

EN302*

Gas Services Information Act 2012

Gas Services Information Amendment Regulations 2016

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Gas Services Information Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day fixed by the Minister by order published in the *Gazette*.

3. Regulations amended

These regulations amend the *Gas Services Information Regulations 2012*.

4. Regulation 3 amended

In regulation 3(2) delete “operator or the IMO” and insert:

operator, the IMO or the ERA

5. Regulation 8 amended

In regulation 8(2):

- (a) in paragraph (d)(i) delete “operator or the IMO” and insert:

operator, the IMO or the ERA

- (b) in paragraph (j) delete “IMO” and insert:

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- (c) in paragraph (l) delete “operator or the IMO;” and insert:

operator, the IMO or the ERA;

6. Regulation 8A inserted

After regulation 8 insert:

8A. Transitional GSI rules for transfer of functions from IMO to ERA

- (1) Without limiting regulation 8(2)(o), the GSI rules may provide for transitional matters arising in connection with the transfer of a function from the IMO to the ERA including, without limitation, by providing for —
 - (a) a thing done or omitted to be done by, to or in relation to the IMO before the transfer to be taken after the transfer to have been done or omitted by, to or in relation to the ERA; and

- (b) a right or obligation of the IMO before the transfer to be taken after the transfer to be a right or obligation of the ERA; and
 - (c) a reference to the IMO in an instrument or document made or given for the purposes of these regulations or the GSI rules to be taken after the transfer to be a reference to the ERA.
- (2) A reference in this regulation to the transfer of a function from the IMO to the ERA is a reference to a function —
 - (a) being conferred on the ERA under these regulations or the GSI rules; and
 - (b) ceasing to be a function of the IMO under these regulations or the GSI rules.

7. Regulation 11 amended

After regulation 11(3) insert:

- (4) The ERA is responsible for the development, in accordance with the GSI rules, of amendments of and replacements for the GSI procedures, to the extent to which the procedures relate to its functions.

8. Regulation 12 amended

In regulation 12(1) and (2) delete “operator or the IMO” and insert:

operator, the IMO or the ERA

9. Regulation 13 amended

After regulation 13(2A) insert:

- (2B) The ERA may, for the purposes of the performance of its function, request a gas market participant to give specified information to the ERA.

10. Regulation 16 amended

- (1) In regulation 16(1):

- (a) delete “IMO” (1st and 2nd occurrences) and insert:

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- (b) delete “IMO” (3rd occurrence) and insert:

operator

- (2) In regulation 16(4):

- (a) in paragraphs (d) and (e) delete “IMO” and insert:

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- (b) in paragraph (g) delete “IMO’s” and insert:

ERA’s

- (c) in paragraph (h)(i) delete “IMO” and insert:

operator

- (d) in paragraph (h)(ii) delete “IMO’s” and insert:

ERA’s

- (e) delete “IMO may apply” and insert:

ERA may apply

- (3) In regulation 16(5):

- (a) in paragraph (a) delete “IMO” and insert:

operator

- (b) in paragraph (b) delete “IMO’s” and insert:

ERA’s

- (c) delete “IMO may,” and insert:

ERA may,

- (4) In regulation 16(6):

- (a) in paragraph (a) delete “IMO” and insert:

ERA

(b) in paragraph (b) delete “IMO; and” and insert:

operator; and

(c) in paragraph (c) delete “IMO’s” and insert:

ERA’s

(5) In regulation 16(7)(a):

(a) delete “IMO” (1st occurrence) and insert:

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(b) delete “IMO” (2nd occurrence) and insert:

operator

Note: The heading to amended regulation 16 is to read:

Contravention of category A civil penalty provision: ERA may demand civil penalty

11. Regulation 18 amended

(1) In regulation 18(1)(a) delete “IMO” and insert:

operator

(2) In regulation 18(3):

(a) delete “IMO” (1st occurrence) and insert:

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(b) delete “IMO” (2nd occurrence) and insert:

operator

12. Regulation 22 amended

In regulation 22 delete “IMO” and insert:

operator

Note: The heading to amended regulation 22 is to read:

Application of civil penalties received by operator

13. Regulation 23 replaced

Delete regulation 23 and insert:

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

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

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

14. Various references to “IMO” amended

In the provisions listed in the Table delete “IMO” (each occurrence) and insert:

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Table

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|---------------------------------------|------------------------------------|
| r. 3(1) def. of <i>warning notice</i> | r. 14 def. of <i>civil penalty</i> |
| r. 16(2), (3) and (8) | r. 17(1), (2) and (4) |

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| r. 19(1) | r. 24 |
| r. 30(5) | |

N. HAGLEY, Clerk of the Executive Council.

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