A BILL

entitled

REGULATORY AUTHORITY AMENDMENT ACT 2026

TABLE OF CONTENTS

1 Citation
2 Amends section 2
3 Amends section 13
4 Amends section 15
5 Amends section 16
6 Amends section 18
7 Amends section 31
8 Amends section 33
9 Amends sections 44
10 Amends section 49
11 Amends section 52
12 Amends section 53
13 Amends sections 57 and 58
14 Amends section 60
15 Amends section 61
16 Amends section 62
17 Amends section 63
18 Amends section 64
19 Amends section 66
20 Amends section 69
21 Amends section 70
22 Amends section 72
23 Repeals sections 74 to 83
24 Amends section 84
25 Amends section 85
26 Amends section 86
27 Amends section 88
28 Amends section 89
29 Repeals section 90
30 Amends section 91
31 Inserts new sections 92A to 92D
32 Repeal and replace section 93
33 Inserts new sections 93A to 93F

34 Amends section 94
35 Inserts new section 94A
36 Amends section 95
37 Inserts new section 95A
38 Amends section 96
39 Repeals section 101
40 Consequential and related amendments; Schedules 1 to 4
41 Savings and transitional provisions
42 Further consequential amendments, transitional and savings provisions
43 Commencement

SCHEDULE 1
CONSEQUENTIAL and related AMENDMENTS TO THE ELECTRONIC COMMUNICATIONS ACT 2011

SCHEDULE 2
CONSEQUENTIAL and related AMENDMENTS TO THE ELECTRICITY ACT 2016

SCHEDULE 3
CONSEQUENTIAL and related AMENDMENTS TO THE FUELS ACT 2022

SCHEDULE 4
CONSEQUENTIAL and related AMENDMENTS TO STATUTORY INSTRUMENTS

WHEREAS it is expedient to amend the Regulatory Authority Act 2011 to streamline the consultation process and the making of general determinations subject to public consultation, expand the regulatory oversight and enforcement processes, remove the adjudication process, and make related and consequential amendments;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Regulatory Authority Act 2011 (the "principal Act"), may be cited as the Regulatory Authority Amendment Act 2026.

Amends section 2

2 In section 2 of the principal Act—

(a) delete the following definitions—

"adjudication";

"adjudicative decision and order";

"informal adjudication"; and

"presiding officer";

(b) delete and insert the following definitions in their correct alphabetical positions—

" "administrative determination" includes a general determination, order, direction, decision, or other written determination by which the Authority establishes the legal rights and obligations of one or more sectoral participants, but does not include—

(a) an advisory guideline;

(b) an audit report;

(c) an enforcement warning notice; or

(d) an enforcement decision notice;

"ex parte communication" means any written or oral communication made to a Commissioner or member of staff of the Authority regarding a matter in issue in an ongoing public consultation or in relation to the resolution of a dispute under section 57 or 58, but does not include—

(a) a written submission made pursuant to a consultation document; or

(b) any representations made in response to the proposed taking of any enforcement action;

"final Authority action" includes an enforcement decision notice and related enforcement action, a decision and order, and any other administrative determination issued by the Authority that is subject to appeal without any further administrative proceeding, but does not include—

(a) a decision and order issued pursuant to section 95; or

(b) for the avoidance of doubt—

(i) an advisory guideline;

(ii) the adoption of a request made pursuant to section 10; or

(iii) any recommendation or report issued pursuant to sections 70, 72 and 92B;

"public consultation" means a public consultation conducted in accordance with the procedures set out in sections 69 to 73;"; and

(c) insert the following new definitions in their correct alphabetical positions—

" "administrative record" means the administrative record referred to in section 71;

"audit plan" means a plan prepared by a sectoral provider in accordance with section 92C;

"audit report" means a report provided by the Authority under section 92B following the conduct of a management, performance and operations audit;

"consultation document" means a consultation document published in accordance with section 70;

"decision and order" means a decision and an order issued together by the Authority;

"enforcement decision notice" means a notice issued under section 93(3);

"enforcement process" means the processes and procedures set out in sections 93 to 94A in connection with the consideration or taking of any enforcement action;

"enforcement warning notice" means a notice issued under section 93(2)(a);

"management, performance and operations audit" or "MPO audit" means an audit conducted on a sectoral provider in accordance with section 92A;

"public significance" has the meaning given in section 69(5);";

Amends section 13

3 In section 13 of the principal Act—

(a) in paragraph (e), delete ", adjudicative decisions";

(b) in paragraph (w), delete "and adjudications";

(c) in paragraph (x) after "conduct", insert "investigations," and after that paragraph insert—

"(xa) conduct or require the conduct of management, performance and operations audits and provide audit reports;"; and

(d) in paragraph (y) before the words "take appropriate enforcement action", insert "issue enforcement warning and enforcement decision notices and".

Amends section 15

4 In section 15 of the principal Act, repeal subsections (3) and (4) and substitute—

"(3) The Authority shall have the power to issue an administrative determination as to whether a specific person satisfies the criteria specified in sectoral legislation and, therefore, is a sectoral participant.

(3A) The Authority shall have the power, when acting within the scope of its authority and in accordance with the relevant provisions of this Act (or of this Act and sectoral legislation), to—

(a) conduct or require the conduct of management performance and operations audits in relation to any sectoral provider;

(b) take enforcement action against any sectoral participant.

(4) The Authority, when acting pursuant to sections 85 and 86 may issue an administrative determination or, in accordance with the enforcement process, take enforcement action that is binding on persons that are not sectoral participants if the Authority determines that an action taken by any such person unreasonably restricts, or is likely to unreasonably restrict, competition in a regulated industry sector.

Amends section 16

5 In section 16 of the principal Act, delete paragraph (g) and insert—

"(g) engage in reasoned decision-making and, where a public consultation has been conducted, such decision-making shall be based on the administrative record;".

Amends section 18

6 In section 18 of the principal Act—

(a) delete paragraph (b) and insert—

"(b) a list of each public consultation and any rules made under section 61(2);";

(b) delete paragraph (d) and insert—

"(d) the full text of all other administrative determinations, with the exception of—

(i) any portion of any such administrative determination that contains information that the Authority deems to be confidential; and

(ii) any order under section 91(2A), 92C(3) and (4) and 92D in relation to a management, performance and operations audit or audit plan;

(da) subject to section 92B(2), audit reports;

(db) subject to section 93E, enforcement decision notices;".

Amends section 31

7 Section 31 of the principal Act is amended as follows—

(a) in subsection (1) in the opening words, delete "any adjudication or public consultation" and insert "any dispute resolution, public consultation, or any part of the enforcement process";

(b) in subsection (2)—

(i) in the opening words, delete "adjudication or public consultation" and insert "dispute resolution, public consultation, or enforcement process"; and

(ii) delete paragraph (c) and insert—

"(c) in the case of any dispute resolution or enforcement process, also receives the written consent of all parties to the dispute resolution or enforcement process at the time the conflict of interest is disclosed.";

(c) in subsection (5), delete "an adjudication or public consultation" and insert "any dispute resolution, public consultation or enforcement process"; and

(d) after subsection (11) insert—

"(12) For the avoidance of doubt, rules made under subsection (11) are not statutory instruments.".

Amends section 33

8 In section 33(6)(e) of the principal Act, delete "or adjudication" and insert ", a management, performance and operations audit, or take steps in connection with the enforcement process".

Amends sections 44

9 In section 44 of the principal Act, repeal subsection (11) and substitute—

"(11) The Authority shall take all reasonable measures to collect all Regulatory Authority fees, including—

(a) the issuance of a direction pursuant to section 64;

(b) the initiation of the enforcement process and the taking of enforcement action in accordance with section 93,

and the Authority shall pay all revenue generated from Regulatory Authority fees to the Operating Fund.".

Amends section 49

10 In section 49(2) of the principal Act—

(a) at the end of paragraph (a) after the semicolon, insert "and"; and

(b) delete paragraph (b).

Amends section 52

11 In section 52 of the principal Act, repeal subsection (8) and substitute—

"(8) The Authority shall take all reasonable measures to collect all Government authorization fees, including—

(a) the issuance of a direction under section 64;

(b) the initiation of the enforcement process and the taking of enforcement action in accordance with section 93,

and the Authority shall pay the fees to the Consolidated Fund.".

Amends section 53

12 In section 53(2) of the principal Act—

(a) at the end of paragraph (a), delete "or";

(b) at the end of paragraph (b)(ii) delete the full stop and insert "; or"; and

(c) after paragraph (b) insert—

"(c) as may be required to be submitted in accordance with the authorization holder's audit plan.".

Amends sections 57 and 58

13 Sections 57 and 58 of the principal Act are amended, in both sections, as follows—

(a) in subsection (4), delete paragraph (b) and insert—

"(b) where appropriate, initiate the enforcement process and take enforcement action; or"; and

(b) repeal subsections (5) and (6).

Amends section 60

14 Section 60 of the principal Act is amended as follows—

(a) in subsection (1), delete "or an adjudication"; and

(b) in subsection (2), delete "Any communications" and insert "For the avoidance of doubt, any communications".

Amends section 61

15 Section 61 of the principal Act is amended as follows—

(a) delete the heading and insert "Administrative procedures";

(b) repeal subsection (1); and

(c) repeal subsection (2) and substitute—

"(2) The Authority may make rules, consistent with the provisions of this Act, setting out the procedures applicable to public consultations."; and

(d) after subsection (5), insert—

"(6) For the avoidance of doubt, rules made under subsection (2) are not statutory instruments.".

Amends section 62

16 Section 62 of the principal Act is amended as follows—

(a) repeal subsection (2)(a) and substitute—

"(2) A general determination—

(a) without prejudice to the generality of subsection (1) but subject to section 66(2), shall, in matters of public significance, be made following a public consultation;";

(b) after subsection (2) insert—

"(2A) Without prejudice to subsection (2)(a), where the Authority makes a general determination to revoke or modify an existing general determination that was previously made following a public consultation, nothing in subsection (2)(d) shall, on its face, require the Authority to make the subsequent general determination following a public consultation.";

(c) repeal subsection (3) and substitute—

"(3) In any case in which the Authority makes a general determination, the Authority shall issue a decision and order adopting the general determination and shall promptly forward the general determination to—

(a) the Minister responsible for the regulated industry sector to which the general determination applies; and

(b) the Cabinet Secretary, for filing in accordance with the Statutory Instruments Act 1977 and, subject to subsection (3A), publication in the Gazette."; and

(d) in subsection (3A) in the opening words, delete "under subsection (3)(b)".

Amends section 63

17 In section 63(1) of the principal Act, delete paragraph (d) and insert—

"(d) take any other action within the scope of its authority, other than an action that may only be taken—

(i) by the adoption of a general determination;

(ii) pursuant to the issuance of a decision and order; or

(iii) in accordance with the enforcement process.".

Amends section 64

18 In section 64(1) of the principal Act delete ", an adjudicative decision".

Amends section 66

19 In section 66(1) of the principal Act, in the opening words delete "pending the completion of the public consultation" and insert "including pending the completion of any public consultation".

Amends section 69

20 Section 69 of the principal Act is amended as follows—

(a) delete the heading and insert "Public consultation";

(b) in subsection (1) in the opening words, delete "may initiate" and insert "may on its own initiative conduct"; and

(c) repeal subsections (2) to (5) and substitute—

"(2) Notwithstanding any public consultation conducted by the Authority for the purposes of taking an action under subsection (1), nothing in that subsection shall be deemed to require the Authority to conduct a subsequent public consultation where it later seeks to revoke or modify such action.

(3) Notwithstanding subsections (1) and (2), the Authority shall be required to conduct a public consultation in the following cases—

(a) where, subject to subsection (4), any report, recommendation or administrative determination to be prepared, made or adopted involves a matter of public significance;

(b) when directed to do so by a Minister; or

(c) where otherwise required to do so pursuant to this Act or sectoral legislation.

(4) Where, in any case, a general determination is made following a public consultation under section 62(2)(a), nothing in subsection (3)(a) of this section shall be deemed to require the Authority to conduct a subsequent public consultation for the preparation, making or adoption of any report, recommendation or administrative determination relating to the application or implementation of that general determination.

(5) For the purposes of this Act, a matter is of "public significance" if, in the Authority's discretion, the matter is likely to—

(a) result in a major change in the activities carried on by the Authority under this Act or any other Act;

(b) have a significant impact on a sectoral provider; or

(c) have a significant impact on members of the public,

and where the Authority so determines that a matter is (or is not) of public significance, that determination shall in any case be final and conclusive.".

Amends section 70

21 Section 70 of the principal Act is amended as follows—

(a) in the heading after "document" insert "and final report";

(b) in subsection (1) in the opening words, delete "shall commence" and insert "shall initiate";

(c) in subsection (2)—

(i) delete paragraph (c) and insert—

"(c) any tentative conclusions that the Authority has reached;"; and

(ii) delete paragraph (f) and insert—

"(f) where applicable, any draft administrative determination that the Authority proposes to adopt; and"; and

(d) after subsection (2) insert—

"(3) Subject to subsection (4), the Authority shall, within a reasonable period (of not less than 14 days after the date specified in subsection (2)(e)), publish on its official website a final report and that report shall—

(a) summarise the responses received to the consultation document;

(b) provide a reasoned explanation of the basis on which the Authority revised any significant factual finding, policy determination and legal conclusion contained in the consultation document;

(c) state the Authority's final conclusion and decision; and

(d) contain, where applicable, any administrative determination to be adopted, and subject to section 67, the date on which it will become effective.

(4) Before publishing a final report, the Authority, where it considers it appropriate to do so, may—

(a) issue a preliminary report, recommendations, or a decision and order; and

(b) conduct, in accordance with section 72, further consultation in respect of such preliminary report, recommendations or decision and order.".

Amends section 72

22 Section 72 of the principal Act is amended as follows—

(a) in subsection (1), delete the opening words and insert—

"(1) Pursuant to section 70(4), the Authority may, within a reasonable period (of not less than 14 days after the date specified in section 70(2)(e)), issue—"; and

(b) in subsection (2) in the opening words, delete "The preliminary report" and insert "A preliminary report".

Repeals sections 74 to 83

23 Repeal sections 74 to 83 of the principal Act.

Amends section 84

24 Section 84 of the principal Act is amended as follows—

(a) in subsection (1), at the end of paragraph (d) delete "and" and after that paragraph insert—

"(da) any applicable audit plan; and"; and

(b) in subsection (2), delete paragraph (a) and insert—

"(a) initiate the enforcement process and impose enforcement action pursuant to section 93; or

Amends section 85

25 Section 85 of the principal Act is amended as follows—

(a) repeal subsection (3);

(b) repeal subsection (6) and substitute—

"(6) The Authority, giving due regard to international best practices, shall, by general determination, establish the criteria to be used to determine whether a person has contravened any of the prohibitions specified in subsection (5)."; and

(c) in subsection (7), delete paragraph (b) and insert—

"(b) take, in accordance with the enforcement process, any other enforcement action.".

Amends section 86

26 Section 86 of the principal Act is amended as follows—

(a) repeal subsection (3) and substitute—

"(3) The Authority, giving due regard to international best practices, shall, by general determination, establish the criteria to be used to determine whether a person has entered into an agreement that falls within one of the categories specified in subsection (2)."; and

(b) in subsection (6), in the opening words—

(i) delete ", by means of an adjudication"; and

(ii) delete paragraph (c) and insert—

"(c) take, in accordance with the enforcement process, any other enforcement action.".

Amends section 88

27 Section 88 of the principal Act is amended as follows—

(a) repeal subsection (2)(a) and substitute—

"(2) A sectoral provider engages in an unfair trade practice where—

(a) the sectoral provider engages in an improper, unethical or unscrupulous practice; and";

(b) repeal subsection (4) and substitute—

"(4) The Authority, giving due regard to international best practices, shall, by general determination, establish specific practices that constitute unfair trade practices."; and

(c) in subsection (5), delete paragraph (c) and insert—

"(c) take, in accordance with the enforcement process, any other enforcement action.".

Amends section 89

28 Section 89 of the principal Act is amended as follows—

(a) in subsection (1)—

(i) after paragraph (a) insert—

"(aa) to assess whether to conduct or require the conduct of a management, performance and operations audit;

(ab) to gather information, subject to section 91(2A), as part of a management, performance and operations audit;";

(ii) delete paragraph (b) and insert—

"(b) to assess whether to initiate the enforcement process and take enforcement action;"; and

(b) in subsection (2), delete paragraph (a).

Repeals section 90

29 Repeal section 90 of the principal Act.

Amends section 91

30 In section 91 of the principal Act after subsection (2) insert—

"(2A) Without prejudice to the foregoing provisions of this section, any order issued for the purposes of section 89(1)(ab) shall also specify—

(a) that such order is in relation to the conduct of a management, performance and operations audit; and

(b) pursuant to section 92D, whether a money deposit is required to cover the cost of the management, performance and operations audit and the amount of the deposit.".

Inserts new sections 92A to 92D

31 After section 92 of the principal Act insert—

"**Management, performance and operations audit**

92A (1) Pursuant to section 89(1)(ab), the Authority may conduct or require the conduct of a management, performance and operations audit ("MPO audit").

(2) An MPO audit shall be conducted, in respect of any requirement or duty imposed on a sectoral provider under this Act, sectoral legislation, regulations, any administrative determination, or condition contained in any authorization held by the sectoral provider, for the purposes of—

(a) investigating the compliance of a sectoral provider with such requirement or duty;

(b) evaluating the management, performance or operational efficiency of a sectoral provider in complying with such requirement or duty;

(c) assessing a sectoral provider's financial, technical or operational capacity to comply with such requirement or duty; and

(d) making recommendations in relation to any matter arising in connection with such investigation, evaluation or assessment

and setting time lines for the implementation of such recommendations.

(3) The Authority may require an MPO audit to be conducted by—

(a) its staff; or

(b) such other independent person authorised by the Authority for the purposes of this section.

(4) In subsection (3), an "independent person" means a person who is independent of both the Authority and the sectoral provider in respect of which the MPO audit is conducted.

(5) The Authority may issue advisory guidelines concerning the conduct of an MPO audit.

Audit report

92B (1) Following the conduct of an MPO audit, the Authority shall provide, to the sectoral provider in respect of which the audit was conducted, an audit report setting out the findings of the MPO audit and any recommendations.

(2) Unless the Authority has granted confidential treatment pursuant to section 33, the Authority shall publish, on its official website, an audit report.

Audit plan

92C (1) Where recommendations are made under an audit report, the sectoral provider shall, within 30 days of receiving such audit report, prepare and submit to the Authority an audit plan.

(2) An audit plan shall state how the sectoral provider will adopt, implement or otherwise address the recommendations set out in the audit report.

(3) The Authority may, by order, require the sectoral provider to modify its audit plan to conform with—

(a) this Act;

(b) sectoral legislation;

(c) any regulations;

(d) any administrative determination;

(e) any condition contained in any authorization held by the sectoral provider; and

(f) any recommendations given by the audit report.

(4) Without prejudice to subsection (3), the Authority may, at the request of the sectoral provider, make an order to modify, revoke or otherwise discharge an audit plan.

(5) An audit plan prepared and submitted (and modified as the case may be) in accordance with this section shall be binding on the sectoral provider to which it applies.

Payment of deposit for management, performance and operations audit

92D (1) The Authority may, by order under section 91(2A), require the sectoral provider in respect of which an MPO audit is to be conducted to deposit, in advance, a specified sum of money to cover the costs to be incurred in respect of such audit.

(2) The Authority may at any time, by subsequent order, require the sectoral provider to increase the amount of the deposit given under this section to an amount sufficient to ensure payment of the costs actually expended by the Authority for the conduct of the audit.

(3) Any unused funds of the deposit shall be refunded to the sectoral provider within a reasonable period.

(4) Any deposit amount required by order under this section shall be based on a reasonable estimate of the costs of the audit, and the Authority shall, after completion of the audit, provide to the respective sectoral provider a statement of the costs incurred in conducting such audit.".

Repeal and replace section 93

32 Repeal section 93 of the principal Act and substitute—

"**Enforcement procedures**

93 (1) The Authority may, at the direction of the Chief Executive and in accordance with this section, take enforcement action in any case in which there is reason to believe that a sectoral participant has contravened any or all of the following—

(a) this Act;

(b) sectoral legislation;

(c) any regulations;

(d) any administrative determination;

(e) any condition contained in any authorization.

(2) Before taking enforcement action the Authority shall—

(a) initiate the enforcement process by issuing, in accordance with section 93A, an enforcement warning notice to the sectoral participant that the Authority reasonably believes committed the contravention; and

(b) take into account any representations made by or on behalf of the sectoral participant.

(3) Where, after taking the steps under subsection (2), the Authority determines that the sectoral participant has committed the contravention, the Authority shall, prior to taking enforcement action, issue an enforcement decision notice in accordance with section 93B.

(4) In lieu of initiating the enforcement process or taking any enforcement action, the Authority may, with the consent of the affected sectoral participant, refer the matter to—

(a) voluntary mediation; or

(b) binding arbitration.

(5) Where, for the purposes of this section the Authority takes any of the following actions, such action shall constitute "enforcement action"—

(a) issue a warning;

(b) impose public censure in accordance with section 93F;

(c) direct the sectoral participant to take such actions as may be necessary to remedy the violation;

(d) impose financial penalties in accordance with section 94;

(e) require the sectoral participant to make restitution to any person directly injured as a result of the contravention; or

(f) issue, notwithstanding section 51, a decision and order modifying, suspending or revoking any authorization held by the sectoral participant.

(6) In lieu of imposing financial penalties, under subsection (5)(d), the Authority may refer a matter that involves an offence specified in this Act, or sectoral legislation, to the Director of Public Prosecutions for prosecution of an offence.

(7) As used in this section and sections 93A to 93F, the term "sectoral participant" shall be deemed to include any person that the Authority has reason to believe has contravened any of the prohibitions contained in section 85 or 86.

Inserts new sections 93A to 93F

33 After section 93 of the principal Act insert the following new sections—

"**Enforcement warning notices**

93A (1) An enforcement warning notice shall be in writing and shall set out—

(a) the statutory, administrative or authorization provision that the sectoral participant allegedly contravened;

(b) the action that the Authority proposes to take and the reasons for the proposed action;

(c) the sectoral participant's right to make representations to the Authority; and

(d) the date of issue and a reasonable period (of not less than 14 days from the date of issue) within which the sectoral participant may make representations to the Authority.

(2) The Authority may, prior to the issuance of an enforcement decision notice and without prejudice to the period referred to in section 93B(2), extend the period for the making of representations under subsection (1)(d).

(3) An enforcement warning notice proposing—

(a) public censure under section 93(5)(b), shall set out the terms of the proposed public statement;

(b) a direction under section 93(5)(c), shall set out the proposed terms of the direction;

(c) a financial penalty under section 93(5)(d), shall set out the proposed penalty and any proposed terms or conditions;

(d) a decision and order to suspend or revoke an authorization under section 93(5)(f) shall set out the actions that the authorization holder must take to avoid suspension or revocation and the time frame in which such actions must be taken.

Enforcement decision notices

93B (1) An enforcement decision notice shall be in writing and shall set out—

(a) the Authority's decision as to the specific enforcement action to be taken;

(b) the reasons for the Authority's decision to take such action; and

(c) the sectoral participant's right to appeal the decision to the Supreme Court under section 96.

(2) An enforcement decision notice shall be issued within 90 days from date on which an enforcement warning notice is issued; and if no enforcement decision notice is given within that period, the Authority shall be treated, at the end of that 90 day period, as having issued a notice of discontinuance under section 93C.

(3) An enforcement decision notice shall specify—

(a) the day on which it is to take effect; and

(b) in any case in which the sectoral participant is required to take action under the notice, the period within which such action is to be taken.

(4) An enforcement decision notice—

(a) imposing a public censure shall set out the terms of the public statement and give details of the manner in which and the date on which the statement, subject to section 93F, will be published;

(b) imposing a direction shall set out the terms of the direction;

(c) imposing a financial penalty shall set out—

(i) the amount and calculation of the financial penalty in accordance with section 94;

(ii) whether the penalty is permitted to be paid in instalments and, if so, the dates by which payments are to be made; and

(iii) any terms or conditions attached by the Authority;

(d) imposing a decision and order to suspend or revoke an authorization shall specify the date on which the revocation shall occur, which shall be at least 10 days after the effective date of the decision and order.

Notice of discontinuance

93C (1) If, before issuing an enforcement decision notice, the Authority decides not to take the action proposed in an enforcement warning notice it shall give a notice of discontinuance to the sectoral participant to which the enforcement warning notice was given.

(2) A notice of discontinuance shall identify the action which is being discontinued.

(3) For the avoidance of doubt, a notice given by the Authority under this section is not an administrative determination.

Authority may issue amended enforcement decision notice

93D (1) Without prejudice to section 93B, the Authority, before it takes the action to which an enforcement decision notice ("the original decision notice") relates, may amend the enforcement decision notice to provide for a different enforcement action in respect of the same matter.

(2) The Authority may amend an enforcement decision notice under subsection (1) only if the sectoral participant to which the original decision notice was given consents.

(3) If the sectoral participant to which an enforcement decision notice issued in accordance with section 93B had the right to appeal, to the Supreme Court, the matter to which the original decision notice related, then that sectoral participant has the same right with respect to the amended enforcement decision notice under subsection (1).

Publication

93E (1) Subject to this section, the Authority shall publish on its official website enforcement decision notices and any other information the Authority considers appropriate regarding the matter for which an enforcement decision notice is issued.

(2) The Authority shall not publish a decision notice—

(a) before notifying the sectoral participant concerned; or

(b) pending an appeal under section 96 against such notice.

(3) The Authority shall not publish any information to which the Authority granted a request under section 33 and issued a decision to treat that information as confidential.

(4) In this section, an "enforcement decision notice" includes any enforcement decision notice as amended by the Authority in accordance with section 93D.

Public censure procedure

93F (1) Where the enforcement action to be taken by the Authority is public censure, the Authority shall, without prejudice to section 93E, publish on its official website a public statement to that effect.

(2) After publishing the satement, the Authority shall send a copy of it to the sectoral participant.".

Amends section 94

34 Section 94 of the principal Act is amended as follows—

(a) in the heading after the word "penalties" insert "procedure";

(b) in subsection (1)—

(i) in the opening words delete "finding" and insert "determining"; and

(ii) after paragraph (e) in the continuing words, delete "of up to 10% of total annual turnover" and insert "of such amount, not exceeding 10% of total annual turnover, as the Authority considers appropriate for such contravention"; and

(c) after subsection (5) insert—

"(6) For the purposes of subsection (1), "appropriate" means effective, proportionate and dissuasive.".

Inserts new section 94A

35 After section 94 of the principal Act insert—

"**Financial penalties; supplementary**

94A (1) Without prejudice to subsection 94(4), the Authority may, where requested by the sectoral participant, agree to the financial penalty being paid in instalments, subject to such terms and conditions as the Authority considers appropriate.

(2) Where the Authority agrees to the payment of a financial penalty in instalments, the Authority shall be entitled to be paid interest on any financial penalty amount that is outstanding calculated, at the statutory rate defined in section 1 of the Interest and Credit Charges (Regulation) Act 1975, from the date specified in section 94(4).

(3) A financial penalty imposed pursuant to this Act may be recovered by the Authority as a civil debt in the Supreme Court or in a court of summary jurisdiction and in every case where a judgment has been obtained, payment of interest shall be subject to any order made by the court.".

Amends section 95

36 In section 95 of the principal Act, after subsection (3) insert—

"(4) For the avoidance of doubt—

(a) a decision and order issued under subsection (1) may provide for the taking of enforcement action under section 93(5) where the undertaking to which the decision and order applies is not complied with;

(b) no appeal shall lie to the Supreme Court under section 96 against a decision and order issued in accordance with this section.".

Inserts new section 95A

37 After section 95 of the principal Act insert—

"**Authority's statement of enforcement principles**

95A (1) The Authority shall prepare and publish on its website a statement of enforcement principles by which it shall act—

(a) in conducting an investigation under section 89(1)(b) for the purposes of assessing whether to initiate the enforcement process;

(b) in initiating or discontinuing the enforcement process by way of notice under sections 93(2)(a) and 93C respectively;

(c) in receiving written submissions or hearing oral representations from sectoral participants;

(d) in exercising its powers to take, by way of decision notice, any of the enforcement actions under section 93(5);

(e) in referring a matter to mediation or arbitration under section 93(4) or to the Director of Public Prosecution under section 93(6) as an offence; and

(f) in exercising its powers to publish information about any matter to which a decision notice relates under section 93E.

(2) If the Authority makes a material change to the principles it shall publish a statement of the change or the revised statement of principles.".

Amends section 96

38 In section 96 of the principal Act—

(a) repeal subsections (2) and (3) and substitute—

"(2) An appeal under this section shall be limited to points of law or mixed fact and law.";

(b) in subsection (4), delete "An appeal under subsection (1) or (3)" and insert "An appeal under this section"; and

(c) in subsection (8), in the opening words, delete "under subsection (1)" and insert "under this section".

Repeals section 101

39 Repeal section 101 of the principal Act and substitute—

"**Failure to comply with enforcement decision notice**

101 Except pending an appeal, any sectoral participant that knowingly fails to comply with an enforcement decision notice commits an offence triable either way and is liable on conviction to a fine of up to $20,000 or imprisonment for up to six months, or both.".

Consequential and related amendments; Schedules 1 to 4

40 (1) In consequence of the foregoing provisions—

(a) the Electronic Communications Act 2011 is amended as set out in Schedule 1;

(b) the Electricity Act 2016 is amended as set out in Schedule 2;

(c) the Fuels Act 2022 is amended as set out in Schedule 3; and

(d) the statutory instruments set out in Column 1 of Schedule 4 are amended as set out in Column 2 of that Schedule.

(2) Schedules 1 to 4 shall have effect for the purposes of this section.

Savings and transitional provisions

41 (1) Nothing in this Act shall affect—

(a) any adjudicative decision, adjudicative decision and order, or any other administrative determination (whether or not in connection with an adjudicative hearing) duly made or issued in accordance with the principal Act;

(b) any adjudicative proceedings (whether or not concluded) conducted or commenced in accordance with sections 74 to 83 of the principal Act;

(c) any public consultations (whether or not concluded) conducted or commenced in accordance with the principal Act; or

(d) the initiation or conduct of any enforcement proceedings, the taking of any enforcement action, or the issuance of any decision and order in lieu of enforcement action so initiated, conducted, taken or issued in accordance with the principal Act,

prior to the coming into operation of this Act.

(2) For the avoidance of doubt, upon the coming into operation of this Act, any adjudicative or enforcement proceedings which, respectively, commenced or were initiated before a presiding officer designated, in accordance with the principal Act, prior to the commencement of this Act shall continue before the presiding officer so designated.

(3) Any adjudicative or enforcement proceedings to which subsection (2) applies concluding after the coming into operation of this Act shall be deemed as having been concluded under the principal Act notwithstanding the amendments made by this Act.

Further consequential amendments, transitional and savings provisions

42 (1) The Minister may, by regulations subject to the negative resolution procedure, make such further consequential amendments, transitional and savings provisions as the Minister considers necessary in consequence of the coming into operation of this Act.

(2) In subsection (1), "Minister" has the meaning given in section 2 of the principal Act.

Commencement

43 This Act shall come into operation on such date as the Minister may by notice in the Gazette appoint.

SCHEDULE 1

(Section 40(a))

CONSEQUENTIAL AND RELATED AMENDMENTS TO THE ELECTRONIC COMMUNICATIONS ACT 2011

Amends section 2

1 In section 2(1) of the Electronic Communications Act 2011 (the "2011 Act")—

(a) in the definition of "administrative determination", delete "or an adjudicative decision and order" and insert ", an enforcement warning notice or an enforcement decision notice";

(b) in the definition of "applicable regulatory framework", delete "adjudicative decision" and insert "enforcement warning notice, enforcement decision notice and respective enforcement action"; and

(c) insert the following definitions in the appropriate alphabetical position—

" "enforcement action" has the meaning given in section 2 of the Regulatory Authority Act 2011;

"decision and order" means an administrative determination decision and order issued together by the Authority;

"enforcement decision notice" means a notice issued under section 93(3) of the Regulatory Authority Act 2011;

"enforcement process" has the meaning given in section 2 of the Regulatory Authority Act 2011.

"enforcement warning notice" means a notice issued under section 93(2)(a) of the Regulatory Authority Act 2011;".

Amends section 18

2 In section 18(5) of the 2011 Act—

(a) delete paragraphs (a) and (b) and insert—

"(a) notifying the licence holder of the revocation and the right to make representations;

(b) the issuance of a decision and order; and"; and

(b) at the end of paragraph (c) delete the full stop and insert "; or" and insert after that paragraph—

"(d) in the case of a contravention, initiating the enforcement process.".

Amends section 24

3 Section 24 of the 2011 Act is amended as follows—

(a) in subsection (3)—

(i) at the end of the opening words, delete ", and—"; and insert a full stop;

(ii) delete paragraphs (a) and (b); and

(b) after subsection (3) insert—

"(3A) The Authority may, within 60 days of the filing referred to in subsection (3), object to any provision of the agreement that it preliminarily concludes is unreasonably discriminatory or contrary to the interests of consumers and, after conducting an investigation, may—

(a) issue a decision and order as it considers appropriate; or

(b) in the case of a contravention, initiate the enforcement process and take enforcement action.".

Amends section 31

4 In section 31 of the 2011 Act, repeal subsection (5) and substitute—

"(5) In any case in which the Authority finds that there has been a security breach, the Authority shall, without prejudice to the enforcement process, issue a decision and order or, in the case of a contravention, an enforcement warning notice and enforcement decision notice requiring the communications provider to take specific measures to prevent future data breaches from occurring, and may impose appropriate financial penalties in cases where such obligations are not met. ".

Amends section 36

5 In section 36(2)(j) of the 2011 Act, in the opening words, delete "adjudications" and insert "investigations".

Amends section 41

6 In section 41 of the 2011 Act—

(a) in subsection (1), delete "The Authority may at any time, following an adjudication issue an order," and insert "Subject to subsection (2), the Authority may at any time issue a decision and order"; and

(b) in subsection (3), delete "adjudicative"; and

(c) after subsection (4) insert—

"(5) Nothing in this section shall be deemed to prevent the Authority from initiating the enforcement process and taking enforcement action in the case of a contravention under this Part.".

Amends section 42

7 In section 42 of the 2011 Act, repeal subsection (2) and substitute—

"(2) The Authority shall investigate any complaints alleging harmful interference in accordance with this Act, any applicable general determinations, and the respective rights and obligations of the licence or permit holders involved and, in the case of a contravention, initiate the enforcement process with a view to taking enforcement action.".

Amends section 50

8 In section 50(2)(b) of the 2011 Act, in the opening words to that paragraph delete "following an adjudication" and insert "by decision and order".

Amends section 55

9 In section 55 of the 2011 Act—

(a) in subjection (1) in the opening words, delete "an adjudicative decision and order" and insert "a decision and order"; and

(b) in subjection (3) in the opening words, delete "an adjudicative decision and order" and insert "a decision and order".

SCHEDULE 2

(Section 40(b))

CONSEQUENTIAL AND RELATED AMENDMENTS TO THE ELECTRICITY ACT 2016

Amends section 2

1 In section 2 of Electricity Act 2026 (the "2016 Act")—

(a) insert the following definitions in the correct alphabetical position—

" "decision and order" has the meaning given under section 2 of the Regulatory Authority Act 2011;".

Amends section 29

2 In section 29 of the 2016 Act, after subsection (3) insert—

"(4) Nothing in this section shall prohibit the Authority from modifying a licence in accordance with section 93 of the Regulatory Authority Act 2011 in any case where, pursuant to section 93 of that Act, it is appropriate to do so.".

Amends section 31

3 In section 31 of the 2016 Act—

(a) in subsection (1) delete "an adjudicative decision and order" and insert "the issuance of a decision and order";

(b) in subsection (2)(b), delete "an adjudicative decision or order" and insert "the issuance of a decision and order"; and

(c) in subsection (3) delete "Section 51 of the Regulatory Authority Act 2011" and insert "Section 53".

Amends section 53

4 In section 53(2) of the 2016 Act—

(a) in the opening words after "section 31", delete "after"; and

(b) in paragraph (c) delete "to initiate enforcement action" and insert "to take enforcement action".

SCHEDULE 3

(Section40(c))

CONSEQUENTIAL AND RELATED AMENDMENTS TO THE FUELS ACT 2022

Amends section 37

1 Section 37 of the Fuels Act 2022 is amended as follows—

(a) in subsection (1)—

(i) after paragraph (a) insert—

"(aa) to assess whether to conduct or require the conduct of a management, performance and operations audit;

(ab) to gather information as a part of a management, performance and operations audit; ";

(ii) delete paragraph (b) and substitute—

"(b) to assess whether to initiate the enforcement process and take enforcement action;"; and

(b) in subsection (2), delete "initiate enforcement proceedings" and insert "initiate the enforcement process and take enforcement action".

SCHEDULE 4

(section 40(d))

CONSEQUENTIAL AND RELATED AMENDMENTS TO STATUTORY INSTRUMENTS

PART A
REGULATIONS

	Column 1 Legislation	Column 2 Amendment
1	Electronic Communications (Integrated Communications Operating Licence) Regulations 2013	The Schedule to the Electronic Communications (Integrated Communications Operating Licence) Regulations 2013 is amended as follows— (a) in paragraph 16(c), delete "an enforcement proceeding" and insert "an enforcement action"; and (b) in paragraph 17.1, delete "initiate enforcement proceedings" and insert "initiate the enforcement process"; and (c) in paragraph 17.1, delete " such enforcement proceedings" and insert "the enforcement process".

PART B
GENERAL DETERMINATIONS

	Column 1 Legislation	Column 2 Amendment
1.	Regulatory Authority (Adjudication Rules) General Determination 2014	Repeal the Regulatory Authority (Adjudication Rules) General Determination 2014
2.	Regulatory Authority (Exemptions and Class Licenses) General Determination 2013	In the Schedule to the Regulatory Authority (Exemptions and Class Licenses) General Determination 2013, under Part III LEGISLATIVE BACKGROUND AND PURPOSE, in paragraph 8, delete "is required to conduct" and insert "may be required to conduct".
3.	Regulatory Authority (Exemptions and Class Licenses) (No.2) General Determination 2013	In the Schedule to the Regulatory Authority (Exemptions and Class Licenses)(No.2) General Determination 2013, under Part III LEGISLATIVE BACKGROUND AND PURPOSE in paragraph 7, delete "is required to conduct" and insert "may be required to conduct".

REGULATORY AUTHORITY AMENDMENT BILL 2026

EXPLANATORY MEMORANDUM

This Bill amends the Regulatory Authority Act 2011 (the "principal Act") to streamline the consultation process and the making of general determinations subject to public consultation, expand the regulatory oversight and enforcement processes, remove the adjudication process, and make related and consequential amendments

Clause 1 provides the citation for the Bill.

Clause 2 amends section 2 of the principal Act to delete and revise definitions in connection with the removal the adjudicative process; and to delete, insert and revise definitions in connection with a more streamlined consultation process and an expanded enforcement and regulatory oversight framework.

Clause 3 amends section 13 of the principal Act to include, as general powers of the Authority, the carrying out of management, performance and operations audits, the provision of audit reports, and the issuance of enforcement warning and enforcement decision notices. This clause also makes amendments in connection with the removal of the adjudicative process.

Clause 4 amends section 15 of the principal Act to include, as matters within the scope of the Authority, the conduct of management, performance and operations audits, the taking of enforcement action, the issuance of an administrative determination (instead of an adjudicative decision) when determining whether a person is a sectoral participant, and the taking of enforcement action (instead of an adjudicative decision) against persons that are not sectoral participants where such persons restrict competition in a regulated industry sector.

Clause 5 amends section 16 of the principal Act to include as a regulatory principle a requirement for the Authority when engaging in reasonable decision-making, in cases of public consultation, to do so based on the administrative record of that consultation.

Clause 6 amends section 18 of the principal Act to exclude from publication on the Authority's website an administrative determination seeking information for the conduct of a management, performance and operations audit and any order to modify an audit plan. However, publication is required for audit reports, enforcement decision notices, and rules setting out the procedures for public consultations. This clause also removes references to matters in connection with the adjudication process.

Clause 7 amends section 31 of the principal Act to prohibit a Commissioner or member of staff, who has a conflict of interest in any dispute resolution or enforcement process, from participating in a decision-making or advisory capacity in connection with that dispute resolution or enforcement process. This clause also removes references to matters in connection with the adjudication process.

Clause 8 amends section 33 of the principal Act to provide for the disclosure of confidentially treated information to specific parties where it is necessary to conduct a

management, performance or operations audit or takes steps under the enforcement process. In such cases, confidential information is to be disclosed to specific parties pursuant to a non-disclosure agreement or protective order. This clause also removes references to matters in connection with the adjudication process.

Clause 9 amends section 44 of the principal Act to clarify that the measures for collecting Regulatory Authority fees will include the taking of enforcement action in accordance with the enforcement process.

Clause 10 amends section 49(2) of the principal Act, in relation to the filing of an application in connection with obtaining, assigning or transferring the control of a licence or permit. This clause removes the reference to an applicant's ability to request an investigative hearing by the Authority in relation to such application.

Clause 11 amends section 52(8) of the principal Act to clarify that the measures for collecting government authorization fees will include, in addition to an administrative direction, the taking of enforcement action in accordance with the enforcement process.

Clause 12 amends section 53(2) of the principal Act to include, as a reporting requirement for authorization holders, the submission of any additional reports or information that may be required to be submitted pursuant to the authorization holder's audit plan.

Clause 13 amends sections 57 and 58 of the principal Act to remove, in relation to the resolution of a dispute, the ability to conduct adjudicative proceedings. This clause provides that where the Authority is unable to facilitate an informal resolution, it shall, in appropriate cases, take enforcement action in accordance with the enforcement process. However, the Authority can still refer a matter for arbitration if the parties consent.

Clause 14 amends section 60 of the principal Act to provide for the Authority's ability to conduct informal fact-finding without reference to the adjudication process.

Clause 15 amends section 61 of the principal Act to give discretion to the Authority to make rules setting out the procedures applicable to public consultations and provides that such rules are not statutory instruments. This clause also removes references in connection with the adjudication process.

Clause 16 amends section 62 of the principal Act to remove the requirement to conduct a public consultation before making a general determination. Instead, a general determination will only require a public consultation where such general determination involves a matter of public significance. This clause also clarifies that a public consultation is not automatically required to revoke or modify a general determination simply because the initial general determination was made following a public consultation.

Clause 17 amends section 63(1)(d) of the principal Act to clarify what the Authority may do pursuant to an Authority issued order. This clause also removes references to the adjudicative process.

Clause 18 amends section 64(1) of the principal Act to remove references to the adjudication process.

Clause 19 amends section 66(1) of the principal Act to clarify that a general determination may be made on an interim basis pending the completion of any public consultation so conducted.

Clause 20 amends section 69 of the principal Act to require the conduct of a public consultation, where any report, recommendation or administrative determination to be prepared, made or adopted involves a matter of public significance. This clause provides for public significance to be determined, by the Authority, where a matter is likely to result in a major change in the activities carried on by the Authority, have a significant impact on a sectoral provider, or have a significant impact on members of the public, and provides for the Authority's determination to be final and conclusive.

Clause 21 amends section 70 of the principal Act to streamline what a published consultation document is to contain. This clause also requires the timely publication of the Authority's final report and provides for what such final report is to contain, and provides for the publication of any preliminary report, recommendation or a decision and order to conduct further consultation.

Clause 22 amends section 72 of the principal Act to provide for the timely issue, by the Authority, of any preliminary report, recommendation or decision and order.

Clause 23 repeals sections 74 to 83 of the principal Act to remove the framework and the associated processes and procedures for the conduct of adjudicative proceedings.

Clause 24 amends section 84 of the principal Act to include, as a general duty for sectoral providers, compliance with any applicable audit plan. This clause also clarifies that in the event of a contravention, enforcement action, in accordance with the enforcement process, may be imposed.

Clauses 25 to27 amend sections 85, 86 and 88 of the principal Act to remove references associated with the conduct of an adjudication and to clarify that the taking of enforcement action will be in accordance with the enforcement process.

Clause 28 amends section 89 of the principal Act to include the following as purposes for which the Authority may conduct an investigation: (i) to assess whether to conduct or require the conduct of a management, performance and operations audit, and (ii) to gather information as part of a management, performance and operations audit.

Clause 29 repeals section 90 of the principal Act to remove provisions related to the adjudication process.

Clause 30 amends section 91 of the principal Act to require, in cases where the Authority issues an order to obtain information for the purposes of a management, performance and operations audit, that such order specify such purpose, and whether a money deposit is required to cover the cost of such audit and the deposit amount.

Clause 31 amends the principal Act by inserting under Part 8 (Investigations and Enforcement), new sections 92A to 92D. Those sections provide as follows:

Section 92A empowers the Authority to conduct or require the conduct of a management, performance and operations audit ("MPO audit") on any sectoral provider. It enable an MPO audit to be conducted for the purposes of (i) investigating compliance

with any requirement or duty, (ii) evaluating the management, performance or operational efficiency of a sectoral provider in complying with any requirement or duty, (iii) assessing a sectoral provider's financial, technical or operational capacity to comply with any requirement or duty, and (iv) making recommendations.

Section 92B requires the Authority to provide to the sectoral provider an audit report setting out the findings of the MPO audit and any recommendations.

Section 92C requires the sectoral provider, within 30 days of receiving an audit report, to prepare and submit to the Authority an audit plan setting out how the sectoral provider will address the recommendations from the audit report. This clause also enables the Authority to issue an order requiring a sectoral provider to modify its audit plan or, at the request of the sectoral provider, may make an order to modify, revoke or otherwise discharge an audit plan.

Section 92D empowers the Commission, at the time of making an order for the purposes of an MPO audit, to also require the payment of a deposit for the costs to be incurred in respect of such audit and for any unused funds to be refunded to the sectoral provider.

Clause 32 repeals and replaces section 93 of the principal Act to expand the enforcement process and to remove references in connection with the adjudication process. This clause expands the enforcement process by requiring the Authority, before taking enforcement action, to first issue a warning notice, hear representations made by or on behalf of the sectoral participant, and issue an enforcement decision notice. This clause retains the ability for matters to be referred to voluntary mediation, binding arbitration, or to the Director of Public Prosecutions in certain cases, and adds public censure a type of enforcement action that may be taken.

Clause 33 inserts new sections 93A to 93F. Those sections provide as follows:

Section 93A requires the issuance of an enforcement warning notice to specify the action the Authority proposes to take and why, the date of issuance, the period within which representations may be made, and any proposed terms or conditions specific to the type of enforcement action proposed to be taken.

Section 93B requires, before taking enforcement action, the issuance of an enforcement decision notice to specify the specific enforcement action to be taken and the reasons why, the date the notice is to take effect and any period within which any action required must be taken, any terms or conditions relevant to the specific enforcement action, and the right to appeal. This section also requires an enforcement decision notice to be issued within 90 days from the issuance of the enforcement warning notice.

Section 93C enables the Authority, before issuing an enforcement decision notice, to issue a notice of discontinuance if it decides not to take the action proposed in the enforcement warning notice.

Section 93D enables the Authority to amend an enforcement decision notice in order to provide for a different enforcement action in respect of the same matter, but only where the sectoral participant to whom the original enforcement decision notice was issued consents.

Section 93E requires the Authority to publish an enforcement decision notice after notifying the sectoral participant of the intent to publish. However, this clause prohibits the publication of confidential information and prevents publication pending an appeal against the enforcement decision notice.

Section 93F requires, in relation to an enforcement action of public censure, the publication of the public statement to this effect and for a copy of the statement to be sent to the sectoral participant concerned.

Clause 34 amends section 94 of the principal Act to provide for a financial penalty not exceeding 10% of annual turnover as the Authority considers appropriate to the contravention. This clause defines "appropriate" in this case as effective, proportionate and dissuasive.

Clause 35 inserts new section 94A into the principal Act to enable, where the Authority imposes a financial penalty, that such financial penalty be paid to the Authority in instalments. This clause also entitles the Authority to receive interest on any amount outstanding and provides for how such interest is to be calculated.

Clause 36 amends section 95 of the principal Act to provide that notwithstanding the issuance of a decision and order for the taking of an action in lieu of enforcement, enforcement action may still be taken should such decision and order not be complied with. This section also provides that there is no appeal to the Supreme Court against the issuance of a decision and order for action in lieu of enforcement action.

Clause 37 inserts new section 95A into the principal Act. This section requires the Authority to publish, on its website, a statement of the enforcement principles by which the Authority shall act in exercising its powers to (i) conduct an investigation to assess whether to initiate the enforcement process, (ii) initiate or discontinue the enforcement process, (iii) receive representations from sectoral participants, (iv) take enforcement action, (v) refer matters for mediation, arbitration or to the Director of Public Prosecutions, and (vi) publish information about any matter to which an enforcement decision notice relates.

Clause 38 amends section 96 of the principal Act to remove references in connection with the adjudication process.

Clause 39 amends section 101 of the principal Act to make failing to comply with any required action specified in an enforcement decision notice an offence. This clause also removes references in connection with the adjudication process.

Clause 40 provides for the making of consequential and related amendments to the Electronic Communications Act 2011, the Electricity Act 2016, the Fuels Act 2022 and to various statutory instruments. These consequential and related amendments are set out, respectively in Schedules 1 to 4 and this clause gives effect to those Schedules.

Clause 41 makes savings and transitional provisions to enable any adjudicative or enforcement proceedings and any subsequent adjudicative decision or enforcement action made or taken prior to the coming into operation of this Bill to be unaffected by this Bill. However, this clause provides that where any such proceedings conclude after the coming into operation of this Bill, such proceedings, decisions, or enforcement action

shall be deemed to have concluded, been made or taken under the principal Act notwithstanding the amendments made by this Bill.

Clause 42 enables the Minister to make further consequential amendments, transitional and savings provisions to any statute or statutory instrument in consequence of the changes made by this Bill and the coming into operation of this Bill.

Clause 43 provides for the commencement of the Bill which shall be by notice published in the Gazette.