

TASMANIA

**ECONOMIC REGULATOR (CONSEQUENTIAL
AMENDMENTS) BILL 2009**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Repeal of Act

**PART 2 – ELECTRICITY INDUSTRY SAFETY AND
ADMINISTRATION ACT 1997 AMENDED**

4. Principal Act
5. Section 3 amended (Interpretation)
6. Section 6 amended (Delegation of Secretary's functions)
7. Section 8 amended (Committees)
8. Section 9 amended (Authorised officers)
9. Section 10 amended (Power to obtain information)
10. Section 47 amended (Electrical articles to which this Part applies)
11. Section 48 amended (Relevant standard)
12. Section 49 amended (Approval of electrical articles)
13. Section 50 amended (Marking of electrical articles)
14. Section 51 amended (Application for approval of electrical articles)
15. Section 52 amended (Approval by Secretary)

16. Section 53 amended (Term of approval)
17. Section 56 amended (Prohibition of sale of electrical articles)
18. Section 57 amended (Power to require recall of defective electrical articles)
19. Section 60 amended (Notification of transfer of relevant business)
20. Section 61 amended (Certificates of approval and suitability)
21. Section 62 amended (Fees)
22. Section 64 amended (Power to order rectification, &c.)
23. Section 65 amended (Relocation of certain infrastructure)
24. Section 66 amended (Power to direct discontinuance of supply)
25. Section 67 amended (Power to direct discontinuance of use)
26. Section 68 amended (Power to direct discontinuance of practice)
27. Section 72 amended (Notification of serious electrical accidents)
28. Section 74 amended (Investigation of serious electrical accidents)
29. Section 75 amended (Publication of details of serious electrical accidents)
30. Section 78 amended (Rights of appeal)
31. Section 81 amended (Enforcement of determination)
32. Section 83 amended (Electrical safety management schemes)
33. Section 84 amended (Approval of scheme)
34. Section 85 amended (Approved manager)
35. Section 86 amended (Variation or revocation of electrical safety management scheme)
36. Section 90 amended (Evidence)
37. Section 93 amended (Costs of administration)
38. Section 94 amended (Fees)
39. Section 95 amended (Payment into the Consolidated Fund)
40. Section 96 amended (Exemptions)
41. Section 97 amended (Immunity from liability)
42. Section 103 amended (Regulations)

43. Section 105 inserted
105. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

PART 3 – ELECTRICITY SUPPLY INDUSTRY ACT 1995 AMENDED

44. Principal Act
45. Section 3 amended (Interpretation)
46. Section 5 amended (The Regulator)
47. Section 6 amended (Regulator’s functions and powers)
48. Section 10 substituted
10. Annual report
49. Section 58 amended (Appointment of electricity officers)
50. Section 60 amended (Electricity officer’s identity card)
51. Section 84 amended (Appointment of authorised officers)
52. Section 85 amended (Conditions of appointment)
53. Section 86 amended (Authorised officer’s identity card)
54. Section 89 amended (General investigative powers of authorised officers)
55. Section 95 amended (Statement of reasons for decision)
56. Section 96 substituted
96. Application for administrative review
57. Section 97 amended (Stay of operation)
58. Section 98 amended (Reference of application for mediation)
59. Section 99 amended (Powers of Regulator or workplace health and safety Secretary on review)
60. Section 100 amended (Reference of application for review for mediation or advice)
61. Section 103 amended (Stay of operation)
62. Section 105 amended (Power of exemption)
63. Section 112 amended (False or misleading information)
64. Section 114C amended (Institution of proceedings for offence)
65. Section 114D amended (Injunction)
66. Section 115 amended (Evidence of appointments)

- 67. Section 116 amended (Certificates by Regulator or workplace health and safety Secretary)
- 68. Section 116A amended (Regulator or workplace health and safety Secretary may take court action on behalf of customer)
- 69. Section 118 amended (Liability for compensation)
- 70. Section 119 amended (Immunity from liability)
- 71. Section 122 amended (Regulations)
- 72. Section 124 inserted
 - 124. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

PART 4 – GAS ACT 2000 AMENDED

- 73. Principal Act
- 74. Section 3 amended (Interpretation)
- 75. Part 2, Division 1: Heading amended
- 76. Section 7 substituted
 - 7. Regulator
- 77. Section 8 amended (Functions of Regulator)
- 78. Part 2, Division 3: Heading amended
- 79. Section 11 amended (Delegation)
- 80. Section 12 amended (Power of Regulator and Director of Gas Safety to require information)
- 81. Section 13 amended (Obligation to preserve confidentiality)
- 82. Section 15 amended (Advisory committees)
- 83. Section 16 amended (Annual report by Director of Gas Safety)
- 84. Section 16A inserted
 - 16A. Annual report by Regulator
- 85. Section 23 amended (Application for licence)
- 86. Section 24 amended (Consideration of application for issue of licence)
- 87. Section 26 amended (Licence term and renewal)
- 88. Section 27 amended (Licence fees and returns)
- 89. Section 29 amended (Licence conditions)
- 90. Section 30 amended (Licences conferring exclusive franchise)

91. Section 32A amended (Directions to comply with licence conditions)
92. Section 33 amended (Notice of licence decisions)
93. Section 34 amended (Variation of licence)
94. Section 35 amended (Transfer of licence)
95. Section 36 amended (Surrender of licence)
96. Section 37 amended (Register of licences)
97. Section 38A amended (Gas codes)
98. Section 38B amended (Publication and availability of gas codes)
99. Section 38C amended (Review, amendment and replacement of gas codes)
100. Section 46 amended (Suspension or cancellation of licences)
101. Part 3, Division 8: Heading amended
102. Section 47 amended (Power to take over operations)
103. Section 48 amended (Appointment of operator)
104. Section 49 amended (Disputes)
105. Section 77 amended (Acceptance of gas installations)
106. Section 79 amended (Offence to alter approved gas appliance)
107. Section 79A amended (Prohibition of supply of appliances or components)
108. Section 79C amended (Recall of appliances or components)
109. Section 93 amended (Appointment of authorised officers)
110. Section 94 amended (Conditions of appointment)
111. Section 95 amended (Authorised officer's identity card)
112. Section 97 amended (Return of identity card)
113. Section 99 amended (General investigative powers of authorised officers)
114. Section 102A amended (Interpretation)
115. Section 108 amended (Administrative review by appropriate authority)
116. Section 109 amended (Reference of application for review for mediation or advice)
117. Section 111 amended (Appeal against decisions)

- 118. Section 121 amended (Extension of time limits)
- 119. Section 122 amended (Confidentiality)
- 120. Section 129 amended (Statutory declarations)
- 121. Section 129A amended (Regulator may take court action on behalf of customers)
- 122. Section 133 amended (Recovery of profits from contravention)
- 123. Section 134 amended (Immunity from personal liability)
- 124. Section 135 amended (Evidence)
- 125. Section 137 amended (Regulations)
- 126. Section 138A inserted
 - 138A. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

PART 5 – GAS PIPELINES ACT 2000 AMENDED

- 127. Principal Act
- 128. Section 3 amended (Interpretation)
- 129. Part 2, Division 1 repealed
- 130. Section 10 amended (General authority to grant pipeline licence)
- 131. Section 11 amended (Application for pipeline licence)
- 132. Section 12 amended (Consideration of application)
- 133. Section 13 amended (Information to be included in licence)
- 134. Section 14 amended (Annual fee)
- 135. Section 16 amended (Term and renewal of pipeline licence)
- 136. Section 17 amended (Preconditions of grant or renewal of pipeline licence)
- 137. Section 18 amended (Condition as to use of information, &c.)
- 138. Section 19 amended (Alteration, extension or re-routing of pipeline)
- 139. Section 20 amended (Other conditions)
- 140. Section 23 amended (Amendment of licence)
- 141. Section 24 amended (Transfer of licence)
- 142. Section 25 amended (Surrender)

143. Section 27 amended (Inseparability of dealings with pipeline and pipeline land)
144. Section 28 amended (Application of Division)
145. Section 29 amended (Right of entry on land)
146. Section 33 amended (Records to be kept by licensee)
147. Section 35 amended (Information to be provided by licensee)
148. Part 2, Division 8: Heading amended
149. Section 36 amended (Regulator or Director of Gas Safety may give directions)
150. Section 37 amended (Powers of Regulator and Director of Gas Safety as to surveys, &c.)
151. Section 38 amended (Power to take over operations)
152. Section 39 amended (Appointment of operator)
153. Section 40 amended (Suspension of pipeline licence by agreement)
154. Section 41 amended (Revocation of pipeline licence)
155. Section 71 amended (Safety net)
156. Section 74 amended (General investigative powers of authorised officers)
157. Section 77 amended (Publication of result of investigation)
158. Section 78 repealed
159. Section 80 amended (Application for administrative review)
160. Section 81 amended (Stay of operation)
161. Section 82 amended (Administrative review by Regulator or Director of Gas Safety)
162. Section 88 repealed
163. Section 89 substituted
89. Delegation
164. Section 94 amended (Verification of information)
165. Section 95 amended (Obligation to preserve confidentiality)
166. Section 96 amended (Immunity from liability)
167. Section 97 amended (Extension of time limits)
168. Section 98 amended (Confidentiality)

- 169. Section 99 amended (Regulations)
- 170. Section 101 inserted
 - 101. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

**PART 6 – WATER AND SEWERAGE INDUSTRY ACT 2008
AMENDED**

- 171. Principal Act
- 172. Section 3 amended (Interpretation)
- 173. Section 11 amended (The Regulator)
- 174. Section 14 amended (Delegation of Regulator’s functions and powers)
- 175. Section 15 amended (Matters to which Regulator is to have regard)
- 176. Section 16 amended (Independence of Regulator)
- 177. Section 22 amended (Review, amendment and replacement of codes)
- 178. Section 23 amended (Guidelines for conduct of Regulator)
- 179. Section 25 amended (Staff of Regulator)
- 180. Section 26 amended (Assistance and facilities)
- 181. Section 27 amended (Funds)
- 182. Section 28 substituted
 - 28. Annual report of Regulator
- 183. Section 39 amended (Annual licence fees)
- 184. Section 71 amended (Auditing)
- 185. Section 80 amended (Grounds for review)
- 186. Section 101 amended (Confidentiality)

ECONOMIC REGULATOR (CONSEQUENTIAL AMENDMENTS) BILL 2009

(Brought in by the Premier, the Honourable David John Bartlett)

A BILL FOR

An Act to amend certain Acts consequent on the enactment of the *Economic Regulator Act 2009*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Economic Regulator (Consequential Amendments) Act 2009*.

2. Commencement

This Act commences on the day on which the *Economic Regulator Act 2009* commences.

3. Repeal of Act

This Act is repealed on the ninetieth day after the day on which it commences.

THIS BILL IS COGNATE WITH THE *ECONOMIC REGULATOR BILL 2009*

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 4 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

**PART 2 – ELECTRICITY INDUSTRY SAFETY AND
ADMINISTRATION ACT 1997 AMENDED**

4. Principal Act

In this Part, the *Electricity Industry Safety and Administration Act 1997** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “Regulator” from the definition of “authorised officer” and substituting “Secretary”;
- (b) by omitting the definition of “Regulator”;
- (c) by inserting the following definition after the definition of “representation”:

“**Secretary**” means the Secretary of the Department;

*No. 72 of 1997

6. Section 6 amended (Delegation of Secretary's functions)

Section 6(1) of the Principal Act is amended as follows:

- (a) by omitting “Regulator” and substituting “Secretary”;
- (b) by omitting “the Regulator’s” and substituting “his or her”.

7. Section 8 amended (Committees)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” twice occurring and substituting “Secretary”;
- (b) by omitting from subsection (2) “Regulator” and substituting “Secretary”;
- (c) by omitting from subsection (3) “Regulator” and substituting “Secretary”.

8. Section 9 amended (Authorised officers)

Section 9 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” and substituting “Secretary”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 9 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

- (b) by omitting from subsection (1)(a) “Regulator’s” and substituting “Secretary’s”;
- (c) by omitting from subsection (1)(b) “Regulator’s” and substituting “Secretary’s”;
- (d) by omitting from subsection (2) “Regulator” and substituting “Secretary”.

9. Section 10 amended (Power to obtain information)

Section 10(1) of the Principal Act is amended as follows:

- (a) by omitting “Regulator” and substituting “Secretary”;
- (b) by omitting “Regulator’s” and substituting “Secretary’s”.

10. Section 47 amended (Electrical articles to which this Part applies)

Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Regulator” and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 11

11. Section 48 amended (Relevant standard)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (1)(b) “Regulator” and substituting “Secretary”;
- (c) by omitting from subsection (2) “Regulator” and substituting “Secretary”.

12. Section 49 amended (Approval of electrical articles)

Section 49 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (2)(b) “Regulator” and substituting “Secretary”;
- (c) by omitting from subsection (3) “Regulator” and substituting “Secretary”.

13. Section 50 amended (Marking of electrical articles)

Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Regulator” and substituting “Secretary”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 14 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

- (b) by omitting from subsection (2)(a) “Regulator” and substituting “Secretary”;
- (c) by omitting from subsection (2)(b) “Regulator” twice occurring and substituting “Secretary”;
- (d) by omitting from subsection (3) “Regulator” and substituting “Secretary”.

14. Section 51 amended (Application for approval of electrical articles)

Section 51 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Regulator” twice occurring and substituting “Secretary”;
- (b) by omitting from paragraph (b)(i) “Regulator” and substituting “Secretary”;
- (c) by omitting from paragraph (b)(iii) “Regulator” and substituting “Secretary”;
- (d) by omitting from paragraph (b)(iv) “Regulator” and substituting “Secretary”.

15. Section 52 amended (Approval by Secretary)

Section 52 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 16

- (a) by omitting from subsection (1) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Regulator” twice occurring and substituting “Secretary”;
- (c) by omitting from subsection (3) “Regulator” twice occurring and substituting “Secretary”.

16. Section 53 amended (Term of approval)

Section 53(2) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

17. Section 56 amended (Prohibition of sale of electrical articles)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Regulator” twice occurring and substituting “Secretary”;
- (b) by omitting from subsection (5) “Regulator” and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 18 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

18. Section 57 amended (Power to require recall of defective electrical articles)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” first occurring and substituting “Secretary”;
- (b) by omitting from subsection (1) “Regulator” second occurring and substituting “Secretary”;
- (c) by omitting from subsection (1)(b) “Regulator” and substituting “Secretary”;
- (d) by omitting from subsection (2) “Regulator” first occurring and substituting “Secretary”;
- (e) by omitting from subsection (2)(b) “Regulator” and substituting “Secretary”.

19. Section 60 amended (Notification of transfer of relevant business)

Section 60 of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 20

20. Section 61 amended (Certificates of approval and suitability)

Section 61 of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

21. Section 62 amended (Fees)

Section 62 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” first occurring and substituting “Secretary”;
- (b) by omitting from subsection (1)(c) “Regulator” and substituting “Secretary”;
- (c) by omitting from subsection (1)(d) “Regulator” and substituting “Secretary”;
- (d) by omitting from subsection (2) “Regulator” and substituting “Secretary”.

22. Section 64 amended (Power to order rectification, &c.)

Section 64(1) of the Principal Act is amended as follows:

- (a) by omitting “Regulator’s” and substituting “Secretary’s”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 23 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

- (b) by omitting “Regulator” and substituting “Secretary”.

23. Section 65 amended (Relocation of certain infrastructure)

Section 65(1) of the Principal Act is amended as follows:

- (a) by omitting “Regulator’s” and substituting “Secretary’s”;
- (b) by omitting “Regulator” and substituting “Secretary”.

24. Section 66 amended (Power to direct discontinuance of supply)

Section 66(1) of the Principal Act is amended by omitting “Regulator” twice occurring and substituting “Secretary”.

25. Section 67 amended (Power to direct discontinuance of use)

Section 67(1) of the Principal Act is amended by omitting “Regulator” twice occurring and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 26

26. Section 68 amended (Power to direct discontinuance of practice)

Section 68(1) of the Principal Act is amended by omitting “Regulator” twice occurring and substituting “Secretary”.

27. Section 72 amended (Notification of serious electrical accidents)

Section 72(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Regulator” and substituting “Secretary”;
- (b) by omitting from paragraph (b) “Regulator” twice occurring and substituting “Secretary”.

28. Section 74 amended (Investigation of serious electrical accidents)

Section 74(1) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

29. Section 75 amended (Publication of details of serious electrical accidents)

Section 75(1) of the Principal Act is amended by omitting “Regulator” twice occurring and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 30 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

30. Section 78 amended (Rights of appeal)

Section 78(1) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

31. Section 81 amended (Enforcement of determination)

Section 81(1) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

32. Section 83 amended (Electrical safety management schemes)

Section 83(1)(a) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

33. Section 84 amended (Approval of scheme)

Section 84 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator’s” and substituting “Secretary’s”;
- (b) by omitting from subsection (1) “Regulator” and substituting “Secretary”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 34

-
- (c) by omitting from subsection (2) “Regulator” and substituting “Secretary”;
 - (d) by omitting from subsection (3) “Regulator” twice occurring and substituting “Secretary”;
 - (e) by omitting from subsection (4) “Regulator” first occurring and substituting “Secretary”;
 - (f) by omitting from subsection (4)(a) “Regulator” and substituting “Secretary”;
 - (g) by omitting from subsection (5) “Regulator” twice occurring and substituting “Secretary”;
 - (h) by omitting from subsection (7) “Regulator” and substituting “Secretary”.

34. Section 85 amended (Approved manager)

Section 85 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Regulator” twice occurring and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 35 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

35. Section 86 amended (Variation or revocation of electrical safety management scheme)

Section 86 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Regulator” and substituting “Secretary”;
- (b) by omitting from subsection (1)(c) “Regulator” twice occurring and substituting “Secretary”;
- (c) by omitting from subsection (2) “Regulator” and substituting “Secretary”.

36. Section 90 amended (Evidence)

Section 90(3) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

37. Section 93 amended (Costs of administration)

Section 93(3) of the Principal Act is amended by omitting “Regulator” and substituting “Crown”.

38. Section 94 amended (Fees)

Section 94(2) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

s. 39

39. Section 95 amended (Payment into the Consolidated Fund)

Section 95 of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

40. Section 96 amended (Exemptions)

Section 96(1) of the Principal Act is amended by omitting “Regulator’s” and substituting “Secretary’s”.

41. Section 97 amended (Immunity from liability)

Section 97 of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

42. Section 103 amended (Regulations)

Section 103(6)(c) of the Principal Act is amended by omitting “Regulator” and substituting “Secretary”.

43. Section 105 inserted

After section 104 of the Principal Act, the following section is inserted in Part 11:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 43 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

**105. Transitional provisions on enactment of
*Economic Regulator (Consequential
Amendments) Act 2009***

(1) In this section –

“former Act” means this Act as in force immediately before the transition day;

“Regulator” means the Regulator within the meaning of the former Act;

“transition day” means the day on which the *Economic Regulator Act 2009* commences.

(2) If a person was authorised by the Regulator or its delegate under section 9 of the former Act to exercise the powers of an authorised officer and is an authorised officer within the meaning of the former Act immediately before the transition day –

(a) that person is taken to have been authorised under section 9 of this Act by the Secretary to exercise the powers of an authorised officer; and

(b) the certificate of authority issued to the person by the Regulator or its delegate under section 9 of the former Act is taken to have been

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

issued by the Secretary under section 9 of this Act.

- (3) Except as otherwise provided by this section or regulations made under section 103 –
- (a) a delegation, declaration, requirement, order, direction, acceptance, determination, decision, approval, agreement, recommendation, recall, other decision, notice, certificate or other act made, given, done or omitted to be done by the Regulator before the transition day is taken, if appropriate, to have been made, given, done or omitted to be done by the Secretary; and
 - (b) an application or scheme made or submitted to the Regulator under the former Act that has not been determined before the transition day is taken to have been made to the Secretary under this Act; and
 - (c) a fee fixed by the Regulator under section 62 of the former Act is taken to have been fixed by the Secretary under section 62 of this Act; and
 - (d) a notice, report, other document or information provided to the

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 43 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

Regulator is taken, if appropriate, to have been provided to the Secretary; and

- (e) a reference to the Regulator in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c) or (d) is taken, if appropriate, to be or include a reference to the Secretary or the Crown, as appropriate; and
 - (f) a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c) or (d) made by the Regulator and in force immediately before the transition day is taken, if appropriate, to have been made by the Secretary.
- (4) A certificate apparently issued under the authority of the Regulator under section 90(3) of the former Act continues to be admissible in legal proceedings as evidence of the facts certified in it.
- (5) On and after the transition day, the following provisions apply except as otherwise provided by this section or the regulations made under section 103:
- (a) a legal proceeding or other proceeding, including (without limitation) an investigation or review, that could have been

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

instituted by or against the Regulator immediately before the transition day may be instituted by or against the Crown or the Secretary, as appropriate;

- (b) a legal or other proceeding, including (without limitation) an investigation or review, instituted by or against the Regulator that is pending immediately before the transition day may be continued by or against the Crown or the Secretary, as appropriate;
- (c) a document relating to a legal or other proceeding referred to in paragraph (b) served on or by the Regulator before the transition day is taken to have been served on or by the Crown or Secretary, as appropriate;
- (d) a judgment or order of a court obtained by or against the Regulator before the transition day may be enforced by or against the Crown or the Secretary;
- (e) a reference to the Regulator in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c) or (d) is taken to be or to include a

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 43 Part 2 – Electricity Industry Safety and Administration Act 1997 Amended

reference to the Crown or the
Secretary, as appropriate.

**PART 3 – ELECTRICITY SUPPLY INDUSTRY ACT
1995 AMENDED**

44. Principal Act

In this Part, the *Electricity Supply Industry Act 1995** is referred to as the Principal Act.

45. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of “AER”:

“**AEMO**” (Australian Energy Market Operator) has the same meaning as in the National Electricity Rules;

- (b) by omitting “NEMMCO” from the definition of “National Electricity Market” and substituting “AEMO”;
- (c) by omitting the definition of “NEMMCO”;
- (d) by omitting “agreement.” from paragraph (b)(iv) of the definition of “vesting agreement” and substituting “agreement;”;

*No. 58 of 1995

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 46

Part 3 – Electricity Supply Industry Act 1995 Amended

- (e) by inserting the following definition after the definition of “vesting agreement”:

“workplace health and safety Secretary” means the Secretary of the department responsible for the administration of the *Workplace Health and Safety Act 1995*.

46. Section 5 amended (The Regulator)

Section 5 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Regulator, within the meaning of the *Economic Regulator Act 2009*, is appointed as the Regulator.

47. Section 6 amended (Regulator’s functions and powers)

Section 6(4) of the Principal Act is amended by omitting “his or her” and substituting “its”.

48. Section 10 substituted

Section 10 of the Principal Act is repealed and the following section is substituted:

10. Annual report

The annual report made by the Regulator, within the meaning of the *Economic Regulator Act 2009*, under that Act is to include a report on the performance and exercise of the Regulator’s functions and powers under this Act.

49. Section 58 amended (Appointment of electricity officers)

Section 58(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “by the Regulator for the appointment;” and substituting “for appointment by the workplace health and safety Secretary;”;
- (b) by omitting from paragraph (b) “the Regulator.” and substituting “that Secretary.”.

50. Section 60 amended (Electricity officer’s identity card)

Section 60(2) of the Principal Act is amended by omitting “Regulator” and substituting “workplace health and safety Secretary”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 51

Part 3 – Electricity Supply Industry Act 1995 Amended

51. Section 84 amended (Appointment of authorised officers)

Section 84 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” and substituting “workplace health and safety Secretary”;
- (b) by omitting from subsection (3) “Regulator.” and substituting “workplace health and safety Secretary”.

52. Section 85 amended (Conditions of appointment)

Section 85 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “Regulator.” and substituting “workplace health and safety Secretary.”;
- (b) by omitting from subsection (4) “Regulator.” and substituting “workplace health and safety Secretary.”.

53. Section 86 amended (Authorised officer’s identity card)

Section 86 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 3 – Electricity Supply Industry Act 1995 Amended

s. 54

- (a) by omitting from subsection (1) “Regulator” and substituting “workplace health and safety Secretary”;
- (b) by omitting from subsection (3) “Regulator.” and substituting “workplace health and safety Secretary.”.

54. Section 89 amended (General investigative powers of authorised officers)

Section 89 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b)(ii) “Regulator,” and substituting “workplace health and safety Secretary,”;
- (b) by omitting from subsection (4) “Regulator” and substituting “workplace health and safety Secretary”.

55. Section 95 amended (Statement of reasons for decision)

Section 95 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” twice occurring and substituting “Regulator, workplace health and safety Secretary”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 56

Part 3 – Electricity Supply Industry Act 1995 Amended

- (b) by omitting from subsection (3) “Regulator” and substituting “Regulator, workplace health and safety Secretary”.

56. Section 96 substituted

Section 96 of the Principal Act is repealed and the following section is substituted:

96. Application for administrative review

- (1) In this section –

“**applicable authority**” means –

- (a) the Regulator in relation to a decision of the Regulator; or
 - (b) the workplace health and safety Secretary in relation to a decision of the workplace health and safety Secretary or an authorised officer.
- (2) A person whose interests are affected by a reviewable decision of the Regulator, the workplace health and safety Secretary or an authorised officer may, subject to this Act, apply to the applicable authority for an administrative review of the decision.
 - (3) An application for an administrative review must –
 - (a) be in writing; and

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 3 – Electricity Supply Industry Act 1995 Amended

s. 57

- (b) set out in detail the grounds on which the applicant seeks review of the decision; and
 - (c) be made within 28 days after the day on which notice of the decision was given to the applicant or, if reasons for the decision were not then given to the applicant and the applicant sought those reasons under this Part, within 28 days after reasons for the decision were given to the applicant.
- (4) The Regulator or workplace health and safety Secretary may extend the period for making an application for an administrative review.

57. Section 97 amended (Stay of operation)

Section 97 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or workplace health and safety Secretary” after “Regulator”;
- (b) by omitting from subsection (2) “Regulator’s opinion,” and substituting “opinion of the Regulator or workplace health and safety Secretary,”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 58

Part 3 – Electricity Supply Industry Act 1995 Amended

58. Section 98 amended (Reference of application for mediation)

Section 98 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or workplace health and safety Secretary” after “Regulator”;
- (b) by inserting in subsection (2) “or workplace health and safety Secretary” after “Regulator”.

59. Section 99 amended (Powers of Regulator or workplace health and safety Secretary on review)

Section 99 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or workplace health and safety Secretary” after “appropriate, the Regulator”;
- (b) by inserting in subsection (2) “or workplace health and safety Secretary” after “Regulator”;
- (c) by omitting from subsection (2) “Regulator’s” first occurring and substituting “its, his or her”;
- (d) by omitting from subsection (2) “the Regulator’s” second occurring and substituting “that”.

60. Section 100 amended (Reference of application for review for mediation or advice)

Section 100 of the Principal Act is amended as follows:

- (a) by inserting “or workplace health and safety Secretary” after “Regulator”;
- (b) by omitting “Regulator’s”.

61. Section 103 amended (Stay of operation)

Section 103(2) of the Principal Act is amended by omitting “Regulator’s opinion,” and substituting “opinion of the Regulator or the workplace health and safety Secretary, as appropriate having regard to who made the decision that is subject to appeal under this Part,”.

62. Section 105 amended (Power of exemption)

Section 105 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or workplace health and safety Secretary” after “Regulator”;
- (b) by inserting in subsection (2) “or workplace health and safety Secretary” after “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 63

Part 3 – Electricity Supply Industry Act 1995 Amended

63. Section 112 amended (False or misleading information)

Section 112 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Regulator” and substituting “Regulator, workplace health and safety Secretary”;
- (b) by omitting from subsection (2) “Regulator” and substituting “Regulator, workplace health and safety Secretary”.

64. Section 114C amended (Institution of proceedings for offence)

Section 114C of the Principal Act is amended by omitting “Regulator or a person authorised by the Regulator.” and substituting “Regulator, the workplace health and safety Secretary or a person authorised by the Regulator or the workplace health and safety Secretary.”.

65. Section 114D amended (Injunction)

Section 114D of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or workplace health and safety Secretary” after “Regulator”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 3 – Electricity Supply Industry Act 1995 Amended

s. 66

- (b) by inserting in subsection (1) “it,” after “Code,”;
- (c) by inserting in subsection (9) “or workplace health and safety Secretary” after “Regulator”.

66. Section 115 amended (Evidence of appointments)

Section 115(2) of the Principal Act is amended by inserting “the workplace health and safety Secretary,” after “Regulator,”.

67. Section 116 amended (Certificates by Regulator or workplace health and safety Secretary)

Section 116 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or the workplace health and safety Secretary” after “Regulator”;
- (b) by inserting in subsection (2) “or the workplace health and safety Secretary” after “Regulator”;
- (c) by inserting in subsection (3) “or the workplace health and safety Secretary” after “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 68

Part 3 – Electricity Supply Industry Act 1995 Amended

68. Section 116A amended (Regulator or workplace health and safety Secretary may take court action on behalf of customer)

Section 116A of the Principal Act is amended as follows:

- (a) by inserting “or the workplace health and safety Secretary” after “Regulator”;
- (b) by inserting “its” after “may in”.

69. Section 118 amended (Liability for compensation)

Section 118(1) of the Principal Act is amended by inserting “or the workplace health and safety Secretary, as appropriate,” after “Regulator”.

70. Section 119 amended (Immunity from liability)

Section 119 of the Principal Act is amended by omitting “Regulator” and substituting “Regulator, workplace health and safety Secretary”.

71. Section 122 amended (Regulations)

Section 122 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2BA)(a) “Regulator;” and substituting “Regulator

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 3 – Electricity Supply Industry Act 1995 Amended

s. 72

-
- and workplace health and safety Secretary;”;
- (b) by omitting from subsection (2BA)(b) “Regulator” and substituting “Regulator and workplace health and safety Secretary”;
- (c) by inserting the following paragraph after paragraph (ba) in subsection (2C):
- (bc) the *Economic Regulator (Consequential Amendments) Act 2009*;
- (d) by omitting from subsection (5) “Minister or the Regulator.” and substituting “Minister, the Regulator or the workplace health and safety Secretary.”.

72. Section 124 inserted

After section 123 of the Principal Act, the following section is inserted in Division 7:

124. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

- (1) In this section –

“**former Act**” means this Act as in force immediately before the transition day;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 72

Part 3 – Electricity Supply Industry Act 1995 Amended

“transition day” means the day on which the *Economic Regulator Act 2009* commences.

- (2) If a person was appointed by the Regulator or its delegate as an authorised officer under the former Act and, immediately before the transition day, holds that office –
- (a) that person is taken to have been appointed as an authorised officer by the workplace health and safety Secretary for the same term and on the same conditions; and
 - (b) an identity card issued to the authorised officer is taken to have been issued by the workplace health and safety Secretary; and
 - (c) a reference in an identity card to the Regulator is taken to be to the workplace health and safety Secretary.

PART 4 – GAS ACT 2000 AMENDED

73. Principal Act

In this Part, the *Gas Act 2000** is referred to as the Principal Act.

74. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of “regulations” the following definition:

“Regulator” means the person holding the office of Regulator under section 7;

75. Part 2, Division 1: Heading amended

Division 1 of Part 2 of the Principal Act is amended by omitting “*Director of Gas*” from the heading to that Division and substituting “*Regulator*”.

76. Section 7 substituted

Section 7 of the Principal Act is repealed and the following section is substituted:

*No. 92 of 2000

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 77

Part 4 – Gas Act 2000 Amended

7. Regulator

- (1) The office of Regulator is established.
- (2) The Regulator, within the meaning of the *Economic Regulator Act 2009*, is the Regulator.

77. Section 8 amended (Functions of Regulator)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (1)(c) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (2A) “Director” twice occurring and substituting “Regulator”;
- (e) by omitting from subsection (2A) “his or her” and substituting “its”.

78. Part 2, Division 3: Heading amended

Division 3 of Part 2 of the Principal Act is amended by omitting “*Director of Gas*” first

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 79

occurring from the heading to that Division and substituting “**Regulator**”.

79. Section 11 amended (Delegation)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by inserting in subsection (1) “its,” after “such of”;
- (c) by omitting from subsection (1) “relevant” and substituting “Regulator’s or”;
- (d) by omitting from subsection (2) “relevant Director” and substituting “Regulator or Director of Gas Safety”;
- (e) by omitting from subsection (5) “relevant Director” and substituting “Regulator or Director of Gas Safety”;
- (f) by omitting from subsection (6) “relevant Director” first occurring and substituting “Regulator or Director of Gas Safety”;
- (g) by omitting from subsection (6) “relevant Director.” and substituting “Regulator or Director of Gas Safety.”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 80

Part 4 – Gas Act 2000 Amended

- (h) by omitting from subsection (7) “relevant Director in” and substituting “Regulator or Director of Gas Safety in its,”;
- (i) by omitting from subsection (7) “relevant” second occurring and substituting “Regulator or”;
- (j) by omitting from subsection (7) “relevant” third occurring and substituting “Regulator or”.

80. Section 12 amended (Power of Regulator and Director of Gas Safety to require information)

Section 12(1) of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting “relevant” twice occurring and substituting “Regulator or”.

81. Section 13 amended (Obligation to preserve confidentiality)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 82

- (b) by omitting from subsection (3) “Director of Gas” first occurring and substituting “Regulator”.

82. Section 15 amended (Advisory committees)

Section 15(1) of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting “relevant” and substituting “Regulator or”.

83. Section 16 amended (Annual report by Director of Gas Safety)

Section 16(1) of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas and the”;
- (b) by omitting “relevant”.

84. Section 16A inserted

After section 16 of the Principal Act, the following section is inserted in Division 3:

16A. Annual report by Regulator

The annual report made by the Regulator, within the meaning of the *Economic*

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 85

Part 4 – Gas Act 2000 Amended

Regulator Act 2009, under that Act is to include a report on the performance and exercise of the Regulator’s functions and powers under this Act.

85. Section 23 amended (Application for licence)

Section 23 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (1)(a) “Director;” and substituting “Regulator;”;
- (c) by omitting from subsection (1)(b) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (2) “Director” three times occurring and substituting “Regulator”;
- (e) by omitting from subsection (3) “Director” and substituting “Regulator”;
- (f) by omitting from subsection (4) “Director” twice occurring and substituting “Regulator”.

86. Section 24 amended (Consideration of application for issue of licence)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” first occurring and substituting “Regulator”;
- (c) by omitting from subsection (3) “Director” and substituting “Regulator”.

87. Section 26 amended (Licence term and renewal)

Section 26 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (4) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (5) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (5) “he or she” and substituting “it”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 88

Part 4 – Gas Act 2000 Amended

88. Section 27 amended (Licence fees and returns)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (2)(a) “Director,” and substituting “Regulator,”;
- (c) by omitting from subsection (2)(a) “Director” second occurring and substituting “Regulator”;
- (d) by omitting from subsection (2)(b) “Director,” and substituting “Regulator,”;
- (e) by omitting from subsection (3) “Director” twice occurring and substituting “Regulator”;
- (f) by omitting from subsection (5) “Director” first occurring and substituting “Regulator”;
- (g) by omitting from subsection (5) “Director.” and substituting “Regulator.”.

89. Section 29 amended (Licence conditions)

Section 29 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 90

- (a) by omitting from subsection (1)(a) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (1)(b) “Director of Gas” and substituting “Regulator”;
- (c) by omitting from subsection (1)(c) “Director of Gas” and substituting “Regulator”;
- (d) by omitting from subsection (2)(a) “Director of Gas” and substituting “Regulator”;
- (e) by omitting from subsection (2)(b) “Director of Gas” and substituting “Regulator”.

90. Section 30 amended (Licences conferring exclusive franchise)

Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(d) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (4) “Director of Gas” and substituting “Regulator”;
- (c) by omitting from subsection (4) “his or her” and substituting “its”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 91

Part 4 – Gas Act 2000 Amended

- (d) by omitting from subsection (5) “Director of Gas” and substituting “Regulator”.

91. Section 32A amended (Directions to comply with licence conditions)

Section 32A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas,” and substituting “Regulator,”;
- (b) by omitting from subsection (1) “Director” second occurring and substituting “Regulator”;
- (c) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (6)(a) “Director of Gas,” and substituting “Regulator,”;
- (e) by omitting from subsection (6)(a) “Director,” and substituting “Regulator,”;
- (f) by omitting from subsection (6)(c) “Director of Gas” and substituting “Regulator”;
- (g) by omitting from subsection (6)(c) “Director” second occurring and substituting “Regulator”.

92. Section 33 amended (Notice of licence decisions)

Section 33 of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” and substituting “Regulator”;
- (b) by omitting from paragraph (a)(i) “Director’s” and substituting “Regulator’s”;
- (c) by omitting from paragraph (b) “Director’s” and substituting “Regulator’s”.

93. Section 34 amended (Variation of licence)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (3) “Director” twice occurring and substituting “Regulator”.

94. Section 35 amended (Transfer of licence)

Section 35 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 95

Part 4 – Gas Act 2000 Amended

- (a) by omitting from subsection (1) “Director of Gas.” and substituting “Regulator.”;
- (b) by omitting from subsection (3) “Director of Gas” and substituting “Regulator”.

95. Section 36 amended (Surrender of licence)

Section 36 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas,” and substituting “Regulator,”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (3) “Director” and substituting “Regulator”.

96. Section 37 amended (Register of licences)

Section 37 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (3) “Director,” and substituting “Regulator,”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 97

97. Section 38A amended (Gas codes)

Section 38A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Director of Gas.” and substituting “Regulator.”;
- (b) by omitting from subsection (6)(a) “Director of Gas;” and substituting “Regulator;”;
- (c) by omitting from subsection (7) “Director of Gas” and substituting “Regulator”;
- (d) by omitting from subsection (7) “Director” second occurring and substituting “Regulator”;
- (e) by omitting from subsection (8) “Director of Gas” and substituting “Regulator”;
- (f) by omitting from subsection (8) “Director” second occurring and substituting “Regulator”.

98. Section 38B amended (Publication and availability of gas codes)

Section 38B of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 99

Part 4 – Gas Act 2000 Amended

- (a) by omitting from subsection (1) “Director of Gas” twice occurring and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” first occurring and substituting “Regulator”;
- (c) by omitting from subsection (2)(b) “Director” first occurring and substituting “Regulator”;
- (d) by omitting from subsection (2)(b) “Director.” and substituting “Regulator.”;
- (e) by omitting from subsection (3) “Director” twice occurring and substituting “Regulator”.

99. Section 38C amended (Review, amendment and replacement of gas codes)

Section 38C of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas;” from the definition of “issuing authority” in subsection (1) and substituting “Regulator;”;
- (b) by omitting from subsection (3) “Director of Gas” and substituting “Regulator”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 100

- (c) by omitting from subsection (3) “Director” second occurring and substituting “Regulator”;
- (d) by omitting from subsection (5) “Director of Gas” and substituting “Regulator”.

100. Section 46 amended (Suspension or cancellation of licences)

Section 46 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director.” and substituting “Regulator.”;
- (c) by omitting from subsection (3) “Director” first occurring and substituting “Regulator”;
- (d) by omitting from subsection (3) “Director” second occurring and substituting “Regulator”;
- (e) by omitting from subsection (3)(b) “Director” and substituting “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 101

Part 4 – Gas Act 2000 Amended

101. Part 3, Division 8: Heading amended

Division 8 of Part 3 of the Principal Act is amended by omitting “*Director of Gas*” from the heading to that Division and substituting “*Regulator*”.

102. Section 47 amended (Power to take over operations)

Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas,” and substituting “Regulator,”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (3)(a) “Director” and substituting “Regulator”.

103. Section 48 amended (Appointment of operator)

Section 48(1) of the Principal Act is amended by omitting “Director of Gas” and substituting “Regulator”.

104. Section 49 amended (Disputes)

Section 49 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 105

-
- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;
 - (b) by omitting from subsection (2) “relevant Director” and substituting “Regulator or the Director of Gas Safety”;
 - (c) by omitting from subsection (3) “relevant Director” first occurring and substituting “Regulator or the Director of Gas Safety”;
 - (d) by omitting from subsection (3)(a) “relevant Director” and substituting “Regulator or the Director of Gas Safety”;
 - (e) by omitting from subsection (3)(b) “relevant Director” and substituting “Regulator or the Director of Gas Safety”;
 - (f) by omitting from subsection (4) “relevant Director” and substituting “Regulator or the Director of Gas Safety”.

105. Section 77 amended (Acceptance of gas installations)

Section 77 of the Principal Act is amended as follows:

- (a) by omitting from subsection (5) “Director” first occurring and substituting “Director of Gas Safety”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 106

Part 4 – Gas Act 2000 Amended

- (b) by omitting from subsection (6) “Director” first occurring and substituting “Director of Gas Safety”;
- (c) by omitting from subsection (7) “Director” and substituting “Director of Gas Safety”;
- (d) by omitting from subsection (8) “Director” and substituting “Director of Gas Safety”.

106. Section 79 amended (Offence to alter approved gas appliance)

Section 79 of the Principal Act is amended by omitting “Director of Gas” and substituting “Director of Gas Safety”.

107. Section 79A amended (Prohibition of supply of appliances or components)

Section 79A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas,” and substituting “Director of Gas Safety,”;
- (b) by omitting from subsection (3) “Director of Gas,” and substituting “Director of Gas Safety,”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 108

- (c) by omitting from subsection (5) “Director of Gas” and substituting “Director of Gas Safety”;
- (d) by omitting from subsection (6) “Director of Gas” and substituting “Director of Gas Safety”;
- (e) by omitting from subsection (7) “Director of Gas” and substituting “Director of Gas Safety”;
- (f) by omitting subsection (8).

108. Section 79C amended (Recall of appliances or components)

Section 79C of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas,” and substituting “Director of Gas Safety,”;
- (b) by omitting from subsection (2) “Director” first occurring and substituting “Director of Gas Safety”;
- (c) by omitting from subsection (3)(b) “Director” first occurring and substituting “Director of Gas Safety”;
- (d) by omitting from subsection (4) “Director” and substituting “Director of Gas Safety”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 109

Part 4 – Gas Act 2000 Amended

(e) by omitting subsection (5).

109. Section 93 amended (Appointment of authorised officers)

Section 93 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from subsection (3) “relevant Director.” and substituting “Regulator or the Director of Gas Safety.”.

110. Section 94 amended (Conditions of appointment)

Section 94 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “relevant Director.” and substituting “Regulator or the Director of Gas Safety.”;
- (b) by omitting from subsection (4) “relevant Director” and substituting “Regulator or the Director of Gas Safety.”;
- (c) by omitting from subsection (4) “Director” second occurring and substituting “Regulator or the Director of Gas Safety”.

111. Section 95 amended (Authorised officer’s identity card)

Section 95(1) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

112. Section 97 amended (Return of identity card)

Section 97 of the Principal Act is amended by omitting “relevant Director.” and substituting “Regulator or the Director of Gas Safety.”.

113. Section 99 amended (General investigative powers of authorised officers)

Section 99 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b)(ii) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from subsection (4)(a) “Director of Gas” first occurring and substituting “Regulator”.

114. Section 102A amended (Interpretation)

Section 102A of the Principal Act is amended by omitting “Director of Gas” first occurring from the definition of “appropriate authority” and substituting “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 115

Part 4 – Gas Act 2000 Amended

115. Section 108 amended (Administrative review by appropriate authority)

Section 108(1) of the Principal Act is amended by omitting “relevant Director” and substituting “appropriate authority”.

116. Section 109 amended (Reference of application for review for mediation or advice)

Section 109 of the Principal Act is amended by inserting “its,” after “delegate”.

117. Section 111 amended (Appeal against decisions)

Section 111(1) of the Principal Act is amended by omitting “Director of Gas,” and substituting “Regulator,”.

118. Section 121 amended (Extension of time limits)

Section 121(1) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

119. Section 122 amended (Confidentiality)

Section 122(1)(e) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

120. Section 129 amended (Statutory declarations)

Section 129 of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting “relevant Director” and substituting “Regulator or Director of Gas Safety”.

121. Section 129A amended (Regulator may take court action on behalf of customers)

Section 129A of the Principal Act is amended by omitting “Director of Gas” and substituting “Regulator”.

122. Section 133 amended (Recovery of profits from contravention)

Section 133 of the Principal Act is amended by omitting “Director of Gas” and substituting “Regulator”.

123. Section 134 amended (Immunity from personal liability)

Section 134(1) of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 124

Part 4 – Gas Act 2000 Amended

- (a) by omitting “Director of Gas,” and substituting “Regulator,”;
- (b) by omitting “either” and substituting “the Regulator or”.

124. Section 135 amended (Evidence)

Section 135(2) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

125. Section 137 amended (Regulations)

Section 137 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(b) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by inserting the following subsection after subsection (3):
 - (4) The regulations may –
 - (a) provide for savings or transitional matters necessary or expedient for bringing this Act, as amended by the *Economic Regulator (Consequential Amendments) Act 2009*, into operation; and

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 126

- (b) provide for any of those savings or transitional matters to take effect when that Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

126. Section 138A inserted

After section 138 of the Principal Act, the following section is inserted in Part 8:

138A. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

- (1) In this section –

“Director” means the Director of Gas as appointed under the former Act;

“former Act” means this Act as in force immediately before the transition day;

“transition day” means the day on which the *Economic Regulator Act 2009* commences.

- (2) Except as otherwise provided by this section or the regulations –

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 126

Part 4 – Gas Act 2000 Amended

- (a) a delegation, requirement, direction, notice, public notification, other publication of a document, approval, authorisation, agreement, application, determination, other decision or other act made, given, done or omitted to be done by the Director before the transition day is taken, if appropriate, to have been made, given, done or omitted to be done by the Regulator; and
- (b) a licence issued by the Director and in force immediately before the transition day continues and is taken to have been issued by the Regulator, and anything done or omitted to be done by the Director in relation to that licence is taken to have been done or omitted by the Regulator; and
- (c) a gas code issued by the Director and in force immediately before the transition day continues and is taken to have been issued by the Regulator and anything done or omitted to be done by the Director in relation to that licence is taken to have been done or omitted by the Regulator; and
- (d) a person appointed by the Director as an authorised officer

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 126

- and who, immediately before the transition day, holds that office is taken to have been appointed by the Regulator as an authorised officer for the same term and on the same conditions; and
- (e) a fee fixed by the Director under a provision of the former Act that is in force immediately before the transition day is taken to have been fixed by the Regulator under that provision of this Act; and
 - (f) an application, notice, other document or information provided to the Director is taken, if appropriate, to have been provided to the Regulator; and
 - (g) a reference to the Director in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c), (d), (e) or (f) is taken, if appropriate, to be or include a reference to the Regulator; and
 - (h) a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c), (d), (e) or (f) made by the Director and in force immediately before the transition day is taken, if appropriate, to have been made by the Regulator.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 126

Part 4 – Gas Act 2000 Amended

- (3) Except as otherwise provided by the regulations –
- (a) an approval, notice, prohibition, requirement, determination, other decision or other act made, given, done or omitted to be done by the Director before the transition day under Division 5 of Part 4 of the former Act is taken, if appropriate, to have been made, given, done or omitted to be done by the Regulator under Division 5 of Part 4 of this Act; and
 - (b) an application, notice, other document or information provided to the Director in relation to a matter under Division 5 of Part 4 of the former Act is taken to have been provided to the Regulator under Division 5 of Part 4 of this Act; and
 - (c) a reference to the Director in a document referred to in, or relating to a matter referred to in, paragraph (a) or (b) is taken, if appropriate, to be or include a reference to the Regulator; and
 - (d) a document referred to in, or relating to a matter referred to in, paragraph (a) or (b) made by the Director and in force immediately

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 4 – Gas Act 2000 Amended

s. 126

before the transition day is taken, if appropriate, to have been made by the Regulator.

- (4) On and after the transition day, the following provisions apply except as otherwise provided by this section or the regulations:
- (a) a legal or other proceeding that could have been instituted immediately before the transition day –
 - (i) by or against the Director in relation to a matter or document referred to in subsection (2) may be instituted by or against the Regulator; or
 - (ii) by or against the Director in relation to a matter referred to in subsection (3) may be instituted by or against the Director of Gas Safety;
 - (b) a legal or other proceeding that is pending immediately before the transition day and was instituted –
 - (i) by or against the Director in relation to a matter or document referred to in subsection (2) may be

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 126

Part 4 – Gas Act 2000 Amended

continued by or against
the Regulator; or

- (ii) by or against the Director in relation to a matter referred to in subsection (3) may be continued by or against the Director of Gas Safety;
- (c) a document relating to a legal proceeding referred to in paragraph (b) served on or by the Director before the transition day is taken to have been served on or by the Regulator or Director of Gas Safety, as appropriate;
- (d) a judgment or order of a court obtained by or against the Director before the transition day may be enforced by or against the Regulator or Director of Gas Safety, as appropriate;
- (e) a reference to the Director in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c) or (d) is taken to be, or to include, a reference to the Regulator or Director of Gas, as appropriate.

PART 5 – GAS PIPELINES ACT 2000 AMENDED

127. Principal Act

In this Part, the *Gas Pipelines Act 2000** is referred to as the Principal Act.

128. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” from the definition of “approved form” and substituting “Regulator”;
- (b) by omitting “Director of Gas” first occurring from the definition of “authorised officer” and substituting “Regulator”;
- (c) by omitting the definition of “Director of Gas”;
- (d) by omitting “Director of Gas” from paragraph (b) of the definition of “owner” and substituting “Regulator”;
- (e) by inserting the following definition after the definition of “regulations”:

*No. 91 of 2000

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 129

Part 5 – Gas Pipelines Act 2000 Amended

“Regulator” means the Regulator,
within the meaning of the *Gas*
Act 2000;

129. Part 2, Division 1 repealed

Division 1 of Part 2 of the Principal Act is repealed.

130. Section 10 amended (General authority to grant pipeline licence)

Section 10 of the Principal Act is amended by omitting “Director” and substituting “Regulator”.

131. Section 11 amended (Application for pipeline licence)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Director;” and substituting “Regulator;”;
- (b) by omitting from subsection (1)(c) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (2)(a) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (3) “Director” and substituting “Regulator”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 132

- (e) by omitting from subsection (4) “Director” and substituting “Regulator”;
- (f) by omitting from subsection (7) “Director” and substituting “Regulator”.

132. Section 12 amended (Consideration of application)

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (2) “he or she is”;
- (d) by omitting from subsection (3) “Director of Gas” and substituting “Regulator”;
- (e) by omitting from subsection (4) “Director of Gas” first occurring and substituting “Regulator”.

133. Section 13 amended (Information to be included in licence)

Section 13(c) of the Principal Act is amended by omitting “Director.” and substituting “Regulator.”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 134

Part 5 – Gas Pipelines Act 2000 Amended

134. Section 14 amended (Annual fee)

Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” twice occurring and substituting “Regulator”;
- (b) by omitting from subsection (2)(a) “Director” and substituting “Regulator”;
- (c) by omitting from subsection (2)(b) “Director” twice occurring and substituting “Regulator”;
- (d) by omitting from subsection (3) “Director” and substituting “Regulator”;
- (e) by omitting from subsection (4) “Director” twice occurring and substituting “Regulator”.

135. Section 16 amended (Term and renewal of pipeline licence)

Section 16 of the Principal Act is amended as follows:

- (a) by omitting “Director” first occurring and substituting “Regulator”;
- (b) by omitting “Director.” and substituting “Regulator.”.

136. Section 17 amended (Preconditions of grant or renewal of pipeline licence)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting “Director” first occurring and substituting “Regulator”;
- (b) by omitting “Director,” and substituting “Regulator,”.

137. Section 18 amended (Condition as to use of information, &c.)

Section 18 of the Principal Act is amended by omitting “Director –” and substituting “Regulator –”.

138. Section 19 amended (Alteration, extension or re-routing of pipeline)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(d) “Director.” and substituting “Regulator.”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 139

Part 5 – Gas Pipelines Act 2000 Amended

139. Section 20 amended (Other conditions)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” twice occurring and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”.

140. Section 23 amended (Amendment of licence)

Section 23 of the Principal Act is amended by omitting “Director” and substituting “Regulator”.

141. Section 24 amended (Transfer of licence)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director’s” and substituting “Regulator’s”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”.

142. Section 25 amended (Surrender)

Section 25 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” twice occurring and substituting “Regulator”;
- (c) by omitting from subsection (3) “Director” and substituting “Regulator”;
- (d) by omitting from subsection (4) “Director” first occurring and substituting “Regulator”;
- (e) by omitting from subsection (4)(b) “Director” and substituting “Regulator”.

143. Section 27 amended (Inseparability of dealings with pipeline and pipeline land)

Section 27 of the Principal Act is amended by omitting “Director” and substituting “Regulator”.

144. Section 28 amended (Application of Division)

Section 28(b) of the Principal Act is amended by omitting “Director” twice occurring and substituting “Regulator”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 145

Part 5 – Gas Pipelines Act 2000 Amended

145. Section 29 amended (Right of entry on land)

Section 29(2) of the Principal Act is amended by omitting “Director” twice occurring and substituting “Regulator”.

146. Section 33 amended (Records to be kept by licensee)

Section 33(2) of the Principal Act is amended as follows:

- (a) by omitting “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from paragraph (a) “relevant Director” and substituting “Regulator or Director of Gas Safety”.

147. Section 35 amended (Information to be provided by licensee)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from subsection (2) “relevant Director, provide that Director” and substituting “Regulator or the Director of Gas Safety, provide the Regulator or the Director”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 148

- (c) by omitting from subsection (2) “that Director” second occurring and substituting “the Regulator or the Director”;
- (d) by omitting from subsection (3) “relevant Director” and substituting “Regulator or the Director of Gas Safety”;
- (e) by omitting from subsection (4) “relevant Director, provide that Director” and substituting “Regulator or the Director of Gas Safety, provide the Regulator or the Director”;
- (f) by omitting from subsection (4) “that Director” second occurring and substituting “the Regulator or the Director”.

148. Part 2, Division 8: Heading amended

Division 8 of Part 2 of the Principal Act is amended by omitting “*Director*” from the heading to that Division and substituting “*Regulator or Director of Gas Safety*”.

149. Section 36 amended (Regulator or Director of Gas Safety may give directions)

Section 36 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 150

Part 5 – Gas Pipelines Act 2000 Amended

- (a) by omitting from subsection (1) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from subsection (3) “relevant Director” and substituting “Regulator or Director of Gas Safety”.

150. Section 37 amended (Powers of Regulator and Director of Gas Safety as to surveys, &c.)

Section 37 of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

151. Section 38 amended (Power to take over operations)

Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Director” and substituting “Regulator”;
- (b) by omitting from subsection (3)(a) “Director” and substituting “Regulator”.

152. Section 39 amended (Appointment of operator)

Section 39(1) of the Principal Act is amended by omitting “Director” and substituting “Regulator”.

153. Section 40 amended (Suspension of pipeline licence by agreement)

Section 40 of the Principal Act is amended by omitting “Director” and substituting “Regulator”.

154. Section 41 amended (Revocation of pipeline licence)

Section 41 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Director” and substituting “Regulator”;
- (b) by omitting from subsection (1)(c) “Director’s” and substituting “Regulator’s”;
- (c) by omitting from subsection (1) “Director” second occurring and substituting “Regulator”;
- (d) by omitting from subsection (1)(d) “Director” and substituting “Regulator”;
- (e) by omitting from subsection (2) “Director” first occurring and substituting “Regulator”;
- (f) by omitting from subsection (2) “Director” second occurring and substituting “Regulator”;
- (g) by omitting from subsection (2)(b) “Director” and substituting “Regulator”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 155

Part 5 – Gas Pipelines Act 2000 Amended

- (h) by omitting from subsection (3) “Director’s” and substituting “Regulator’s”;
- (i) by omitting from subsection (3) “Director” and substituting “Regulator”;
- (j) by omitting from subsection (4) “Director” three times occurring and substituting “Regulator”;
- (k) by omitting from subsection (5) “Director” twice occurring and substituting “Regulator”;
- (l) by omitting from subsection (8) “Director” and substituting “Regulator”.

155. Section 71 amended (Safety net)

Section 71 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director of Gas” and substituting “Regulator”;
- (b) by omitting from subsection (2) “Director” and substituting “Regulator”.

156. Section 74 amended (General investigative powers of authorised officers)

Section 74 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 157

- (a) by omitting from subsection (3)(b)(ii) “Director of Gas” first occurring and substituting “Regulator”;
- (b) by omitting from subsection (5) “relevant Director” and substituting “Regulator or Director of Gas Safety”.

157. Section 77 amended (Publication of result of investigation)

Section 77(1) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

158. Section 78 repealed

Section 78 of the Principal Act is repealed.

159. Section 80 amended (Application for administrative review)

Section 80 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator or Director of Gas Safety, whichever made the decision,”;
- (b) by omitting from subsection (4) “Director” and substituting “Regulator or Director of Gas Safety”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 160

Part 5 – Gas Pipelines Act 2000 Amended

160. Section 81 amended (Stay of operation)

Section 81 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator or Director of Gas Safety”;
- (b) by omitting from subsection (2) “Director’s opinion,” and substituting “opinion of the Regulator or Director of Gas Safety,”.

161. Section 82 amended (Administrative review by Regulator or Director of Gas Safety)

Section 82 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator or Director of Gas Safety”;
- (b) by inserting in subsection (1) “it,” after “as”;
- (c) by omitting from subsection (2) “Director” and substituting “Regulator or Director of Gas Safety”;
- (d) by inserting in subsection (2) “Regulator’s or” after “of the”;

- (e) by omitting from subsection (3) “Director” and substituting “Regulator or Director of Gas Safety”.

162. Section 88 repealed

Section 88 of the Principal Act is repealed.

163. Section 89 substituted

Section 89 of the Principal Act is repealed and the following section is substituted:

89. Delegation

- (1) The Regulator may delegate to any person the Regulator considers competent and suitable any of the Regulator’s functions or powers under this Act other than this power of delegation.
- (2) The Director of Gas Safety may delegate to any person the Director considers competent and suitable any of the Director’s functions or powers under this Act other than this power of delegation.

164. Section 94 amended (Verification of information)

Section 94 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 165

Part 5 – Gas Pipelines Act 2000 Amended

- (a) by omitting from subsection (1) “Director” first occurring and substituting “Regulator or Director of Gas Safety”;
- (b) by inserting in subsection (1) “Regulator or” after “if the”;
- (c) by omitting from subsection (2) “Director” and substituting “Regulator or Director of Gas Safety”.

165. Section 95 amended (Obligation to preserve confidentiality)

Section 95 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator and Director of Gas Safety”;
- (b) by omitting from subsection (3) “Director” and substituting “Regulator or Director of Gas Safety”.

166. Section 96 amended (Immunity from liability)

Section 96 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Regulator, Director of Gas Safety”;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 167

- (b) by omitting from subsection (2) “Director” and substituting “Regulator, Director of Gas Safety”.

167. Section 97 amended (Extension of time limits)

Section 97(1) of the Principal Act is amended by omitting “Director” and substituting “Regulator or Director of Gas Safety”.

168. Section 98 amended (Confidentiality)

Section 98(1)(e) of the Principal Act is amended by omitting “Director” and substituting “Regulator or Director of Gas Safety”.

169. Section 99 amended (Regulations)

Section 99(4)(b) of the Principal Act is amended by omitting “Director of Gas” first occurring and substituting “Regulator”.

170. Section 101 inserted

After section 100 of the Principal Act, the following section is inserted in Part 7:

101. Transitional provisions on enactment of *Economic Regulator (Consequential Amendments) Act 2009*

- (1) In this section –

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 170

Part 5 – Gas Pipelines Act 2000 Amended

“Director” means the Director of Gas as appointed under the *Gas Act 2000* as in force immediately before the transition day;

“former Act” means this Act as in force immediately before the transition day;

“transition day” means the day on which the *Economic Regulator Act 2009* commences.

- (2) Except as otherwise provided by this section or the regulations –
- (a) a delegation, requirement, direction, notice, publication of a document, approval, authorisation, agreement, determination, other decision or other act made, given, done or omitted to be done by the Director before the transition day is taken, if appropriate, to have been made, given, done or omitted to be done by the Regulator; and
 - (b) a pipeline licence issued by the Director and in force immediately before the transition day continues and is taken to have been issued by the Regulator, and anything done or omitted to be done by the Director in relation to

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 170

that licence is taken to have been done or omitted by the Regulator; and

- (c) a fee fixed by the Director under a provision of the former Act that is in force immediately before the transition day is taken to have been fixed by the Regulator under that provision of this Act; and
- (d) a fine imposed by the Director under section 14 of the former Act that is in force immediately before the transition day is taken to have been imposed by the Regulator under section 14 of this Act; and
- (e) an application, notice, other document or information provided to the Director is taken, if appropriate, to have been provided to the Regulator; and
- (f) a reference to the Director in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c), (d) or (e) is taken, if appropriate, to be or include a reference to the Regulator; and
- (g) a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c), (d) or (e)

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 170

Part 5 – Gas Pipelines Act 2000 Amended

made by the Director and in force immediately before the transition day is taken, if appropriate, to have been made by the Regulator.

- (3) On and after the transition day, the following provisions apply except as otherwise provided by this section or the regulations:
- (a) a legal or other proceeding that could have been instituted immediately before the transition day by or against the Director may be instituted by or against the Regulator;
 - (b) a legal or other proceeding that is pending immediately before the transition day and was instituted by or against the Director may be continued by or against the Regulator;
 - (c) a document relating to a legal proceeding referred to in paragraph (b) served on or by the Director before the transition day is taken to have been served on or by the Regulator;
 - (d) a judgment or order of a court obtained by or against the Director before the transition day may be enforced by or against the Regulator;

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

Part 5 – Gas Pipelines Act 2000 Amended

s. 170

- (e) a reference to the Director in a document referred to in, or relating to a matter referred to in, paragraph (a), (b), (c) or (d) is taken to be, or to include, a reference to the Regulator.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 171

Part 6 – Water and Sewerage Industry Act 2008 Amended

**PART 6 – WATER AND SEWERAGE INDUSTRY ACT
2008 AMENDED**

171. Principal Act

In this Part, the *Water and Sewerage Industry Act 2008** is referred to as the Principal Act.

172. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “Water and Sewerage Economic” from the definition of “Regulator”.

173. Section 11 amended (The Regulator)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Water and Sewerage Economic”;
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) The Regulator, within the meaning of the *Economic Regulator Act 2009*, is the Regulator.

*No. 13 of 2008

174. Section 14 amended (Delegation of Regulator’s functions and powers)

Section 14 of the Principal Act is amended by omitting “his or her” and substituting “its”.

175. Section 15 amended (Matters to which Regulator is to have regard)

Section 15 of the Principal Act is amended by omitting “his or her functions and exercising his or her” and substituting “functions and exercising”.

176. Section 16 amended (Independence of Regulator)

Section 16 of the Principal Act is amended by omitting “his or her functions and exercising his or her” and substituting “functions and exercising”.

177. Section 22 amended (Review, amendment and replacement of codes)

Section 22(1) of the Principal Act is amended by omitting “his or her” and substituting “its”.

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 178

Part 6 – Water and Sewerage Industry Act 2008 Amended

178. Section 23 amended (Guidelines for conduct of Regulator)

Section 23(1) of the Principal Act is amended by omitting “his or her functions or exercises his or her” and substituting “functions and exercises”.

179. Section 25 amended (Staff of Regulator)

Section 25 of the Principal Act is amended by omitting “his or her functions and exercise his or her” and substituting “functions and exercise”.

180. Section 26 amended (Assistance and facilities)

Section 26 of the Principal Act is amended by omitting “his or her functions and exercise his or her” and substituting “functions and exercise”.

181. Section 27 amended (Funds)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his or her functions and exercising his or her” and substituting “functions and exercising”;
- (b) by omitting from subsection (2) “his or her functions and the exercise of his or her” and substituting “functions and the exercise of”.

182. Section 28 substituted

Section 28 of the Principal Act is repealed and the following section is substituted:

28. Annual report of Regulator

The annual report made by the Regulator, within the meaning of the *Economic Regulator Act 2009*, under that Act is to include a report on the performance and exercise of the Regulator’s functions and powers under this Act.

183. Section 39 amended (Annual licence fees)

Section 39(4)(a) of the Principal Act is amended by omitting “his or her functions and exercising his or her powers,” and substituting “functions and exercising”.

184. Section 71 amended (Auditing)

Section 71(1) of the Principal Act is amended by omitting “his or her functions or exercise his or her” and substituting “functions or exercise”.

185. Section 80 amended (Grounds for review)

Section 80 of the Principal Act is amended as follows:

Economic Regulator (Consequential Amendments) Act 2009
Act No. of

s. 186

Part 6 – Water and Sewerage Industry Act 2008 Amended

- (a) by omitting from paragraph (a) “his or her” and substituting “its”;
- (b) by omitting from paragraph (b) “his or her” and substituting “its”.

186. Section 101 amended (Confidentiality)

Section 101 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “his or her functions or the exercise of his or her” and substituting “functions or the exercise of”;
- (b) by omitting from subsection (5) “his or her functions or exercising his or her” and substituting “functions or exercising”.