

Electricity Industry Act 2004

Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 2) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 2) 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulation 9 — on 3 April 2017;
- (c) the rest of the regulations — on the day on which the *Energy Industry (Rule Change Panel) Regulations 2016* regulation 4 comes into operation.

3. Regulations amended

These regulations amend the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

Rule Change Panel means the Rule Change Panel established by the *Energy Industry (Rule Change Panel) Regulations 2016* regulation 4;

***Electricity Industry (Wholesale Electricity Market) Amendment Regulations
(No. 2) 2016***

r. 5

5. Regulation 7 amended

Delete regulation 7(3) and insert:

- (3) Despite anything in this regulation or the market rules —
- (a) rules replacing the market rules in whole are to be made by the Minister and regulation 6(6) applies to them; and
 - (b) rules amending, repealing or replacing market rules dealing with the matters referred to in regulation 12B(2) must be approved by the Minister before they are made.

6. Regulation 8 amended

In regulation 8:

- (a) delete “IMO” and insert:

Authority

- (b) delete paragraph (b) and insert:

(b) on a website maintained by the Authority.

7. Regulation 12 amended

In regulation 12(2) delete “functions, and the market rules.” and insert:

functions.

***Electricity Industry (Wholesale Electricity Market) Amendment Regulations
(No. 2) 2016***

r. 8

8. Regulation 12B inserted

After regulation 12A insert:

12B. Functions of Rule Change Panel

- (1) The market rules may confer functions on the Rule Change Panel to the extent to which those functions relate to the matters referred to in regulation 7(1).
- (2) The market rules may make provision for governance matters, including financial management, relating to the performance of the functions of the Rule Change Panel under these regulations and the market rules.

9. Regulation 12B amended

After regulation 12B(2) insert:

- (3) The Rule Change Panel is responsible for the development, in accordance with the market rules, of amendments of and replacements for the market rules.

10. Regulation 17B amended

(1) In regulation 17B(1):

- (a) after “Authority” (1st occurrence) insert:

or Rule Change Panel

- (b) in paragraphs (a) and (b) delete “Authority; and” and insert:

Authority or Rule Change Panel; and

**Electricity Industry (Wholesale Electricity Market) Amendment Regulations
(No. 2) 2016**

r. 11

(c) in paragraph (c) delete “Authority.” and insert:

Authority or Rule Change Panel.

(2) In regulation 17B(2):

(a) after “Authority” (1st occurrence) insert:

or Rule Change Panel

(b) in paragraph (a) after “Authority” insert:

or Rule Change Panel (whichever is relevant)

Note: The heading to amended regulation 17B is to read:

**Transitional market rules for transfer of functions from IMO to
Authority or Rule Change Panel**

11. Regulation 21 amended

(1) In regulation 21(1):

(a) after “or (c)” insert:

of the Act

(b) delete “2005 or the Authority)” and insert:

2005, the Authority or the Rule Change Panel)

(2) Renumber subregulation (2A) as subregulation (1A).

***Electricity Industry (Wholesale Electricity Market) Amendment Regulations
(No. 2) 2016***

r. 12

- (3) In regulation 21(2)(b) delete “regulations or the market rules.” and insert:

regulations, the market rules or the *Energy Industry (Rule Change Panel) Regulations 2016*; and

- (4) After regulation 21(2)(b) insert:

- (c) costs identified by the Authority as costs incurred in the performance of the functions of the Rule Change Panel under these regulations or the market rules.

- (5) After regulation 21(2) insert:

- (2A) Costs identified by the Authority under subregulation (2)(b) in relation to performing functions under the *Energy Industry (Rule Change Panel) Regulations 2016* and costs identified by it under subregulation (2)(c) must not relate to functions under the *Gas Services Information Act 2012*.

12. Regulation 51 amended

After regulation 51(d) insert:

- (e) the Rule Change Panel;

R. KENNEDY, Clerk of the Executive Council.
