

South Australia



ANNO QUINQUAGESIMO PRIMO
ELIZABETHAE II REGINAE
A.D. 2002

**GAS PIPELINES ACCESS (SOUTH AUSTRALIA) (REVIEWS)
AMENDMENT ACT 2002**

No. 22 of 2002

[Assented to 31 October 2002]

An Act to amend the Gas Pipelines Access (South Australia) Act 1997.

SUMMARY OF PROVISIONS

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Gas Pipelines Access (South Australia) (Reviews) Amendment Act 2002*.

(2) The *Gas Pipelines Access (South Australia) Act 1997* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 11 of Sched. 1—Classification when Ministers do not agree

3. Section 11 of Schedule 1 of the principal Act is amended—

(a) by striking out from subsection (2) "and the relevant Ministers of the scheme participants" and substituting ", the relevant Ministers of the scheme participants and the Code Registrar";

(b) by inserting after subsection (3) the following subsection:

(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.

Amendment of s. 38 of Sched. 1—Application for review

4. Section 38 of Schedule 1 of the principal Act is amended—

(a) by inserting in subsection (1) ", in accordance with this Part and any applicable law governing the practice and procedure of that body," after "body";

(b) by striking out subsection (2) and substituting the following subsection:

(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.;

(c) by inserting in subsection (6)(a) "or (1a)" after "section 39(1)".

Amendment of s. 39 of Sched. 1—Limited review of certain decisions of Regulator

5. Section 39 of Schedule 1 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(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**
- (b) to make the Regulator's own variation of a Reference Tariff within an Access Arrangement Period—**
 - (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.;

- (b) by striking out from subsection (2) "subsection (1)" and substituting "this section";**
- (c) by inserting in subsection (2)(b) "in the case of an application under subsection (1)," before "may";**
- (d) by striking out from subsection (3) "subsection (1)" and substituting "this section";**
- (e) by striking out paragraphs (a) and (b) of subsection (5) and substituting the following paragraphs:**

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

(f) by inserting after subsection (6) the following subsection:

(7) In this section—

"Access Arrangement Period" and "Reference Tariff" have the same meanings as in the Code.

Amendment of s. 41 of Sched. 1—Power to obtain information and documents

6. Section 41 of Schedule 1 of the principal Act is amended by inserting after paragraph (c) of the definition of "prescribed duty" in subsection (9) the following paragraph:

(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);.