

South Australia

## **National Gas (South Australia) Regulations**

under Part 3 of the *National Gas (South Australia) Act 2008*

---

### **Contents**

- 1 Short title
- 3 Interpretation
- 4 Designated pipelines
- 5 Definition of pipeline
- 6 Civil penalty provisions
- 7 Conduct provisions
- 7AA Corporations Act displacement
- 7A Information gathering powers—AEMO
- 8 Service of summons to appear as witness
- 9 AER to be able to charge for costs of access disputes
- 10 Maximum civil monetary liabilities
- 11 Retail market participation
- 12 Definition of small to medium user or end user
- 13 Content of request for Rule
- 14 Fees
- 15 Transitional provision—declared wholesale gas market of adoptive jurisdiction
- 16 Transitional provision—registered participants—retail market participation
- 17 Transitional provision—Application of National Energy Retail Law in a participating jurisdiction

### Schedule 1—Designated pipelines

- 3 Distribution pipelines—South Australia

### Schedule 2—Exclusions from definition of pipeline

### Schedule 3—Civil penalties

### Schedule 4—Conduct provisions

### Schedule 5—Fees

### Legislative history

---

#### **1—Short title**

These regulations may be cited as the *National Gas (South Australia) Regulations*.

#### **3—Interpretation**

In these regulations—

*Act* means the *National Gas (South Australia) Act 2008*;

*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.
- (2) For the purposes of Schedule 1, the *commencement date* is the date of commencement of these regulations.

#### **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.

#### **7AA—Corporations Act displacement**

Pursuant to section 26A of the NGL, the following provisions of the Rules are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth in relation to the provisions of Chapter 5 of that Act:

- (a) Rule 251;
- (b) Rule 486;
- (c) Rule 528.

#### **7A—Information gathering powers—AEMO**

For the purposes of section 91F of the NGL—

- (a) in relation to a market information instrument that relates to a relevant function under section 91F(2)(a) of the NGL—persons of a kind listed in section 223(1) of the NGL are declared to be a class to which a general market information order or a market information notice may be addressed; and

- (b) in relation to a market information instrument that relates to a relevant function under section 91F(2)(b) of the NGL—persons who participate in a declared wholesale gas market and who are registered (or exempted from registration) in accordance with the Rules are declared to be a class to which a general market information order or a market information notice may be addressed.

## **8—Service of summons to appear as witness**

- (1) A summons issued by the AER under Part 6.6 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
    - (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 AER 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 AER; or
  - (f) the AER is satisfied that the person to be served has received a copy of the summons.

## **9—AER to be able to charge for costs of access disputes**

Pursuant to section 216 of the NGL, the AER may—

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

## 10—Maximum civil monetary liabilities

- (1) For the purposes of sections 91FED, 91K and 226 of the NGL, the maximum amounts are prescribed as follows:
  - (a) the maximum amount of AEMO's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event—
    - (i) in the case of the performance or exercise, or purported performance or exercise, of a function or power relating to AEMO's declared system functions—\$2 million;
    - (ia) in the case of the performance or exercise, or purported performance or exercise, of a function or power relating to AEMO's STTM functions—\$2 million;
    - (ii) in any other case—\$400 000;
  - (b) however, if the amount of AEMO's civil monetary liability to the person in respect of that event (as affected, if at all, by paragraph (a)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of AEMO's civil monetary liability to that person in respect of that event is that prescribed amount;
  - (c) the maximum amount of each person's civil monetary liability with respect to giving Bulletin Board information to AEMO in its capacity as the operator of the Natural Gas Services Bulletin Board to each person who suffers loss as a result of a relevant event is, in respect of that event, \$400 000;
  - (d) however, if the amount of a person's civil monetary liability with respect to giving Bulletin Board information to AEMO in respect of that event (as affected, if at all, by paragraph (c)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of the person's civil monetary liability to a person in respect of that event is the prescribed amount;
  - (da) the maximum amount of each person's civil monetary liability with respect to giving STTM information to AEMO to each person who suffers loss as a result of a relevant event is, in respect of that event, \$2 million;
  - (db) however, if the amount of a person's civil monetary liability with respect to giving STTM information to AEMO in respect of that event (as affected, if at all, by paragraph (da)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of the person's civil monetary liability to a person in respect of that event is the prescribed amount;
  - (e) paragraphs (a) to (db) (inclusive) do not apply in relation to civil monetary liability for death or bodily injury;
  - (f) the maximum amount of the civil monetary liability of each officer or employee of AEMO to each person who suffers loss as a result of a relevant event is, in respect of that event, \$1.

- (2) AEMO and each person who gives Bulletin Board information to AEMO must ensure that the following provisions are complied with in relation to claims against AEMO or a person who gives Bulletin Board information to AEMO alleging civil monetary liabilities in respect of relevant events:
- (a) the claims must be dealt with in an orderly manner, without bad faith and with reasonable dispatch;
  - (b) a register must be maintained containing the following in relation to each claim lodged with it:
    - (i) a unique identifier assigned to the claim and linked to each entry in the register relating to the claim;
    - (ii) the date on which the claim was lodged;
    - (iii) the amount of the claim (if stated by the claimant);
    - (iv) the date or dates on which the relevant event to which the claim relates is alleged to have occurred;
    - (v) the date of payment of the claim;
    - (vi) the amount paid on the claim;
  - (c) separate running totals must be kept in the register of—
    - (i) the amounts of the claims (as stated by the claimants) in relation to relevant events alleged to have occurred during the same prescribed 12 month period; and
    - (ii) the amounts paid on the claims in relation to relevant events alleged to have occurred during the same prescribed 12 month period;
  - (d) the running totals kept in the register must be made available for inspection by the public, during ordinary business hours and at no fee, in each participating jurisdiction in which AEMO or the person who gives Bulletin Board information to AEMO carries on business;
  - (e) a person appointed by the AER must be allowed, at any time during ordinary business hours, to conduct inspections of the register and other records of AEMO or the person who gives Bulletin Board information to AEMO, and to question officers and employees of AEMO or the person who gives Bulletin Board information to AEMO, for the sole purpose of checking the accuracy of the register.
- (2a) AEMO and each person who gives STTM information to AEMO must ensure that the following provisions are complied with in relation to claims against AEMO or a person who gives STTM information to AEMO alleging civil monetary liabilities in respect of relevant events:
- (a) the claims must be dealt with in an orderly manner, without bad faith and with reasonable dispatch;
  - (b) a register must be maintained containing the following in relation to each claim lodged with it:
    - (i) a unique identifier assigned to the claim and linked to each entry in the register relating to the claim;

- (ii) the date on which the claim was lodged;
    - (iii) the amount of the claim (if stated by the claimant);
    - (iv) the date or dates on which the relevant event to which the claim relates is alleged to have occurred;
    - (v) the date of payment of the claim;
    - (vi) the amount paid on the claim;
  - (c) separate running totals must be kept in the register of—
    - (i) the amounts of the claims (as stated by the claimants) in relation to relevant events alleged to have occurred during the same prescribed 12 month period; and
    - (ii) the amounts paid on the claims in relation to relevant events alleged to have occurred during the same prescribed 12 month period;
  - (d) the running totals kept in the register must be made available for inspection by the public, during ordinary business hours and at no fee, in each participating jurisdiction in which AEMO or the person who gives STTM information to AEMO carries on business;
  - (e) a person appointed by the AER must be allowed, at any time during ordinary business hours, to conduct inspections of the register and other records of AEMO or the person who gives STTM information to AEMO, and to question officers and employees of AEMO or the person who gives STTM information to AEMO, for the sole purpose of checking the accuracy of the register.
- (3) In this regulation—
- prescribed amount*** in respect of a relevant event means—
- (a) in relation to AEMO—
    - (i) in the case of a relevant event relating to the performance or exercise, or purported performance or exercise, of a function or power relating to AEMO's declared system functions—the amount obtained by deducting from \$100 million the aggregate of the amounts already paid by AEMO in discharge of AEMO's civil monetary liabilities to persons suffering losses as a result of relevant events within the same category occurring during the same prescribed 12 month period as that in which the relevant event occurred;
    - (ii) in the case of a relevant event within any other category—the amount obtained by deducting from \$20 million the aggregate of the amounts already paid by the AEMO in discharge of AEMO's civil monetary liabilities to persons suffering losses as a result of relevant events within the same category occurring during the same prescribed 12 month period as that in which the relevant event occurred;

- (b) in relation to a person who gives Bulletin Board information to AEMO—the amount obtained by deducting from \$20 million the aggregate of the amounts already paid by the person in discharge of the person's civil monetary liabilities to persons suffering losses as a result of relevant events occurring during the same prescribed 12 month period as that in which the relevant event occurred;
- (c) in relation to a person who gives STTM information to AEMO—the amount obtained by deducting from \$100 million the aggregate of the amounts already paid by the person in discharge of the person's civil monetary liabilities to persons suffering losses as a result of relevant events occurring during the same prescribed 12 month period as that in which the relevant event occurred;

**prescribed 12 month period** means each period of 12 months commencing on 1 July in any year and ending on 30 June in the following year;

**relevant event** means—

- (a) in relation to AEMO—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power falling into 1 of the following categories:
  - (i) AEMO's declared system functions and powers;
  - (ii) AEMO's functions and powers relating to its capacity as the operator of the National Gas Services Bulletin Board;
  - (iia) AEMO's STTM functions;
  - (iii) AEMO's functions and powers relating to a regulated retail gas market;
  - (iv) any other function or power of AEMO under the NGL or the Rules;
- (b) in relation to a person who gives Bulletin Board information to AEMO—a negligent act or omission, or a series of negligent acts or omissions, in giving Bulletin Board information to AEMO;
- (ba) in relation to a person who gives STTM information to AEMO—a negligent act or omission, or a series of negligent acts or omissions, in giving STTM information to AEMO;
- (c) in relation to an officer or employee of AEMO—a negligent act or omission, or a series of negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power of AEMO under the NGL or the Rules.

## **11—Retail market participation**

- (1) For the purposes of section 91LA(2)(g) of the NGL, the following classes are prescribed:
  - (a) swing service providers;
  - (b) shippers.

- (2) Subregulation (1) only applies in relation to the regulated retail gas market of South Australia.
- (3) In subregulation (1)—
- shipper* means a person who is a shipper within the meaning of the Retail Market Procedures governing the operation of the regulated retail gas market of South Australia;
- swing service provider* means a person who is a swing service provider within the meaning of the Retail Market Procedures governing the operation of the regulated retail gas market of South Australia.

## 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;
  - (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 298 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 provision—declared wholesale gas market of adoptive jurisdiction**

For the purposes of clause 60(2)(a) of Schedule 3 of the NGL, in relation to the declared wholesale gas market of Victoria as an adoptive jurisdiction, the following persons are to be automatically registered as Registered participants in the following capacities:

- (a) as declared transmission system service providers:
  - (i) APA GasNet Australia (Operations) Pty Ltd (ACN 083 009 278);
  - (ii) APA GasNet Australia (NSW) Pty Ltd (ACN 079 136 413);
- (b) as interconnected transmission pipeline service providers:
  - (i) Gas Pipelines Victoria Pty Ltd (ACN 079 003 099);
  - (ii) Jemena Vichub Pipeline Pty Ltd (ACN 085 550 689);
  - (iii) South East Australia Gas Pty Ltd (ACN 096 437 900);
  - (iv) Origin Energy Resources Limited (ACN 007 845 338);
- (c) as distributors:
  - (i) Vic Gas Distribution Pty Ltd (ACN 085 899 001);
  - (ii) Multinet Gas (DB no 1) Pty Ltd (ACN 086 026 986) and Multinet Gas (DB no 2) Pty Ltd (ACN 086 230 122) trading as *Multinet Gas Distribution Partnership*;
  - (iii) SPI Networks (Gas) Pty Ltd (ACN 086 015 036) trading as *SP AusNet*;
  - (iv) The Albury Gas Co Ltd (ACN 000 001 249);
- (d) as market participants—retailers:
  - (i) Origin Energy (VIC) Pty Ltd (ACN 086 013 283);
  - (ii) AGL Sales Pty Ltd (ACN 090 538 337);
  - (iii) TRUenergy Pty Ltd (ACN 086 014 968);
  - (iv) AGL Sales (Queensland) Pty Ltd (ACN 121 177 740);
  - (v) IPower Pty Ltd (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) trading as *Simply Energy*;
  - (vi) Santos Direct Pty Ltd (ACN 108 846 288);
  - (vii) Victoria Electricity Pty Ltd (ACN 100 528 327);
  - (viii) Energy Australia (ABN 67 505 337 385);
  - (ix) Red Energy Pty Ltd (ACN 107 479 372);
  - (x) Australian Power and Gas Pty Ltd (ACN 118 609 813);
- (e) as storage providers:
  - (i) APA GasNet Australia (Operations) Pty Ltd (ACN 083 009 278);
  - (ii) TRUenergy Gas Storage Pty Ltd (ACN 079 089 311);

- (f) as producers:
  - (i) BHP Billiton Petroleum (Bass Strait) Pty Ltd (ACN 004 228 004);
  - (ii) Esso Australia Resources Pty Ltd (ACN 091 829 819);
  - (iii) Origin Energy Petroleum Pty Ltd (ACN 010 728 962);
- (g) as market participants—producers:
  - (i) BHP Billiton Petroleum (Bass Strait) Pty Ltd (ACN 004 228 004);
  - (ii) Esso Australia Resources Pty Ltd (ACN 091 829 819);
  - (iii) Origin Energy Petroleum Pty Ltd (ACN 010 728 962);
- (h) as market participants—traders:
  - (i) AGL Energy Sales and Marketing Ltd (ACN 076 092 067);
  - (ii) Origin Energy (VIC) Pty Ltd (ACN 086 013 283);
  - (iii) Southern Natural Gas Development Pty Ltd (ACN 004 724 038);
  - (iv) AGL Sales (Queensland) Pty Ltd (ACN 121 177 740);
  - (v) Origin Energy Uranquinty Power Pty Ltd (ACN 120 384 938);
  - (vi) Aurora Energy (Tamar Valley) Pty Ltd trading as *AETV Power* (ACN 123 391 613);
  - (vii) Victoria Electricity Pty Ltd (ACN 100 528 327);
- (i) as a market participant—distribution customer—VISY Paper Pty Ltd (ACN 005 803 234);
- (j) as transmission customers:
  - (i) Country Energy (ABN 37 428 185 226);
  - (ii) International Power (Energy) Pty Ltd (ACN 062 798 510);
- (k) as market participants—transmission customers:
  - (i) Country Energy (ABN 37 428 185 226);
  - (ii) International Power (Energy) Pty Ltd (ACN 062 798 510).

## **16—Transitional provision—registered participants—retail market participation**

- (1) For the purposes of clause 60(2)(a) of Schedule 3 of the NGL, in relation to the regulated retail gas market of Queensland, the following persons are to be automatically registered as Registered participants in the following capacities:
  - (a) as distributors:
    - (i) APT Allgas Energy Pty Limited (ACN 009 656 446);
    - (ii) Envestra Limited (ACN 078 551 685);
  - (b) as retailers:
    - (i) AGL Sales (Queensland) Pty Limited (ACN 121 177 740);
    - (ii) AGL Sales Pty Limited (ACN 090 538 337);

- (iii) Australian Power and Gas Pty Limited (ACN 118 609 813);
  - (iv) Origin Energy Retail Limited (ACN 078 868 425).
- (2) For the purposes of clause 60(2)(a) of Schedule 3 of the NGL, in relation to the regulated retail gas market of South Australia, the following persons are to be automatically registered from 1 October 2009 as Registered participants in the following capacities:
  - (a) as a network operator—Envestra Limited (ACN 078 551 685);
  - (b) as users:
    - (i) AGL South Australia Pty Limited (ACN 091 105 092);
    - (ii) IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Limited (ACN 070 374 293) trading as *Simply Energy*;
    - (iii) Origin Energy Retail Limited (ACN 078 868 425);
    - (iv) Santos Direct Pty Ltd (ACN 108 846 288);
    - (v) TRUenergy Pty Ltd (ACN 086 014 968);
  - (c) as transmission system operators:
    - (i) Epic Energy South Australia Pty Limited (ACN 068 599 815);
    - (ii) South East Australia Gas Pty Ltd (ACN 096 437 900);
    - (iii) Envestra (SA) Limited (ACN 008 139 204);
    - (iv) Envestra Limited (ACN 078 551 685);
    - (v) APT Pipelines (SA) Pty Limited (ACN 124 754 347);
  - (d) as swing service providers:
    - (i) AGL Wholesale Gas (SA) Pty Limited (ACN 094 384 291);
    - (ii) TRUenergy Pty Ltd (ACN 086 014 968);
    - (iii) Origin Energy Retail Limited (ACN 078 868 425);
    - (iv) International Power (Energy) Pty Ltd (ACN 062 798 510);
  - (e) as shippers:
    - (i) AGL Wholesale Gas (SA) Pty Limited (ACN 094 384 291);
    - (ii) TRUenergy Pty Ltd (ACN 086 014 968);
    - (iii) Origin Energy Retail Limited (ACN 078 868 425);
    - (iv) International Power (Energy) Pty Ltd (ACN 062 798 510).
- (3) For the purposes of clause 60(2)(a) of Schedule 3 of the NGL, in relation to the regulated retail gas market that relates to the Mildura region, Envestra Limited (ACN 078 551 685) is to be automatically registered from 1 October 2009 as a Registered participant as a network operator.

- (4) For the purposes of clause 60(2)(a) of Schedule 3 of the NGL, in relation to the regulated retail gas market of Victoria (other than the Mildura region), the following persons are to be automatically registered as Registered participants in the following capacities:
- (a) as transmission system service providers:
    - (i) APA GasNet Australia (Operations) Pty Ltd (ACN 083 009 278);
    - (ii) APA GasNet Australia (NSW) Pty Ltd (ACN 079 136 413);
    - (iii) Gas Pipelines Victoria Pty Ltd (ACN 079 003 099);
    - (iv) Jemena Vichub Pipeline Pty Ltd (ACN 085 550 689);
    - (v) South East Australia Gas Pty Ltd (ACN 096 437 900);
    - (vi) Origin Energy Resources Limited (ACN 007 845 338);
  - (b) as distributors:
    - (i) Vic Gas Distribution Pty Ltd (ACN 085 899 001);
    - (ii) Multinet Gas (DB no 1) Pty Ltd (ACN 086 026 986) and Multinet Gas (DB no 2) Pty Ltd (ACN 086 230 122) trading as *Multinet Gas Distribution Partnership*;
    - (iii) SPI Networks (Gas) Pty Ltd (ACN 086 015 036) trading as *SP AusNet*;
    - (iv) The Albury Gas Co Ltd (ACN 000 001 249);
  - (c) as market participants—retailers:
    - (i) Origin Energy (VIC) Pty Ltd (ACN 086 013 283);
    - (ii) AGL Sales Pty Ltd (ACN 090 538 337);
    - (iii) TRUenergy Pty Ltd (ACN 086 014 968);
    - (iv) AGL Sales (Queensland) Pty Ltd (ACN 121 177 740);
    - (v) IPower Pty Ltd (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) trading as *Simply Energy*;
    - (vi) Santos Direct Pty Ltd (ACN 108 846 288);
    - (vii) Victoria Electricity Pty Ltd (ACN 100 528 327);
    - (viii) Energy Australia (ABN 67 505 337 385);
    - (ix) Red Energy Pty Ltd (ACN 107 479 372);
    - (x) Australian Power and Gas Pty Ltd (ACN 118 609 813);
  - (d) as market participants—other:
    - (i) APA GasNet Australia (Operations) Pty Ltd (ACN 083 009 278);
    - (ii) BHP Billiton Petroleum (Bass Strait) Pty Ltd (ACN 004 228 004);
    - (iii) Esso Australia Resources Pty Ltd (ACN 091 829 819);
    - (iv) TRUenergy Gas Storage Pty Ltd (ACN 079 089 311);
    - (v) Origin Energy Petroleum Pty Ltd (ACN 010 728 962);

- (vi) AGL Energy Sales and Marketing Ltd (ACN 076 092 067);
  - (vii) VISY Paper Pty Ltd (ACN 005 803 234);
  - (viii) Origin Energy (VIC) Pty Ltd (ACN 086 013 283);
  - (ix) Country Energy (ABN 37 428 185 226);
  - (x) Southern Natural Gas Development Pty Ltd (ACN 004 724 038);
  - (xi) International Power (Energy) Pty Ltd (ACN 062 798 510);
  - (xii) AGL Sales (Queensland) Pty Ltd (ACN 121 177 740);
  - (xiii) Origin Energy Uranquinty Power Pty Ltd (ACN 120 384 938);
  - (xiv) Aurora Energy (Tamar Valley) Pty Ltd trading as *AETV Power* (ACN 123 391 613);
  - (xv) Victoria Electricity Pty Ltd (ACN 100 528 327).
- (5) For the purposes of clause 60(2)(b) of Schedule 3 of the NGL, in relation to the regulated retail gas market of New South Wales and the Australian Capital Territory, persons who, on the relevant changeover date—
- (a) fall within the ambit of Rule 135AB(1)(a) or (b) of the *National Gas Rules* and were, immediately before that date, members of Gas Market Company Limited (ACN 095 400 258); or
  - (b) fall within the ambit of Rule 135AB(1)(c) of the *National Gas Rules* and were, immediately before that date, a party to a Service Agreement with Gas Market Company Limited,

are specified as a class of persons to be automatically registered as Registered participants.

### **17—Transitional provision—Application of National Energy Retail Law in a participating jurisdiction**

The variations made to these regulations by the *National Gas (South Australia) (National Energy Retail Law) Variation Regulations 2012* do not apply in a participating jurisdiction until the *National Energy Retail Law* is applied in that jurisdiction as a law of that jurisdiction.

## **Schedule 1—Designated pipelines**

### **3—Distribution pipelines—South Australia**

- (1) Distribution pipelines which immediately, before the commencement date, 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.

## Schedule 2—Exclusions from definition of pipeline

### Prescribed gas processing plant    Prescribed exit flange or connection point

---

#### New South Wales

- Rosalind Park (Camden)    In respect of the pipeline mentioned in pipeline licence no. 30 under the *Pipelines Act 1967* of New South Wales—
- (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.

#### Northern Territory

- Palm Valley Gas Plant    In respect of the Palm Valley Gas Pipeline the flange—
- (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
  - (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.

- Mereenie Gas Plant    In respect of the Mereenie Gas Pipeline—the flange—
- (a) shown as the insulating flange (I.F.) on the drawing entitled Amadeus Basin to Darwin Pipeline Mereenie Meter Station—P & I 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
  - (b) situated at the Mereenie Gas Plant immediately inside the perimeter fence and downstream of the main gas plant.

#### Queensland

References to diagrams in the entries relating to Queensland are references to diagrams held by the Department of Mines and Energy at Brisbane.

- Wungoona J.V.  
(Wallumbilla)    In respect of the pipeline mentioned in pipeline licence PPL no. 2 (Wallumbilla to Brisbane) under the *Petroleum Act 1923* of Queensland—
- (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.
- In respect of the pipeline mentioned in pipeline licence PPL no. 30 under the *Petroleum Act 1923* of Queensland—
- (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.

<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Ballera	<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 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>
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 0.7m 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 class 600 isolation valve at the tie-in station, as shown on P &amp; ID Drawing No. DR—11014 Rev 1.</p>

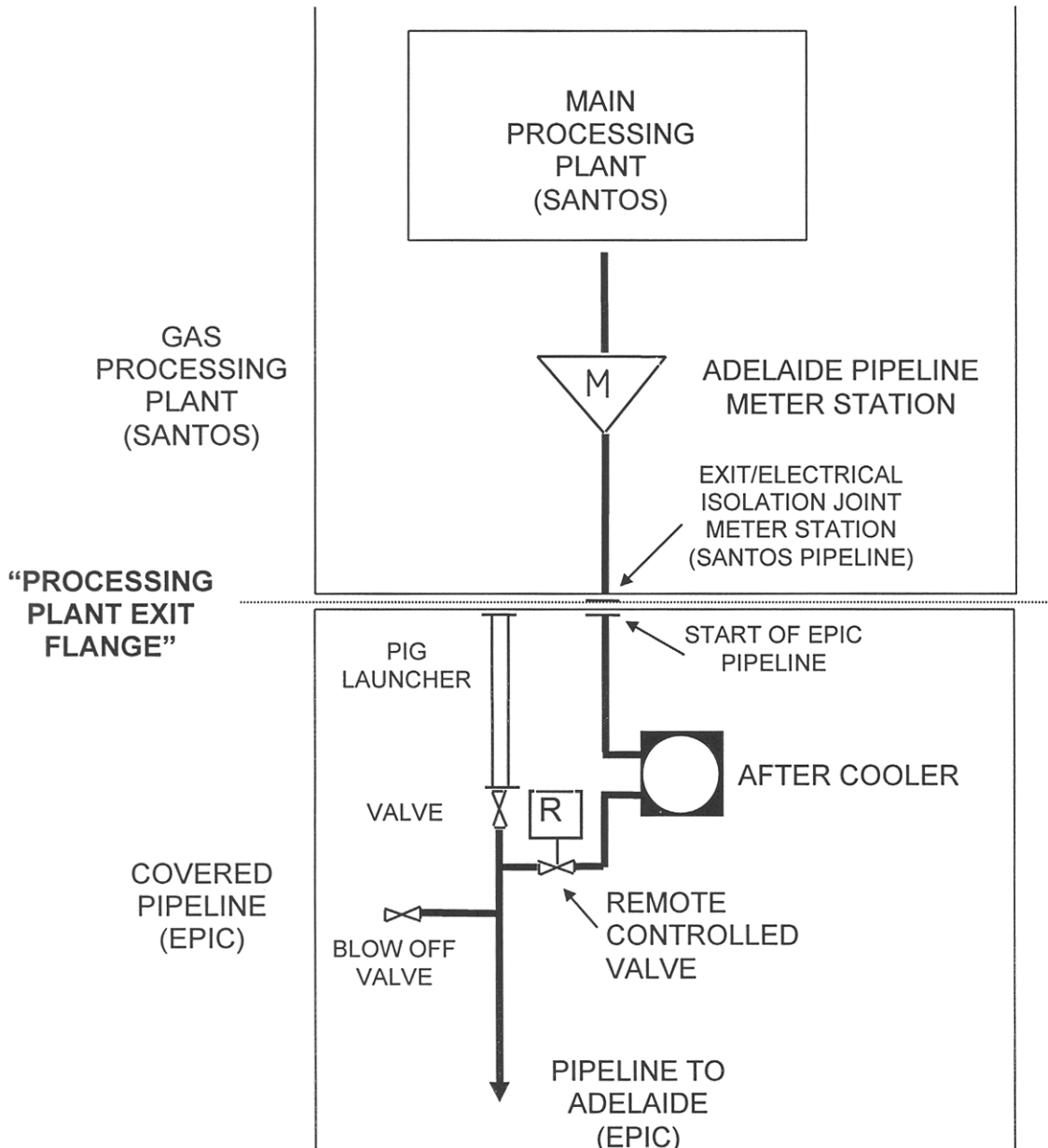
<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Moura Central	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland—</p> <p>(a) the 150NB class 600 flange located immediately downstream of the 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 600mm x 750mm reducer situated, upstream of the insulation flange, between the meter station and East Australian Pipeline Ltd's mainline 750mm valve on the outlet of the meter station (as indicated in Diagram 2 below).</p>
Katnook Plant	<p>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 drawing 107.5.1 held by the Office of Energy Policy at Adelaide.</p>
<b>Victoria</b>	
Longford gas processing plant, Garretts Road, Longford, Victoria	<p>The exit flanges contained within the Longford Metering Station at Garretts Road, Longford, Victoria which are connected to the two 600mm pipes from the prescribed gas processing plant to the Longford Metering Station and are—</p> <p>(a) the 600mm weld on the 750mm by 600mm reducer; and</p> <p>(b) the upstream flange face of the 600mm branch valve; and</p> <p>(c) the 600mm weld 3000mm downstream on the side arm of the 600mm equal tee,</p> <p>all of which are immediately upstream of the metering runs which form a part of the Longford Metering Station.</p>
North Paaratte gas processing plant, Government Road, Paaratte, Victoria	<p>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.</p>
<b>Western Australia</b>	
North West Shelf Gas Project Domestic Gas	<p>In respect of the pipeline that is the subject of pipeline licence PL40 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia—</p> <p>(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.</p>



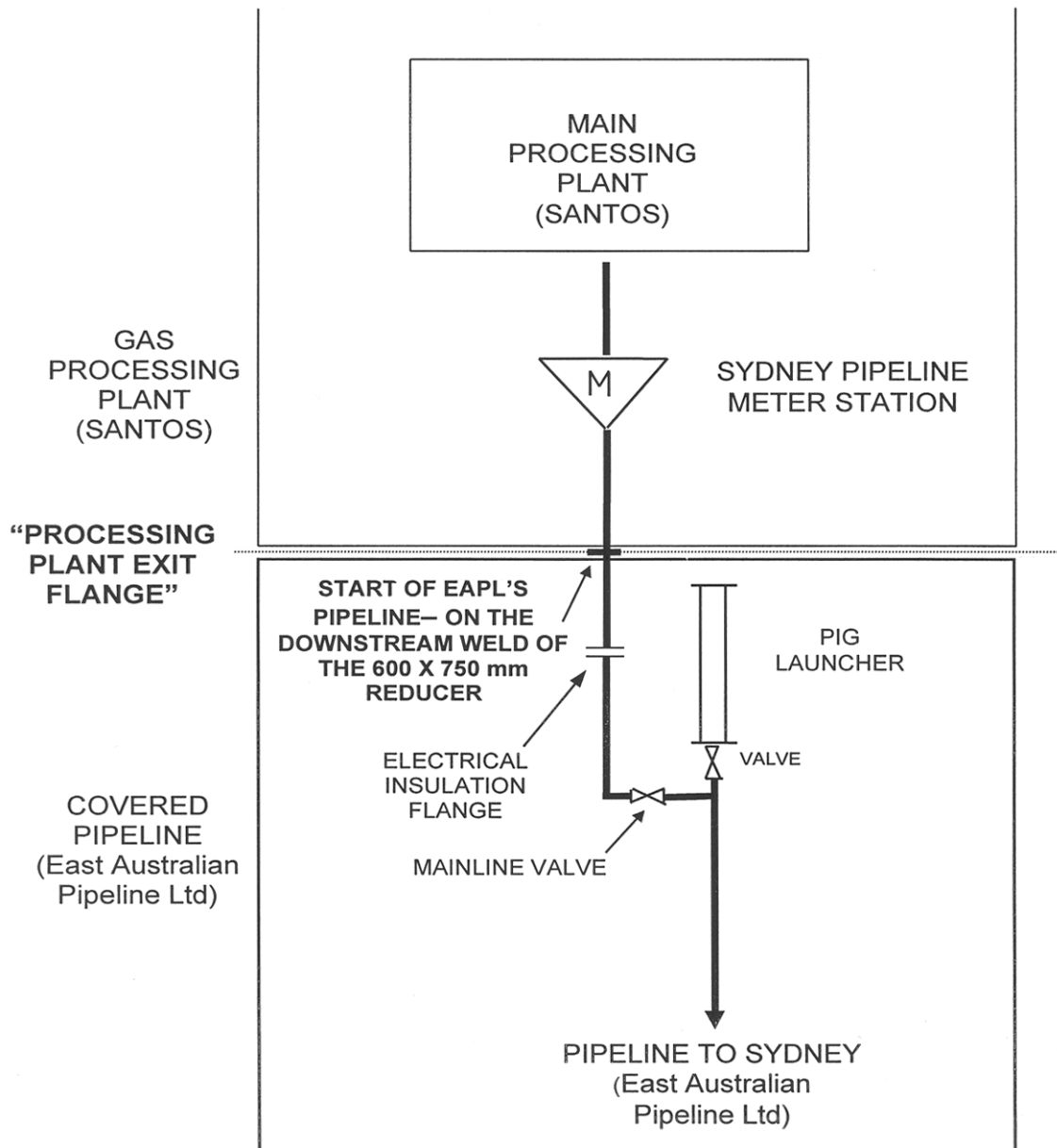
<b>Prescribed gas processing plant</b>	<b>Prescribed exit flange or connection point</b>
Tubridgi	<p>In respect of the pipeline that is the subject of pipeline licence PL16 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia—</p> <ul style="list-style-type: none"><li>(a) the downstream flange of the plant exit shut down valve that—<ul style="list-style-type: none"><li>(i) is between the pipeline pig launcher and the pipeline meter station; and</li><li>(ii) is the first shut down valve downstream of the connection to the 150mm pipe from the filter separator.</li></ul></li></ul>
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> <ul style="list-style-type: none"><li>(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.</li></ul>
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> <ul style="list-style-type: none"><li>(a) the upstream flange of the insulated flange joint that—<ul style="list-style-type: none"><li>(i) is immediately upstream of the first barred tee downstream of the pig launcher; and</li><li>(ii) is on the through line of the tee.</li></ul></li></ul>
Griffin	<p>In respect of the pipeline that is the subject of pipeline licence PL19 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia—</p> <ul style="list-style-type: none"><li>(a) the downstream flange of the flange joint that connects the 200mm Griffin Gas Header pipe with the 200mm pipe connecting with the 250mm pipe to the pipeline meter station.</li></ul>

DIAGRAM 1

MOOMBA PLANT PRESCRIBED PLANT AND EXIT FLANGE  
- MOOMBA TO ADELAIDE PIPELINE



**DIAGRAM 2**  
**MOOMBA PLANT PRESCRIBED PLANT AND EXIT FLANGE**  
**- MOOMBA TO SYDNEY PIPELINE**



## Schedule 3—Civil penalties

### 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 135CE(2)  
Rule 137  
Rule 138  
Rule 138A(2)  
Rule 138A(4)  
Rule 369  
Rule 380(1)  
Rule 387  
Rule 390(2)  
Rule 399(1)  
Rule 399(2)  
Rule 399(5)  
Rule 399(6)  
Rule 410(1)  
Rule 414(1)  
Rule 418(3)  
Rule 419(7)(b)  
Rule 420(6)(b)

Rule 435(4)  
Rule 436(4)  
Rule 440(2)  
Rule 440(3)  
Rule 442(3)  
Rule 442(4)  
Rule 442(5)  
Rule 445(3)  
Rule 446(4)  
Rule 470  
Rule 474(4)  
Rule 476(1)  
Rule 478(1)  
Rule 485(2)  
Rule 487(3)  
Rule 488(3)  
Rule 488(10)

## **Schedule 4—Conduct provisions**

### 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  
Rule 138AC  
Rule 369  
Rule 387  
Rule 390(1)

Rule 394  
Rule 399(1)  
Rule 399(2)  
Rule 399(5)  
Rule 399(6)  
Rule 410(1)  
Rule 418(4)  
Rule 419(7)(b)  
Rule 420(6)(b)  
Rule 421(1)  
Rule 421(2)  
Rule 421(3)  
Rule 421(4)  
Rule 421(6)  
Rule 424(6)  
Rule 435(4)  
Rule 436(4)  
Rule 440(3)  
Rule 446(4)  
Rule 452(6)  
Rule 470  
Rule 474(4)  
Rule 476(1)  
Rule 478(1)  
Rule 485(2)  
Rule 487(3)  
Rule 488(3)  
Rule 488(10)  
Schedule 1, clause 26(4) and (7)  
Rule 503  
All provisions in Division 4 of Part 21

## **Schedule 5—Fees**

	<b>\$</b>
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

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2008	205	<i>Gazette 26.6.2008 p2753</i>	1.7.2008: r 2
2009	192	<i>Gazette 25.6.2009 p3024</i>	1.7.2009: r 2
2010	32	<i>Gazette 13.5.2010 p1836</i>	13.5.2010: r 2
<b>2012</b>	<b>170</b>	<b><i>Gazette 28.6.2012 p2950</i></b>	<b>1.7.2012: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2009</i>
<i>r 5A</i>	<i>inserted by 192/2009 r 4</i> <i>deleted by 170/2012 r 4</i>	<i>1.7.2009</i> <b>1.7.2012</b>
<b>r 7AA</b>	<b>inserted by 170/2012 r 5</b>	<b>1.7.2012</b>
r 7A	inserted by 192/2009 r 5	1.7.2009
r 10	substituted by 192/2009 r 6	1.7.2009
r 10(1)	varied by 32/2010 r 4(1)—(4)	13.5.2010
r 10(2a)	inserted by 32/2010 r 4(5)	13.5.2010
r 10(3)		
prescribed amount	varied by 32/2010 r 4(6)	13.5.2010
relevant event	varied by 32/2010 r 4(7), (8)	13.5.2010
r 11	substituted by 192/2009 r 6	1.7.2009
r 14		
r 14(1)	r 14 redesignated as r 14(1) by 192/2009 r 7	1.7.2009
r 14(2)	inserted by 192/2009 r 7	1.7.2009
rr 15 and 16	inserted by 192/2009 r 8	1.7.2009
<b>r 17</b>	<b>inserted by 170/2012 r 6</b>	<b>1.7.2012</b>



Sch 1		
<i>cll 1 and 2</i>	<i>deleted by 192/2009 r 9</i>	<i>1.7.2009</i>
Sch 3	varied by 192/2009 r 10(1), (2)	1.7.2009
	varied by 32/2010 r 5	13.5.2010
Sch 4	varied by 192/2009 r 11	1.7.2009
	varied by 32/2010 r 6	13.5.2010
	<b>varied by 170/2012 r 7</b>	<b>1.7.2012</b>

## Historical versions

1.7.2009

13.5.2010