

**Reprint
as at 24 July 2014**



**Gas (Information Disclosure)
Regulations 1997**

(SR 1997/127)

Gas (Information Disclosure) Regulations 1997: revoked, on 24 July 2014, by clause 3 of the Gas (Information Disclosure) Regulations Revocation Order 2014 (LI 2014/203).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 7th day of July 1997

Present:

His Excellency the Governor-General in Council

Pursuant to section 55 of the Gas Act 1992, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Gas (Information Disclosure) Regulations 1997.
- (2) These regulations come into force on 7 August 1997.

Part 1

Preliminary provisions

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

the Act means the Gas Act 1992

arrangement means an agreement under which goods or services, or both, are to be supplied by any part or division of a person to any other part or division of that person in any case where, if that agreement were between separate persons, that agreement would constitute a contract between those persons; and, for the avoidance of doubt, includes—

- (a) an agreement between those persons under which goods or services, or both, are being supplied, although some or all of the terms and conditions in relation to the supply of those goods or services have not been settled;
- (b) an agreement between those persons under which goods or services, or both, will be supplied on the satisfaction of certain terms and conditions;
- (c) an agreement between those persons under which goods or services, or both, will be supplied unless 1 or more particular events occur or do not occur

arrangement for related services means any arrangement for the supply of goods or services (other than an arrangement for the supply or conveyance of gas or the supply of gas appliances) in any case where—

- (a) there is a linkage between—
 - (i) that arrangement; and
 - (ii) a contract or an arrangement for the supply or conveyance of gas—

by reason that the consideration for the supply of those goods or services is linked to, or combined with, payment for the supply or conveyance of that gas; and

- (b) the monetary value of the goods or services supplied, or to be supplied, under the first-mentioned arrangement, in respect of—
 - (i) the period of 12 months immediately before the information relating to the contract or arrangement for the supply or conveyance of gas that is from time to time required by regulation 9 or regulation 10 to be publicly disclosed is so publicly disclosed; or
 - (ii) the period of 12 months immediately after that information is so publicly disclosed—
amounts to or, as the case may be, will amount to more than 1% of the monetary value or projected monetary value (as the case may be) of the contract or arrangement for the supply or conveyance of gas

capital expenditure means expenditure on an asset that enhances the service potential of the asset

contract means a contract for the supply of goods or services, or both, whether or not the contract, or any part of the contract, is in writing; and, for the avoidance of doubt, includes—

- (a) a contract under which goods or services, or both, are being supplied, although some or all of the terms and conditions in relation to the supply of those goods or services have not been settled:
- (b) a contract under which goods or services, or both, will be supplied on the satisfaction of certain terms and conditions:
- (c) a contract under which goods or services, or both, will be supplied unless 1 or more particular events occur or do not occur

contract for related services means any contract for the supply of goods or services (other than a contract for the supply or conveyance of gas or the supply of gas appliances) in any case where—

- (a) there is a linkage between—
 - (i) that contract; and
 - (ii) a contract or an arrangement for the supply or conveyance of gas—

- by reason that the consideration for the supply of those goods or services is linked to, or combined with, payment for the supply or conveyance of that gas; and
- (b) the monetary value of the goods or services supplied, or to be supplied, under the first-mentioned contract, in respect of—
- (i) the period of 12 months immediately before the information relating to the contract or arrangement for the supply or conveyance of gas that is from time to time required by regulation 9 or regulation 10 to be publicly disclosed is so publicly disclosed; or
- (ii) the period of 12 months immediately after that information is so publicly disclosed—
- amounts to or, as the case may be, will amount to more than 1% of the monetary value or projected monetary value (as the case may be) of the contract or arrangement for the supply or conveyance of gas

depreciation means the loss of service potential of an asset through wearing out, consumption, or obsolescence

direct expenditure, in relation to the business of a pipeline owner,—

- (a) means expenditure that is directly related to operating or maintaining that business; and
- (b) includes all expenditure that—
- (i) is directly related to managing the system of that pipeline owner; or
- (ii) is made for the purpose of maintaining, or has the effect of maintaining, the service potential of any fixed asset that is part of that system; but
- (c) does not include—
- (i) indirect expenditure, capital expenditure, depreciation, interest, and tax;
- (ii) any payment made in relation to any asset that is subject to a finance lease, to the extent that the payment is capitalised as a fixed asset or part of a fixed asset

entity includes—

- (a) any person within the meaning of section 4 of the Acts Interpretation Act 1924;
- (b) any subsidiary of any such person;
- (c) any part or division of any such person

equity security has the same meaning as in section 2(1) of the Securities Act 1978

financial statement means—

- (a) a profit and loss statement and balance sheet (including notes to that statement and balance sheet); and
- (b) a statement of accounting policies—
prepared in accordance with generally accepted accounting principles

financial year,—

- (a) in relation to any person that is a company, means the period of 12 months ending on the balance date, as defined by section 7 of the Financial Reporting Act 1993, of that company;
- (b) in relation to any person that is not a company, means the period of 12 months ending on the close of 30 June

fixed assets, in relation to the business of a pipeline owner,—

- (a) means—
 - (i) those line business assets of the business that are tangible in nature and have a relatively long useful life; and
 - (ii) the capitalised value of any line business assets of the business that are subject to a finance lease; and
 - (iii) any system or part of a system that is under construction and will be used for the purposes of any gas transmission activity or gas distribution activity of that pipeline owner, except where interest has been capitalised on that system; but
- (b) does not include—
 - (i) any intangible assets; or
 - (ii) any security; or
 - (iii) cash

gas conveyed means the total amount of gas (in gigajoules) supplied through a system by an entity to a gas customer or customers, as the case may be

gas customer means any entity that is supplied or is to be supplied with gas or line function services by a gas wholesaler, pipeline owner, or gas retailer under any contract or arrangement

gas distribution activity means any of the following activities carried out in respect of a distribution system:

- (a) the supply of line function services:
- (b) the conveyance of gas:
- (c) the ownership of a system, if that system is used for one or both of the activities referred to in paragraphs (a) and (b)

gas distribution agreement means a non-standard contract, or an arrangement, that relates to the conveyance of gas through a distribution system and,—

- (a) in the case of the Corporation, is of a kind described in regulation 8(1)(b); and
- (b) in the case of any pipeline owner (other than the Corporation), is of a kind described in regulation 8(2)(a)

gas processing facility means a facility for treating gas so that the treated gas is suitable for consumption

gas retailing means the supply of gas to a consumer

gas transmission activity means any of the following activities carried out in respect of a transmission system:

- (a) the supply of line function services:
- (b) the conveyance of gas:
- (c) the ownership of a system, if that system is used for one or both of the activities referred to in paragraphs (a) and (b)

gas transmission agreement means a non-standard contract, or an arrangement, that relates to the conveyance of gas through a transmission system and,—

- (a) in the case of the Corporation, is of a kind described in regulation 8(1)(b); and
- (b) in the case of any pipeline owner (other than the Corporation), is of a kind described in regulation 8(2)(a)

independent auditor, in relation to any information to which regulation 31 applies, means a person who—

- (a) is qualified for appointment as auditor of a company under the Companies Act 1993 or, where the person first referred to in paragraph (b) is a public entity (as defined in section 4 of the Public Audit Act 2001), is the Auditor-General; and
- (b) has no relationship with, or interest in, the person that is required, by any provision of these regulations, to publicly disclose that information, being a relationship or interest that is likely to involve that first-mentioned person in a conflict of interest

indirect expenditure, in relation to the business of a pipeline owner, means all expenditure that is not directly related to managing the system of that pipeline owner; but does not include—

- (a) capital expenditure, depreciation, interest, and tax;
- (b) any expenditure related to operating or maintaining that system

line business asset means any asset of a pipeline owner that is used for any gas transmission activity, or gas distribution activity, of that pipeline owner

line charge means a charge imposed in respect of any of the following activities:

- (a) the supply of line function services;
- (b) the conveyance of gas;
- (c) the ownership of a system, if that system is used for one or both of the activities referred to in paragraphs (a) and (b)

non-standard contract means any contract that is not a standard contract

prescribed business relationship has the meaning given to it in regulation 3

prescribed terms and conditions has the meaning given to it in regulation 4

principal office means the office used by a gas wholesaler, pipeline owner, or gas retailer, as the case may be, as its prin-

principal trading office in any particular city, town, or geographical area

publicly disclose, in relation to any information required by these regulations to be made available by any gas wholesaler, pipeline owner, or gas retailer, means to make that information available in the following ways:

- (a) by making copies of that information available for inspection, during ordinary office hours, at the principal offices of that gas wholesaler, pipeline owner, or gas retailer, as the case may be; and
- (b) by sending a copy of that information by post to any person who asks for that information to be sent to him or her; and
- (c) by providing a copy of that information for collection, during ordinary office hours, from the principal offices of that gas wholesaler, pipeline owner, or gas retailer, as the case may be, by any person who asks for a copy of the information to be made available for collection;—

and the term **public disclosure** has a corresponding meaning
revenue means revenue earned solely from a system; but does not include—

- (a) income from securities; or
- (b) any other income that is unrelated to managing the system

security has the same meaning as in section 2(1) of the Securities Act 1978

service potential means the output or service capacity of an asset, determined by reference to attributes such as physical output capacity, associated operating costs, useful life, and quality of output

standard contract means any contract (being a contract for the supply of gas or line function services, or both) between any person (being a gas wholesaler, pipeline owner, or gas retailer) and any other person, where—

- (a) the price at which the gas or line function services, or both, are to be supplied under the contract is determined solely by reference to a schedule of prescribed terms and conditions, being a schedule that,—

- (i) before 7 August 1997, was available at the principal offices of the gas wholesaler, pipeline owner, or gas retailer, as the case may be, and, where that schedule remains in use after 7 August 1997, is publicly disclosed in accordance with these regulations; or
- (ii) from 7 August 1997, is publicly disclosed; and
- (b) at least 4 other persons, being persons—
 - (i) none of whom is in a prescribed business relationship with the first-mentioned person; and
 - (ii) none of whom is in a prescribed business relationship with any of the other such persons,—
each have such contracts with the first-mentioned person

subsidiary has the same meaning as in sections 5 and 6 of the Companies Act 1993

system in relation to a pipeline owner, means a configuration of connected pipes and other fittings that are used or intended to be used for the conveyance or supply of gas

tariff category, in relation to any gas wholesaler, pipeline owner, or gas retailer, means—

- (a) a category of gas customers, being a category that is—
 - (i) determined from time to time by that gas wholesaler, pipeline owner, or gas retailer; and
 - (ii) defined by reference to the prescribed terms and conditions of a particular standard contract between those gas customers and that gas wholesaler, pipeline owner, or gas retailer:
- (b) a category of gas customers consisting of all those gas customers that are supplied with gas by that gas wholesaler, pipeline owner, or gas retailer under a non-standard contract or under an arrangement

transmission system means that part of a system that conveys gas from the point where the gas leaves a gas processing facility to the boundary of the gasworks or gate station outlet flange supplying gas—

- (a) for distribution; or
- (b) to a gas customer, where the gas does not enter a distribution system.

- (2) For the purposes of these regulations,—
- (a) a gas distribution activity (being the supply of line function services or the conveyance of gas) is a gas distribution activity of a pipeline owner if that activity is carried on, by that pipeline owner or any other person, by means of assets owned by that pipeline owner;
 - (b) a gas distribution activity (being the ownership of a system) is a gas distribution activity of a pipeline owner.
- (3) For the purposes of these regulations,—
- (a) a gas transmission activity (being the supply of line function services or the conveyance of gas) is a gas transmission activity of a pipeline owner if that activity is carried on, by that pipeline owner or any other person, by means of assets owned by that pipeline owner;
 - (b) a gas transmission activity (being the ownership of a system) is a gas transmission activity of a pipeline owner.
- (4) A reference in these regulations to a gas retailer does not include a gas refueller.
- (5) For the avoidance of doubt, a reference in these regulations to a pipeline owner includes the Corporation unless any provision of these regulations provides otherwise.
- (6) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings defined in the Act.
- Regulation 2(1) **independent auditor** paragraph (a): amended, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

3 Prescribed business relationships

- (1) For the purposes of these regulations,—
- (a) any 2 persons are in a prescribed business relationship if—
 - (i) one of them has an interest in more than 50% of the assets or profits of the other person; or
 - (ii) one of them has a controlling interest in the other person; or
 - (iii) one other person holds a controlling interest in each of those 2 persons, or has an interest in more than 50% of the assets or profits of each of those 2 persons; or

- (iv) one other person holds a controlling interest in one of those 2 persons, and has an interest in more than 50% of the assets or profits of the other person:
- (b) a pipeline owner and another person (being a gas wholesaler or gas retailer) are in a prescribed business relationship in any case where—
 - (i) that pipeline owner—
 - (A) has an interest in 50% or more of the assets or profits of that other person; or
 - (B) holds a controlling interest in that other person; or
 - (ii) interests in the assets or profits of that other person are held by that pipeline owner and any 1 or more other pipeline owners, and those interests amount, in the aggregate, to an interest in 50% or more of those assets or profits; or
 - (iii) equity securities in that other person are held by that pipeline owner and any 1 or more other pipeline owners, and, by virtue of those equity securities, those pipeline owners hold, in the aggregate, a controlling interest in that other person:
- (c) if—
 - (i) any person carries on any activity specified in one of the paragraphs of subclause (2); and
 - (ii) that person also carries on an activity specified in any other paragraph of that subclause,—
those 2 activities are in a prescribed business relationship.
- (2) The activities to which subclause (1)(c) applies are as follows:
 - (a) a gas transmission activity;
 - (b) a gas distribution activity;
 - (c) the supply of gas (other than as a gas retailer);
 - (d) gas retailing.
- (3) For the purposes of subclause (1)(a), to hold a controlling interest in another person means to hold (whether directly or indirectly) equity securities in that other person that carry, in the

aggregate, more than 50% of the voting rights at any general meeting of the other person.

- (4) For the purposes of subclause (1)(b), to hold a controlling interest in another person means to hold (whether directly or indirectly) equity securities in that other person that carry, in the aggregate, 50% or more of the voting rights at any general meeting of the other person.
- (5) For the purposes of subclauses (3) and (4), a person holds equity securities in another person if the first-mentioned person is beneficially entitled to, or is beneficially entitled to an interest in, any equity securities in the other person (whether or not the whole or any part of the legal ownership of the equity securities is vested in the first-mentioned person).
- (6) For the purposes of subclause (1), a person has an interest in the assets or profits of another person if the first-mentioned person owns (whether directly or indirectly), or has a beneficial interest (whether directly or indirectly) in, those assets or profits.

4 Prescribed terms and conditions

- (1) For the purposes of these regulations, **prescribed terms and conditions**,—
 - (a) in relation to a contract or an arrangement for the supply or conveyance of gas or the supply of line function services, means the terms and conditions specified in subclause (2); and
 - (b) in relation to a contract for related services or an arrangement for related services, means the terms and conditions specified in subclause (3).
- (2) The terms and conditions referred to in subclause (1)(a) are—
 - (a) those terms and conditions of the contract or arrangement that describe the goods or services to be supplied or conveyed under the contract or arrangement; and
 - (b) those terms and conditions of the contract or arrangement that determine, or provide for the determination of, the quantity or amount of the goods or services to be supplied or conveyed under the contract or arrangement; and

- (c) those terms and conditions of the contract or arrangement that specify, determine, or provide for the determination of,—
 - (i) in relation to the supply or conveyance of gas, the price per unit or per time period:
 - (ii) in relation to the supply of line function services, the price at which those services are to be supplied:
 - (iii) in relation to the supply of any other goods or services, the price at which those goods or services are to be supplied:
 - (iv) the timing of payment for the goods or services to be supplied or conveyed under the contract or arrangement:
 - (v) security for payment for the goods or services to be supplied or conveyed under the contract or arrangement; and
 - (d) those terms and conditions of the contract or arrangement that specify, determine, or provide for the determination of, the order of priority in which the goods or services are to be supplied or conveyed to particular entities.
- (3) The terms and conditions referred to in subclause (1)(b) are—
- (a) those terms and conditions of the contract or arrangement that describe the goods or services to be supplied under the contract or arrangement; and
 - (b) those terms and conditions of the contract or arrangement that determine, or provide for the determination of, the quantity or amount of the goods or services to be supplied under the contract or arrangement; and
 - (c) those terms and conditions of the contract or arrangement that specify, determine, or provide for the determination of,—
 - (i) in relation to the goods or services to be supplied under the contract or arrangement, the price at which those goods or services are to be supplied:
 - (ii) the timing of payment for those goods or services:
 - (iii) security or payment for those goods or services.

5 Application

For the avoidance of doubt, nothing in these regulations applies to any pipeline owner in respect of any pipeline that conveys gas to a gas processing facility.

**Part 2
Disclosure requirements***Financial statement disclosure by pipeline
owners***6 Disclosure of financial statements**

- (1) Subject to subclause (3), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), the Corporation must publish in the *Gazette* and publicly disclose a financial statement for that financial year in respect of its gas wholesaling activities (other than those wholesaling activities involving the supply of gas to gas refuellers).
- (2) Subject to subclause (3), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose a separate financial statement for that financial year in respect of each of the following activities:
 - (a) its gas transmission activities;
 - (b) its gas distribution activities;
 - (c) its gas retailing activities.
- (3) If—
 - (a) a pipeline owner is required by subclause (1) or subclause (2) to publish in the *Gazette* and publicly disclose financial statements in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—then that pipeline owner must publish in the *Gazette* and publicly disclose those financial statements before 1 January 1998.

7 Further provisions relating to disclosure of financial statements

- (1) If the Corporation is required by regulation 6 to publish in the *Gazette* and publicly disclose any financial statement, and

the Corporation is in a prescribed business relationship (of the kind described in regulation 3(1)(a)) with any other person who carries on any of the activities described in regulation 6, the following provisions apply:

- (a) the financial statement must be derived from consolidated financial statements of the Corporation and that other person (being consolidated financial statements that relate only to those activities described in regulation 6 that are carried on by either of those persons):
 - (b) if both the Corporation and that other person would otherwise be required by regulation 6 to publish in the *Gazette* any financial statement, they must jointly publish in the *Gazette* that financial statement.
- (2) If any pipeline owner (other than the Corporation) is required by regulation 6(2) to publish in the *Gazette* and publicly disclose any financial statement, and that pipeline owner is in a prescribed business relationship (of the kind described in regulation 3(1)(a)) with any other person who carries on any of the activities described in regulation 6(2), the following provisions apply:
- (a) the financial statement must be derived from consolidated financial statements of the pipeline owner and that other person (being consolidated financial statements that relate only to those activities described in regulation 6(2) that are carried on by either of those persons):
 - (b) if both the pipeline owner and that other person would otherwise be required by regulation 6(2) to publish in the *Gazette* any financial statement, they must jointly publish in the *Gazette* that financial statement.

*Prescribed agreement disclosure by pipeline
owners*

8 Prescribed agreements for certain purposes

- (1) For the purposes of regulations 9 and 10, a prescribed agreement, in relation to the Corporation, is—
- (a) a contract or an arrangement under which the Corporation, in its capacity as a gas wholesaler, is to supply gas through a system (whether or not that system is owned by the Corporation):

- (b) a contract or an arrangement under which gas is to be or may be conveyed by means of a system owned by the Corporation:
 - (c) a contract for related services, where goods or services are to be supplied, under the contract, by—
 - (i) the Corporation; or
 - (ii) an entity that is in a prescribed business relationship with the Corporation; or
 - (iii) a person who conveys gas by means of a system owned by the Corporation; or
 - (iv) an entity that is in a prescribed business relationship with any person who conveys gas by means of a system owned by the Corporation:
 - (d) an arrangement for related services, where goods or services are to be supplied, under the arrangement, by the Corporation or by a person who conveys gas by means of a system owned by the Corporation.
- (2) For the purposes of regulations 9 and 10, a prescribed agreement, in relation to any pipeline owner (other than the Corporation), is—
- (a) a contract or an arrangement under which gas is to be or may be conveyed by means of a system owned by that pipeline owner:
 - (b) a contract for related services, where goods or services are to be supplied, under the contract, by—
 - (i) that pipeline owner; or
 - (ii) an entity that is in a prescribed business relationship with that pipeline owner; or
 - (iii) a person who conveys gas by means of a system owned by that pipeline owner; or
 - (iv) an entity that is in a prescribed business relationship with any person who conveys gas by means of a system owned by that pipeline owner:
 - (c) an arrangement for related services, where goods or services are to be supplied, under the arrangement, by—
 - (i) that pipeline owner; or
 - (ii) a person who conveys gas by means of a system owned by that pipeline owner.

- (3) If, in respect of any prescribed agreement that is a contract, or an arrangement, of a kind described in subclause (2)(a),—
- (a) a pipeline owner (other than the Corporation) has entered into that agreement before 1 April 1993; and
 - (b) that agreement has not been modified on or after 1 April 1993; and
 - (c) that agreement provides for—
 - (i) the supply or possible supply of line function services by that pipeline owner; and
 - (ii) the conveyance of gas by that pipeline owner as a gas retailer or to a gas refueller; and
 - (iii) the imposition of charges for the supply or possible supply of those line function services and for the conveyance of that gas,—the pipeline owner is not required to make public disclosure under regulation 9(2) in respect of that prescribed agreement.

9 Disclosure of prescribed agreements

- (1) Not later than 1 October 1997, every pipeline owner must publicly disclose the prescribed terms and conditions (as they exist on 7 August 1997) of every prescribed agreement that was entered into on or after 1 August 1990 and is in force on 7 August 1997.
- (2) Subject to subclause (5) and regulation 8(3), not later than 1 month after a prescribed agreement (not being a standard contract) is entered into, the pipeline owner must publicly disclose the prescribed terms and conditions of that prescribed agreement.
- (3) Not later than 1 month after a prescribed agreement is entered into (being a standard contract that contains prescribed terms and conditions that differ in any respect from any prescribed terms and conditions that have previously been publicly disclosed under this subclause or subclause (1)), the pipeline owner must publicly disclose the prescribed terms and conditions of that prescribed agreement.
- (4) Where a pipeline owner is required, by subclause (1) or subclause (3), to publicly disclose the prescribed terms and conditions of any standard contract, public disclosure of those terms

and conditions counts as public disclosure of all standard contracts with the same prescribed terms and conditions.

- (5) Notwithstanding subclause (2), if any prescribed agreement (not being a standard contract) is entered into before 1 October 1997, the prescribed terms and conditions must be publicly disclosed—
- (a) not later than 1 month after the agreement was entered into; or
 - (b) not later than 1 October 1997,—
- whichever is the later.

10 Disclosure of modifications to prescribed agreements

- (1) Subject to subclause (5), if—
- (a) the prescribed terms and conditions of any prescribed agreement must be publicly disclosed under regulation 9; and
 - (b) those prescribed terms and conditions are modified,—
- then, not later than 1 month after the modifications take effect, the pipeline owner must publicly disclose those modifications, identifying in each case the particular prescribed agreement that has been modified.
- (2) If—
- (a) a prescribed agreement was entered into before 1 August 1990 and is in force on 7 August 1997; and
 - (b) the prescribed terms and conditions of that prescribed agreement were modified on or after 1 August 1990 but before 7 August 1997,—
- then, not later than 1 October 1997, the pipeline owner must publicly disclose the modifications in force on 7 August 1997, identifying in each case the particular prescribed agreement that has been modified.
- (3) If—
- (a) a prescribed agreement was entered into before 1 August 1990; and
 - (b) the prescribed terms and conditions of that prescribed agreement are modified on or after 7 August 1997,—
- then, not later than 1 month after the modifications take effect, the pipeline owner must publicly disclose those modifications,

identifying in each case the particular prescribed agreement that has been modified.

- (4) Where a pipeline owner is required, by subclause (1) or subclause (3), to publicly disclose any modifications to the prescribed terms and conditions of any standard contract, public disclosure of those modifications counts as public disclosure of all standard contracts where the same modifications have been made.
- (5) Notwithstanding subclause (1), if the prescribed terms and conditions of any prescribed agreement are modified before 1 October 1997, the modifications must be publicly disclosed—
 - (a) not later than 1 month after those modifications take effect; or
 - (b) not later than 1 October 1997,—whichever is the later.

11 Corporation to disclose additional information about wholesaling activities

- (1) Subject to subclause (2), where the Corporation is required by regulation 9(1) or regulation 9(2) or regulation 10(1) to publicly disclose any information in relation to any non-standard contract, or any arrangement, of a kind described in regulation 8(1)(a), the Corporation must include, with that information, the following information:
 - (a) the maximum monthly amount of gas (in gigajoules) to be supplied to the gas customer under the contract or arrangement, or (if the amount is not quantified in the contract or arrangement) a reasonable estimate of that amount based on the duration of the contract or arrangement;
 - (b) the month in which the supply of the maximum monthly amount of gas referred to in paragraph (a) is to occur, or is most likely to occur;
 - (c) the amount of gas (in gigajoules) to be supplied annually to that gas customer under the contract or arrangement, or (if the amount is not quantified in the contract or arrangement) a reasonable estimate of that amount based on the duration of the contract or arrangement;

- (d) if the gas customer is a consumer or a gas refueller,—
 - (i) the 2 digit Australian and New Zealand Standard Industrial Classification Code 1993 (if any) applicable to that gas customer; or
 - (ii) if there is no such code, the tariff category of that gas customer.
- (2) If—
 - (a) the Corporation is required to publicly disclose the information specified in subclause (1) for a non-standard contract or an arrangement; and
 - (b) another party to the contract or arrangement is in a prescribed business relationship with the Corporation,—
the Corporation must publicly disclose the name of the other party instead of the information specified in that subclause.

12 Corporation to disclose additional information about certain agreements

- (1) Subject to subclause (3), where the Corporation is required by regulation 9(1) or regulation 9(2) or regulation 10(1) to publicly disclose any information in relation to a gas transmission agreement, the Corporation must include, with that information, the following information:
 - (a) the maximum monthly amount of gas (in gigajoules) to be conveyed to the gas customer under the agreement, or (if the amount is not quantified in the agreement) a reasonable estimate of that amount based on the duration of the agreement;
 - (b) the month in which the supply of the maximum monthly amount of gas referred to in paragraph (a) is to occur, or is most likely to occur;
 - (c) the pressure or pressures at which gas is to be received by the gas customer under the agreement, or (if the pressure is not specified in the agreement) a reasonable estimate of that pressure;
 - (d) if the gas customer is a consumer or a gas refueller,—
 - (i) the 2 digit Australian and New Zealand Standard Industrial Classification Code 1993 (if any) applicable to that gas customer; or

- (ii) if there is no such code, the tariff category of that gas customer.
- (2) Subject to subclause (3), where the Corporation is required by regulation 9(1) or regulation 9(2) or regulation 10(1) to publicly disclose any information in relation to a gas distribution agreement, the Corporation must include, with that information, the following information:
 - (a) the maximum daily amount of gas (in gigajoules) to be conveyed to the gas customer under the agreement, or (if the amount is not quantified in the agreement) a reasonable estimate of that amount based on the duration of the agreement;
 - (b) the pressure or pressures at which gas is to be received by the gas customer under the agreement, or (if the pressure is not specified in the agreement) a reasonable estimate of that pressure;
 - (c) if the gas customer is a consumer or a gas refueller,—
 - (i) the 2 digit Australian and New Zealand Standard Industrial Classification Code 1993 (if any) applicable to that gas customer; or
 - (ii) if there is no such code, the tariff category of that gas customer.
- (3) If—
 - (a) the Corporation is required to publicly disclose the information specified in subclause (1) or subclause (2) for a gas transmission agreement or a gas distribution agreement; and
 - (b) the agreement is in respect of the conveyance of gas to a gas customer (not being a gas retailer),—the Corporation must publicly disclose the name of the gas customer instead of the information specified in subclause (1) or subclause (2), as the case may be.

13 Further provision relating to disclosure of prescribed agreements by Corporation

If, in respect of any contract or arrangement,—

- (a) the Corporation is required by regulation 9 or regulation 10 to publicly disclose the price at which any gas is to be supplied under the contract or arrangement; and

- (b) either,—
 - (i) in the case of a contract, the other parties to that contract are in a prescribed business relationship with the Corporation; or
 - (ii) in the case of an arrangement, the arrangement is between activities that are in a prescribed business relationship; and
- (c) the contract or arrangement does not specifically provide for the price at which the gas is to be supplied,—
then the Corporation must—
- (d) publicly disclose an imputed price per gigajoule in respect of the supply of that gas, being a price that is determined on the basis that the business of the Corporation is restricted to the gas transmission activities and the gas distribution activities that are carried on by the Corporation; and
- (e) publicly disclose the methodology used to calculate that price; and
- (f) identify the contract or the arrangement involved.

14 Pipeline owners (other than Corporation) to disclose additional information about certain agreements

- (1) Subject to subclause (3), where any pipeline owner (other than the Corporation) is required by regulation 9(1) or regulation 9(2) or regulation 10(1) to publicly disclose any information in relation to a gas transmission agreement, the pipeline owner must include, with that information, the following information:
 - (a) the maximum monthly amount of gas (in gigajoules) to be conveyed to the gas customer under the agreement, or (if the amount is not quantified in the agreement) a reasonable estimate of that amount based on the duration of the agreement;
 - (b) the month in which the supply of the maximum monthly amount of gas referred to in paragraph (a) is to occur, or is most likely to occur;
 - (c) the pressure or pressures at which gas is to be received by the gas customer under the agreement, or (if the pres-

- sure is not specified in the agreement) a reasonable estimate of that pressure:
- (d) if the gas customer is a consumer or a gas refueller,—
 - (i) the 2 digit Australian and New Zealand Standard Industrial Classification Code 1993 (if any) applicable to that gas customer; or
 - (ii) if there is no such code, the tariff category of that gas customer.
- (2) Subject to subclause (3), where any pipeline owner (other than the Corporation) is required by regulation 9(1) or regulation 9(2) or regulation 10(1) to publicly disclose any information in relation to a gas distribution agreement, the pipeline owner must include, with that information, the following information:
- (a) the maximum daily amount of gas (in gigajoules) to be conveyed to the gas customer under the agreement, or (if the amount is not quantified in the agreement) a reasonable estimate of that amount based on the duration of the agreement:
 - (b) the pressure or pressures at which gas is to be received by the gas customer under the agreement, or (if the pressure is not specified in the agreement) a reasonable estimate of that pressure:
 - (c) if the gas customer is a consumer or a gas refueller,—
 - (i) the 2 digit Australian and New Zealand Standard Industrial Classification Code 1993 (if any) applicable to that gas customer; or
 - (ii) if there is no such code, the tariff category of that gas customer.
- (3) If—
- (a) any pipeline owner (other than the Corporation) is required to publicly disclose the information specified in subclause (1) or subclause (2) for a gas transmission agreement or a gas distribution agreement; and
 - (b) another party to the agreement is a gas retailer,—
- the pipeline owner must publicly disclose the name of that gas retailer instead of the information specified in subclause (1) or subclause (2), as the case may be.

*Disclosure of performance measures and
statistics by pipeline owners*

15 Disclosure of financial and efficiency performance measures

- (1) Subject to regulation 16, within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that financial year through transmission systems owned by that pipeline owner, the information specified in Part 2 of Schedule 1.
- (2) Subject to regulation 16, within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that financial year through distribution systems owned by that pipeline owner, the information specified in Part 2 of Schedule 1.
- (3) The financial performance measures specified in clause 1 of Part 2 of Schedule 1, and the financial components of the efficiency performance measures specified in clause 2 of Part 2 of Schedule 1, must be calculated in respect of a financial year using all relevant information included in the financial statements prepared in respect of that financial year for the purposes of complying with regulation 6(2).
- (4) If any pipeline owner is required by subclause (2) to publish in the *Gazette* and publicly disclose any information in relation to a distribution system, that pipeline owner, in calculating that information, must—
 - (a) exclude from direct expenditure and indirect expenditure any line charges payable in relation to a transmission system; and
 - (b) ensure that the sum of the direct expenditure and indirect expenditure equals the total expenses set out in the financial statements referred to in subclause (3), less—
 - (i) any line charges payable in relation to a transmission system; and
 - (ii) depreciation.
- (5) The information published in the *Gazette* and publicly disclosed by a pipeline owner in accordance with subclause (1) or subclause (2) in respect of a financial year must be accom-

panied by the information (if any) that was published in the *Gazette* by that pipeline owner in accordance with the relevant subclause for the previous 3 financial years.

16 Further provisions relating to disclosure of financial and efficiency performance measures

- (1) If—
- (a) the Corporation is in a prescribed business relationship (of a kind described in regulation 3(1)(a)) with any other person who carries on any of the activities described in regulation 6; and
 - (b) both the Corporation and that other person would each be required by regulation 15 to publish information in the *Gazette*,—
- the Corporation and that other person must jointly publish that information in the *Gazette*.
- (2) If—
- (a) any pipeline owner (other than the Corporation) is in a prescribed business relationship (of a kind described in regulation 3(1)(a)) with any other person who carries on any of the activities described in regulation 6(2); and
 - (b) both the pipeline owner and that other person would each be required by regulation 15 to publish information in the *Gazette*,—
- the pipeline owner and that other person must jointly publish that information in the *Gazette*.
- (3) If—
- (a) a pipeline owner is required by regulation 15 to publish in the *Gazette* and publicly disclose information in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—
- then that pipeline owner must publish in the *Gazette* and publicly disclose that information not later than 1 January 1998.

17 Disclosure of energy delivery efficiency performance measures and statistics

- (1) Subject to subclause (4), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year),

every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that financial year through each transmission system owned by that pipeline owner, the information specified in Part 3 of Schedule 1.

- (2) Subject to subclause (4), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that financial year through distribution systems owned by that pipeline owner, the information specified in Part 3 of Schedule 1.
- (3) The information published in the *Gazette* and publicly disclosed by a pipeline owner in accordance with subclause (1) or subclause (2) in respect of a financial year must be accompanied by the information (if any) that was published in the *Gazette* by that pipeline owner in accordance with the relevant subclause for the previous 3 financial years.
- (4) If—
 - (a) a pipeline owner is required by subclause (1) or subclause (2) to publish in the *Gazette* and publicly disclose information in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—then that pipeline owner must publish in the *Gazette* and publicly disclose that information not later than 1 January 1998.

18 Disclosure of reliability performance measures

- (1) Subject to subclause (4), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that financial year through each transmission system owned by that pipeline owner, the information specified in Part 4 of Schedule 1.
- (2) Subject to subclause (4), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publish in the *Gazette* and publicly disclose, in relation to the conveyance of gas during that finan-

cial year through distribution systems owned by that pipeline owner, the information specified in Part 4 of Schedule 1.

- (3) The information published in the *Gazette* and publicly disclosed by a pipeline owner in accordance with subclause (1) or subclause (2) in respect of a financial year must be accompanied by the information (if any) that was published in the *Gazette* by that pipeline owner in accordance with the relevant subclause for the previous 3 financial years.
- (4) If—
- (a) a pipeline owner is required by subclause (1) or subclause (2) to publish in the *Gazette* and publicly disclose information in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—
- then that pipeline owner must publish in the *Gazette* and publicly disclose that information not later than 1 January 1998.

19 Use of estimated information in certain cases

- (1) Subject to subclause (2), if any information (being information necessary for the purpose of enabling a pipeline owner to compile information required by regulation 17 or regulation 18 to be published in the *Gazette* and publicly disclosed) is not available, the pipeline owner may use estimated information for that purpose and, in that case,—
- (a) the information published in the *Gazette* must include a statement—
 - (i) identifying the information that has been compiled using estimated information; and
 - (ii) that the methodology used to calculate the estimated information is publicly available; and
 - (b) the information publicly disclosed must include a statement—
 - (i) identifying the information that has been compiled using estimated information; and
 - (ii) setting out the methodology used to calculate the estimated information.

- (2) No pipeline owner may use estimated information for the purposes of complying with clause 2(b) or clause 2(d) of Part 3 of Schedule 1.

Further disclosure by pipeline owners

20 Disclosure of pricing methodologies

- (1) Not later than 1 October 1997, every pipeline owner must publicly disclose the methodology used to determine the prices charged on 7 August 1997 for the supply of line function services by means of systems owned by that pipeline owner.
- (2) Subject to subclause (4), within 5 months after the beginning of each financial year (beginning with the 1997–1998 financial year), every pipeline owner must publicly disclose the methodology used to determine the prices charged or to be charged, at the commencement of that financial year, for the supply of line function services by means of systems owned by that pipeline owner.
- (3) If, in respect of any methodology publicly disclosed under subclause (1) or subclause (2), any pipeline owner makes any change to that methodology, or adopts a different methodology, that pipeline owner must, within 1 month of that change or that different methodology taking effect, publicly disclose that change or that different methodology, as the case may be.
- (4) A pipeline owner is not required to publicly disclose a methodology, under subclause (2), in respect of the 1997–1998 financial year, if that financial year commenced before 7 August 1997.

21 Disclosure of methodologies for allocation of costs, revenues, etc

- (1) Subject to subclause (3), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publicly disclose the methodology used in relation to the allocation of costs, revenues, assets, and liabilities between,—
- (a) in the case of the Corporation,—
- (i) the activities specified in regulation 6(1); and
- (ii) the activities specified in regulation 6(2)(a); and

- (iii) the activities specified in regulation 6(2)(b); and
 - (iv) the activities specified in regulation 6(2)(c):
 - (b) in the case of any pipeline owner (other than the Corporation),—
 - (i) the activities specified in regulation 6(2)(a); and
 - (ii) the activities specified in regulation 6(2)(b); and
 - (iii) the activities specified in regulation 6(2)(c).
- (2) In subclause (1), the reference to the allocation of costs, revenues, assets, and liabilities means the allocation of costs, revenues, assets, and liabilities for the purposes of the preparation of financial statements for the relevant financial year in accordance with regulation 6.
- (3) If—
 - (a) a pipeline owner is required by subclause (1) to publicly disclose a methodology in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—then that pipeline owner must publicly disclose that methodology not later than 1 January 1998.

22 Disclosure of information about transactions between persons in prescribed business relationships

- (1) This regulation applies in respect of those activities in relation to which every pipeline owner is required, by regulation 6, to publish in the *Gazette* and publicly disclose financial statements for a financial year.
- (2) Subject to subclause (6), within 5 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publicly disclose, in respect of the activities to which this regulation applies, the following information:
 - (a) in respect of goods and services supplied by the pipeline owner, in the course of carrying on any of those activities, to any entity that is in a prescribed business relationship with the pipeline owner, the total income received by the pipeline owner from the supply of those goods and services:

- (b) in respect of goods and services supplied to the pipeline owner, in the course of carrying on any of those activities, by any entity that is in a prescribed business relationship with the pipeline owner, the total cost to the pipeline owner of those goods and services.
- (3) The information must be arranged so that separate totals are shown for each of the following categories of activities:
 - (a) in the case of the Corporation,—
 - (i) the activities specified in regulation 6(1); and
 - (ii) the activities specified in regulation 6(2)(a); and
 - (iii) the activities specified in regulation 6(2)(b); and
 - (iv) the activities specified in regulation 6(2)(c):
 - (b) in the case of any pipeline owner (other than the Corporation),—
 - (i) the activities specified in regulation 6(2)(a); and
 - (ii) the activities specified in regulation 6(2)(b); and
 - (iii) the activities specified in regulation 6(2)(c).
- (4) The information must be accompanied by full details of the terms on which the goods and services were supplied by or to the pipeline owner.
- (5) Where a pipeline owner is required by subclause (2) to publicly disclose information, the pipeline owner must publicly disclose the methodology used to compile that information.
- (6) If—
 - (a) a pipeline owner is required by subclause (2) to publicly disclose information in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—then that pipeline owner must publicly disclose that information not later than 1 January 1998.

23 Pipeline capacity disclosure

- (1) Subject to subclauses (2) and (5), within 2 months after the end of each financial year (beginning with the 1996–1997 financial year), every pipeline owner must publicly disclose, in relation to that financial year, the information specified in Part 5 of Schedule 1.

- (2) A pipeline owner complies with the requirements imposed by subclause (1) to publicly disclose the diagram referred to in clause 1(2) of Part 5 of Schedule 1 or the map referred to in clause 2(2) of that Part if the pipeline owner, within 2 months after the end of each financial year, makes copies of the diagram or map, as the case may be, available for inspection, during ordinary office hours, at the principal offices of that pipeline owner.
- (3) If, in respect of any methodology publicly disclosed under clause 7 of Part 5 of Schedule 1, any pipeline owner makes any change to that methodology, or adopts a different methodology, that pipeline owner must, within 2 months of that change or that different methodology taking effect, publicly disclose that change or that different methodology, as the case may be.
- (4) For the purposes of subclause (1), the Corporation must treat the transmission pipelines known as the Northern transmission pipeline, the Central transmission pipeline, the Bay of Plenty transmission pipeline, and the Southern transmission pipeline as separate transmission systems, even though they are linked to the same source of gas.
- (5) If—
 - (a) a pipeline owner is required by subclause (1) to publicly disclose information in relation to the 1996–1997 financial year; and
 - (b) the 1996–1997 financial year of that pipeline owner ended before 7 August 1997,—then that pipeline owner must publicly disclose that information not later than 1 November 1997.

Disclosure of line charges

24 Application of line charge disclosure

- (1) For the purposes of this regulation and regulations 25 to 27, a **gas provider** is any person who—
 - (a) is a gas distributor or gas retailer; and
 - (b) invoices a consumer or gas refueller for a line charge.
- (2) For the purposes of regulations 25 to 27, a **prescribed contract** means a contract under which a gas provider invoices

any consumer or gas refueller for a line charge (whether that line charge is imposed by that gas provider or any other person).

- (3) For the purposes of this regulation and regulations 25 and 26, a consumer or gas refueller is invoiced for a line charge if the amount for which that consumer or gas refueller is invoiced includes a line charge, even though that line charge is not specifically stated on the invoice.

25 Disclosure of line charges

- (1) Subject to regulation 27, within 3 months after the beginning of each financial year (beginning with the 1997–1998 financial year), every gas provider must publicly disclose, in respect of each prescribed contract that is in force at the beginning of that financial year, the following information:
- (a) the line charge under that contract, determined as at the beginning of that financial year, and the basis on which that line charge is calculated (for example, by reference to a specified time period, or the amount of gas conveyed to that consumer or gas refueller):
 - (b) for each such line charge,—
 - (i) the number (or estimated number) of consumers and gas refuellers by whom that line charge is payable; and
 - (ii) the amount that represents the line charge (if any) imposed by that gas provider; and
 - (iii) the amount that represents the line charge (if any) imposed by any other person.
- (2) Subject to subclause (3) and regulation 27, within 3 months after the beginning of each financial year (beginning with the 1997–1998 financial year), every gas provider must give written notice of the information specified in subclause (4) to each consumer and each gas refueller that is a party to a prescribed contract at the beginning of that financial year.
- (3) A gas provider is not required to give written notice of the information specified in subclause (4) to anyone who ceases to be a consumer or gas refueller within 3 months after the beginning of the relevant financial year.
- (4) The information referred to in subclause (2) is as follows:

- (a) in respect of the prescribed contract to which the consumer or gas refueller was a party at the beginning of the relevant financial year,—
 - (i) the line charge under that contract, determined as at the beginning of that financial year; and
 - (ii) the basis on which that line charge is calculated (for example, by reference to a specified time period, or the amount of gas conveyed to that consumer or gas refueller);
- (b) in respect of that line charge,—
 - (i) the number (or estimated number) of consumers and gas refuellers by whom that line charge is payable; and
 - (ii) the amount that represents the line charge (if any) imposed by that gas provider; and
 - (iii) the amount that represents the line charge (if any) imposed by any other person.

26 Disclosure of increased or decreased line charges

- (1) Subject to subclauses (3) and (4), if there is an increase or a decrease in the line charge under a prescribed contract, the gas provider must comply with subclause (2) within 2 months of the first invoice being sent to any consumer or gas refueller for that increased or decreased line charge.
- (2) The gas provider must—
 - (a) publicly disclose a statement setting out, in respect of that prescribed contract,—
 - (i) the increased or decreased line charge; and
 - (ii) the line charge that was payable under the prescribed contract immediately before that increase or decrease; and
 - (iii) the number (or estimated number) of consumers and gas refuellers by whom that increased or decreased line charge will be payable; and
 - (b) give written notice of that increased or decreased line charge to every consumer and gas refueller by whom that line charge is payable.
- (3) If a consumer or gas refueller was first invoiced for an increased or a decreased line charge before 7 August 1997 in

respect of the 1997–1998 financial year, the information specified in subclause (2)(a) must be publicly disclosed—

- (a) within 2 months of that invoicing; or
 - (b) not later than 1 November 1997,—
- whichever is the later.

- (4) If a consumer or gas refueller is first invoiced for an increased or a decreased line charge within the period of 3 months immediately after the end of a financial year, the information specified in subclause (2)(a) must be publicly disclosed—
 - (a) within 2 months of that invoicing; or
 - (b) within 3 months after the end of that financial year,—whichever is the later.

27 Further provisions relating to disclosure of line charges

- (1) If a gas provider is required by regulation 25 or regulation 26 to publicly disclose a line charge imposed by any other person in respect of the conveyance of gas supplied by the gas provider, that gas provider may impute that line charge.
- (2) If the gas provider imputes the line charge, that gas provider must also publicly disclose the methodology used to determine that imputed line charge.
- (3) If a gas provider is required by regulation 25 or regulation 26 to publicly disclose any information relating to any standard contract, public disclosure of that information counts as public disclosure in relation to all standard contracts to which that information relates.
- (4) If the line charge imposed by a gas provider consists of a charge in relation to a transmission system and a charge in relation to a distribution system, that gas provider must make separate disclosures under regulation 25(1) and regulation 25(2) as if each charge were a separate line charge.
- (5) If,—
 - (a) a gas provider is required by regulation 25 to publicly disclose information, or give written notice of information, in relation to the 1997–1998 financial year; and
 - (b) the 1997–1998 financial year of that gas provider began before 7 August 1997,—

then that gas provider must publicly disclose that information or give written notice, as the case may be, not later than 1 November 1997.

Part 3 Miscellaneous provisions

Exemptions

28 General exemptions

- (1) Nothing in regulations 6 to 27 applies to a pipeline owner if the sum of—
 - (a) the total amount of gas conveyed to gas customers by that pipeline owner; and
 - (b) the total amount of gas conveyed to gas customers by any pipeline owner who is in a prescribed business relationship with that first-mentioned pipeline owner—
is less than 75 000 gigajoules per annum.
- (2) The Secretary may from time to time, by notice in the *Gazette*, exempt any person or class of persons from all or any requirements of these regulations, and may at any time, in the same manner, amend or revoke any such notice.

29 Exemptions in respect of Maui Development Limited

- (1) Nothing in regulation 6 or regulation 7 or regulations 24 to 27 applies to Maui Development Limited.
- (2) Nothing in regulation 9 applies to Maui Development Limited in respect of a prescribed agreement—
 - (a) that is of a kind described in regulation 8(2); and
 - (b) that was entered into before 31 December 1992,—
unless that prescribed agreement has been modified on or after that date.
- (3) Nothing in regulations 15 to 22 applies to Maui Development Limited in respect of a contract or an arrangement that was entered into before 31 December 1992, unless that contract or arrangement has been modified on or after that date.
- (4) Without limiting subclause (3), nothing in regulation 20 applies to Maui Development Limited in respect of a contract or an arrangement where the prices charged for line function

services are not separately identifiable from the prices charged for other goods and services supplied by Maui Development Limited.

- (5) Nothing in clause 8 of Part 5 of Schedule 1 applies to Maui Development Limited in respect of the Maui on-shore gas pipeline unless the level of holding or reserving of capacity in that pipeline changes from the level of holding or reserving of capacity as at 1 January 1993.

30 Exemptions in respect of specific pipeline owners

Nothing in regulations 6 to 27 applies to the pipeline owners specified in Schedule 2 in respect of the pipelines specified in that schedule.

Certificates

31 Information required to be certified by auditor

- (1) This regulation applies to the following information:
- (a) financial statements required, by regulation 6, to be published in the *Gazette* and publicly disclosed;
 - (b) the financial performance measures specified in clause 1 of Part 2 of Schedule 1;
 - (c) the financial components of the efficiency performance measures specified in clause 2 of Part 2 of Schedule 1.
- (2) All information to which subclause (1)(a) applies must be certified by an independent auditor by certificate in form 1 as set out in Schedule 3.
- (3) All information to which subclause (1)(b) or subclause (1)(c) applies must be certified by an independent auditor by certificate in form 2, as set out in Schedule 3.

32 Certificates

- (1) If information is published in the *Gazette* or publicly disclosed under regulation 6 or regulations 15 to 19 by the Corporation, that information must have appended to it a certificate in form 3 as set out in Schedule 3, signed by 2 directors of the Corporation.
- (2) If information is published in the *Gazette* or publicly disclosed under regulation 6 or regulations 15 to 19 by any

pipeline owner (other than the Corporation), that information must have appended to it a certificate in form 4 as set out in Schedule 3, signed by 2 directors or 2 principals of the pipeline owner.

- (3) If information to which regulation 31(1) applies is published in the *Gazette* or publicly disclosed under any provision of these regulations, that information must have appended to it a copy of the certificate given in relation to that information in accordance with regulation 31(2) or regulation 31(3), as the case requires.

Miscellaneous provisions

33 Effect of mergers, takeovers, etc

- (1) In this regulation,—

acquire means to acquire by way of any purchase, merger, takeover, or other similar occurrence

relevant regulation means any of regulations 6, 15, 17, 18, 21, or 22.

- (2) If,—

(a) by virtue of any relevant regulation, any entity is required, in respect of any financial year, to publish in the *Gazette* or publicly disclose any information; and

(b) during that financial year, that entity has acquired, from any other entity, the whole or part of any business,—

then—

(c) the information published in the *Gazette* or publicly disclosed by the first-mentioned entity, under that regulation, for that financial year; and

(d) the information (if any) required to be disclosed by the other entity, under any relevant regulation, for that financial year—

must, so far as practicable, be prepared on the basis that the acquisition of that business or, as the case requires, that part of that business had occurred at the beginning of that financial year.

34 Disclosure of information in same or overlapping financial years

- (1) Subject to subclause (2), if, in respect of any particular financial year, any person is required, by more than 1 provision of these regulations, to publish any information in the *Gazette*, all the information so required to be published by that person in respect of that financial year must be published together in the same issue of the *Gazette*.
- (2) If—
 - (a) any person is required, by these regulations, to publish in the *Gazette* or publicly disclose information jointly with any other person; and
 - (b) the financial years of those persons end on different dates,—

the timeframe within which those persons must publish or publicly disclose that information is the timeframe applicable to the particular financial year of the person whose financial year ends last.

35 Retention of information

- (1) If any person is required, by any provision of any of regulations 8 to 14, to publicly disclose any information relating to any contract or arrangement, that person must publicly disclose that information for as long as that contract or arrangement remains in force.
- (2) If any person is required, by any provision of regulation 6 or regulation 15 or regulation 17 or regulation 18 or regulation 21 or regulation 22 or regulation 32, to publicly disclose any information, that person must publicly disclose that information for a period of at least 4 years after the information is first publicly disclosed by that person.
- (3) If any person is required, by any provision of regulation 20, to publicly disclose any information relating to any methodology used by that person, that person must publicly disclose that information for a period of at least 1 year after that information is first publicly disclosed by that person or until the methodology is no longer used by that person, whichever is the longer.
- (4) If any person is required, by any provision of regulations 25 to 27, to publicly disclose any information, that person must

publicly disclose that information for a period of at least 1 year after that information is first publicly disclosed by that person.

36 Time limit when information requested

If—

- (a) any gas wholesaler, pipeline owner, or gas retailer is required by any provision of these regulations to publicly disclose any information; and
- (b) a person requests that gas wholesaler, pipeline owner, or gas retailer, as the case may be, to provide that person with a copy of that information,—

the gas wholesaler, pipeline owner, or gas retailer must comply with that request within 10 working days after receiving that request.

37 Statutory declarations

- (1) All statements and information supplied to the Secretary under section 56(1)(a) of the Act by any person must be verified by an authorised director or principal of that person by statutory declaration in form 5, as set out in Schedule 3.
 - (2) All further statements, reports, agreements, particulars, and other information supplied to the Secretary under section 56(1)(b) of the Act by any person must be verified by an authorised director or principal of that person by statutory declaration in form 6, as set out in Schedule 3.
-

Schedule 1
Performance measures and other
information

rr 15 to 19, 23

Part 1
Interpretation

In this schedule, unless the context otherwise requires,—

accounting tax means income tax expense, as stated in a profit and loss statement

average total funds employed, in relation to a financial year, means the average of the following amounts:

- (a) the amount calculated by adding, to the amount of net working capital held at the beginning of that financial year, the value of the fixed assets held at the beginning of that year:
- (b) the amount calculated by adding, to the amount of net working capital held at the end of that financial year, the value of the fixed assets held at the end of that year

average total shareholders funds, in relation to a financial year, means the average of the following amounts:

- (a) the amount calculated by adding, to the amount of issued capital at the beginning of that financial year, both the value of the capital reserves and the revenue reserves (including revaluation reserves) held at the beginning of that year:
- (b) the amount calculated by adding, to the amount of issued capital at the end of that financial year, both the value of the capital reserves and the revenue reserves (including revaluation reserves) held at the end of that year

capitalised interest, in relation to a fixed asset, means the directly attributable finance cost component of the initial purchase or construction cost of that asset

cash tax means income tax paid in a financial year

current assets, in relation to any financial year, means—

- (a) all cash in hand at the end of that financial year, as shown on the balance sheet for that year; and

Part 1—*continued*

- (b) all assets that—
- (i) are shown on the balance sheet for that year; and
 - (ii) may reasonably be expected to be converted to cash, consumed, sold, or otherwise disposed of, within 1 year of the balance date for that financial year

current liabilities, in relation to any financial year, means those operational obligations of a business (being obligations that relate to the supply of line function services) that are reasonably expected to be paid or satisfied within 1 year of the balance date for that financial year; but does not include liabilities to shareholders

earnings before interest and tax means revenue less—

- (a) direct expenditure; and
- (b) indirect expenditure; and
- (c) transmission charges; and
- (d) depreciation

interest expense means interest on debt, where that interest is treated as expenses in a profit and loss statement; but does not include any charges or fees relating to the debt that are not treated as interest

interest tax shield means the sum of interest expense and capitalised interest, multiplied by the standard company tax rate

interruption, in relation to the supply of gas to a gas customer, means the cessation of the supply of gas to that gas customer for a period of 1 minute or longer, other than by reason of disconnection of that gas customer for breach of the contract or arrangement under which the gas is supplied

net profit after tax means the amount calculated in accordance with the following formula:

$$a - b - c$$

where—

- a is earnings before interest and tax; and
- b is interest expense; and
- c is accounting tax

Part 1—*continued*

net working capital means current assets less current liabilities

peak day means the day of the peak week where the throughput of gas (in gigajoules) in a system, or at a given point in a system, is at its highest

peak hour means the hour of the day where the throughput of gas (in gigajoules) in a system, or at a given point in a system, is at its highest

peak week means the week in a financial year where the throughput of gas (in gigajoules) in a system, or at a given point in a system, is at its highest

revaluations, in relation to any fixed assets that are revalued in any financial year, means the amount calculated in accordance with the following formula:

$$r = a - [b + c - d - e]$$

where—

- r is revaluations; and
- a is the value of the fixed assets at the end of that financial year; and
- b is the value of the fixed assets at the end of the previous financial year; and
- c is the value of any fixed assets acquired during that financial year; and
- d is the value of any fixed assets disposed of during that financial year; and
- e is the total depreciation accounted for as an expense on all fixed assets in respect of that financial year

service pipeline means a pipeline that—

- (a) conveys gas to 1 gas customer or gas refueller; and
- (b) branches off a pipeline that conveys gas to 2 or more gas customers or gas refuellers

system length, in relation to a system and with respect to a financial year, means the total length (in kilometres) of the

Part 1—*continued*

pipes that form the system, being the average of the following amounts:

- (a) the total length of the pipes at the beginning of the financial year:
- (b) the total length of the pipes at the end of the financial year

total customers means the average of the following amounts:

- (a) the number of gas customers who, at the beginning of a financial year, are being supplied with line function services by means of a system owned by a pipeline owner:
- (b) the number of gas customers who, at the end of that financial year, are being so supplied

unaccounted-for gas, in relation to gas supplied through a system, means the difference between the total measured (or estimated) amount of gas (in gigajoules) entering the system, and the total measured (or estimated) amount of gas (in gigajoules) supplied to gas customers

unplanned interruption means any interruption in respect of which less than 24 hours' notice, or no notice, was given, either to the public, or to all gas customers affected by the interruption.

Part 2

Financial and efficiency performance
measures

r 15

1 Financial performance measures

- (a) accounting return on total assets, being earnings before interest and tax, divided by average total funds employed:
- (b) accounting return on equity, being net profit after tax, divided by average total shareholders funds:
- (c) accounting rate of profit, which must be calculated in accordance with the following formula:

Part 2—*continued*

$$\frac{a - b - c + d}{e}$$

where—

- a is earnings before interest and tax; and
- b is cash tax; and
- c is interest tax shield; and
- d is revaluations; and
- e is average total funds employed, less half the amount of revaluations.

2 Efficiency performance measures

- (a) direct line costs per kilometre, which must be calculated in accordance with the following formula:

$$\frac{a}{b}$$

where—

- a is direct expenditure (in dollars); and
 - b is system length (in kilometres):
- (b) indirect line costs per gas customer, which must be calculated in accordance with the following formula:

$$\frac{a}{b}$$

where—

- a is indirect expenditure (in dollars); and
- b is total customers.

Part 3
Energy delivery efficiency performance
measures and statistics

Part 3—*continued*

1 Energy delivery efficiency performance measures

- (a) load factor, which must be calculated in accordance with the following formula:

$$\frac{a}{12 \times b} \times \frac{100}{1}$$

where—

- a is the amount of gas (in gigajoules) entering the system or systems during the financial year; and
b is the maximum monthly amount of gas (in gigajoules) entering the system or systems:
(b) unaccounted-for gas ratio, which must be calculated in accordance with the following formula:

$$\frac{a}{b} \times \frac{100}{1}$$

where—

- a is the amount of unaccounted-for gas (in gigajoules) during the financial year; and
b is the amount of gas (in gigajoules) entering the system or systems during the financial year.

2 Statistics

- (a) the system length for each system:
(b) the maximum monthly amount of gas (in gigajoules) entering the system or systems:
(c) the total amount of gas (in gigajoules) conveyed through the system or systems during the financial year:
(d) the total amount of gas (in gigajoules) conveyed through the system or systems during the financial year on behalf of other persons who are gas wholesalers or gas retailers, or both, not being persons who are in a prescribed business relationship with the pipeline owner:
(e) total customers.

Part 4
Reliability performance measures

r 18

1 Unplanned interruptions in transmission systems

In respect of the conveyance of gas through a transmission system, the total number of hours of each unplanned interruption.

2 Unplanned interruptions in distribution systems

In respect of the conveyance of gas through a distribution system or systems,—

- (a) the measure of unplanned interruptions (other than those directly resulting from unplanned interruptions of a transmission system), which must be calculated in accordance with the following formula:

$$\frac{a}{b}$$

where—

- a is the sum obtained by adding together the number of customer-hours lost during each interruption; and
- b is total customers:
- (b) the measure of unplanned interruptions directly resulting from unplanned interruptions of a transmission system, which must be calculated in accordance with the following formula:

$$\frac{a}{b}$$

where—

- a is the sum obtained by adding together the number of customer-hours lost during each interruption; and
- b is total customers.

Part 5
Pipeline capacity disclosure

r 23

1 Transmission system diagrams

- (1) A diagram, with any cross-referenced information contained in an accompanying schedule, of each transmission system of the pipeline owner showing the following details:
 - (a) all pipelines in the system with notations showing—
 - (i) internal, external, or nominal pipe diameters (identifying whether internal, external, or nominal pipe diameters are used); and
 - (ii) pipe design pressure ratings; and
 - (iii) a unique identifier for each intake and offtake point of the system:
 - (b) all—
 - (i) compressor stations; and
 - (ii) pressure reduction stations; and
 - (iii) mainline isolation valves; and
 - (iv) mixing stations; and
 - (v) intake points; and
 - (vi) offtake points:
 - (c) if applicable, the points where a significant change has occurred since the previous disclosure under these regulations of the information referred to in paragraphs (a) and (b), including—
 - (i) a clear description of every point on the pipeline system that is affected by the change; and
 - (ii) a statement as to whether the capacity of the pipeline, at the points where the change has occurred, or at other points, as the case may be, has increased or decreased or is not affected; and
 - (iii) a description of the nature of the change:
 - (d) the distances between the items referred to in paragraph (b).
- (2) A diagram, with any cross-referenced information contained in an accompanying schedule, of each transmission system of the pipeline owner showing the following details:

Part 5—*continued*

- (a) the physical location (by common place name or street address) of all pipelines in the system, with notations showing—
 - (i) internal, external, or nominal pipe diameters (identifying whether internal, external, or nominal pipe diameters are used); and
 - (ii) pipe design pressure ratings; and
 - (iii) a unique identifier for each intake and offtake point of the system:
- (b) the physical location of all—
 - (i) compressor stations; and
 - (ii) pressure reduction stations; and
 - (iii) mainline isolation valves; and
 - (iv) mixing stations; and
 - (v) intake points; and
 - (vi) offtake points:
- (c) if applicable, the locations where a significant change has occurred since the previous disclosure under these regulations of the information referred to in paragraphs (a) and (b), including—
 - (i) a clear description of every location on the pipeline system that is affected by the change; and
 - (ii) a statement as to whether the capacity of the pipeline, in the locations where the change has occurred, or in other locations, as the case may be, has increased or decreased or is not affected; and
 - (iii) a description of the nature of the change:
- (d) the distances between the physical locations of the items referred to in paragraph (b).

2 Distribution system maps

- (1) A map, with any cross-referenced information contained in an accompanying schedule, of each distribution system of the pipeline owner showing the following details:
 - (a) the physical location of—

Part 5—*continued*

- (i) that part of the system conveying gas to offtake points with a throughput of gas in the financial year of 20 000 gigajoules or more; and
 - (ii) all offtake points with a throughput of gas in the financial year of 20 000 gigajoules or more; and
 - (iii) all intake points; and
 - (iv) all pressure reduction stations (other than those at offtake points) on that part of the system conveying gas to offtake points with a throughput of gas in the financial year of 20 000 gigajoules or more; and
 - (v) all mixing stations (other than those at offtake points) on that part of the system conveying gas to offtake points with a throughput of gas in the financial year of 20 000 gigajoules or more:
- (b) notations showing—
- (i) a unique identifier for each offtake point with a throughput of gas in the financial year of 20 000 gigajoules or more; and
 - (ii) internal, external, or nominal pipe diameters (identifying whether internal, external, or nominal pipe diameters are used); and
 - (iii) the maximum design working pressures (without changes to the system); and
 - (iv) operating pressures:
- (c) if applicable, the locations where a significant change has occurred since the previous disclosure under these regulations of the information referred to in paragraphs (a) and (b), including—
- (i) a clear description of every location on the pipeline system that is affected by the change; and
 - (ii) a statement as to whether the capacity of the pipeline, in the locations where the change has occurred, or in other locations, as the case may be, has increased or decreased or is not affected; and
 - (iii) a description of the nature of the change.

Part 5—*continued*

- (2) A map, with any cross-referenced information contained in an accompanying schedule, of each distribution system of the pipeline owner showing the following details:
- (a) the physical location of—
 - (i) the whole distribution system (other than service pipelines); and
 - (ii) all intake points; and
 - (iii) all pressure reduction stations; and
 - (iv) all mixing stations other than those at offtake points:
 - (b) notations showing internal, external, or nominal pipe diameters (identifying whether internal, external, or nominal pipe diameters are used):
 - (c) if applicable, the locations where a significant change (other than a change to service pipelines) has occurred since the previous disclosure under these regulations of the information referred to in paragraphs (a) and (b), including—
 - (i) a clear description of every location on the pipeline system, other than any service pipeline, that is affected by the change; and
 - (ii) a description of the nature of the change.

3 Intake points

- (1) Subject to subclause (2) and clause 9, in respect of each intake point that has a throughput of gas in the peak week for the intake point of 2 000 gigajoules or more and that forms part of a transmission system, or part of a distribution system that operates at a pressure of 2 000 kilopascals or more, the following information:
- (a) the dates of the peak week for that intake point and for that system:
 - (b) the throughput of gas (in gigajoules) in the peak week for that system:
 - (c) the numerical factor by which the throughput of gas in the peak week for that system may be increased, if—

Part 5—*continued*

- (i) no further capital investment is required to increase that throughput; and
 - (ii) there is no change in the throughput at other intake points.
- (2) No person is required to publicly disclose the information specified in subclause (1) if—
 - (a) the throughput of gas (in gigajoules) of each of the intake points is publicly disclosed as part of the input data required under clause 8; or
 - (b) the transmission system involved has only 1 intake point, and the information required for that intake point can be readily deduced from offtake point information publicly disclosed under this Part.

4 Offtake points

- (1) Subject to clause 9, in respect of any offtake point that—
 - (a) forms part of a distribution system that operates at a pressure less than 2 000 kilopascals; and
 - (b) has a throughput of gas for the financial year of 20 000 gigajoules or more,—the information specified in subclause (2).
- (2) The information referred to in subclause (1) is as follows:
 - (a) the date of the peak day for the offtake point of the system:
 - (b) the peak hour for the offtake point on the peak day for the system:
 - (c) the throughput of gas (in gigajoules) in the peak hour for the offtake point on the peak day for the system:
 - (d) the numerical factor by which the throughput of gas in the peak hour for the offtake point on the peak day for the system may be increased, if—
 - (i) no further capital investment is required to increase that throughput; and
 - (ii) there is no change in the throughput at other offtake points.
- (3) Subject to clause 9, in respect of any offtake point that—

Part 5—*continued*

- (a) forms part of a transmission system and has a throughput of gas in the peak week for that offtake point of 2 000 gigajoules or more; or
 - (b) forms part of a distribution system that operates at a pressure of 2 000 kilopascals or more,—
the information specified in subclause (4).
- (4) The information referred to in subclause (3) is as follows:
- (a) the dates of the peak week for the offtake point and for the system:
 - (b) the throughput of gas (in gigajoules) in the peak week for the offtake point and for the system:
 - (c) the numerical factor by which the throughput of gas in the peak week for the system may be increased, if—
 - (i) no further capital investment is required to increase that throughput; and
 - (ii) there is no change in the throughput at other offtake points.

5 Further disclosure relating to distribution and transmission systems

- (1) Subject to clause 9, the throughput of gas (in gigajoules) in the peak hour on the peak day for each distribution system.
- (2) Subject to clause 9, in respect of transmission system offtake points that have a throughput of gas of less than 2 000 gigajoules in the peak week for the system, the total load of those offtake points in the peak week for the system (in gigajoules) averaged over all of those offtake points.

6 Critical points of transmission systems

- (1) Subject to clause 9, in respect of—
 - (a) any offtake point of a transmission system that has a throughput of gas in the peak week for the system of 2 000 gigajoules or more; and
 - (b) all other offtake points for that system taken together as a group,—
the information specified in subclause (2).
- (2) The information referred to in subclause (1) is as follows:

Part 5—*continued*

- (a) the critical point of the system that limits the throughput of gas at any offtake point, the factors that cause the limitation, and the dates of the week in which the throughput of gas is limited by that critical point:
- (b) a statement of the means (if any) by which the limitation imposed by the critical point may be overcome, and a reasonable estimate of the size of any consequent throughput increase if those means are employed:
- (c) a reasonable estimate of the cost of investment necessary to employ the means referred to in paragraph (b).

7 Methodologies

- (1) The methodology or methodologies used to determine the information disclosed under the following clauses:
 - (a) clause 3(1):
 - (b) clause 4(2):
 - (c) clause 4(4):
 - (d) clause 5:
 - (e) clause 6(2).
- (2) If the methodology or methodologies referred to in subclause (1) involves computerised capacity simulation modelling, the following details:
 - (a) input data for the modelling, which must be publicly disclosed on a computer tape or disk:
 - (b) the name of the capacity simulation model software.

8 Gas held or reserved in transmission systems

- (1) Subject to clause 9, in respect of—
 - (a) each intake point or offtake point that—
 - (i) forms part of a transmission system; and
 - (ii) has a throughput of gas in the peak week for the system of 2 000 gigajoules or more in the financial year to which the public disclosure under regulation 23(1) relates (**the relevant financial year**); and
 - (b) all other intake points of each transmission system taken together as a group; and

Part 5—*continued*

- (c) all other offtake points of each transmission system taken together as a group,—
the information specified in subclause (2).
- (2) Subject to subclause (3), the information referred to in subclause (1) is the throughput of gas (in gigajoules) held or reserved for the pipeline owner (including any person in a prescribed business relationship with the pipeline owner), and the throughput of gas (in gigajoules) held or reserved for other persons, separately for the following 3 financial years:
 - (a) the financial year immediately following the relevant financial year:
 - (b) the third financial year after the relevant financial year:
 - (c) the fifth financial year after the relevant financial year.
- (3) The information referred to in subclause (2) must include—
 - (a) the reserved maximum daily amounts of gas; and
 - (b) the reserved maximum hourly amounts of gas; and
 - (c) the location and designation of receipt points for intakes, and of delivery points for offtakes; and
 - (d) if the pressure of gas delivered to gas customers differs from the standard pressure in the system, the contracted delivery pressure.

9 Measured volumes and estimates

For the purposes of clauses 3, 4, 5, 6, and 8,—

- (a) if gas flows are metered, the measured volumes must be used; and
 - (b) if gas flows are not metered, reasonable estimates must be used; and
 - (c) if estimates are used, all estimated information must be identified as being estimated information.
-

Schedule 2

r 30

Exemptions in respect of specific pipeline owners

Pipeline owner	Pipeline
Fletcher Challenge Energy Taranaki Limited	• McKee Production Station—Tikorangi gas pipelines
TAWN Joint Venture*	• Waihapa—New Plymouth gas pipeline
Liquigas Limited	• Oaonui-Port Taranaki LPG pipeline
Methanex New Zealand Limited	• Bertrand Road—Waitara Valley Plant gas pipeline (via Faull Road Mixing Station)
	• Tikorangi—Faull Road Mixing Station gas pipeline
	• Faull Road Mixing Station—Motunui Plant main process gas pipeline
	• Faull Road Mixing Station—Motunui Plant minor gas pipeline
	• Faull Road Mixing Station—Waitara Valley Plant minor gas pipeline
Natural Gas Corporation of New Zealand Limited	• Kapuni—Faull Road Mixing Station low temperature separator gas pipeline
Nova Gas Limited	• Landfill gas pipelines
Otago Citigas Limited	• LPG pipelines
Rockgas Limited	• LPG pipelines

*The participants in the TAWN Joint Venture are Fletcher Challenge Energy Taranaki Limited, Southern Petroleum (Tariki) Limited, Southern Petroleum (Ahuroa) Limited, Southern Petroleum (New Zealand) Exploration Limited, and Bligh Oil and Minerals (New Zealand) Limited.

**Schedule 3
Forms**

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Form 1

r 31(2)

Certification by auditor in relation to financial
statements

I have examined the attached financial statements prepared by [*name*] and dated [*date*] for the purposes of regulation 6 of the Gas (Information Disclosure) Regulations 1997.

I certify that, having made all reasonable enquiry, to the best of my knowledge, those financial statements have been prepared in accordance with the requirements of the Gas (Information Disclosure) Regulations 1997.

[*Signature of auditor*]

[*Name of auditor*]

[*Date*]

Form 2
Certification of performance measures by
auditor

r 31(3)

I have examined the attached information, being—

- (a) financial performance measures specified in clause 1 of Part 2 of Schedule 1 of the Gas (Information Disclosure) Regulations 1997; and
- (b) financial components of the efficiency performance measures specified in clause 2 of Part 2 of that schedule,—

and having been prepared by [*name*] and dated [*date*] for the purposes of regulations 15 and 16 of those regulations.

I certify that, having made all reasonable enquiry, to the best of my knowledge, that information has been prepared in accordance with the requirements of the Gas (Information Disclosure) Regulations 1997.

[*Signature of auditor*]

[*Name of auditor*]

[*Date*]

Form 3

r 32(1)

Certification of financial statements,
performance measures, and statistics disclosed
by directors of the Corporation

We, [*full names*], directors of the Natural Gas Corporation of New Zealand Limited (**the Corporation**), certify that, having made all reasonable enquiry, to the best of our knowledge,—

- (a) the attached audited financial statements of the Corporation, prepared for the purposes of regulation 6 of the Gas (Information Disclosure) Regulations 1997, comply with the requirements of that regulation; and
- (b) the attached information, being financial performance measures, efficiency performance measures, energy delivery performance measures and statistics, and reliability performance measures in relation to the Corporation, and having been prepared for the purposes of regulations 15 to 19 of the Gas (Information Disclosure) Regulations 1997, complies with the requirements of those regulations.

[*Signatures of directors*]

[*Date*]

Form 4

r 32(2)

Certification of financial statements,
performance measures, and statistics disclosed
by pipeline owners other than the Corporation

We, *[names]*, directors/principals* of *[name of pipeline owner]*, certify that, having made all reasonable enquiry, to the best of our knowledge,—

- (a) the attached audited financial statements of *[name of pipeline owner]*, prepared for the purposes of regulation 6 of the Gas (Information Disclosure) Regulations 1997, comply with the requirements of that regulation; and
- (b) the attached information, being financial performance measures, efficiency performance measures, energy delivery performance measures and statistics, and reliability performance measures in relation to *[name of pipeline owner]*, and having been prepared for the purposes of regulations 15 to 19 of the Gas (Information Disclosure) Regulations 1997, complies with the requirements of those regulations.

[Signatures of directors/principals]*

[Date]

*Delete the word that does not apply

Form 5

r 37(1)

Statutory declaration in respect of statements
and information supplied to chief executive of
the Ministry of Economic Development

I, [*full name*], of [*address*], being a director/principal* of [*name of entity*], solemnly and sincerely declare that, having made all reasonable enquiry, to the best of my knowledge, the information attached to this declaration is a true copy of information made available to the public under the Gas (Information Disclosure) Regulations 1997.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Declared at this day of [*year*].

.....
Justice of the Peace (*or*)
Solicitor *or* other person
authorised to take a
statutory declaration).

*Delete the word that does not apply

Schedule 3 form 5 heading: amended, on 7 September 2000, by section 8(2) of the Ministry of Economic Development Act 2000 (2000 No 28).

Form 6

r 37(2)

Statutory declaration in respect of further information requested by chief executive of the Ministry of Economic Development

I, [full name], of [address], being a director/principal* of [name of entity], solemnly and sincerely declare that, having made all reasonable enquiry, to the best of my knowledge, the document(s) attached to this declaration—

- (a) is/are* the statement(s), report(s), agreement(s), particular information [specify] requested by the chief executive of the Ministry of Economic Development on [date] under section 56(1)(b) of the Gas Act 1992; and
- (b) contain(s) all the statements, reports, agreements, particulars, information [specify] in the possession, or under the control, of [name of entity] that relate to that request.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Declared at this day of [year].

..... Justice of the Peace (or Solicitor or other person authorised to take a statutory declaration).

*Delete the word that does not apply

Schedule 3 form 6 heading: amended, on 7 September 2000, by section 8(2) of the Ministry of Economic Development Act 2000 (2000 No 28).

Schedule 3 form 6: amended, on 7 September 2000, by section 8(2) of the Ministry of Economic Development Act 2000 (2000 No 28).

Reprinted as at
24 July 2014

**Gas (Information Disclosure)
Regulations 1997**

Marie Shroff,
Clerk of the Executive Council

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 July 1997.

Reprints notes

1 *General*

This is a reprint of the Gas (Information Disclosure) Regulations 1997 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Gas (Information Disclosure) Regulations Revocation Order 2014 (LI 2014/203): clause 3

Public Audit Act 2001 (2001 No 10): section 53

Ministry of Economic Development Act 2000 (2000 No 28): section 8(2)
