

EN401*

ELECTRICITY INDUSTRY ACT 2004**ELECTRICITY NETWORKS ACCESS CODE AMENDMENTS 2014**

I, Dr Mike Nahan MLA, Minister for Energy for the State of Western Australia, hereby amend the *Electricity Networks Access Code 2004* established under section 104(1) of the *Electricity Industry Act 2004*.

Dated at Perth this 15th day of November 2014.

Dr MIKE NAHAN MLA, Minister for Energy.

Made by the Minister

1. Citation

These amendments may be cited as the *Electricity Networks Access Code Amendments 2014*.

2. Commencement

These amendments come into operation on the date on which they are published in the *Gazette*.

3. The Electricity Networks Access Code amended

These amendments are to the *Electricity Networks Access Code 2004*.*.

[*Published in *Gazette* 30 November 2004, p. 5517-5700]

4. Section 1.3 amended

Section 1.3 is amended—

- (a) in the definition of “**deadlock**” by deleting the words “an aspect of *model technical rules* or on”; and
- (b) by deleting the definition of “**model technical rules**”; and
- (c) in the definition of “**technical rules**” by inserting before the word “*network*” (in both places it occurs), the following—
 - “ *covered* ”; and
- (d) in the definition of “**technical rules committee**” by inserting before the word “*network*” (in both places it occurs), the following—
 - “ *covered* ”; and
- (e) in the definition of “**technical rules start date**” by inserting before the word “*network*”, the following—
 - “ *covered* ”.

5. Section 12.4 amended

Section 12.4 is amended by inserting after the words “Subject to” the following—

“ section 12.4A and ”.

6. Section 12.4A inserted

After section 12.4 the following heading and section are inserted—

“

Limited application of technical rules in respect of certain non-covered networks in an interconnected system

12.4A If a *user* referred to in section 12.4 is a *service provider* of a *non-covered network* that connects to a *covered network* at a point (“**point of interconnection**”) then—

- (a) subject to section 12.4A(b), the *user* is not obliged to comply with the *covered network’s technical rules* generally in respect of its operations and maintenance of the

non-covered network, or to procure compliance with the *technical rules* by other persons; but

(b) the *user* must—

- (i) ensure that its performance at the *point of interconnection* (as measured at the point of interconnection or, where appropriate, elsewhere on the covered network) complies with the *technical rules*; and
- (ii) procure that its *users* and any other person with whom it has a contract for the provision of any good or service in relation to the *non-covered network*, operate in such a way as to allow it to comply with the obligation in section 12.4A(b)(i).

”.

7. Section 12.5 amended

Section 12.5 is deleted and the following section is inserted instead—

“

12.5 If the provisions of a contract for services provided by means of a *covered network* are inconsistent with the *technical rules* for the *network*, then the contract is by force of this section amended from time to time to the extent necessary to comply with the *technical rules* except to the extent that section 12.4A, or an exemption to the *technical rules* granted under section 12.34 or 12.41, affects the contract.

”.

8. Section 12.6 and heading amended

Section 12.6 and its heading are deleted and the following section and heading are inserted instead—

“

Covered networks must have technical rules

12.6 Subject to this Chapter 12, a *covered network* must have *technical rules*.

”.

9. Sections 12.6A to 12.9A and heading deleted

The heading to section 12.6A and sections 12.6A, 12.7, 12.8, 12.8B, 12.9 and 12.9A are deleted.

10. Sections 12.13A to 12.13B and heading deleted

The heading to section 12.13A and sections 12.13A and 12.13B are deleted.

11. Section 12.14 amended

Section 12.14 is deleted and the following section is inserted instead—

“

12.14 Where—

- (a) the *Authority* is required under this Chapter 12 to draft or approve *technical rules* for a *covered network*; and
- (b) the *technical rules committee* is in *deadlock* in relation to a matter on which it is required to provide advice to the *Authority*,

then the *Authority*, when drafting and approving *technical rules* for the *covered network*, must have regard to whether the current treatment of the matter referred to in section 12.14(b) under another instrument should be replicated in the *technical rules* but may permit replication only to the extent that the treatment of that matter in that instrument is not contrary to the *Code objective*.

”.

12. Various references to “network” amended to “covered network”

Each of—

- (a) section 12.15; and
- (b) section 12.16; and
- (c) section 12.19(a)(i) (in the first place where it occurs); and
- (d) section 12.34(b) (in the first place where it occurs); and
- (e) section 12.41(b) (in the first place where it occurs); and
- (f) section 12.45; and
- (g) section 12.49; and
- (h) section 12.55 (in both places where it occurs),

is amended by inserting before the word “*network*” or “*networks*” (as the case may be) the following—

“ *covered* ”.

13. Section 12.23 amended

Section 12.23 is amended by—

(a) deleting section 12.23(a); and

(b) deleting section 12.23(c) and inserting instead—

“

(c) must, when requested by the *Authority*, advise the *Authority* on any matter connected with, or with the approval of *technical rules* or draft or proposed *technical rules*; and

”; and

(c) deleting section 12.23(d)(ia).

14. Section 12.53 amended

Section 12.53 is amended by deleting “having regard to” and inserting instead—

“ having regard, among other things, to section 12.4A and ”.

15. Sections 12.61 to 12.68 and headings deleted

Sections 12.61 to 12.68, and the headings to sections 12.61, 12.63, 12.65 and 12.68 are deleted.