



Gas Supply (Miscellaneous Amendments) Regulation 2004

under the

Gas Supply Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas Supply Act 1996*.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

Explanatory note

The object of this Regulation is to transfer from the *Gas Supply (General) Regulation 1997* to the *Gas Supply (Natural Gas Retail Competition) Regulation 2001* such provisions of the former regulation as relate to:

- (a) the constitution and procedure of the review panels established to review gas pricing orders made by the Independent Pricing and Regulatory Tribunal, and
- (b) the delegation of functions by the Director-General of the Department of Energy, Utilities and Sustainability.

The former regulation will continue to regulate the carrying out of gasfitting work.

This Regulation is made under the *Gas Supply Act 1996*, including section 83 (the general power to make regulations) and sections 28 and 29.

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Clause 1 Gas Supply (Miscellaneous Amendments) Regulation 2004

Gas Supply (Miscellaneous Amendments) Regulation 2004

under the

Gas Supply Act 1996

1 Name of Regulation

This Regulation is the *Gas Supply (Miscellaneous Amendments) Regulation 2004*.

2 Amendment of Gas Supply (General) Regulation 1997

The *Gas Supply (General) Regulation 1997* is amended as set out in Schedule 1.

3 Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

The *Gas Supply (Natural Gas Retail Competition) Regulation 2001* is amended as set out in Schedule 2.

Gas Supply (Miscellaneous Amendments) Regulation 2004

Amendment of Gas Supply (General) Regulation 1997

Schedule 1

**Schedule 1 Amendment of Gas Supply (General)
Regulation 1997**

(Clause 2)

[1] Clause 3 Definitions

Omit the definitions of *gas marketer*, *Marketing Code of Conduct* and *review panel*.

[2] Parts 4 and 5

Omit the Parts.

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Gas Supply (Miscellaneous Amendments) Regulation 2004

Schedule 2 Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

Schedule 2 Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *Director-General*.

Insert instead:

Director-General means the Director-General of the Department of Energy, Utilities and Sustainability.

[2] Clause 3

Insert in alphabetical order:

review panel means a review panel established under section 29 of the Act.

[3] Part 1A

Insert after Part 1:

Part 1A Review of Tribunal decisions

4A Applications for review: section 28

- (1) An application to the Minister for a review of a decision or a gas pricing order of the Independent Pricing and Regulatory Tribunal:
 - (a) must be in writing, and
 - (b) must state the basis of the application, and
 - (c) must be accompanied by a fee determined by the Minister.
- (2) The Minister must give notice of the application, and of the proposed review:
 - (a) in a daily newspaper circulating throughout New South Wales, or
 - (b) in such other manner as the Minister considers appropriate.

4B Qualifications of members of review panels: section 29

- (1) A person is not to be appointed to be a member or a deputy of a member of a review panel unless, in the opinion of the Minister, the person has appropriate qualifications or experience having regard to the matter to be investigated by the panel.
- (2) A person is not to be appointed to a review panel if the person:
 - (a) is an employee or an associate of the holder of the authorisation with which the review panel's investigation will be concerned, or
 - (b) has a direct or indirect pecuniary interest in a matter with which the review panel's investigation will be concerned, other than such an interest that the person has merely as a result of being a gas user.

4C Appointment of deputies of members of review panels

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member of a review panel.
- (2) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be a member.
- (3) The deputy of the member who is chairperson of the review panel has the functions of the chairperson while acting in the place of the chairperson.
- (4) No act, determination or proceeding of a review panel is invalid merely because at the time of the act, determination or proceeding there is a vacancy in the office of a member of the panel.

4D Allowances for members of review panels

A member or deputy of a member of a review panel is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member or deputy.

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4E General procedure of review panels

The procedure for:

- (a) the calling of and the conduct of business at meetings of a review panel, and
- (b) the conduct of investigations by a review panel,

is, subject to the Act and this Regulation, to be as determined by the panel.

4F Quorum

The quorum for a meeting of a review panel is 2 members.

4G Presiding member

- (1) The chairperson of a review panel (or, in the absence of the chairperson, another member elected to chair the meeting by the members present) is to preside at a meeting of the panel.
- (2) The person presiding at a meeting of a review panel has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

4H Voting

A decision supported by a majority of the votes cast at a meeting of a review panel at which a quorum is present is the decision of the panel.

4I Determination and payment of costs

- (1) The costs of and incidental to proceedings before a review panel are, subject to the Act and this Regulation, to be as determined by the panel.
- (2) The costs may include any allowances payable to the members of the panel.
- (3) The liability for the payment of the costs is to be as determined by the Minister on the recommendation of the panel.
- (4) The costs may be recovered by or on behalf of the Minister in a court of competent jurisdiction as a debt due to the Crown.

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2001

Schedule 2

[4] Clause 82A

Insert after clause 82:

82A Delegations

The Director-General may delegate to any person the exercise of all or any of the Director-General's functions under this Regulation or any other regulation under the Act, other than this power of delegation.