Western Australia

Electricity Industry Act 2004
Gas Services Information Act 2012

Energy Industry (Rule Change Panel) Regulations 2016

These regulations were repealed by the *Energy Industry (Rule Change Panel) Regulations Repeal Regulations 2025* r. 3 (SL 2025/32) on 6 Feb 2025 (see r. 2(b))

Western Australia

Energy Industry (Rule Change Panel) Regulations 2016

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Defined terms

Electricity Industry Act 2004
Gas Services Information Act 2012

Energy Industry (Rule Change Panel) Regulations 2016

Part 1 — Preliminary

1. Citation

These regulations are the *Energy Industry (Rule Change Panel) Regulations 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) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

Authority has the meaning given in the *Electricity Industry Act 2004* section 3;

Coordinator means the Coordinator of Energy referred to in the *Energy Coordination Act 1994* section 4;

document includes any record of information, irrespective of how the information is recorded or stored or able to be recovered, and includes the following —

(a) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else;

(b) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;

GSI rules means rules made under the *Gas Services Information Regulations 2012* Part 3;

market rules has the meaning given in the *Electricity Industry Act 2004* section 123(1);

Rule Change Panel means the body that was established under regulation 4;

Notes for this definition:

1. The Rule Change Panel is abolished under regulation 3A (inserted by the *Energy Regulations Amendment Regulations 2021* regulation 26) at the beginning of 1 July 2021.
2. Regulation 4 is deleted by the *Energy Regulations Amendment Regulations 2021* regulation 27 at the beginning of 1 July 2021.

Rule Change Panel document means a document that, immediately before 1 July 2021, is in the possession or control of —

(a) the Rule Change Panel; or

(b) the Authority as part of, or otherwise in relation to, its function under regulation 23;

Note for this definition:

Regulation 23 is deleted by the *Energy Regulations Amendment Regulations 2021* regulation 27 at the beginning of 1 July 2021.

Rule Change Panel function means a function of the Rule Change Panel before 1 July 2021 under any of the following —

(a) these regulations;

(b) the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*;

(c) the *Gas Services Information Regulations 2012*;

(d) GSI rules or market rules;

Rule Change Panel legal advice means any legal advice, or other information subject to legal professional privilege, that —

(a) relates to a Rule Change Panel function; and

(b) is, or is contained in, a Rule Change Panel document.

[Regulation 3 amended: SL 2021/2 r. 25.]

Part 1A — Abolition of Rule Change Panel

[Heading inserted: SL 2021/2 r. 26.]

3A. Rule Change Panel abolished

At the beginning of 1 July 2021, the Rule Change Panel is abolished (and its members go out of office).

[Regulation 3A inserted: SL 2021/2 r. 26.]

3B. Function of Authority relating to abolition of Rule Change Panel

(1) It is a function of the Authority to do anything that the Authority considers necessary or convenient —

(a) for the purpose of ensuring the orderly winding-up of the affairs of the Rule Change Panel; or

(b) otherwise in consequence of the abolition of the Rule Change Panel or the transfer to a person or body of a Rule Change Panel function.

(2) Without limiting subregulation (1), the Authority —

(a) must take possession or control of all Rule Change Panel documents not already in the possession or control of the Authority; and

(b) must provide to the Coordinator —

(i) all Rule Change Panel legal advice; and

(ii) as and when requested by the Coordinator, any other Rule Change Panel document or any other information contained in a Rule Change Panel document;

and

(c) may otherwise provide any Rule Change Panel document, or any information contained in a Rule Change Panel document, to the Coordinator or to any

other person or body to whom a Rule Change Panel function is transferred; and

(d) may otherwise directly or indirectly record, disclose or make use of any Rule Change Panel document, or any information contained in a Rule Change Panel document, for the purpose of performing —

(i) the Authority's function under this regulation; or

(ii) the Authority's obligations under the *Financial Management Act 2006*.

(3) Any legal professional privilege of the Rule Change Panel, or of the Authority, attaching to any Rule Change Panel legal advice immediately before 1 July 2021 is taken, on and after 1 July 2021, to be the legal professional privilege of the Coordinator.

(4) Any professional or contractual duty owed to the Rule Change Panel, or to the Authority, immediately before 1 July 2021 by a person as the provider of any Rule Change Panel legal advice is taken, on and after 1 July 2021, to be owed by that person to the Coordinator.

(5) For the purposes of this regulation, a Rule Change Panel function is transferred to a person or body if —

(a) the Rule Change Panel function becomes a function of the person or body (with or without modifications); or

(b) a function that is substantially the same as, or that is similar to, or that otherwise replaces, the Rule Change Panel function is otherwise conferred on the person or body.

[Regulation 3B inserted: SL 2021/2 r. 26.]

3C. Restriction on recording, disclosure or use of information by former members of Rule Change Panel

A person (the ***former member***) who was a member of the Rule Change Panel at any time must not, directly or indirectly,

record, disclose or make use of any information obtained in the course of duty as a member except —

(a) as required or allowed by a written law; or

(b) for the purposes of —

(i) civil or criminal proceedings; or

(ii) proceedings before a tribunal established under a written law or under a law of the Commonwealth, another State or a Territory;

or

(c) for the purpose of obtaining legal or other advice from a professional adviser who owes the former member a professional or contractual duty to keep the information confidential; or

(d) with the written consent of the person to whom the information relates; or

(e) where the information is in the public domain.

Penalty: a fine of $10 000.

[Regulation 3C inserted: SL 2021/2 r. 26.]

[Parts 2-4 (r. 4-34) deleted: SL 2021/2 r. 27.]

Notes

This is a compilation of the *Energy Industry (Rule Change Panel) Regulations 2016* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Energy Industry (Rule Change Panel) Regulations 2016	23 Nov 2016 p. 5247-64	r. 1 and 2: 23 Nov 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Nov 2016 (see r. 2(b))
Energy Regulations Amendment Regulations 2021 Pt. 3	SL 2021/2 15 Jan 2021	1 Jul 2021 (see r. 2(e))
These regulations were repealed by the *Energy Industry (Rule Change Panel) Regulations Repeal Regulations 2025* r. 3 (SL 2025/32) on 6 Feb 2025 (see r. 2(b))		

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Authority	3
Coordinator	3
document	3
former member	3C
GSI rules	3
market rules	3
Rule Change Panel	3
Rule Change Panel document	3
Rule Change Panel function	3
Rule Change Panel legal advice	3

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