

3. Definitions

In these regulations unless the contrary intention appears —

“**access agreement**” means —

- (a) an access agreement as defined in the Transmission Regulations;
or
- (b) a distribution access agreement as defined in the Distribution Regulations;

“**access services**” means —

- (a) access services as defined in the Transmission Regulations; or
- (b) distribution access services as defined in the Distribution Regulations;

“**Act**” means the *Electricity Corporation Act 1994*;

“**acting referee**” means a person appointed under regulation to act in the office of electricity referee;

“**business day**” means any day other than a Saturday, Sunday and any day that is a public holiday or bank holiday in the Perth Metropolitan area;

“**connection services**” has the same meaning as in the Transmission Regulations or the Distribution Regulations;

“**Court**” means the Supreme Court of Western Australia;

“**determination**” means a determination of the referee, whether interim or final, and includes an award, order and direction;

“**dispute**” means any dispute or difference concerning —

- (a) the construction of;
- (b) anything contained in, connected with or arising out of or in relation to; or
- (c) the rights, obligations, duties or liabilities of a party under, the Act, these regulations, the Transmission Regulations, the Distribution Regulations or an access agreement;

“**dispute notice**” means any written notice given by one party to a dispute to the other party or parties which describes the nature of the dispute between them and is stated to be a dispute notice for the purposes of regulation 5 or 35 as the case may be;

“**Distribution Regulations**” means the *Electricity Distribution Regulations 1997*;

“**exclusive jurisdiction**” means the jurisdiction granted to the referee by regulations 4 and 21(1);

“**electricity distribution network**” means the electricity distribution system defined in section 89 of the Act;

“**electricity transmission network**” means the electricity transmission system defined in section 89 of the Act;

“**Judge**” means a single judge of the Court;

“**misconduct**” includes corruption, fraud, partiality, bias or lack of independence from a party to a dispute;

“**new connection**” means an exempt connection as defined in the Transmission Regulations or the Distribution Regulations;

“non-prescribed dispute” means a dispute that is not a prescribed dispute;

“party” means a party to any dispute or proceedings, and includes any person claiming through or under a party, and also includes any permitted representative of that party;

“prescribed dispute” means any dispute dealing with any of the following —

- (a) the obligations referred to in regulation 4 and whether or not Western Power —
 - (i) has complied with the obligations imposed on it; and
 - (ii) has properly exercised any power granted to it, by Schedule 5 or 6, the Transmission Regulations or the Distribution Regulations (but not any term of an access agreement, including the Transmission Regulations or the Distribution Regulations to the extent that they have effect as a term of an access agreement) or any other written law that relates to access to or the granting of capacity in the electricity transmission network or the electricity distribution network or the prices payable for such access or grant;
- (b) prices;
- (c) enhancements to or expansion of the electricity transmission network or the electricity distribution network, including capital contribution;
- (d) electricity transmission capacity or electricity distribution capacity, including new capacity, spare capacity, and capacity committed under regulation 52 of the Distribution Regulations;
- (e) the provision of connection services using a new connection; and
- (f) a technical code;

“prices” means prices, charges and pricing methods determined or adopted by Western Power from time to time in respect of the provision of access services;

“proceedings” means any proceedings before the referee whether final or interlocutory, and includes any application to the referee in connection with or at any stage of proceedings, and also includes the making of a determination;

“prospective user” means an applicant for access to capacity or any person of whom Western Power is aware who is in good faith preparing or has foreshadowed an application for access to capacity;

“reasonable and prudent person” means a person acting in good faith with the intention of performing his or her obligations under the Act, these regulations, the Transmission Regulations, the Distribution Regulations and any access agreement and who in so doing and in the general conduct of his or her undertaking exercises that degree of skill, diligence, prudence and foresight which would reasonably and ordinarily be exercised by a skilled and experienced person complying with recognised standards and applicable law engaged in the same type of undertaking under the same or similar circumstances and conditions;

“referee” means the person appointed by the Minister under regulation 10 to the office of electricity referee and includes an acting referee;

“Schedule” means a Schedule to the Act;

“summons” means a summons issued under regulation 39;

“technical code” means a technical code prepared from time to time by Western Power under regulation 26 of the Transmission Regulations or a distribution technical code prepared from time to time by Western Power under regulation 28 of the Distribution Regulations;

“Transmission Regulations” means the *Electricity Transmission Regulations 1996*;

“Western Power” means the Electricity Corporation established under the Act.