Western Australia

Energy Industry (Rule Change Panel) Regulations 2016

Compare between:

[15 Jan 2021, 00-b0-00] and [01 Jul 2021, 00-c0-00]

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)) |