

Western Australia

## **National Gas Access (WA) (Part 3) Regulations 2009**

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National Gas Access (WA) Act 2009

## **National Gas Access (WA) (Part 3) Regulations 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under Part 3 of the Act on the unanimous recommendation of the Ministers of the participating jurisdictions.

**1. Citation**

These regulations are the *National Gas Access (WA) (Part 3) Regulations 2009*.

**2. Commencement**

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 3 comes into operation.

**3. Interpretation**

In these regulations —

*Act* means the *National Gas Access (WA) Act 2009*;

*NGL* means the National Gas Law.

**4. Designated pipelines**

- (1) For the purposes of the definition of *designated pipeline* in section 2 of the NGL a pipeline listed in Schedule 1 is prescribed to be a designated pipeline.

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- (2) For the purposes of Schedule 1, the *WA commencement date* is the date of commencement of the *National Gas Access (WA) (Part 3) Regulations 2009*.

**5. Definition of pipeline**

For the purposes of the definition of *pipeline* in section 2 of the NGL —

- (a) a gas processing plant listed in column 1 of the table in Schedule 2 is a prescribed gas processing plant; and
- (b) in relation to a pipeline conveying natural gas from such a gas processing plant — the flange or point described in column 2 of that table opposite the reference to the plant is a prescribed exit flange or prescribed as a connection point (as the case requires).

**6. Civil penalty provisions**

For the purposes of section 3(b) of the NGL, a provision of the NGL or the Rules listed in Schedule 3 is prescribed to be a civil penalty provision.

**7. Conduct provisions**

For the purposes of section 4(b) of the NGL, a provision of the NGL or the Rules listed in Schedule 4 is prescribed to be a conduct provision.

**8. Summons to appear as witness**

- (1) A summons issued by the dispute resolution body under Chapter 6 Part 6 of the NGL must include —
- (a) the name and address of the person on whom the summons is to be served; and
  - (b) if the summons is for the production of a document —
    - (i) a proper description of the document; and

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**r. 8**

- (ii) if the document is to be produced by a person that is a corporation, the name and title of the appropriate officer of the corporation who is to attend and produce the document;
  - and
  - (c) the date, time and place of the hearing of the dispute resolution body at which the person is required to attend and (if required) to produce the document.
- (2) The summons will remain in force for a period specified in the summons or, if no period is specified, until the conclusion of the proceeding in relation to which the summons has been issued.
- (3) The summons will be taken to be effectively served if —
- (a) a copy of the summons is handed to the person to be served or, where service by that method is refused or obstructed or made impracticable, a copy of the summons is placed as near as practicable to the person and the person is informed of the nature of the summons; or
  - (b) a copy of the summons is delivered to a legal practitioner acting for the person to be served and the legal practitioner endorses a statement on the summons to the effect that the legal practitioner accepts service; or
  - (c) where the person to be served is a corporation, a copy of the summons is served on the corporation in accordance with the provisions of the *Corporations Act 2001* of the Commonwealth; or
  - (d) a copy of the summons is served in accordance with an agreement made between the parties as to the place and method of service and the person on whom service may be effected; or
  - (e) an answer to the summons is filed with the dispute resolution body; or

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- (f) the dispute resolution body is satisfied that the person to be served has received a copy of the summons.

**9. Dispute resolution body to be able to charge for costs of access disputes**

Pursuant to section 216 of the NGL, the dispute resolution body may —

- (a) charge the parties to an access dispute for its costs in the access dispute; and
- (b) apportion those costs between the parties.

[Note: r. 10 and 11 have intentionally been left blank.]

**12. Definition of small to medium user or end user**

For the purposes of the definition of *small to medium user or end user* in section 244 of the NGL, a level of 100 terajoules is fixed.

**13. Content of request for Rule**

- (1) For the purposes of section 298 of the NGL, a request for the making of a Rule must contain the following information —
  - (a) the name and address of the person making the request;
  - (b) a description of the Rule that the person proposes be made;
  - (c) a statement of the nature and scope of the issue that is proposed to be addressed and an explanation of how the proposed Rule would address the issue;
  - (d) an explanation of how the proposed Rule will or is likely to contribute to the achievement of the national gas objective;
  - (e) an explanation of the expected benefits and costs of the proposed change and the potential impacts of the change on those likely to be affected;

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**r. 14**

- (f) in the case of a request by a gas market regulatory body in the circumstances described in section 305(1)(a) of the NGL — a summary of the consultation conducted by the gas market regulatory body (including information about the extent of the consultation and about the issues raised during the consultation and the gas market regulatory body's response to those issues).
- (2) A request under section 295 of the NGL for the making of a Rule must be in writing.

**14. Fees**

- (1) The fees set out in Schedule 5 are prescribed.
- (2) A fee is not payable for the notification of an access dispute under section 181 of the NGL if the notification is made by a user consuming less than 1 terajoule of gas per year.

**15. Transitional arrangements for Gas Review Board**

- (1) In this regulation —
  - Board* has the meaning given in the *Energy Arbitration and Review Act 1998* section 49;
  - Gas Pipelines Access Law* has the meaning given in section 11 of the Act;
  - transitional provisions* means —
    - (a) the provisions of —
      - (i) the NGL and National Gas Rules, as defined in the NGL; and
      - (ii) the Act and the regulations made under it, that deal with matters of a transitional, application or savings nature relating to the transition from the application of provisions of the Gas Pipelines Access Law to the application of provisions of the NGL; and

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- (b) any provisions of the Gas Pipelines Access Law that continue to have effect as a result of the provisions referred to in paragraph (a).
- (2) The Board has the functions of the local appeals board under the transitional provisions.
- (3) Despite the repeal of the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999*, in relation to the exercise by the Board of the functions referred to in subregulation (2) —
  - (a) the Board may exercise the functions of the Board under regulations 9 of those regulations; and
  - (b) the WA arbitrator may exercise the functions of the arbitrator under regulation 10 of those regulations in relation to amounts payable under regulation 9,as if those regulations had not been repealed.



**National Gas Access (WA) (Part 3) Regulations 2009**  
Designated pipelines      **Schedule 1**

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**Schedule 1 — Designated pipelines**

[r. 4(1)]

**1. Distribution pipelines — South Australia**

- (1) Distribution pipelines which, immediately before 1 July 2008, were subject to the Access Arrangement for the South Australian Gas Distribution System dated October 2006 made under the Gas Code (as drafted and approved by the Essential Services Commission of South Australia) and as varied from time to time in accordance with the NGL and National Gas Rules.
- (2) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.

**2. Transmission pipelines — Western Australia**

- (1) The transmission pipeline which was, immediately before the WA commencement date, the subject of pipeline licence PL 40 under the *Petroleum Pipelines Act 1969* of Western Australia (the Dampier to Bunbury Natural Gas Pipeline).
- (2) The transmission pipeline which was, immediately before the WA commencement date, the subject of pipeline licence PL 24 under the *Petroleum Pipelines Act 1969* of Western Australia (the Goldfields Gas Pipeline).
- (3) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) or (2) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.

**3. Distribution pipelines — Western Australia**

- (1) The distributions pipelines which form part of the WA Gas Networks (formerly Alinta Gas) Distributions Systems and which, immediately before the WA commencement date, were subject to the “AlintaGas Networks Pty Ltd’s Access Arrangement for the

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 1** Designated pipelines

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Mid-West and South-West Gas Distribution Systems” approved by the ERA under the Gas Code on 10 August 2005.

- (2) Extensions to and expansions of the capacity of a pipeline listed in subclause (1) where, by operation of an applicable access arrangement or under the NGL, those extensions or expansions are to be treated as part of the pipeline.

**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline **Schedule 2**

**Schedule 2 — Exclusions from definition of pipeline**

[r. 5]

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
<b>New South Wales</b>	
Rosalind Park (Camden)	<p>In respect of the pipeline mentioned in pipeline licence no. 30 under the <i>Pipelines Act 1967</i> of New South Wales —</p> <p>(a) the 150NB flange located approximately 2 metres upstream of the pipeline insulating joint and immediately downstream of the Rosalind Park Gas Plant's sales gas metering facility.</p>
<b>Northern Territory</b>	
Palm Valley Gas Plant	<p>In respect of the Palm Valley Gas Pipeline the flange —</p> <p>(a) shown as the insulating flange on the drawing entitled Palm Valley — Alice Springs Gas Pipe Line Well-Head Assembly — Drawing Number 10-011 (Revision 6 of 8/84) held by the Northern Territory Department of Mines and Energy at Darwin; and</p> <p>(b) situated at the Palm Valley Gas Plant immediately inside the perimeter fence downstream of the main gas plant and immediately upstream of the launching system.</p>
Mereenie Gas Plant	<p>In respect of the Mereenie Gas Pipeline — the flange —</p> <p>(a) shown as the insulating flange (I.F.) on the drawing entitled Amadeus Basin to Darwin Pipeline Mereenie Meter Station — P &amp; I</p>

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	<p>Diagram Inlet and Station Limit Valve — Drawing Number AD M000-7002 (Revision D of 25.2.86) held by the Northern Territory Department of Mines and Energy at Darwin; and</p> <p>(b) situated at the Mereenie Gas Plant immediately inside the perimeter fence and downstream of the main gas plant.</p>
<p><b>Queensland</b> References to diagrams in the entries relating to Queensland are references to diagrams held by the Department of Mines and Energy at Brisbane.</p>	
<p>Wungoona J.V. (Wallumbilla)</p>	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 2 (Wallumbilla to Brisbane) under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the flange located immediately upstream of the series of valves before the meter run, as shown on diagram W, Wungoona JV-RBP ML 1A Metering Station and marked “AA” on the diagram.</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 30 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the pipe weld on the upstream side of an insulating joint located immediately upstream of the main flow control valve, as shown on diagram X, Wungoona JV — Duke Energy Pipeline and marked “BB” on the diagram.</p>
<p>Ballera</p>	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 24 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 2 flanges on the upstream sides of 2 isolating valves upstream of where the</p>

**National Gas Access (WA) (Part 3) Regulations 2009**  
 Exclusions from definition of pipeline **Schedule 2**

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	<p>pipeline separates into 2 parallel meter runs, as shown on diagram Y, Ballera Gas Centre — SWQ Unit — Epic Pipeline and marked “CC” and “DD” on the diagram.</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 41 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the pipe weld on the upstream side of the insulating joint leading to the 2 meter runs operated by the Ballera-Mount Isa Pipeline, as shown on diagram Z, Ballera Gas Centre — SWQ Unit — Ballera and marked “EE” on the diagram.</p>
Gilmore	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 15 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the upstream flange of the actuated slamshut valve XV-0305 that is located on the metering skid downstream of the gas flow measurement, as shown on Energy Equity’s P &amp; I Drawing No. G101-40F-0004.</p>
Moura Mine	<p>In respect of the pipeline mentioned in mining lease ML no. ML 80032 under the <i>Mineral Resources Act 1923</i> of Queensland —</p> <p>(a) the downstream face of the flanged ball valve SLV 0202 located between the dehydration unit and the launcher station, as shown on Drawings Nos NP03777-P11 and NP03777-P77.</p>

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Kincora	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 3 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange immediately downstream of the Kincora Gas Plant's 150NB class 600 actuated isolation valve, as shown on P &amp; ID Drawing No. 600-1001 Rev 3.</p>
Central Treatment (Westgrove)	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 11 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 200NB class 900 flange located approximately 0.7 m away from the Central Treatment Plant's main 200NB pipeline and pig launching facility immediately downstream of the plant's 200NB class 900 main isolation valve, as shown on P &amp; ID Drawing No. 3100 10 0020 Rev 6.</p>
Rolleston	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 10 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 900 flange located immediately downstream of the 150NB class 900 isolation valve that is immediately downstream of the moisture analyser on the Rolleston Gas Plant's sales gas metering facility, as shown on P &amp; ID Drawing No. 3500-10-0020 Rev 5.</p>
Dawson River Central	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange located immediately downstream of the 150NB</p>

**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline **Schedule 2**

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	class 600 isolation valve at the tie-in station, as shown on P & ID Drawing No. DR — 11014 Rev 1.
Moura Central	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland —</p> <p>(a) the 150NB class 600 flange located immediately downstream of the 150NB class 600 isolation valve at the tie-in station pit, as shown on P &amp; ID Drawing No. DR — 11014 Rev 1.</p>
<b>South Australia</b>	
Moomba Plant	<p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Adelaide —</p> <p>(a) the insulating joint situated between the meter station for the pipeline and EPIC's after cooler (as indicated in Diagram 1 below).</p> <p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Sydney —</p> <p>(a) the downstream weld of the 600 mm x 750 mm reducer situated, upstream of the insulation flange, between the meter station and East Australian Pipeline Ltd's mainline 750 mm valve on the outlet of the meter station (as indicated in Diagram 2 below).</p>
Katnook Plant	The insulating flange that is located one metre inside the boundary fence of the plant, upstream of the pipeline branch to Safries and downstream of the emergency shut down skid, as shown on

**National Gas Access (WA) (Part 3) Regulations 2009****Schedule 2** Exclusions from definition of pipeline

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
	drawing 107.5.1 held by the Office of Energy Policy at Adelaide.
<b>Victoria</b>	
Longford gas processing plant, Garretts Road, Longford, Victoria	The exit flanges contained within the Longford Metering Station at Garretts Road, Longford, Victoria which are connected to the two 600 mm pipes from the prescribed gas processing plant to the Longford Metering Station and are — (a) the 600 mm weld on the 750 mm by 600 mm reducer; and (b) the upstream flange face of the 600 mm branch valve; and (c) the 600 mm weld 3000 mm downstream on the side arm of the 600 mm equal tee, all of which are immediately upstream of the metering runs which form a part of the Longford Metering Station.
North Paaratte gas processing plant, Government Road, Paaratte, Victoria	The exit flange that is the upstream flange face of the first actuated slamshut valve immediately upstream of the metering runs which form a part of the Paaratte Metering Station at Government Road, Paaratte.
<b>Western Australia</b>	
North West Shelf Gas Project Domestic Gas	In respect of the pipeline that is the subject of pipeline licence PL40 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia — (a) the upstream flange of the flange joint immediately upstream of the most upstream of the monolithic insulation joints that are inside the fence of the pipeline's Dampier facilities compound.

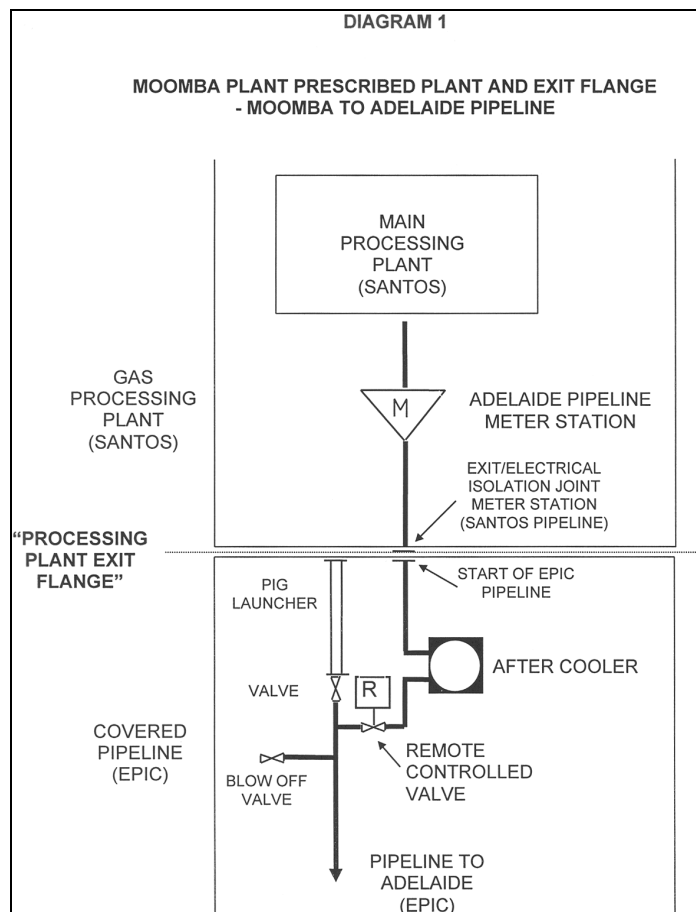


**National Gas Access (WA) (Part 3) Regulations 2009**  
Exclusions from definition of pipeline **Schedule 2**

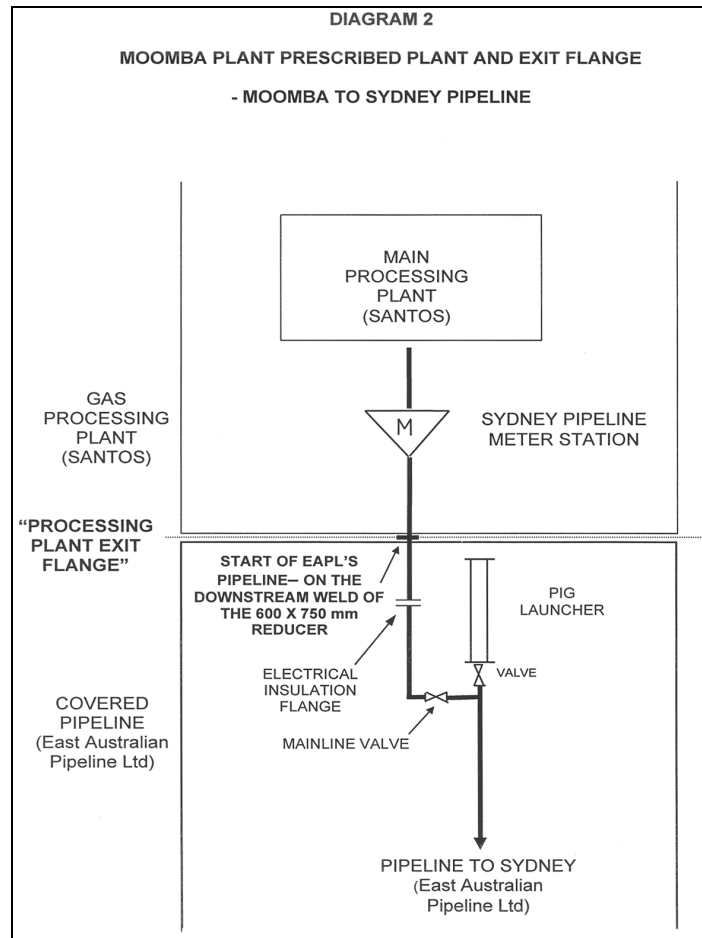
<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Tubridgi	<p>In respect of the pipeline that is the subject of pipeline licence PL16 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the downstream flange of the plant exit shut down valve that —</p> <p>(i) is between the pipeline pig launcher and the pipeline meter station; and</p> <p>(ii) is the first shut down valve downstream of the connection to the 150 mm pipe from the filter separator.</p>
Dongara	<p>In respect of the pipeline that is the subject of pipeline licence PL1 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the upstream flange of the flange joint at the inlet end of the isolating valve that is at the inlet to the pipeline inlet gas flow meter.</p>
Beharra Springs	<p>In respect of the pipeline that is the subject of pipeline licence PL18 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia —</p> <p>(a) the upstream flange of the insulated flange joint that —</p> <p>(i) is immediately upstream of the first barred tee downstream of the pig launcher; and</p> <p>(ii) is on the through line of the tee.</p>

**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 2** Exclusions from definition of pipeline

Prescribed gas processing plant	Prescribed exit flange or connection point
Griffin	In respect of the pipeline that is the subject of pipeline licence PL19 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia — (a) the downstream flange of the flange joint that connects the 200 mm Griffin Gas Header pipe with the 200 mm pipe connecting with the 250 mm pipe to the pipeline meter station.



**National Gas Access (WA) (Part 3) Regulations 2009**  
 Exclusions from definition of pipeline **Schedule 2**



**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 3** Civil penalties

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**Schedule 3 — Civil penalties**

[r. 6]

**Provisions of the Rules**

Rule 27(4)

Rule 33(1)

Rule 36

Rule 37

Rule 43(1)

Rule 46

Rule 52(1)

Rule 53(6)

Rule 107

Rule 108

Rule 109

Rule 110

Rule 111

Rule 112

Rule 137

Rule 138

**National Gas Access (WA) (Part 3) Regulations 2009**  
Conduct provisions      **Schedule 4**

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**Schedule 4 — Conduct provisions**

[r. 7]

**Provisions of the Rules**

- Rule 33(1)
- Rule 36
- Rule 107
- Rule 108
- Rule 109
- Rule 110
- Rule 111
- Rule 112
- Rule 115(3)
- Rule 137
- Rule 138

**National Gas Access (WA) (Part 3) Regulations 2009**  
**Schedule 5 Fees**

**Schedule 5 — Fees**

[r. 14]

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1.	Application for a coverage determination under section 92 of the NGL	7 500
2.	Application for a coverage revocation determination under section 102 of the NGL	7 500
3.	Application to the NCC under section 128 of the NGL	2 000
4.	Application for a 15 year no-coverage determination under section 151 of the NGL	7 500
5.	Application for a price regulation exemption under section 160 of the NGL	7 500
6.	Notification of an access dispute under section 181 of the NGL	2 750

Unanimously recommended by the Ministers of the participating jurisdictions under section 10(5) of the Act —

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Date

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

PETER CONRAN, Clerk of the Executive Council.