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GAS CORPORATION ACT 1994
GAS REFEREE AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Gas Referee Amendment Regulations 1996*.

Commencement

2. These regulations come into operation on the day on which the *Gas Distribution Regulations 1996* come into operation.

Principal regulations

3. In these regulations the *Gas Referee Regulations 1995** are referred to as the principal regulations.

[* *Published in Gazette 30 May 1995, pp. 2155-72.*]

Regulation 3 amended

4. (1) Regulation 3 of the principal regulations is amended by inserting after the definition of “exclusive jurisdiction” the following definition —

“
 “grant of access” means a grant of access under the *Gas Distribution Regulations 1996*;
”.

(2) Regulation 3 of the principal regulations is amended by deleting the definition of “Gas Transmission Regulations”.

(3) Regulation 3 of the principal regulations is amended by inserting after “**prescribed**” in the defined term “**prescribed dispute**” the following —

“ **transmission** ”.

(4) Regulation 3 of the principal regulations is amended by inserting after “*Gas Transmission Regulations*” wherever it occurs in the definition of “prescribed dispute” the following —

“ 1994 ”.

(5) Regulation 3 of the principal regulations is amended by inserting after “*Gas Transmission Regulations*” in the definition of “prospective shipper” the following —

“ 1994 ”.

(6) Regulation 3 of the principal regulations is amended by inserting after the definition of “party” the following definitions —

“

“**prescribed dispute**” means a prescribed transmission dispute or a prescribed distribution dispute;

“**prescribed distribution dispute**” means any dispute between the corporation and any user or prospective user dealing with —

(a) whether or not the corporation —

(i) has complied with the obligations imposed on it; and

(ii) has properly exercised any power granted to it,

by Schedule 6 of the Act, the *Gas Distribution Regulations 1996* (but not any clause of Schedule 1 to the *Gas Distribution Regulations 1996* or any other term of a grant of access) or any other written law which relates to access to, or the granting of access to, capacity in the gas distribution system or the prices payable for such access or grant; or

(b) subject to regulation 16 (2), whether the price to be paid by any user or prospective user has been determined or redetermined in accordance with the provisions of Part 5 of the *Gas Distribution Regulations 1996* and in accordance with any pricing methods adopted by the corporation;

”.

(7) Regulation 3 of the principal regulations is amended in the definition of “reasonable and prudent person” —

(a) by deleting “and” after “*Gas Transmission Regulations*” and substituting the following —

“ 1994, the *Gas Distribution Regulations 1996*, ”; and

(b) by inserting after “transmission contract” the following —

“ or any grant of access, ”.

(8) Regulation 3 of the principal regulations is amended by inserting after “*Gas Transmission Regulations*” in the definition of “transmission contract” the following —

“ 1994 ”.

Regulation 13 amended**5.** Regulation 13 of the principal regulations is amended —

- (a) by deleting “or” after “these regulations” and substituting a comma; and
- (b) by inserting before the full stop at the end of the regulation the following —
“ 1994, or the *Gas Distribution Regulations 1996* ”.

Regulation 15 amended**6.** Regulation 15 of the principal regulations is amended —

- (a) by inserting after “prospective shipper” the following —
“ or user or prospective user; ”;
- (b) by deleting “or” after “*Gas Transmission Regulations*” and substituting the following —
“ 1994, the *Gas Distribution Regulations 1996*, ”; and
- (c) by inserting after “transmission contracts” the following —
“ or one or more grants of access ”.

Regulation 16 amended**7.** Regulation 16 of the principal regulations is amended —

- (a) by inserting after the regulation designation “**16.**” the subregulation designation “(1)”; and
- (b) by inserting at the end of the regulation the following subregulation —
“
(2) The referee does not have exclusive jurisdiction in respect of any dispute between the corporation and a user concerning the charging of, or the amount of, an opportunity cost price under regulation 73 of the *Gas Distribution Regulations 1996*.
”.

Regulation 27 amended**8.** Regulation 27 of the principal regulations is amended —

- (a) by inserting after “that dismissal is” the following —
“ a determination ”;

- (b) by deleting “and” after “*Gas Transmission Regulations*” and substituting the following —
 “ 1994, the *Gas Distribution Regulations 1996*, ”; and
- (c) by deleting “a determination” after “transmission contract” and substituting the following —
 “ or a grant of access ”.

Regulation 33 amended

9. Regulation 33 (3) of the principal regulations is amended by inserting after “*Gas Transmission Regulations*” the following —

“ 1994, the *Gas Distribution Regulations 1996* ”.

Regulation 37 amended

10. Regulation 37 (3) of the principal regulations is amended by inserting after “transmission contract” the following —

“ , grant of access ”.

Regulation 39 amended

11. Regulation 39 (2) of the principal regulations is amended —

- (a) by deleting “or” after “these regulations” and substituting a comma;
and
- (b) by inserting after “*Gas Transmission Regulations*” the following —
 “ 1994 or the *Gas Distribution Regulations 1996* ”.

Regulation 43 amended

12. Regulation 43 (2) of the principal regulations is amended —

- (a) in paragraph (e) by inserting after “transmission contract” the following —
 “ , grant of access ”; and
- (b) in paragraph (f) by deleting “or” and substituting the following —
 “ , a grant of access or ”.

Regulation 45 amended

13. Regulation 45 of the principal regulations is amended —

- (a) in subregulation (3) —
 - (i) by inserting after “dispute” the following —

“
that in any way relates to the gas transmission system”;
 - and
 - (ii) by inserting after “*Gas Transmission Regulations*” the following —

“ 1994 ”;
- and
- (b) by inserting after subregulation (3) the following subregulation —

“

(4) The referee must, within a reasonable time after making a final determination in respect of a prescribed dispute that in any way relates to the gas distribution system, cause the statement of reasons for the determination to be given to the Coordinator, and the statement of reasons may be made public.

”.

Regulation 48 amended

14. Regulation 48 of the principal regulations is amended by repealing subregulation (7) and substituting the following subregulation —

- “
- (7) If the consent determination is in respect of a prescribed dispute, the referee must cause the terms of the consent determination to be given —
- (a) if the prescribed dispute relates in any way to the gas transmission system, to each member of the Gas Transmission Consultation Committee established under the *Gas Transmission Regulations 1994*; and
 - (b) if the prescribed dispute relates in any way to the gas distribution system, to the Coordinator,
- and the terms of the consent determination may be made public.
- ”.

Regulation 51 amended

15. Regulation 51 of the principal regulations is amended by deleting all of the regulation after “other parties to the dispute” and substituting the following —

“

would jeopardise —

(a) the continued safe operation and integrity of —

(i) the gas transmission system; or

(ii) the gas distribution system;

or

(b) the safety of any person,

then the whole of the determination is of no effect.

”.

Regulations 54, 58 and 66 amended

16. Regulations 54 (4), 58 and 66 of the principal regulations are amended by inserting after “transmission contract” the following —

“ , grant of access ”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.