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**ENERGY**

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EN301\*

Energy Coordination Act 1994

**Energy Coordination (Inspectors and  
Infringement Notices) Amendment  
Regulations 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Energy Coordination (Inspectors and Infringement Notices) Amendment Regulations 2007*.

**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 on which the *Gas and Electricity Safety Legislation Amendment Act 2007* section 10 comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Energy Coordination (Inspectors and Infringement Notices) Regulations 1995*.

**4. Regulation 1 amended**

Regulation 1 is amended by deleting “*(Inspectors and Infringement Notices)*” and inserting instead —

“ *(General)* ”.

**5. Part 4 inserted**

After regulation 10 the following Part is inserted —

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**Part 4 — Appeals under section 19B(2)(b) of  
the Act****11. Terms used in this Part**

In this Part —

“**appeal**” means an appeal under section 19B(2)(b) of the Act;

“**appellant**” means a network operator who commences an appeal;

“**technical review panel**” means a panel mentioned in section 19B(2)(b) of the Act.

## **12. Technical review panel**

- (1) If an appeal is made under section 19B(2)(b) of the Act, the chief executive officer must convene a technical review panel.
- (2) The technical review panel is to consist of 3 professional engineers who are competent to deal with the matter the subject of the appeal appointed by the chief executive officer from individuals nominated by the President of the Western Australian Division of The Institution of Engineers Australia.
- (3) The chief executive officer must appoint one of the members of the technical review panel to be the chairperson.
- (4) The chief executive officer may —
  - (a) direct that the members of the technical review panel are to be paid remuneration; and
  - (b) determine the amount of any such payments on the recommendation of the Minister for Public Sector Management.
- (5) The chief executive officer must provide the technical review panel with such support services as it may reasonably require.

## **13. Procedure**

- (1) An appeal must be commenced by the appellant giving the chief executive officer a notice of appeal.
- (2) The notice of appeal must —
  - (a) be in writing; and
  - (b) set out the grounds of appeal; and
  - (c) set out any representations that the appellant wishes to make in support of the appeal.
- (3) The notice of appeal must be given to the chief executive officer within 30 days after the day on which the appellant received —
  - (a) written notice of the Director’s determination under section 19A(5) of the Act; or
  - (b) written notice of the Director’s refusal to approve an agreement reached under section 18C(6) of the Act.

- (4) The chief executive officer must give the technical review panel the notice of appeal as soon as practicable after the technical review panel is convened.
- (5) Subject to subregulation (6), the technical review panel may determine its own procedure.
- (6) The technical review panel must give the Director —
  - (a) a copy of the notice of appeal; and
  - (b) a reasonable opportunity to make submissions in relation to the appeal.
- (7) The technical review panel must complete the review by making a decision under section 19B(3) of the Act within the period specified by the chief executive officer in writing.
- (8) The technical review panel must give the appellant and the Director written notice of its decision made under section 19B(3) of the Act.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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