

Western Australia

**Gas Pipelines Access (Western Australia)  
(Reviews) Amendment Bill 2003**

---

CONTENTS

---

1.	Short title	1
2.	Commencement	2
3.	The Act amended	2
4.	Schedule 1 section 11 amended	2
5.	Schedule 1 section 38 amended	2
6.	Schedule 1 section 39 amended	3
7.	Schedule 1 section 41 amended	5



Western Australia

LEGISLATIVE COUNCIL

**Gas Pipelines Access (Western Australia)  
(Reviews) Amendment Bill 2003**

**A Bill for**

**An Act to amend the *Gas Pipelines Access (Western Australia) Act 1998*.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Gas Pipelines Access (Western Australia) (Reviews) Amendment Act 2003*.

**s. 2**

---

**2. Commencement**

This Act comes into operation on a day fixed by proclamation.

**3. The Act amended**

5 The amendments in this Act are to the *Gas Pipelines Access (Western Australia) Act 1998*\*.

[\* *Reprinted as at 11 August 2000.*

*For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 148.]*

**4. Schedule 1 section 11 amended**

10 (1) Schedule 1 section 11(2) is amended by deleting “and the relevant Ministers of the scheme participants” and inserting instead —

“

15                   , the relevant Ministers of the scheme participants and the Code Registrar

”.

(2) After Schedule 1 section 11(3) the following subsection is inserted —

“

20 (4) If the Ministers classify, or make a determination in respect of, a pipeline under subsection (3), they must cause the Code Registrar to be notified of the decision.

”.

**5. Schedule 1 section 38 amended**

25 (1) Schedule 1 section 38(1) is amended by inserting after “body” —

“

30                   , in accordance with this Part and any applicable law governing the practice and procedure of that body,

”.

- (2) Schedule 1 section 38(2) is repealed and the following subsection is inserted instead —

“

- (2) The time for making an application under this section for a review of a decision expires 14 days after the decision is placed on the public register kept by the Code Registrar under the Code.

”.

- (3) Schedule 1 section 38(6)(a) is amended by inserting after “section 39(1)” —

“ or (1a) ”.

**6. Schedule 1 section 39 amended**

- (1) Schedule 1 section 39(1) is repealed and the following subsections are inserted instead —

“

- (1) If the relevant Regulator makes a decision under the Code to approve the Regulator’s own access arrangement or the Regulator’s own revisions of an access arrangement —

- (a) in place of an access arrangement or revisions submitted for approval by a service provider; or  
(b) because a service provider fails to submit an access arrangement or revisions as required by the Code,

the following persons may apply to the relevant appeals body for a review of the decision —

- (c) the service provider;  
(d) a person who made a submission to the relevant Regulator on the access arrangement or revisions submitted by the service provider or drafted by the Regulator and whose interests are adversely affected by the decision.

- (1a) If the relevant Regulator makes a decision under the Code —

- (a) to disallow a variation proposed by a service provider of a Reference Tariff within an Access Arrangement Period; or

s. 6

---

- (b) to make the Regulator’s own variation of a Reference Tariff within an Access Arrangement Period —
- 5 (i) on disallowing a variation proposed by a service provider; or
- (ii) because a service provider fails to submit such a variation as required by the Code,
- the service provider may apply to the relevant appeals body for a review of the decision.
- 10 ”.
- (2) Schedule 1 section 39(2) is amended as follows:
- (a) by deleting “subsection (1)” and inserting instead —
- “ this section ”;
- (b) in paragraph (b) by inserting before “may” —
- 15 “ in the case of an application under subsection (1), ”.
- (3) Schedule 1 section 39(3) is amended by deleting “subsection (1)” and inserting instead —
- “ this section ”.
- (4) Schedule 1 section 39(5) is amended by deleting paragraphs (a) and (b) and inserting instead —
- 20 “
- (a) the application for review and submissions in support of the application (other than, in the case of an application under subsection (1), any matter not
- 25 raised in submissions to the relevant Regulator before the decision was made);
- (ab) the relevant access arrangement or proposed access arrangement or revision or proposed revision of an access arrangement, together with any related
- 30 access arrangement information or proposed access arrangement information;
- (ac) in the case of an application under subsection (1a) — any notice of a proposed

variation of Reference Tariff within an Access Arrangement Period given by the service provider to the relevant Regulator under the Code;

- 5 (ad) any written submissions made to the relevant Regulator before the decision was made; ”.

(5) After Schedule 1 section 39(6) the following subsection is inserted —

- 10 “ (7) In this section —  
“Access Arrangement Period” and “Reference Tariff”  
have the same meanings as in the Code. ”.

**7. Schedule 1 section 41 amended**

15 Schedule 1 section 41(9) is amended in the definition of “prescribed duty” by inserting after paragraph (c) the following paragraph —

- 20 “ (ca) deciding under the Code whether to approve, disallow or make a variation of a Reference Tariff within an Access Arrangement Period (within the meaning of the Code); ”.

=====