



Queensland

Gas Supply Act 2003

Gas Supply Regulation 2003

Reprinted as in force on 1 November 2005

Reprint No. 1B

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Information about this reprint

This regulation is reprinted as at 1 November 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Gas Supply Regulation 2003

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Gas Supply Regulation 2003

[as amended by all amendments that commenced on or before 1 November 2005]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Gas Supply Regulation 2003*.

3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

3A Notes in text

A note in the text of this regulation is part of this regulation.

Part 2 Market operating arrangements in natural gas market

Division 1 Preliminary

4 Revocation of approval of code of conduct

The approval of the code of conduct called ‘Gas retail market business rules for consumers using at least 100TJ per year’ made by the Minister on 30 April 2003 is revoked.

Note—

The approval was given under this regulation before the commencement of this section.

5 Approval of code of conduct—Act, s 146

The code of conduct called ‘Gas retail market business rules for consumers using at least 1TJ per year’ made by the Minister on 21 September 2005 (the *code*) is approved.

Note—

Copies of the code are available for inspection at the department’s office at 61 Mary Street, Brisbane. The code is also available for inspection on the department’s website at <www.energy.qld.gov.au>.

6 Application of code—Act, s 146

The code applies for arrangements relating to the operation or use of—

- (a) a distribution pipeline that is a covered pipeline; or
- (b) a transmission pipeline, to the extent its operation or use affects the operation or use of a distribution pipeline that is a covered pipeline.

7 Relationship of pt 2 and market services agreement with Gas Pipelines Access (Queensland) Law etc.

- (1) If a provision of this part or a market services agreement is inconsistent with the Gas Pipelines Access (Queensland) Law or an access arrangement approved under the third party access code, the law or access arrangement prevails to the extent of the inconsistency.

- (2) In this section—

third party access code means the National Third Party Access Code for National Gas Pipeline Systems, a copy of which is contained in the schedule of the Gas Pipelines Access (Queensland) Law.

Division 2 Terms of arrangement

8 Network operator and user to enter into market services agreement

- (1) A user who proposes to begin supplying fuel gas to 1 or more contestable customers (a *relevant user*) must give a negotiation notice to the relevant network operator.
- (2) The relevant user and the relevant network operator must negotiate a market services agreement in good faith.
- (3) If the relevant user and the relevant network operator do not enter into a market services agreement within 100 days after the day on which the network operator received the negotiation notice, the parties are taken to have entered into a market services agreement consisting of the required terms.
- (4) A market services agreement must include the required terms without amendment.

- (5) In this section—

negotiation notice means a written notice stating—

- (a) that a relevant user requires the relevant network operator to negotiate a market services agreement with the user; and
- (b) any terms, other than the required terms, the user intends to negotiate with the network operator.

relevant network operator, for a relevant user, means the network operator of a network through which fuel gas is or will be transported for supply to a contestable customer of the user.

required terms means the terms stated in the code, parts B to F.

Part 3 **Miscellaneous provisions**

19A **Threshold amount for contestable customer certification**

For schedule 1, section 5(4), definition *threshold amount*, paragraph (a), of the Act, the amount is 1TJ.

20 **Fees**

The fees payable under the Act are stated in schedule 1.

Schedule 1 Fees

section 20

Part 1 Distribution authorities

	\$
1 Application for distribution authority (Act, s 28)	250.00
2 Amount payable for each financial year during the term of an area distribution authority (Act, s 40)—	
(a) natural gas distribution area less than 100km ²	500.00
(b) natural gas distribution area 100km ² or more but less than 300km ²	5 000.00
(c) natural gas distribution area 300km ² or more	20 000.00
(d) distribution area for fuel gas other than natural gas	500.00
3 Application to amend distribution authority, other than an amendment correcting a clerical or formal error (Act, s 55)	75.00
4 Application to renew distribution authority (Act, s 64)	nil
5 Application to transfer distribution authority (Act, s 64)	250.00
6 Application for approval of surrender of distribution authority (Act, s 73).	nil

Schedule 1 (continued)

Part 2 Retail authorities

	\$
1 Application for retail authority (Act, s 149)	250.00
2 Amount payable for each financial year during the term of a retail authority (Act, s 166)—	
(a) for a general retailer.	2 500.00
(b) for an incumbent retailer	135 000.00
(c) for a retailer not mentioned in paragraph (a) or (b), for each retail area stated in the retail authority.	1 000.00
3 Application to amend retail authority, other than an amendment correcting a clerical or formal error (Act, s 179)	75.00
4 Application to renew retail authority (Act, s 188)	nil
5 Application to transfer retail authority (Act, s 192) . .	250.00
6 Application for approval of surrender of retail authority (Act, s 197)	nil

Part 3 Other fees

	\$
1 Late payment fee for a fee mentioned in part 1, item 2 or part 2, item 2 paid after the day on which payment is required under the authority (Act, s 323)	75.00
2 Application to amend new authority by imposing further conditions (Act, s 330)	75.00
3 Application to consolidate authorities (Act, s 333) . . .	175.00

Schedule 2 Dictionary

section 3

code see section 5.

incumbent retailer means—

- (a) Energex Retail Pty Ltd ACN 078 848 549; or
- (b) Origin Energy Ltd ACN 000 051 696.

market services agreement means an agreement between a network operator and a user stating the terms on which the network operator provides services to the user that enable the user to do each of the following—

- (a) effectively and efficiently supply fuel gas, transported through a network with more than 1 user, to a contestable customer;
- (b) transfer a contestable customer to or from another user;
- (c) accurately charge a contestable customer for fuel gas consumed;
- (d) obtain accurate information about the quantities of fuel gas—
 - (i) transported through a network section for the user; and
 - (ii) supplied by 1 or more shippers to the section for the user.

network means a distribution system in which the distribution pipelines are covered pipelines.

network operator, for a network, means the person who operates the network.

network section means a contained section of a network—

- (a) into which fuel gas enters at a single entry point; and
- (b) from which fuel gas is withdrawn at 1 or more delivery points within the section.

Schedule 2 (continued)

shipper means a person contracted—

- (a) by the owner or operator of a transmission pipeline to transport fuel gas through the pipeline; and
- (b) to supply fuel gas for any of the following persons at the point at which fuel gas enters a network section—
 - (i) a network operator or a network user;
 - (ii) a person from whom the network operator or network user purchases fuel gas.

user, for a network, means a user within the meaning of the Gas Pipelines Access (Queensland) Law.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 November 2005. Future amendments of the Gas Supply Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Notes
1	none	1 July 2003	
1A	2005 SL No. 139	1 July 2005	
1B	2005 SL No. 248	1 November 2005	

5 List of legislation

Gas Supply Regulation 2003 SL No. 122

made by the Governor in Council on 19 June 2003

notfd gaz 20 June 2003 pp 633–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

exp 1 September 2013 (see s SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Gas Supply Amendment Regulation (No. 1) 2005 SL No. 139

notfd gaz 24 June 2005 pp 639–45

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

Gas Supply Amendment Regulation (No. 2) 2005 SL No. 248

notfd gaz 7 October 2005 pp 507–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 2005 (see s 2)

6 List of annotations

Commencement

s 2 om 2005 SL No. 248 s 4

Notes in text

s 3A ins 2005 SL No. 248 s 5

Revocation of approval of code of conduct

s 4 sub 2005 SL No. 248 s 6

Approval of code of conduct—Act, s 146

s 5 sub 2005 SL No. 248 s 6

Application of code—Act, s 146

s 6 sub 2005 SL No. 248 s 6

Creation and operation of delivery point registry

s 9 om 2005 SL No. 248 s 7

Network user to provide accurate information for delivery point registry

s 10 om 2005 SL No. 248 s 7

Amendments to delivery point information

s 11 om 2005 SL No. 248 s 7

Access to information about delivery point—network user

s 12 om 2005 SL No. 248 s 7

Access to information about delivery point—current user

s 13 om 2005 SL No. 248 s 7

Confidentiality

s 14 om 2005 SL No. 248 s 7

Metering equipment and data

s 15 om 2005 SL No. 248 s 7

Development of procedures

s 16 om 2005 SL No. 248 s 7

New user—allocation of fuel gas

s 17 om 2005 SL No. 248 s 7

Dispute resolution

s 18 om 2005 SL No. 248 s 7

Rules interpretation register

s 19 om 2005 SL No. 248 s 7

PART 3—MISCELLANEOUS PROVISIONS**Threshold amount for contestable customer certification**

s 19A ins 2005 SL No. 139 s 4

PART 4—AMENDMENT OF GAS REGULATION 1989

pt 4 (ss 21–23) om R1 (see RA s 40)

SCHEDULE 2—DICTIONARY

def “code” sub 2005 SL No. 248 s 8(1)–(2)

def “covered transmission pipeline” om 2005 SL No. 248 s 8(1)

def “current user” om 2005 SL No. 248 s 8(1)

def “delivery point” om 2005 SL No. 248 s 8(1)

def “delivery point information” om 2005 SL No. 248 s 8(1)

def “delivery point registry” om 2005 SL No. 248 s 8(1)

def “hourly metering equipment” om 2005 SL No. 248 s 8(1)

def “network user” om 2005 SL No. 248 s 8(1)