

3. Definitions

(1) In these regulations, unless the contrary intention appears —

“access contract” means a contract between the DBNGP owner and a shipper for access to gas transmission capacity, except that it does not include an exempt contract;

“assigned access contract” means an access contract resulting from the assignment to the DBNGP owner of rights and liabilities of the corporation under a contract that was entered into before the commencement of these regulations, and includes an access contract of that kind as varied or substituted if —

- (a) the amount of capacity to which access is given is not increased; and
- (b) the period for which access is given is not increased other than by exercising a right given before the commencement of these regulations;

“assigned shipper” refers to a person as a shipper under an assigned access contract;

“associated”, when used to describe the relationship between a notional gate point and a physical gate point, means that they are each associated with the same sub-network;

“committed capacity” means any one or more of T1 capacity, T2 capacity, or T3 capacity (each of which is to be regarded as committed capacity of a particular kind);

“current description of the privatized DBNGP system” means —

- (a) all or part of the description of the corporation’s DBNGP system prepared by the corporation under clause 3 (3) of Schedule 5 to the *Gas Corporation Act 1994* that was current before that system or part of it became the privatized DBNGP system; or
- (b) the description prepared by the DBNGP owner in accordance with clause 4 of Schedule 1 to the Act;

“designating user” has the same meaning as it has in regulation 22 (3);

“exempt contract” means a contract defined by section 20 (5) of the Act to be an exempt contract;

“exempt shipper” refers to a person as a shipper under an exempt contract;

“gas” means any gas or mixture of gases, whether naturally occurring or manufactured, intended for use —

- (a) as a fuel; or
- (b) in any chemical process;

“gas day” means the 24 hour period starting at 08:00 hours on a day and ending at 08:00 hours on the following day;

“gas distribution system” means the gas distribution system as defined in section 90 of the *Gas Corporation Act 1994*;

“inlet point” means a flange, joint, or other point, specified in an access contract as a point at which the shipper delivers gas to the DBNGP owner under the contract;

“notional gate point” has the meaning given to it in regulation 19;

- “outlet point”** means a flange, joint, notional gate point, or other point, specified in an access contract as a point at which the DBNGP owner delivers gas to the shipper under the contract;
- “physical gate point”** means a flange, joint or other point specified in the current description of the privatized DBNGP system as a point that marks a boundary between the privatized DBNGP system and the gas distribution system;
- “post-transfer access contract”** means an access contract that is not an assigned access contract;
- “post-transfer shipper”** refers to a person as a shipper under a post-transfer access contract;
- “reasonable and prudent person”** means a person acting in good faith with the intention of performing his or her contractual obligations and who in so doing and in the general conduct of his or her undertaking exercises that degree of skill, diligence, prudence and foresight which would reasonably and ordinarily be exercised by a skilled and experienced person complying with recognised standards and applicable laws engaged in the same type of undertaking under the same or similar circumstances and conditions;
- “T1 capacity”** means capacity of the privatized DBNGP system to transport gas to an outlet point to which capacity a shipper has a right of access under a contract that describes that capacity as T1 capacity and is not an exempt contract;
- “T2 capacity”** means capacity of the privatized DBNGP system to transport gas to an outlet point to which capacity a shipper has a right of access under a contract that describes that capacity as T2 capacity and is not an exempt contract;
- “T3 capacity”** means capacity of the privatized DBNGP system to transport gas to an outlet point to which capacity a shipper has a right of access under a contract that describes that capacity as T3 capacity and is not an exempt contract;
- “T1 cutoff “** and **“T2 cutoff “** have the meanings given by regulation 11;
- “tranche”** means Tranche 1, Tranche 2, or Tranche 3;
- “Tranche 1”**, **“Tranche 2”**, and **“Tranche 3”** have the meanings given by regulation 11.

- (2) For the purposes of these regulations, an assigned access contract that —
- (a) describes capacity as “shipper’s T1 capacity”, “ST1 capacity”, “capacity in Tranche 1”, or in any other way intended to convey that the capacity is to be treated in a way substantially similar to the way T1 capacity is treated by these regulations, is to be taken to describe that capacity as T1 capacity;
 - (b) describes capacity as “shipper’s T2 capacity”, “ST2 capacity”, “capacity in Tranche 2”, or in any other way intended to convey that the capacity is to be treated in a way substantially similar to the way T2 capacity is treated by these regulations, is to be taken to describe that capacity as T2 capacity;

- (c) describes capacity as “shipper’s T3 capacity”, “ST3 capacity”, “capacity in Tranche 3”, or in any other way intended to convey that the capacity is to be treated in a way substantially similar to the way T3 capacity is treated by these regulations, is to be taken to describe that capacity as T3 capacity.