



Western Australia

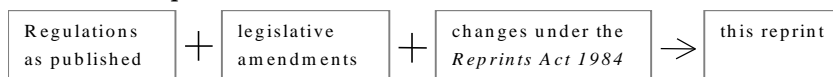
Energy Coordination Act 1994

Energy Coordination (Gas Tariffs) Regulations 2000

Reprint 1: The regulations as at 18 September 2009

Guide for using this reprint

What the reprint includes



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

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

Notes amongst text (italicised and within square brackets)

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

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

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 - removed (because it was repealed or deleted from the law); or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

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

Reprint numbering and date

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

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Energy Coordination (Gas Tariffs) Regulations 2000

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Reprinted under the
Reprints Act 1984 as
at 18 September 2009

Energy Coordination Act 1994

Energy Coordination (Gas Tariffs) Regulations 2000

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Energy Coordination (Gas Tariffs) Regulations 2000*¹.

2. Commencement

These regulations come into operation on the relevant day as defined in section 25(3) of the *Gas Corporation (Business Disposal) Act 1999*¹.

3. Areas to which regulations apply

These regulations apply to the supply of gas in —

- (a) the Mid-West/South-West area;
- (b) the Albany area; or
- (c) the Kalgoorlie-Boulder area.

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4. Terms used

- (1) In these regulations, unless the contrary intention appears —
- Albany area** means the supply area or parts of a supply area to which a distribution licence —
- (a) granted to the Gas Corporation; and
 - (b) applying to land any of which is in the local government district of Albany,
- applied when it was first granted;
- capped tariff** has the same meaning as in regulation 5;
- dwelling** means a house, flat, home unit or other place of residence;
- Kalgoorlie-Boulder area** means the supply area or parts of a supply area to which a distribution licence —
- (a) granted to the Gas Corporation; and
 - (b) applying to land any of which is in the local government district of Kalgoorlie-Boulder,
- applied when it was first granted;
- Mid-West/South-West area** means the supply areas or parts of a supply area to which any of the distribution licences of the Gas Corporation, other than a licence referred to in the definition of **Albany area** or **Kalgoorlie-Boulder area** applied when first granted;
- supplier** means a person who supplies gas;
- supply** has the meaning given by paragraph (b) of the definition of **supply** in section 3 of the Act;
- unit** means 3.6 megajoules.
- (2) For the purposes of these regulations a supply of gas is for residential purposes if the gas —
- (a) is supplied to —
 - (i) a dwelling; or

(ii) a place, other than a dwelling, to which the supply of gas is separately metered;

and

(b) is solely for residential use.

5. Supplier to have at least one capped tariff

(1) A supplier intending to supply gas in an area referred to in regulation 3(a), (b), or (c) is required to have at least one capped tariff for any supply of gas in that area.

(2) In subregulation (1) —

capped tariff means a tariff under which the charge for a supply of gas in any period for which a charge is calculated under the tariff cannot exceed the charge for that supply that would be calculated and, where applicable, adjusted under Schedule 1.

[Regulation 5 amended in Gazette 18 Oct 2002 p. 5224.]

6. Gas to be offered under standard contract at capped tariff

[(1) deleted]

(2) A supplier is required to offer to supply gas to each of its existing standard contract customers under the terms of the customer's existing contract but at a capped tariff unless the existing contract already entitles the customer to be supplied at a capped tariff.

(3) In subregulation (2) —

existing standard contract customer means a small use customer who is supplied with gas under a contract that, under section 25(1) of the *Gas Corporation (Business Disposal) Act 1999*, the customer is to be regarded as having entered into.

(4) When offering to supply gas to a new customer, a supplier is to offer to supply gas under an approved contract but at a capped tariff.

r. 7

- (5) In subregulation (4) —

approved contract means —

- (a) a contract in a form approved under section 26(2)(c) of the Act by the Coordinator; or
- (b) a contract the terms and conditions of which are specified in a trading licence;

new customer means a small use customer to whom a supplier offers to supply gas for the supply of which the customer does not already have a contract.

- (6) This regulation does not prevent the supplier and customer from agreeing to charges or other terms and conditions that are different from those required by this regulation to be offered.

[Regulation 6 amended in Gazette 18 Oct 2002 p. 5224.]

7. Calculation of amounts

- (1) In calculating an amount under Schedule 1, an amount calculated by reference to a rate expressed in cents per unit or cents per day is to be rounded to the nearest one hundredth of one cent except if it falls halfway between 2 consecutive one hundredths of one cent, in which case it is to be rounded to the nearest even one hundredth of one cent.
- (2) In calculating a charge for the supply of gas, an amount that is not a whole number multiple of 5 cents is to be rounded to the nearest whole number multiple of 5 cents except if it falls halfway between 2 consecutive whole number multiples of 5 cents, in which case it is to be rounded to the nearest even whole number multiple of 5 cents.

[8. Deleted in Gazette 30 Jun 2008 p. 3133.]

Energy Coordination (Gas Tariffs) Regulations 2000

Schedule 1 Tariff caps

Part 1 Mid-West/South-West area

cl. 2

	(b) for multiple dwellings supplied through a commonly metered supply point — $L = [12 \times N] + [(F-1) \times 5]$ $M = [24 \times N] + [(F-1) \times 5]$ N = the number of days in the period for which the charge is calculated F = the number of dwellings
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[Clause 1 amended in Gazette 18 Oct 2002 p. 5224; 30 Jun 2008 p. 3133-4; 30 Jun 2009 p. 2669-70.]

2. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage components, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of non-residential tariff

Fixed component	12.71 cents per day
Usage components	
• first usage component	9.19 cents per unit for the first L units
• second usage component	7.36 cents per unit for each additional unit
	Where —
	$L = 100 \times N$
	N = the number of days in the period for which the charge is calculated

[Clause 2 amended in Gazette 18 Oct 2002 p. 5224; 30 Jun 2008 p. 3134; 30 Jun 2009 p. 2671.]

Part 2 — Albany area

3. Residential tariff

Under this Schedule a charge for the supply of gas for residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of residential tariff

Fixed component	(a) for premises other than those described in paragraph (b) — 15.28 cents per day; (b) for multiple dwellings supplied through a commonly metered supply point — <ul style="list-style-type: none"> • 15.28 cents per day for the first dwelling; • 7.62 cents per day for each additional dwelling
Usage component	11.11 cents per unit

[Clause 3 amended in Gazette 18 Oct 2002 p. 5224; 30 Jun 2008 p. 3134; 30 Jun 2009 p. 2672.]

4. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of non-residential tariff

Fixed component	15.28 cents per day
Usage component	11.11 cents per unit

[Clause 4 amended in Gazette 18 Oct 2002 p. 5224; 30 Jun 2008 p. 3135; 30 Jun 2009 p. 2672.]

Part 3 — Kalgoorlie-Boulder area

5. Residential tariff

Under this Schedule a charge for the supply of gas for residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of residential tariff

Fixed component	32.70 cents per day
Usage component	9.33 cents per unit

[Clause 5 amended in Gazette 18 Oct 2002 p. 5224-5; 30 Jun 2008 p. 3135; 30 Jun 2009 p. 2672.]

6. Non-residential tariff

Under this Schedule a charge for the supply of gas for purposes other than residential purposes is calculated by adding the fixed component and the usage component, each of which is calculated at the rate shown in the Table to this clause or, where applicable, that rate as adjusted under Part 4.

Rates for components of non-residential tariff

Fixed component	32.70 cents per day
Usage component	8.35 cents per unit

[Clause 6 amended in Gazette 18 Oct 2002 p. 5224-5; 30 Jun 2008 p. 3135; 30 Jun 2009 p. 2673.]

Part 4 — Adjustment of certain tariff caps

[Heading inserted in Gazette 18 Oct 2002 p. 5225.]

7. Term used: CPI number

In this Part —

CPI number means —

- (a) the Consumer Price Index, All Groups index number, weighted average for 8 capital cities, calculated and published by the Australian Statistician; or
- (b) if there is no number as described in paragraph (a), a corresponding index number calculated and published by a person appointed by the Coordinator.

[Clause 7 inserted in Gazette 18 Oct 2002 p. 5225.]

8. General adjustment for 2010/11 financial year and subsequent financial years

- (1) This clause applies to the calculation of the fixed component and the usage component or components (other than the usage component to which clause 9 applies) of a charge under this Schedule for the supply of gas in the 2010/11 financial year or a subsequent financial year (in this clause called *the relevant year*).
- (2) If the CPI number for the quarter ending on the last 31 March before the beginning of the relevant year (CPI_r) is more than the CPI number for the quarter ending on the 31 March that was a year earlier (CPI_{r-1}), instead of using the number of cents per day or cents per unit shown in the relevant Table the number to be used for the relevant year is derived from the formula —

$$R_n = R_{n-1} \times \left(\frac{CPI_r}{CPI_{r-1}} \right)$$

where —

- R_n is the number of cents per day or cents per unit for the relevant year;
- R_{n-1} is the number of cents per day or cents per unit that applied under this Schedule immediately before the relevant year began.

Energy Coordination (Gas Tariffs) Regulations 2000

Schedule 1 Tariff caps

Part 4 Adjustment of certain tariff caps

cl. 9

- (3) If CPI_r is not more than CPI_{r-1} , the number of cents per day or cents per unit to be used for the relevant year is the number that applied under this Schedule immediately before the relevant year began.

[Clause 8 inserted in Gazette 18 Oct 2002 p. 5225-6; amended in Gazette 30 Jun 2008 p. 3135; 30 Jun 2009 p. 2673.]

9. Special adjustment for residential tariffs in Mid-West/South-West area

- (1) This clause applies to the calculation of the third usage component (*the relevant component*) of a charge under this Schedule for the supply of gas for residential purposes in the Mid-West/South-West area in the 2010/11 financial year or a subsequent financial year (in this clause called *the relevant year*).
- (2) If the CPI number for the quarter ending on the last 31 March before the beginning of the relevant year (CPI_r) is not at least 2% less than the CPI number for the quarter ending on the March that was a year earlier (CPI_{r-1}), instead of using the number of cents per unit shown in the relevant Table the number to be used for the relevant component for the relevant year is derived from the formula —

$$R_n = R_{n-1} \times \left(\frac{CPI_r}{CPI_{r-1}} + 0.02 \right)$$

where —

R_n is the number of cents per unit for the relevant year;

R_{n-1} is the number of cents per unit that applied under this Schedule for the relevant component immediately before the relevant year began.

- (3) If CPI_r is at least 2% less than CPI_{r-1} , the number of cents per unit to be used for the relevant year is the number that applied under this Schedule for the relevant component immediately before the relevant year began.

[Clause 9 inserted in Gazette 18 Oct 2002 p. 5226; amended in Gazette 30 Jun 2008 p. 3136; 30 Jun 2009 p. 2673.]

Notes

- ¹ This reprint is a compilation as at 18 September 2009 of the *Energy Coordination (Gas Tariffs) Regulations 2000* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Energy Coordination (Gas Tariffs) Regulations 2000</i>	28 Jun 2000 p. 3300-12	2 Jul 2000 (see r. 2 and <i>Gazette</i> 28 Jun 2000 p. 3285)
<i>Energy Coordination (Gas Tariffs) Amendment Regulations 2002</i>	18 Oct 2002 p. 5223-6	18 Oct 2002 (see r. 2)
<i>Energy Coordination (Gas Tariffs) Amendment Regulations 2008</i>	30 Jun 2008 p. 3131-6	1 Jul 2008 (see r. 2)
<i>Energy Coordination (Gas Tariffs) Amendment Regulations 2009</i>	30 Jun 2009 p. 2667-73	r. 1 and 2: 30 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))

Reprint 1: The *Energy Coordination (Gas Tariffs) Regulations 2000* as at 18 Sep 2009
(includes amendments listed above)

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Albany area	4(1)
approved contract.....	6(5)
capped tariff	4(1), 5(2)
CPI number	Sch. 1 cl. 7
CPI _r	Sch. 1 cl. 8(2) and 9(2)
CPI _{r-1}	Sch. 1 cl. 8(2) and 9(2)
dwelling	4(1)
existing standard contract customer	6(3)
Kalgoorlie-Boulder area.....	4(1)
Mid-West/South-West area.....	4(1)
new customer	6(5)
supplier.....	4(1)
supply.....	4(1)
the relevant component	Sch. 1 cl. 9(1)
the relevant year	Sch. 1 cl. 8(1) and 9(1)
unit	4(1)