

TR302*

Economic Regulation Authority Act 2003

**Economic Regulation Authority (Transitional)
Regulations 2003**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Economic Regulation Authority (Transitional) Regulations 2003*.

2. Commencement

These regulations come into operation on 1 January 2004.

3. Terms used in these regulations

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

“**allowed period**” means the period referred to in regulation 4(2) or 5(6), as the case requires, or such further period as the Authority may allow;

“**assessment amount**” means the total amount payable as specified in a notice of assessment under regulation 4(1)(b)(i);

“**commencement day**” means 1 January 2004;

“**Gas Pipelines Access (Funding) Regulations**” means the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999* as in force immediately before the commencement day;

“**prescribed rate**” means an interest rate that is 5 percentage points higher than the bank bill rate, where the bank bill rate is —

- (a) the rate quoted on Telerate page 39373 as the Bank Bill Reference Rate (Mid-Rate) for a one month bill at or about 10:00 hours (Sydney time) on the first day after the allowed period; or
- (b) if a rate is not quoted as described in paragraph (a), the rate determined by the Authority having regard to comparable indices then available;

“**service charge**” means a charge referred to in regulation 5(1).

- (2) If these regulations use a term that is used in the Gas Pipelines Access (Funding) Regulations, the term has the same meaning in these regulations as it has in the Gas Pipelines Access (Funding) Regulations, unless the contrary intention appears in these regulations.

4. Assessment and payment of standing charges for quarter beginning 1 October 2003

- (1) As soon as practicable after the commencement day the Authority is to —
 - (a) assess the standing charges payable by a person under the Gas Pipelines Access (Funding) Regulations regulation 3(1) in respect of the quarter beginning on 1 October 2003; and
 - (b) give a notice of assessment to the person specifying —
 - (i) the amount of each of those charges and the total amount payable;
 - (ii) the amount of the core function costs used in calculating those charges; and
 - (iii) the day on which the notice of assessment was issued.
- (2) The assessment amount is payable to the Authority within 30 days after the day specified under subregulation (1)(b)(iii).
- (3) If the assessment amount is not paid in full within the allowed period, interest on the outstanding amount is payable to the Authority at the prescribed rate calculated daily.

5. Service charges in respect of functions performed by the Regulator

- (1) The Authority may give written notice to a person described in the Gas Pipelines Access (Funding) Regulations Schedule 2 requiring the person to pay a charge in connection with the performance by the Regulator before the commencement day of the corresponding function described in that Schedule or the doing of anything before the commencement day that was necessary or convenient to be done for or in connection with the performance of that function.
- (2) The Authority is not to require payment of a charge under subregulation (1) in respect of a matter if payment of a charge in respect of the same matter has been required under the Gas Pipelines Access (Funding) Regulations regulation 5(1).
- (3) The notice referred to in subregulation (1) is to specify —
 - (a) the amount of the service charge; and
 - (b) the day on which the notice was issued.

- (4) The Gas Pipelines Access (Funding) Regulations regulation 5(3) and (4) apply for the purposes of determining the amount of the service charge.
- (5) The Authority is to provide the person liable to pay a service charge with an itemised account of the costs covered by the charge if the person so requests.
- (6) The amount of a service charge is payable to the Authority within 30 days after the day specified under subregulation (3)(b).
- (7) If the amount of a service charge is not paid in full within the allowed period, interest on the outstanding amount is payable to the Authority at the prescribed rate calculated daily.

6. Recovery of unpaid amounts

- (1) The Authority may recover any unpaid assessment amount or service charge, together with any interest payable under these regulations, in a court of competent jurisdiction as if it were a debt due to the Authority.
- (2) In proceedings under this regulation a certificate —
 - (a) purporting to be signed by the chairman;
 - (b) specifying an amount as being an assessment amount or service charge;
 - (c) specifying a person as being liable to pay the amount; and
 - (d) stating that the amount is unpaid,

is, without proof of the appointment of the chairman or of the authenticity of the signature, sufficient evidence of the matters specified or stated.

7. Matters to be included in Authority's report

The annual report submitted by the Authority under the *Financial Administration and Audit Act 1985* section 66 for the financial year ending on 30 June 2004 is to include —

- (a) the total amount of standing charges paid by each person under these regulations; and
- (b) the total amount of service charges paid by each service provider under these regulations.

By Command of the Governor,

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