



Economic Regulation Authority

 WESTERN AUSTRALIA

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NOTICE

Gas Access Arrangement Guideline

NATIONAL GAS LAW

The [National Gas Access \(WA\) Act 2009](#) (NGA) came into effect 1 January 2010 and amends and implements the National Gas Law (NGL) in Western Australia. The amended NGL as it is implemented in Western Australia is referred to here as the **NGL(WA)**. The NGA also gives effect to the [National Gas Rules](#) (NGR) as relevant to gas access regulation.

The legislation implements a national gas access regime that replaces the national Gas Pipeline Access Law implemented in Western Australia by the *Gas Pipeline Access (WA) Act 1998*.

A key objective of the new national gas access legislation is to implement a uniform national regime, and as a guide to the access arrangement process in Western Australia, interested parties can refer to the [Australian Energy Regulator's \(AER\) Access Arrangement Guideline](#).

There are important differences between the NGL as administered by the AER in other jurisdictions and the NGA and the NGL(WA) that will govern the Authority in Western Australia. In order to assist interested parties, the Authority has outlined, in the attachment to this notice, an overview of its understanding of the differences between the NGL in place in the Eastern States and the NGL(WA).

Interested parties should note that the Authority is an independent Western Australian body and are encouraged to engage with the Authority and refer to other guidance specifically provided by the Authority such as [Authority Guidelines: Gas Access Arrangement Revision Process](#) issued in relation to the current access arrangement revision processes in Western Australia prior to taking any action.

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15 January 2010

Table 1 – Overview of significant differences between Western Australia and other jurisdictions

	National Gas Law	National Gas Access (WA) Law
National Gas Law		
Relevant Regulator	AER	The Authority
Relevant arbitration body	AER	The Western Australian Energy Disputes Arbitrator
Relevant merits review body	Australian Competition Tribunal.	Australian Competition Tribunal but note the transitional provisions (see also below).
Extension to certain pipelines for hauling gas other than natural gas	The law applies to pipelines hauling natural gas	The law (section 6A) extends to gas other than natural gas (i.e. LPG) similar to the previous Gas Pipeline Access (<i>Western Australia</i>) Act 1998.
Bulletin Board	NGL Chapter 7—The Natural Gas Services Bulletin Board	NGL Chapter 7—The Natural Gas Services Bulletin Board does not currently apply in Western Australia (in accordance with NGA(WA), Schedule 1, cl. 5).
Australian Energy Market Operator	The National Gas Law as implemented by the South Australian lead legislation was amended by the <i>National Gas (South Australia) (National Gas Law—Australian Energy Market Operator) Amendment Bill 2009</i> on 1 July 2009 to include the functions of the Australian Energy Market Operator.	This does not apply in Western Australia, as the Western Australian Minister has not made an Order to this effect (in accordance with Part 2, s. 7A of the NGA(WA)).
Transitional provisions	Schedule 3—Savings and Transitionals	Schedule 3—Savings and Transitionals. S. 20 of the Western Australian Act also contains a specific transitional provision for the Kalgoorlie to Kambalda pipeline. Stakeholders should note that the Goldfields Gas Transmission Pty Ltd (GGT), on behalf of Southern Cross Pipelines Australia Pty Ltd, Southern Cross Pipelines (NPL) Australia Pty Ltd and Alinta DEWAP Pty Ltd, lodged a revision for the Goldfields Gas Pipeline on 23 March 2009. The implications for this lodgement are that the <i>Gas Pipeline Access (Western Australia) Act 1998</i> and the Gas Code continues to be applicable for the finalisation of these revision processes, as provided for in Schedule 3 of the NGL(WA). This includes any appeal process that may arise as a part of an access arrangement revision under the previous legislation. The resulting Access Arrangement will be administered under the Gas Code until a revision is submitted under the NGA. A revision is scheduled for 1 January 2015.
	Regulations under Part 3 of the <i>National Gas (South Australia) Act 2008</i> allow for regulations to be made	The Western Australian regulations under Part 3 of the NGA allow for regulations to be made to deal with transitional issues. Stakeholders should familiarise themselves with any regulations made under this Part (see relevant regulations below).

	National Gas Law	National Gas Access (WA) Law
	on transitional matters (see also relevant regulations below).	
Local Provisions	N/A	<p>NGA Part 6, s. 19-22 authorises:</p> <ul style="list-style-type: none"> • Exemption of the Alcoa Exempt Contract and the continuation of section 96 of the <i>Gas Pipeline Access (Western Australia) Act 1998</i>. • Transitional provision for the Kalgoorlie to Kambalda Pipeline. • Regulations specific to Western Australia (see below).
Regulations	Regulations under Part 3 of the <i>National Gas (South Australia) Act 2008</i>	<p>National Gas Access (WA) (Part 3) Regulations 2009 under the <i>National Gas Access (WA) Act 2009</i> mirror the national regulations under the South Australian Act.</p> <p>National Gas Access (WA) (Local Provisions) Regulations 2009 under NGA are specific to Western Australia. Initial regulations made under this part include:</p> <ul style="list-style-type: none"> • Funding of the Energy Disputes Arbitrator; and • Provisions for setting access tariffs for small use distribution pipeline end users.
National Gas Rules (NGR)	The NGR applies consistently across jurisdictions.	<p>The NGR applies consistently across jurisdictions. However, the following rules are specific to Western Australia:</p> <ul style="list-style-type: none"> • Transitional r. 6 (NGR Schedule 1, Transitional Provisions) in relation for fixed principles for DBP. • Transitional r. 7 (NGR Schedule 1, Transitional Provisions) in using the overall economic value test to make a decision on capital expenditure for a transmission pipeline in Western Australia. The Authority must consider the 'material economic value that is likely to accrue directly to electricity market participants from additional gas fired generation capacity'.
	Part 18—Natural Gas Services Bulletin Board and Schedule 2	The Bulletin Board rules do not currently apply in Western Australia (see comments above regarding the Bulletin Board in relation to the National Gas Law).
	The NGR were amended by the National Gas (Australian Energy Market Operator) Amendment Rules 2009 to facilitate the Australian Energy Market Operator.	These amendments do not apply in Western Australia (see comments above regarding the Australian Energy Market Operator in relation to the NGL and the NGL(WA)).