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GAS CORPORATION ACT 1994

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**GAS TRANSMISSION  
AMENDMENT REGULATIONS  
(No. 2) 1997**

## GAS CORPORATION ACT 1994

**GAS TRANSMISSION AMENDMENT  
REGULATIONS (No. 2) 1997**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Gas Transmission Amendment Regulations (No. 2) 1997*.

**Principal regulations**

2. In these regulations the *Gas Transmission Regulations 1994\** are referred to as the principal regulations.

[\* *Published in Gazette 22 December 1994, pp. 6895-7020.*  
*For amendments to 11 November 1997 see 1996 Index to Legislation of Western Australia, Table 4, pp. 109-110.*]

**Regulation 3 amended**

3. Regulation 3 of the principal regulations is amended —

- (a) in the definition of “capacity” by inserting after “system” the following —  
“ to receive gas or ”;
- (b) in the definition of “contracted capacity” by inserting after “outlet point” the following —  
“  
 , as reduced or increased (if applicable) from time to time under these regulations ”;
- (c) in the definition of “*force majeure*” by deleting “regulation 91” and substituting the following —  
“ regulations 91 and 159 (4) ”;
- (d) in the definition of “full-haul capacity” by inserting after “means” the following —  
“ , subject to regulation 64B, ”;
- (e) in the definition of “grant of capacity” —
  - (i) by deleting “Division 4.5” and substituting the following —  
“ regulation 86 ”; and

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (ii) by inserting after “deemed grant of capacity” the following —
- “
- , and “**grant of T1 capacity**”, “**grant of T2 capacity**” and “**grant of T3 capacity**” have the same meaning in relation to T1 capacity, T2 capacity and T3 capacity respectively
- ”;
- (f) in the definition of “notice” by inserting after “communication” the following —
- “
- , and includes such a notice communicated by means of facsimile or (if the parties so agree under Division 10.2) by the corporation’s electronic bulletin board system
- ”;
- (g) by deleting the definitions of “additional T3 capacity”, “commercially viable”, “operationally feasible”, “shipper’s T1 capacity”, “shipper’s T2 capacity”, “shipper’s T3 capacity”, “tranche” and “Tranche 3 charge”;
- (h) by inserting in the appropriate alphabetical positions the following definitions —
- “
- “AT3 capacity”** means capacity nominated by or allocated to a shipper under Part 7 in excess of the shipper’s total contracted capacity;
- “commercially viable”** means, in respect of any capacity, service or thing, that the tests set out in regulation 8A are satisfied;
- “commissioning grant”** means a grant of capacity under regulation 86B;
- “operationally feasible”** means operationally feasible in the corporation’s reasonable opinion in the circumstances prevailing at the relevant time, including without limitation —
- (a) the configuration and status of the gas transmission system at the relevant time;
- (b) the individual and collective contracted capacities and load characteristics of all shippers;
- (c) gas transmission capacity generally; and
- (d) the corporation’s relevant entitlements and obligations under any contract or written law;
- “T1 capacity”** means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in Tranche 1;
- “T2 capacity”** means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in Tranche 2;
- “T3 capacity”** means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable

*Gas Transmission Amendment Regulations (No. 2) 1997*

under these regulations to a grant of capacity in Tranche 3;

**“T3 charge”** means the charge for T3 capacity or AT3 capacity determined in accordance with regulation 150;

**“technically feasible”** means technically feasible consistent with the safe and reliable operation of the gas transmission system, in the view of a reasonable and prudent person;

**“total contracted capacity”**, in respect of a shipper, means —

- (a) in relation to inlet points, the sum (across all inlet points) of the shipper’s contracted capacities; and
- (b) in relation to outlet points, the sum (across all tranches at all outlet points) of the shipper’s contracted capacities;

**“total T1 capacity”**, in respect of a shipper, means the sum (across all outlet points) of the shipper’s T1 capacities for a gas day;

**“total T2 capacity”**, in respect of a shipper, means the sum (across all outlet points) of the shipper’s T2 capacities for a gas day;

**“total T3 capacity”**, in respect of a shipper, means the sum (across all outlet points) of the shipper’s T3 capacities for a gas day;

**“tranche”** means, as the context requires —

- (a) any one or more of Tranche 1, Tranche 2 or Tranche 3; or
- (b) any one or more of T1 capacity, T2 capacity, T3 capacity or AT3 capacity;

”.

**Regulation 8A inserted**

4. After regulation 8 of the principal regulations the following regulation is inserted in Part 1 —

“

**Commercial viability**

**8A.** Any capacity, service or thing is commercially viable if in all the circumstances (subject to regulation 198 (6) if applicable) —

- (a) there is a reasonable prospect that the corporation will recover within a reasonable time, from either shippers or prospective shippers or both, the capital investment required to provide, and the costs of maintaining and providing, that capacity, service or thing, and a reasonable rate of return on that capital investment;
- (b) adequate funding to meet that capital investment and those costs is available to the corporation at commercially reasonable rates; and
- (c) any anticipated increase to shippers’ gas transmission prices resulting from the corporation making that capital investment

*Gas Transmission Amendment Regulations (No. 2) 1997*

or incurring those costs is considered by the corporation to be commercially reasonable.

”.

**Regulation 11 amended**

5. Regulation 11 (1) of the principal regulations is amended after paragraph (e) by deleting subparagraphs (i) and (ii) and substituting the following paragraphs —

“

- (f) the proposed capacity at each inlet point and in each tranche at each outlet point; and
- (g) the expected load characteristics, including the expected load factor, peak factor, maximum daily quantity and maximum hourly quantity.

”.

**Regulation 13 amended**

6. Regulation 13 (1) of the principal regulations is amended by deleting “of investment in” and substituting the following —

“ of “capital investment in ”.

**Regulation 14 repealed and a regulation substituted**

7. Regulation 14 of the principal regulations is repealed and the following regulation is substituted —

“

**Maintenance schedules**

14. (1) The corporation must make available to all shippers reasonable details of any scheduled maintenance, any major works under regulation 53, and the estimated availability of capacity in Tranche 1, Tranche 2 and Tranche 3, and must do so at such intervals and in respect of such periods as will keep shippers reasonably informed of those matters.

(2) No action for damages lies against the corporation in respect of any information made available under subregulation (1), except in the case of a wilful failure to make the information available or a wilful error or omission in the information made available.

”.

**Regulation 15 amended**

8. Regulation 15 of the principal regulations is amended —

- (a) by inserting before the definition of “gas trader” the following definition —

“

“**corporate officer**” means any director, the chief executive officer, and any other servant or agent of the corporation, who by virtue of his or her position in the corporation cannot properly discharge his or her duties without —

- (a) being partly engaged in both the gas transmission business and the corporation’s other business; and
- (b) receiving inside information;

”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) by deleting the definition of “senior officer”; and
- (c) in the definitions of “trading staff” and “transmission staff” by deleting “senior” and substituting the following —  
     “ corporate ”.

**Regulation 16 amended**

9. (1) Regulation 16 (1) of the principal regulations is amended by inserting after “transmission staff” the following —

“ or by any corporate officer ”.

(2) Regulation 16 (2) (d) of the principal regulations is amended by deleting “senior” and substituting the following —

“ corporate ”.

**Regulation 17 amended**

10. Regulation 17 of the principal regulations is amended by inserting after “transmission staff” the following —

“ or any corporate officer ”.

**Regulation 21 amended**

11. Regulation 21 (2) of the principal regulations is amended —

- (a) in paragraph (c) by deleting “shipper;” and substituting the following —

“ shipper, including without limitation —

- (i) the terms and conditions of any capacity service under regulation 61A; and

- (ii) as between shippers or prospective shippers under a commissioning grant, the terms and conditions of a commissioning grant;

”;

- (b) by deleting “and” after paragraph (f);

- (c) by deleting the full stop at the end of paragraph (g) and substituting the following —

“ ; and ”; and

- (d) by inserting after paragraph (g) the following paragraph —

“ (h) the terms and conditions of any agreement under regulation 184A.

”.

**Regulation 22 amended**

12. Regulation 22 of the principal regulations is amended —

- (a) by deleting “and” after paragraph (g);

- (b) by deleting the full stop at the end of paragraph (h) and substituting a semicolon; and

*Gas Transmission Amendment Regulations (No. 2) 1997*

(c) by inserting after paragraph (h) the following paragraphs —

- “
- (i) differences in the order of curtailment or interruption of shippers' capacities under regulation 55A or 64A, or by agreement between the corporation and a shipper under regulation 47 (2) or 50 (4) or Schedule 2;
  - (j) differences in the terms, conditions and prices applicable to shippers with contracted capacity at an outlet point which arise from the operation of regulations 64B and 86D;
  - (k) curtailments or interruptions under regulation 170A (2); and
  - (l) the operation of any agreement under regulation 184A.
- ”.

**Regulation 23 amended**

**13.** After regulation 23 (c) of the principal regulations the following paragraph is inserted —

- “
- (ca) the fact that one person is a shipper or prospective shipper under a commissioning grant, and the other person is a shipper or prospective shipper under a grant of capacity which is not a commissioning grant;
- ”.

**Regulation 33 amended**

**14.** (1) Regulation 33 (1) of the principal regulations is amended by deleting “The” and substituting the following —

“ Subject to subregulation (5), the ”.

(2) After regulation 33 (2) of the principal regulations the following subregulations are inserted —

- “
- (3) The corporation may at any time give notice to the committee that it proposes —
    - (a) to undertake an enhancement to or expansion of the gas transmission system; or
    - (b) to undertake an enhancement to or expansion of the gas transmission system in a manner which materially departs from the manner previously set out in a notice under paragraph (a).

(4) A notice under subregulation (3) must include all details which would reasonably be required by the committee for the purpose of deciding whether it will, under regulation 31 (f), require the corporation to appoint an expert in relation to any matter connected with or arising out of the enhancement, expansion or material departure the subject of the notice.

(5) Despite regulation 31 (f), the committee may not require the corporation to appoint an expert in relation to any matter connected with or arising out of any —

- (a) enhancement or expansion, the subject of notice under subregulation (3) (a); or

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) material departure, the subject of a notice under subregulation (3) (b),

at any time later than 20 working days after the corporation gives that notice.

(6) A notice addressed to the Chairperson of the committee and communicated to the Coordinator is by force of this regulation to be taken to have been a notice to the committee.

”.

**Regulation 34 amended**

15. Regulation 34 of the principal regulations is amended —

- (a) by inserting after the regulation designation “34.” the subregulation designation “(1)”; and
- (b) by inserting the following subregulation —

“ (2) If the expert, as part of the expert review, is reviewing a decision of the corporation, the expert in reviewing that decision may only have regard to —

- (a) the facts and circumstances known by the corporation at the time of the relevant decision, together with any facts or circumstances which ought to have been known by the corporation acting as a reasonable and prudent person at the time of the relevant decision; and
- (b) without limiting the generality of paragraph (a), despite any subsequent repeal, substitution or amendment of these regulations, the regulations in force at the time of the relevant decision.

”.

**Regulation 42 amended**

16. Regulation 42 of the principal regulations is amended by inserting after “shipper’s capacity” the following —

“ , or to refuse to accept gas from or deliver gas to a shipper ”.

**Regulation 43 repealed and a regulation substituted**

17. Regulation 43 of the principal regulations is repealed and the following regulation is substituted —

“ **Each tranche to be treated separately**

**43.** If a shipper has been granted more than one of T1 capacity, T2 capacity or T3 capacity, then for the purposes of this Part that shipper is to be treated, in respect of —

- (a) the grant of T1 capacity, as though the shipper has not received any grant of T2 capacity or T3 capacity;
- (b) the grant of T2 capacity, as though the shipper has not received any grant of T1 capacity or T3 capacity; and
- (c) the grant of T3 capacity, as though the shipper has not received any grant of T1 capacity or T2 capacity.

”.



*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 44 amended**

**18.** Regulation 44 of the principal regulations is amended —

- (a) by deleting “Tranche 1” and substituting the following —  
“ T1 capacity ”; and
- (b) by deleting “Tranche 2 and Tranche 3” and substituting the following —  
“ T2 capacity, T3 capacity and AT3 capacity ”.

**Regulation 45 amended**

**19.** Regulation 45 of the principal regulations is amended by deleting “is a reference to full-haul capacity.” and substituting the following —

“  
, or to T1 capacity, T2 capacity, T3 capacity or AT3 capacity, is a reference to full-haul capacity, unless the reference is expressly to part-haul capacity or back-haul capacity.  
”.

**Regulation 46 amended**

**20.** Regulation 46 of the principal regulations is amended —

- (a) by deleting “capacity in Tranche 1 or Tranche 2” and substituting the following —  
“ T1 capacity or T2 capacity ”; and
- (b) by deleting “capacity in Tranche 3” and substituting the following —  
“ T3 capacity ”.

**Regulation 47 amended**

**21.** (1) Regulation 47 (1) of the principal regulations is repealed and the following subregulation is substituted —

“  
(1) The corporation must, in its operation and maintenance of the gas transmission system, use its best endeavours to minimise any curtailment of T1 capacity.  
”.

(2) Regulation 47 (2) of the principal regulations is amended —

- (a) by deleting “and 55” and substituting the following —  
“ , 55 and 55A ”;
- (b) in paragraph (a) by deleting “shippers’ ” in the second place where it occurs;
- (c) by deleting the full stop at the end of paragraph (b) and substituting a comma; and
- (d) by inserting after paragraph (b) the following —  
“ unless the relevant shipper agrees otherwise. ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) After regulation 47 (2) the following subregulation is inserted —

“

(3) Where a shipper agrees under subregulation (2) to a curtailment of its T1 capacity or an interruption of its T2 capacity, the curtailment or interruption is not to be included in any calculation of the accumulated duration of whole or partial curtailments or interruptions for that shipper under regulation 116 (3).

”.

**Regulation 48 repealed and a regulation substituted**

**22.** Regulation 48 of the principal regulations is repealed and the following regulation is substituted —

“

**T1 capacity and T2 capacity are take-or-pay**

**48.** A shipper's obligation to pay the capacity reservation charge under a grant of T1 capacity or T2 capacity arises whether or not the shipper makes use of any capacity under the grant.

”.

**Regulation 49 amended**

**23.** (1) Regulation 49 (1) of the principal regulations is amended —

(a) by deleting “daily nominations for Tranche 1” and substituting the following —

“ total T1 capacities ”; and

(b) by inserting after “shippers' ” in the second place where it occurs the following —

“ total ”.

(2) Regulation 49 (2) of the principal regulations is repealed and the following subregulation is substituted —

“

(2) To the extent that a shipper's total T1 capacity is wholly or partially curtailed under subregulation (1) or by agreement under regulation 47 (2) or Schedule 2, the shipper is entitled to a proportionate refund of the capacity reservation charge in respect of that capacity.

”.

(3) Regulation 49 (3) of the principal regulations is amended —

(a) by deleting “regulation 55” and substituting the following —

“ regulations 55 and 55A ”; and

(b) by inserting after “shipper's” the following —

“ total ”.

(4) Regulation 49 (4) of the principal regulations is amended by inserting after “shipper's” in the 3 places where it occurs the following —

“ total ”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 50 amended**

24. (1) Regulation 50 (1) of the principal regulations is amended —
- (a) by deleting “daily nominations for Tranche 1 and Tranche 2” and substituting the following —  
“ total T1 capacities and total T2 capacities ”; and
  - (b) by deleting “a shipper’s T2 capacity” and substituting the following —  
“ shippers’ total T2 capacities ”.
- (2) Regulation 50 (2) of the principal regulations is repealed and the following subregulation is substituted —

“

(2) To the extent that a shipper’s total T2 capacity is wholly or partially interrupted under subregulation (1) or by agreement under subregulation (4) or regulation 47 (2), the shipper is entitled to a proportionate refund of the capacity reservation charge in respect of that capacity.

”.

- (3) Regulation 50 (3) of the principal regulations is amended —
- (a) by deleting “regulation 55” and substituting the following —  
“ subregulation (4) and regulations 55 and 55A ”; and
  - (b) by inserting after “shipper’s” in the 3 places where it occurs the following —  
“ total ”.
- (4) After regulation 50 (3) of the principal regulations the following subregulation is inserted —

“

(4) A shipper, in its discretion as a reasonable and prudent person, may from time to time agree with the corporation that the shipper’s total T2 capacity is to be interrupted either wholly or to a greater extent than would otherwise be the case under subregulation (3).

”.

**Regulation 51 amended**

25. (1) Regulation 51 (1) of the principal regulations is amended —
- (a) by inserting after “shipper’s” in both places where it occurs the following —  
“ total ”; and
  - (b) in paragraph (b) —
    - (i) by deleting “Tranche 3” and substituting the following —  
“ T3 capacity ”;
    - (ii) by deleting “Tranche 1” and substituting the following —  
“ T1 capacity ”; and
    - (iii) by deleting “Tranche 2” and substituting the following —  
“ T2 capacity ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (2) Regulation 51 (2) of the principal regulations is amended —
- (a) by inserting after “shipper’s” the following —  
“ total ”;
  - (b) by inserting after “capacity is” the following —  
“ wholly or partially ”; and
  - (c) by deleting “Tranche 3” and substituting the following —  
“ T3 ”.

**Regulation 51A inserted**

26. After regulation 51 of the principal regulations the following regulation is inserted —

“

**Apportionment of shipper’s curtailments or interruptions**

**51A.** If a shipper has contracted capacity at more than one inlet point or more than one outlet point, the corporation may as a reasonable and prudent person apportion any —

- (a) curtailment or interruption of the shipper’s total contracted capacity at the inlet points;
- (b) curtailment of the shipper’s total T1 capacity;
- (c) interruption of the shipper’s total T2 capacity; or
- (d) interruption of the shipper’s total T3 capacity,

across those inlet points or outlet points, and in so doing the corporation is to the extent technically feasible and if circumstances reasonably permit —

- (e) to make reasonable endeavours to consult with the shipper concerning that apportionment; and
- (f) to have regard as a reasonable and prudent person to any apportionment mechanism specified in the transmission contract or otherwise agreed between the parties or requested by the shipper.

”.

**Regulation 52 amended**

27. Regulation 52 of the principal regulations is amended —

- (a) by deleting “capacity in Tranche 3” and substituting the following —  
“ T3 capacity ”; and
- (b) by inserting after “are to be” the following —  
“ those ”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 55 amended**

**28.** Regulation 55 of the principal regulations is amended —

(a) in paragraph (b) —

(i) by deleting “to curtail or interrupt a shipper’s capacity” and substituting the following —

“  
to refuse to accept gas from or deliver gas to a shipper  
(or, if applicable, to curtail or interrupt a shipper’s  
capacity)”,

and

(ii) by deleting “a shipper” in the second place where it occurs and substituting the following —

“ the shipper ”;

(b) by inserting after “the corporation must” the following —

“  
wholly refuse to accept gas from or deliver gas to the shipper,  
and must”,

and

(c) by deleting “curtailment or interruption.” and substituting the following —

“ curtailment, interruption or refusal. ”.

**Regulation 55A inserted**

**29.** After regulation 55 of the principal regulations the following regulation is inserted —

“

**Exclusion of shipper’s capacity from apportionment of curtailments or interruptions in certain circumstances**

**55A.** If and to the extent that —

(a) a particular shipper’s capacity would, but for this regulation, be included in an apportionment of curtailments or interruptions; and

(b) in the corporation’s view as a reasonable and prudent person the inclusion of the capacity referred to in paragraph (a) would for any reason (including without limitation the location of the particular shipper’s inlet point or inlet points or outlet point or outlet points) be unlikely to wholly or partially reduce the need to curtail or interrupt one or more other shippers’ capacities,

the corporation may exclude the capacity referred to in paragraph (a) from the apportionment of curtailments or interruptions, despite what would otherwise be the corporation’s obligation to include that capacity in that apportionment.

”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 57 repealed and a regulation substituted**

**30.** Regulation 57 of the principal regulations is repealed and the following regulation is substituted —

“

**Mechanism for giving effect to a curtailment or interruption or refusal to accept or deliver gas**

**57.** (1) Whenever the corporation is empowered under these regulations or a transmission contract —

- (a) to curtail or interrupt a shipper's capacity; or
- (b) to refuse to accept gas from or deliver gas to a shipper,

it may give effect to that curtailment, interruption or refusal —

- (c) physically; or
- (d) by notice to the shipper (in accordance with regulation 250) specifying when the curtailment, interruption or refusal is to commence, and —
  - (i) for a curtailment or interruption, the amount of capacity that is to be curtailed or interrupted; or
  - (ii) for a refusal, the maximum amount (if any) of gas which will be received from, or delivered to, the shipper.

(2) Wherever practicable, the corporation is to give effect to a curtailment, interruption or refusal by notice under subregulation (1) (d) instead of, or prior to, doing so physically under subregulation (1) (c).

(3) Subject to regulations 51A, 60 (6) and 60A, if a shipper has contracted capacity at more than one inlet point or in a tranche at more than one outlet point, a notice under subregulation (1) (d) may specify the apportionment of any curtailment, interruption or refusal across those inlet points or in the tranche across those outlet points (as the case may be).

(4) A notice under subregulation (1) (d) —

- (a) takes effect from the time specified in the notice;
- (b) may be expressed to continue indefinitely or for a specified time; and
- (c) may revoke, substitute or amend a previous notice.

(5) The corporation may at any time, whether or not it has specified in a notice under subregulation (1) (d) an end time for a curtailment, interruption or refusal, give notice to a shipper (in accordance with regulation 250) terminating a curtailment, interruption or refusal either immediately or from any time in the future.

(6) A notice under subregulation (1) (d) (i) by force of this regulation constitutes a variation of the shipper's transmission contract reducing the shipper's contracted capacities to the extent, and in accordance with the apportionment (if any), specified in the notice.

(7) If a notice under subregulation (1) (d) (i) takes effect before a shipper's next nomination under Division 7.2 or renomination under Division 7.3, the shipper's daily nominations are by force of this regulation to be taken to be reduced to the same extent, and in accordance with the same apportionment (if any), as is specified in the notice for the shipper's contracted capacities.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(8) A shipper may not —

- (a) nominate under Division 7.2 or renominate under Division 7.3 for capacity; or
- (b) deliver gas to or receive gas from the corporation,

in excess of whichever is the lower of —

- (c) its reduced shipper's contracted capacities under subregulation (6) or its reduced nomination under subregulation (7), as applicable; or
- (d) the quantity specified in a notice under subregulation (1) (d) (ii) as the maximum quantity which the corporation will receive from, or deliver to, the shipper.

(9) If a shipper fails to comply with subregulation (8), the corporation may in future refuse to allocate to that shipper under Part 7 any capacity in excess of the shipper's contracted capacity.

”.

**Regulation 58 amended**

**31.** (1) Regulation 58 (1) of the principal regulations is amended by inserting after “shipper's” in the 3 places where it occurs the following —

“ total ”.

(2) After regulation 58 (1) of the principal regulations the following subregulation is inserted —

“

(1a) If a shipper has T2 capacity at more than one outlet point, the shipper may as a reasonable and prudent person specify how the reduction under this regulation is to be apportioned across those outlet points, and if the shipper does not make such specification within 10 working days of a written request by the corporation, the corporation is as a reasonable and prudent person to make that apportionment.

”.

(3) Regulation 58 (2) of the principal regulations is amended by deleting “subregulation (1)” and substituting the following —

“ this regulation ”.

(4) Regulation 58 (3) of the principal regulations is amended —

- (a) by inserting after “shipper's” the following —  
“ total ”;
- (b) by deleting “subregulation (1)” and substituting the following —  
“ this regulation ”; and
- (c) by deleting “capacity in Tranche 1 or Tranche 3” and substituting the following —  
“ T1 capacity or T3 capacity ”.

(5) Regulation 58 (4) of the principal regulations is amended by deleting “capacity in Tranche 2” and substituting the following —

“ T2 capacity ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(6) Regulation 58 (5) of the principal regulations is repealed and the following subregulations are substituted —

“

(5) The corporation must, a reasonable time before any relevant enhancement to or expansion of the gas transmission system, give notice to the shipper (in this regulation called **“the offer”**) offering to grant to the shipper, at each outlet point at which the shipper’s T2 capacity is to be reduced, an amount of capacity (in this regulation called **“the replacement capacity”**) equal to the amount by which the shipper’s T2 capacity is to be reduced at that outlet point.

(5a) The offer must provide that —

- (a) the grant of the replacement capacity is to commence at the same time as the shipper’s T2 capacity is reduced; and
- (b) the replacement capacity may, at the shipper’s election, comprise either T1 capacity, T3 capacity, or a combination of both T1 capacity and T3 capacity.

(5b) The shipper may by notice in writing accept the offer so that in all cases the shipper’s aggregate amount of T1 capacity and T3 capacity so granted at an outlet point is equal to or less than the amount by which the shipper’s T2 capacity at the outlet point is to be reduced.

(5c) If the shipper does not accept the offer within 30 days of the offer it is by force of this regulation to be taken to have rejected the offer and the enhancement or expansion may proceed and the shipper’s T2 capacity may be reduced under this regulation.

”.

(7) Regulation 58 (6) of the principal regulations is amended —

- (a) by inserting after “any capacity” the following —  
“ at an outlet point ”;
- (b) by inserting after “T2 capacity” the following —  
“ at the outlet point ”; and
- (c) by deleting “subregulation (1)” and substituting the following —  
“ this regulation ”.

**Regulation 60 amended**

**32.** Regulation 60 of the principal regulations is amended —

- (a) by inserting after the regulation designation **“60.”** the subregulation designation **“(1)”**;
- (b) by inserting after “the corporation may” the following —  
“ (without prior notice to the shipper) ”; and
- (c) by inserting the following subregulations —

“

(2) Without affecting the corporation’s rights under subregulation (1), the corporation must —

- (a) use its reasonable endeavours to give a shipper advance notice which is reasonable in the circumstances of any impending refusal to accept gas; and



*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) if it does not give a shipper advance notice under paragraph (a) of a refusal to accept gas, the corporation must notify the shipper of that refusal as soon as practicable after that refusal.
- (3) The corporation must, where practicable, notify a shipper (by inclusion in a notice under subregulation (2) or otherwise) of the reasons for a refusal to accept gas.
- (4) A refusal to accept gas under this regulation is not a curtailment or interruption for the purposes of these regulations.
- (5) The corporation is not liable for any act, matter or thing caused by or arising out of any refusal to accept gas under —
  - (a) subregulation (1) (a) to (d), in any event; and
  - (b) subregulation (1) (e) to (f), if the corporation has taken all steps which would be expected of a reasonable and prudent person to avoid the need for, or failing such avoidance to minimise the magnitude and duration of, the refusal to accept gas.
- (6) If a shipper has contracted capacity at more than one inlet point, the corporation may as a reasonable and prudent person apportion any refusals to accept gas across those inlet points, and in so doing the corporation is to the extent technically feasible and if circumstances reasonably permit —
  - (a) to make reasonable endeavours to consult with the shipper concerning that apportionment; and
  - (b) to have regard as a reasonable and prudent person to any apportionment mechanism specified in the transmission contract or otherwise agreed between the parties or requested by the shipper.

**Regulations 60A and 60B inserted**

**33.** After regulation 60 of the principal regulations the following regulations are inserted —

“

**Refusal to deliver gas**

**60A.** Whenever the corporation is empowered or required under the Act, these regulations (namely regulations 42, 55, 57 (5), 60B, 86A (8), 111, 178, 184 (3), 184A (5), 185 (2), 186 (2), 189 and 232 and clause 2 of Schedule 2) or a transmission contract to refuse to deliver gas to a shipper at an outlet point, the provisions of regulation 60 (2) to (6) apply with appropriate modifications to that refusal to deliver.

**Limits on gas deliveries at outlet points**

**60B.** Subject to any provision of a shipper's transmission contract (or any other agreement between the parties) to the contrary, the corporation may refuse to deliver gas to the shipper at an outlet point, if delivering that gas would cause the total quantity (calculated across all outlet points) of gas delivered to the shipper in the gas day to exceed the shipper's total contracted capacity for the gas day.

”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 61A inserted**

**34.** After regulation 61 of the principal regulations the following regulation is inserted in Division 3.3 —

“

**Miscellaneous capacity services**

**61A.** Subject to these regulations and without limiting the generality of regulation 61, the corporation may, on whatever terms and conditions (including, subject to regulation 155, as to price) it thinks fit, contract with any shipper to provide the shipper one or more further capacity services, including without limitation a service under which the corporation will make available to the shipper capacity for the quantity of gas taken by the shipper in excess of its total contracted capacity or in excess of the sum of its shipper's daily nominations for a gas day.

”.

**Regulation 62 amended**

**35.** Regulation 62 (2) of the principal regulations is amended by deleting “operationally” and substituting the following —

“ technically ”.

**Regulation 63 amended**

**36.** (1) Regulation 63 (1) of the principal regulations is amended by deleting “without limitation the extent to which these regulations are to apply (with or without any modifications).” and substituting the following —

“

without limitation —

- (a) the extent to which these regulations are to apply (with or without modifications); and
- (b) the curtailment plan or plans (if any) and interruption plan or plans (if any) which is or are to apply to all or any part or parts of that capacity.

”.

(2) Regulation 63 (2) of the principal regulations is amended by deleting “operationally” and substituting the following —

“ technically ”.

**Regulation 64 amended**

**37.** Regulation 64 of the principal regulations is amended —

- (a) by inserting after “63,” the following —

“ a ”; and

- (b) by inserting after “only” the following —

“

, unless the reference is expressly to part-haul capacity or back-haul capacity

”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulations 64A and 64B inserted**

**38.** After regulation 64 of the principal regulations the following regulations are inserted in Division 3.4 —

“

**Apportionment of curtailments and interruptions between full-haul, part-haul and back-haul capacities**

**64A.** (1) Subject to subregulation (2), the corporation may in its discretion as a reasonable and prudent person apportion curtailments or interruptions between all or any one or more of —

- (a) full-haul capacity;
- (b) part-haul capacity; and
- (c) back-haul capacity.

(2) In exercising its discretion under subregulation (1), the corporation must give priority to preserving the gas transmission system's capacity to transport gas from Dampier to points south of CS9.

(3) Subject to —

- (a) regulations 55 and 55A;
- (b) any agreement between the corporation and a shipper under regulation 62; and
- (c) any prescriptions under regulation 63,

the apportionment of curtailments or interruptions within each of part-haul capacity and back-haul capacity is to lie in the corporation's discretion as a reasonable and prudent person, and no priority in respect of curtailments or interruptions is to attach to a shipper's capacity solely by reason of the date on which that capacity was granted.

(4) Without limiting the generality of subregulation (3), the corporation as a reasonable and prudent person may —

- (a) subdivide either or both of part-haul capacity and back-haul capacity, for the purposes of apportioning curtailments or interruptions, into 2 or more distance-based segments (for example, without limiting the generality of this paragraph, the subdivision may represent the main pipeline as being divided into a number of segments, with each segment bounded at each end by a compressor station; or it may represent the main pipeline as being divided into 2 segments separated by Compressor Station 1, with laterals forming other segments); and
- (b) apportion curtailments or interruptions between all or any one or more of those segments.

**Use of full-haul capacity upstream of CS9**

**64B.** A relocation of capacity under regulation 86D may, if the corporation and the shipper so agree under subregulation (5) of that regulation, result in full-haul capacity being relocated to an outlet point upstream of CS9 but any capacity so relocated is to —

- (a) remain on the same terms and conditions as full-haul capacity; and
- (b) be treated under these regulations and all transmission contracts as though it was full-haul capacity.

”

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 65 amended**

39. Regulation 65 of the principal regulations is amended by inserting after the definition of “application” the following definition —

“**conditional grant**” means a grant of capacity subject to a condition precedent or conditions precedent under regulation 86A;”.

**Regulation 69 amended**

40. Regulation 69 (1) (a) of the principal regulations is amended by inserting after “on the” the following —

“ sixth working ”.

**Regulation 70 amended**

41. (1) Regulation 70 (2) of the principal regulations is amended —

(a) by deleting paragraph (f) and substituting the following paragraph —

“  
(f) tables setting out —  
(i) for each proposed inlet point and for each proposed transmission outlet point (if any), the gas quality, temperature and pressure for the gas the applicant proposes to deliver to the corporation at the inlet point and receive from the corporation at the outlet point; and  
(ii) for each proposed inlet point and for each proposed outlet point whether or not it is a transmission outlet point, such information as the corporation may reasonably from time to time require regarding the applicant’s proposed load characteristics (including without limitation the maximum daily quantity, maximum hourly quantity, peak factor and load factor) at the inlet point or outlet point;  
”;

(b) in paragraph (h) by inserting after “applicant” the following —

“  
or, if the applicant is a joint venture, of each joint venture participant  
”;

(c) by deleting the “and” after paragraph (j);

(d) in paragraph (ja) by deleting “the information required under that regulation” and substituting the following —

“  
or requests a conditional grant under regulation 86A, the information required under the relevant regulation  
”;

(e) by inserting “and” after paragraph (ja); and

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (f) by deleting paragraph (k) and substituting the following paragraph —

- “
- (k) the proposed terms and conditions of the grant including without limitation —
- (i) which of these regulations (in addition to essential terms, in the case of an application for full-haul capacity) are to be included in the terms and conditions of the grant; and
- (ii) if the applicant is a joint venture, the applicant's proposal for terms and conditions of the grant under regulation 91B.
- ”.

- (2) After regulation 70 (2) of the principal regulations the following subregulation is inserted —

- “
- (2a) If the applicant is a joint venture, the requirements of subregulation (2) (a) and (b) must be complied with in respect of each joint venture participant.
- ”.

- (3) Regulation 70 (4) of the principal regulations is repealed and the following subregulation is substituted —

- “
- (4) When an application contains estimates or forecasts of any information required by subregulation (2) —
- (a) the corporation may treat that estimated or forecast information as factual information; and
- (b) the application is a warranty by the applicant to the corporation that each such estimate or forecast is the applicant's best as a reasonable and prudent person.
- ”.

**Regulation 71 amended**

42. Regulation 71 (2) of the principal regulations is amended —

- (a) by deleting “either” and substituting the following —
- “ relocating capacity under regulation 86D, ”; and
- (b) by deleting “or both,”.

**Regulation 71A inserted**

43. After regulation 71 of the principal regulations the following regulation is inserted —

“

**Flexible start date and end date**

**71A.** (1) The corporation and a shipper may agree to include in a transmission contract a mechanism providing flexibility for the transmission contract's start date or end date, or both.

(2) A mechanism referred to in subregulation (1) must (subject to regulation 86 (6) and (7)) specify a fixed start date and a fixed end date and a procedure by which either or both of those dates may be varied, and

*Gas Transmission Amendment Regulations (No. 2) 1997*

by force of this regulation the first come first served principle set out in regulation 76 applies (with appropriate modifications) to a use of that procedure as if the use were an application.

(3) The provisions of this regulation apply (with appropriate modifications) to a mechanism providing flexibility with respect to a date during the term of a transmission contract on which any contracted capacity is to start, end or change.

”.

**Regulation 77 amended**

44. Regulation 77 of the principal regulations is amended —

- (a) in paragraph (a) (ii) by deleting “capacity in either or both of Tranche 1 and Tranche 2” and substituting the following —
  - “ T1 capacity or T2 capacity or both ”;
- (b) in paragraph (c) by deleting “inlet station,” in both places where it occurs;
- (c) by deleting the “and” after paragraph (g);
- (d) by deleting the full stop at the end of paragraph (h) and substituting a semicolon; and
- (e) by inserting after paragraph (h) the following paragraphs —

“

- (i) that the grant of capacity can be accommodated having regard to the load characteristics set out in the application; and
- (j) that the corporation and the applicant have reached agreement concerning any terms —
  - (i) proposed by the applicant in the application (including without limitation the number and duration of any options to extend the transmission contract);
  - (ii) provided by these regulations to be agreed between the applicant and the corporation; or
  - (iii) requested by the corporation under regulation 83.

”.

**Regulation 78 amended**

45. (1) Regulation 78 (1) and (4) are each amended by deleting “capacity in Tranche 1” in the first place where it occurs and substituting the following —

“ T1 capacity ”.

(2) Regulation 78 (2) of the principal regulations is amended by deleting “capacity in Tranche 2” in the first place where it occurs and substituting the following —

“ T2 capacity ”.

(3) Regulation 78 (3) and (5) are each amended by deleting “capacity in Tranche 2” and substituting the following —

“ T2 capacity ”.

(4) Regulation 78 (6) of the principal regulations is amended by deleting “capacity in Tranche 3” and substituting the following —

“ T3 capacity ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(5) Regulation 78 (7) (b) of the principal regulations is deleted and the following paragraph is substituted —

- “
- (b) there being a reasonable prospect that the corporation will recover from either or both of shippers or prospective shippers under grants of either or both of part-haul capacity or back-haul capacity, within a reasonable time and on a commercially reasonable basis (having regard to the impact of such recovery on prices payable by those shippers or prospective shippers), the costs and capital investment required to make the grant or provide the capacity, and a reasonable rate of return on that capital investment,
- ”.

**Regulation 79 amended**

46. After regulation 79 (2) of the principal regulations the following subregulation is inserted —

- “
- (3) For the purposes of subregulation (1), the corporation must have regard to any uses of a procedure referred to in regulation 71A (2), and to any requests to relocate capacity under regulation 86D, which have received a higher priority (under regulation 76 as read with regulation 71A (2) or 86D (4), as the case may be) than the applicant's application.
- ”.

**Regulation 83 amended**

47. Regulation 83 (1) of the principal regulations is amended —

- (a) by inserting after “(including” the following —
- “ at the corporation's request or ”; and
- (b) by inserting after “good faith” the following —
- “ with a view to agreeing ”.

**Regulations 86A and 86B and Division 4.6 inserted**

48. After regulation 86 of the principal regulations the following regulations and Division are inserted —

“

**Conditional grant**

86A. (1) An applicant may request a conditional grant under this regulation.

- (2) A request for a conditional grant —
- (a) must be accompanied by or contained in the application; and
- (b) must provide or be accompanied by such information concerning any condition precedent as the corporation may reasonably require to assess the nature and effect of the condition precedent.

(3) The corporation may, if it receives a request for a conditional grant, make a conditional grant to the applicant, but the corporation is not to make the conditional grant if it would not under this Part have made an equivalent unconditional grant of capacity to the applicant in response to the application.

- (4) A conditional grant —
- (a) must specify the condition precedent or conditions precedent applicable to the grant of capacity;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) is a grant of capacity under these regulations, subject only to the recipient of the conditional grant providing evidence to the corporation's satisfaction that the condition precedent or all conditions precedent have been met; and
  - (c) must specify a time before which the recipient of the conditional grant must satisfy the corporation under paragraph (b), which is not to be more than 3 months after the date of the conditional grant.
- (5) If, within the time limit specified under subregulation (4) (c), the corporation is satisfied that the condition precedent or conditions precedent have been met, it must give written notice to the recipient of the conditional grant that the grant of capacity is unconditional.
- (6) If the corporation gives written notice under subregulation (5) to the recipient of a conditional grant, the conditional grant is an unconditional grant of capacity from the time the written notice is given.
- (7) If the recipient of the conditional grant fails to satisfy the corporation under subregulation (4) within the time limit specified under subregulation (4) (c), or gives written notice to the corporation that any condition precedent referred to in subregulation (4) (a) will not be satisfied, then by force of this regulation the conditional grant is of no further effect.
- (8) Until a written notice under subregulation (5) is given in respect of a conditional grant —
- (a) the recipient of the conditional grant has no entitlement under the conditional grant to deliver gas to or receive gas from the corporation; and
  - (b) the corporation is not obliged to undertake any enhancement to or expansion of the gas transmission system for the purposes of enabling the recipient of the conditional grant to deliver gas to or receive gas from the corporation under the conditional grant.
- (9) Subject to subregulation (10), a request for a conditional grant is to be assessed having regard to the priority of the application referred to in subregulation (2) (a).
- (10) If, in the corporation's opinion, requests for a conditional grant relate to a particular contract, project, development or works which is the subject of an invitation to tender, those requests are to be assessed as if each of the applications referred to in subregulation (2) (a) had the same priority as the application which has the highest priority.

**Commissioning grant**

**86B.** (1) The corporation may in its discretion as a reasonable and prudent person make a grant of capacity for commissioning or testing purposes.

(2) A commissioning grant must be expressly identified as such by the instrument constituting the written grant.

(3) For the purposes of a commissioning grant, regulation 90 is by force of this regulation to be taken not to specify any provision of these regulations as an essential term or condition for the purposes of clause 2 (4) of Schedule 5 to the Act.



*Gas Transmission Amendment Regulations (No. 2) 1997*

***Division 4.6 — Inlet and outlet point flexibility***

**Interpretation**

**86C.** (1) In this Division —

**“lengthened front-haul”** means, in relation to full-haul capacity or part-haul capacity, that the new inlet point is located upstream of the old inlet point, or that the new outlet point is located downstream of the old outlet point, or both;

**“new inlet point”** means the inlet point to which the shipper proposes to relocate contracted capacity;

**“new outlet point”** means the outlet point to which the shipper proposes to relocate contracted capacity;

**“old inlet point”** means the inlet point from which the shipper proposes to relocate contracted capacity, being an inlet point specified in the shipper’s transmission contract (including as a result of a variation under regulation 86D (5) or (10));

**“old outlet point”** means the outlet point from which the shipper proposes to relocate contracted capacity, being either an outlet point specified in the shipper’s transmission contract (including as a result of a variation under regulation 86D (5) or (10));

**“shortened back-haul”** means, in relation to back-haul capacity, that the new inlet point is located upstream of the old inlet point, or the new outlet point is located downstream of the old outlet point, or both;

**“total physical capacity”** means the total physical gas throughput capacity of an inlet point or an outlet point, as the case may be, in the corporation’s opinion as a reasonable and prudent person.

(2) For the purposes of the definitions of “lengthened front-haul” and “shortened back-haul” in subregulation (1) the terms “downstream” and “upstream” are to be construed having regard to the flow of gas through the gas transmission system as a whole.

**Relocation of capacity**

**86D.** (1) A shipper may by notice in writing to the corporation request a relocation of all or any part of its contracted capacity at an old inlet point to a new inlet point, or at an old outlet point to a new outlet point.

(2) No relocation of capacity under this regulation may be made if the relocation —

(a) would cause the sum (after the relocation) of all shippers’ contracted capacities —

(i) at the new inlet point to exceed the new inlet point’s total physical capacity; or

(ii) across all tranches at the new outlet point to exceed the new outlet point’s total physical capacity;

(b) would involve the relocated capacity changing from any of full-haul capacity, part-haul capacity or back-haul capacity to any other of full-haul capacity, part-haul capacity or back-haul capacity; or

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (c) is not operationally feasible, either (without limiting the generality of the foregoing) because the relocation of capacity results in a lengthened front-haul or shortened back-haul or for any other reason,

but the parties may agree under subregulation (10) to a relocation of capacity which would otherwise be prohibited by this subregulation.

(3) The corporation, after receiving a notice under subregulation (1), must assess as a reasonable and prudent person whether the requested relocation is prohibited under subregulation (2), and must as soon as practicable give notice in writing to the shipper advising either —

- (a) that the requested relocation is prohibited under subregulation (2); or
- (b) that the requested relocation is not prohibited under subregulation (2).

(4) The first come first served principle set out in regulation 76 applies (with appropriate modifications), by force of this regulation, to a notice under subregulation (1) as if the notice were an application.

(5) If the corporation gives notice under subregulation (3) (b), the corporation and the shipper are to negotiate in good faith regarding —

- (a) the treatment of the shipper's contribution (if any) towards any amounts payable to the corporation (by any one or more of that shipper and any other person or persons) in respect of —
  - (i) any facilities (including the old inlet point or old outlet point) which the shipper will be wholly or partially ceasing to utilise by reason of its whole or partial cessation to utilise the old inlet point or the old outlet point (as the case may be); and
  - (ii) any facilities (including the new inlet point or new outlet point) which the shipper will be wholly or partially utilising by reason of its utilisation of the new inlet point or new outlet point (as the case may be);

and

- (b) if the requested relocation would result in a lengthened front-haul or shortened back-haul, how any costs referred to in subregulation (9) are to be quantified and reimbursed.

(6) If the parties reach agreement under subregulation (5), the requested relocation and the terms and conditions so agreed are to be given effect to by an amendment of the shipper's transmission contract under regulation 91A.

(7) Subject to subregulations (8), (9) and (10) and unless the parties agree in writing to the contrary, any capacity relocated under this regulation is to be on the same terms and conditions (including without limitation terms and conditions as to price) as the capacity at the old inlet point or the old outlet point (as the case may be).

(8) Unless the parties agree in writing to the contrary, no charges payable under the shipper's transmission contract are to be reduced as a result of a relocation of capacity under this regulation, even if the relocation causes some or all gas to be transported over a shorter distance.

(9) If a relocation of capacity under this regulation results in a lengthened front-haul or shortened back-haul, the shipper must reimburse the corporation for any increase in the corporation's costs which result from the relocation.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(10) The corporation may in its discretion as a reasonable and prudent person specify the range of pressures within which the shipper may deliver gas to the corporation at a new inlet point, and within which the corporation may deliver gas to the shipper at a new outlet point.

(11) The corporation may agree with the shipper (on any terms and conditions the corporation thinks fit, including without limitation terms and conditions as to price) to implement a relocation of capacity which would otherwise be prohibited by subregulation (2), in which case the requested relocation and the terms and conditions so agreed are to be given effect to by an amendment of the shipper's transmission contract under regulation 91A.

**Administrative expenses**

**86E.** A shipper must, when requested by the corporation to do so, reimburse the corporation for all reasonable expenses incurred by the corporation by reason of a relocation of capacity under regulation 86D.

**Regulation 87 amended**

**49.** Regulation 87 of the principal regulations is amended by inserting after "Schedule 3" the following —

" , Schedule 3A or Schedule 3B, as applicable. "

**Regulation 90 amended**

**50.** Regulation 90 (1) of the principal regulations is amended —

- (a) by deleting "Each" and substituting the following —  
" Subject to regulation 86B (3), each ";
- (b) by inserting before "transmission contract" in both places where it occurs the following —  
" full-haul ";
- (c) by inserting after paragraph (c) the following paragraphs —  
"  
    (ca) regulations 64A and 64B;  
    (cb) each regulation in Division 4.6;
- (d) in paragraph (f) by deleting "regulation 188" and substituting the following —  
" regulations 159 (3) and 188 "; and
- (e) in paragraph (k) by inserting before "each" the following —  
" subject to regulation 252 (4), "

**Regulation 91 amended**

**51.** (1) Regulation 91 (1) of the principal regulations is amended —

- (a) by deleting "regulation 90" and substituting the following —  
" regulations 86B and 90 "; and

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) by deleting “capacity in Tranche 3” and substituting the following —

“ T3 capacity ”.

(2) Regulation 91 (2) of the principal regulations is amended by inserting after “corporation” the following —

“ and the shipper ”.

**Regulation 91B inserted**

**52.** After regulation 91A of the principal regulations the following regulation is inserted in Division 5.1 —

“

**Joint ventures**

**91B.** (1) A shipper may be a joint venture, in which case the corporation and the shipper are to agree, and the shipper’s transmission contract is to specify, the following —

- (a) whether the joint venture participants’ rights, liabilities, indemnities or obligations under the transmission contract are to be joint, several or joint and several, and if several in what proportions;
- (b) the consequences of any default under the transmission contract by a joint venture participant, including without limitation —
- (i) the effect (if any) of that default upon the rights, liabilities, indemnities or obligations of any non-defaulting joint venture participant; and
- (ii) the extent (if any) to which the corporation may exercise any remedy for that default against either or both of a defaulting and a non-defaulting joint venture participant, and the impact of any such exercise upon the rights, liabilities, indemnities or obligations of each defaulting or non-defaulting joint venture participant;
- (c) the requirements for notices from and to the shipper; and
- (d) the extent (if any, and subject to subregulation (2)) to which the composition of the joint venture may be changed during the term of the transmission contract, and the terms and conditions governing any such change.

(2) Unless the parties agree in writing to the contrary, a new joint venture participant may only be introduced into a joint venture which is a shipper by means of an assignment in accordance with regulation 133 of the relevant part of the transmission contract from the existing joint venture participants to that new joint venture participant.

”.

**Regulation 92 amended**

**53.** Regulation 92 of the principal regulations is amended —

- (a) by deleting the definition of “bank bill rate” and substituting the following definition —

“

**“bank bill rate”**, in respect of a day from which interest is to be calculated, means the annual percentage rate which is —

- (a) the quoted rate for “Bank Bill Reference Rate (Mid-Rate)” on “Telerate” page 39373 at or about

*Gas Transmission Amendment Regulations (No. 2) 1997*

10:00 hours (Sydney time) on that day as being the rate for a one month bill; or

- (b) if the bank bill rate cannot be determined by the procedure in paragraph (a) of this definition, a rate determined by the corporation as a reasonable and prudent person having regard to comparable indices then available;

”;

- (b) in the definition of “prescribed interest rate” by deleting “an annual interest rate equal to”;
- (c) by deleting the semicolon at the end of the definition of “prescribed interest rate” and substituting a full stop; and
- (d) by deleting the definition of “reference bank”.

**Regulation 94 amended**

54. Regulation 94 (b) of the principal regulations is amended by inserting before “shipper’s” in both places where it occurs the following —

“ the ”.

**Regulation 95 amended**

55. Regulation 95 (2) of the principal regulations is repealed.

**Regulation 95A inserted**

56. After regulation 95 of the principal regulations the following regulation is inserted —

“

**Default in payment**

95A. (1) If a shipper fails by the relevant due date to make full payment of any —

- (a) capacity reservation charge;
- (b) amount shown on an invoice; or
- (c) other amount payable by it under the Act, these regulations or a transmission contract,

then, without prejudice to the corporation’s other rights, the shipper must (unless the corporation in its absolute discretion waives this requirement) pay interest on the unpaid amount, calculated daily at the prescribed interest rate from the due date until payment.

(2) The prescribed interest rate calculated for a day from which interest is to be payable on any amount referred in subregulation (1) is to apply until payment of that amount, and is not to be recalculated despite any change in the bank bill rate during that period.

”.

**Regulation 104 amended**

57. Regulation 104 of the principal regulations is amended —

- (a) by inserting after “allowance for” the following —
- “ either or both of ”; and

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) by deleting paragraph (b) and substituting the following paragraph —

“

- (b) unaccounted for gas, and gas which leaks or otherwise escapes from either or both of the gas transmission system or the gas distribution system (whether in normal operational circumstances or due to any rupture or other abnormal leakage).

”.

**Regulation 115 amended**

**58.** After regulation 115 (4) of the principal regulations the following subregulation is inserted —

“

(5) Without limiting the generality of subregulation (1), a refusal by the corporation due to *force majeure* to accept gas from, or deliver gas to, a shipper —

- (a) is not a curtailment or interruption of that shipper's capacity; and
- (b) without limiting the generality of paragraph (a), is not to be included in any accumulation under regulation 116 (3).

”.

**Regulation 116 amended**

**59.** (1) Regulation 116 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) A party who —

- (a) is negligent, is liable; or
- (b) defaults in respect of its obligations to the other party under a transmission contract, is liable, subject to subregulations (3), (4) and (5),

to the other party (including its directors, servants, consultants, independent contractors and agents) for, and is to indemnify the other party (including its directors, servants, consultants, independent contractors and agents) against, any direct damage caused by or arising out of the negligence or default.

”.

(2) Regulation 116 (3) (a) and (b) are each amended by deleting “made in accordance with regulation 53” and substituting the following —

“

for which the corporation is relieved of liability under subregulation (4) or (6)

”.

(3) Regulation 116 (4) is amended —

- (a) by deleting “or interruption of the shipper's capacity in Tranche 1 or Tranche 2” and substituting the following —

“

of the shipper's T1 capacity or interruption of the shipper's T2 capacity

”;

- (b) by inserting “or” after paragraph (a);

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (c) by deleting “; or” at the end of paragraph (b) and substituting a full stop; and
  - (d) by deleting paragraph (c).
- (4) Regulation 116 (5) of the principal regulations is amended —
- (a) by inserting before “shipper’s” the following —  
“ the ”; and
  - (b) by deleting “additional T3” and substituting the following —  
“ AT3 ”.
- (5) After regulation 116 (5) of the principal regulations the following subregulation is inserted —
- “
- (6) The corporation is not to be liable for any damage suffered by a shipper arising out of any —
    - (a) curtailment or interruption by the corporation of the shipper’s capacity; or
    - (b) refusal by the corporation to accept gas from or deliver gas to the shipper,
- if the corporation is entitled under these regulations or a transmission contract to take such action by reason of, or in response to a reduction in gas transmission capacity caused by, the default, negligence, breach of contractual term, or other misconduct of the shipper.
- ”.

**Regulation 118 amended**

- 60.** Regulation 118 (2) of the principal regulations is amended —
- (a) by inserting after “all indirect damage” in the first place where it occurs the following —  
“  
(other than damage to which regulation 117 or 211 (5) relates) ”,  
and
  - (b) by inserting after “all indirect damage” in the second place where it occurs the following —  
“ (other than damage to which regulation 117 relates) ”.

**Regulation 128 amended**

- 61.** (1) Regulation 128 (1) (b) of the principal regulations is amended by deleting “all risks”.
- (2) Regulation 128 (1) (c) of the principal regulations is amended by inserting after “the public” the following —
- “  
in connection with, related to or arising out of the transmission contract ”.
- (3) Regulation 128 (2) of the principal regulations is repealed and the following subregulation is substituted —
- “
- (2) The shipper must arrange for —
    - (a) endorsement on the policies referred to in subregulation (1) (b) and (c) of the corporation as an insured or co-insured; or

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) the corporation's interest to be noted on those policies to the satisfaction of the corporation so that it is covered under those policies,

and for the insurers to waive rights of subrogation against the corporation. ”.

(4) Regulation 128 (4) of the principal regulations is repealed and the following subregulation is substituted —

- “ (4) The corporation may waive compliance —
- (a) by the shipper; or
- (b) if the shipper is a joint venture, by a joint venture participant,
- with any or all of the requirements of subregulations (1), (2) and (3) if it as a reasonable and prudent person —
- (c) is satisfied that the shipper or joint venture participant, as the case may be, has adequate alternative arrangements;
- (d) accepts the shipper or joint venture participant, as the case may be, as a self-insurer; or
- (e) determines that there is other sufficient reason to do so. ”.

**Regulation 135 amended**

**62.** Regulation 135 of the principal regulations is amended by deleting “investment in” and substituting the following —

“ capital investment in ”.

**Regulation 136 amended**

**63.** (1) Regulation 136 (3) (b) and (c) are each amended by inserting before “investment” the following —

“ capital ”.

(2) Regulation 136 (4) (a) of the principal regulations is amended by deleting “Tranche 1, Tranche 2 and Tranche 3” and substituting the following —

“ T1 capacity, T2 capacity, T3 capacity and AT3 capacity ”.

(3) After regulation 136 (4) of the principal regulations the following regulation is inserted —

- “ (5) In this regulation —
- “shipper” has the same meaning as it has in Part 6 of the Act. ”.

**Regulation 138 amended**

**64.** Regulation 138 of the principal regulations is amended by deleting “The” and substituting the following —

“ Subject to regulation 152, the ”.

**Regulation 140 repealed**

**65.** Regulation 140 of the principal regulations is repealed.



*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 141 amended**

**66.** (1) Regulation 141 (1) of the principal regulations is amended by deleting “the shipper’s” in the second place where it occurs.

(2) Regulation 141 (2) of the principal regulations is amended by deleting “capacity in each of Tranche 1 and Tranche 2” and substituting the following —

“ T1 capacity or T2 capacity ”.

**Regulation 142 amended**

**67.** Regulation 142 of the principal regulations is amended —

(a) by deleting “capacity in Tranche 1” and substituting the following —

“ T1 capacity ”;

(b) by inserting before “investment” in both places where it occurs the following —

“ capital ”; and

(c) by deleting “Tranche 1 or Tranche 2.” and substituting the following —

“ full-haul T1 capacity or full-haul T2 capacity. ”.

**Regulation 143 amended**

**68.** Regulation 143 of the principal regulations is amended —

(a) by deleting “capacity in Tranche 2” and substituting the following —

“ T2 capacity ”; and

(b) by deleting “capacity in Tranche 1” and substituting the following —

“ T1 capacity ”.

**Regulation 144 amended**

**69.** (1) Regulation 144 (1) of the principal regulations is amended by deleting “in each of Tranche 1 and Tranche 2” and substituting the following —

“ under each of T1 capacity and T2 capacity ”.

(2) Regulation 144 (2) of the principal regulations is amended by deleting “capacity in Tranche 1 and Tranche 2” and substituting the following —

“ T1 capacity and full-haul T2 capacity ”.

**Regulation 145 amended**

**70.** (1) Regulation 145 (1) of the principal regulations is amended —

(a) by deleting “capacity in Tranche 1 and Tranche 2” in the first place where it occurs and substituting the following —

“ T1 capacity and full-haul T2 capacity ”;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) by deleting “Tranche 1 or Tranche 2” and substituting the following —
  - “ full-haul T1 capacity or full-haul T2 capacity ”.
- (2) Regulation 145 (2) of the principal regulations is amended —
  - (a) by deleting “capacity in Tranche 2” and substituting the following —
    - “ T2 capacity ”; and
  - (b) by deleting “capacity in Tranche 1” and substituting the following —
    - “ T1 capacity ”.

**Regulations 148, 149 and 150 repealed and new regulations substituted**

**71.** Regulations 148, 149 and 150 of the principal regulations are repealed and the following regulations are substituted —

“

**Charges for part-haul capacity**

**148.** (1) Capacity reservation charges and commodity charges for part-haul capacity (other than part-haul T3 capacity) are to be the corresponding charges for full-haul capacity divided by 1399 and multiplied by the number of pipeline kilometres between the relevant inlet point and —

- (a) if the relevant outlet point is a notional gate point, subject to subregulation (2), the most downstream physical gate point associated for the time being with the relevant outlet point; or
- (b) otherwise, the relevant outlet point.

(2) If at any time a new physical gate point is commissioned in such a location that it becomes the most downstream physical gate point associated with a notional gate point, then the distance-related components of capacity reservation charges and commodity charges for all existing and new shippers with contracted capacity at the notional gate point are to be amended to reflect the increased pipeline kilometres under subregulation (1) (a), and are to take effect as amended from the start of the next gas month after commissioning.

**Charges for back-haul capacity**

**149.** (1) Capacity reservation charges and commodity charges for back-haul capacity are to be the corresponding charges for full-haul capacity divided by 1399 and multiplied by the number of pipeline kilometres between the relevant inlet point and —

- (a) if the relevant outlet point is a notional gate point, subject to subregulation (2), the most upstream physical gate point associated for the time being with the relevant outlet point; or
- (b) otherwise, the relevant outlet point.

(2) If at any time a new physical gate point is commissioned in such a location that it becomes the most upstream physical gate point associated with a notional gate point, then the distance-related components of capacity reservation charges and commodity charges for all existing and new shippers with contracted capacity at the notional gate point are to be amended to reflect the increased pipeline kilometres under

*Gas Transmission Amendment Regulations (No. 2) 1997*

subregulation (1) (a), and are to take effect as amended from the start of the next gas month after commissioning.

**T3 charge**

**150.** A shipper must pay to the corporation a T3 charge for every gigajoule of gas delivered to the shipper by the corporation under T3 capacity or AT3 capacity (whether full-haul capacity, part-haul capacity or back-haul capacity), at a rate per gigajoule which in the case of gas delivered under T3 capacity may be negotiated between the corporation and a shipper, and in the case of gas delivered under AT3 capacity allocated under Part 7 is to be determined in accordance with the provisions of that Part.

”.

**Regulation 151 amended**

**72.** (1) Regulation 151 (4) of the principal regulations is amended —

- (a) by deleting “arising out of a redetermination under this regulation of a price is” and substituting the following —

“ connected with or arising out of an enhancement to or expansion of the gas transmission system is at any time ”;

and

- (b) in paragraph (b) —

- (i) by inserting after “corporation’s” the following —

“ capital ”; and

- (ii) by deleting “the redetermination” and substituting the following —

“ a redetermination under this regulation ”.

(2) After regulation 151 (6) of the principal regulations the following subregulation is inserted —

“ (6a) Any price in dollars per gigajoule determined by a redetermination under this regulation is to be expressed to the nearest 6 decimal places of a dollar.

”.

(3) Regulation 151 (8) of the principal regulations is amended by deleting “Tranche 3” and substituting the following —

“ T3 ”.

**Regulation 152 repealed and a regulation substituted**

**73.** Regulation 152 of the principal regulations is repealed and the following regulation is substituted —

“

**Annual adjustment of commodity charge**

**152.** (1) The corporation may annually adjust the commodity charge to reflect —

- (a) changes in costs to the corporation of fuel;
- (b) with respect to labour, materials and services, 75% of any changes in CPI;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (c) the introduction of any new, or the increase or decrease of any existing, tax, excise, impost, levy or charge by the Commonwealth or State governments, if the tax, excise, impost, levy or charge has general application; and
- (d) any increase or decrease in any payments under section 79 of the Act.

(2) The corporation must give to each shipper reasonable, and in any event not less than 10 working days', advance notice in writing of the commodity charge adjusted under subregulation (1) for a year.

(3) A commodity charge adjusted in respect of a year under subregulation (1) has effect for a shipper from 08:00 hours on whichever is the later of —

- (a) 1 January in the year; and
- (b) the day 10 working days after the day on which the corporation gives notice to the shipper for the year under subregulation (2),

and in either case has effect for the shipper until the earlier of —

- (c) the day the next adjusted commodity charge comes into effect for the shipper under this regulation; and
- (d) the day the next redetermination of the commodity charge under regulation 151 comes into effect.

”.

**Regulation 153 amended**

**74.** Regulation 153 (2) of the principal regulations is repealed and the following subregulation is substituted —

“

(2) The corporation may only charge a shipper a lower price under subregulation (1) to provide any capacity in circumstances where there is a reasonable prospect that the corporation will recover from the shipper, within a reasonable time and on a commercially reasonable basis (having regard to the impact of such recovery on prices payable by the shipper) the costs and capital investment required to provide the capacity and a reasonable rate of return on that capital investment.

”.

**Regulation 155 amended**

**75.** (1) Regulation 155 (1) of the principal regulations is amended by deleting “or peak factor” and substituting the following —

“ , peak factor, maximum daily quantity and maximum hourly quantity ”.

(2) Regulation 155 (2) of the principal regulations is repealed and the following regulation is substituted —

“

(2) Subject to subregulation (4), the corporation may negotiate with a shipper any charge or charges to be imposed to recover any investment in and the costs of maintaining and providing —

- (a) any goods and services under regulation 61; or
- (b) any capacity services under regulation 61A.

”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) After regulation 155 (3) of the principal regulations the following subregulation is inserted —

“

(4) Without limiting the generality of subregulation (2), the corporation and a shipper may agree that the charge for a capacity service under regulation 61A is to be determined on any basis they consider appropriate.

”.

**Regulation 156 amended**

**76.** Regulation 156 of the principal regulations is amended —

(a) in the definitions of “nominated inlet point” and “nominated outlet point” by deleting “the shipper’s” and substituting the following —

“ an ”;

(b) in the definition of “nominated day” by deleting “a shipper’s” and substituting the following —

“ an ”;

(c) by deleting the definition of “shipper’s initial nomination”; and

(d) by inserting in the appropriate alphabetical positions the following definitions —

“

**“advance nomination”** means a nomination by a shipper under regulation 165;

**“initial nomination”** means a nomination by a shipper under regulation 166;

**“renomination”** means a renomination by a shipper under regulation 171.

”.

**Regulation 159 repealed and a regulation substituted**

**77.** Regulation 159 of the principal regulations is repealed and the following regulation is substituted —

“

**AT3 capacity**

**159.** (1) If for any gas day the sum (across all tranches at all outlet points) of a shipper’s initial nominations, advance nominations or renominations, as the case may be, exceeds the shipper’s total contracted capacity, the shipper is to be taken to have nominated for an amount of AT3 capacity equal to the amount of the excess.

(2) Despite any term of a transmission contract regarding T3 capacity or AT3 capacity, the corporation and the shipper are by force of this regulation to be taken to have agreed the following terms for AT3 capacity —

(a) whenever the corporation as a reasonable and prudent person considers it necessary to do so, it may interrupt either wholly or in part any AT3 capacity allocated to a shipper under this Part, after notice to the shipper in accordance with regulation 56, and it may do so before interrupting any shipper’s contracted capacity;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) the T3 charge payable for AT3 capacity allocated by the corporation under regulation 168 or 174 and utilised by the shipper is to be the price bid for that capacity in the shipper's initial nomination or renomination, respectively; and
- (c) for the purposes of —
  - (i) Division 7.4; and
  - (ii) the definition of “total contracted capacity” in regulation 3, but only to the extent that that expression is used in Division 7.4,

the quantity of capacity allocated as AT3 capacity for a gas day is to be included as though it was the shipper's contracted capacity.

(3) Unless the corporation and the shipper agree in writing to the contrary, any terms and conditions for AT3 capacity which have not been deemed by subregulation (2), are to follow the terms and conditions in the shipper's transmission contract for the shipper's contracted capacity (with appropriate amendments).

(4) Except where a transmission contract provides that the shipper is relieved by reason of the application of *force majeure* to the shipper from paying charges under this subregulation, to the extent that a shipper does not utilise its AT3 capacity —

- (a) if the corporation could have received revenue from an allocation of the capacity to another shipper as AT3 capacity, the first-mentioned shipper must continue to pay the T3 charge in respect of that unutilised AT3 capacity, at a rate equal to that which the corporation could have received from that other shipper; and
- (b) if the corporation could not have received revenue from an allocation of the capacity to another shipper as AT3 capacity, the first-mentioned shipper is excused from paying the T3 charge in respect of the unutilised AT3 capacity.

”.

**Regulation 161 repealed**

78. Regulation 161 of the principal regulations is repealed.

**Regulation 162 amended**

79. Regulation 162 of the principal regulations is amended by deleting “under regulation 165”, “under regulation 166” and “under regulation 171”.

**Division heading deleted**

80. After regulation 162 of the principal regulations the heading “**Division 7.2 — Nominations**” is deleted.

**Regulation 162A inserted**

81. After regulation 162 of the principal regulations the following regulation is inserted —

“

**Order of gas delivery**

**162A.** Gas delivered to a shipper on a gas day is by force of this regulation to be taken to be delivered in the following order —

- (a) first — under the shipper's total T1 capacity (if any), until gas has been delivered in a quantity equal to the sum across all

*Gas Transmission Amendment Regulations (No. 2) 1997*

- outlet points of the shipper's daily nominations (if any) in T1 capacity for the gas day;
- (b) thereafter — under the shipper's total T2 capacity (if any), until gas has been delivered in a quantity equal to the sum across all outlet points of the shipper's daily nominations (if any) in T1 capacity and T2 capacity for the gas day;
  - (c) thereafter — under the shipper's total T3 capacity (if any), until gas has been delivered in a quantity equal to the sum across all outlet points of the shipper's daily nominations (if any) in T1 capacity, T2 capacity and T3 capacity for the gas day;
  - (d) thereafter — under any AT3 capacity nominated by and allocated to the shipper, until gas has been delivered in a quantity equal to the sum across all outlet points of the shipper's daily nominations (if any) in T1 capacity, T2 capacity, T3 capacity and AT3 capacity for the gas day; and
  - (e) thereafter — subject to regulation 60B, under any other capacity services specified in the shipper's transmission contract under regulation 61A, in the order specified in the contract.

”.

**Regulation 163 repealed and a regulation substituted**

**82.** Regulation 163 of the principal regulations is repealed and the following regulation is substituted —

“

**Corporation to make available bulletins of available capacity**

**163.** (1) The corporation must, on regular occasions during each gas day (sufficient to assist shippers in making their initial nominations, and any renominations), make available to all shippers a bulletin specifying —

- (a) for at least that gas day and the following gas day, the amount of capacity available or anticipated to be available for nomination or renomination, and the minimum price at which the corporation will allocate any AT3 capacity to shippers; and
- (b) details of any original shipper's tradeable capacity (as defined in regulation 233) to be made available under regulation 237.

(2) No obligation to allocate capacity under regulation 168 or 174 arises merely by reason of the corporation specifying under subregulation (1) that capacity is available for nomination or renomination.

”.

**Regulation 164 amended**

**83.** Regulation 164 of the principal regulations is amended —

- (a) by deleting “only nominate” and substituting the following —  
“ nominate or renominate ”; and
- (b) by deleting “has” and substituting the following —  
“ does not have ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 164A amended**

84. Regulation 164A of the principal regulations is amended by inserting after “nominate” the following —

“ or renominate ”.

**Division heading inserted**

85. After regulation 164A of the principal regulations the following heading is inserted —

“ ***Division 7.2 — Nominations*** ”.

**Regulation 165 repealed and a regulation substituted**

86. Regulation 165 of the principal regulations is repealed and the following regulation is substituted —

“

**Shipper's advance nominations**

165. (1) A shipper may, by notice to the corporation at any time —

- (a) no later than 17:00 hours on Wednesday in the week before the nominated week (in the case of a nomination a week in advance); or
- (b) at least 6 working days before the start of the nominated month (in the case of a nomination a month in advance),

nominate in advance for any week or month the quantity of gas that the shipper requires to deliver to the corporation at each nominated inlet point, and the quantity of gas that the shipper requires to receive from the corporation in each tranche at each nominated outlet point.

(2) A shipper's advance nomination under subregulation (1) must, for each day in the nominated period, comply with the requirements of regulation 166 (other than regulation 166 (1)), for the purposes of which a reference to the shipper's initial nomination is to be read as a reference to the shipper's advance nomination for each day in the nominated period.

(3) The corporation must —

- (a) no later than Friday in the week before the nominated week (in the case of a nomination a week in advance); or
- (b) within 5 working days of receipt of the advance nomination (in the case of a nomination a month in advance),

allocate to the shipper for each nominated day a shipper's daily nomination for each inlet point, and for each tranche at each outlet point, specified in the advance nomination, determined in accordance with regulation 168, for the purposes of which a reference to the shipper's initial nomination is to be read as a reference to the shipper's advance nomination for each day in the nominated period.

(4) A shipper's daily nomination allocated under subregulation (3) may not include any AT3 capacity.

(5) A shipper who has made an advance nomination and been allocated a shipper's daily nomination under this regulation for a gas day may submit an initial nomination under regulation 166 for the gas day, in which case —

- (a) the initial nomination is not a renomination; and
- (b) the shipper's advance nomination for the gas day is of no effect.

”.



*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 166 amended**

**87.** (1) Regulation 166 (1) of the principal regulations is amended by deleting "12:00" and substituting the following —

" 14:00 ".

(2) Regulation 166 (2) of the principal regulations is repealed and the following subregulation is substituted —

"

(2) In addition to the nominations required by subregulation (1), a shipper's initial nomination must —

(a) set out the sum of those nominations —

(i) across all inlet points; and

(ii) across all tranches at outlet points;

and

(b) for each nominated inlet point, identify the gas producer or producers which is or are to supply gas to the shipper for delivery to the corporation and (if there is more than one) the quantity to be provided by each.

".

(3) Regulation 166 (3) of the principal regulations is amended by deleting "additional T3" in both places where it occurs and substituting in each place the following —

" AT3 ".

(4) Regulation 166 (4) of the principal regulations is repealed.

**Regulation 167 amended**

**88.** (1) Regulation 167 (1) of the principal regulations is amended —

(a) by deleting "shipper's" in both places where it occurs; and

(b) by inserting "and" after paragraph (a);

(c) by deleting paragraphs (b) and (c) and substituting the following paragraph —

" (b) the trading business' other requirements. ".

(2) Regulation 167 (2) of the principal regulations is amended —

(a) by deleting "subregulations (1) (a) and (b)" and substituting the following —

" subregulation (1) (a) "; and

(b) by deleting "shipper's" in both places where it occurs.

**Regulation 168 amended**

**89.** Regulation 168 of the principal regulations is amended by repealing subregulations (2) to (5) and substituting the following subregulations —

"

(2) Subregulations (3) to (7) are subject to subregulation (8), and to the corporation's powers under a transmission contract or these regulations to curtail or interrupt capacity.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) For each nominated inlet point, the allocated shipper's daily nomination —

- (a) may not exceed the shipper's initial nomination at the inlet point;
- (b) subject to paragraph (a), may not be less than the shipper's contracted capacity (if any) at the inlet point; and
- (c) may exceed the shipper's contracted capacity (if any) at the inlet point.

(4) For each nominated tranche (other than AT3 capacity) at each nominated outlet point, the allocated shipper's daily nomination —

- (a) may not exceed the shipper's initial nomination at the outlet point;
- (b) subject to paragraph (a), may not be less than the shipper's contracted capacity (if any) in the tranche at the outlet point; and
- (c) may exceed the shipper's contracted capacity (if any) in the tranche at the outlet point, provided that the sum (across all outlet points) of the shipper's daily nominations in the tranche does not exceed the sum (across all outlet points) of the shipper's contracted capacities in the tranche.

(5) In allocating a shipper's daily nomination at an inlet point or in a tranche (including AT3 capacity) at an outlet point, the corporation must, to the extent that —

- (a) it is operationally feasible; and
- (b) it does not interfere with any other shipper's entitlements under subregulation (3) (a) and (b) or subregulation (4) (a) and (b),

endeavour as a reasonable and prudent person to ensure that the allocated shipper's daily nomination either is equal to the shipper's initial nomination at the inlet point or in the tranche at the outlet point, or (if that is not possible) is less than that initial nomination by the minimum amount possible.

(6) If at any time —

- (a) it ceases to be operationally feasible; or
- (b) it will interfere with another shipper's entitlements under subregulation (3) (a) and (b) or subregulation (4) (a) and (b) (including those provisions applying, under regulation 174, to that other shipper's renominations),

for a shipper's daily nomination at an inlet point or in a tranche at an outlet point to be greater than the shipper's contracted capacity at the inlet point or in the tranche at the outlet point, then the corporation must give notice to the shipper reducing the shipper's daily nomination.

(7) A notice under subregulation (6) —

- (a) cannot reduce the shipper's daily nomination below the level permitted by subregulation (3) (b) or (4) (b);
- (b) may be expressed to operate immediately or from a time specified in the notice;
- (c) operates for the balance of the gas day or until such earlier or later time as is specified in the notice;
- (d) may be given without advance warning, although the corporation must endeavour to give as much advance warning (if any) as is reasonably practicable in the circumstances;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (e) may revoke, substitute or amend a previous notice under subregulation (6);
  - (f) does not constitute a curtailment or interruption of the shipper's capacity, and the shipper may renominate to utilise at another inlet point or outlet point the capacity by which its shipper's daily nomination is reduced.
- (8) If for any gas day there is insufficient capacity to meet all valid nominations for AT3 capacity —
- (a) it is to be allocated to the bidder or bidders of the highest price under regulation 166 (3) or, if there is insufficient capacity to do so, it is to be apportioned between them on a pro-rata basis by reference to the quantity of AT3 capacity nominated by each; and
  - (b) thereafter, any remainder is to be allocated to (or apportioned similarly between) the next highest bidder or bidders, and so on until all available AT3 capacity is allocated.
- (9) If for any gas day more than one shipper nominates to deliver gas to the corporation at an inlet point, or receive gas from the corporation at an outlet point, and there is insufficient capacity to meet all those nominations —
- (a) it must be allocated first to those shippers which have contracted capacity at the inlet point or outlet point, up to the level of each shipper's contracted capacity, and if there is insufficient capacity to do so it is to be apportioned on a pro-rata basis by reference to each shipper's contracted capacity at the inlet point or outlet point; and
  - (b) thereafter, any remainder is to be apportioned between —
    - (i) all other shippers who nominated at that inlet point or outlet point; and
    - (ii) any shipper referred to in paragraph (a), in respect of any nomination by that shipper in excess of its contracted capacity,

on a pro-rata basis by reference to the quantity by which each shipper's initial nomination exceeded its shipper's contracted capacity (if any) at that inlet point or outlet point.

**Regulation 169 amended**

**90.** Regulation 169 of the principal regulations is amended by deleting "a shipper's" in both places where it occurs and substituting in each place the following —

" an ".

**Regulation 170 amended**

**91.** Regulation 170 of the principal regulations is amended by deleting the definition of "renomination notice" and substituting the following definition —

"  
**"renomination time"** means a time specified in regulation 172 (1) or in a notice under regulation 172 (3), as the case may be.

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 170A inserted**

92. After regulation 170 the following regulation is inserted —

“

**Renominations in superior tranches prevail over allocations in inferior tranches**

**170A.** (1) For the purposes of this regulation, the priority of the tranches at outlet points (from superior to inferior) is T1 capacity, T2 capacity, T3 capacity, AT3 capacity and finally any other capacity services specified in the transmission contract.

(2) Without otherwise limiting the corporation's discretion in relation to curtailment and interruption —

- (a) the corporation must to the extent possible in the circumstances curtail or interrupt any capacity in an inferior tranche, whenever it is necessary to do so in order to satisfy a shipper's renomination for capacity in a superior tranche; and
- (b) to avoid doubt, this regulation permits the corporation to curtail or interrupt the capacity of a shipper referred to in regulation 168 (8) (b) in order to permit it to make an allocation under regulation 168 (8) (a).

”.

**Regulation 171 amended**

93. (1) Regulation 171 (1) of the principal regulations is amended by deleting “gas day request, at any time after being allocated a shipper's daily nomination,” and substituting the following —

“ renomination time for a gas day request ”.

(2) Regulation 171 (2) and (3) of the principal regulations are repealed and the following subregulation is substituted —

“

(2) If a shipper's renomination includes a nomination for any AT3 capacity (further to any AT3 capacity allocated to it under regulation 168), the nomination is to include a bid of the price the shipper will pay for the capacity, and the renomination for that further AT3 capacity is not valid unless the price bid is equal to or higher than the minimum price specified by the corporation in its most recent bulletin under regulation 163.

”.

**Regulation 172 repealed and a regulation substituted**

94. Regulation 172 of the principal regulations is repealed and the following regulation is substituted —

“

**Times for renomination and allocation of revised shipper's daily nominations**

**172.** (1) Subject to subregulation (3), the renomination times for each gas day are 07:00 hours (at which time renominations may be given for the gas day just about to begin, not the gas day just about to end), and 12:00 hours and 20:00 hours in the gas day.

(2) Subject to subregulation (3), if under regulation 174 the corporation is required to allocate a revised shipper's daily nomination in response to a shipper's renomination received prior to a renomination time, the corporation must use reasonable endeavours to make that allocation within 1 hour after the renomination time.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) The corporation may from time to time by notice to all shippers supplement or vary any one or more of the times prescribed in subregulation (1) or the period prescribed in subregulation (2).

(4) A notice under subregulation (3) may be expressed to continue indefinitely or for a specified time, and may revoke, substitute or amend a previous notice.

”.

**Regulation 173 amended**

**95.** (1) Regulation 173 (1) of the principal regulations is amended by deleting “notice” in the first and third places where it occurs.

(2) Regulation 173 (2) of the principal regulations is amended —

(a) by deleting “A shipper’s obligations” and substituting the following —

“

Unless the transmission contract provides otherwise, a shipper’s obligation

”;

(b) by deleting “Tranche 3” and substituting the following —

“ T3 ”; and

(c) by deleting “additional T3” in both places where it occurs and substituting the following —

“ AT3 ”.

**Regulation 174 repealed and a regulation substituted**

**96.** Regulation 174 of the principal regulations is repealed and the following regulation is substituted —

“

**Renominations increasing shipper’s daily nomination**

**174.** (1) The corporation may refuse to increase a shipper’s daily nomination in response to a renomination —

(a) if it is not technically feasible to do so; or

(b) subject to regulation 170A, if and to the extent that there is insufficient unallocated capacity to satisfy the renomination.

(2) Subject to subregulation (1), if a renomination seeks to increase a shipper’s daily nomination, the corporation must within the period prescribed in regulation 172 (2) (as varied, if applicable, by notice under regulation 172 (3)) by notice to the shipper allocate revised shipper’s daily nominations.

(3) A notice under subregulation (2) must specify the period in respect of which the revised shipper’s daily nominations are to apply.

(4) Regulation 168 applies (with appropriate modifications) to the corporation’s allocation under subregulation (2) of revised shipper’s daily nominations.

”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 176 amended**

**97.** Regulation 176 of the principal regulations is amended —

- (a) by inserting after the definition of “shipper’s daily imbalance” the following definition —

“**“shipper’s gas quantity”** for a gas day means the greater of —

- (a) the average over the immediately preceding 7 gas days of the shipper’s outlet quantity for each gas day; and  
 (b) the shipper’s total contracted capacity;

”;

- (b) by deleting the definitions of “shipper’s peak hourly quantity” and “shipper’s total contracted capacity”; and

- (c) by deleting “; and” at the end of the definition of “shipper’s peak daily quantity” and substituting a full stop.

**Regulation 179 amended**

**98.** Regulation 179 of the principal regulations is amended by deleting all of the regulation after “the following formula —” and substituting the following —

“

$$\sum_1^n \left( \frac{\text{Time at SDN}_n}{24} \times \text{SDN}_n \right) = \text{Deemed SDN}$$

where —

“SDN<sub>n</sub>” means the shipper’s daily nomination applying for time period n;

“Time at SDN<sub>n</sub>” means the duration, in hours, of the time period for which SDN<sub>n</sub> applied.

”.

**Regulation 180 amended**

**99.** (1) Regulation 180 (1) of the principal regulations is amended by deleting “it supplies to —” and paragraphs (a) and (b) and substituting the following —

“

it supplies to Wesfarmers LPG Pty Ltd, as a gas customer of the trading business, for use in the W LPG plant (whether for extraction, as fuel or otherwise).

”.

(2) Regulation 180 (2) of the principal regulations is amended by deleting “to be delivered to —” and paragraphs (a) and (b) and substituting the following —

“

to be delivered to Wesfarmers LPG Pty Ltd, as a gas customer of the trading business, for use in the W LPG plant (whether for extraction, as fuel or otherwise)

”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 183 amended**

**100.** Regulation 183 (b) of the principal regulations is amended by deleting “peak hourly quantity” and substituting the following —

“ hourly quantities ”.

**Regulation 184 amended**

**101.** (1) Regulation 184 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) Subject to subregulation (3), if the shipper’s accumulated imbalance —

- (a) is negative, the absolute value of the shipper’s accumulated imbalance may exceed 8% of the shipper’s gas quantity; or
- (b) is positive, the shipper’s accumulated imbalance may exceed 8% of the shipper’s gas quantity,

in which case the shipper is to pay the surcharge (if any) prescribed under regulation 189.

”.

(2) Regulation 184 (3) of the principal regulations is repealed and the following subregulation is substituted —

“

(3) Subject to any agreement under regulation 184A, the corporation as a reasonable and prudent person may refuse to accept gas from a shipper at an inlet point, refuse to deliver gas to the shipper at an outlet point, or both, at any time that the absolute value of shipper’s accumulated imbalance exceeds the limit prescribed by subregulation (1) as the limit above which a surcharge would be payable.

”.

**Regulation 184A inserted**

**102.** After regulation 184 of the principal regulations the following regulation is inserted —

“

**Balancing in particular circumstances**

**184A.** (1) If the parties anticipate a failure of the shipper’s gas supply (including without limitation a failure due to an impending cyclone), the parties may, if they consider it technically feasible and appropriate to do so, agree to increase for a short period the limit prescribed by regulation 184 (1) (b) as the limit above which a surcharge is payable, in order to enable the shipper to deposit additional gas in the gas transmission system in advance of that failure.

(2) The parties may, if they consider it technically feasible and appropriate to do so, agree to allow the shipper, during a failure of the shipper’s gas supply, to exceed the limit prescribed by regulation 184 (1) (a) as the limit above which a surcharge is payable.

(3) Subject to subregulations (4) and (5), an agreement under subregulation (1) or (2) may be on any terms and conditions the parties consider technically feasible and appropriate.

(4) Subject to subregulation (1), the shipper must pay all applicable surcharges for the shipper’s accumulated imbalance.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(5) The corporation may require an agreement under subregulation (2) to contain any or all of the following provisions —

- (a) that the corporation may from time to time during the term of that agreement by notice to the shipper specify a limit for the shipper's accumulated imbalance, beyond which limit the corporation may refuse to accept gas from the shipper at an inlet point or deliver gas to the shipper at an outlet point, or both; and
- (b) that upon resumption of the shipper's gas supply, the corporation may require the shipper to restore its shipper's accumulated imbalance to zero as soon as reasonably practicable.

(6) Nothing in this regulation compels a party to enter into an agreement under subregulation (1) or (2).

”.

**Regulation 185 amended**

**103.** (1) Regulation 185 (1) of the principal regulations is amended by deleting “peak”.

(2) Regulation 185 (2) of the principal regulations is repealed and the following subregulation is substituted —

“

(2) The corporation as a reasonable and prudent person may refuse to accept gas from a shipper at an inlet point, refuse to deliver gas to a shipper at an outlet point, or both, at any time that the shipper's hourly quantity exceeds the limit prescribed by subregulation (1) as the limit above which a surcharge would be payable.

”.

**Regulation 186 amended**

**104.** Regulation 186 (2) of the principal regulations is repealed and the following regulation is substituted —

“

(2) The corporation as a reasonable and prudent person may refuse to accept gas from a shipper at an inlet point, refuse to deliver gas to a shipper at an outlet point, or both, at any time that the shipper's peak daily quantity exceeds the limit prescribed by subregulation (1) as the limit above which a surcharge would be payable.

”.

**Regulation 188 amended**

**105.** Regulation 188 (b) of the principal regulations is amended by deleting “peak”.

**Regulation 189 amended**

**106.** Regulation 189 (1) of the principal regulations is amended by deleting “to curtail or interrupt the shipper's capacity.” and substituting the following —

“

to refuse to accept gas from a shipper at an inlet point or refuse to deliver gas to a shipper at an outlet point, or both.

”.



*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 191 amended**

**107.** Regulation 191 (1) of the principal regulations is amended by deleting “interrupting or curtailing that shipper’s capacity.” and substituting the following —

“  
refusing to accept gas from the shipper at an inlet point or refusing to deliver gas to the shipper at an outlet point.  
”.

**Regulation 194 amended**

**108.** After regulation 194 (6) of the principal regulations the following subregulations are inserted —

“  
(6a) Without limiting the generality of subregulations (5) and (6), if on a gas day at a multi-shipper inlet point a shipper’s proportional share of the commingled inlet stream agreed under subregulation (3) or determined under subregulation (4) is out-of-specification gas (as defined in regulation 200) under the shipper’s transmission contract, then despite regulation 210 the corporation must accept the gas from the shipper if the gas in the commingled inlet stream complies with the weighted average for the relevant quality, temperature or pressure component, calculated by weighting —  
(a) the value for the relevant component set out in every transmission contract under which a shipper’s daily nomination has been allocated at the inlet point for the gas day; by  
(b) the shipper’s daily nomination allocated under each such contract.  
(6b) Subregulation (6a) applies, with appropriate modifications, so as to include in the weighted averaging all gas delivered under either or both of a pre-scheme contract as defined in regulation 262 (4) and a contract exempted pursuant to clause 6 of Schedule 5 to the Act.  
”.

**Regulation 195 amended**

**109.** Regulation 195 (1) of the principal regulations is amended —

- (a) by deleting paragraph (a) and substituting the following paragraph —  
“ (a) be within a security fenced enclosure; ”;  
and  
(b) by deleting paragraph (c).

**Regulation 196A inserted**

**110.** After regulation 196 of the principal regulations the following regulation is inserted —

“  
**Filters and separators**

**196A.** (1) Every inlet station must include filters or separators, or both, to a standard acceptable to a reasonable and prudent person.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(2) An outlet station must, whenever the corporation as a reasonable and prudent person determines it to be necessary, include filters or separators, or both, to a standard acceptable to a reasonable and prudent person.

(3) The corporation may make a determination under subregulation (2) at any time, including without limitation after an outlet station is commissioned.

(4) For the purposes of regulation 219, neither filters nor separators are to be regarded as metering equipment.

”.

**Regulation 197 amended**

111. Regulation 197 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) All facilities upstream from an inlet point or downstream from an outlet point must be electrically isolated from the gas transmission system by an isolating joint or flange located either —

- (a) at the inlet point or outlet point; or
- (b) sufficiently close to the inlet point or outlet point so as to achieve the same operational effect as if the joint or flange were located in accordance with paragraph (a),

which joint or flange must be fitted with a surge diverter or other approved means of discharging excessive potentials.

”.

**Regulation 198 amended**

112. Regulation 198 (2) (a) and (b) of the principal regulations are each amended by deleting “point at” and substituting the following —

“ point associated with ”.

**Regulation 200 amended**

113. Regulation 200 of the principal regulations is amended in the definition of “relative density” —

- (a) by deleting “molecular” in both places where it occurs and substituting the following —

“ molar ”; and

- (b) by deleting “kg/mol” in both places where it occurs and substituting the following —

“ g/mol ”.

**Regulation 203 amended**

114. After regulation 203 (2) of the principal regulations the following subregulations are inserted —

“

(2a) Subject to subregulation (2b), the relief from compliance in subregulations (1) and (2) (a) applies only in respect of the quantity of gas to be transported, supplied, purchased or sold (as the case may be) under the contract or agreement referred to in subregulation (3), and only for the

*Gas Transmission Amendment Regulations (No. 2) 1997*

duration of that contract or agreement including any extension of the term of that contract or agreement made pursuant to a right existing prior to the time on which the prescribed specification came into effect.

(2b) Subregulation (2a) does not apply in respect of existing obligations incurred by a shipper prior to 1 January 1995.

”.

**Regulation 207 amended**

**115.** Regulation 207 of the principal regulations is amended —

- (a) by inserting after the regulation designation “207.” the subregulation designation “(1)”;
- (b) by deleting “The” and substituting the following —
  - “ Unless the parties agree in writing to the contrary, the ”;
  - and
- (c) by inserting the following subregulation —

“

(2) An agreement in writing referred to in subregulation (1) may be made by the parties to a transmission contract despite the fact that the transmission contract arises from a grant of capacity made before the commencement of the *Gas Transmission Amendment Regulations (No. 2) 1997*.

”.

**Regulation 208 amended**

**116.** Regulation 208 of the principal regulations is amended by inserting after “262,” the following —

“ and to any agreement under regulation 211, ”.

**Regulation 210 amended**

**117.** Regulation 210 of the principal regulations is amended by deleting “The” and substituting the following —

“ Subject to regulation 194 (6a), the ”.

**Regulation 211 amended**

**118.** Regulation 211 (1) of the principal regulations is amended by inserting after “inlet point” the following —

“

, but nothing in this regulation limits the corporation’s obligation to accept gas under regulation 194 (6a)

”.

**Regulation 213 amended**

**119.** Regulation 213 of the principal regulations is amended —

- (a) in the definition of “actual mass flow rate” by inserting after “means” the following —
  - “ either a directly measured variable or ”;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) in the definition of “primary metering equipment” by deleting “, and includes duty streams and standby streams”;
- (c) by deleting the definitions of “billing data retrieval system”, “duty stream” and “standby stream” and the “and” after the definition of “standby stream”; and
- (d) by inserting in the appropriate alphabetical positions the following definitions —

“

“**duty equipment**” means the metering equipment in service at a particular time;

“**electronic data collection system**” means the system and equipment for collecting, receiving and transferring electronic signals and data from metering equipment, used for the measurement of gas delivered to shippers and for billing;

”.

**Regulation 216 amended**

**120.** (1) Regulation 216 (1) of the principal regulations is amended —

- (a) in paragraph (a) by inserting after “and (c)” the following —  
“ and subregulation (1a) ”;
- (b) in paragraph (b) (i) by inserting before “plus or minus” the following —  
“ subject to subregulation (1a), ”; and
- (c) in paragraph (b) (i) and (ii) by deleting “design flow” and substituting in each case the following —  
“ design maximum flow rate ”.

(2) After regulation 216 (1) of the principal regulations the following subregulation is inserted —

“

(1a) Alternative metering equipment referred to in regulation 217 (1a) (a) need not comply with subregulation (1) (b) (i) if —

- (a) it is designed, adjusted and operated so as to achieve measurement to within a maximum uncertainty of plus or minus 2% of actual mass flow rate at a minimum of the 95% confidence level; and
- (b) it is not used for more than 72 hours in any gas year.

”.

(3) Regulation 216 (2) of the principal regulations is amended by deleting “subregulation (1)” and substituting the following —

“ subregulations (1) and (1a) ”.

(4) Regulation 216 (3) of the principal regulations is amended by deleting the semicolon at the end of the subregulation and substituting a full stop.

**Regulation 217 amended**

**121.** (1) Regulation 217 (1) of the principal regulations is amended —

- (a) by deleting paragraph (d); and

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (b) in paragraph (h) by deleting “SCADA system and billing data retrieval” and substituting the following —

“ electronic data collection ”.

- (2) After regulation 217 (1) of the principal regulations the following subregulation is inserted —

“

(1a) Primary metering equipment with a design maximum flow rate of 5 TJ/d or more must include —

- (a) alternative metering equipment capable of measuring gas quantity and (for inlet metering equipment) gas quality;
- (b) a means for detecting a fault in duty equipment which is likely to materially affect the accuracy of any measurements produced by the duty equipment, and a means in the event of such a fault for automatically switching metering from the faulty duty equipment to the alternative metering equipment referred to in paragraph (a); and
- (c) a means for manually switching metering from duty equipment to the alternative metering equipment referred to in paragraph (a).

”.

- (3) Regulation 217 (2), (3) and (4) of the principal regulations are repealed and the following subregulations are substituted —

“

(2) Inlet metering equipment must provide digital signals associated with valve or other equipment status, and must include components for signalling the following primary measurements and derived variables associated with gas quality and quantity —

- (a) delivery temperature;
- (b) delivery pressure;
- (c) instantaneous energy flow rate in terajoules per day;
- (d) totalised energy flow in gigajoules;
- (e) relative density;
- (f) higher heating value in megajoules per kilogram;
- (g) nitrogen content in mole percent;
- (h) carbon dioxide content in mole percent;
- (i) LPG content in tonnes per terajoule of gas;
- (j) moisture level in milligrams per cubic metre;
- (k) instantaneous hydrocarbon dew point in degrees Celsius;  
and
- (l) all primary measurements and derived variables used in any computation required by paragraphs (a) to (k).

(3) Unless the corporation and a shipper as reasonable and prudent persons agree to the contrary, outlet metering equipment may utilise gas quality data (the “**remote data**”) from equipment which is not located at the outlet station in question, in which case —

- (a) the corporation may as a reasonable and prudent person adopt procedures relating to that utilisation, including

*Gas Transmission Amendment Regulations (No. 2) 1997*

without limitation relating to the use of preset gas quality values when the remote data is unavailable for any reason; and

- (b) regulations 222 and 225 apply, with appropriate modifications, to any procedures adopted under paragraph (a).

(4) Outlet metering equipment must provide digital signals associated with valve or other equipment status, and must include components for signalling the following primary measurements and derived variables associated with gas quantity —

- (a) delivery temperature;
- (b) delivery pressure;
- (c) instantaneous energy flow rate in terajoules per day;
- (d) totalised energy flow in gigajoules; and
- (e) all primary measures and derived variables used in any computation required by paragraphs (a) to (d).

”.

**Regulation 218 amended**

**122.** (1) Regulation 218 (1) of the principal regulations is amended by inserting after “metering equipment” the following —

“

at the outlet station associated with the outlet point at which the shipper has contracted capacity

”.

(2) Regulation 218 (2) (b) of the principal regulations is amended by deleting “, verified delivery” and substituting the following —

“

(or as soon thereafter as the corporation as a reasonable and prudent person is able), verified daily energy quantity

”.

**Regulation 219 amended**

**123.** Regulation 219 (2) of the principal regulations is amended —

- (a) by inserting after “may” the following —  
“ modify, or may ”; and
- (b) by inserting a comma after “to modify”.

**Regulation 223 amended**

**124.** After regulation 223 (3) of the principal regulations the following subregulation is inserted —

“

(4) If either or both of the presumptions in subregulations (1) and (2) is, or are, shown to be incorrect in respect of any period or periods, regulations 226 and 227 apply, with appropriate modifications, to measurements taken by the metering equipment during the period or periods.

”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 224 amended**

- 125.** (1) Regulation 224 (1) of the principal regulations is amended —
- (a) by deleting paragraph (a) and substituting the following paragraph —
    - “
    - (a) must, subject to subregulation (1a), at least once each month during the term of a transmission contract; ”;
    - and
  - (b) by deleting “to be agreed between the parties” and substituting the following —
    - “ described in subregulation (1b) ”.

- (2) After regulation 224 (1) of the principal regulations the following subregulations are inserted —

- “
- (1a) Either party may from time to time, by at least 3 months' advance notice in writing to the other party, vary the interval between verifications under subregulation (1) (a) of any primary metering equipment, provided that the established performance of the primary metering equipment is such that a reasonable and prudent person would be satisfied that the interval can be so varied without materially detrimentally affecting the accuracy of measurements provided by the primary metering equipment and without materially increasing the risk of the metering equipment operating outside the prescribed limits of uncertainty.
  - (1b) The verification procedure is to consist of —
    - (a) a comparison between simultaneous independent measurements of gas flows;
    - (b) the physical substitution of the primary metering equipment to be verified with similar metering equipment having a demonstrated accuracy within the prescribed limits of uncertainty; or
    - (c) any metering equipment testing procedure complying with applicable Australian or International standards that the parties agree in writing to use.
- ”.

**Regulation 225 repealed and a regulation substituted**

- 126.** Regulation 225 of the principal regulations is repealed and the following regulation is substituted —

“

**Adjustment or replacement of defective equipment**

- 225.** (1) If any component of primary metering equipment is at any time found to be defective or otherwise out of service or operating outside the prescribed limits of uncertainty, the corporation must at an outlet station and the shipper must at an inlet station (in either case at the shipper's expense) forthwith either —
- (a) adjust it to read accurately within the prescribed limits of uncertainty; or
  - (b) if such adjustment is not possible, replace it with a serviceable component.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(2) Without limiting the generality of subregulation (1), if primary metering equipment with a design maximum flow rate of less than 5 TJ/d is at any time found to be for any reason operating outside the prescribed limits of uncertainty, the corporation must at an outlet station and the shipper must at an inlet station (in either case at the shipper's expense) within 48 hours cause the primary metering equipment to operate within the prescribed limits of uncertainty.

”.

**Regulation 226 amended**

**127.** (1) Regulation 226 (2) of the principal regulations is amended by inserting after “(1) (a) or (b)” the following —

“ or agreed under subregulation (3), ”.

(2) After regulation 226 (2) of the principal regulations the following subregulation is inserted —

“

(3) If the parties have agreed under regulation 216 (2) to limits of uncertainty for a component or components of primary metering equipment, then the parties may agree to limits which are to apply in substitution for the limits prescribed in subregulation (1) (a) or (b) for that primary metering equipment, and subregulation (1) has effect accordingly.

”.

**Regulation 231 amended**

**128.** (1) Regulation 231 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) The corporation may commingle with other gas in the gas transmission system any gas purchased by the corporation to replace either or both of —

- (a) gas consumed or otherwise used by the corporation in its operation of the gas transmission system; or
- (b) unaccounted for gas, and gas which leaks or otherwise escapes from the gas transmission system (whether in normal operational circumstances or due to any rupture or other abnormal leakage).

”.

(2) After regulation 231 (2) of the principal regulations the following subregulation is inserted —

“

(3) When gas referred to in subregulation (1) is either —

- (a) delivered into the gas transmission system by a shipper; or
- (b) delivered to the corporation (in its capacity as the gas transmission business) by a shipper before the gas enters the gas transmission system,

that gas is not to be considered as gas delivered under the shipper's transmission contract for all purposes under these regulations or any transmission contract, including without limitation for the purposes of —

- (c) pricing;
- (d) balancing; and
- (e) curtailment or interruption.

”.



*Gas Transmission Amendment Regulations (No. 2) 1997*

**Regulation 233 amended**

**129.** Regulation 233 of the principal regulations is amended in the definition of “tradeable capacity” by deleting “shipper’s” in the second place where it occurs.

**Regulation 234 amended**

**130.** Regulation 234 (1) of the principal regulations is amended by deleting “regulation 133” and substituting the following —

“ regulation 86D or 133 ”.

**Regulation 235 amended**

**131.** (1) Regulation 235 (1) of the principal regulations is amended by deleting “shipper’s” in the first and second places where it occurs.

(2) Regulation 235 (2) (d) is amended by deleting “shipper’s” in both places where it occurs.

**Regulation 240 amended**

**132.** Regulation 240 (2) of the principal regulations is amended by deleting “shipper’s” in the second place where it occurs.

**Regulation 243D amended**

**133.** Regulation 243D (2) of the principal regulations is amended by deleting “(1) and (2)” and substituting the following —

“ (2) and (3) ”.

**Regulation 243F amended**

**134.** (1) Regulation 243F (4) (b) of the principal regulations is amended by inserting before “nothing in this Part” the following —

“ subject to subregulation (5), ”.

(2) After regulation 243F (4) of the principal regulations the following subregulation is inserted —

“  
(5) Without limiting the generality of subregulation (3), the corporation must seek to avoid unnecessary expansion costs in choosing between giving a relinquishment acceptance and providing developable capacity.  
”.

**Regulation 244 amended**

**135.** Regulation 244 of the principal regulations is amended by inserting before the definition of “dispute” the following definition —

“  
“authorised person” means either the chief executive of a party or a person appointed for the purposes of regulation 246 by the chief executive (or, if the party comprises more than one person, by the chief executives of all persons which comprise the party);  
”.

*Gas Transmission Amendment Regulations (No. 2) 1997***Regulation 245 amended**

**136.** Regulation 245 (c) of the principal regulations is amended by inserting after “commercially viable” the following —

“  
    , having regard only to —  
        (i) the facts and circumstances known, or which ought reasonably to have been known, by the corporation; and  
        (ii) the regulations in force,  
    at the time of the decision to undertake that enhancement or expansion ”.

**Regulation 248 amended**

**137.** Regulation 248 (1) of the principal regulations is amended by deleting “(in this regulation called “**the arbitration notice**”)”.

**Regulation 250 amended**

**138.** (1) Regulation 250 (1) of the principal regulations is amended by inserting after “required by” in the second place where it occurs the following —

“ regulation 57 and ”.

(2) Regulation 250 (2) of the principal regulations is amended by inserting after “required by” the following —

“ regulation 57 and ”.

**Regulation 251 repealed and a regulation substituted**

**139.** Regulation 251 of the principal regulations is repealed and the following regulation is substituted —

“  
    **Electronic bulletin board system**

**251.** (1) The corporation and shippers may agree from time to time concerning modifications to the corporation’s electronic bulletin board system for communications under these regulations and transmission contracts, and concerning the system’s features and the information it is to convey.

(2) To the extent that the costs of installing, operating, maintaining and modifying the electronic bulletin board system referred to in subregulation (1) are part of —

- (a) the corporation’s capital investment in the gas transmission system, those costs are to be taken into account for the purposes of the determination and redetermination of the capacity reservation charge under Part 6; and
- (b) the corporation’s costs of maintaining and providing gas transmission capacity, those costs are to be taken into account for the purposes of the adjustment, determination and redetermination of the commodity charge under Part 6.

”.

**Regulation 252 amended**

**140.** (1) Regulation 252 (2) of the principal regulations is amended by inserting after “(other than” the following —

“ regulation 57 and ”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(2) After regulation 252 (3) of the principal regulations the following subregulation is inserted —

“

(4) Nothing in this regulation prevents the parties from agreeing in writing to utilise an alternative means of communication of notices, including without limitation the corporation's electronic bulletin board system referred to in regulation 251.

”.

**Regulation 261 amended**

141. Regulation 261 of the principal regulations is amended —

- (a) by inserting after the regulation designation “261.” the subregulation designation “(1)”;
- (b) by inserting after “Any” the following —  
“ inlet station, outlet station or ”; and
- (c) by inserting the following subregulation —

“

(2) Subregulation (1) applies only to the extent that the inlet station, outlet station or metering equipment in question remains unmodified, other than by modifications in the normal course of maintenance and operation.

”.

**Schedule 2 amended**

142. Schedule 2 to the principal regulations is amended —

- (a) by inserting before “T1 capacities” in the first place where it occurs the following —  
“ total ”;
- (b) in clause 1 (1) by deleting the definition of “shipper's total T1 capacity”;
- (c) in clause 3 —
  - (i) by inserting after the clause designation “3.” the subclause designation “(1)”;
  - (ii) by deleting “The” and substituting the following —  
“ Subject to subclause (2), the ”; and
  - (iii) by inserting the following subclause —  
“  
(2) The trading business in its discretion as a reasonable and prudent person, may from time to time agree with the corporation that the 40 TJ/d of its T1 capacity referred to in subclause (1) is to be curtailed (either wholly or to an agreed extent) before all other shippers' T1 capacities have been reduced to zero.  
”;
- (d) in clause 4 —
  - (i) by inserting after the clause designation “4.” the subclause designation “(1)”;
  - (ii) by inserting before “Alcoa” the following —  
“ Subject to subclause (2), ”;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (iii) in paragraph (a) by deleting “shipper’s”;
- (iv) in paragraph (b) by deleting “total”; and
- (v) by inserting the following subclause —

“  
 (2) Alcoa, in its discretion as a reasonable and prudent person, may from time to time agree with the corporation that the 40 TJ/d of its total exempted capacity referred to in subclause (1) is to be curtailed (either wholly or to an agreed extent) before the conditions in subclause (1) (a) and (b) have been met.  
 ”;

and

- (e) in clause 5 —
  - (i) by inserting after the clause designation “5.” the subclause designation “(1)”;
  - (ii) by inserting after “clauses 3 and 4” the following —
 

“ and subclause (2) ”;
  - (iii) in paragraph (a) and in the definition of “sum of STT<sub>1</sub>Cs” by deleting “shipper’s”;
  - (iv) in the definition of “reduced STT<sub>1</sub>C” by deleting “reduced shipper’s” and substituting the following —
 

“ shipper’s reduced ”; and
  - (v) by inserting the following subclause —
 

“  
 (2) A shipper in its discretion as a reasonable and prudent person may from time to time agree with the corporation that the shipper’s total T1 capacity is to be curtailed either wholly or to a greater extent than would otherwise be the case under subclause (1).  
 ”.

**Schedule 3 amended**

143. Schedule 3 to the principal regulations is amended —

- (a) in the heading —
  - (i) by inserting before “CAPACITY” the following —
 

“ FULL-HAUL ”; and
  - (ii) by deleting “THE” and substituting the following —
 

“ FULL-HAUL ”.
- (b) in clause 1 (1) and (2) by inserting after “grant of” the following —
 

“ full-haul ”;
- (c) by repealing clause 7 (2);
- (d) in the provision commencing “8, 9, 10, [etc.]” —
  - (i) by deleting “shipper,” and substituting the following —
 

“ shipper and ”;

*Gas Transmission Amendment Regulations (No. 2) 1997*

- (ii) by inserting before “*shipper’s*” the following —  
 “ *the* ”; and
  - (iii) by deleting “*and (other than price) of part-haul capacity and back-haul capacity, etc*”;
- and
- (e) by repealing Appendix 2 and substituting the following appendix —

“  
**Appendix 2 (to Schedule 3) — Details of outlet point capacity**

Outlet point number .... (Location .....			
Contract year	Season	Shipper’s T1 capacity (TJ/d)	Shipper’s T2 capacity (TJ/d)
1	Summer		
	Winter		
.....			
n	Summer		
	Winter		

*[Repeat for each outlet point.]*

”

**Schedules 3A and 3B inserted**

**144.** After Schedule 3 to the principal regulations the following Schedules are inserted —

“

**SCHEDULE 3A**

[Regulation 87]

**GRANT OF PART-HAUL CAPACITY  
(PART-HAUL TRANSMISSION CONTRACT)**

**This is a Grant of Part-Haul Capacity  
by  
The Gas Corporation  
to**

.....

This grant is dated .....

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Recitals**

1. (1) The shipper has submitted an application under Part 4 for a grant of part-haul capacity.

(2) The corporation has accepted the shipper's application and by this document makes a grant of part-haul capacity to the shipper in response to that application.

(3) Under section 94 (2) of the Act, this grant of capacity is or is deemed to be a contract between the corporation and the shipper.

**Interpretation**

2. (1) In this contract —

“**Act**” means the *Gas Corporation Act 1994*;

“**capacity**” has the modified meaning given to it by clause 6 (3);

“**corporation**” means the Gas Corporation, a statutory corporation constituted by the Act;

“**part-haul T1 capacity**” means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in part-haul Tranche 1;

“**part-haul T2 capacity**” means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in part-haul Tranche 2;

“**part-haul T3 capacity**” means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in part-haul Tranche 3;

“**part-haul Tranche 1**” means that portion of part-haul capacity which is capacity in Tranche 1;

“**part-haul Tranche 2**” means that portion of part-haul capacity which is capacity in Tranche 2;

“**part-haul Tranche 3**” means that portion of part-haul capacity which is capacity in Tranche 3;

“**regulations**” means the *Gas Transmission Regulations 1994*;

“**shipper**” means .....

“**tranche**” has the modified meaning given to it by clause 6 (3).

(2) Any terms defined in the regulations (other than “shipper”) have the same meaning when used in this contract (modified if necessary by clause 6 (2)).

(3) The *Interpretation Act 1984* applies to the interpretation of any regulation which forms part of this contract.

(4) Any reference to a Division, Part or regulation is a reference to a Division, Part or regulation in the regulations.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(5) Any reference to a regulation or provision forming part of this contract means that the regulation or provision has effect as if set out in full in this contract (modified if necessary by clause 6 (2)).

**The contract**

3. The corporation and the shipper agree that —

- (a) the corporation will grant to the shipper the part-haul capacity set out in this contract on the terms and conditions set out in this contract; and
- (b) the shipper will have the option to extend this contract for the term or terms (if any) set out in Appendix 4.

**Duration of contract**

4. This contract commences at 08:00 hours on ..... and ends at 08:00 hours on .....

**Imported terms of this contract**

5. (1) The corporation and the shipper agree that every provision of the regulations which is identified in regulation 90 forms part of this contract, with the exception of regulations 49 and 50 (as to which see clause 10).

(2) Without limiting the effect of regulation 89, in the event of any inconsistency between —

- (a) a regulation which is identified by regulation 90; and
- (b) another term of this contract,

the term referred to in paragraph (b) prevails.

(3) The corporation and the shipper agree that the following provisions of the regulations also form part of this contract .....

**Terms and conditions of part-haul capacity**

6. (1) The capacity granted by this contract is part-haul capacity.

(2) Subject to subclause (4), the terms of this contract imported by clause 5 are to be read as though every reference (including without limitation in a definition of any term) to —

- (a) "T1 capacity" was instead a reference to "part-haul T1 capacity";
- (b) "T2 capacity" was instead a reference to "part-haul T2 capacity";
- (c) "T3 capacity" was instead a reference to "part-haul T3 capacity";
- (d) "Tranche 1" was instead a reference to "part-haul Tranche 1";
- (e) "Tranche 2" was instead a reference to "part-haul Tranche 2"; and
- (f) "Tranche 3" was instead a reference to "part-haul Tranche 3".

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) Unless the reference is expressly extended by the terms of this contract to include full-haul, a reference in this contract to a “tranche”, or to “tranche” generally, is a reference to part-haul capacity, and a reference to “capacity” in a tranche has a corresponding meaning.

(4) In the event of any inconsistency between —

- (a) any term of this contract imported by clause 5 and modified by subclause (2) or (3); and
- (b) a term of this contract relating expressly to part-haul capacity,

the term referred to in paragraph (b) prevails.

(5) This contract does not constitute a grant of any full-haul capacity.

(6) Regulations 45 and 64 do not form part of, and are not to be used in interpreting, this contract.

**No aggregation or short-term relocation for part-haul capacities**

7. (1) Despite any term of this contract imported by clause 5, the shipper must not —

- (a) aggregate its capacity in a tranche at an outlet point; or
- (b) make a short-term relocation of its capacity in a tranche at an outlet point,

unless the corporation and the shipper first reach agreement regarding any terms and conditions to apply to, and any increased or additional prices to be charged for, that aggregation or short-term relocation.

(2) For the purposes of subclause (1) a shipper is to be taken to —

- (a) aggregate capacity if it nominates for, or is allocated, a shipper's daily nomination in a tranche at an outlet point at which it has contracted capacity, which exceeds its shipper's contracted capacity in that tranche at that outlet point; and
- (b) make a short-term relocation of capacity if it nominates for, or is allocated, a shipper's daily nomination in a tranche at an outlet point at which it does not have any contracted capacity in that tranche.

**Contracted capacities**

8. The corporation agrees to make, and the shipper agrees to accept, a grant of part-haul capacity at the inlet point or points specified in Appendix 1, and in the tranches at the outlet point or points specified in Appendix 2, in the amounts for each season set out in those Appendices.

**Prices**

9. (1) The shipper agrees to pay the prices set out in Appendix 3.

(2) For the purposes of determining the capacity reservation charge, the shipper and the corporation agree that for the purposes of paragraph (a) of the definition of “pipeline kilometres” in regulation 135, the relevant inlet point or points for each outlet point is to be the inlet point or points specified in Appendix 3 as the relevant inlet point or points for that outlet point.

(3) The shipper and the corporation agree that the prices set out in Appendix 3 may be varied from time to time in accordance with Part 6.



*Gas Transmission Amendment Regulations (No. 2) 1997*

**Curtailment and interruption plan for part-haul capacity**

**10.** *[Pending any prescription under regulation 63 (1) (b), the contract may set out the curtailment and interruption plan applicable to the shipper, which may specify how that shipper's curtailment and interruption rights are to be determined as against other shippers or classes of shippers.]*

**Other agreed terms of this contract**

**11, 12, 13, [etc.]** *[The shipper and the corporation will here set out any other terms of the contract. These may include without limitation provisions regarding default by the corporation, the definition and application of force majeure with respect to the shipper, the terms of the shipper's part-haul T3 capacity, and any particular provisions needed to deal with the particular circumstances of the shipper's part-haul capacity.]*

**Appendix 1 (to Schedule 3A) — Details of inlet point capacity**

Inlet point number .... (Location .....)		
Contract year	Season	Capacity (TJ/d)
1	Summer	
	Winter	
.....		
n	Summer	
	Winter	

*[Repeat for each inlet point.]*

**Appendix 2 (to Schedule 3A) — Details of outlet point capacity**

Outlet point number .... (Location .....)			
Contract year	Season	Shipper's part-haul T1 capacity (TJ/d)	Shipper's part-haul T2 capacity (TJ/d)
1	Summer		
	Winter		
.....			
n	Summer		
	Winter		

*[Repeat for each outlet point.]*

*Gas Transmission Amendment Regulations (No. 2) 1997***Appendix 3 (to Schedule 3A) — Details of pricing**

*[This Appendix to set out each charge and price payable by the shipper, and the pipeline kilometres to be used in determining each charge.]*

**Appendix 4 (to Schedule 3A) — Options to extend contract**

*[This Appendix to set out the term or terms of any option.]*

**SCHEDULE 3B**

[Regulation 87]

**GRANT OF BACK-HAUL CAPACITY  
(BACK-HAUL TRANSMISSION CONTRACT)**

**This is a Grant of Back-Haul Capacity  
by  
The Gas Corporation  
to**

.....

This grant is dated .....

**Recitals**

1. (1) The shipper has submitted an application under Part 4 for a grant of back-haul capacity.
- (2) The corporation has accepted the shipper's application and by this document makes a grant of back-haul capacity to the shipper in response to that application.
- (3) Under subsection (2) of section 94 of the Act, this grant of capacity is or is deemed to be a contract between the corporation and the shipper.

**Interpretation**

2. (1) In this contract —
  - “**Act**” means the *Gas Corporation Act 1994*;
  - “**capacity**” has the modified meaning given to it by clause 6 (3);
  - “**corporation**” means the Gas Corporation, a statutory corporation constituted by the Act;
  - “**back-haul T1 capacity**” means contracted capacity which has been the subject of a grant of capacity to a shipper at an outlet point, on the terms, conditions and prices applicable under these regulations to a grant of capacity in back-haul Tranche 1;
  - “**back-haul Tranche 1**” means that portion of back-haul capacity which is capacity in Tranche 1;
  - “**regulations**” means the *Gas Transmission Regulations 1994*;

*Gas Transmission Amendment Regulations (No. 2) 1997*

“**shipper**” means .....

“**tranche**” has the modified meaning given to it by clause 6 (3).

(2) Any terms defined in the regulations (other than “shipper”) have the same meaning when used in this contract (modified if necessary by clause 6 (2)).

(3) The *Interpretation Act 1984* applies to the interpretation of any regulation which forms part of this contract.

(4) Any reference to a Division, Part or regulation is a reference to a Division, Part or regulation in the regulations.

(5) Any reference to a regulation or provision forming part of this contract means that the regulation or provision has effect as if set out in full in this contract (modified if necessary by clause 6 (2)).

**The contract**

3. The corporation and the shipper agree that —

(a) the corporation will grant to the shipper the back-haul T1 capacity set out in this contract on the terms and conditions set out in this contract; and

(b) the shipper will have the option to extend this contract for the term or terms (if any) set out in Appendix 4.

**Duration of contract**

4. This contract commences at 08:00 hours on ..... and ends at 08:00 hours on .....

**Imported terms of this contract**

5. (1) The corporation and the shipper agree that every provision of the regulations which is identified in regulation 90 forms part of this contract, with the exception of regulations 49 and 50 (as to which see clause 10).

(2) Without limiting the effect of regulation 89, in the event of any inconsistency between —

(a) a regulation which is identified by regulation 90; and

(b) another term of this contract,

the term referred to in paragraph (b) prevails.

(3) The corporation and the shipper agree that the following provisions of the regulations also form part of this contract .....

**Terms and conditions of back-haul T1 capacity**

6. (1) The capacity granted by this contract is back-haul T1 capacity.

(2) Subject to subclause (4), the provisions of this contract imported by clause 5 are to be read as though every reference (including without limitation in a definition of any term) to —

(a) “T1 capacity” was instead a reference to “back-haul T1 capacity”; and

(b) “Tranche 1” was instead a reference to “back-haul Tranche 1”.

*Gas Transmission Amendment Regulations (No. 2) 1997*

(3) Unless the reference is expressly extended by the terms of this contract to include either or both of full-haul or part-haul, a reference in this contract to a “tranche”, or to “tranche” generally, is a reference to back-haul T1 capacity or back-haul Tranche 1, and a reference to “capacity” in a tranche has a corresponding meaning.

(4) In the event of any inconsistency between —

- (a) any term of this contract imported by clause 5 and modified by subclause (2) or (3); and
- (b) a term of this contract relating expressly to back-haul capacity,

the term referred to in paragraph (b) prevails.

(5) This contract does not constitute a grant of any full-haul capacity.

(6) Regulations 45 and 64 do not form part of, and are not to be used in interpreting, this contract.

(7) The concept of non-firm capacity has no application to back-haul capacity, and accordingly —

- (a) the shipper may not nominate or renominate for, or be allocated, any AT3 capacity, and regulation 159 (1) does not form part of this contract; and
- (b) the provisions of this contract imported by clause 5 which refer to non-firm capacity are to be either disregarded or read with appropriate amendments (as applicable).

**No aggregation or short-term relocation for back-haul capacity**

7. (1) Despite any term of this contract imported under clause 5, the shipper must not —

- (a) aggregate its capacity in a tranche at an outlet point; or
- (b) make a short-term relocation of its capacity in a tranche at an outlet point,

unless the corporation and the shipper first reach agreement regarding any terms and conditions to apply to, and any increased or additional prices to be charged for, that aggregation or short-term relocation.

(2) For the purposes of subclause (1) a shipper is to be taken to —

- (a) aggregate capacity if it nominates for, or is allocated, a shipper's daily nomination in a tranche at an outlet point at which it has contracted capacity, which exceeds its shipper's contracted capacity in that tranche at that outlet point; and
- (b) make a short-term relocation of capacity if it nominates for, or is allocated, a shipper's daily nomination in a tranche at an outlet point at which it does not have any contracted capacity in that tranche.

**Contracted capacities**

8. The corporation agrees to make, and the shipper agrees to accept, a grant of back-haul T1 capacity at the inlet point or points specified in Appendix 1, and at the outlet point or points specified in Appendix 2, in the amounts for each season set out in those Appendices.

*Gas Transmission Amendment Regulations (No. 2) 1997***Prices**

9. (1) The shipper agrees to pay the prices set out in Appendix 3.

(2) For the purposes of determining the capacity reservation charge, the shipper and the corporation agree that for the purposes of paragraph (a) of the definition of "pipeline kilometres" in regulation 135, the relevant inlet point or points for each outlet point is to be the inlet point or points specified in Appendix 3 as the relevant inlet point or points for that outlet point.

(3) The shipper and the corporation agree that the prices set out in Appendix 3 may be varied from time to time in accordance with Part 6.

**Curtailment and interruption plan for back-haul capacity**

10. *[Pending any prescription under regulation 63 (1) (b), the contract may set out the curtailment and interruption plan applicable to the shipper, which may specify how that shipper's curtailment and interruption rights are to be determined as against other shippers or classes of shippers.]*

**Other agreed terms of this contract**

11, 12, 13, [etc.] *[The shipper and the corporation will here set out any other terms of the contract. These may include without limitation provisions regarding default by the corporation, the definition and application of force majeure with respect to the shipper and any particular provisions needed to deal with the particular circumstances of the shipper's back-haul T1 capacity.]*

**Appendix 1 (to Schedule 3B) — Details of inlet point capacity**

Inlet point number .... (Location .....)		
Contract year	Season	Capacity (TJ/d)
1	Summer	
	Winter	
.....		
n	Summer	
	Winter	

*[Repeat for each inlet point.]*

*Gas Transmission Amendment Regulations (No. 2) 1997*

**Appendix 2 (to Schedule 3B) — Details of outlet point capacity**

Outlet point number .... (Location .....)		
Contract year	Season	Back-haul T1 capacity (TJ/d)
1	Summer	
	Winter	
.....		
n	Summer	
	Winter	

*[Repeat for each outlet point.]*

**Appendix 3 (to Schedule 3B) — Details of pricing**

*[This Appendix to set out each charge and price payable by the shipper, and the pipeline kilometres to be used in determining each charge.]*

**Appendix 4 (to Schedule 3B) — Options to extend contract**

*[This Appendix to set out the term or terms of any option.]*

**Schedule 6 amended**

**145.** Schedule 6 to the principal regulations is amended in Table A —

- (a) by deleting “contracted capacity in”;
- (b) by deleting “Tranche 1” and substituting the following —  
“ T1 ”;
- (c) by deleting “Tranche 2” and substituting the following —  
“ T2 ”; and
- (d) by deleting “Tranche 3” and substituting the following —  
“ T3 ”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

