

EN301\*

Electricity Industry Act 2004

## **Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 2) 2012**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 2) 2012*.

### **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) the rest of the regulations — at 8 a.m. on 1 July 2012.

### **3. Regulations amended**

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

### **4. Regulation 30 amended**

In regulation 30(1), (2) and (3) delete “the Table to”.

Note: The note after amended regulation 30(2) is to read:

Note: Categories B and C are specified in Schedule 1 for the purposes of the market rules.

### **5. Regulation 31 amended**

In regulation 31(1) and (2) delete “the Table to”.

**6. Regulation 33 amended**

In regulation 33(1)(a) and (2) delete “the Table to”.

**7. Schedule 1 replaced**

Delete Schedule 1 and insert:

**Schedule 1 — Civil penalty provisions and amounts**

[r. 30]

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 2.13.13	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.13.13A	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 2.13.14(a)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.13.25	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.16.6(b)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.27.1	A	first contravention: \$10 000 subsequent contraventions: \$20 000
cl. 2.29.6	C	first contravention: \$40 000 plus a daily amount of \$5 000 subsequent contraventions: \$80 000 plus a daily amount of \$15 000
cl. 2.29.7	C	first contravention: \$40 000 plus a daily amount of \$5 000 subsequent contraventions: \$80 000 plus a daily amount of \$15 000
cl. 2.29.8	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.30C.4	B	first contravention: \$15 000 subsequent contraventions: \$30 000
cl. 2.31.9	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 2.32.4(a)	C	first contravention: \$45 000 plus a daily amount of \$10 000 subsequent contraventions: \$90 000 plus a daily amount of \$15 000
cl. 2.34.2	B	first contravention: \$15 000 subsequent contraventions: \$30 000
cl. 2.34.3	B	first contravention: \$15 000 subsequent contraventions: \$30 000
cl. 2.34.6	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.35.1	A	first contravention: \$10 000 subsequent contraventions: \$20 000
cl. 2.35.2	A	first contravention: \$10 000 subsequent contraventions: \$20 000
cl. 2.35.3	A	first contravention: \$5 000 subsequent contraventions: \$10 000
cl. 2.36.3	A	first contravention: \$10 000 subsequent contraventions: \$20 000
cl. 2.36.4	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 2.37.5	B	first contravention: \$15 000 subsequent contraventions: \$30 000
cl. 2.38.1	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 2.38.2	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 2.38.3	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 2.41.2	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 2.42.4	C	first contravention: \$40 000 plus a daily amount of \$5 000 subsequent contraventions: \$80 000 plus a daily amount of \$15 000
cl. 2.44.4	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 3.4.6	C	first contravention: \$45 000 subsequent contraventions: \$90 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 3.4.8	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.5.8	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.5.10	C	first contravention: \$45 000 subsequent contraventions: \$90 000
cl. 3.6.5	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.6.6B	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.8.2(c)	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 3.11.7A	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.16.4	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 3.16.7	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 3.16.8A	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 3.17.5	C	first contravention: \$50 000 plus a daily amount of \$10 000 subsequent contraventions: \$100 000 plus a daily amount of \$20 000
cl. 3.17.6	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.18.7	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.18.8	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.18.9	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.18.13(d)(i)	C	first contravention: \$40 000 plus a daily amount of \$5 000 subsequent contraventions: \$80 000 plus a daily amount of \$15 000
cl. 3.19.1	C	first contravention: \$40 000 subsequent contraventions: \$80 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 3.19.8	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.20.2	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 3.21.4	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.21A.2	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 3.21A.6	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 3.21A.12	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 3.21A.13(a)	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 3.21B.1	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 3.21B.2	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 4.5.4	C	first contravention: \$50 000 plus a daily amount of \$10 000 subsequent contraventions: \$100 000 plus a daily amount of \$20 000
cl. 4.10.2	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 4.13.3	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 4.13.4	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 4.22.5(b)	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 4.27.5	B	first contravention: \$20 000 plus a daily amount of \$5 000 subsequent contraventions: \$40 000 plus a daily amount of \$5 000
cl. 6.5.1A	B	first contravention: \$20 000 subsequent contraventions: \$40 000
cl. 6.6.3	C	first contravention: \$100 000 subsequent contraventions: \$100 000
cl. 6.7.3	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 6.7.4	C	first contravention: \$40 000 subsequent contraventions: \$80 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 6.19.9	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 7.5.5	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7.6A.2(g)	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.6A.3(c)	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.6A.5(e)	B	first contravention: \$15 000 plus a daily amount of \$500 subsequent contraventions: \$30 000 plus a daily amount of \$1 000
cl. 7.6A.6	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 7.7.6(b)(i)	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7.7.6A	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.9.1	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.9.3	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.9.5	C	first contravention: \$45 000 subsequent contraventions: \$90 000
cl. 7.9.7	C	first contravention: \$45 000 subsequent contraventions: \$90 000
cl. 7.9.9	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.9.10	C	first contravention: \$45 000 subsequent contraventions: \$90 000
cl. 7.9.12(a)	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.10.1	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7.10.3	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7.10.3A	C	first contravention: \$40 000 subsequent contraventions: \$80 000
cl. 7.10.6	C	first contravention: \$35 000 subsequent contraventions: \$70 000
cl. 7.10.6A(a)	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7.11.7	C	first contravention: \$40 000 subsequent contraventions: \$80 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 7.11.9	C	first contravention: \$30 000 subsequent contraventions: \$60 000
cl. 7A.2.8	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7A.2.9	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7A.2.13	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7A.2.17	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7B.2.10	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7B.2.11	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 7B.2.15	C	first contravention: \$50 000 subsequent contraventions: \$100 000
cl. 8.1.3	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 8.3.1	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 8.3.3	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 8.3.5	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 8.4.1	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 8.5.2	B	first contravention: \$20 000 subsequent contraventions: \$40 000
cl. 8.8	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 9.1.2(e)	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 9.3.2	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000

<b>Provision</b>	<b>Category</b>	<b>Maximum civil penalty amounts</b>
cl. 9.22.5	B	first contravention: \$20 000 plus a daily amount of \$5 000 subsequent contraventions: \$40 000 plus a daily amount of \$5 000
cl. 9.23.3	B	first contravention: \$25 000 plus a daily amount of \$5 000 subsequent contraventions: \$50 000 plus a daily amount of \$10 000
cl. 9.24.7	C	first contravention: \$40 000 plus a daily amount of \$5 000 subsequent contraventions: \$80 000 plus a daily amount of \$10 000
cl. 10.1.2	B	first contravention: \$25 000 subsequent contraventions: \$50 000
cl. 10.2.4	B	first contravention: \$25 000 subsequent contraventions: \$50 000

#### **8. Schedule 2 amended**

In Schedule 2 clause 1 delete the Table and insert:

#### **Table**

r. 31(1)	cl. 2.3.8	cl. 2.5.9
cl. 2.6.4(f)	cl. 2.7.8(e)	cl. 2.10.13
cl. 2.10.14	cl. 2.13.28	cl. 2.28.16
cl. 2.30.4	cl. 2.30.8	cl. 2.31.10
cl. 2.32.7E(b)	cl. 2.34.7	cl. 2.34.7A(b)(ii)
cl. 2.34.7C(c)	cl. 2.34.11	cl. 2.37.1
cl. 2.37.2	cl. 2.37.3	cl. 4.9.9
cl. 4.15.1	cl. 4.20.11	cl. 4.27.7
cl. 4.28.7	cl. 7A.1.11	cl. 10.2.1

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.