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*.

3—Interpretation

In these regulations—

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

NGL means the National Gas Law;

tier 1 civil penalty provision—see regulation 6(2);

tier 2 civil penalty provision—see regulation 6(3);

tier 3 civil penalty provision—see regulation 6(4).

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).

5A—Definition of designated compression service facility

For the purposes of the definition of ***designated compression service facility*** in section 2 of the NGL, a facility described in Schedule 2A is prescribed as a designated compression service facility.

5B—Additional innovative trial principles

For the purposes of section 24A(i) of the NGL, the following principles are prescribed:

(a) whether the trial project is able to be trialled and evaluated;

(b) whether there is potential for the trial project to be successfully expanded;

(c) whether the trial project will provide for public sharing of knowledge, information and data resulting from the trial project.

5C—Prescribed period for extension of trial waiver

For the purposes of section 30ZB(1) of the NGL, the period of 1 year is prescribed.

5D—Prescribed period for extension of trial Rule

For the purposes of section 314A(1) of the NGL, the period of 1 year is prescribed.

6—Civil penalty provisions

(1) For the purposes of section 3(b) of the NGL, a provision of the NGL, other than a civil penalty provision under section 3(a) of the NGL, or Rules listed in Schedule 3 is prescribed to be a civil penalty provision.

(2) A civil penalty provision listed in Schedule 3 Part 1 is prescribed for the purposes of section 3A(1)(c) of the NGL and is a ***tier 1 civil penalty provision***.

(3) A civil penalty provision listed in Schedule 3 Part 2 is prescribed for the purposes of section 3A(1)(b) of the NGL and is a ***tier 2 civil penalty provision***.

(4) A civil penalty provision to which section 3A(1)(a) of the NGL applies is a ***tier 3 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 who are subject to Rules made for the purposes of section 223 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.

7B—Modification of procedural provisions of relevant Commercial Arbitration Act

For the purposes of section 270B(1) of the NGL, the application of the procedural provisions of the Commercial Arbitration Act of this jurisdiction to the hearing of a rule dispute and decisions or determinations of a Dispute resolution panel is modified—

(a) as if—

(i) the Rules providing for a rule dispute were an arbitration agreement within the meaning of that Act; and

(ii) the referral of the rule dispute to a Dispute resolution panel in accordance with the Rules were a referral to arbitration in accordance with an arbitration agreement; and

(iii) a reference in those provisions to an arbitrator were a reference to the Dispute resolution panel; and

(iv) a reference to a party to an arbitration agreement, or in an arbitration proceeding, in those provisions were a reference to a party to the rule dispute; and

(v) in those provisions for—

(A) "unless otherwise agreed in writing by the parties"; or

(B) "unless otherwise agreed by the parties",

there were substituted "unless the Rules otherwise provide" (as the case requires); and

(vi) a reference to an award of an arbitrator in those provisions were a reference to a decision or determination of a Dispute resolution panel; and

(b) with any other alterations and modifications that are necessary.

7C—Procedural provisions of relevant Commercial Arbitration Act

For the purposes of the definition of ***procedural provisions of the Commercial Arbitration Act of this jurisdiction*** in section 270B(2) of the NGL, the prescribed provisions are as follows:

(a) if the NGL is applied as a law of the Commonwealth and a rule dispute is heard and determined in that jurisdiction, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(b) if the NGL is applied as a law of the State of New South Wales and a rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2010* of New South Wales;

(c) if the NGL is applied as a law of the State of Victoria and a rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of Victoria;

(d) if the NGL is applied as a law of the State of Queensland and a rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2013* of Queensland;

(e) if the NGL is applied as a law of the State of South Australia and a rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of South Australia;

(f) if the NGL is applied as a law of the State of Tasmania and a rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of Tasmania;

(g) if the NGL is applied as a law of the Australian Capital Territory and a rule dispute is heard and determined in that Territory, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(h) if the NGL is applied as a law of the Northern Territory and a rule dispute is heard and determined in that Territory, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration (National Uniform Legislation) Act 2011* of the Northern Territory.

7D—Modification of review provisions of relevant Commercial Arbitration Act

For the purposes of section 270C(2) of the NGL, the application of the review provisions of the Commercial Arbitration Act of this jurisdiction to the decision or determination under appeal is modified—

(a) as if—

(i) the Rules providing for a rule dispute were an arbitration agreement within the meaning of that Act; and

(ii) a reference to an arbitration in those provisions were a reference to the hearing of the rule dispute; and

(iii) a reference in those provisions to an award of an arbitrator were a reference to a decision or determination of a Dispute resolution panel or the other decision under appeal; and

(iv) a reference to a party to an arbitration agreement, or in an arbitration proceeding, in those provisions were a reference to a party to the rule dispute; and

(b) with any other alterations and modifications that are necessary.

7E—Review provisions of relevant Commercial Arbitration Act

For the purposes of the definition of ***review provisions of the Commercial Arbitration Act of this jurisdiction*** in section 270C(3) of the NGL, the prescribed provisions are as follows:

(a) if the NGL is applied as a law of the Commonwealth and a rule dispute is heard and determined in that jurisdiction, Part 7 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(b) if the NGL is applied as a law of the State of New South Wales and a rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2010* of New South Wales;

(c) if the NGL is applied as a law of the State of Victoria and a rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of Victoria;

(d) if the NGL is applied as a law of the State of Queensland and a rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2013* of Queensland;

(e) if the NGL is applied as a law of the State of South Australia and a rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of South Australia;

(f) if the NGL is applied as a law of the State of Tasmania and a rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of Tasmania;

(g) if the NGL is applied as a law of the Australian Capital Territory and a rule dispute is heard and determined in that Territory, Part 7 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(h) if the NGL is applied as a law of the Northern Territory and a rule dispute is heard and determined in that Territory, Part 7 of the *Commercial Arbitration (National Uniform Legislation) Act 2011* of the Northern Territory.

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 91DE, 91FED, 91FEH, 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 or the AER 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 or the AER 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;

(dc) the maximum amount of each person's civil monetary liability with respect to giving capacity auction information to AEMO in its capacity as the operator of a capacity auction to each person who suffers loss as a result of a relevant event is, in respect of that event, $400 000;

(dd) however, if the amount of a person's civil monetary liability with respect to giving capacity auction information to AEMO in respect of that event (as affected, if at all, by paragraph (dc)) 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;

(de) the maximum amount of each person's civil monetary liability with respect to giving GSOO information to AEMO for the gas statement of opportunities to each person who suffers loss as a result of a relevant event is, in respect of that event, $400 000;

(df) however, if the amount of a person's civil monetary liability with respect to giving GSOO information to AEMO in respect of that event (as affected, if at all, by paragraph (de)) 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 (df) (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.

(1a) If the giving of Bulletin Board information and GSOO information to AEMO constitute (at the same time) an event under subregulation (1)(c) and (d) and an event under subregulation (1)(de) and (df), the maximum amounts of a person's civil monetary liability in respect of those events will be determined under subregulation (1)(c) and (d) as if reference to Bulletin Board information under those paragraphs included a reference to GSOO information.

(2) AEMO, each person who gives GSOO information or capacity auction information to AEMO, and each person who gives Bulletin Board information to AEMO or the AER, must ensure that the following provisions are complied with in relation to claims against AEMO or the person 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 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, GSOO information or capacity auction information to AEMO, and to question officers and employees of AEMO or the person who gives Bulletin Board information, GSOO information or capacity auction 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 or the AER—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;

(d) in relation to a person who gives capacity auction 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;

(e) in relation to a person who gives GSOO 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;

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;

(iib) AEMO's capacity auction 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 or the AER—a negligent act or omission, or a series of negligent acts or omissions, in giving Bulletin Board information to AEMO or the AER (as the case may be);

(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;

(bb) in relation to a person who gives capacity auction information to AEMO—a negligent act or omission, or a series of negligent acts or omissions, in giving capacity auction information to AEMO;

(bc) in relation to a person who gives GSOO information to AEMO—a negligent act or omission, or a series of negligent acts or omissions, in giving GSOO 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.

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.

14A—Greenfields pipeline incentive—extension of period

(1) Pursuant to section 173(2) of the NGL, in the case of the QCLNG Pipeline, the period of 3 years referred to in section 173(1) of the NGL is extended by a further 12 months.

(2) In subregulation (1)—

QCLNG Pipeline means the *QCLNG Pipeline* referred to in an application made by QCLNG Pipeline Pty Ltd (ACN 140 760 612) to the NCC under section 151 of the NGL and in respect of which the Commonwealth Minister made a 15-year no-coverage determination under section 156 of the NGL dated 15 June 2010, which is published on the NCC's website at http://www.ncc.gov.au.

14B—Indexation of civil and criminal penalty amounts

(1) For the purposes of clauses 47A and 47B of Schedule 2 to the NGL, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

(a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and

(b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

(2) An amount adjusted under this regulation is to be rounded up or down as follows:

(a) in the case of an amount that is $10 000 or greater—to the nearest multiple of $100 (with an amount of $50 rounded up);

(b) in the case of an amount that is less than $10 000—to the nearest multiple of $10 (with an amount of $5 rounded up).

(3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.

(4) In this regulation—

index number for a quarter means—

(a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or

(b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

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.

18—Deferral of capacity auctions for Northern Territory facilities

(1) This regulation applies to NT transportation facilities, other than any transportation facility (or part of a transportation facility) located wholly or partly in the Northern Territory that is declared by the Northern Territory Minister by notice in the Northern Territory Government Gazette to be an NT transportation facility to which this regulation does not apply.

(2) Until the expiration day—

(a) transportation capacity for use of a transportation service provided by means of an NT transportation facility to which this regulation applies must not be made available for purchase through a capacity auction; and

(b) section 91BRQ(1) of the NGL does not require a person to comply with the Capacity Transfer and Auction Procedures relating to the conduct and operation of a capacity auction to the extent the capacity auction is making available for purchase transportation capacity provided by means of an NT transportation facility to which this regulation applies; and

(c) section 91FEE(1) of the NGL does not apply to a person of the kind specified in that subsection in respect of capacity auction information relating to an NT transportation facility to which this regulation applies; and

(d) the refusal by a transportation service provider to offer a transportation service for use of an NT transportation facility to which this regulation applies through a capacity auction is not, for the purposes of section 228K(1) of the NGL, engaging in conduct for the purpose of preventing or hindering access; and

(e) the refusal by a transportation service provider to offer a transportation service for use of an NT transportation facility to which this regulation applies through a capacity auction is not, for the purposes of section 228L(1) of the NGL, engaging in price discrimination; and

(f) a standard OTSA for an NT transportation facility to which this regulation applies is not required to include auction services provided by means of the NT transportation facility.

(3) The MCE is to determine the day that is the expiration day for the purposes of this regulation.

(4) The MCE is to make the determination on a day that is after the fifth anniversary of the day on which the Capacity Trading and Auction amendments commence.

(5) The MCE is to cause notice of the expiration day to be published on AEMO's website and in the South Australian Government Gazette.

(6) This regulation expires on the expiration day.

(7) This regulation has effect despite any provision of the NGL, these regulations, the National Gas Rules, the Capacity Transfer and Auction Procedures or the Operational Transportation Services Code.

(8) In this regulation—

auction service means a transportation service provided by means of transportation capacity that has been bought in a capacity auction;

Capacity Trading and Auction amendments means the amendments made to the NGL by the *National Gas (South Australia) (Capacity Trading and Auctions) Amendment Act 2018*;

expiration day is the day determined under subregulation (3);

NT transportation facility means a transportation facility (or part of a transportation facility) located wholly or partly in the Northern Territory.

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.

Prescribed gas processing plant	Prescribed exit flange or connection point
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.
Ballera	In respect of the pipeline mentioned in pipeline licence PPL no. 24 under the *Petroleum Act 1923* of Queensland— (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. In respect of the pipeline mentioned in pipeline licence PPL no. 41 under the *Petroleum Act 1923* of Queensland— (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.
Gilmore	In respect of the pipeline mentioned in pipeline licence PPL no. 15 under the *Petroleum Act 1923* of Queensland— (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.
Moura Mine	In respect of the pipeline mentioned in mining lease ML no. ML 80032 under the *Mineral Resources Act 1923* of Queensland— (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.

Prescribed gas processing plant	Prescribed exit flange or connection point
Kincora	In respect of the pipeline mentioned in pipeline licence PPL no. 3 under the *Petroleum Act 1923* of Queensland— (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.
Central Treatment (Westgrove)	In respect of the pipeline mentioned in pipeline licence PPL no. 11 under the *Petroleum Act 1923* of Queensland— (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.
Rolleston	In respect of the pipeline mentioned in pipeline licence PPL no. 10 under the *Petroleum Act 1923* of Queensland— (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.
Dawson River 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, as shown on P & ID Drawing No. DR—11014 Rev 1.
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.

Prescribed gas processing plant	Prescribed exit flange or connection point
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.
Tubridgi	In respect of the pipeline that is the subject of pipeline licence PL16 under the *Petroleum Pipelines Act 1969* of Western Australia— (a) the downstream flange of the plant exit shut down valve that— (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	In respect of the pipeline that is the subject of pipeline licence PL1 under the *Petroleum Pipelines Act 1969* of Western Australia— (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	In respect of the pipeline that is the subject of pipeline licence PL18 under the *Petroleum Pipelines Act 1969* of Western Australia— (a) the upstream flange of the insulated flange joint that— (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	In respect of the pipeline that is the subject of pipeline licence PL19 under the *Petroleum Pipelines Act 1969* of Western Australia— (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 2A—Designated compression service facilities

In this Schedule—

CGP means the transmission pipeline between Ballera in South West Queensland and Mount Isa in Queensland;

QSN Link means the section of the gas transmission pipeline between Ballera in Queensland and Moomba in South Australia known as the QSN Link;

SWQP means the gas transmission pipeline between Wallumbilla in South East Queensland and Moomba in South Australia, including the section between Wallumbilla and Ballera in Queensland and the section known as the QSN Link between Ballera and Moomba.

Location of prescribed facility	Description of prescribed facility
Ballera, Queensland	Facilities for compressing natural gas and related and incidental pipework, plant and equipment located at the Ballera gas centre, situated at Ballera in Queensland at the Ballera end of the CGP.
Iona, Victoria	Facilities for compressing natural gas and related and incidental pipework, plant and equipment located at the Iona Gas Processing Plant situated at Waarre in Victoria.
Moomba, South Australia	Facilities for compressing natural gas and related and incidental pipework, plant and equipment located at the QSN Link compound, situated at Moomba in South Australia at the Moomba end of the QSN Link section of the SWQP.
Wallumbilla, Queensland	Facilities for compressing natural gas and related and incidental pipework, plant and equipment located at the Wallumbilla compound situated at Wallumbilla in Queensland at the Wallumbilla end of the SWQP (other than facilities for compressing natural gas located on Lot 33 on Survey Plan 212840 in the area of Maranoa, title reference 50904738).

Schedule 3—Civil penalty provisions

Part 1—Tier 1 civil penalty provisions

Provisions of the NGL

Section 56

Section 57

Section 83C

Section 91BE(1)

Section 91BF(1)

Section 91BJ(1)

Section 91BN(5)

Section 91BRD(1)

Section 91BRJ(5)

Section 91BRQ(5)

Section 91BRR(1)

Section 91DB(1)

Section 91DD

Section 91LB(1)

Section 91MB(6)

Section 133

Section 134

Section 135

Section 136

Section 139

Section 140

Section 141

Section 143(6)

Section 147

Section 148

Section 169(3)

Section 170

Section 195

Section 225

Section 228K

Section 228L

Provisions of the Rules

Rule 109

Rule 135KE(3)

Rule 135KG(3)

Rule 137

Rule 138A(2)

Rule 138A(4)

Rule 150(1)

Rule 150(2)

Rule 151(1)

Rule 151(2)

Rule 153(1)

Rule 153(2)

Rule 155(3)

Rule 156(2)

Rule 157(8)

Rule 158(2)

Rule 165(1)

Rule 165(4)

Rule 171(2)

Rule 171(6)

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 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 478(1)

Rule 485(2)

Rule 487(3)

Rule 488(3)

Rule 488(10)

Rule 542

Rule 543

Rule 543A(1)

Rule 543A(2)

Rule 544

Rule 560(1)

Rule 562(3)

Rule 586(2)

Rule 612(2)

Rule 621(3)

Rule 621(4)

Rule 634(3)

Rule 638(1)

Rule 638(3)

Rule 639(2)

Rule 639(5)

Rule 640(1)

Rule 644(2)

Rule 644(3)

Rule 650(2)

Rule 650(3)

Rule 655(3)

Rule 660(2)

Rule 661(1)

Rule 661(2)

Rule 661(3)

Rule 662(1)

Rule 662(2)

Rule 662(3)

Rule 663(1)

Rule 663(2)

Rule 663(3)

Rule 672(4)

Schedule 1, clause 80(2)

Part 2—Tier 2 civil penalty provisions

Provisions of the NGL

Section 91FC(3)

Section 91FC(4)

Section 91FEA

Section 91FEE

Section 131

Section 168

Section 223

Section 228C

Provisions of the Rules

Rule 33(1)

Rule 36

Rule 37

Rule 43(1)

Rule 46

Rule 52(1)

Rule 53(6)

Rule 107

Rule 108

Rule 110

Rule 112

Rule 135CE(2)

Rule 135KG(1)

Rule 135KG(2)

Rule 135KG(4)

Rule 138

Rule 152(1)

Rule 152(2)

Rule 171(5)

Rule 369

Rule 380(1)

Rule 419(7)(b)

Rule 420(6)(b)

Rule 551(1)

Rule 551(3)

Rule 552(1)

Rule 558(1)

Rule 558(2)

Rule 585(8)

Rule 593(4)

Rule 611(10)

Rule 634(4)

Rule 634(5)

Rule 636(1)

Rule 636(4)

Rule 649(1)

Rule 649(2)

Rule 665(1)

Rule 665(6)

Rule 666(1)

Rule 666(2)

Rule 666(4)

Part 3—Tier 3 civil penalty provisions

Provisions of the NGL

Section 228B

Provisions of the Rules

Rule 27(4)

Rule 476(1)

Rule 674(1)

Schedule 5, Part 3, rule 4(4)

Schedule 5, Part 3, rule 5(2)

Schedule 5, Part 3, rule 9(1)

Schedule 5, Part 4, rule 4(5)

Schedule 5, Part 4, rule 5(2)

Schedule 5, Part 4, rule 5(4)

Schedule 5, Part 4, rule 6(1)

Schedule 5, Part 4, rule 6(2)

Schedule 5, Part 5, rule 3(1)

Schedule 5, Part 5, rule 3(2)

Schedule 5, Part 5, rule 3(3)

Schedule 4—Conduct provisions

Provisions of the Act

Section 228C

Section 228J

Section 228K

Section 228L

Provisions of the Rules

Rule 33(1)

Rule 36

Rule 107

Rule 108

Rule 109

Rule 110

Rule 112

Rule 115(3)

Rule 137

Rule 138

Rule 138AC

Rule 165(1)

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(7)

Rule 500A(3)

Rule 503

All provisions in Division 4 of Part 21

Rule 542

Rule 543

Rule 543A(1)—(2)

Rule 544

Rule 560(1)

Rule 562(3)

Rule 593(4)

Rule 634(3)

Rule 634(4)

Rule 634(5)

Rule 636(1)

Rule 636(4)

Rule 638(1)

Rule 638(3)

Rule 639(2)

Rule 639(5)

Rule 640(1)

Rule 641(1)

Rule 641(2)

Rule 643(5)

Rule 643(6)

Rule 643(9)

Rule 644(2)

Rule 644(3)

Rule 649(1)

Rule 650(2)

Rule 650(3)

Rule 655(3)

Rule 661(1)

Rule 661(2)

Rule 661(3)

Rule 662(1)

Rule 662(2)

Rule 662(3)

Rule 672(4)

Rule 674(1)

Schedule 5, Part 3, rule 9(1)

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

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.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2008	205	*Gazette 26.6.2008 p2753*	1.7.2008: r 2
2009	192	*Gazette 25.6.2009 p3024*	1.7.2009: r 2
2010	32	*Gazette 13.5.2010 p1836*	13.5.2010: r 2
2012	170	*Gazette 28.6.2012 p2950*	1.7.2012: r 2
2013	40	*Gazette 16.5.2013 p1552*	16.5.2013: r 2
2013	282	*Gazette 12.12.2013 p4737*	12.12.2013: r 2
2017	267	*Gazette 29.8.2017 p3826*	29.8.2017: r 2
2017	347	*Gazette 19.12.2017 p5185*	19.12.2017 except r 4(1)—30.9.2018: r 2
2018	226	*Gazette 22.11.2018 p4012*	22.11.2018: r 2
2020	4	*Gazette 6.2.2020 p215*	6.2.2020: r 2
2021	6	*Gazette 27.1.2021 p193*	29.1.2021: r 2
2021	40	*Gazette 15.4.2021 p1175*	15.4.2021: r 2
2022	49	*Gazette 23.6.2022 p1934*	23.6.2022: r 2
2022	**112**	***Gazette 8.12.2022 p6829***	**8.12.2022: r 2**

Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.7.2009*
r 3		
tier 1 civil penalty provision	inserted by 6/2021 r 4	29.1.2021
tier 2 civil penalty provision	inserted by 6/2021 r 4	29.1.2021
tier 3 civil penalty provision	inserted by 6/2021 r 4	29.1.2021

r 5A	inserted by 192/2009 r 4	1.7.2009
	deleted by 170/2012 r 4	1.7.2012
	inserted by 226/2018 r 4	22.11.2018
rr 5B—5D	**inserted by 112/2022 r 3**	**8.12.2022**
r 6	substituted by 6/2021 r 5	29.1.2021
r 7AA	inserted by 170/2012 r 5	1.7.2012
r 7A	inserted by 192/2009 r 5	1.7.2009
	amended by 49/2022 r 3	23.6.2022
rr 7B—7E	inserted by 40/2021 r 4	15.4.2021
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
	varied by 226/2018 r 5(1)—(3)	22.11.2018
	amended by 49/2022 r 4(1)—(5)	23.6.2022
r 10(1a)	inserted by 49/2022 r 4(6)	23.6.2022
r 10(2)	varied by 226/2018 r 5(4)	22.11.2018
	amended by 49/2022 r 4(7)—(9)	23.6.2022
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
	varied by 226/2018 r 5(5)	22.11.2018
	amended by 49/2022 r 4(10), (11)	23.6.2022
relevant event	varied by 32/2010 r 4(7), (8)	13.5.2010
	varied by 226/2018 r 5(6), (7)	22.11.2018
	amended by 49/2022 r 4(12), (13)	23.6.2022
r 11	substituted by 192/2009 r 6	1.7.2009
r 12	*deleted by 40/2021 r 5*	*15.4.2021*
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
r 14A	inserted by 40/2013 r 4	16.5.2013
r 14B	inserted by 6/2021 r 6	29.1.2021
rr 15 and 16	inserted by 192/2009 r 8	1.7.2009
r 17	inserted by 170/2012 r 6	1.7.2012
r 18	inserted by 226/2018 r 6	22.11.2018
Sch 1		
cll 1 and 2	*deleted by 192/2009 r 9*	*1.7.2009*
Sch 2A	inserted by 226/2018 r 7	22.11.2018
Sch 3	varied by 192/2009 r 10(1), (2)	1.7.2009
	varied by 32/2010 r 5	13.5.2010
	varied by 282/2013 r 4	12.12.2013
	varied by 347/2017 r 4(2)	19.12.2017
	varied by 347/2017 r 4(1)	30.9.2018
	varied by 226/2018 r 8(1), (2)	22.11.2018

	varied by 4/2020 r 4	6.2.2020
	substituted by 6/2021 r 7	29.1.2021
	amended by 49/2022 r 5(1)—(8)	23.6.2022
Sch 4	varied by 192/2009 r 11	1.7.2009
	varied by 32/2010 r 6	13.5.2010
	varied by 170/2012 r 7	1.7.2012
	varied by 282/2013 r 5	12.12.2013
	varied by 267/2017 r 4(1), (2)	29.8.2017
	varied by 347/2017 r 5(1), (2)	19.12.2017
	varied by 226/2018 r 9(1), (2)	22.11.2018
	varied by 4/2020 r 5	6.2.2020

Historical versions

1.7.2009
13.5.2010
1.7.2012
16.5.2013
12.12.2013
29.8.2017
19.12.2017
30.9.2018
22.11.2018
6.2.2020
29.1.2021
15.4.2021
23.6.2022