

DRAFT BULLETIN BOARD RULES

Notes:

The format of the National Gas Rules does not provide for the italicisation of defined terms. Defined terms have been italicised in this consultation draft of the Rules to alert readers to the use of defined terms but the italics will be removed before the rules are finalised.

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PART [X] – BULLETIN BOARD

Division 1 Interpretation and application

1. Interpretation

(1) In this Part:

{Note: Where terms below are defined by reference to their meaning in the National Gas Law (NGL) the definitions will not appear in the final form of these Bulletin Board Rules (as under Item 13 of Schedule 2 to the NGL defined terms in the NGL have the same meaning in the rules). The definitions have been included in the draft rules to “signpost” that where the terms are used in these rules they have the meaning given to them in the NGL}

access arrangement has the meaning given to it in the *NGL*.

access determination has the meaning given to it in the *NGL*.

actual BB costs in relation to an *invoice period* means the sum of:

- (a) the *BB operator's* actual costs of operating and maintaining the *Bulletin Board* in accordance with this Part during the *invoice period*, including the amounts paid or payable by the *BB operator*

pursuant to *tax invoices* provided to the *BB operator* under Division 10 to the extent those *tax invoices* are for the provision of *aggregation and information services* provided during that *invoice period*; and

- (b) the *BB operator's* actual costs incurred during the *invoice period* in providing information under rule [45],

less the sum of any *information retrieval fees* paid to the *BB operator* under rule [45] during the *invoice period*.

AEMC has the meaning given to it in the *NGL*.

AER has the meaning given to it in the *NGL*.

aggregated delivery nominations for a *BB pipeline* for a *gas day* means the sum of delivery *nominations* for that *gas day* received by the *pipeline operator* from *shippers* on that pipeline.

aggregated forward daily nominations for a *BB pipeline* for a *gas day* means the sum of forward *nominations* in respect of that *gas day* received on the previous *gas day* by the *pipeline operator* from *shippers* on that pipeline.

aggregation and information services means the services provided by a *pipeline operator* in aggregating and providing information to the *BB operator* in compliance with rules [32 and 54].

aggrieved party has the meaning given to it in rule [16(1)].

applicable interest rate means the interest rate quoted from time to time by Australia and New Zealand Banking Group Limited as its reference rate or, should there cease to be such a reference rate, the rate which that bank designates as being an appropriate substitute for the reference rate.

authorised representative means a person duly authorised by a *participating jurisdiction* to provide information to the *BB operator* for publication on the *emergency information page* and to request the *BB operator* to activate or deactivate the *emergency information page*.

BB contact details means the contact details specified in the *BB procedures*.

BB facility means a *BB pipeline*, a *BB storage facility* or a *BB production facility*¹.

BB operator has the meaning given to the term "Bulletin Board operator" in the *NGL*.

¹ Note that the initial list of these facilities will exclude facilities in Far North Queensland.

BB participant means a person that is registered by the *BB operator* under rule [9].

BB pipeline means a *BB transmission pipeline*:

- (a) that is specified as a *BB pipeline* in the schedule to the Rules; or
- (b) that is specified as a *BB pipeline* in a declaration made under rule [4]; or
- (c) that commences operating after the date that Division 1 commenced; or
- (d) that is declared to be a *BB pipeline* under rule [14],

and that is not the subject of an *exemption declaration* under rule [10].

BB procedures means the *initial BB procedures* as amended from time to time under Division 4.

BB production facility means a *production facility*:

- (a) that is specified as a *BB production facility* in the schedule to the Rules; or
- (b) that is specified as a *BB production facility* in a declaration made under rule [4]; or
- (c) that commences operating after the date that Division 1 commenced; or
- (d) that is declared to be a *BB production facility* under rule [14],

and that is not the subject of an *exemption declaration* under rule [12].

BB shipper means a person who:

- (a) is a party to a contract with the operator or owner of a *BB pipeline* under which that operator or owner provides or intends to provide a *pipeline service* to that person by means of a *BB pipeline*; or
- (b) has a right under an *access determination* to be provided with a *pipeline service* by means of a *BB pipeline*.

BB storage facility means a *gas storage facility*:

- (a) that is specified as a *BB storage facility* in the schedule to the Rules; or

- (b) that is specified as a *BB storage facility* in a declaration made under rule [4]; or
- (c) that commences operating after the date that Division 1 commenced; or
- (d) that is declared to be a *BB storage facility* under rule [14],

and that is not the subject of an *exemption declaration* under rule [11].

BB terms of use means the terms on which *BB users* are granted access to the *Bulletin Board* and which are set out in the *BB procedures*.

BB transmission pipeline means a *transmission pipeline* or an unclassified pipeline that, if classified, would be likely to be classified as a transmission pipeline in accordance with the *Law*.

BB user means any person (including a *BB participant*) who accesses information on the *Bulletin Board*.

Bulletin Board has the meaning given to it in the *NGL*.

business day has the meaning given to it in the *NGL*.

daily production capacity for a *BB production facility* or a *BB storage facility* on a *gas day* means the quantity of *natural gas* that, under normal operating conditions, can be injected into one or more *BB pipelines* from the relevant facility on a *gas day* for that facility.

daily production capacity outlook for a *gas day* means the *facility operator's* good faith estimate of the *daily production capacity* of the relevant facility on that *gas day*.

daily production data means:

- (a) for a *production facility* the quantity of *natural gas* that is metered as having been, or estimated in good faith by the *production facility operator* to have been, injected into one or more *BB pipelines* from the *production facility* on a *gas day* for that facility; and
- (b) for a *gas storage facility* the net quantity of *natural gas* that is metered as having been, or estimated in good faith by the *storage provider* to have been, injected into one or more *BB pipelines* from the *gas storage facility* on a *gas day* for that facility (being the total quantity of *natural gas* injected into one or more *BB pipelines* from the *gas storage facility* less the total quantity of *natural gas* injected from one or more *BB pipelines* into the *gas storage facility*).

demand zone means a region defined in accordance with the *BB procedures*.

eligible BB participant means:

- (a) a *shipper* who is not a *BB shipper*;
- (b) a *gas retailer* who is not a *BB shipper*;
- (c) a *producer* who is not a *production facility operator*;
- (d) a *large end user* who is not a *BB shipper*;
- (e) a *gas-fired generator* who is not a *BB shipper*;
- (f) an operator of a *BB transmission pipeline* who is not a *pipeline operator*;
- (g) an operator of a *gas storage facility* who is not a *storage provider*;
- (h) a member of *NGERAC*;
- (i) a Minister, regulator or Government department from a *participating jurisdiction*, excluding a statutory corporation, entity or authority that participates on a commercial basis in the wholesale gas market;
- (j) the *AER*;
- (k) the authority established under the *Economic Regulation Authority Act 2003 (WA)*; and
- (l) the *AEMC*.

emergency information page means the emergency information section of the *Bulletin Board* maintained by the *BB operator* under Division 7.

emergency status report means a statement on a gas supply emergency authorised by a *participating jurisdiction*.

end user has the meaning given to it in section 2 of the *NGL*.

estimated BB costs in relation to an *invoice period* means the amount calculated by the *BB operator* in accordance with rule [48].

exemption cancellation date means the date specified in a notice under rule [13] as the date with effect from which the relevant *exemption declaration* is revoked, such date being no earlier than 20 *business days* after the date of that notice.

exemption declaration means a declaration made by the *BB operator* under rule [10, 11 or 12] that a *BB pipeline*, *BB storage facility* or *BB production facility* is not a *BB pipeline*, *BB storage facility* or *BB production facility* (as the case may be) for the purposes of this Part.

facility declaration date means the date specified in a notice under rule [14] as the date with effect from which the relevant pipeline or facility is declared to be a *BB pipeline*, *BB storage facility* or *BB production facility*, such date being no earlier than 20 *business days* after the date of that notice.

facility operator means a *storage provider* or *production facility operator*.

fee paying user means a *BB shipper*.

gas day means:

- (a) in respect of a *BB pipeline*, the 24 hour period for which daily *nominations* are provided, commencing at the time advised by the *pipeline operator* under rule [34]; and
- (b) in respect of a *BB production facility* or a *BB storage facility*, the 24 hour period commencing at the time advised by the relevant *facility operator* under rule [34].

gas-fired generator means a scheduled generator (as defined in the *NER*) that operates a generating system for which the primary energy input is *natural gas*.

gas retailer means any person that sells *natural gas* to an *end user*.

gas storage facility means a facility that stores *natural gas* for injection into a *BB pipeline* and offers that storage facility to *shippers*.

IAMA Expert Determination Rules means the rules for expert determinations published by the Institute of Arbitrators & Mediators, Australia as they apply from time to time.

information retrieval fee means a fee for providing services under rule [45], which must be calculated by the *BB operator* on the basis of the costs reasonably incurred or likely to be reasonably incurred by it in providing those services, as set out in more detail in the *BB procedures*.

initial BB procedures means the procedures published by the *BB operator* under rule [5].

invoice period means:

- (a) the period from the commencement date of Divisions 2 and 3 to 30 June 2009 (both dates inclusive); and
- (b) each subsequent period commencing on 1 July in a year and ending on 30 June in the next year (both dates inclusive).

large end user means an *end user* that can reasonably demonstrate to the *BB operator* that it consumes more than 500TJ of *natural gas* per annum.

LCA flag for a *BB pipeline* for a *gas day* means a green, amber or red flag indicating the actual or expected capability of the *BB pipeline* to meet the *aggregated delivery nominations* for the *BB pipeline* for that *gas day* based on the pipeline's linepack and capacity. The meaning of a green, amber or red flag is to be specified in the *BB procedures*².

nameplate rating has the meaning given to it in rule [1(2)].

natural gas has the meaning given to it in the *NGL*.

natural gas service has the meaning given to it in the *NGL*.

NER means the rules called the National Electricity Rules made under Part 7 of the National Electricity Law (set out in the schedule to the *National Electricity (South Australia) Act 1996 (SA)*) as amended from time to time in accordance with that Part.

NGERAC means the National Gas Emergency Response Advisory Committee, a joint government and industry committee established under the Memorandum of Understanding in relation to the National Gas Emergency Response Protocol dated 26 October 2005.

nominations in respect of a *BB pipeline* means nominated *natural gas* quantities as provided by the *shippers* on that pipeline to the *pipeline operator*.

non-material in relation to any amendments proposed to the *BB procedures*, means amendments to the procedures that are unlikely to have any significant financial or operational impact on *BB participants*.

objection notice has the meaning given to it in rule [16(1)].

participating jurisdiction has the meaning given to it in the *NGL*.

pipeline has the meaning given to it in the *NGL*.

pipeline operator means a person who operates a *BB pipeline*.

pipeline service has the meaning given to it in the *NGL*.

producer has the meaning given to it in the *NGL*.

production facility means a facility at which *natural gas* is produced so that it is in a form suitable for injection into one or more *BB pipelines*.

² The *BB procedures* will set out the meaning of the coloured flags in Victoria and in other jurisdictions. In jurisdictions other than Victoria it is proposed that the green flag means "business as usual", the amber flag means "one or more interruptible customers is likely to be shut off /required to shed load" and the red flag means "one or more firm customers is likely to be shut off/required to shed load".

production facility operator means a person who operates a *BB production facility*.

production zone means a region defined in accordance with the *BB procedures*.

proposed effective date in relation to any amendments proposed to the *BB procedures* under rule [21], means the date specified in the notice provided by the *BB operator* under rule [21(1)] as the day on which those amendments will take effect, being a day that is not less than 15 *business days* after the date of that notice.

registered producer means a *producer* that is a *BB participant*.

registration revocation date means the date specified in a notice under rule [8(5)] as the date with effect from which the registration of a person under this Part is revoked, such date being no earlier than 20 *business days* after the date of that notice.

scheduled injection has the same meaning as in the *Victorian Market and System Operations Rules*.

scheduled withdrawal has the same meaning as in the *Victorian Market and System Operations Rules*.

shipper means a person who:

- (a) is a party to a contract with the operator or owner of a *BB transmission pipeline* under which that operator or owner provides or intends to provide a *pipeline service* to that person by means of the *BB transmission pipeline*; or
- (b) has a right under an *access determination* to be provided with a *pipeline service* by means of a *BB transmission pipeline*.

storage provider means a person who operates a *BB storage facility*. {Note: This definition is deliberately different to the definition of 'storage provider' used in the NGL}

tax invoice has the meaning given to it in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

TJ means terrajoule.

transmission pipeline has the meaning given to it in the *NGL*.

Victorian Market and System Operations Rules means the *MSO Rules* as defined in the *Gas Industry Act 2001 (Vic)*.

Victorian transmission system has the same meaning as "transmission system" in the *Victorian Market and System Operations Rules*.

- (2) In this Part the term *nameplate rating*:

- (a) when used in the context of a *BB pipeline*, means the maximum quantity of *natural gas* that can be transported through that *BB pipeline* on a *gas day* under normal operating conditions;
 - (b) when used in the context of a *production facility*, means the maximum *daily production capacity* of the *production facility* under normal operating conditions; and
 - (c) when used in the context of a *gas storage facility* means either:
 - (i) the maximum *daily production capacity* of the *gas storage facility* under normal operating conditions (referred to as the *production nameplate rating*); or
 - (ii) the maximum quantity of *natural gas* that the storage facility can receive and process into storage on a *gas day* under normal operating conditions (referred to as the *refill nameplate rating*).
- (3) In this Part a reference to a quantity of *natural gas* is to an energy quantity (expressed in whole *TJ*), rather than a volumetric or other quantity.

2. Purpose of the Bulletin Board

The purpose of the *Bulletin Board* is to:

- (1) facilitate trade in *natural gas* and markets for *natural gas services* through the provision of system and market information which is readily available to all interested parties, including the general public; and
- (2) assist in emergency management through the provision of system and market information.

3. Notification of dates of commencement

The *BB operator* must publish on its website the dates, as specified in the South Australian Government Gazette, on which the different Divisions of this Part commenced.

4. This Part not in effect in Western Australia and the Northern Territory

- (1) This Part will not apply in respect of *pipelines*, *production facilities* or *gas storage facilities* that are solely located in Western Australia or the Northern Territory until such time as the Minister referred to in section 21(b) of the *NGL* (in the case of Western Australia) or the relevant Minister referred to in section 21(d) of the *NGL* (in the case of the Northern Territory) declares this Part to apply in respect of such pipelines and facilities and that declaration is published in the South Australian Government Gazette.

- (2) If a Minister makes a declaration under rule [4(1)] the Minister may specify in that declaration *BB transmission pipelines, production facilities* and *gas storage facilities*, being pipelines and facilities that are solely located in the *participating jurisdiction* of the Minister, which are to be *BB pipelines, BB production facilities* and *BB storage facilities* respectively.

5. Publication of initial BB procedures

No later than 15 *business days* prior to the commencement date of Divisions 2 and 3, the *BB operator* must publish procedures on its website which, in accordance with the requirements (if any) set out in the Rules, deal with such matters as the Rules contemplate being dealt with by the *initial BB procedures* or *BB procedures*.

Division 2 Bulletin Board

6. Operation of Bulletin Board

The *BB operator* must operate and maintain the *Bulletin Board* in accordance with the *BB procedures*.

7. Publication of information by BB operator

Except where provided to the contrary in the Rules, information or notices provided to the *BB operator* under Divisions 5 or 7, and information that the *BB operator* is required to publish on the *Bulletin Board* under Division 6, must be published by the *BB operator* on the *Bulletin Board* in the time and manner specified in the *BB procedures*.

Division 3 Registration

8. Requirement to register

- (1) Within 10 *business days* after the commencement of Divisions 2 and 3, each *pipeline operator, storage provider, production facility operator* and *BB shipper* must apply to the *BB operator* for registration under this Part.
- (2) If a person becomes a *pipeline operator, storage provider, production facility operator* or *BB shipper* at any time after the commencement Divisions 2 and 3, then that person must apply to the *BB operator* for registration under this Part as soon as practicable.

{Note: A person may become a *pipeline operator, storage provider, production facility operator* or *BB shipper* for the purposes of rule [8(2)] either because that person assumes operatorship of an existing *BB pipeline, BB storage facility* or *BB production facility* (in the case of a *pipeline operator, storage provider* or *production facility operator*) or because the relevant pipeline or facility becomes a *BB pipeline, BB storage facility* or *BB production facility* (e.g. under rules [4], [13] or [14].)}

- (3) An *eligible BB participant* may apply to the *BB operator* at any time for registration under this Part.
- (4) A *BB participant* may apply to the *BB operator* at any time for its registration under this Part to be revoked and the *BB operator* must accept that application if it believes on reasonable grounds that the *BB participant* would not be required, at the time of such application, to apply for registration under this Part.
- (5) If the *BB operator* has reasonable grounds to believe that a person who is registered under this Part is not a *pipeline operator, a storage provider, a production facility operator, a BB shipper* or an *eligible BB participant* then the *BB operator* may, by notice in writing to that person, revoke the registration of that person under this Part, such revocation taking effect as from the *registration revocation date*.
- (6) If the *BB operator* revokes the registration of a person under rule [8(5)], the *BB operator* must:
 - (a) give its written reasons for that decision to the person at the same time as it notifies the person of that revocation under rule [8(5)]; and
 - (b) publish those written reasons on its website.
- (7) If, prior to the *registration revocation date*, the *BB operator* becomes satisfied that the relevant person is actually a *pipeline operator, a storage provider, a production facility operator, a BB shipper* or an *eligible BB participant*, then the *BB operator* must cancel the notice referred to in rule [8(5)] by giving a further notice in writing to that person and that person's registration under this Part will not be revoked on the *registration revocation date*.

- (8) A *BB participant* must give written notice to the *BB operator* as soon as practicable after that person becomes aware that it may no longer be a *pipeline operator*, a *storage provider*, a *production facility operator*, a *BB shipper* or an *eligible BB participant*.

9. Applications for registration

- (1) An application for registration under this Part must be in the form specified in the *BB procedures*³.
- (2) If requested by the *BB operator* an applicant for registration must provide further information in support of its application as soon as practicable after receiving the request. The *BB operator* must make any request under this rule [9(2)] within 10 *business days* after receiving the registration application.
- (3) If the *BB operator* reasonably considers that any further information it receives in response to a request under rule [9(2)] is not sufficient to enable it to accept the application for registration then it may request further information from the applicant and the applicant must provide this information as soon as practicable after receiving the request.
- (4) The *BB operator* must notify an applicant for registration in writing whether or not its registration application has been accepted within 10 *business days* after the later of:
- (a) receiving the registration application; and
 - (b) receiving the information requested by the *BB operator* under rule [9(2) or (3)] (as the case may be).
- (5) Rules [9(2) to (4)] do not apply in respect of an applicant for registration who is a person referred to in any of paragraphs (h) to (l) of the definition of 'eligible BB participant' in rule [1(1)]. Providing that person complies with rule [9(1)], the *BB operator* must, within 10 *business days* after receiving its registration application, notify that person in writing that its registration application has been accepted.
- (6) Subject to rule [9(5)], the *BB operator* may only reject an application for registration if:
- (a) the *BB operator* has requested the applicant to provide further information in support of its application under rule [9(2) or (3)] (as the case may be) and the applicant has not provided the information requested within 10 *business days* after the request; or
 - (b) in the case of an applicant who purports to be an *eligible BB participant*, the *BB operator* reasonably considers that the

³ BB procedures should require applicant to specify the capacities in which it is registering (e.g. as pipeline operator, storage provider etc). Presumably, the BB operator will issue an identifying code to each person for each capacity in which it operates (e.g. equivalent of REMCo GBO Identifier).

applicant has not provided it with reasonable evidence that the person is an *eligible BB participant*.

- (7) If the *BB operator* rejects an application for registration under this rule [9], the *BB operator* must give its written reasons for that decision to the applicant at the same time as it notifies the applicant of that rejection under this rule [9].
- (8) The *BB operator* must maintain an up-to-date register of *BB participants* in the form specified in the *BB procedures* and publish the register on the *Bulletin Board*.

10. Applications for exemption of pipeline

- (1) A *pipeline operator* may apply to the *BB operator* to have a *BB pipeline* it operates declared not to be a *BB pipeline* for the purposes of this Part.
- (2) A person who intends to operate a *BB pipeline* may apply to the *BB operator* to have that pipeline declared not to be a *BB pipeline* for the purposes of this Part in which case, if that application is granted, the relevant *exemption declaration* will take effect from the later of the day that person commences to operate the *BB pipeline* and the day the *exemption declaration* is made.
- (3) An application for an *exemption declaration* under rule [10(1) or (2)] must be in the form specified in the *BB procedures*.
- (4) The *BB operator* must:
 - (a) make an *exemption declaration* in respect of a *BB pipeline* under this rule [10] if the application for that *exemption declaration* is in the form required by rule [10(3)] and the *BB operator* believes on reasonable grounds that the *BB pipeline* meets the criteria in rule [10(5)]; and
 - (b) refuse to make an *exemption declaration* in respect of a *BB pipeline* under this rule [10] if either of the requirements in rule [10(4)(a)] are not satisfied.
- (5) The criteria for an *exemption declaration* under rule [10(4)] are:
 - (a) the *nameplate rating* of the *BB pipeline* is, or (in the case of a proposed *BB pipeline*) will be, less than 20TJ of *natural gas per gas day*; or
 - (b) the *BB pipeline* does not, or (in the case of a proposed *BB pipeline*) will not, transport *natural gas* between a *production zone* and a *demand zone*, between *demand zones* or between *production zones*; or
 - (c) the *BB pipeline* is, or (in the case of a proposed *BB pipeline*) will be, a *gathering line*; or

{Note: A gathering line is commonly understood to be a *pipeline* from a well to a *production facility* and also includes pipelines used to collect coal seam methane.}

- (d) the *BB pipeline* only delivers, or (in the case of a proposed *BB pipeline*) will only deliver, *natural gas* to an injection point on the *BB pipeline*.
- (6) The *BB operator* must:
 - (a) give to the applicant for an *exemption declaration* under this rule [10] its written reasons for either making or refusing to make that *exemption declaration*; and
 - (b) publish those written reasons on its website.

11. Application for exemption of storage facility

- (1) A *storage provider* may apply to the *BB operator* to have a *BB storage facility* it operates declared not to be a *BB storage facility* for the purposes of this Part.
- (2) A person who intends to operate a *BB storage facility* may apply to the *BB operator* to have that *gas storage facility* declared not to be a *BB storage facility* for the purposes of this Part in which case, if that application is granted, the relevant *exemption declaration* will take effect from the later of the day that person commences to operate the *BB storage facility* and the day the *exemption declaration* is made.
- (3) An application for an *exemption declaration* under rule [11(1) or (2)] must be in the form specified in the *BB procedures*.
- (4) The *BB operator* must:
 - (a) make an *exemption declaration* in respect of a *BB storage facility* under this rule [11] if the application for that *exemption declaration* is in the form required by rule [11(3)] and the *BB operator* believes on reasonable grounds that the *BB storage facility* meets the criteria in rule [11(5)]; and
 - (b) refuse to make an *exemption declaration* in respect of a *BB storage facility* under this rule [11] if either of the requirements in rule [11(4)(a)] are not satisfied.
- (5) The criteria for an *exemption declaration* under rule [11(4)] are:
 - (a) the *production nameplate rating* of the *BB storage facility* is, or (in the case of a proposed *BB storage facility*) will be, less than 20TJ of *natural gas* per *gas day*; or
 - (b) the *BB storage facility* is, or (in the case of a proposed *BB storage facility*) will be, used solely as part of a *production facility*; or

- (c) the *BB storage facility* is not, or (in the case of a proposed *BB storage facility*) will not be, connected to a *BB transmission pipeline*.
- (6) The *BB operator* must:
 - (a) give to the applicant for an *exemption declaration* under this rule [11] its written reasons for either making or refusing to make that *exemption declaration*; and
 - (b) publish those written reasons on its website.

12. Application for exemption of production facility

- (1) A *production facility operator* may apply to the *BB operator* to have a *BB production facility* it operates declared not to be a *BB production facility* for the purposes of this Part.
- (2) A person who intends to operate a *BB production facility* may apply to the *BB operator* to have that *production facility* declared not to be a *BB production facility* for the purposes of this Part in which case, if that application is granted, the relevant *exemption declaration* will take effect from the later of the day that person commences to operate the *BB production facility* and the day the *exemption declaration* is made.
- (3) An application for an *exemption declaration* under rule [12(1) or (2)] must be in the form specified in the *BB procedures*.
- (4) Subject to rules [12(5) and (6)], the *BB operator* must:
 - (a) make an *exemption declaration* in respect of a *BB production facility* under this rule [12] if the application for that *exemption declaration* is in the form required by rule [12(3)] and the *BB operator* believes on reasonable grounds that the *BB production facility* meets the criteria in rule [12(7)]; and
 - (b) refuse to make an *exemption declaration* in respect of a *BB production facility* under this rule [12] if either of the requirements in rule [12(4)(a)] are not satisfied.
- (5) Notwithstanding that a *BB production facility* or proposed *BB production facility* meets the criteria in rule [12(7)], the *BB operator* may refuse to make an *exemption declaration* in respect of that *BB production facility* if:
 - (a) the *BB production facility* is, or (in the case of a proposed *BB production facility*) will be, one of two or more *production facilities* in a *production zone* operated by a common *production facility operator*; and
 - (b) the aggregate of the *nameplate ratings* of all the *production facilities* operated by the common *production facility operator* in the relevant *production zone* (including the

nameplate rating of the proposed *BB production facility*, if any) is (or will be) 20TJ of *natural gas* per *gas day* or more.

- (6) Notwithstanding that a *BB production facility* or proposed *BB facility* meets the criteria in rule [12(7)], if requested by the *BB operator* the *production facility operator* of that *BB production facility* or the person who intends to operate that *BB production facility* (as the case may be) must, as a condition of the *exemption declaration*, comply with the obligations under rule [23] as if the *BB production facility* or proposed *BB production facility* were a *BB production facility* for the purposes of this Part.
- (7) The criteria for an *exemption declaration* under rule [12(4)] are:
- (a) the *natural gas* from the *BB production facility* does not, or (in the case of a proposed *BB production facility*) will not, flow (directly or indirectly) into a *BB pipeline*; or
 - (b) the *nameplate rating* of the *BB production facility* is, or (in the case of a proposed *BB production facility*) will be, less than 20TJ of *natural gas* per *gas day*.
- (8) The *BB operator* must :
- (a) give to the applicant for an *exemption declaration* under this rule [12] its written reasons for either making or refusing to make that *exemption declaration*; and
 - (b) publish those written reasons on its website.

13. BB operator may cancel exemption of pipeline or facility

- (1) If the *BB operator* has reasonable grounds to believe that:
- (a) a *BB pipeline*, *BB storage facility* or *BB production facility*, that has been declared under rule [10, 11 or 12] not to be a *BB pipeline*, *BB storage facility* or *BB production facility*, no longer meets the criteria for exemption specified in rule [10(5), 11(5) or 12(7)] (as relevant); or
 - (b) a *production facility operator* has failed to comply with a condition of an *exemption declaration* relating to a *BB production facility* imposed under rule [12(6)],

then the *BB operator* may revoke the *exemption declaration* by notice in writing to the relevant operator, such revocation taking effect as from the *exemption cancellation date*.

- (2) If an *exemption declaration* in respect of a *BB pipeline*, *BB storage facility* or *BB production facility* is revoked under rule [13(1)], then that pipeline or facility will become a *BB pipeline*, *BB storage facility* or *BB production facility* for the purposes of this Part with effect from the *exemption cancellation date*.

{Note: A consequence of this is that the relevant operator will need to apply for registration under rule [8(2)]. Where a pipeline becomes a *BB*

pipeline by virtue of rule [13(2)], other persons (e.g. facility operators who inject gas into that pipeline or *shippers* on that pipeline) will also need to apply for registration under rule [8(2)]: see also rule [15(2)].}

- (3) If the *BB operator* revokes an *exemption declaration* under rule [13(1)], the *BB operator* must:
- (a) give its written reasons for that decision to the relevant operator at the same time as it notifies the operator of that revocation under rule [13(1)]; and
 - (b) publish those written reasons on its website.
- (4) If, prior to the *exemption cancellation date*, the *BB operator* becomes satisfied that:
- (a) the relevant *BB pipeline*, *BB storage facility* or *BB production facility* does actually meet the criteria for exemption specified in rule [10(5), 11(5) or 12(7)] (as relevant); or
 - (b) the relevant *production facility operator* has not actually failed to comply with, or has rectified its failure to comply with, the condition imposed under rule [12(6)],

as the case may be, then the *BB operator* must cancel the notice referred to in rule [13(1)] by giving a further notice in writing to the relevant operator and the *exemption declaration* will not be revoked on the *exemption cancellation date*.

- (5) A person who operates a pipeline or facility that is the subject of an *exemption declaration* must give written notice to the *BB operator* as soon as practicable after that person becomes aware that the pipeline or facility may no longer meet the criteria for exemption specified in rule [10(5), 11(5) or 12(7)] (as relevant).

14. BB operator may declare pipeline or facility to be BB facility

- (1) If the *BB operator* has reasonable grounds to believe that a *BB transmission pipeline*, *gas storage facility* or *production facility* that:
- (a) is not a *BB pipeline*, *BB storage facility* or *BB production facility*; and
 - (b) is not the subject of an *exemption declaration*,
- does not meet the criteria in rule [10(5), 11(5) or 12(7)] (as relevant), such criteria applying as if:
- (c) references in rule [10(5)] and related provisions to a *BB pipeline* were references to the *BB transmission pipeline*;
 - (d) references in rule [11(5)] and related provisions to a *BB storage facility* were references to the *gas storage facility*; and

- (e) references in rule [12(7)] and related provisions to a *BB production facility* were references to the *production facility*

then the *BB operator* may, by notice in writing to the relevant operator, declare that *BB transmission pipeline, gas storage facility or production facility* to be a *BB pipeline, BB storage facility or BB production facility* (as relevant), such declaration taking effect as from the *facility declaration date*.

{Note: A consequence of this is that the relevant operator will need to apply for registration under rule [8(2)]. Where a pipeline becomes a *BB pipeline* by virtue of rule [14(1)], other persons (e.g. facility operators who input gas into that pipeline) will also need to apply for registration under rule [8(2)]: see also rule [15(2)]. As a consequence of rule [14(1)] a declaration may only be made in respect of a pipeline or facility that is operating as at the commencement of Division 1 or the date of a declaration under rule [4] but is not included in the schedule to the Rules or a declaration made under rule [4].}

- (2) If the *BB operator* makes a declaration under rule [14(1)], the *BB operator* must:
- (a) give its written reasons for that decision to the relevant operator at the same time as it notifies the operator of that declaration under rule [14(1)]; and
- (b) publish those written reasons on its website.
- (3) If, prior to the *facility declaration date*, the *BB operator* becomes satisfied that the relevant *BB transmission pipeline, gas storage facility or production facility* does actually meet the criteria in rule [10(5), 11(5) or 12(7)] (as relevant), then the *BB operator* must cancel the notice referred to in rule [14(1)] by giving a further notice in writing to the relevant operator and the declaration referred to in rule [14(1)] will not come into effect on the *facility declaration date*.
- (4) A person who operates a *BB transmission facility, gas storage facility or production facility* that satisfies rules [14(1)(a) and (b)] must give written notice to the *BB operator* as soon as practicable after that person becomes aware that the pipeline or facility may not meet the criteria specified in rule [10(5), 11(5) or 12(7)] (as relevant).

15. **BB operator to maintain register of BB facilities and notify changes of status**

- (1) The *BB operator* must maintain up-to-date registers of *BB facilities*, and *BB facilities* that have been declared under rule [10, 11 or 12] not to be *BB facilities* for the purposes of this Part, in the form specified in the *BB procedures* and publish the registers on the *Bulletin Board*.
- (2) Where for any reason:
- (a) a *BB facility* ceases to be a *BB facility* (including because of the making of an *exemption declaration* in respect of that *BB facility* under rule [10, 11 or 12]); or

- (b) a *BB transmission pipeline*, a *gas storage facility* or a *production facility* becomes a *BB facility* at any time after the commencement of Divisions 2 and 3 (including because of the revocation of an *exemption declaration* in respect of that *BB facility* under rule [13] or the making of a declaration under rule [14]),

the *BB operator* must publish a notice of that change on its website as soon as practicable after it becomes aware of that change.

16. Expert review

- (1) If a person (an "**aggrieved party**") wishes to object to a decision of the *BB operator* to:
 - (a) revoke the registration of a person under rule [8(5)]; or
 - (b) make an *exemption declaration* in respect of a *BB facility* under rule [10], [11] or [12]; or
 - (c) refuse to make an *exemption declaration* in respect of a *BB facility* or proposed *BB facility* under rule [10], [11] or [12]; or
 - (d) revoke an *exemption declaration* in respect of a *BB facility* or proposed *BB facility* under rule [13]; or
 - (e) make a declaration under rule [14],

then the *aggrieved party* must, within 5 *business days* after the publication on the *BB operator's* website of its written reasons for that decision, give the *BB operator* a notice in writing specifying its objection to the decision (an "**objection notice**").

- (2) Where an *aggrieved party* gives the *BB operator* an *objection notice* in accordance with rule [16(1)], the *BB operator* and the *aggrieved party* must each nominate a representative and those representatives must seek to resolve the objection within 20 *business days* after the giving of that notice. In order to resolve the objection the *BB operator* may, but is not required to, make another decision in substitution for the decision the subject of the objection, in which case that decision must be made in accordance with the relevant provisions of this Part and this Part applies to that substitute decision as if the original decision had not been made.
- (3) If the objection is not resolved within 20 *business days* after the giving of an *objection notice* in respect of it in accordance with rule [16(1)] and the *aggrieved party* still wishes to dispute the decision of the *BB operator*, then the *aggrieved party* must refer the dispute to expert determination by serving a notice of dispute on the *BB operator* at any of its offices in accordance with the *IAMA Expert Determination Rules*.
- (4) The *IAMA Expert Determination Rules* apply in respect of any dispute referred to in rule [16(3)] as if this Part constituted an

agreement between the *BB operator* and the *aggrieved party*, and except to the extent that any provision of this Part is inconsistent with those rules.

- (5) Subject to rule [16(6)], the *BB operator* and the *aggrieved party* (or *aggrieved parties*) must agree both the person who is to act as the expert for the purposes of determining a dispute referred to in rule [16(3)] and the expert's fee.
- (6) If the *BB operator* and the *aggrieved party* (or *aggrieved parties*) have not agreed upon the expert and the expert's fee within 10 *business days* after the date on which the relevant notice of dispute is served on the *BB operator* under rule [16(3)]:
 - (a) the expert is the person nominated by the *AER* (with that person's agreement) as the expert; and
 - (b) the fee of the expert is the amount or rate determined by the *AER* (with the expert's agreement).
- (7) Subject to rule [16(8)], and unless otherwise agreed by them, each party to a dispute referred to in rule [16(3)] must:
 - (a) bear its own costs of or incidental to the determination of the dispute; and
 - (b) pay the other costs of or incidental to the determination of the dispute (including the expert's fee) in equal shares.
- (8) Where an expert appointed to determine a dispute referred to in rule [16(3)] considers it appropriate to do so, the expert may, as part of its determination, require one or more parties to the dispute to pay any of the following:
 - (a) some or all of the costs of another party to the dispute; and
 - (b) a share of the costs referred to in rule [16(7)(b)] that is different to the share referred to in that rule.
- (9) If each *aggrieved party* that served a notice of dispute on the *BB operator* under rule [16(3)] withdraws that notice by notice in writing to the *BB operator*, the *BB operator* and those *aggrieved parties* must cancel the expert determination. If an expert determination is so cancelled the fees due to the expert up until the time of the cancellation must be borne by the *aggrieved parties* in equal shares.

Division 4 BB procedures

17. Compliance with BB procedures

- (1) The *BB operator* and each *BB participant*, *pipeline operator*, *production facility operator* and *storage provider* must comply with the *BB procedures*.
- (2) Where the *BB operator* has reason to believe that a *BB participant*, *pipeline operator*, *production facility operator* or *storage provider* is not complying with the *BB procedures* it may, by notice in writing, direct that person to comply with the relevant provisions of the *BB procedures* and that person must promptly comply with that direction.

18. Subject matter of BB procedures

The *BB procedures*, as amended from time to time in accordance with this Division, must only deal with such matters as the Rules contemplate being dealt with by the *initial BB procedures* or *BB procedures* and must deal with those matters in accordance with the requirements (if any) set out in the Rules.

19. Amendments to the BB procedures

- (1) The *BB operator* may amend the *BB procedures* at any time in accordance with rules [20 and 21].
- (2) The *BB operator* or any *BB participant* may propose amendments to the *BB procedures* at any time.
- (3) Where the *BB operator* or a *BB participant* wishes to propose amendments to the *BB procedures* it must prepare:
 - (a) a draft of the proposed amendments; and
 - (b) a description of, and an explanation of the reasons for, the proposed amendments.
- (4) If the *BB operator* reasonably considers that a proposed amendment to the *BB procedures*:
 - (a) is not for or with respect to a matter or thing that the *BB procedures* are permitted to deal with under the *NGL* or the Rules; or
 - (b) is similar to an amendment that was proposed to the *BB procedures* in the previous 12 months but was not made; or
 - (c) is misconceived or lacking in substance,

then the *BB operator* may refuse to make that amendment without complying with rules [20] or [21], in which case the *BB operator* must give written reasons to the proponent of the amendment for its refusal to make that amendment.

- (5) The *BB operator* may refuse to make a proposed amendment to the *BB procedures* if, at any time before that amendment takes effect, the proponent of the amendment under this rule [19] gives written notice to the *BB operator* that it wishes to withdraw its proposed amendment.

20. Process for material amendments to the BB procedures

- (1) Subject to rule [21], the *BB operator* must:
- (a) publish any amendments proposed under rule [19(2)] on its website, together with a description of, and an explanation of the reasons for, the proposed amendments; and
 - (b) notify each *BB participant* (in the manner specified in the *BB procedures*) of:
 - (i) the proposed amendments; and
 - (ii) the date by which any comments on the proposed amendments must be received by the *BB operator*, being a day that is not less than 15 *business days* after the *BB participant* is notified of the proposed amendments under rule [20(1)(b)(i)].
- (2) Where a *BB participant* proposes amendments to the *BB procedures*, the *BB operator* must publish the amendments under rule [20(1)(a)], and notify the *BB participants* under rule [20(1)(b)], no later than 10 *business days* after the *BB participant* provides the *BB operator* with the documents referred to in rule [19(3)].
- (3) Subject to rule [21], the *BB operator* must publish a report on its website within 10 *business days* after the last day for comments under rule [20(1)(b)(ii)] that:
- (a) summarises any comments received from *BB participants* on the proposed amendments and how (if at all) these comments are addressed in the amendments referred to in rule [20(3)(b)];
 - (b) sets out the proposed amendments (if any) to the *BB procedures* (which may or may not be the same as the amendments proposed under rule [19(2)]); and
 - (c) specifies the day on which the proposed amendments referred to in rule [20(3)(b)] (if any) are to take effect, being a day that is not less than 15 *business days* after the publication of the report.
- (4) Subject to rule [21], at least 15 *business days* prior to the day on which the proposed amendments referred to in rule [20(3)(b)] (if any) are to take effect, the *BB operator* must:

- (a) provide notice to each *BB participant* (in such format and manner as the *BB operator* reasonably may determine) of the amended *BB procedures*; and
 - (b) publish the amended *BB procedures* on its website.
- (5) In determining whether or not to amend the *BB procedures* under this rule [20], the *BB operator*:
- (a) must take into account all comments that it receives from *BB participants* by the date referred to in rule [20(1)(b)(ii)]; and
 - (b) may, but is not required to, take into account any comments that it receives from *BB participants* after that date.

21. Process for non-material amendments to the BB procedures

- (1) If the *BB operator* considers that any amendments proposed to the *BB procedures* under rule [19(2)] are *non-material* then the *BB operator* must provide notice to each *BB participant* (in such format and manner as the *BB operator* reasonably may determine):
- (a) setting out the proposed amendments and the *proposed effective date*; and
 - (b) stating that:
 - (i) the *BB operator* considers the proposed amendments to be *non-material*; and
 - (ii) unless a *BB participant* makes a submission to the *BB operator* by the *proposed effective date* objecting to the amendments being treated as *non-material*, the amendments will take effect on the *proposed effective date*,
- and must publish on its website a notice that contains the information referred to in rules [21(1)(a) and (b)].
- (2) Subject to rule [21(3)], at least 15 *business days* prior to the day on which the proposed amendments referred to in rule [21(1)(a)] are to take effect, the *BB operator* must publish the amended *BB procedures* on its website.
- (3) If a *BB participant* makes a submission under rule [21(1)(b)(ii)] by the *proposed effective date*, the *BB operator* must:
- (a) provide notice to each *BB participant* (in such format and manner as the *BB operator* reasonably may determine) that a *BB participant* has objected to the amendments to the *BB procedures* being treated as *non-material* and that the amendments will not take effect on the *proposed effective date*; and
 - (b) follow the process in rule [20] in relation to the proposed amendments to the *BB procedures*.

Division 5 –Obligations of the BB facility operators to provide information

22. Provision of information by BB facility operators

- (1) Where this Part requires the operator of a *BB facility* to provide information to the *BB operator*, the information must be provided by that operator by the time and in the manner specified in the *BB procedures*.
- (2) In this Division references to '*day + 1*' and '*day + 2*' mean one *gas day* and two *gas days* respectively after the first *gas day* for which information is provided and so on.

23. Obligation on production facility operators to provide nameplate rating information

- (1) A *production facility operator* must provide the *BB operator* with the *nameplate rating* of each *BB production facility* that it operates.
- (2) The *production facility operator* must provide the information specified in rule [23(1)] to the *BB operator* annually, by the date specified in the *BB procedures*.
- (3) If a *production facility operator* becomes aware that the *nameplate rating* information it has provided under rule [23(1)] is no longer accurate due to changes in the production capacity of the *BB production facility* that are likely to impact the *BB production facility* for more than one year, the *production facility operator* must notify the *BB operator* of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

{Note. Changes contemplated in rule [23(3)] may result from, for example, augmentations, plant retirement, plant mothballing}

24. Obligation on production facility operators to provide 3 day production capacity outlook

- (1) In accordance with the *BB procedures*, a *production facility operator* must provide to the *BB operator*, in respect of each *gas day* for a *BB production facility* that it operates, the *daily production capacity outlook* for that *BB production facility* for that *gas day*, *day + 1* and *day + 2*.

25. Obligation on production facility operators to provide actual production data

- (1) In accordance with the *BB procedures*, a *production facility operator* must provide the *BB operator* with the *daily production data* for each *BB production facility* that it operates.

{Note: the daily production data provided to the BB operator is not intended to be of settlements quality}

26. Obligation on storage providers to provide nameplate rating information

- (1) A *storage provider* must provide the *BB operator* with the *production nameplate rating* and *refill nameplate rating* of each *BB storage facility* that it operates.
- (2) The *storage provider* must provide the information specified in rule [26(1)] to the *BB operator* annually, by the date specified in the *BB procedures*.
- (3) If a *storage provider* becomes aware that the *nameplate rating* information it has provided under rule [26(1)] is no longer accurate due to changes in the storage capacity of the *BB storage facility* that are likely to impact the *BB storage facility* for more than one year, the *storage provider* must notify the *BB operator* of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

{Note. Changes contemplated in rule [26(3)] may result from, for example, augmentations or mothballing of the storage facility}

27. Obligation on storage provider to provide 3 day production capacity outlook

- (1) In accordance with the *BB procedures*, a *storage provider* must provide to the *BB operator*, in respect of each *gas day* for a *BB storage facility* that it operates, the *daily production capacity outlook* for that *BB storage facility* for that *gas day*, *day + 1* and *day + 2*.

28. Obligation on storage providers to provide actual storage production data

- (1) In accordance with the *BB procedures*, a *storage provider* must provide the *BB operator* with the *daily production data* for each *BB storage facility* that it operates.

{Note: the daily production data provided to the BB operator is not intended to be of settlements quality}

29. Obligation on pipeline operators to provide nameplate rating information

- (1) A *pipeline operator* must provide the *BB operator* with the *nameplate rating* of each *BB pipeline* that it operates.
- (2) The *pipeline operator* must provide the information specified in rule [29(1)] to the *BB operator* annually, by the date specified in the *BB procedures*.

- (3) If a *pipeline operator* becomes aware that the *nameplate rating* information it has provided under rule [29(1)] is no longer accurate due to changes in the capacity of the *BB pipeline* that are likely to impact the *BB pipeline* for more than one year, the *pipeline operator* must notify the *BB operator* of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

{Note. Changes contemplated in rule [29(3)] may result from, for example, augmentations or retirement of the pipeline}

30. **Obligation on pipeline operators to provide 3 day capacity outlook**

- (1) In accordance with the *BB procedures*, a *pipeline operator* must provide to the *BB operator*, in respect of each *gas day* for a *BB pipeline* that it operates, the *pipeline operator's* good faith estimate of the quantity of *natural gas* that, under normal operating conditions, can be transported through that *BB pipeline* on that *gas day*, *day + 1* and *day + 2*.

31. **Obligation on pipeline operators to provide linepack/ capacity adequacy indicator**

- (1) In accordance with the *BB procedures*, a *pipeline operator* must provide to the *BB operator*, in respect of each *gas day*, the *LCA flag* for each *BB pipeline* that it operates for that *gas day*, *day + 1* and *day + 2*.⁴
- (2) If a *pipeline operator* determines during a *gas day* that the most recent *LCA flag* for a *BB pipeline* provided for that *gas day* or for *day + 1* or *day + 2* no longer reflects the *pipeline operator's* view of the actual or expected capability of the *BB pipeline* to meet the *aggregated delivery nominations* for the *BB pipeline* for any of these *gas days*, then the *pipeline operator* must provide the *BB operator* with an updated *LCA flag* for the *BB pipeline* for the relevant *gas days* as soon as practicable.

32. **Obligation on pipeline operators to provide nominated delivery information**

- (1) A *pipeline operator* (other than the *pipeline operator* of the *Victorian transmission system*) must, in accordance with the *BB procedures* and in respect of each *BB pipeline* that it operates, provide the *BB operator* with:
- (a) in respect of each *gas day* and for each *demand zone* or *production zone* (if applicable), the *aggregated delivery nominations* for the *BB pipeline* for that *gas day*; and
- (b) in respect of each *demand zone* or *production zone* (if applicable), the *aggregated forward daily nominations* for the *BB pipeline* for each *gas day* (but not more than seven

⁴ Proposed timing is by 6pm on day before the 1st day of each 3 day forecast.

gas days) for which it is provided with forward daily *nominations by shippers* on the *BB pipeline* under contract or applicable market rules.

- (2) The *pipeline operator* of the *Victorian transmission system* must, in accordance with the *BB procedures*, provide the *BB operator* with the aggregated *scheduled injections* less the aggregated *scheduled withdrawals* in each *production zone* and for the NSW-Vic interconnect at Culcairn.
- (3) For the avoidance of doubt the aggregated information provided under this rule [32] is only an aggregation of information provided by *shippers* to the relevant *pipeline operator* and does not represent the *pipeline operator's* forecast of demand on the relevant *pipeline*.
- (4) For the purposes of this rule [32], the *BB procedures* may specify the default directions which are to be assigned to *natural gas* flows for each *BB pipeline* and the manner in which reverse flows of *natural gas* are to be treated.

33. Obligation on pipeline operators to provide actual pipeline gas delivery information

- (1) Each *gas day* a *pipeline operator* (other than the *pipeline operator* of the *Victorian transmission system*) must, in accordance with the *BB procedures* and in respect of each *BB pipeline* that it operates, provide the *BB operator* with the actual deliveries of *natural gas* from that *BB pipeline* to each *demand zone* and *production zone* (if applicable) on the previous *gas day*, such deliveries being as determined by the *pipeline operator* on the basis of operational metering data.
- (2) Each *gas day* the *pipeline operator* of the *Victorian transmission system* must, in accordance with the *BB procedures*, provide the *BB operator* with the aggregated actual injections of *natural gas* less the aggregated actual withdrawals of *natural gas* in each *production zone* and for the NSW-Vic interconnect at Culcairn, such injections and withdrawals being as determined by the *pipeline operator* on the basis of operational metering and (in the case of the interconnect) as metered at Culcairn.

{Note: the pipeline gas flows determined by the pipeline operator and provided to the BB operator under rule [33(1) and (2)] are not intended to be of settlements quality}

- (3) A *pipeline operator* may at any time (but is not required to) provide the *BB operator* with updates to the information provided under rule [33(1) or (2)] (as the case may be).

{Note: It is anticipated that pipeline operators will update pipeline gas delivery information provided under this rule [33] if there were substantive changes to that data.}

34. Obligation to notify BB operator of time that gas day starts

- (1) *A pipeline operator must provide the BB operator with the time at which the gas day starts for each BB pipeline that it operates (e.g. 6am EST).*
- (2) *A facility operator must provide the BB operator with the time at which the gas day starts for each BB production facility and each BB storage facility that it operates (e.g. 6am EST).*
- (3) *If the start time for the gas day for a BB pipeline, BB production facility or BB storage facility that it operates changes, the relevant pipeline operator or facility operator must notify the BB operator of the updated information as soon as practicable.*
- (4) *The BB operator must publish the start time for the gas day for each BB pipeline, BB production facility and BB storage facility on the Bulletin Board.*

35. Shippers and pipeline operators may indicate spare pipeline capacity

- (1) *At any time, a shipper that is a BB participant or a pipeline operator that is a BB participant may notify other BB users that it has spare pipeline capacity by providing details of the spare pipeline capacity to the BB operator in the form required by the BB procedures.*
- (2) *For the avoidance of doubt, a notice given under rule [35(1)] and posted on the Bulletin Board by the BB operator is an invitation to treat and not an offer capable of acceptance by another person.*

{Note. It is intended that the amount of spare capacity, when the capacity is available, and the contact details of the relevant person, will be posted on the Bulletin Board but that all contractual terms for the acquisition of that capacity will be conducted outside the Bulletin Board.}

36. BB participants may indicate gas available for purchase or gas requirements

- (1) *At any time, a BB participant may notify other BB users that it has natural gas available for purchase by providing details of the natural gas available for purchase to the BB operator in the form required by the BB procedures.*
- (2) *At any time, a BB participant may notify other BB users that it wishes to purchase natural gas by providing details of the natural gas it wishes to purchase to the BB operator in the form required by the BB procedures.*
- (3) *For the avoidance of doubt, a notice given under rule [36(1) or (2)] and posted on the Bulletin Board by the BB operator is an invitation to treat and not an offer capable of acceptance by another person.*

{Note. It is intended that the amount of gas available for purchase and when the gas is available, the amount of gas that it is wished to purchase

and when it is wished to make that purchase, and the contact details of the relevant person, will be posted on the Bulletin Board but that all contractual terms for the acquisition of that gas will be conducted outside the Bulletin Board. }

37. Provision of contact details

- (1) Each *pipeline operator, storage provider, production facility operator, BB shipper* and *registered producer* must provide the *BB operator* with up-to-date *BB contact details* for posting on the *Bulletin Board* in the form required by the *BB procedures*.
- (2) Any person that participates in the gas industry may provide the *BB operator* with up-to-date *BB contact details* for posting on the *Bulletin Board*.
- (3) A person who has provided the *BB operator* with *BB contact details* under rule [37(1) or (2)] must advise the *BB operator* as soon as reasonably practicable of any changes to those *BB contact details*.

38. Ability of BB participants to use free text facility

A *BB participant* may, when it provides information to the *BB operator* under this Division, provide comments in the free text facility on the *Bulletin Board*, subject to any restrictions specified in the *BB procedures*.

Division 6 – Publication of annual projections of gas demand

39. BB operator to publish peak demand day information

- (1) Subject to rules [39(2) and (3)], the *BB operator* must, following consultation with the authorities responsible for administering the *Law* in each *participating jurisdiction*, use its reasonable endeavours to estimate and publish on the *Bulletin Board* the following information for each *participating jurisdiction*:
 - (a) the total forecast demand for *natural gas* (in *TJ*) on the peak demand day in the period from May to September for each *demand zone* (or that part of a *demand zone*) that is in the relevant *participating jurisdiction*; and
 - (b) the total forecast demand for *natural gas* (in *TJ*) on the peak demand day in the period from November to March for each *demand zone* (or that part of a *demand zone*) that is in the relevant *participating jurisdiction*.
- (2) The information specified in rules [39(1)(a) and (b)] must be published annually by no later than the date specified in the *BB procedures*.
- (3) This rule [39] does not require the *BB operator* to collect or publish information in relation to the following *participating jurisdictions*:
 - (a) the Commonwealth;
 - (b) Western Australia; and
 - (c) the Northern Territory.

Division 7 – Emergency information

40. Emergency information page

- (1) The *BB operator* must maintain a section of the *Bulletin Board* for the publication of emergency information, being information of a kind that is:
 - (a) specified in the *BB procedures*; and
 - (b) provided to the *BB operator* by an *authorised representative* of a *participating jurisdiction*, or by a *BB participant*, for the purpose of publishing it on that section.
- (2) A *participating jurisdiction* must provide the *BB operator* with a list of such persons (if any) who are its *authorised representatives*.

41. NGERAC or a Jurisdiction may request activation or deactivation of emergency information page

- (1) The Chair of *NGERAC* or an *authorised representative* of a *participating jurisdiction* may at any time request the *BB operator* to:
 - (a) activate the *emergency information page* on the *Bulletin Board* for the purpose of assisting *NGERAC* or the relevant *participating jurisdiction* in the management of a gas supply emergency; or
 - (b) deactivate the *emergency information page* where it has previously been activated at its request.
- (2) As soon as practicable after receiving a request under rule [41(1)], the *BB operator* must activate or deactivate (as the case may be) the *emergency information page*.

42. BB emergency use indicator

At the same time as the *BB operator* activates or deactivates the *emergency information page* under rule [41(2)], it must indicate on the *Bulletin Board*, in the manner specified in the *BB procedures*, that the *emergency information page* has been activated or deactivated (as the case may be).

43. Jurisdiction may make public statements on an emergency

- (1) An *authorised representative* of a *participating jurisdiction* may at any time request the *BB operator* to:
 - (a) publish on the public section of the *Bulletin Board* an *emergency status report*; or
 - (b) amend or remove an *emergency status report* previously published on the public section of the *Bulletin Board* at its request.

- (2) As soon as practicable after receiving a request under rule [43(1)], the *BB operator* must publish, amend or remove the *emergency status report* in accordance with the request.

Division 8 –Access to the Bulletin Board

44. BB users bound by terms of use

Each and every time a person accesses the *Bulletin Board*, that person is deemed to agree to the *BB terms of use*.

45. BB user requests access to archive information

- (1) A *BB user* may request the *BB operator* to provide it with any information that was previously but is not, at the time of the request, published on the *Bulletin Board*.
- (2) The *BB operator* may in its discretion provide the service requested under rule [45(1)] and may charge the *BB user* an *information retrieval fee* for providing the service.

46. Access to emergency information page

Only *BB participants* may access the *emergency information page*.

Division 9 – Cost recovery by the BB operator

47. Calculation of BB operating costs

- (1) No later than 60 *business days* after the start of an *invoice period*, the *BB operator* must determine:
 - (a) the *estimated BB costs* for that *invoice period*; and
 - (b) the *actual BB costs* for the previous *invoice period*.
- (2) The *BB procedures* may specify the manner in which any components of the *estimated BB costs* or *actual BB costs* are to be determined or calculated for the purposes of this Division.
- (3) Where the relevant *invoice period* is the first *invoice period*:
 - (a) any reference in this Division or Division 10 to an *invoice period* before the first *invoice period* is to be taken as a reference to the year ending 30 June 2008; and
 - (b) the *estimated BB costs*, *actual BB costs* or invoiced amounts for an *invoice period* before the first *invoice period* are to be taken as zero.

48. Estimated BB costs

- (1) The *estimated BB costs* for an *invoice period* must be calculated by the *BB operator* as the sum of:
 - (a) the *BB operator's* good faith estimate of its costs of operating and maintaining the *Bulletin Board* in accordance with this Part during the *invoice period*, including those amounts specified in rule [48(2)]; and
 - (b) the reconciliation amount calculated in accordance with the following formula:

$$RA = AC - (EC - UA) - UAR$$

where:

RA means the reconciliation amount;

AC means the *actual BB costs* for the previous *invoice period*;

EC means the *estimated BB costs* for the previous *invoice period*;

UA means any amounts invoiced under this Division in respect of the previous *invoice period* but unpaid at the time that costs are estimated for the current *invoice period* under rule [47] and which the *BB operator* reasonably believes it will not be able to recover from the party invoiced; and

UAR means any amounts included in the calculation of UA for a preceding *invoice period* which have been recovered since the *estimated BB costs* for an *invoice period* were last determined under rule [47].

- (2) For the purposes of rule [48(1)(a)] the following costs may be included in the *BB operator's* estimate of costs:
- (a) the reasonable budgeted internal costs of the *BB operator* operating and maintaining the *Bulletin Board* during the *invoice period*, including costs of management time and information technology system costs;
 - (b) the reasonable budgeted costs of reimbursing third parties for services to be provided in relation to the operation and maintenance of the *Bulletin Board* during the *invoice period*, including fees payable to suppliers, external advisers and consultants; and
 - (c) the estimated costs, as provided to the *BB operator* under Division 10, of *pipeline operators* providing *aggregation and information services* during the *invoice period*, but only to the extent the *BB operator* considers such estimates to be reasonable.

49. BB operator to maintain records of costs

The *BB operator* must:

- (1) maintain in auditable form records of all expenses incurred by it and amounts recovered by it (including amounts invoiced to *fee paying users* and *information retrieval fees*) in operating and maintaining the *Bulletin Board*, separate from its other financial records; and
- (2) prepare a budget of costs for each *invoice period* and provide the budget to *fee paying users* on request.

50. Basis for recovery of BB operating costs

- (1) The *BB operator* is entitled to recover from each person who was a *fee paying user* during an *invoice period* ("**invoice period 1**") that percentage of the *estimated BB costs* for the next *invoice period* ("**invoice period 2**") calculated in accordance with the following formula:

$$FPUS = (UGA/TGD) \times 100$$

where:

- FPUS means the *fee paying user's* percentage share of the *estimated BB costs* for invoice period 2;
- UGA means the total gas delivery allocated to the *fee paying user* from all *BB pipelines* which provided it with a *pipeline service* in invoice period 1; and

TGD means the total gas delivered from all *BB pipelines* in invoice period 1.

(2) The *BB procedures* may specify the manner in which the amounts referred to in rule [50(1)] as "UGA" and "TGD" are to be determined.

(3) In addition to the amount referred to in rule [50(1)] the adjustment amount calculated in accordance with rule [50(4)] is payable:

(a) by the *BB operator* to a person who was a *fee paying user* during invoice period 1 where that amount is a positive amount; and

(b) to the *BB operator* by a person who was a *fee paying user* during invoice period 1 where that amount is a negative amount.

(4) The adjustment amount referred to in rule [50(3)] is calculated in accordance with the following formula:

$$AA_{i2} = IC_{i1} - [(UGA_{i1}/TGD_{i1}) \times AC_{i1}]$$

where:

AA_{i2} means the adjustment amount for invoice period 2;

IC_{i1} means the amount of *estimated BB costs* for invoice period 1 charged to the relevant person under this Division;

UGA_{i1} means the total gas delivery allocated to that person (in its capacity as a *fee paying user*) from all *BB pipelines* which provided it with a *pipeline service* in invoice period 1, as previously calculated for the purposes of this Division;

TGD_{i1} means the total gas delivered from all *BB pipelines* in invoice period 1, as previously calculated for the purposes of this Division; and

AC_{i1} means the *actual BB costs* in relation to invoice period 1.

(5) The amount calculated under rule [50(4)] must be included in a *tax invoice* issued to that person under rule [51(2)] for invoice period 2, with a positive adjustment amount being a reduction in the amount that would otherwise be included on that invoice and a negative adjustment amount being an increase in the amount that would otherwise be included on that invoice.

51. Recovery of BB operating costs

No later than 65 *business days* after the start of an *invoice period*, the *BB operator* must:

(1) notify each *fee paying user* of:

- (a) the *estimated BB costs* for that *invoice period*;
 - (b) the *actual BB costs* for the previous *invoice period*; and
 - (c) that *fee paying user's* percentage share of the *estimated BB costs* under rule [50] for that *invoice period* and the amount (if any) payable by or to that person under rule [50(3)]; and
- (2) issue the *fee paying user* with a *tax invoice* showing:
- (a) the amount of *estimated BB costs* that the *fee paying user* is being charged for the applicable *invoice period*, as adjusted by the adjustment amount for that *invoice period*, in each case as calculated under rule [50]; and
 - (b) any other information specified in the *BB procedures*.

52. Payment of invoices

- (1) Except in the case of manifest error, a *fee paying user* must pay a *tax invoice* received from the *BB operator* under rule [51(2)] within 10 *business days* after receipt of the invoice, regardless of whether the invoice is disputed under rule [53].
- (2) Where there is a manifest error in a *tax invoice* received from the *BB operator* under rule [51(2)], the *BB operator* must issue a replacement *tax invoice* under rule [51(2)] as soon as practicable after it becomes aware of that manifest error, and the relevant *fee paying user* must pay that replacement *tax invoice* within 10 *business days* after receipt of the invoice, regardless of whether the invoice is disputed under rule [53].
- (3) If the *BB operator* becomes aware that a *tax invoice* which it has issued under rule [51(2)]:
- (a) is for an amount that is greater than the amount which should have been included on that invoice, and the relevant *fee paying user* has paid that invoice, then the *BB operator* must re-pay that excess amount (at the option of the *fee paying user*) either by way of a credit on the *tax invoice* issued under rule [51(2)] for the next *invoice period* or by a payment made to the *fee paying user* within 20 *business days* after the day the *BB operator* becomes aware of that overcharge, together with interest on that excess amount calculated at the *applicable interest rate*, accruing on a daily basis, until the relevant *tax invoice* is issued or the relevant payment is made (as the case may be);
 - (b) is for an amount that is less than the amount which should have been included on that invoice then, if the *BB operator* wishes to recover that underpayment, the *BB operator* must promptly give written notice to the relevant *fee paying user* of the underpayment and give the *fee paying user* the option of:
 - (i) having that underpayment included on the *tax invoice* issued under rule [51(2)] for the next *invoice*

period, together with interest calculated on that amount at the *applicable interest rate*, accruing on a daily basis, until that *tax invoice* is issued; or

- (ii) paying the amount of that underpayment within 20 *business days* after the day that notice is given to the *fee paying user*.

If the *fee paying user* does not make the payment referred to in rule [52(3)(b)(ii)] within the 20 *business day* period referred to in that rule then, in the absence of any agreement to the contrary with the *BB operator*, the *fee paying user* will be deemed to have chosen the option referred to in rule [52(3)(b)(i)].

- (4) Where a *tax invoice* is not disputed and the whole or any part of the amount included in that *tax invoice* has not been paid by the due date, the relevant *fee paying user* must pay interest on that unpaid amount at the rate of interest which is 2% per annum above the *applicable interest rate*, accruing on a daily basis, until that amount has been paid.

53. Disputed invoices

- (1) If a *fee paying user* wishes to dispute a *tax invoice* received from the *BB operator* under rule [51(2)], it must notify the *BB operator* of the disputed invoice, within 60 *business days* after receiving the invoice, in accordance with the invoice dispute process in the *BB procedures*, and the *fee paying user* and the *BB operator* must seek to resolve that dispute in accordance with that process.
- (2) The invoice dispute process referred to in rule [53(2)] must provide for:
 - (a) the *fee paying user* to inform the *BB operator* of the reasons for it disputing the relevant *tax invoice*;
 - (b) the *BB operator* to provide information to the *fee paying user* regarding the calculation of the disputed amount;
 - (c) a nominated representative of each of the *fee paying user* and the *BB operator* to seek to resolve the dispute within a specified time; and
 - (d) if the dispute is not resolved by the nominated representatives as referred to in rule [53(2)(c)], the referral of that dispute to mediation, expert determination or some other dispute resolution mechanism,

and may provide for such other things as are considered necessary or desirable in relation to the resolution of disputes about such *tax invoices*.

- (3) If, as a result of the resolution of a disputed *tax invoice* under rule [53(1)], the *BB operator* is obliged to re-pay part or the whole of an amount received under rule [52] to a *fee paying user*, then the *BB operator* must re-pay the amount (at the option of the relevant

fee paying user) either by way of a credit on the *tax invoice* issued under rule [51(2)] for the next *invoice period* or by a payment to the *fee paying user* within 20 *business days* after the day resolution is reached, together with interest on that amount calculated at the *applicable interest rate*, accruing on a daily basis, until the relevant *tax invoice* is issued or the relevant payment is made (as the case may be).

54. Information requirements for cost recovery

- (1) Each *pipeline operator* must, by no later than 10 *business days* after a request from the *BB operator* in relation to an *invoice period*, provide the following information to the *BB operator* to enable it to calculate a *fee paying user's* share of *estimated BB costs* under rule [50] for that *invoice period*:
 - (a) the name of each *shipper* on each *BB pipeline* operated by the *pipeline operator* during the previous *invoice period*;
 - (b) for each such *shipper*, the total gas delivery allocated to that *shipper* from all *BB pipelines* that it operated during the previous *invoice period*; and
 - (c) the total gas delivered from all *BB pipelines* that it operated during the previous *invoice period*.
- (2) The *BB procedures* may specify the manner in which the amounts referred to in rules [54(1)(b) and (c)] are to be determined.

Division 10 – Cost recovery by pipeline operators

{Note: Under rules [32 and 54], the *pipeline operator* is required to aggregate and provide to the *BB operator* information it receives from *shippers*. The information provided by the *pipeline operator* is information which *shippers* hold and which *shippers* could provide directly to the *BB operator* for aggregation. However, for the purposes of cost efficiency, this Part places an obligation on *pipeline operators* to collect and aggregate this information and provide it to the *BB operator* and allows the *pipeline operator* to recover its costs of complying with rules [32 and 54] under the following rules [55 and 56].}

55. Pipeline operator to provide costs of aggregation and information services

- (1) No later than 20 *business days* after the start of an *invoice period*, each *pipeline operator* that wishes to recover its costs of providing *aggregation and information services* must provide to the *BB operator*:
 - (a) an estimate of its costs of providing *aggregation and information services* during that *invoice period*; and
 - (b) a *tax invoice* in relation to its actual costs of providing *aggregation and information services* during the previous *invoice period*.
- (2) A *pipeline operator* must in accordance with the *BB procedures* provide the *BB operator* with reasonable evidence to demonstrate that:
 - (a) the estimate referred to in rule [55(1)(a)] is reasonable; and
 - (b) it has incurred the costs specified in its *tax invoice* issued under rule [55(1)(b)].
- (3) A *pipeline operator* must not issue a *tax invoice* to the *BB operator* under rule [55(1)(b)] which includes an amount that it has recovered, or is entitled to recover, from a *shipper* or any other person either at law (other than under this Part or the *Law*) or under any contract, arrangement or understanding, including an *access arrangement*.

56. BB operator to pay pipeline operator for provision of aggregation and information services

- (1) The *BB operator* must publish on its website a *tax invoice* received under rule [55] as soon as practical and seek comment for 10 *business days* on whether there is any objection to the payment of that invoice.
- (2) If any person objects to the payment the *BB operator* may refer the question of payment to the *AER* for advice within 10 *business days* after receiving the first objection.

- (3) The *AER* must provide the advice referred to in rule [56(2)] to the *BB operator* within 15 *business days* after the question of payment is referred to it.
- (4) Subject to being satisfied that the invoice should be paid, having regard to the evidence presented under rule [55(2)] and any advice provided by the *AER* under rule [56(3)], the *BB operator* must pay the *tax invoice* within 20 *business days* after receipt of the invoice or within 10 *business days* of receiving advice from the *AER* under rule [56(3)] (whichever is the later).

Division 11 – General

57. GST

- (1) In this rule [57]:
- (a) except as provided in rule [57(1)(b)], words and expressions which are not defined in the Rules but which have a defined meaning in the *GST Law* have the same meaning as in the *GST Law*; and
 - (b) **"GST Law"** and **"supply"** have the meanings given to those expressions in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.
- (2) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Part are exclusive of GST.
- (3) If GST is payable by:
- (a) a supplier; or
 - (b) by the representative member for a GST group of which the supplier is a member,
- on any supply made under this Part, the recipient of the supply must pay to the supplier an amount equal to the GST payable on the supply. This rule [57(3)] does not apply to the extent that the consideration for the taxable supply is expressly stated to be GST inclusive.
- (4) The recipient must pay the amount referred to in rule [57(3)]:
- (a) in addition to the consideration for the supply; and
 - (b) at the same time that the consideration for the supply must be provided under this Part.
- (5) The supplier must provide a tax invoice or an adjustment note to the recipient before the supplier is entitled to payment of the amount under rule [57(3)].
- (6) The recipient may withhold payment of the amount under rule [57(3)] until the supplier provides a tax invoice or an adjustment note, as appropriate.
- (7) If an adjustment event arises in respect of a taxable supply made by a supplier under this Part, the amount payable by the recipient under rule [57(3)] must be recalculated to reflect the adjustment event and the recipient must make a payment to the supplier or the supplier must make a payment to the recipient, as the case requires.

- (8) Where this Part requires a person to pay or reimburse an expense or outgoing of another person, the amount to be paid or reimbursed by the first person will be the sum of:
- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other person, or to which the representative member for a GST group of which the other person is a member, is entitled; and
 - (b) if the payment or reimbursement is subject to GST, an amount equal to that GST.