

EN302*

Energy Coordination Act 1994

Energy Coordination (Ombudsman Scheme) Amendment Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Energy Coordination (Ombudsman Scheme) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which they are published in the *Gazette*.

3. The regulations amended

The amendments in these regulations are to the *Energy Coordination (Ombudsman Scheme) Regulations 2004**.

[* Published in *Gazette* 28 May 2004, p. 1833-35.]

4. Regulation 3 amended

Regulation 3(f) is amended by deleting “at least by the second anniversary of the inception of the scheme” and inserting instead —

“ in accordance with regulation 8 ”.

5. Regulation 6A inserted

After regulation 6 the following regulation is inserted —

“

6A. Reasons for decisions

For the purposes of section 11ZQ of the Act, the scheme will provide for the giving of reasons for decisions made in dealing with a dispute or complaint that the GIO has had to investigate, to the parties to the dispute or complaint.

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6. Regulations 8 and 9 inserted

After regulation 7 the following regulations are inserted —

“

8. Review of schemes

- (1) The governing body of a scheme must review the scheme before the second anniversary of the inception of the scheme and biannually after that.
- (2) In reviewing the scheme, the governing body must consult with all, or as many as is 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.

9. Revocation of a scheme's approval

- (1) Before exercising the power of revocation in section 11ZQA 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 *Consumer Affairs Act 1971* 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.

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By Command of the Governor,

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