Western Australia

National Gas Access (WA) (Act Amendment) (Gas Pipelines) Regulations 2026

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National Gas Access (WA) (Act Amendment) (Gas Pipelines) Regulations 2026

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *National Gas Access (WA) (Act Amendment) (Gas Pipelines) Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) Part 2 (other than Division 3) — on the day on which the *National Gas Access (WA) Adoption of Amendments (Gas Pipelines) Order 2026* clause [4] comes into operation;

(c) the rest of the regulations — on the day on which the *National Gas Access (WA) Adoption of Amendments (Gas Pipelines) Order 2026* clause [7] comes into operation.

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Part 2 — *National Gas Access (WA) Act 2009* Schedule 1 amended

Division 1 — Preliminary

3. Schedule 1 of the Act amended

This Part amends the *National Gas Access (WA) Act 2009* Schedule 1.

Division 2 — Amendments commencing with preliminary adoptions

4. Clause 3 amended

After clause 3(4) insert:

(5) In section 2 in the definition of ***natural gas industry*** paragraph (a)(ii) delete "(including liquefied natural gas)".

(6) In section 2 in the definition of ***natural gas industry facility*** delete paragraph (d).

(7) In section 2 in the definition of ***storage facility*** delete "(including liquefied natural gas)".

5. Clause 4A inserted

After clause 4 insert:

4A. Section 8 modified

In section 8(2):

(a) delete "AEMO" (1st occurrence) and insert:

a gas market operator

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(2) delete "AEMO" (2nd occurrence) and insert:

the gas market operator

6. Clause 7C inserted

After clause 7B insert:

7C. Section 53 modified

In section 53(3) delete "order or a price information order," and insert:

order,

Division 3 — Amendments commencing with primary adoption

7. Clause 3 amended

In clause 3(2) in the inserted definition of ***initial National Gas Rules***:

(a) in paragraph (c) delete "p. 404);" and insert:

p. 404); and

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(b) after paragraph (c) insert:

(d) the *National Gas Amendment (Gas Pipelines) Rule 2023* made by the Minister for Energy and Mining of South Australia under the National Gas (South Australia) Law section 294FB (notice of which was published in the *Government Gazette* of South Australia on 16 March 2023 at p. 545), other than the following —

(i) rule 6(1) to the extent that it inserts paragraph (b) of the definition of ***decision maker***;

(ii) rule 13 to the extent that it inserts rule 29F(3)(c);

(iii) rule 76;

(iv) rule 77;

8. Clause 7D inserted

After clause 7C insert:

7D. Section 64F modified

In section 64F(5) delete "Law, the National Electricity Law or the National Energy Retail Law." and insert:

Law.

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9. Clause 9 replaced

Delete clause 9 and insert:

9. Section 83 modified

In section 83(4)(b) delete "331." and insert:

330.

9A. Section 115 modified

In section 115 delete "sections 83C and 135," and insert:

section 135,

9B. Section 136 modified

In section 136 delete "Subject to section 91BF, a" and insert:

A

9C. Section 136A modified

In section 136A(1) delete "pipeline, other than a pipeline within a declared transmission system." and insert:

pipeline.

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9D. Section 152A inserted

After section 152 insert:

152A. ERA must provide information relevant to scheme pipeline access dispute to WA arbitrator

(1) If the WA arbitrator receives a notice of a scheme pipeline access dispute under section 152(2)(a)—

(a) the WA arbitrator must inform the ERA that a notice of the dispute has been received; and

(b) the WA arbitrator may request the ERA to give the WA arbitrator any information in the ERA's possession that is relevant to the dispute.

(2) If the WA arbitrator requests information, the ERA must give the WA arbitrator the information requested, whether or not it is confidential and whether or not it came into the ERA's possession for the purposes of resolving the dispute.

(3) If the ERA gives the WA arbitrator information that is confidential, the ERA must identify the nature and extent of the confidentiality and the WA arbitrator must treat the information accordingly.

10. Clause 11A inserted

After clause 11 insert:

11A. Section 268 modified

In section 268(2) delete "or AEMO" (each occurrence).

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11. Clause 13A amended

(1) Delete clause 13A(2).

(2) In clause 13A(3) in the inserted text delete "clause;" and insert:

clause.

12. Clause 13B inserted

After clause 13A insert:

13B. Section 332 modified

In section 332(3) in the definition of ***regulatory scheme decision maker*** delete paragraph (c) and insert:

(c) the Bulletin Board operator.

13. Clause 14 replaced

Delete clause 14 and insert:

14. Schedule 1 modified

In Schedule 1:

(a) delete the heading "**Sale and supply of gas to customers**";

(b) delete items 43 and 44;

(c) delete the heading "**AER gas price reporting functions**";

(d) delete item 56;

(e) delete the heading "**AEMO**";

(f) delete items 57 to 77;

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(g) in item 79 delete "AEMO" and insert:

the Bulletin Board operator

(h) in item 80:

(i) delete "AEMO," and insert:

the Bulletin Board operator,

(ii) delete "AEMO" and insert:

the Bulletin Board operator

(i) in items 82 and 89 delete "AEMO" and insert:

the Bulletin Board operator

(j) delete the heading "**Facilitating capacity trades and the capacity auction**";

(k) delete items 91 to 103;

(l) delete the heading "**Capacity auctions**";

(m) delete items 104 to 114;

(n) delete the heading "**Standard market timetable**";

(o) delete items 115 and 116;

(p) in item 125 delete "AEMO" and insert:

the Bulletin Board operator

(q) delete item 127;

(r) in item 129 delete "section 20 of the *National Gas (South Australia) Act 2008* of South Australia." and insert:

the *National Gas Access (WA) Act 2009* section 30.

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(s) delete item 130.

14. Clause 16AA inserted

After clause 16 insert:

16AA. Schedule 2 clause 47 modified

Delete Schedule 2 clause 47(2).

15. Clause 18 amended

(1) After clause 18(1) insert:

(1A) In Schedule 3 clause 1A(2) in the definition of ***former section 2*** delete "commencement of Part 19." and insert:

coming into operation of the *National Gas Access (WA) Adoption of Amendments (Gas Pipelines) Order 2026* clause 7.

(2) After clause 18(6G) insert:

(6H) In Schedule 3 clause 104 in the definition of ***commencement day*** delete "this Part comes into operation;" and insert:

the *National Gas Access (WA) Adoption of Amendments (Gas Pipelines) Order 2026* clause 7 comes into operation;

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[(6I) In Schedule 3 after clause 128 insert:

129. Provision for Goldfields Gas Pipeline

(1) In this clause —

Goldfields Gas Pipeline —

(a) means the transmission pipeline defined in Pipeline Licence 24, issued under the *Petroleum and Greenhouse Gas Pipelines Act 1969*, as in effect immediately before commencement day; and

(b) includes any extension to, or expansion of the capacity of, that pipeline that existed immediately before commencement day;

non-scheme Goldfields Gas Pipeline means the non-scheme pipeline deemed under subclause (2)(b);

scheme Goldfields Gas Pipeline means —

(a) the scheme pipeline deemed under subclause (2)(a); and

(b) any extension to, or expansion of the capacity of, that pipeline that under this Law is taken to be part of that pipeline.

Note for this definition:

In relation to paragraph (b), see subclauses (4), (5) and (6) and section 18.

(2) The Goldfields Gas Pipeline —

(a) to the extent that it was, immediately before commencement day, a covered pipeline, is, on commencement day, deemed to be —

(i) a pipeline; and

(ii) a scheme pipeline;

and

(b) to the extent that it provides pipeline services by means of an expansion of the capacity of the pipeline that, under the pre-amended Law, was not

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taken to be part of the covered pipeline, is deemed to be —

(i) a pipeline; and

(ii) despite paragraph (b) of the definition of ***scheme pipeline*** in section 2, a non-scheme pipeline.

(3) On commencement day, a scheme pipeline determination is deemed to have been made in relation to the Goldfields Gas Pipeline to the extent that it was, immediately before commencement day, a covered pipeline.

(4) Despite section 19, an expansion of the capacity of the non-scheme Goldfields Gas Pipeline must be taken to be an expansion of the capacity of the scheme Goldfields Gas Pipeline.

Note for this subclause:

See section 18(3) in relation to the effect of an expansion of the capacity of the scheme Goldfields Gas Pipeline.

(5) An extension to the non-scheme Goldfields Gas Pipeline must be taken to be an extension to the scheme Goldfields Gas Pipeline.

Note for this subclause:

See section 18(1) and (2) in relation to the effect of an extension of the scheme Goldfields Gas Pipeline.

(6) Despite section 94 and 96(3), if a scheme pipeline determination or scheme pipeline election is made in relation to the non-scheme Goldfields Gas Pipeline, then, when the determination or election takes effect —

(a) subclause (2)(b) ceases to have effect; and

(b) the non-scheme Goldfields Gas Pipeline must be taken to be part of the scheme Goldfields Gas Pipeline; and

(c) the scheme Goldfields Gas Pipeline as expanded must be taken to be a scheme pipeline.

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(7) Clause 105 does not apply in relation to the Goldfields Gas Pipeline to the extent that it was, immediately before commencement day, a covered pipeline.

(8) Nothing in this clause affects whether a pipeline or part of a pipeline is a designated pipeline.]

Clerk of the Executive Council

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