Western Australia

Electricity Industry Act 2004

Electricity Industry (Ombudsman Scheme) Regulations 2005

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Electricity Industry (Ombudsman Scheme) Regulations 2005

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Electricity Industry (Ombudsman Scheme) Regulations 2005

1. Citation

These regulations are the *Electricity Industry (Ombudsman Scheme) Regulations 2005*.

2. Definitions

In these regulations —

"*complainant*" includes a person who is in dispute with a member of an approved scheme or an electricity marketing agent;

"*complaint*" includes a dispute with a member of an approved scheme or an electricity marketing agent;

"*EO*" has the meaning given to the term "electricity ombudsman" in section 92(1) of the Act;

"*the Act*" means the *Electricity Industry Act 2004*.

3. Scheme to have a governing body

In order to receive approval under sections 92 and 93 of the Act, a scheme must provide for there to be a governing body of the scheme that has overall responsibility for overseeing and administering the scheme's operations, and in particular for —

(a) maintaining the independence of the EO;

(b) providing advice to the EO on policy matters;

(c) appointing, and terminating the appointment of, the EO, and appointing an acting EO as, and for so long as, may be required;

(d) determining policies relating to the administration of the scheme;

(e) approving EO budgets in consultation with the EO and ensuring that the scheme has sufficient funding for its operations;

(f) considering the appropriateness, scope and effectiveness of the scheme and, in particular, reviewing the scheme in accordance with regulation 9; and

(g) providing advice to the EO on the promotion of the scheme and the preparation of the annual report,

and must provide —

(h) for there to be equal representation on the governing body of —

(i) members of the scheme; and

(ii) customers of electricity services and the public;

and

(i) for the governing body to have an independent chairperson.

4. Additional jurisdiction of EO

For the purposes of section 92(1)(d) of the Act, the following kinds of complaint may be investigated and dealt with by the EO under an approved scheme —

(a) complaints from owners or occupiers of land or other property about the way in which a member of the scheme has exercised its statutory powers in relation to that particular land or other property or in relation to neighbouring land or other property;

(b) complaints relating to a member of the scheme or an electricity marketing agent that are referred to the EO by the member or agent with the agreement of the EO and the complainant.

5. Functions of EO

(1) The functions of the EO under an approved scheme are —

(a) to have day to day responsibility for overseeing and administering the scheme's operations; and

(b) to investigate and deal with a complaint referred to in section 92(1)(a), (b) or (c) of the Act or regulation 4, to the extent that it relates to commercial activities of a member of the scheme that are within the scope of the licence or registration held by the member.

(2) It is not a function of the EO to set prices or tariffs or determine price structures.

[Regulation 5 amended: SL 2026/162 r. 4.]

6. Powers of EO

Without limiting the things that the EO under an approved scheme may do for the purpose of dealing with a complaint, but subject to any limitations set out in the scheme, the EO may give a member of the scheme one or more of the following directions —

(a) a direction to pay compensation to a complainant;

(b) a direction to provide an electricity service;

(c) a direction to amend, or not to impose, a charge in relation to a service;

(d) a direction to supply goods or services the subject of the complaint or undertake any necessary corrective or other work to resolve the complaint;

(e) a direction to make an appropriate correction, deletion or addition to a record;

(f) a direction to attach to a record a statement provided by the complainant of a correction, deletion or addition sought by the complainant;

(g) a direction to do, not do or cease doing, an act,

and may give an electricity marketing agent a direction to provide an electricity service.

6A. Particular provision relating to the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*

(1) In this regulation —

"*Director of Energy Safety*" means the official referred to in section 5 of the *Energy Coordination Act 1994*.

(2) Terms used in this regulation that are defined in the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* (the **"*Code*"**) have the same meanings as they have in the Code.

(3) If the EO is dealing with a complaint by a customer that a provision of the Code has not been, or is not being, complied with by a transmitter or distributor, the EO may request the Director of Energy Safety to provide advice to assist the EO in the dealing with the complaint.

(4) It is a function of the Director of Energy Safety to do all such things as are required to comply with a request under subregulation (3).

(5) Subregulation (3) does not limit the power of the EO to consult other persons in relation to a complaint referred to in that subregulation.

[Regulation 6A inserted: Gazette 13 Dec 2005 p. 5981-2.]

7. Reasons for decisions

For the purposes of section 93 of the Act, the scheme will provide for the giving of reasons for decisions made in dealing with a dispute or complaint that the EO has had to investigate, to the parties to the dispute or complaint.

8. Enforcement against electricity marketing agents

An electricity marketing agent must comply with a direction given to that electricity marketing agent by the EO under an approved scheme.

Penalty: A fine of —

(a) $2 000 in the case of an individual; or

(b) $8 000 in the case of a body corporate.

9. Review of schemes

(1) The governing body of a scheme must review the scheme before 30 September 2013 and at least once in every 5 years thereafter.

(2) In reviewing the scheme, the governing body must consult with all, or as many as practicable, of the persons and bodies the governing body considers have an interest in the scheme.

(3) The governing body must give a report on the review to the Authority.

[Regulation 9 amended: Gazette 8 Feb 2011 p. 415.]

10. Revocation of a scheme's approval

(1) Before exercising the power of revocation in section 94 of the Act, the Authority must comply with subregulations (2) to (5).

(2) The Authority must notify —

(a) the Minister;

(b) the Minister to whom the administration of the *Fair Trading Act 2010* is committed; and

(c) the public,

of its intention to exercise the power of revocation.

(3) The notification must —

(a) set out the reasons for, and invite submissions on, the proposed exercise of the power of revocation;

(b) specify the last day on which submissions will be received by the Authority (at least 30 days after the day of the notification); and

(c) specify the formats in which submissions will be received by the Authority.

(4) To comply with subregulation (2)(c), the notification must be published —

(a) in the *Gazette*;

(b) in a newspaper circulating in Western Australia;

(c) on an internet website maintained by the Authority; and

(d) by sending it (electronically or otherwise) to persons listed on the Authority's mailing list as interested in receiving notices from the Authority.

(5) The Authority must take into account all submissions received on or before the last day for receiving submissions.

(6) A copy of each submission received by the Authority on or before the last day for receiving submissions must, unless the person making the submission has specified that it is confidential —

(a) be displayed on an internet website maintained by the Authority; and

(b) be available on request.

(7) Once the Authority has decided whether or not it will exercise the power of revocation, it must notify the Ministers referred to in subregulation (2) and the public of its decision, in the same way it notified them of its intention to exercise that power.

[Regulation 10 amended: Gazette 29 Jul 2011 p. 3129.]

Notes

This is a compilation of the *Electricity Industry (Ombudsman Scheme) Regulations 2005* 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 (Ombudsman Scheme) Regulations 2005	24 Jun 2005 p. 2805-12	24 Jun 2005
Electricity Industry (Ombudsman Scheme) Amendment Regulations 2005	13 Dec 2005 p. 5981-2	1 Jan 2006 (see r. 2)
Electricity Industry (Ombudsman Scheme) Amendment Regulations 2011	8 Feb 2011 p. 415	r. 1 and 2: 8 Feb 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Feb 2011 (see r. 2(b))
Electricity Industry (Ombudsman Scheme) Amendment Regulations (No. 2) 2011	29 Jul 2011 p. 3129	r. 1 and 2: 29 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jul 2011 (see r. 2(b))
Electricity Industry (Ombudsman Scheme) Amendment Regulations 2026	SL 2026/162 5 Aug 2026	r. 1 and 2: 5 Aug 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Aug 2026 (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)
Code	6A(2)
complainant	2
complaint	2
Director of Energy Safety	6A(1)
EO	2
the Act	2

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