

Electricity Industry Act 2004

Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2009*.

2. Commencement

These regulations come into operation when the *National Gas Access (WA) Act 2009* Part 3 comes into operation.

3. Regulations amended

These regulations amend the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*.

4. Regulation 42 amended

In regulation 42(2) delete “1998” and insert:

1998 as in force immediately before that Schedule was deleted by the *National Gas Access (WA) Act 2009* section 51

**Electricity Industry (Wholesale Electricity Market) Amendment
Regulations 2009**

r. 5

5. Regulation 49 replaced

Delete regulation 49 and insert:

49. Functions of the Board

(1) In this regulation —

Board function means —

- (a) the making of an order by the Board under regulation 31(7) or 33; or
 - (b) the review of a reviewable decision by the Board under regulation 42 or 43.
- (2) The provisions of the *Energy Arbitration and Review Act 1998* Part 6 Division 2 (except section 50) apply to and in relation to the Board's functions.
- (3) The provisions referred to in subregulation (2) apply with the following modifications —
- (a) the *Energy Arbitration and Review Act 1998* sections 57(1) and 59(4) apply subject to the market rules;
 - (b) the *Energy Arbitration and Review Act 1998* section 58 does not apply to the extent to which it is inconsistent with regulation 50(1);
 - (c) in relation to the review of a procedural decision — modifications resulting from regulation 43.
- (4) The provisions of the *Gas Pipelines Access (Western Australia) Act 1998* Schedule 1 section 38(7) and (10) as in force immediately before that Schedule was deleted by the *National Gas Access (WA) Act 2009* section 51 apply to and in relation to the Board's functions.

***Electricity Industry (Wholesale Electricity Market) Amendment
Regulations 2009***

r. 5

- (5) The provisions referred to in subregulation (4) apply with the following modifications —
- (a) a reference to the relevant appeals body is to be read as a reference to the Board;
 - (b) in relation to the review of a procedural decision — modifications resulting from regulation 43.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.
