

South Australia

National Gas (South Australia) Regulations

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

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1—Short title

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

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *National Gas (South Australia) Act 2008* comes into operation.

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.

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—Bulletin Board operator

VENCorp is prescribed as the Bulletin Board operator.

11—Bulletin Board—maximum civil monetary liabilities

- (1) For the purposes of sections 221 and 226 of the NGL, maximum amounts are prescribed as follows:
 - (a) the maximum amount of the Bulletin Board operator's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event, \$400 000;
 - (b) however, if the amount of the Bulletin Board operator'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 the Bulletin Board operator'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 the Bulletin Board operator 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 the Bulletin Board operator 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;
 - (e) paragraphs (a), (b), (c) and (d) 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 the Bulletin Board operator to each person who suffers loss as a result of a relevant event is, in respect of that event, \$1.
- (2) The Bulletin Board operator and each person who gives Bulletin Board information to the Bulletin Board operator must ensure that the following provisions are complied with in relation to claims against the Bulletin Board operator or a person who gives Bulletin Board information to the Bulletin Board operator 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 the Bulletin Board operator or the person who gives Bulletin Board information to the Bulletin Board operator 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 the Bulletin Board operator or the person who gives Bulletin Board information to the Bulletin Board operator, and to question officers and employees of the Bulletin Board operator or the person who gives Bulletin Board information to the Bulletin Board operator, 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 the Bulletin Board operator—the amount obtained by deducting from \$20 million the aggregate of the amounts already paid by the Bulletin Board operator in discharge of the Bulletin Board'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;
- (b) in relation to a person who gives Bulletin Board information to the Bulletin Board operator—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;

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 the Bulletin Board operator—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 of the Bulletin Board operator under the NGL or the Rules;
- (b) in relation to a person who gives Bulletin Board information to the Bulletin Board operator—a negligent act or omission, or a series of negligent acts or omissions, in giving Bulletin Board information to the Bulletin Board operator;
- (c) in relation to an officer or employee of the Bulletin Board operator—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 the Bulletin Board operator under the NGL or the Rules.

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

The fees set out in Schedule 5 are prescribed.

Schedule 1—Designated pipelines

1—Distribution pipelines—Victoria

- (1) Distribution pipelines with respect to which, immediately before the commencement date, a service provider (within the meaning of the Gas Code) was the entity or entities that trade either together or separately as "SP AusNet" including but not limited to SPI Networks (Gas) Pty Ltd (ABN 43 086 015 036).
- (2) Distribution pipelines with respect to which, immediately before the commencement date, a service provider (within the meaning of the Gas Code) was either or both of Envestra Victoria Pty Ltd (ACN 085 882 373) and Vic Gas Distribution Pty Ltd (ACN 085 899 001).
- (3) Distribution pipelines with respect to which, immediately before the commencement date, the service providers (within the meaning of the Gas Code) included 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.
- (4) Extensions to or expansions of the capacity of a pipeline listed in a preceding subclause 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—Victoria

- (1) Transmission pipelines with respect to which immediately, before the commencement date, a service provider (within the meaning of the Gas Code) was GasNet Australia (Operations) Pty Ltd (ABN 65 083 009 278).
- (2) Extensions to or 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.

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.

Prescribed gas processing plant	Prescribed exit flange or connection point
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 & 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 & 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 & 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 & 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 & ID Drawing No. DR—11014 Rev 1.</p>

Prescribed gas processing plant Prescribed exit flange or connection point

Moura Central In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the *Petroleum Act 1923* of Queensland—

(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 & ID Drawing No. DR—11014 Rev 1.

South Australia

Moomba Plant In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Adelaide—

(a) the insulating joint situated between the meter station for the pipeline and EPIC's after cooler (as indicated in Diagram 1 below).

In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Sydney—

- (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).

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 drawing 107.5.1 held by the Office of Energy Policy at Adelaide.

Victoria

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 600mm pipes from the prescribed gas processing plant to the Longford Metering Station and are—

- (a) the 600mm weld on the 750mm by 600mm reducer; and
- (b) the upstream flange face of the 600mm branch valve; and
- (c) the 600mm weld 3000mm downstream on the side arm of the 600mm 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.

Western Australia

North West Shelf Gas Project Domestic Gas In respect of the pipeline that is the subject of pipeline licence PL40 under the *Petroleum Pipelines Act 1969* 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.

Prescribed gas processing plant	Prescribed exit flange or connection point
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">(a) the downstream flange of the plant exit shut down valve that—<ul style="list-style-type: none">(i) is between the pipeline pig launcher and the pipeline meter station; and(ii) is the first shut down valve downstream of the connection to the 150mm pipe from the filter separator.
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">(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.
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">(a) the upstream flange of the insulated flange joint that—<ul style="list-style-type: none">(i) is immediately upstream of the first barred tee downstream of the pig launcher; and(ii) is on the through line of the tee.
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">(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.

DIAGRAM 1

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

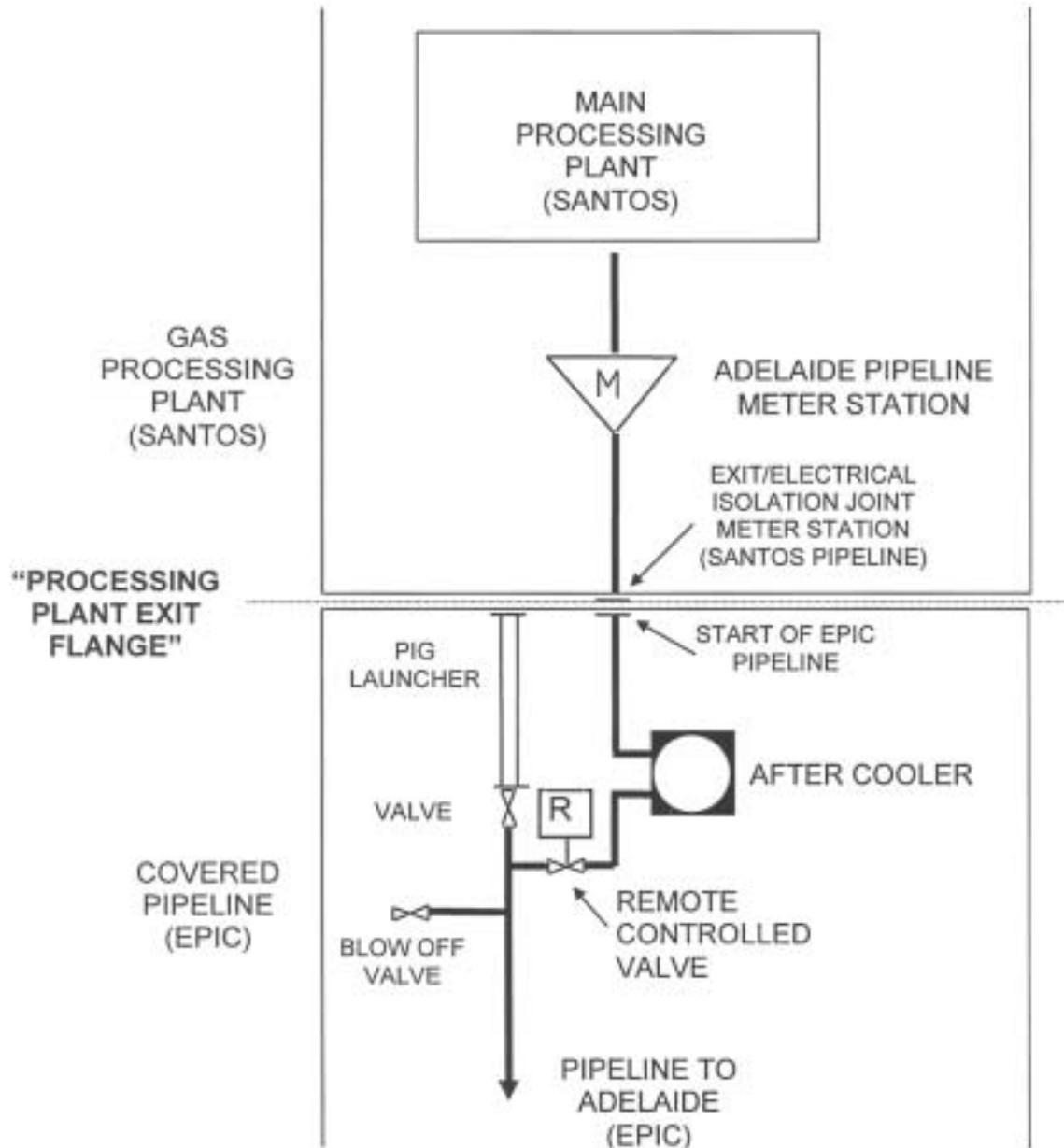
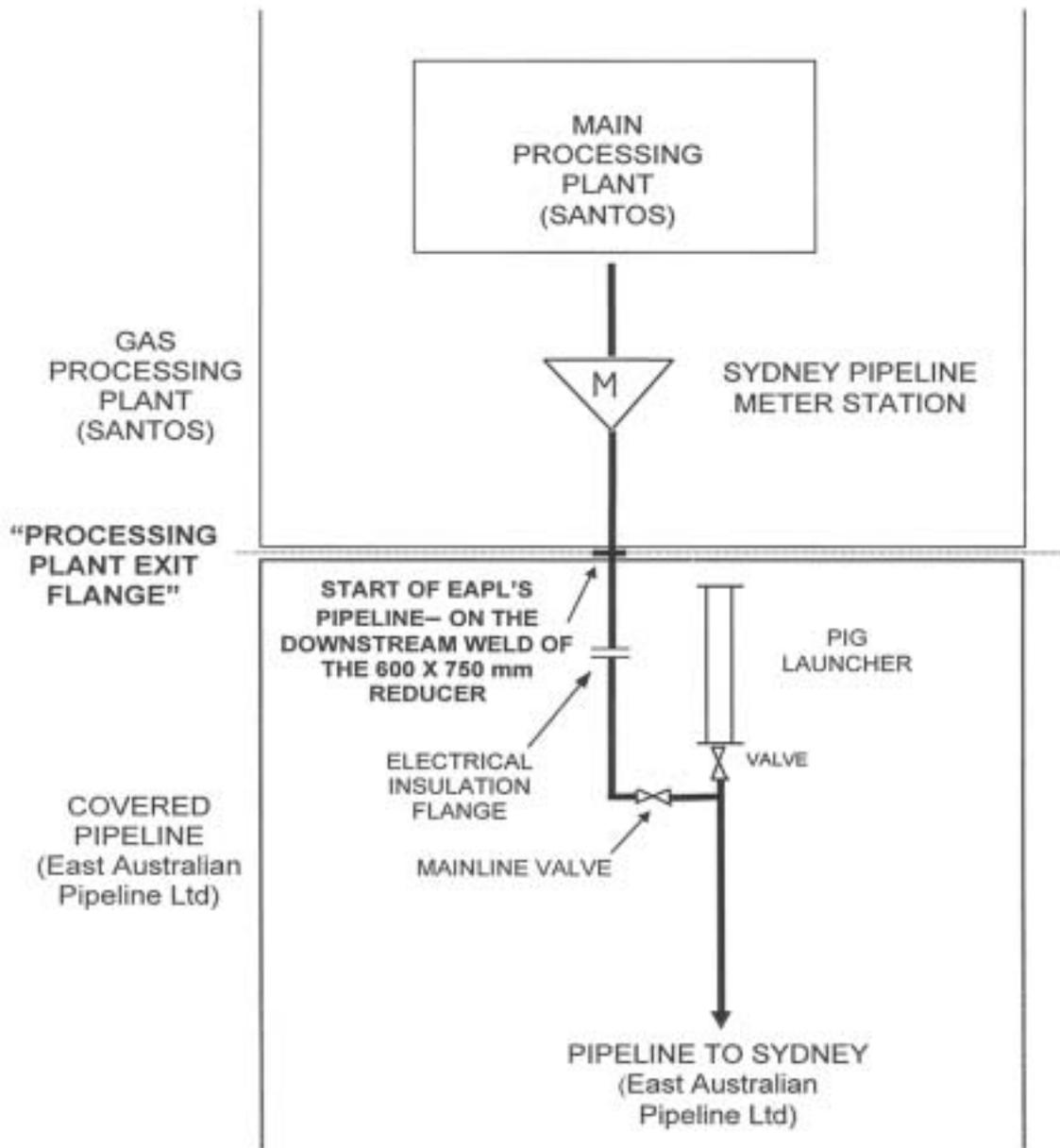


DIAGRAM 2
MOOMBA PLANT PRESCRIBED PLANT AND EXIT FLANGE
- MOOMBA TO SYDNEY PIPELINE



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 137

Rule 138

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

Schedule 5—Fees

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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

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on 26 June 2008

No 205 of 2008