I, Alan Carpenter, 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.

Made by the Minister

1. Citation
These amendments may be cited as the Electricity Networks Access Code Amendments 2005.

2. Commencement
These amendments come into operation on the date on which these amendments are published in the Gazette.

3. The Electricity Networks Access Code amended
These amendments are to the Electricity Networks Access Code 2004* ("Code").

4. Section 1.3 amended
Section 1.3 is amended as follows—
(a) in the definition of “associate” by deleting “14,”.
(b) in the definition of “contestable” by deleting “exceeds” and inserting instead—
“is equal to or greater than”.
(c) in the definition of “revocation application” by deleting “3.7” and inserting instead—
“3.8”.

5. Section 1.5(e) amended
Section 1.5(e) is amended by inserting after “this Code” in the first place where it appears—
“(excluding the Appendices to this Code)”.

6. Section 1.5(ea) inserted
After section 1.5(e) the following section is inserted—
“(ea)
where information in the Appendices to this Code is set out in braces (namely “{” and “}”),
whether or not preceded by the expression “Note”, “Outline” or “Example”, the information—
(i) is provided to assist readers; and
(ii) is to be regarded accordingly in interpreting this Code;
and

7. New heading inserted before section 3.12
Before section 3.12 the following section heading is inserted—
“Minister may dismiss a coverage application.”
8. Section 3.12 amended
Section 3.12 is amended as follows—
(a) by deleting "Minister may dismiss a coverage application if" and inserting instead—
"If".
(b) by deleting "must" and inserting instead—
"may".

9. Section 4.6 amended
Section 4.6 is amended by deleting "4.4" and inserting instead—
"4.5".

10. Section 4.7 amended
Section 4.7 is amended by deleting "4.4" and inserting instead—
"4.5".

11. Section 5.1(f) amended
Section 5.1(f) is amended by inserting after "Chapter 8"—
"and".

12. Section 6.4(a)(vii) inserted
After section 6.4(a)(vi) the following section is inserted—
plus—
(vii) an amount (if any) determined under section 6.37A;

13. Section 6.37A inserted
After section 6.37 the following section and note is inserted—

Tariff equalisation contributions may be added to target revenue
6.37A If the service provider for the covered network that is covered under section 3.1 is or will
be required to make a tariff equalisation contribution to the Tariff Equalisation Fund under
Part 9A of the Act during an access arrangement period, then an amount may be added to the
target revenue for the covered network for the access arrangement period, which amount—
(a) must not exceed the total of the tariff equalisation contributions which are or will be
required to be made during the access arrangement period; and
(b) must be separately identified as being under this section 6.37A.
(Note: Section 7.12 deals with how the amount added under this section 6.37A is to be allocated
as tariff components.)

14. Section 6.56 and its section heading deleted
Section 6.56 and its section heading are deleted.

15. Section 7.3 amended
Section 7.3 is amended by deleting "7.5 and 7.7" and inserting instead—
"7.5, 7.7 and 7.12".

16. Section 7.4 amended
Section 7.4 is amended by deleting "7.5 and 7.7" and inserting instead—
"7.5, 7.7 and 7.12".

17. Section 7.12 inserted
After section 7.11 the following section is inserted—

Tariff equalisation contributions must be included as a tariff component for
distribution network users
7.12 If an amount is added to the target revenue under section 6.37A, then:
(a) the service provider's access arrangement must include a tariff component for one or
more reference services to recover the amount; and
(b) a tariff component under section 7.12(a) must—
(i) apply only to users of reference services provided in respect of exit points on the
distribution system;
(ii) be equitable in its effect as between users referred to in section 7.12(b)(i); and
(iii) otherwise be consistent with the Code objective.
18. **Section 12.11(a) amended**
Section 12.11(a) is amended by deleting “12.10” and inserting instead—
“12.11”.

19. **Appendix 2 amended**
Appendix 2 is amended by deleting after “Appendix 2—Model Applications and Queuing Policy” the note in braces which commences with the words “(Outline: An access arrangement must...” and ends with the words “service provider’s proposed policy.”.

20. **Clause A2.1 amended**
Clause A2.1 is amended by deleting the note in braces after the definition of “class 3 application”.

21. **Clause A2.7 amended**
Clause A2.7 is amended by deleting the note in braces after clause A2.7.

22. **Appendix 3 amended**
Appendix 3 is amended by deleting after “Appendix 3—Model Standard Access Contract” the note in braces which commences with the words “(Outline: An access arrangement must...” and ends with the words “service provider’s proposed standard access contract.”.

23. **Clause A3.2 amended**
Clause A3.2 is amended as follows—
(a) in the definition of “affected service period” by deleting “, ”; and
(b) in the definition of “commencement date” by deleting “item 2” and inserting instead—
“item 1”.
(c) in the definition of “termination date” by deleting “item 3” and inserting instead—
“item 2”.

24. **Clause A3.8(b) amended**
The note in braces after clause A3.8(b) is amended by deleting “correction” and inserting instead—
“connection”.

25. **Clause A3.36(b) amended**
Clause A3.36(b) is amended by deleting in the footnote numbered 29 “designated controller” and inserting instead—
“designated controller”.

26. **Clause A3.40(b) amended**
Clause A3.40(b) of Option B is amended in the footnote numbered 34 by deleting “To be inserted in the access contract by agreement between the parties or arbitrated award”.

27. **Clause A3.110(a) amended**
Clause A3.110(a) is amended by deleting “other than by a breach of clause A3.111”.

28. **Appendix 4 amended**
The note in braces after “Appendix 4—Model Capital Contributions Policy” is amended by deleting “clause” and inserting instead—
“section”.

29. **Clause A5.41 amended**
Clause A5.41 is amended by deleting “10.38” and inserting instead—
“10.37”.

30. **Appendix 6 amended**
The note in braces after “Appendix 6—Matters to be Addressed by the Technical Rules” is amended by deleting “clause” and inserting instead—
“section”.

31. **Clause A7.13 amended**
Clause A7.13 is amended by deleting “A7.15” and inserting instead—
“A7.14”.

32. **Clause 1, Schedule 10 to Appendix 3 amended**
Clause 1 of Schedule 10 is amended as follows—
(a) in the definition of “email address” by deleting “item 3” and inserting instead—
“the third item of Tables 1 and 2”.
(b) in the definition of “place of business” by deleting “item 1” and inserting instead—
“the first item of Tables 1 and 2”.