**

- (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.
- (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.

*[Regulation 35 inserted in Gazette 28 Jun 2013 p. 2950-1.]*

**36. Recovery of unpaid amounts**

- (1) The Arbitrator may recover —
- (a) any unpaid assessment amount; 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 a person as being liable to pay the specified amount; and
  - (d) stating that the specified 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 36 inserted in Gazette 28 Jun 2013 p. 2951-2.]*

**37. 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 core functions costs;
- (b) the total amount of standing charges;
- (c) the total determined costs.

*[Regulation 37 inserted in Gazette 28 Jun 2013 p. 2952.]*

## **Part 7 — Protection of information**

*[Heading inserted in Gazette 28 Jun 2013 p. 2952.]*

### **38A. References to operator to include IMO**

In this Part, a reference to the operator includes a reference to the IMO.

*[Regulation 38A inserted in Gazette 13 Nov 2015 p. 4640.]*

### **38. Protection of protected information**

- (1) The operator must take all reasonable measures to protect protected information from unauthorised use or disclosure.
- (2) The operator may use or disclose protected information if the use or disclosure is authorised or required under the Act.
- (3) Regulations 39 to 42 do not limit subregulation (2).

*[Regulation 38 inserted in Gazette 28 Jun 2013 p. 2952.]*

### **39. Disclosure with prior written consent**

The operator is authorised to disclose protected information if it has the written consent of the person from whom the information was obtained.

*[Regulation 39 inserted in Gazette 28 Jun 2013 p. 2953.]*

### **40. Disclosure authorised or required by law**

- (1) The operator is authorised to disclose protected information as authorised or required under a written law, or a law of the Commonwealth, a State or a Territory.
- (2) A person or body to whom protected information is disclosed under subregulation (1) is, to the extent consistent with the law, limited to using the information in connection with the performance of the functions, or the exercise of the powers, of the person or body for the purposes of which the information was disclosed.

*[Regulation 40 inserted in Gazette 28 Jun 2013 p. 2953.]*

**41. Disclosure for purposes of proceedings before court or tribunal**

The operator is authorised to disclose protected information for the purposes of —

- (a) civil or criminal proceedings; or
- (b) proceedings before a tribunal established by or under a written law or a law of the Commonwealth, a State or a Territory.

*[Regulation 41 inserted in Gazette 28 Jun 2013 p. 2953.]*

**42. Other grounds for disclosure**

- (1) If a document contains both protected information and other information, the operator is authorised to disclose the document if the protected information is omitted.
- (2) The operator must include a note at the place in the document from which the protected information is omitted to the effect that protected information has been omitted from the document.
- (3) The operator is authorised to disclose protected information if —
  - (a) it does not disclose any elements of the information that could lead to the identification of the person to whom the information relates; or
  - (b) the manner in which it discloses the information does not identify the person to whom that information relates and could not reasonably be expected to lead to the person being identified.
- (4) The operator is authorised to disclose protected information if the information is in the public domain.

*[Regulation 42 inserted in Gazette 28 Jun 2013 p. 2953-4.]*

## **Part 8 — Accountability and review of operations**

*[Heading inserted in Gazette 28 Jun 2013 p. 2954.]*

### **43. Minister may give directions**

- (1) The Minister may give directions in writing to the IMO with respect to the general performance of its functions and, subject to regulation 44, the IMO must give effect to any such direction.
- (2) A direction under subregulation (1) must not be inconsistent with the objectives set out in section 6 of the Act.
- (3) The Minister must cause the text of any direction under subregulation (1) to be laid before each House of Parliament or dealt with under regulation 51 —
  - (a) within 14 days after the direction is given; or
  - (b) if the direction is the subject of a notice under the *Statutory Corporations (Liability of Directors) Act 1996* section 17, within 14 days after it is confirmed under that section.

*[Regulation 43 inserted in Gazette 28 Jun 2013 p. 2954-5; amended in Gazette 13 Nov 2015 p. 4641-2.]*

### **44. When directions take effect**

- (1) A direction under regulation 43(1) becomes effective —
  - (a) on the expiry of 7 days after its receipt by the IMO or of such longer period as the Minister may, at the request of the IMO, determine; or
  - (b) if it is the subject of a notice under the *Statutory Corporations (Liability of Directors) Act 1996* section 17, on its being confirmed under that section.
- (2) If the IMO asks the Minister to extend the 7 day period under subregulation (1), the Minister must consider the request and notify the IMO of his or her decision before the 7 day period has expired.



*[Regulation 44 inserted in Gazette 28 Jun 2013 p. 2955;  
amended in Gazette 13 Nov 2015 p. 4641-2.]*

**45. Consultation**

The IMO and the Minister, at the request of either, are to consult together, either directly or through appropriate representatives, in relation to the general performance of the functions of the IMO.

*[Regulation 45 inserted in Gazette 28 Jun 2013 p. 2955;  
amended in Gazette 13 Nov 2015 p. 4641-2.]*

**46. Minister to have access to information**

(1) In this regulation —

**document** includes any tape, disk or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

**information** means information (including protected information) specified, or of a description specified, by the Minister that relates to the general performance of the functions of the IMO.

(2) The Minister is entitled —

- (a) to have information in the possession of the IMO; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(3) For the purposes of subregulation (2) the Minister may —

- (a) request, in writing, the IMO to provide information to the Minister; and
- (b) request, in writing, the IMO to give the Minister access to information; and
- (c) for the purposes of paragraph (b), make use of the staff of the IMO to obtain information and provide it to the Minister.

**r. 47**

---

- (4) A request under subregulation (3)(a) may specify a time before which the information is to be provided.
- (5) The IMO must —
  - (a) comply with a request under subregulation (3); and
  - (b) make staff and facilities available to the Minister for the purposes of subregulation (3)(c).
- (6) Where the IMO provides or gives access to information to the Minister, the Minister must be advised whether or not, in the opinion of the IMO, the public disclosure of the information may adversely affect the commercial interests of the operator or the IMO or any gas market participant.

*[Regulation 46 inserted in Gazette 28 Jun 2013 p. 2955-7; amended in Gazette 13 Nov 2015 p. 4640 and 4641-2.]*

**47. Provision of information in compiled form**

- (1) Subregulation (2) applies if the Minister wishes to obtain from the IMO information, that relates to the general performance of the functions of the IMO, that —
  - (a) is not itself in the possession of the IMO; but
  - (b) is capable of being assembled or compiled from information in the possession of the IMO.
- (2) The Minister may request the IMO to provide to the Minister a document containing information that —
  - (a) is of a specified description; or
  - (b) is presented in a specified way; or
  - (c) relates to a specified period; or
  - (d) has some other specified characteristic.
- (3) A request under subregulation (2) must be in writing and may specify a time before which the document is to be provided.
- (4) The IMO is to comply with a request under subregulation (2) and is to take, or cause to be taken, whatever steps are necessary in order to do so.

- (5) Regulation 46(2) applies to a document prepared or compiled for the purposes of this regulation in the same way as it applies to other information in the possession of the IMO.
- (6) Regulation 46(6) applies where a document is provided under this regulation in the same way as it applies where information is provided under regulation 46.

*[Regulation 47 inserted in Gazette 28 Jun 2013 p. 2957;  
amended in Gazette 13 Nov 2015 p. 4641-2.]*

**48A. Provision of information and advice to Minister: operator's functions**

- (1) The Minister may request the operator to —
  - (a) provide information about the performance of its functions; or
  - (b) provide advice, including advice in the nature of feasibility studies and consultancy services.
- (2) The operator must comply with a request.
- (3) Protected information provided in response to a request under subregulation (1) must be identified as such by the operator at the time of providing the information.
- (4) The costs of the operator in complying with a request under subregulation (1)(a) are not recoverable by way of fees and charges to be paid by registered gas market participants under the GSI rules.

*[Regulation 48A inserted in Gazette 13 Nov 2015 p. 4641.]*

**48. Review of GBB and GSOO**

- (1) The Minister may, after consulting with the operator, appoint a person to conduct a strategic review of the operation and content of the GBB and the preparation and content of the GSOO.
- (2) The operator must, for the purposes of subregulation (1) —

**r. 48**

---

- (a) give the person access to information, including protected information, in the possession of the operator; and
  - (b) give the person all reasonable assistance; and
  - (c) make staff and facilities available to the person.
- (3) A person who conducts a strategic review cannot use or disclose protected information obtained during the course of the review other than —
- (a) for the purposes of the review; or
  - (b) under regulation 40 or 41, which apply to the person as if references in those regulations to the operator were references to the person.
- (4) In the report to the Minister on a strategic review, the person conducting the review must not include protected information unless —
- (a) the person from whom the information was obtained has consented to the inclusion of the information in the report; or
  - (b) it is included in such a way that the identity of the person to whom it relates is not apparent and could not reasonably be worked out; or
  - (c) it is in the public domain.
- (5) The Minister may direct the operator to conduct a review of the operation and content of the GBB and the preparation and content of the GSOO and, as part of that, may direct the operator as to —
- (a) the scope of the review; and
  - (b) consulting with gas market participants and other persons and entities; and
  - (c) when the review should be undertaken; and
  - (d) reporting to the Minister on the results of the review.

*[Regulation 48 inserted in Gazette 28 Jun 2013 p. 2958-9.]*

## Part 9 — Miscellaneous

*[Heading inserted in Gazette 28 Jun 2013 p. 2959.]*

### 49. Maximum civil monetary liabilities

- (1) For the purposes of section 14(3) of the Act, the following maximum amounts are prescribed —
  - (a) in relation to the civil monetary liability of a gas market participant to a person who suffers loss as a result of an act or omission, the lesser of —
    - (i) \$400 000; and
    - (ii) the maximum amount worked out under subregulation (2);
  - (b) in relation to the civil monetary liability of the operator or the IMO, or an officer or employee of the operator or the IMO, to a person who suffers loss as a result of an act or omission — \$1.
- (2) The maximum amount of a person's civil monetary liability under subregulation (1)(a) is worked out by deducting from \$20 million the aggregate of the amounts already paid by the person in the discharge of the person's civil monetary liabilities to persons suffering losses as a result of acts or omissions occurring during the financial year in which the relevant act or omission occurred.

*[Regulation 49 inserted in Gazette 28 Jun 2013 p. 2959; amended in Gazette 13 Nov 2015 p. 4641.]*

### 50. Continuing offences: daily penalties

- (1) If, in addition to a penalty specified for an offence under these regulations, a daily penalty is specified for the offence, a person convicted of the offence is also liable to a daily penalty, not exceeding the amount specified, for each day or part of a day during which the offence continues after notice of the alleged offence has been given to the offender.

**r. 51**

---

- (2) A notice referred to in subregulation (1) must —
- (a) be in writing; and
  - (b) state the name and address of the person to whom the notice is directed; and
  - (c) specify the particular provision that the person is alleged to have contravened; and
  - (d) provide details of the contravention; and
  - (e) state that criminal proceedings may be instituted against the person.

*[Regulation 50 inserted in Gazette 28 Jun 2013 p. 2960.]*

**51. Supplementary provision for laying documents before Parliament**

- (1) If —
- (a) at the commencement of a period referred to in regulation 43(3) a House of Parliament is not sitting; and
  - (b) the Minister is of the opinion that that House will not sit during that period,

the Minister must transmit a copy of the document to the Clerk of that House.

- (2) A copy of a document transmitted to the Clerk of a House is to be regarded as having been laid before that House.
- (3) The laying of a copy of a document that is to be regarded as having occurred under subregulation (2) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

*[Regulation 51 inserted in Gazette 28 Jun 2013 p. 2960-1.]*

---

## Schedule 1 — Civil penalty provisions and amounts

[r. 15]

*[Heading inserted in Gazette 28 Jun 2013 p. 2961.]*

<b>Rule</b>	<b>Category</b>	<b>Maximum civil penalty amount</b>
r. 18(5)	A	first contravention: \$10 000 subsequent contraventions: \$20 000
r. 18(6)	B	first contravention: \$40 000 subsequent contraventions: \$80 000
r. 22	B	\$25 000 plus a daily amount of \$5 000
r. 23	B	\$25 000 plus a daily amount of \$5 000
r. 27(4)	A	\$5 000 plus a daily amount of \$1 000
r. 32(6)	A	\$5 000 plus a daily amount of \$1 000
r. 34(3)	A	\$5 000 plus a daily amount of \$1 000
r. 36(3)	A	\$5 000 plus a daily amount of \$1 000
r. 39(4)	A	\$5 000 plus a daily amount of \$1 000
r. 49(1)	A	\$5 000 plus a daily amount of \$1 000
r. 49(2)	A	\$5 000 plus a daily amount of \$1 000
r. 53(1)	A	\$5 000 plus a daily amount of \$1 000
r. 53(2)	A	\$5 000 plus a daily amount of \$1 000
r. 54(1)	A	\$5 000 plus a daily amount of \$1 000
r. 54(2)	A	\$5 000 plus a daily amount of \$1 000
r. 54(3)	A	\$5 000 plus a daily amount of \$1 000
r. 55(1)	A	\$5 000 plus a daily amount of \$1 000
r. 55(2)	A	\$5 000 plus a daily amount of \$1 000
r. 56(1)	A	\$5 000 plus a daily amount of \$1 000
r. 56(4)	A	\$5 000 plus a daily amount of \$1 000
r. 57(1)	A	\$5 000 plus a daily amount of \$1 000
r. 57(2)	A	\$5 000 plus a daily amount of \$1 000

**Gas Services Information Regulations 2012****Schedule 1** Civil penalty provisions and amounts

---

<b>Rule</b>	<b>Category</b>	<b>Maximum civil penalty amount</b>
r. 58(1)	A	\$5 000 plus a daily amount of \$1 000
r. 58(2)	A	\$5 000 plus a daily amount of \$1 000
r. 59(1)	A	\$5 000 plus a daily amount of \$1 000
r. 59(2)	A	\$5 000 plus a daily amount of \$1 000
r. 59(3)	A	\$5 000 plus a daily amount of \$1 000
r. 60	A	\$5 000 plus a daily amount of \$1 000
r. 61(1)	A	\$20 000 plus a daily amount of \$2 000
r. 61(2)	A	\$20 000 plus a daily amount of \$2 000
r. 62(1)	A	\$5 000 plus a daily amount of \$1 000
r. 62(2)	A	\$5 000 plus a daily amount of \$1 000
r. 63(1)	A	\$5 000 plus a daily amount of \$1 000
r. 63(2)	A	\$5 000 plus a daily amount of \$1 000
r. 64(1)	A	\$5 000 plus a daily amount of \$1 000
r. 64(4)	A	\$5 000 plus a daily amount of \$1 000
r. 65(1)	A	\$5 000 plus a daily amount of \$1 000
r. 65(2)	A	\$5 000 plus a daily amount of \$1 000
r. 66(1)	A	\$5 000 plus a daily amount of \$1 000
r. 66(2)	A	\$5 000 plus a daily amount of \$1 000
r. 67(1)	A	\$5 000 plus a daily amount of \$1 000
r. 67(2)	A	\$5 000 plus a daily amount of \$1 000
r. 68(1)	A	\$5 000 plus a daily amount of \$1 000
r. 69(1)	A	\$5 000 plus a daily amount of \$1 000
r. 69(2)	A	\$5 000 plus a daily amount of \$1 000
r. 70(1)	A	\$5 000 plus a daily amount of \$1 000
r. 70(2)	A	\$5 000 plus a daily amount of \$1 000
r. 71(1)	A	\$5 000 plus a daily amount of \$1 000
r. 71(4)	A	\$5 000 plus a daily amount of \$1 000



<b>Rule</b>	<b>Category</b>	<b>Maximum civil penalty amount</b>
r. 72(1)	A	\$5 000 plus a daily amount of \$1 000
r. 72(2)	A	\$5 000 plus a daily amount of \$1 000
r. 73(1)	A	\$5 000 plus a daily amount of \$1 000
r. 74(1)	A	\$20 000 plus a daily amount of \$2 000
r. 74(3)	A	\$20 000 plus a daily amount of \$2 000
r. 74(4)	A	\$20 000 plus a daily amount of \$2 000
r. 75(5)	A	\$20 000 plus a daily amount of \$2 000
r. 76(1)	A	\$5 000 plus a daily amount of \$1 000
r. 76(2)	A	\$5 000 plus a daily amount of \$1 000
r. 77(1)	A	\$5 000 plus a daily amount of \$1 000
r. 77(2)	A	\$5 000 plus a daily amount of \$1 000
r. 78(1)	A	\$5 000 plus a daily amount of \$1 000
r. 98(1)	A	\$5 000 plus a daily amount of \$1 000
r. 98(2)	A	\$5 000 plus a daily amount of \$1 000
r. 99(1)	A	\$5 000 plus a daily amount of \$1 000
r. 99(2)	A	\$5 000 plus a daily amount of \$1 000
r. 100(1)	A	\$5 000 plus a daily amount of \$1 000
r. 100(2)	A	\$5 000 plus a daily amount of \$1 000
r. 101(1)	A	\$5 000 plus a daily amount of \$1 000
r. 101(2)	A	\$5 000 plus a daily amount of \$1 000
r. 106(2)	A	first contravention: \$10 000 plus a daily amount of \$2 000 subsequent contraventions: \$20 000 plus a daily amount of \$2 000
r. 115(1)	A	\$10 000 plus a daily amount of \$2 000
r. 115(3)	A	\$10 000 plus a daily amount of \$2 000
r. 115A(3)	A	\$10 000 plus a daily amount of \$2 000
r. 118(1)	A	\$10 000 plus a daily amount of \$2 000

**Gas Services Information Regulations 2012**

**Schedule 1** Civil penalty provisions and amounts

---

<b>Rule</b>	<b>Category</b>	<b>Maximum civil penalty amount</b>
r. 118(3)	A	\$10 000 plus a daily amount of \$2 000
r. 119(5)	A	\$10 000 plus a daily amount of \$2 000
r. 166	A	\$5 000 plus a daily amount of \$1 000
r. 169(3)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
r. 169(5)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
r. 173(2)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000

---

*[Schedule 1 inserted in Gazette 28 Jun 2013 p. 2961-5; amended in Gazette 8 Sep 2015 p. 3720.]*

## **Schedule 2 — Reviewable decisions and procedural decisions**

[r. 25]

*[Heading inserted in Gazette 28 Jun 2013 p. 2966.]*

### **1. Reviewable decisions**

For the purposes of regulation 25(2), the following provisions are listed: reg. indicates a provision of these regulations and r. indicates a provision of the GSI rules.

#### **Table**

reg. 16(1)	r. 13(1)	r. 28(2)
r. 34(2)	r. 36(2)	r. 39(3)
r. 43(2)	r. 46(3)	r. 48(2)
r. 67(4)	r. 68(3)	r. 73(3)
r. 78(3)	r. 131(1)(a)	r. 131(2)
r. 134(1)(a)	r. 137(1)(a)	r. 156(3)(a)
r. 160(2)		

*[Clause 1 inserted in Gazette 28 Jun 2013 p. 2966.]*

### **2. Procedural decisions**

For the purposes of definition of *procedural decision* in regulation 25(1), the following provisions of the GSI rules are listed.

#### **Table**

r. 13(1)	r. 28(2)	r. 34(2)
r. 36(2)	r. 39(3)	r. 43(2)
r. 46(3)	r. 48(2)	r. 67(4)
r. 68(3)	r. 73(3)	r. 78(3)
r. 131(1)(a)	r. 131(2)	r. 134(1)(a)
r. 137(1)(a)	r. 156(3)(a)	r. 160(2)

*[Clause 2 inserted in Gazette 28 Jun 2013 p. 2966-7.]*

**Notes**

<sup>1</sup> This is a compilation of the *Gas Services Information Regulations 2012* 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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Gas Services Information Regulations 2012</i>	29 Jun 2012 p. 2932-3	r. 1 and 2: 29 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2012 (see r. 2 and <i>Gazette</i> 29 Jun 2012 p. 2929)
<i>Gas Services Information Amendment Regulations 2013</i>	14 Jun 2013 p. 2228-33	r. 1 and 2: 14 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Jun 2013 (see r. 2(b))
<i>Gas Services Information Amendment Regulations (No. 2) 2013</i>	28 Jun 2013 p. 2933-67	r. 1 and 2: 28 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Jun 2013 (see r. 2(b))
<b>Reprint 1: The <i>Gas Services Information Regulations 2012</i> as at 16 Aug 2013</b> (includes amendments listed above)		
<i>Gas Services Information Amendment Regulations 2015</i>	8 Sep 2015 p. 3720	r. 1 and 2: 8 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Sep 2015 (see r. 2(b))
<i>Gas Services Information Amendment Regulations (No. 2) 2015</i>	2 Oct 2015 p. 3931-2	r. 1 and 2: 2 Oct 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Oct 2015 (see r. 2(b))
<i>Gas Services Information Amendment Regulations (No. 3) 2015</i>	13 Nov 2015 p. 4638-42	r. 1 and 2: 13 Nov 2015 (see r. 2(a)); r. 4 and 6: 14 Nov 2015 (see r. 2(b)); Regulations other than r. 1, 2, 4 and 6: 8.00 am on 30 Nov 2015 (see r. 2(c))
<i>Gas Services Information Amendment Regulations 2016</i>	24 Jun 2016 p. 2303-9	r. 1 and 2: 24 Jun 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2016 (see r. 2(b) and <i>Gazette</i> 30 Jun 2016 p. 2695)

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Gas Services Information Amendment Regulations (No. 2) 2016</i>	23 Nov 2016 p. 5271-5	r. 1 and 2: 23 Nov 2016 (see r. 2(a)); Regulations other than r. 1, 2 and 9(2): 24 Nov 2016 (see r. 2(c)); Regulation 9(2): 3 Apr 2017 (see r. 2(b))

## Defined terms

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

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
AEMO.....	3(1)
amend.....	3(1)
amending rules.....	7(1)
Arbitrator.....	3(1)
assessment amount.....	33
civil penalty.....	14
civil penalty provision.....	14
civil penalty provisions.....	15(1)
commencement time.....	13(4)
Coordinator.....	3(1)
core functions costs.....	33
determined costs.....	33
document.....	46(1)
ERA.....	3(1)
GSI procedures.....	3(1)
GSI rules.....	3(1), 5, 6(1)
GSI website.....	3(1), 11(2)
IMO.....	3(1)
information.....	46(1)
procedural decision.....	25(1)
proceedings.....	33
quarter.....	33
registered.....	3(1)
reviewable decision.....	25(1)
specified.....	3(1)
standing charge.....	33
warning notice.....	3(1)