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Department of
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WA National Gas Law – Adoption of the Other Gases Package

Information paper

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Abbreviations

Term	Definition
AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
DEED	Department of Energy and Economic Diversification
LNG	Liquefied Natural Gas
Local Provisions Regulations	National Gas Access (WA) (Local Provisions) Regulations 2009 (WA)
NERL	National Energy Retail Law
NGL	National Gas Law
NGL(WA)	National Gas Access (Western Australia) Law as applied by the WA Act. Commonly referred to as Western Australia's National Gas Law
NGR	National Gas Rules
NGR(WA)	Western Australia's National Gas Rules
Other Gases Act	*Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA)
Other Gases Package	Collective term of amendments to the NGL framework made by the Other Gases Act, Other Gases Regulations and Other Gases Rule
Other Gases Regulations	National Gas (South Australia) (Other Gases) Amendment Regulations 2024 (SA)
Other Gases Rule	National Gas Amendment (Other Gases) Rule 2024
Part 3 Regulations	National Gas Access (WA) (Part 3) Regulations 2009 (WA)
SA	South Australia
SA Regulations	National Gas (South Australia) Regulations (SA)
WA	Western Australia
WA Act	*National Gas Access (WA) Act 2009* (WA)

Introduction

This paper is to advise stakeholders that Western Australia (WA) intends to adopt relevant amendments to its National Gas Law regime made by the *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA) (Other Gases Act), National Gas (South Australia) (Other Gases) Amendment Regulations 2024 (SA), and National Gas Amendment (Other Gases) Rule 2024.[1] These amendments are collectively known as the Other Gases Package.

The reforms introduced by the Other Gases Package build on the Gas Pipelines Package reforms. The Energy Policy WA group within the Department of Energy and Economic Diversification (DEED) is currently consulting publicly about the Gas Pipelines Package. Interested parties can provide feedback on the proposed amendments on the DEED website.[2]

Call for submissions

WA's draft regulatory instruments for implementing the Other Gases Package, along with a marked-up version of the National Gas Access (WA) Law showing the amendments,[3] are available on DEED's website. DEED welcomes stakeholder input on these instruments, particularly if there are any considerations concerning their implementation in WA. DEED is not seeking feedback on the policy underpinning the Other Gases Package as it has already been subject to two rounds of national consultation and agreed to by national Energy Ministers.[4]

Submissions can be emailed to gasnetworkpolicy@deed.wa.gov.au. Stakeholders are asked to provide detailed supporting evidence of direct impacts where possible.

All submissions will be published at www.energy.wa.gov.au, unless a specific request for confidentiality is made. If this is the case, please indicate which parts of your submission you wish to keep confidential and if you want to remain anonymous.

The consultation period closes at **5:00pm (AWST) on Friday 4 December 2026**. Late submissions may not be considered.

1 As South Australia (SA) is lead legislator for the National Gas Law (NGL), amendments pass through the SA Parliament.
2 Stakeholders can view, and provide feedback on, the consultation package for the Gas Pipelines Package at https://www.wa.gov.au/government/document-collections/consultation-western-australias-adoption-of-the-national-gas-law-gas-pipelines-package.
3 The marked-up version of the National Gas Access (WA) Law (NGL(WA)) showing the Other Gases amendments assumes that the amendments made by the Gas Pipelines Package, on which the Department of Energy and Economic Diversification (DEED) is currently consulting, have been made as proposed.
4 See Department of Climate Change, Energy, the Environment and Water (DCCEEW), *Extending the national gas regulatory framework to hydrogen and renewable gases*, DCCEEW website, 14 July 2023.

Background

The National Gas Law (NGL) and National Gas Rules (NGR) establish the legislative and regulatory framework for gas markets and pipelines across Australia.

WA adopts a modified version of this framework through the *National Gas Access (WA) Act 2009* (WA Act), consisting of a Western Australian version of the National Gas Law (NGL(WA)), the National Gas Access (WA) (Part 3) Regulations 2009 (Part 3 Regulations), and the Western Australian National Gas Rules (NGR(WA)). Together, these instruments provide for the economic regulation of third-party access to gas pipelines within WA.

Other Gases Package

In October 2022, national Energy Ministers agreed to amendments to the NGL regime to bring other 'covered gases' than natural gas such as hydrogen, biomethane and synthetic methane under the national gas regulatory framework.

The reforms, which became the Other Gases Package, aim to support the development of renewable gas markets by removing regulatory barriers, enhancing transparency, and ensuring consistent oversight across jurisdictions. The reforms align with the objectives of WA's industry development measures in relation to renewable hydrogen or bio-gas, as well as Australia's broader energy transition goals.[5]

The Other Gases Package commenced in other Australian jurisdictions in March 2024.

For detailed information about the national consultation conducted in relation to the Other Gases Package, stakeholders are encouraged to visit the website of the Federal Department of Climate Change, Energy, the Environment and Water: Extending the national gas regulatory framework to hydrogen and renewable gases | energy.gov.au.

Overview of the reforms

The Other Gases Package aims to:

- promote competition and efficient infrastructure use by extending the pipeline access regime to transmission and distribution pipelines transporting covered gases;
- introduce a light-handed access regime for blend processing facilities to encourage competition in contestable parts of the industry;
- limit the misuse of market power through ring-fencing and associate contract provisions, reducing the risk of infrastructure owners restricting competition;

[5] The 2019 and 2024 national hydrogen strategies are available at DCCEEW, *Australia's National Hydrogen Strategy*, DCCEEW website, n.d.

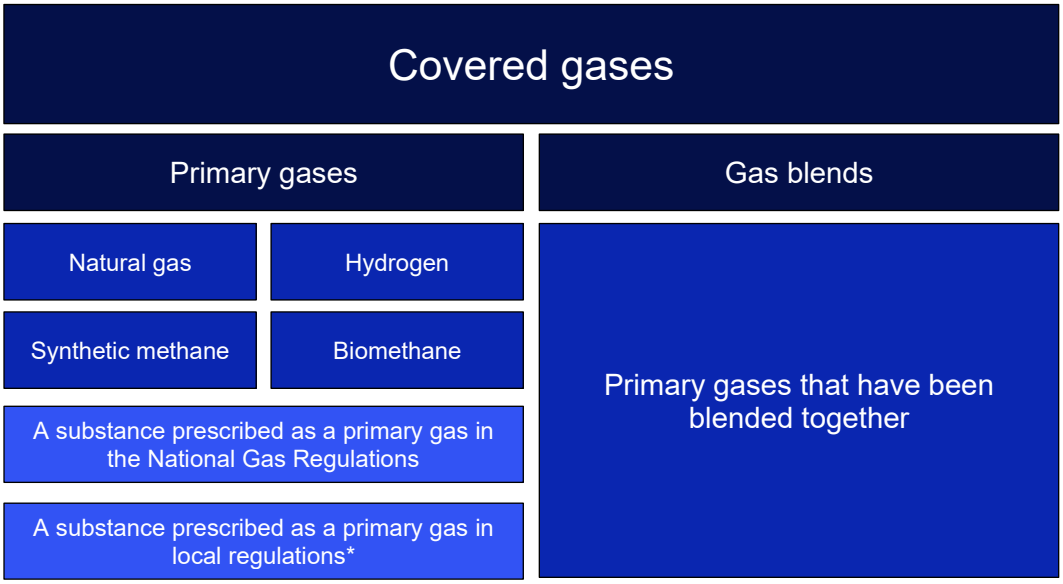
- provide regulatory certainty for producers, retailers, and investors by ensuring reasonable access to key infrastructure involved in the hydrogen and renewable gas industry;
- support innovation and early-stage investment by extending greenfield pipeline incentives to infrastructure transporting covered gas; and
- maintain a flexible and proportionate regulatory framework that can adapt to emerging technologies and market developments while minimising regulatory burden.

Covered gases

Once applied to WA, the reforms will extend the scope of the NGL(WA) to include 'covered gases', comprising:

- primary gases: natural gas, hydrogen, biomethane, and synthetic methane; and
- blends of these primary gases.

Figure 1: Gases and blends in scope of the NGL(WA)



** Only applicable in WA*

Source: *Based on Jurisdictional Officials,* Extending the national gas regulatory framework to hydrogen and renewable gases and blends: Proposed changes to NGL, NERL and National Regulations, *Consultation Paper, 31 March 2022, Figure 3.1.*

In the future, WA may designate additional gases as a primary gas through the Part 3 Regulations or local regulations made under section 21 of the WA Act. A gas designated as a primary gas by the Part 3 Regulations would likely reflect a national decision that the gas should be regulated by the NGL in all Australian jurisdictions.[6] In contrast, the

[6] The National Gas Access (Part 3) Regulations 2009 (WA) (Part 3 Regulations) are Western Australia's equivalent to the *National Gas (South Australia) Regulations* (SA) (SA Regulations). If the SA Regulations are amended and Western Australia (WA) wishes to adopt the changes, it must amend the Part 3 Regulations to reflect the SA Regulations' changes. The Part 3 Regulations are made under Part 3 of the *National Gas Access (WA) Act 2009* (WA) (WA Act). Any change to the Part 3 Regulations can only be made on the unanimous recommendation of Energy Ministers whose jurisdictions participate in the NGL.

designation of a gas as a primary gas using local regulations made under section 21 of the WA Act would only apply to WA.[7]

Figure 1 (above) shows the scope of gases and blends in the NGL(WA).

Adoption in Western Australia

WA will adopt the Other Gases Package through the following instruments:

- the National Gas Access (WA) Adoption of Amendments (Other Gases) Order, which identifies the parts of the Other Gases Act that are relevant to WA;
- the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations, which modifies the relevant parts of the Other Gases Act, so they suit WA circumstances; and
- the National Gas Access (WA) (Part 3) Amendment (Other Gases) Regulations, which implements the equivalent national regulations in the WA context.

Consultation drafts of these instruments, along with a marked-up version of the NGL(WA) showing the proposed amendments as tracked changes,[8] are available on the DEED website.

Once these instruments come into effect, the Australian Energy Market Commission (AEMC) will consolidate the NGR(WA) to reflect the Other Gases Package amendments and publish an updated version at https://energy-rules.aemc.gov.au/wangr.

Amendments not adopted

While WA intends to declare most amendments made by the Other Gases Act as relevant, some amendments will not be adopted because they relate to:

- NGL provisions introduced through earlier national reforms that WA has not declared relevant (i.e. provisions relating to wholesale and retail gas market arrangements);
- the Natural Gas Services Bulletin Board[9]; and/or
- national energy frameworks to which WA is not a party.

The amendments that WA will not be adopting are listed in Appendix 1.

[7] WA currently has one piece of subsidiary legislation made under WA Act, s 21: the National Gas Access (WA) (Local Provisions) Regulations 2009 (WA). Should any local regulations be made in the future to designate a gas as a primary gas in WA, they would likely form part of the Local Provisions Regulations.

[8] The marked-up version of the NGL(WA) showing the Other Gases amendments assumes that the amendments made by the Gas Pipelines Package, on which DEED is currently consulting, have been made as proposed.

[9] WA has its own legislation that governs Gas Bulletin Board requirements, the *Gas Services Information Act 2012* (WA).

Western Australian modifications

Under section 7B of the WA Act, the Governor of Western Australia may make regulations to amend the NGL(WA) where necessary or expedient to address the consequences of adopting or not adopting an amendment to the NGL.

Appendix 2 lists the modifications that WA will make and the rationale for each modification.

Remote pipeline exemptions

WA is proposing to modify the new section 14, which allows for pipelines to be exempt from the pipeline access regime if they meet the criteria of a remote pipeline.[10] Under this provision, pipelines may qualify for a remote pipeline exemption if they are:

- transporting covered gases other than natural gas or a natural gas equivalent;
- located entirely within a single jurisdiction; and
- not interconnected with other transmission or distribution systems.

Section 14, as it is drafted in the Other Gases Act, must be modified to ensure that it functions in WA as intended by the national reforms. The modifications, which are set out in the consultation draft of the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations 2026[11] and marked-up version of NGL(WA):

- recognise that WA gas pipeline systems operate wholly within the State and do not cross jurisdictional borders;[12] and
- introduce a definition of 'natural gas equivalent' into section 14.[13]

These modifications ensure that:

- stand-alone or isolated pipelines transporting covered gases in WA can access the remote pipeline exemption where appropriate, while maintaining regulatory coverage for natural gas and natural gas equivalents; and
- the NGL(WA) remains consistent with the intent of the national reforms.

Possible WA National Gas Rules changes

As part of the Gas Pipelines Package consultation process, DEED is currently seeking stakeholder feedback on WA's intention to adopt Part 18A of the National Gas Rules, which

[10] New section 14 of the NGL(WA) will be inserted upon WA's adoption of *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA) (Other Gases Act), s 11.

[11] See National Gas Access (WA) (Act Amendment) (Other Gases) Regulations 2026 (consultation draft), reg 6.

[12] New s 14(1)(c), as drafted in the Other Gases Act, specifies that a pipeline can only be a remote pipeline if it 'is not, or will not be, interconnected in any way with the system of transmission pipelines and distribution pipelines used to convey gas *within and between* participating jurisdictions [emphasis added].' As there are no pipelines in WA that cross jurisdictional borders, applying this criterion without modification could mean a wider range of WA pipelines are eligible for a remote pipeline exemption than intended by the national reforms.

[13] New s 14(1)(a), as drafted in the Other Gases Act, relies on the definition of 'natural gas equivalent' in the National Energy Retail Law (NERL). As WA is not a party to the NERL, it must introduce this definition into NGL(WA), s 14.

requires service providers of stand-alone compression service facilities and gas storage facilities to publish standing terms and report actual prices paid by users.[14]

Part 18A cannot apply to WA until a rule change request is made to the AEMC, extending its application to WA and incorporating definitions into Part 18A to ensure the framework operates as intended. As the Other Gases Package extends the transparency requirements under Part 18A to blend processing facilities, any rule change request would also have to address these changes to ensure that the rules associated with blend processing facilities operate as intended.

[14] See the wa-national-gas-law-adoption-of-the-gas-pipelines-package-information-and-consultation-paper-final-published-version.PDF, section 3.2.

Appendices

Appendix 1: Components in the Other Gases Package that WA will not adopt

The *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA) (Other Gases Act) consists of five Parts. WA will not be declaring as relevant any of the sections in:

- Part 1, which contains the introductory and machinery provisions of the Other Gases Act; or
- Parts 2, 4 and 5, which amend the *National Gas (South Australia) Act 2008* (SA), *National Energy Retail Law (South Australia) Act 2011* (SA) and National Energy Retail Law. As WA is not party to these laws, the amendments do not apply in WA.

Part 3 of the Other Gases Act amends the National Gas Law (NGL). While WA will adopt most of Part 3, certain amendments will not be declared relevant because they affect components of the NGL—such as definitions, provisions or titles—that do not exist in WA's version of the National Gas Law (NGL(WA)). These components are not in the NGL(WA) because WA did not declare them as relevant when they were introduced into the NGL through earlier national reforms.

WA will also not be adopting Part 3 amendments that relate to the Natural Gas Services Bulletin Board. While the NGL(WA) contains Natural Gas Services Bulletin Board provisions, they have never been applied to WA. Instead, WA operates a separate market transparency regime, consisting of the WA Gas Bulletin Board and WA Gas Statement of Opportunities, under the *Gas Services Information Act 2012* (WA). To avoid any implication that the NGL(WA) Bulletin Board provisions apply in WA, any provisions of the Other Gases Act that concern the Natural Gas Services Bulletin Board will not be declared as relevant.

Table 1 lists all the Part 3 sections that WA will not declare as relevant.

Table 1 – Sections in Part 3 of the Other Gases Act that WA will not adopt

Other Gases Act section	National Gas Law component that it amends
6(1)	Section 2(1), definition of *BB Procedures*
6(3)	Section 2(1), definition of *Bulletin Board information*
6(7)	Section 2(1), definition of *declared wholesale gas market*
6(9)	Section 2(1), definition of *east coast gas system*
6(12)	Section 2(1), definition of *gas powered generator*
6(13) and (14)	Section 2(1), definition of *gas trading exchange*
6(20)	Section 2(1), definition of *Natural Gas Services Bulletin Board*
6(33)	Section 2(1), definition of *retail customer*

Other Gases Act section	National Gas Law component that it amends
6(34)	Section 2(1), definition of *short term trading market*
6(38)	Section 2(1), definition of *trader*
6(39)	Section 2(1), definition of *transportation capacity*
6(40)	Section 2(1), definition of *trial project*
8	Section 8A
9(2)	Section 10(4)
14	Section 24A
15	Section 27
18	Section 30U
19	Section 30W
21(2)	Section 74(1)(a)(viia)
21(3)	Section 74(1)(ab)
23	Section 83B
24	Section 83D
25	Section 91A
26	Section 91AD
27	Section 91AF
28	Section 91BA
29	Section 91BC
30	Section 91BF
31	Section 91BI
32	Section 91BP
33	Section 91BQ
34	Section 91BRB
35	Section 91BRC
36	Section 91BRF
37	Section 91BRG
38	Section 91BRK
39	Section 91D
40	Section 91DA
41	Section 91DB
42	Section 91FEA
43	Chapter 2 Part 6 Division 6, insertion of new Subdivision 5
44	Section 91GG
45	Section 91KA
46	Section 91KD
47	Section 91L
48	Section 91LA
53	Chapter 7, heading
54	Section 217
55	Section 218

Other Gases Act section	National Gas Law component that it amends
56	Section 219
57	Section 222
58	Section 223
59	Section 226A
60	Section 228
61	Section 228I
63	Section 294G
64	Section 314A
65(1)	Schedule 1, item 43
65(2)	Schedule 1, item 55W
65(3)	Schedule 1, item 55X
65(4)	Schedule 1, item 55Z
65(5)	Schedule 1, item 55ZA
65(6)	Schedule 1, item 55ZC
65(7)	Schedule 1, item 61
65(8) and (9)	Schedule 1, item 63
65(10)	Schedule 1, item 64
65(11)	Schedule 1, item 65
65(12)	Schedule 1, item 70(a)
65(13)	Schedule 1, item 71
65(14)	Schedule 1, item 72
65(15)	Schedule 1, heading before item 78
65(16)	Schedule 1, item 78
65(17)	Schedule 1, item 79
65(18)	Schedule 1, item 81
65(19)	Schedule 1, item 84
65(20)	Schedule 1, item 85
65(21)	Schedule 1, item 86
65(22)	Schedule 1, item 87
65(23)	Schedule 1, item 88

Similarly, while WA will amend its National Gas Access (WA) (Part 3) Regulations 2009 (WA) (Part 3 Regulations) to reflect the amendments made to the national framework by the National Gas (South Australia) (Other Gases) Amendment Regulations 2024 (SA) (Other Gases Regulations), regulations equivalent to those listed in Table 2 will not be implemented in WA because they relate to components that do not exist in the NGL(WA) regime. These components are not part of the NGL(WA) regime as they were introduced through earlier national reforms that WA has not declared as relevant.

Table 2 – Other Gases Regulations that WA will not implement

Other Gases Regulations regulation	National Gas (South Australia) Regulations component that it amends
4	Regulation 10
5(1) and (5)	Schedule 3, Part 1, specific tier 1 civil penalty provision entries

Appendix 2: Modifications to the NGL(WA)

Section 7B of the *National Gas Access (WA) Act 2009* (WA) (WA Act) empowers the Western Australian Governor to make regulations amending the Western Australian version of the National Gas Law (NGL(WA)) 'as is necessary or expedient to deal with the consequences' of adopting or not adopting National Gas Law amendments made by South Australian (SA) amending Acts.[15]

Table 3 sets out the modifications that WA will make to the *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA) (Other Gases Act) amendments when they are applied to the NGL(WA) and the rationale for each change. WA will use the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations to make these modifications.

Table 3 – Modifications made by the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
Insertion of subsections into section 2	Section 6(42) of the Other Gases Act inserts a new subsection 4 into section 2 of the National Gas Law (NGL). Section 2 of the NGL(WA) does not have any subsections because WA never adopted the SA amendments that introduced subsections to the NGL. Consequently, adopting a new section 2(4) requires modifications to: • redesignate what is currently section 2 in the NGL as section 2(1); and • ensure all existing references to section 2 are changed to section 2(1).	4(1)–(4), 4(6), 5
Deleting definitions and provisions concerning the Gas Bulletin Board	Using the WA Act, WA deferred commencement of the Natural Gas Services Bulletin Board (Bulletin Board) provisions in the NGL(WA), pending a Ministerial order notice published in the WA *Government Gazette.*[16] No such order has ever been made. Instead, WA operates a separate market transparency framework under the *Gas Services Information Act 2012* (WA), which establishes the WA Gas Bulletin Board.	4(2), 10

[15] South Australia (SA) is lead legislator for the National Gas Law with amendments passing through the SA Parliament.

[16] The Minister has never fixed a day, so the Natural Gas Services Bulletin Board (Bulletin Board) provisions have never been 'activated' as part of Western Australia's version of the National Gas Law (NGL(WA)). Instead, Western Australia (WA) has established a standalone regime under its *Gas Services Information Act 2012* (WA), which amongst other things provides for WA's Gas Bulletin Board.

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	WA has taken a policy position to effectively 'freeze' the Bulletin Board provisions in the NGL(WA). This approach means that WA does not adopt any SA amendments that change Chapter 7 of the NGL or any SA Minister-made rules that amend Part 18 of the National Gas Rules (NGR). It is not possible to avoid adopting SA amendments relating to the Gas Bulletin Board in every case because those amendments are often contained within a chapter or part inserted by a single provision of the Other Gases Act that also includes provisions necessary for the operation of the NGL(WA). WA must therefore modify the NGL(WA) to delete the newly-inserted Gas Bulletin Board provisions. The specific provisions that will be excluded as a result of this process are set out below. ***New 'Gas Bulletin Board' definition in section 2(1)*** The Other Gases Act amends the NGL to extend market transparency mechanisms to covered gases, including renaming the Natural Gas Services Bulletin Board as the 'Gas Bulletin Board'. Section 6(11) of the Other Gases Act introduces new definitions, including 'Gas Bulletin Board' and 'gas blend'. While WA requires the definition of 'gas blend' to support other adopted amendments, it is not amending or commencing the Bulletin Board provisions under the NGL(WA). Accordingly, the term 'Gas Bulletin Board' is not required and must deleted from section 2(1). ***Schedule 3, Part 21, Division 2*** Section 66 of the Other Gases Act inserts a new Part 21 (Transitional provisions related to other gas amendments) into the NGL. New Part 21 includes new Division 2, which contains clauses 140 and 141. Both clauses set out the transitional provisions for the Gas Bulletin Board. While WA requires the other transitional provisions contained in new Part 21, it is not amending or commencing the Bulletin Board provisions under the NGL(WA). Accordingly, Division 2, clauses 140 and 141 are not required and will be removed from Schedule 3, Part 21.	

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
Amending the definition of 'initial National Gas Rules' in section 2(1) to include the National Gas Amendment (Other Gases) Rule 2024 (Other Gases Rule)	The Other Gases Rule will amend WA's National Gas Rules (the NGR(WA)) to give effect to the Other Gases Package reforms. The Other Gases Rule was made by the SA Minister for Energy and implemented in other jurisdictions on a staged basis between 12 March 2024 and 3 March 2025.[17] WA adopts rules made by the SA Minister for Energy by modifying the definition of 'initial National Gas Rules' in the NGL(WA) so that it includes those Minister-made rules. Accordingly, WA will modify the definition of 'initial National Gas Rules' to include most of the Other Gases Rule. Certain rules are excluded from this modification, which means they will not be adopted in WA. The reasons for these exclusions are set out below. ***Schedule 1, item 7 to the extent that it inserts rule 3(1A)(b)(ii) or ', the* NERL *or the* NERR' *as part of rule 3(1A)(d)*** Schedule 1, item 7 of the Other Gases Rule will insert new Rule 3(1A) into the NGR(WA). New Rule 3(1A) provides that a regulatory obligation or requirement for non-scheme pipelines is, amongst other things (emphasis added): • 'an obligation or requirement under… the ***NERL* or the *NERR***' (New Rule 3(1A)(b)(ii)); and • 'under the *Law*, **the *NERL* or the *NERR*** or an Act or an instrument referred to in subrule (b)(ii) to (vi)' (New Rule 3(1A)(d)). As WA is not a party to the National Energy Retail Law (NERL) or National Energy Retail Rules (NERR), pipeline providers should not be subject to any regulatory obligations or requirements under these forms of law. New Rule 3(1A)(b)(ii) and the words 'the *NERL* or the *NERR'* in new Rule 3(1A)(d) are therefore excluded from WA's adoption of the Other Gases Rule. ***Schedule 1, items 76–132 and Schedule 7, items 2–51*** Schedule 1, items 76–132 and Schedule 7, items 2–51 amend Part 18 (Natural Gas Services Bulletin Board) of the NGR, which	4(3)

[17] See National Gas Amendment (Other Gases) Rule 2024.

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	contains the rules governing the Natural Gas Services Bulletin Board. As noted in the row above, WA has decided to 'freeze' NGL(WA) provisions relating to the Natural Gas Services Bulletin Board. This approach extends to Part 18 of the NGR(WA). Accordingly, WA will not adopt any SA Minister-made rules that amend Part 18, ensuring that Part 18 of the NGR(WA) remains unchanged following WA's adoption of the Other Gases Package. ***Schedule 9, item 1 to the extent that it inserts Schedule 7, Parts 4, 5, 7 and 8*** Schedule 9, item 1 of the Other Gases Rule inserts new Schedule 7 (Transitional provisions for the introduction of the other gas amendments). Schedule 7 includes transitional provisions for Parts that WA either does not have in the NGR(WA) or (in the case of Part 18) has not enabled. The Parts and their respective subject matters are: • New Schedule 7, Part 4—Transitional arrangements relating to Part 15D (the GSOO) • New Schedule 7, Part 5—Transitional arrangements relating to Part 18 (the Gas Bulletin Board) • New Schedule 7, Part 7—Transitional arrangements relating to Part 19 (including the VGPR) • New Schedule 7, Part 8—Transitional arrangements relating to Part 20. To minimise any confusion that may arise from the NGR(WA) containing references to Parts that it does not have, WA has excluded them from its adoption of the Other Gases Rule.	
Renumbering current sections 2A and 2B and amending references to current section 2A	The current NGL(WA) contains sections 2A and 2B: • Section 2A modifies the meaning of the Australian Energy Regulator (AER) for the purposes of the NGL(WA); and • Section 2B deals with how references to the *National Gas Access (Western Australia) Act 2008* are to be read. These provisions have applied since the commencement of the NGL(WA), and the	4(4), 5, 7

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	definition of 'AER' in section 2 currently refers to section 2A. Section 7 of the Other Gases Act inserts a new section 2A into the NGL relating to additives and impurities. To accommodate this change, the NGL(WA) will be modified to: • renumber existing sections 2A and 2B to 2B and 2C respectively; • relocate newly renumbered section 2B (formerly section 2A) after new section 2A; • amend the definition of 'AER' in section 2(1) so it refers to the newly renumbered section 2B; and • amend section 30(2) so that it refers to the newly renumbered section 2B.	
Removal of the terms 'liquefied natural gas' or 'LNG' from section 2(1)	The NGL(WA) does not currently refer to LNG or liquefied natural gas because these terms relate to: • the Victorian gas market, specifically the Declared Wholesale Gas Market, to which WA is not connected; or • LNG facilities' information reporting obligations (i.e. for the Gas Bulletin Board or Gas Statement of Opportunities) in East Coast markets, which do not apply in WA; and • the price reporting functions of the AER, which WA has never adopted. Accordingly, WA will modify the NGL(WA) to amend: • the new definition of 'covered gas industry' in section 2(1) to delete the words 'gas, including liquefied natural gas, and' and replacing them with 'gas and'; and • the new definition of 'covered gas industry facility' in section 2(1) to delete paragraph (d), which refers to 'an LNG facility'.[18]	4(5)
Replacing 'section 131 or Chapter 4 Part 2.' with 'section 131, Chapter 4 Part 2 or section 201, 202 or 204.' in section 10(4)	Section 9(2) of the Other Gases Act deletes the phrase 'or section' from section 10(4) of the NGL and substitutes the phrase 'or section 201, 202, 204,'. Section 10(4) of the NGL(WA) does not currently include the words 'or section' because WA has not adopted the SA	6

[18] *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023* (SA) (Other Gases Act), s 6(6) will insert the new defined terms 'covered gas industry' and 'covered gas industry facility' into the NGL(WA), s 2(1).

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	amendment that introduced them to the NGL.[19] Without modification, section 9(2) can therefore not be applied to the NGL(WA). To achieve the intent of section 9(2) of the Other Gases Act, WA will modify section 10(4) of the NGL(WA) to: • retain the existing references to section 131 and Chapter 4 Part 2; and • introduce a reference to sections 201, 202 and 204.	
Modifying new section 14 so that the remote pipeline exemption applies to WA as intended	Section 11 of the Other Gases Act inserts new section 14 into the NGL, enabling local regulations to declare certain pipelines to be 'remote pipelines', thereby exempting them from the NGL regulatory framework. Section 14, as it is drafted in the Other Gases Act, does not capture what is required in WA. If applied to WA unmodified, it may not apply as intended. The rationale for the various modifications in section 14 is set out below. ***Removing the reference to the NERL in section 14(1)(a)*** New section 14(1) sets out the criteria that a pipeline must satisfy before it can be declared a 'remote pipeline'. Section 14(1)(a) provides that it must haul 'covered gas other than natural gas or a natural gas equivalent, **as defined in the National Energy Retail Law**' (emphasis added). As WA is not a party to the NERL, section 14(1)(a) needs to be modified to remove this reference. ***Defining the terms 'natural gas equivalent', 'existing distribution system' and 'extension day' in section 14*** Because WA is not party to the NERL, it cannot rely on the NERL's definition of 'natural gas equivalent' referred to in section 14(1)(a). Consequently, WA will modify new section 14 to insert a new subsection (5) that will define the term 'natural gas equivalent'.	6

[19] In other jurisdictions, National Gas Law (NGL), s 10(4) was amended by *National Gas (South Australia) (Capacity Trading and Auctions) Amendment Act 2018* (SA) (Capacity Trading and Auctions Act), s 6(2) to refer to sections 228K and 228L. This amendment also introduced the phrase 'or section' to section 10(4). WA did not adopt Capacity Trading and Auctions Act, s 6(2) because sections 228K and 228L related to operational transportation services and were introduced to support a more liquid secondary market for transportation capacity in the East Coast gas market. As WA did not adopt sections 228K and 228L, it was unnecessary to amend section 10(4) to reference those provisions.

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	The definition of 'natural gas equivalent' is based on the existing NERL definition.[20] It references other terms that are also defined in the NERL but not in the NGL, including 'existing distribution system' and 'NGL extension date'.[21] As a result, new subsection (5) will incorporate comparable definitions: 'existing distribution system' and 'extension day'. ***Removing references to provisions that do not apply in WA*** New section 14(2) lists the NGL provisions from which a remote pipeline and its service provider are exempt. As section 91DB, section 223 and Chapter 7A (listed in new subsections 14(2)(a), (e), and (f) respectively) are not in the NGL(WA), they will be removed from section 14(2) upon application to WA. ***Modifying section 14(1)(c) to reflect WA's system of gas pipelines*** Section 14(1)(c) provides that, for a pipeline to be eligible for a remote pipeline exemption it must not be 'interconnected in any way with the system of transmission pipelines and distribution pipelines used to convey gas **within and between** participating jurisdictions' (emphasis added). The existing phrase does not work because WA does not have any pipelines (or systems) that convey gas within and between participating jurisdictions. Instead, there are several gas pipeline systems in WA, none of which cross WA borders. Consequently, WA will modify paragraph (c) to fit the WA circumstances and achieve a policy outcome that is consistent with the national framework.	
Modifying provisions so they refer to the commencement of clause 3 of the National Gas Access (WA) Adoption of Amendments (Other Gases) Order 2026 rather than the Other Gases Act	The Other Gases Act inserts various provisions into the NGL that: • tie their commencement to the date on which the Other Gases Act came into operation; or • use the Other Gases Act as an anchor date to determine how a provision applies. Because of WA's adoption process, it is WA's practice to modify such provisions so that they refer to the National Gas Access (WA) Adoption	8, 9, 10

[20] See National Energy Retail Law (SA), s 2A.
[21] ibid., s 2A(3).

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	of Amendments (Other Gases) Order (Other Gases Order). As noted in the main body of this information paper, the Other Gases Order is one of the instruments WA will use to adopt the Other Gases Package. The new NGL(WA) sections requiring modification are set out below. ***New section 148AA(1)(a)*** Section 51 of the Other Gases Act inserts a new section 148AA into the NGL. New section 148AA(1)(a) provides that section 147(c) of the NGL does not prevent a service provider from giving effect to a provision of an associate contract for an associate pipeline service where: • the service relates to one or more types of 'relevant covered gas';[22] and • the contractual provision was entered into before the commencement of the *Statutes Amendment (National Energy Laws) (Other Gases) Act 2023*. WA will amend new section 148AA(1)(a) so that instead of referring to the commencement of the Other Gases Act it will refer to the commencement of clause 3 of the Other Gases Order. ***New section 201(6)*** Section 52 of the Other Gases Act inserts a new Chapter 5A (Third party access obligations for non-pipeline facilities) into the NGL. New Chapter 5A includes new section 201(1), which prohibits conduct that is aimed at preventing or hindering a person from accessing a service provided by the relevant facility.[23] New section 201(6) provides a transitional exemption from this prohibition, ensuring that section 201(1) does not apply to conduct engaged in under an agreement for a blend processing facility that was in force immediately before the Other Gases Act commenced. WA will amend new section 201(6) so that, instead of referring to the commencement of the Other Gases Act, it will refer to the	

[22] Defined in new section 148AA(2) as biomethane, hydrogen, synthetic methane, or a gas blend. Other Gases Act, s 51 will insert new section 148AA into the NGL(WA).

[23] 'Relevant facility' is defined in new section 200 as 'a blend processing facility' or 'a facility of a type prescribed by the Regulations for the purposes of this paragraph.' Other Gases Act, s 52 will insert new section 200 into the NGL(WA).

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	commencement of clause 3 of the Other Gases Order. ***New section 202(3)(a)*** New Chapter 5A also includes new section 202, which prohibits a relevant facility from setting service terms and conditions that discriminate in favour of the operations of the person who owns, operates or controls the facility, or the operations of an associate of that person. New section 202(3)(a) provides a transitional exemption from this prohibition, ensuring that section 202 does not apply if an agreement setting the terms and conditions for a blend processing facility was in force before the Other Gases Act commenced. WA will amend new section 202(3)(a) so that, instead of referring to the commencement of the Other Gases Act, it will refer to the commencement of clause 3 of the Other Gases Order. ***Schedule 3, new clause 139*** Section 66 of the Other Gases Act inserts a new Part 21 (Transitional provisions related to other gas amendments) into the NGL. New Part 21 includes clause 139, which defines the terms 'commencement day' and 'transition period' for Part 21. WA will modify the: • definition of 'commencement day' to refer to clause 3 of the Other Gases Order; • definition of 'transition period' so it means the period between the commencement of the Other Gases Act in other jurisdictions and WA's adoption of the Other Gases Package. Accordingly, the transition period will be from 7 March 2024 to the day on which clause 3 of the Other Gases Order comes into operation.	
Replacing 'Regulations, the Rules or the Procedures,' with 'Regulations or the Rules' in section 201(6)	In addition to the modification of section 201(6) set out in the above row, WA will amend section 201(6) to remove its reference to 'the Procedures'. Elsewhere in Australia, the NGL provides for the National Gas Procedures, which include: • The initial National Gas Procedures; • Wholesale Market Procedures; • Retail Market Procedures;	9

Modification	Explanation	Associated regulation in the National Gas Access (WA) (Act Amendment) (Other Gases) Regulations
	• Short Term Trading Market Procedures; • Bulletin Board Procedures; • Gas Statement of Opportunities Procedures; • East Coast Gas System Procedures; and • Capacity Transfer and Auction Procedures. None of these procedures apply to WA because: • WA never adopted the provisions that introduced these procedures to the NGL; and • most of these procedures are made by the Australian Energy Market Operator (AEMO) under the NGL and, as AEMO has no function in WA, these procedures cannot apply. Consequently, WA will modify new section 201(6) to delete its reference to 'the Procedures'.	