

EN303\*

Gas Services Information Act 2012

## Gas Services Information Amendment Regulations 2013

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Gas Services Information Amendment Regulations 2013*.

### 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 after that day.

### 3. Regulations amended

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

### 4. Part 1 heading inserted

Before regulation 1 insert:

## Part 1 — Preliminary

### 5. Regulation 3 replaced

Delete regulation 3 and insert:

### 3. Terms used

- (1) In these regulations, unless the contrary intention appears —

**Arbitrator** means the Western Australian Energy Disputes Arbitrator appointed under the *Energy Arbitration and Review Act 1998* section 62 and includes a person acting under section 71 of that Act;

**Coordinator** means the Coordinator of Energy referred to in the *Energy Coordination Act 1994* section 4;

**ERA** means the Economic Regulation Authority established by the *Economic Regulation Authority Act 2003* section 4;

**GSI procedures** means procedures, made under the GSI rules, to be followed by gas market participants and by the operator, in complying with, or in connection with, the GSI rules;

**GSI rules** means the rules referred to in regulation 5;

**GSI website** means a website maintained for the purposes of regulation 11(2);

**IMO** means the Independent Market Operator established by the *Electricity Industry (Independent Market Operator) Regulations 2004* regulation 4;

**registered**, in relation to a gas market participant, means registered under the GSI rules;

**specified**, in relation to an instrument or document made under or referred to in these regulations, means specified in that instrument or document;

**warning notice** means a notice, given under the GSI rules, warning a gas market participant that the operator believes that the participant has contravened a provision of the GSI rules.

- (2) Unless the contrary intention appears, a reference to the performance of the functions of the operator is a reference to the performance of its functions under the Act.

#### **4A. Gas market participants**

For the purposes of the definition of **user**, paragraph (c), in section 3(1) of the Act, end users who acquire at least 1 terajoule of natural gas per year are prescribed.

#### **6. Part 2 heading inserted**

Before regulation 4 insert:

### **Part 2 — Functions of the operator**

#### **7. Regulation 4 amended**

In regulation 4(2)(c) delete “Act;” and insert:

Act or any other written law;

**8. Part 3 inserted**

After regulation 4 insert:

**Part 3 — GSI rules****5. GSI rules**

There are to be rules relating to the form, content and operation of the GBB and to the form and content of the GSOO (the **GSI rules**).

**6. Making GSI rules**

- (1) In this regulation —  
**GSI rules** includes rules that amend the GSI rules.
- (2) Subject to regulation 7, GSI rules are to be made by the Minister.
- (3) GSI rules commence at a time fixed —
  - (a) by the GSI rules; or
  - (b) in a manner provided for by the GSI rules.
- (4) Different commencement times may be fixed under —
  - (a) subregulation (3)(a) for different provisions of GSI rules; or
  - (b) subregulation (3)(b) for different provisions of GSI rules unless those GSI rules provide otherwise.
- (5) GSI rules made by the Minister are to be published in the *Gazette* and are to be laid before each House of Parliament within 10 sitting days of that House next following their publication in the *Gazette*.

**7. Amending the GSI rules**

- (1) In this regulation —  
**amending rules** means rules that amend the GSI rules.
- (2) The GSI rules may provide for matters relating to the initiation, development, making, approval, publication and commencement of amending rules.
- (3) The GSI rules under subregulation (2) may be made so as to apply to —
  - (a) amending rules of a specified kind; or
  - (b) amending rules other than rules of a specified kind,

and have effect despite regulation 6(2).

- (4) Despite anything in this regulation or the GSI rules, rules replacing the GSI rules in whole are to be made by the Minister and regulation 6(5) applies to them.

## **8. GSI rules generally**

- (1) The GSI rules may confer functions, relating to the functions referred to in section 7(2)(a) of the Act, on the operator, the Minister, the Coordinator and the ERA.
- (2) Without limiting anything else in these regulations, the GSI rules may provide for the following —
  - (a) the registration of gas market participants for the purposes of the GSI rules;
  - (b) procedures, fees and other matters relating to registration of gas market participants;
  - (c) governance matters, including financial management, relating to the performance of the functions of the operator under these regulations and the GSI rules;
  - (d) fees and charges to be paid by registered gas market participants for the performance of the functions of the operator under these regulations and the GSI rules;
  - (e) the resolution of disputes between gas market participants and the operator;
  - (f) the limiting of access to parts of the GBB;
  - (g) the Coordinator (including in his or her capacity as a hazard management agency) to direct the operator as to the performance of the functions of the operator in circumstances specified in the rules, being circumstances in the nature of an emergency, a disruption to the supply of natural gas or a threat to the safety, reliability or security of a pipeline or the supply of natural gas;
  - (h) a failure to comply with specified requests for information made during or in relation to circumstances specified under paragraph (g) is neither an offence nor a contravention of the GSI rules;
  - (i) the monitoring and investigation of compliance with these regulations, the GSI rules and GSI procedures;
  - (j) the giving of notices warning a gas market participant that the operator believes that the participant has contravened a provision of the GSI rules;

- (k) the suspension of requirements imposed under the GSI rules or GSI procedures;
  - (l) the use or disclosure of protected information by the operator;
  - (m) the delegation of powers or duties conferred or imposed by the GSI rules other than the power to —
    - (i) make rules amending the GSI rules;
    - (ii) formulate GSI procedures or amendments of GSI procedures;
  - (n) the establishment, functions and governance of advisory committees;
  - (o) transitional matters;
  - (p) any other matters that are necessary or convenient to be dealt with.
- (3) For the purposes of section 8(1) of the Act, the matters referred to in subregulation (2)(a), (c), (d), (e), (i) and (j) are prescribed.

**9. Availability of copies of the GSI rules**

- (1) The operator must make a copy of the GSI rules as in force for the time being available —
- (a) for inspection free of charge at its principal place of business during its ordinary working hours at that place; and
  - (b) on the GSI website.
- (2) If the GSI rules adopt a text of a published document, either as that text exists at a particular time or as it may from time to time be amended, the operator must make that text available on the GSI website or specify on that website a place where the text may be obtained.

**10. GSI procedures**

- (1) The GSI rules may provide for matters relating to the initiation, development, formulation, approval, publication and commencement of —
- (a) GSI procedures; and
  - (b) amendments of GSI procedures.
- (2) Until GSI rules referred to in subregulation (1) are in operation, the operator may develop, formulate and publish on the GSI website —
- (a) GSI procedures; and
  - (b) amendments of GSI procedures.
- (3) GSI procedures referred to in subregulation (2) —
- (a) have effect from the time specified in them; and

- (b) continue to have effect after GSI rules referred to in subregulation (1) are in operation as if they had been published under those GSI rules.

**11. Administration of GSI rules and GSI procedures**

- (1) The operator is responsible for the administration of the GSI rules and the GSI procedures and for the development of amendments of them and replacements for them in accordance with the GSI rules.
- (2) The operator is to maintain a website (the ***GSI website***) for the purpose of —
  - (a) publishing the GSOO; and
  - (b) publishing or releasing information to gas market participants that is not published or released via the GBB.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

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