

Electricity Industry (Pilbara Networks) Amendment Regulations 2022

SL 2022/183

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Pilbara Networks) Amendment Regulations 2022*.

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. Regulations amended

These regulations amend the *Electricity Industry (Pilbara Networks) Regulations 2021*.

4. Regulation 16A inserted

At the end of Part 4 insert:

16A. Competition authorisations (Act s. 120ZF)

- (1) In this regulation —

arrangement has the meaning given in section 120ZF(1) of the Act;

authorised person means —

- (a) the Pilbara ISO; or
- (b) a director or member of the Pilbara ISO; or
- (c) a delegate of the Pilbara ISO;

commencement day means the day on which the *Electricity Industry (Pilbara Networks) Amendment Regulations 2022* regulation 4 comes into operation;

done includes made, entered into, engaged in, imposed, carried out and given effect to;

registered controller has the meaning given in rule 8(1) of the Pilbara networks rules as in force on commencement day;

registered NSP has the meaning given in rule 8(1) of the Pilbara networks rules as in force on commencement day.

- (2) This regulation applies to an arrangement, act, matter or thing (a **relevant event**) that is done within the period of 2 years beginning on commencement day.
- (3) For the purposes of the *Competition and Consumer Act 2010* (Commonwealth) and the Competition Code, a relevant event is authorised if it is done by —
 - (a) an authorised person in the performance of, or otherwise in relation to, a function that the Pilbara ISO has —
 - (i) under the Pilbara Networks Access Code or Pilbara networks rules; or
 - (ii) under protocols, procedures or other instruments relating to the performance of the Pilbara ISO's functions made as authorised by the Pilbara networks rules under regulation 8(d); or
 - (iii) otherwise under the Act in relation to the Pilbara Networks Access Code or Pilbara networks rules;
 - or
 - (b) a person, including a registered controller or registered NSP, in the performance of, or otherwise in relation to, a function that the person has —
 - (i) under the Pilbara Networks Access Code or Pilbara networks rules; or
 - (ii) under protocols, procedures or other instruments relating to the performance of the Pilbara ISO's functions made as authorised by the Pilbara networks rules under regulation 8(d); or
 - (iii) otherwise under the Act in relation to the Pilbara Networks Access Code or Pilbara networks rules.

- (4) However, this regulation does not authorise a relevant event done by a person to the extent that the event, when done by the person, is conduct specified in an authorisation that is in force under the *Competition and Consumer Act 2010* (Commonwealth) Part VII Division 1.

V. MOLAN, Clerk of the Executive Council.