EG302*

Gas Pipelines Access (Western Australia) Act 1998

Gas Pipelines Access (Repealed Access Scheme Modification) Regulations 2000

Made under Schedule 3 clause 31(2) by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Gas Pipelines Access (Repealed Access Scheme Modification) Regulations 2000.*

2. The regulations amended

The amendments in these regulations are to the *Gas Distribution Regulations 1996** applying under the *Gas Pipelines Access (Western Australia) Act 1998* Schedule 3 clause 31 as a part of the repealed access scheme continued under that clause.

[* *Published in Gazette 31 December 1996, pp. 7349-426. For amendments to 17 February 2000 see 1998 Index to Legislation of Western Australia, Table 4, p. 122.*]

3. Regulation 17 repealed

Regulation 17 is repealed.

4. Regulation 42 amended

After regulation 42(3) the following subregulation is inserted —

"

(3a) A user cannot be given an option to extend the duration of a grant of access beyond the time described in regulation 109.

".

5. Regulation 49 amended

(1) Regulation 49(1) is amended by deleting "otherwise the duration of a grant of access is to be 3 years" and inserting instead —

"

to a shorter duration, the duration of a grant of access is to be until the time described in regulation 109

".

(2) After regulation 49(2) the following subregulation is inserted —

"

(3) The duration of a grant of access is not to be extended beyond the time described in regulation 109.

".

6. Regulation 68 amended

Regulation 68(1) is amended by deleting "in publishing its estimates of indicative prices under regulation 17, or".

7. Regulation 96 amended

After regulation 96(4) the following subregulation is inserted —

"

(5) Part 10 also applies (with appropriate modifications) to a grant of access referred to in subregulation (1).

".

8. Heading to Part 9 replaced

The Heading to Part 9 is deleted and the following heading is inserted instead —

"

Part 9 — Transitional provisions to do with commencement of these regulations

".

9. Part 10 inserted

After Part 9 the following Part is inserted —

"

Part 10 — Transitional provisions to do with termination of these regulations

106. This Part to prevail

To the extent that there is any inconsistency between this Part and anything else in these regulations, this Part prevails.

107. No further price redetermination required

Despite anything in the pricing methods or these regulations about the annual redetermination of prices —

(a) a redetermination of prices is not required for 1999 or at any time after 1999 while these regulations continue to apply; and

(b) the most recent redetermination of prices is to continue in effect.

108. Duration of grants of access

(1) A grant of access made before the commencement of the *Gas Pipelines Access (Repealed Access Scheme Modification) Regulations 2000* is amended by including in it a term that, if it does not end sooner, the grant ends at the time described in regulation 109 and cannot be extended beyond that time.

(2) A term included by subregulation (1) prevails over anything in the grant that may be inconsistent with the term, and has effect despite any option to extend the duration of the grant.

(3) To the extent that a provision of these regulations would be inconsistent with a term included by subregulation (1) in a grant of access —

(a) the provision does not, despite regulation 48, apply to that grant of access; and

(b) if the provision is in Schedule 1, the provision is not, despite regulation 47(1), an essential term for that grant of access.

109. Time by which grants of access end

(1) The time by which a grant of access is to end is the end of the first gas day to end after a period of 3 months from the approval day has elapsed, unless a later time is approved under subregulation (2) by the Coordinator.

(2) If the Coordinator is satisfied that the parties to a grant of access are genuinely attempting to enter into a Code access agreement, the Coordinator may, at the request of the parties and after consulting the Regulator, approve a later time, not more than 6 months after the time described in subregulation (1), as the time by which the grant of access is to end.

(3) In this regulation —

"approval day" means the day on which an Access Arrangement is approved under the Gas Pipelines Access (Western Australia) Law for the pipeline concerned;

"Code access agreement" means an agreement in accordance with the Gas Pipelines Access (Western Australia) Law for access to a service provided by means of the pipeline concerned;

"Gas Pipelines Access (Western Australia) Law" has the same meaning as it has in the *Gas Pipelines Access (Western Australia) Act 1998*;

"Regulator" means the person holding or acting in the office of the Western Australian Independent Gas Pipelines Access Regulator established by section 27 of the *Gas Pipelines Access (Western Australia) Act 1998*.

110. Contracts already existing

Regulation 47(2) does not prevent the application of anything in this Part to a grant of access made before the commencement of the *Gas Pipelines Access (Repealed Access Scheme Modification) Regulations 2000*.

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By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.