Western Australia

Electricity Industry Act 2004

Electricity Industry (Pilbara Networks) Regulations 2021

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Electricity Industry (Pilbara Networks) Regulations 2021

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Defined terms

Electricity Industry (Pilbara Networks) Regulations 2021

Part 1 — Preliminary

1. Citation

These regulations are the *Electricity Industry (Pilbara Networks) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — 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 —

amend, in relation to the Pilbara networks rules, means replace, in whole or in part, add to or vary the rules, and the doing of any 2 or more of such things simultaneously or by the same rules;

amending rules means rules that amend the Pilbara networks rules;

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

high-voltage connection means a point of connection —

(a) at which electricity is transferred, or to be transferred, to or from a Pilbara network; and

(b) that is a point of connection to —

(i) a part of a distribution system used, or to be used, in relation to the transportation of electricity at nominal voltages of 11 kV or more; or

(ii) a transmission system;

impose requirements means to regulate conduct and impose obligations;

North West Interconnected System Network means —

(a) a Pilbara network that supplies electricity to customers in Karratha or Port Hedland; or

(b) a Pilbara network that is interconnected with a Pilbara network referred to in paragraph (a), including a network that is indirectly interconnected with a network referred to in paragraph (a) through a separate network.

Part 2 — Relevant matters when performing functions under Part 8A of Act

4. Matters to have regard to when performing functions under Part 8A of Act (Act s. 119)

For the purposes of section 119(3) of the Act, the following are the matters a person or body that performs a function under Part 8A of the Act is to have regard to in determining whether the performance of the function meets the Pilbara electricity objective —

(a) the contribution of the Pilbara resources industry to the State's economy;

(b) the nature and scale of investment in the Pilbara resources industry;

(c) the importance to the Pilbara resources industry of a secure and reliable electricity supply;

(d) the nature of electricity supply in the Pilbara region, including whether or not regulatory approaches used outside the Pilbara region are appropriate for the region, Pilbara network users and Pilbara networks;

(e) any other matter the person or body considers relevant.

Part 3 — The Pilbara networks rules

Division 1 — General

[Heading inserted: SL 2023/32 r. 4.]

5. Rules

There are to be Pilbara networks rules.

6. Minister to make initial rules

The Minister must make the initial Pilbara networks rules.

7. Matters to be, or that may be, dealt with by rules (Act s. 120K)

(1) The Pilbara networks rules are to deal with the operation, management, security and reliability of any interconnected Pilbara system.

(2) For the purposes of section 120K(2) of the Act, the Pilbara networks rules may provide for, and in relation to, the operation, management, security and reliability of covered Pilbara networks that are not part of an interconnected Pilbara system.

(3) For the purposes of section 120K(3) of the Act, the Pilbara networks rules may provide for, and in relation to, the following matters in relation to Pilbara networks that are not covered Pilbara networks or part of an interconnected Pilbara system —

(a) the functions of the Pilbara ISO under section 120W(4)(d) of the Act;

(b) the obligations of Pilbara network service providers to provide information to, and assist, the Pilbara ISO in the performance of the functions referred to in paragraph (a).

8. Other matters that may be dealt with by rules (Act s. 120N, 120P and 120Q)

For the purposes of, and without limiting, regulation 7, the Pilbara networks rules may —

(a) confer rights or functions or impose requirements on any of the following —

(i) the Authority;

(ii) the Minister;

(iii) the Pilbara ISO;

(iv) any other Pilbara networks participant;

(v) a person holding an office under a written law;

(vi) a body established under a written law;

(vii) any other person;

and

(b) provide for governance matters, including financial management, relating to the performance of the functions of the Coordinator under these regulations and the Pilbara networks rules; and

(c) provide for the resolution of disputes between Pilbara networks participants; and

(d) authorise the Pilbara ISO to make instruments establishing protocols and procedures and any other instruments related to the performance of its functions; and

(e) provide for —

(i) the effect of instruments made under rules made under paragraph (d); and

(ii) the process of making, amending, repealing or replacing an instrument made under rules made under paragraph (d);

and

(f) provide for metering of electricity in covered Pilbara networks and interconnected Pilbara networks, including by providing for —

(i) the provision, operation and maintenance of metering equipment; and

(ii) ownership of and access to metering data;

and

(g) provide for the regulation of the disclosure and use of confidential or commercially sensitive information; and

(h) provide for the matters set out in section 120P(a) to (c) of the Act; and

(i) include, or provide for the making, formulation and approval of, technical rules for the purposes of Part 8A of the Act, including technical rules for the purposes of all or any of the following —

(i) access to services of covered Pilbara networks;

(ii) network and system operations, power system reliability and stability and system security for covered Pilbara networks and interconnected Pilbara networks;

and

(j) provide for, and in relation to, the provision of information to the Pilbara ISO in relation to the matters stated in regulation 7; and

(k) provide for the regulation of matters —

(i) of a savings, transitional or supplementary nature; or

(ii) that are otherwise necessary or convenient for the purposes of Part 8A Division 3 of the Act.

9. Rules amending, repealing or replacing rules

(1) The Minister may make amending rules that replace the whole of the Pilbara networks rules.

(2) Subject to regulations 10, 11 and 12, the Pilbara networks rules may provide for matters relating to the initiation, development, making, approval, publication and commencement of amending rules, other than amending rules that replace the whole of the Pilbara networks rules.

(3) The Pilbara networks rules under subregulation (2) may be made so as to apply to —

(a) amending rules of a specified kind; or

(b) amending rules other than rules of a specified kind.

(4) Without limiting subregulation (2), the Pilbara networks rules may provide that the Minister or the Coordinator may make amending rules.

(5) However, despite anything in this regulation or the Pilbara networks rules, rules must be approved by the Minister before they are made if they amend or repeal rules —

(a) to confer functions or impose requirements on the Coordinator; or

(b) that confer functions or impose requirements on the Coordinator; or

(c) that deal with the matters referred to in regulation 8(b).

(6) Despite anything in this regulation or the Pilbara networks rules, the Minister may make amending rules during the period —

(a) beginning on the day on which this subregulation comes into operation; and

(b) ending on the 2nd anniversary of that day.

(7) Despite anything in this regulation or the Pilbara network rules, the Minister may make amending rules during the period —

(a) beginning on the day on which the *Energy Regulations Amendment Regulations 2025* regulation 8 comes into operation; and

(b) ending on 31 October 2027.

[Regulation 9 amended: SL 2025/179 r. 8.]

10. Gazettal and notification of rules and amending rules made by Minister

(1) The initial Pilbara networks rules and any amending rules made by the Minister must be —

(a) notified in the *Gazette*; and

(b) published on a website maintained by the Coordinator.

(2) The notification must include notice of —

(a) the making of the rules; and

(b) where the rules are published (including details of the website on which the rules are published).

11. Tabling of rules and amending rules made by Minister

The initial Pilbara networks rules and amending rules made by the Minister must be laid before each House of Parliament within 10 sitting days of that House next following their notification in the *Gazette*.

12. Commencement of rules and amending rules

(1) Subject to subregulation (2), the initial Pilbara networks rules and any amending rules commence at a time fixed —

(a) by the initial Pilbara networks rules or amending rules; or

(b) in a manner provided for by the Pilbara networks rules.

(2) The initial Pilbara networks rules and any amending rules made by the Minister cannot commence before the rules are notified under regulation 10.

(3) Different commencement times may be fixed under subregulation (1)(a) for different provisions of the initial Pilbara networks rules or amending rules.

(4) Different commencement times may be fixed under subregulation (1)(b) for different provisions of the initial Pilbara networks rules or amending rules unless those rules provide otherwise.

13. Coordinator to publish rules on website

The Coordinator must make a copy of the Pilbara networks rules as in force from time to time available on a website maintained by the Coordinator.

Division 2 — Review of reviewable decisions

[Heading inserted: SL 2023/32 r. 5.]

13A. Term used: reviewable decision

(1) In this Division —

procedural decision means a reviewable decision made under a provision listed in the Table to Schedule 1 clause 2;

reviewable decision means a decision that is reviewable under section 120Z(1) of the Act.

(2) Decisions made under provisions of the Pilbara networks rules listed in the Table to Schedule 1 clause 1 are specified for the purposes of section 120Z(1) of the Act.

[Regulation 13A inserted: SL 2023/32 r. 5.]

13B. Review by Board: all reviewable decisions

(1) A person whose interests are adversely affected by a reviewable decision may apply to the Board for a review of the decision.

(2) The Board may make an order affirming, setting aside or varying (immediately or as from a specified future date) the

decision and, for the purposes of the review, may exercise the same powers with respect to the subject matter of the decision as may be exercised with respect to that subject matter by the person who made the decision.

(3) The Board may refuse to review a reviewable decision if it considers that the application for review is trivial or vexatious.

(4) A determination by the Board on the review of a reviewable decision has the same effect as if it were made by the person who made the decision.

(5) The Board must give an applicant written reasons for a determination that —

(a) the applicant is not a person whose interests are adversely affected by a reviewable decision; or

(b) the application is trivial or vexatious.

(6) This regulation is subject to regulation 13C.

[Regulation 13B inserted: SL 2023/32 r. 5.]

13C. Review by Board: procedural decisions

(1) In reviewing a procedural decision, the Board is to consider only the question of whether the decision maker followed the procedure required to be followed under these regulations or the Pilbara networks rules in connection with the making of the decision.

(2) In reviewing a procedural decision, the Board is to be constituted by a legal practitioner only.

(3) In reviewing a procedural decision, the Board must —

(a) if it finds that the decision maker followed the procedure — affirm the decision; or

(b) if it finds that the decision maker did not follow the procedure — set the decision aside and remit the matter to the decision maker.

(4) If the Board remits a matter to the decision maker under subregulation (3)(b), the Board may make recommendations as to how the decision maker should go about making the decision.

[Regulation 13C inserted: SL 2023/32 r. 5.]

13D. Application for review

(1) An application for review of a reviewable decision must be made within —

(a) if notice of the making of the decision is required by these regulations or the Pilbara networks rules to be given to a person affected by the decision — 28 days after the day on which the notice is given; or

(b) in any other case — 28 days after the day on which notice of the making of the decision is published in accordance with subregulation (2).

(2) For the purposes of subregulation (1)(b), notice of the making of a decision is published if the notice is published on a website maintained by the Coordinator.

(3) An application for review of a reviewable decision must —

(a) be in writing; and

(b) state the name and address of the applicant; and

(c) provide details of the decision, including who made the decision and under which regulation or Pilbara Networks rule the decision was made or purportedly made; and

(d) state how the applicant is adversely affected by the decision.

(4) The Board may extend the time within which an application for review of a reviewable decision may be made by 14 days, and may do so even though the time has elapsed.

(5) The Board must give written notice of an application for review of a reviewable decision to the person who made the decision.

[Regulation 13D inserted: SL 2023/32 r. 5.]

13E. Effect of application for review

(1) The making of an application for review of a reviewable decision does not affect the operation of the decision or prevent the taking of action to implement it unless the Board, on application by a party to the proceedings, makes an order under subregulation (2).

(2) The Board may make an order staying or otherwise affecting the operation or implementation of the whole or a part of the decision if the Board thinks that it is appropriate to do so for the purpose of securing the effectiveness of the hearing and determination of the application, after taking into account the interests of any persons who may be affected by the review.

(3) An order under subregulation (2) —

(a) may be varied or revoked; and

(b) is subject to the conditions specified in the order; and

(c) has effect until the earlier of —

(i) the end of the period of operation specified in the order (if any); or

(ii) the time at which the decision of the Board on the application comes into operation.

[Regulation 13E inserted: SL 2023/32 r. 5.]

13F. Procedure generally

(1) This regulation applies to proceedings before the Board for a review of a reviewable decision.

(2) The Board must make its determination on the review within 120 days after receiving the application for review.

(3) The Board may extend, or further extend, the period referred to in subregulation (2) by a period of 30 days if it considers that the matter cannot be dealt with properly without the extension,

either because of its complexity or because of other special circumstances.

(4) If the Board extends the period referred to in subregulation (2), it must, before the end of the period, notify the applicant of the extension and the reasons for it.

(5) The Board may require the Pilbara ISO or the Authority to give information and other assistance, and to make reports, as specified by the Board for the purposes of the proceedings.

(6) In the proceedings —

(a) it is a reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person; and

(b) it is a reasonable excuse for a person to fail to produce a document if producing the document might tend to incriminate the person.

(7) On the application of a party to the proceedings, the Board may conduct the proceedings in the absence of the public.

(8) If the Board is satisfied that it is desirable to do so because of the confidential nature of any evidence or matter or for any other reason relating to the proceedings the Board may, by order —

(a) give directions prohibiting or restricting the publication of evidence given before the Board (whether in public or private) or of matters contained in documents filed with, or received in evidence by, the Board; or

(b) give directions prohibiting or restricting the disclosure to some or all of the parties to the proceedings, of evidence given before the Board or of matters contained in documents filed with, or received in evidence by, the Board.

(9) In considering whether to make an order under subregulation (8) the Board is to take as the basis of its consideration the principle

that the evidence and the matters contained in the documents should be made available to all parties, but must pay due regard to any reasons given to the Board as to why publication or disclosure of the evidence or matter should be prohibited or restricted.

(10) A witness summoned to appear at a hearing of the Board is entitled to be paid such allowances and expenses as the Board determines.

[Regulation 13F inserted: SL 2023/32 r. 5.]

Part 4 — Pilbara ISO

14. Pilbara ISOCo Limited is Pilbara ISO (Act s. 120W)

For the purposes of section 120W(2) of the Act, Pilbara ISOCo Limited ACN 650 785 783 is the Pilbara ISO.

15. Reporting and publishing information (Act s. 120X)

(1) For the purposes of section 120X(g)(i) of the Act, the Pilbara ISO must report in writing to the Minister or Authority in relation to Pilbara networks that are not covered Pilbara networks or part of an interconnected Pilbara system —

(a) if the Coordinator requests that the Pilbara ISO report to them; and

(b) at other times if the Pilbara ISO considers it appropriate to do so.

(2) For the purposes of section 120X(g)(ii) of the Act, the Pilbara ISO must prepare and publish information in relation to Pilbara networks that are not covered Pilbara networks or part of an interconnected Pilbara system in accordance with the Pilbara networks rules.

16. Rules may provide for matters relating to Pilbara ISO (Act s. 120X)

For the purposes of section 120X of the Act, the Pilbara networks rules may provide for the matters set out in section 120X(a) to (g) of the Act.

16A. Competition authorisations (Act s. 120ZF)

(1) In this regulation —

arrangement has the meaning given in section 120ZF(1) of the Act;

authorised person means —

(a) the Pilbara ISO; or

(b) a director or member of the Pilbara ISO; or

(c) a delegate of the Pilbara ISO;

commencement day means the day on which the *Electricity Industry (Pilbara Networks) Amendment Regulations 2022* regulation 4 comes into operation;

done includes made, entered into, engaged in, imposed, carried out and given effect to;

registered controller has the meaning given in rule 8(1) of the Pilbara networks rules as in force on commencement day;

registered NSP has the meaning given in rule 8(1) of the Pilbara networks rules as in force on commencement day.

(2) This regulation applies to an arrangement, act, matter or thing (a ***relevant event***) that is done within the period of 2 years beginning on commencement day.

(3) For the purposes of the *Competition and Consumer Act 2010* (Commonwealth) and the Competition Code, a relevant event is authorised if it is done by —

(a) an authorised person in the performance of, or otherwise in relation to, a function that the Pilbara ISO has —

(i) under the Pilbara Networks Access Code or Pilbara networks rules; or

(ii) under protocols, procedures or other instruments relating to the performance of the Pilbara ISO's functions made as authorised by the Pilbara networks rules under regulation 8(d); or

(iii) otherwise under the Act in relation to the Pilbara Networks Access Code or Pilbara networks rules;

or

(b) a person, including a registered controller or registered NSP, in the performance of, or otherwise in relation to, a function that the person has —

(i) under the Pilbara Networks Access Code or Pilbara networks rules; or

(ii) under protocols, procedures or other instruments relating to the performance of the Pilbara ISO's functions made as authorised by the Pilbara networks rules under regulation 8(d); or

(iii) otherwise under the Act in relation to the Pilbara Networks Access Code or Pilbara networks rules.

(4) However, this regulation does not authorise a relevant event done by a person to the extent that the event, when done by the person, is conduct specified in an authorisation that is in force under the *Competition and Consumer Act 2010* (Commonwealth) Part VII Division 1.

[Regulation 16A inserted: SL 2022/183 r. 4.]

Part 5 — Costs

17. Allocation of costs for functions under rules (Act s. 120N)

(1) In this regulation —

empowered person means any of the following persons who has functions under the Pilbara networks rules —

(a) the Authority;

(b) the Coordinator;

(c) the Pilbara ISO.

(2) An empowered person must —

(a) implement accounting arrangements to identify the empowered person's costs in performing the functions conferred on the empowered person under the Pilbara networks rules; and

(b) submit costs so identified for approval in accordance with the Pilbara networks rules.

(3) The Pilbara ISO must allocate between Pilbara networks participants in accordance with the Pilbara networks rules costs identified under subregulation (2)(a) and approved in accordance with the Pilbara networks rules.

(4) Costs allocated under subregulation (3) are to be recovered by way of fees to be paid by Pilbara networks participants in accordance with the Pilbara networks rules.

Part 6 — Engaging in particular activities prohibited unless registered

18. Activities for which person to be registered under rules (Act s. 120O)

(1) In this regulation —

large consumer works means any wires, apparatus, equipment, plant or buildings that are —

(a) used, or to be used, for, or in connection with, or to control, the consumption of electricity; and

(b) connected to a high-voltage connection.

(2) For the purposes of section 120O(1) of the Act, the following are specified activities —

(a) operating a North West Interconnected System Network;

(b) operating generating works that are connected to a North West Interconnected System Network;

(c) operating storage works that are connected to a North West Interconnected System Network;

(d) operating large consumer works that are connected to a North West Interconnected System Network.

19. Persons not to engage in activity unless registered under rules (Act s. 120O)

On and after 1 October 2021, a person must not engage in an activity specified in regulation 18(2) unless the person is —

(a) registered in relation to the activity in accordance with the Pilbara networks rules; or

(b) the subject of a derogation under the Pilbara networks rules, or otherwise exempt under the Pilbara networks rules, from the requirement to be registered in relation to

the activity in accordance with the Pilbara networks rules.

Penalty: a fine of $1 000.

Part 7 — Immunities and civil monetary liabilities under Part 8A Division 9 of Act

Division 1 — Preliminary

20. Terms used

In this Part —

high-voltage contract means a contract for —

(a) the transfer of electricity to or from a Pilbara network at a high-voltage connection; or

(b) services in the Pilbara region that are provided by means of, or that relate to, a high-voltage connection;

immunity means an immunity granted under section 120ZB of the Act;

personal injury includes —

(a) death; and

(b) pre-natal injury; and

(c) impairment of a person's physical or mental condition; and

(d) disease;

related body corporate has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;

sophisticated party means an entity that —

(a) is a party to, or has ever been a party to, a high-voltage contract; or

(b) is a related body corporate of a body corporate that is a party to, or has ever been a party to, a high-voltage contract;

system management function means a function conferred under the Pilbara networks rules of ensuring that a North West Interconnected System Network is operated in a secure and reliable manner.

Division 2 — Limitation of immunities

21. Application of Division

This Division applies to an entity that is granted an immunity other than —

(a) the Pilbara ISO; or

(b) an officer or employee of an entity.

22. Immunities limited to civil monetary liabilities not related to personal injury (Act s. 120ZC)

(1) This regulation applies to an entity to which this Division applies other than the following —

(a) the Authority;

(b) the Board;

(c) the Coordinator;

(d) the Minister;

(e) the Minister to whom the administration of the *Electricity Corporations Act 2005* is committed.

(2) For the purposes of section 120ZC(b) of the Act, an immunity granted to the entity is limited to civil monetary liabilities that are not a liability to an individual, or to the estate of a deceased individual, arising from personal injury to that individual.

23. Immunities limited to civil monetary liabilities not related to paying amounts under rules (Act s. 120ZC)

(1) In this regulation —

payment obligation means an obligation that —

(a) is an obligation of an entity (the ***payer***) to which this Division applies to pay an amount to another entity; and

(b) arises under a note given to the payer under the Pilbara networks rules by the Pilbara ISO or a delegate of the Pilbara ISO; and

(c) is enforceable as a debt;

under includes by, in accordance with, pursuant to and by virtue of.

(2) For the purposes of section 120ZC(b) of the Act but subject to regulation 24, an immunity granted to an entity to which this Division applies is limited to civil monetary liabilities that are not a liability to pay an amount that is —

(a) an amount that is the subject of a payment obligation of the entity; or

(b) any other amount the entity is obliged to pay to another entity in accordance with —

(i) the Pilbara networks rules; or

(ii) a contract or instrument made under the Pilbara networks rules;

or

(c) an amount that arises from the recovery of an amount referred to in paragraph (a) or (b), including interest and any costs of recovering the amount.

24. Immunities limited to extent set out in contract (Act s. 120ZC)

(1) This regulation applies to an entity (the ***relevant entity***) that —

(a) is an entity to which this Division applies; and

(b) is a party to a contract (the ***relevant contract***) all the parties to which are sophisticated parties; and

(c) agrees in the relevant contract that an immunity granted to the relevant entity is limited to the extent set out in the relevant contract.

(2) For the purposes of section 120ZC(b) of the Act, the immunity granted to the relevant entity is, as between the parties to the relevant contract, limited to the extent set out in the relevant contract.

(3) For the purposes of subregulation (2) —

(a) the relevant contract cannot, as between the parties, affect —

(i) the operation of the immunity granted to the relevant entity in relation to an act or omission done or made in the performance, or purported performance, of a system management function conferred on the entity; or

(ii) the operation of regulation 22;

but

(b) without limiting subregulation (2), the relevant contract may, as between the parties, affect the operation of regulation 23.

Division 3 — Exemptions from section 120ZD(1)(a) of Act

25. Participants generally exempt from s. 120ZD(1)(a) of Act

For the purposes of section 120ZD(2) of the Act, the following participants are exempt from the operation of section 120ZD(1)(a) of the Act —

(a) the Authority;

(b) the Board;

(c) the Coordinator;

(d) the Minister;

(e) the Minister to whom the administration of the *Electricity Corporations Act 2005* is committed.

26. Participants exempt from s. 120ZD(1)(a) of Act in relation to acts or omissions of delegates, subdelegates or their officers or employees

(1) This regulation applies if —

(a) a participant delegates the performance of a function; and

(b) the delegate is not an officer or employee of the participant.

(2) For the purposes of section 120ZD(2) of the Act, the participant is exempt from the operation of section 120ZD(1)(a) of the Act in relation to a civil monetary liability for an act or omission of any of the following in the performance, or purported performance, of the function —

(a) the participant's delegate;

(b) a delegate of the participant's delegate;

(c) an officer or employee of a person mentioned in paragraph (a) or (b).

(3) Subregulation (2) does not affect the operation of section 120ZD(1)(a) of the Act in relation to a civil monetary liability for the participant's own act or omission.

Division 4 — Prescribed maximum amounts of civil monetary liability

27. Purpose and application of Division

(1) For the purposes of section 120ZD(1)(b) of the Act, this Division prescribes the maximum amounts for civil monetary liabilities for acts or omissions to which an immunity does not apply under section 120ZD(1)(a) of the Act.

(2) This Division does not apply to —

(a) a civil monetary liability of a participant exempted from the operation of section 120ZD(1)(a) of the Act by regulation 25; or

(b) a civil monetary liability of an entity —

(i) in relation to which an immunity granted to the entity does not apply under Division 2; or

(ii) in relation to which the entity is exempt from the operation of section 120ZD(1)(a) of the Act by regulation 26.

28. Terms used

In this Division —

act or omission means an act or omission to which an immunity does not apply under section 120ZD(1)(a) of the Act;

initial cap period means the period of 6 months beginning on the day after the expiration of the period of —

(a) in a case where it is the immunity granted under section 120ZB(3) of the Act that does not apply under section 120ZD(1)(a) of the Act — 2 months from the day on which the initial Pilbara networks rules are notified under regulation 10; and

(b) otherwise — 12 months from the day on which the initial Pilbara networks rules are notified under regulation 10.

29. Maximum civil monetary liability during initial cap period (Act s. 120ZD)

(1) This regulation applies in relation to an act or omission done or made during the initial cap period.

(2) References in this regulation to a civil monetary liability do not include a civil monetary liability —

(a) to an individual, or to the estate of a deceased individual, arising from personal injury to that individual; or

(b) that arises between related bodies corporate; or

(c) incurred by an officer or employee of an entity.

(3) The maximum amount of civil monetary liability of an entity (the ***relevant entity***) to another entity for an act or omission (the ***relevant act or omission***) is $10 000.

(4) However —

(a) the total amount of civil monetary liabilities of the relevant entity and its related bodies corporate (if any) for all acts or omissions done or made during the initial cap period is capped at $100 000 (the ***cap***); and

(b) accordingly, if and to the extent necessary, the maximum amount of civil monetary liability of the relevant entity for the relevant act or omission is reduced from $10 000 so that the cap is not exceeded.

30. Maximum civil monetary liability generally (Act s. 120ZD)

(1) This regulation does not apply in relation to an act or omission done or made during the initial cap period.

(2) References in this regulation to a civil monetary liability do not include a civil monetary liability —

(a) to an individual, or to the estate of a deceased individual, arising from personal injury to that individual; or

(b) that arises between related bodies corporate; or

(c) incurred by an officer or employee of an entity.

(3) The maximum amount of civil monetary liability of an entity (the ***relevant entity***) to another entity for an act or omission (the ***relevant act or omission***) is $100 000.

(4) However —

(a) the total amount of civil monetary liabilities of the relevant entity and its related bodies corporate (if any) for all acts or omissions done or made during the period of 12 months ending on the day on which the relevant act or omission is done or made is capped at $10 000 000 (the ***cap***); and

(b) accordingly, if and to the extent necessary, the maximum amount of civil monetary liability of the

relevant entity for the relevant act or omission is reduced from $100 000 so that the cap is not exceeded.

31. Maximum civil monetary liability for officers and employees of entities (Act s. 120ZD)

The maximum amount of civil monetary liability of an officer or employee of an entity to another entity for an act or omission is $1.

Note for this regulation:

See section 120ZE of the Act in relation to the liability of an officer of an entity (other than an entity that is an individual) to that entity.

Part 8 — Miscellaneous

32. Minister may determine treatment of pre-commencement matters in rules and Access Code (Act s. 120D and 120O)

For the purposes of sections 120D(5) and 120O(5) of the Act, the Minister may determine by order published in the *Gazette* how any matter or thing in progress —

(a) immediately before the commencement of the Pilbara Networks Access Code is to be treated, after that commencement, for the purposes of the provisions of the Pilbara Networks Access Code; or

(b) immediately before the commencement of the Pilbara networks rules is to be treated, after that commencement, for the purposes of the provisions of the Pilbara networks rules.

33. Authority to maintain website to publish information

The Authority must maintain a website for the purposes of publishing and releasing information to Pilbara networks participants that relates to its functions under these regulations or the Pilbara networks rules.

34. Prosecution of offences

(1) In this regulation —

Pilbara offence means an offence against these regulations or Part 8A of the Act.

(2) It is a function of the Authority to —

(a) commence a prosecution for a Pilbara offence; and

(b) authorise a person to commence a prosecution for a Pilbara offence.

(3) A person authorised under subregulation (2)(b) may commence a prosecution for a Pilbara offence.

Part 9 — *Electricity Industry (Arbitrator and Board Funding) Regulations 2009* amended

35. Regulations amended

This Part amends the *Electricity Industry (Arbitrator and Board Funding) Regulations 2009*.

36. Regulation 3 amended

(1) In regulation 3(1) insert in alphabetical order:

Pilbara matter means a matter arising under the Act in relation to a Pilbara network;

(2) In regulation 3(1) in the definition of ***core function costs***:

(a) in paragraph (b) delete "regulation 6;" and insert:

regulation 6; and

(b) after paragraph (b) insert:

(c) are not incurred in relation to hearing and determining a Pilbara matter;

37. Regulation 6 amended

Before regulation 6(1) insert:

(1A) This regulation does not apply in relation to a part of a proceeding that relates to hearing and determining a Pilbara matter.

38. Regulations 7A and 7B inserted

After regulation 7 insert:

7A. Costs and expenses arising from proceedings relating to Pilbara matters

(1) The Board may fix an amount that represents the cost and expenses of hearing and determining a Pilbara matter in a proceeding before it.

(2) Without limiting subregulation (1), the cost and expenses referred to in that subregulation include —

(a) the costs of constituting the Board for the purposes of hearing and determining the Pilbara matter in the course of the proceedings, including the payment of any remuneration and allowances payable under the *Energy Arbitration and Review Act 1998* section 55 to the members of the Board; and

(b) any cost and expenses attributable to the provision of services, facilities and support under the *Energy Arbitration and Review Act 1998* section 56(1) for the purposes of hearing and determining the Pilbara matter in the course of the proceedings.

(3) If the Board fixes an amount under subregulation (1), the Board may —

(a) determine which of the parties to the proceedings relating to the Pilbara matter is liable for payment of the whole or any part of the amount; and

(b) fix the manner in which, and time within which, payment must be made.

(4) A party that is determined to be liable for a payment under subregulation (3) must make the payment to the arbitrator in the manner and within the time fixed by the Board.

(5) If the party does not make the payment in full within the time within which the payment must be made, interest on the outstanding amount is payable to the arbitrator at the prescribed rate calculated daily.

(6) The arbitrator may recover any unpaid amount or interest owed under this regulation in a court of competent jurisdiction as a debt due to the arbitrator.

7B. Charges for hearing and determining proceedings relating to Pilbara matters generally

(1) In this regulation —

Regional Power Corporation means the corporation established by the *Electricity Corporations Act 2005* section 4(1)(d).

(2) The arbitrator may fix an amount that represents the Board's cost and expenses in relation to the hearing and determination of Pilbara matters in all proceedings before it during a quarter, other than any cost and expenses fixed and to be paid by a party under regulation 7A.

(3) If the arbitrator fixes an amount under subregulation (2), the arbitrator may issue the Regional Power Corporation a notice specifying —

(a) the amount; and

(b) the day on which the notice is issued; and

(c) that the Corporation must pay to the arbitrator the amount specified in the notice within

30 days after the day specified under paragraph (b).

(4) If the Regional Power Corporation is issued a notice under subregulation (3), the Corporation must pay the amount specified in the notice to the arbitrator within 30 days after the day specified under subregulation (3)(b).

(5) If the Regional Power Corporation does not pay the amount in full within the period specified under subregulation (4), interest on the outstanding amount is payable to the arbitrator at the prescribed rate calculated daily.

(6) The arbitrator may recover any unpaid amount or interest owed under this regulation in a court of competent jurisdiction as a debt due to the arbitrator.

39. Regulation 8 amended

In regulation 8:

(a) in paragraph (b) delete "regulation 6." and insert:

regulation 6; and

(b) after paragraph (b) insert:

(c) the total amounts fixed under regulation 7A(1); and

(d) the total amounts fixed under regulation 7B(2).

Schedule 1 — Reviewable decisions and procedural decisions

[r. 13A]

[Heading inserted: SL 2023/32 r. 6.]

1. Reviewable decisions

For the purposes of regulation 13A(2), the following provisions are listed.

Table

r. 57(4)	r. 64(7)	r. 93(1)(f)
r. 146(1)	r. 152(3)	r. 153(1)
r. 160(4)	r. 197(7)(d)	r. 202
r. 231	r. 256(1)(a)	r. 274c(4)
r. 274k(4)	r. 316(1)(d)	cl. a.3.11
cl. a2.5.6(c)	cl. a2.5.9	cl. a2.5.9a
cl. a2.5.9d	cl. a2.6.3a(a)	cl. a2.7.7a(a)
cl. a2.10.2a(a)	cl. a2.10.13(aa)	

Note for this clause:

"r." indicates a rule in the Pilbara networks rules and "cl." indicates a clause in the Pilbara networks rules.

[Clause 1 inserted: SL 2023/32 r. 6.]

2. Procedural decisions

For the purposes of the definition of ***procedural decision*** in regulation 13A(1), the following provisions of the Pilbara network rules are listed.

Table

r. 256(1)(a)	cl. a2.5.6(c)
cl. a2.5.9	cl. a2.5.9a
cl. a2.5.9d	cl. a2.6.3a(a)
cl. a2.7.7a(a)	cl. a2.10.2a(a)
cl. a2.10.13(aa)	

Note for this clause:

> "r." indicates a rule in the Pilbara networks rules and "cl." indicates a clause in the Pilbara networks rules.

[Clause 2 inserted: SL 2023/32 r. 6.]

Notes

This is a compilation of the *Electricity Industry (Pilbara Networks) Regulations 2021* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Electricity Industry (Pilbara Networks) Regulations 2021	SL 2021/95 18 Jun 2021	Pt. 1: 18 Jun 2021 (see r. 2(a)); Regulations other than Pt. 1: 19 Jun 2021 (see r. 2(b))
Electricity Industry (Pilbara Networks) Amendment Regulations 2022	SL 2022/183 4 Nov 2022	r. 1 and 2: 4 Nov 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Nov 2022 (see r. 2(b))
Energy Regulations Amendment Regulations 2023 Pt. 2	SL 2023/32 21 Apr 2023	8 am 1 Oct 2023 (see r. 2(c))
Energy Regulations Amendment Regulations 2025 Pt. 3	SL 2025/179 29 Oct 2025	30 Oct 2025 (see r. 2(c))

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)
act or omission	28
amend	3
amending rules	3
arrangement	16A(1)
authorised person	16A(1)
cap	29(4), 30(4)
commencement day	16A(1)
Coordinator	3
done	16A(1)
empowered person	17(1)
high-voltage connection	3
high-voltage contract	20
immunity	20
impose requirements	3
initial cap period	28
large consumer works	18(1)
North West Interconnected System Network	3
payer	23(1)
payment obligation	23(1)
personal injury	20
Pilbara offence	34(1)
procedural decision	13A(1)
registered controller	16A(1)
registered NSP	16A(1)
related body corporate	20
relevant act or omission	29(3), 30(3)
relevant contract	24(1)
relevant entity	24(1), 29(3), 30(3)
relevant event	16A(2)
reviewable decision	13A(1)
sophisticated party	20
system management function	20
under	23(1)

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