

Western Australia

**Gas Pipelines Access (Western Australia)
(Reviews) Amendment Act 2003**

As at 30 Jun 2003

No. 42 of 2003

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Gas Pipelines Access (Western Australia) (Reviews) Amendment Act 2003

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Gas Pipelines Access (Western Australia) (Reviews) Amendment Act 2003

No. 42 of 2003

An Act to amend the *Gas Pipelines Access (Western Australia) Act 1998*.

[Assented to 30 June 2003]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Gas Pipelines Access (Western Australia) (Reviews) Amendment Act 2003*.

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2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Gas Pipelines Access (Western Australia) Act 1998**.

[* *Reprinted as at 11 August 2000.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 148.]

4. Schedule 1 section 11 amended

- (1) Schedule 1 section 11(2) is amended by deleting “and the relevant Ministers of the scheme participants” and inserting instead —

“

, the relevant Ministers of the scheme participants and the Code Registrar

”.

- (2) After Schedule 1 section 11(3) the following subsection is inserted —

“

- (4) If the Ministers classify, or make a determination in respect of, a pipeline under subsection (3), they must cause the Code Registrar to be notified of the decision.

”.

5. Schedule 1 section 38 amended

- (1) Schedule 1 section 38(1) is amended by inserting after “body” —

“

, in accordance with this Part and any applicable law governing the practice and procedure of that body,

”.

- (2) Schedule 1 section 38(2) is repealed and the following subsection is inserted instead —

“

- (2) The time for making an application under this section for a review of a decision expires 14 days after the decision is placed on the public register kept by the Code Registrar under the Code.

”.

- (3) Schedule 1 section 38(6)(a) is amended by inserting after “section 39(1)” —

“ or (1a) ”.

6. Schedule 1 section 39 amended

- (1) Schedule 1 section 39(1) is repealed and the following subsections are inserted instead —

“

- (1) If the relevant Regulator makes a decision under the Code to approve the Regulator’s own access arrangement or the Regulator’s own revisions of an access arrangement —
- (a) in place of an access arrangement or revisions submitted for approval by a service provider; or
 - (b) because a service provider fails to submit an access arrangement or revisions as required by the Code,

the following persons may apply to the relevant appeals body for a review of the decision —

- (c) the service provider;
 - (d) a person who made a submission to the relevant Regulator on the access arrangement or revisions submitted by the service provider or drafted by the Regulator and whose interests are adversely affected by the decision.
- (1a) If the relevant Regulator makes a decision under the Code —

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- (a) to disallow a variation proposed by a service provider of a Reference Tariff within an Access Arrangement Period; or
- (b) to make the Regulator's own variation of a Reference Tariff within an Access Arrangement Period —
 - (i) on disallowing a variation proposed by a service provider; or
 - (ii) because a service provider fails to submit such a variation as required by the Code,

the service provider may apply to the relevant appeals body for a review of the decision.

”.

- (2) Schedule 1 section 39(2) is amended as follows:
 - (a) by deleting “subsection (1)” and inserting instead —
“ this section ”;
 - (b) in paragraph (b) by inserting before “may” —
“ in the case of an application under subsection (1), ”.
- (3) Schedule 1 section 39(3) is amended by deleting “subsection (1)” and inserting instead —
“ this section ”.
- (4) Schedule 1 section 39(5) is amended by deleting paragraphs (a) and (b) and inserting instead —
“
 - (a) the application for review and submissions in support of the application (other than, in the case of an application under subsection (1), any matter not raised in submissions to the relevant Regulator before the decision was made);
 - (ab) the relevant access arrangement or proposed access arrangement or revision or proposed revision of an access arrangement, together with any related”.

access arrangement information or proposed access arrangement information;

- (ac) in the case of an application under subsection (1a) — any notice of a proposed variation of Reference Tariff within an Access Arrangement Period given by the service provider to the relevant Regulator under the Code;
- (ad) any written submissions made to the relevant Regulator before the decision was made;

”.

- (5) After Schedule 1 section 39(6) the following subsection is inserted —

“

- (7) In this section —

“**Access Arrangement Period**” and “**Reference Tariff**”
have the same meanings as in the Code.

”.

7. Schedule 1 section 41 amended

Schedule 1 section 41(9) is amended in the definition of “prescribed duty” by inserting after paragraph (c) the following paragraph —

“

- (ca) deciding under the Code whether to approve, disallow or make a variation of a Reference Tariff within an Access Arrangement Period (within the meaning of the Code);

”.

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