Western Australia

Electricity Industry Act 2004

Electricity Industry (Network Quality and Reliability of Supply) Code 2005

As at 07 Mar 2024 Official Version
[PCO 01-i0-00] Published on www.legislation.wa.gov.au

Western Australia

Electricity Industry (Network Quality and Reliability of Supply) Code 2005

Contents

Part 1 — Preliminary

1. Citation 1
2. Commencement 1
3. Terms used 1

Part 2 — Quality and reliability standards

Division 1 — Quality standards

4. Term used: compatibility levels 6
5. Obligation to observe standards 6
6. Voltage fluctuations 6
7. Harmonics 7
8. Duty to disconnect if damage may result 8

Division 2 — Standards for the interruption of supply to individual customers

9. General standard of reliability 8
10. Duty to reduce effect of interruption 8
11. Planned interruptions 9
11A. Interruptions to restore supply from network 11
12. Significant interruptions to small use customers 11

Division 3 — Standards for the duration of interruption of supply in particular areas

13. Standards prescribed for particular areas 12

Division 3A — Temporary reliability standards for supply to particular areas

13A. Temporary reliability standards for Eastern Goldfields and North Country 13
13B. Temporary reliability standards for supply to Eastern Goldfields 14
13C. Temporary reliability standards for supply to North Country 14

Division 4 — Variation of obligations under this Part

14. Alternative provision may be made by Minister on application 15
15. Provisions may be excluded or modified by agreement 16

Part 3 — Payments for failure to meet certain standards

16. Terms used 17
17. Interruptions to which this Part does not apply 18
18. Payment for failure to give required notice of planned interruption 18
19. Payment for supply interruptions exceeding 12 hours 19
20. Only one application for each premises 20
21. Information to be provided 20
22. Alternative methods of payment 20

Part 4 — Duties incidental to the prescribed standards

Division 1 — Monitoring, record keeping and investigation

23. Monitoring and record keeping 22
24. Quality investigations 22

Division 2 — Complaints

25. Information to be given to small use customers 23

Division 3 — Performance reporting

25A. Term used: reporting period 24
26. Audit and report on monitoring systems 24

26A. Authority may give notice regarding reporting period 25
27. Publication of information about performance 25
28. Reports not needed if there were no small use customers 26
29. Transitional provisions for Part 4 Division 3 26

Schedule 1 — Information to be published

Notes

Compilation table 30
Uncommenced provisions table 31
Other notes 31

Defined terms

Electricity Industry (Network Quality and Reliability of Supply) Code 2005

Part 1 — Preliminary

1. Citation

This Code is the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

2. Commencement

This Code comes into operation on 1 January 2006.

3. Terms used

(1) In this Code, unless the contrary intention appears —

Authority means the Economic Regulation Authority established by the *Economic Regulation Authority Act 2003*;

covered network has the meaning given to it in the Act.

{Note: At the time this definition was inserted, the definition in section 3 of the Act was—

covered network means network infrastructure facilities that—

(a) were covered by the Code immediately before the day on which the Electricity Industry Amendment Act 2020 section 4(3) comes into operation and that have not ceased to be a covered network; or

(b) the Minister has decided under the Code are to be a covered network and that have not ceased to be a covered network; or

(c) are prescribed in the Pilbara Networks Access Code undersection 120B(a) to be a covered Pilbara network and that have not ceased to be so prescribed; or

(d) a network service provider has opted, under the Pilbara Networks Access Code, to be regulated under Part 8A

and that—

(i) have not ceased to be so regulated under that code as a consequence of an option by the network service provider for the facilities to cease to be so regulated; or

(ii) have not otherwise ceased to be a covered network;}

customer means a person whose electrical installations are connected to a transmission or distribution system for the purpose of receiving electricity supply;

customer's electrical installations means equipment and wiring associated with the distribution of electricity within a customer's premises beyond the point of connection to the network;

distribution system has the meaning given to it in the Act.

{Note: At the time this definition was inserted, the definition in section 3 of the Act was—

distribution system means electricity infrastructure used, or to be used, in connection with, or to control, the transportation of electricity at nominal voltages of less than 66kV;}

distributor means —

(a) the holder of a distribution licence; and

(b) the holder of an integrated regional licence which authorises the carrying out of the activities described in the Act section 4(1)(c);

Eastern Goldfields means the area supplied with electricity by—

(a) the West Kalgoorlie Terminal 11kV feeders;

(b) the West Kalgoorlie Terminal 640 Coolgardie 33kV feeder; and

(c) the Piccadilly substation 11kV feeders,

operated by the Electricity Networks Corporation, being principally the townships of Kalgoorlie-Boulder and Coolgardie.

interruption means a loss of electricity supply for more than one minute that is due to a cause beyond the control of the person to whom the electricity is supplied;

network has the meaning given to "network infrastructure facilities" in the Act, as modified by s3(3) of this Code.

{Note: At the time this definition was inserted, the definition in section 3 of the Act was—

network infrastructure facilities—

(a) means electricity infrastructure used, or to be used, for the purpose of transporting electricity from generators of electricity to other electricity infrastructure or to end users of electricity; and

(b) includes stand-alone power systems, or storage works, used, or to be used, as an adjunct to electricity infrastructure;}

North Country means the area supplied with electricity by—

(a) the Rangeway substation 11kV feeders;

(b) the Durlacher substation 11kV feeders; and

(c) the Chapman substation 11kV feeders,

operated by the Electricity Networks Corporation, being principally the township of Geraldton and its surrounds.

Perth CBD means the area supplied with electricity by —

(a) the Milligan Street Zone Substation; or

(b) the Hay Street Zone Substation,

operated by the Electricity Networks Corporation;

planned interruption means an interruption that is undertaken in accordance with section 11;

small use customer means a customer who consumes not more than 160 MWh of electricity per year;

stand-alone power system has the meaning given to it in the Act.

{Note: At the time this definition was inserted, the definition in section 3 of the Act was—

stand-alone power system means wires, apparatus, equipment, plant or buildings (including generating works, a distribution system and any storage works)—

(a) which together are used, or to be used, for, or in connection with, or to control, the supply of electricity to a single customer or not more than a prescribed number of customers; and

(b) which are not connected to another electricity network (other than that of the customer or customers);}

transmitter means —

(a) the holder of a transmission licence; and

(b) the holder of an integrated regional licence which authorises the carrying out of the activities described in the Act section 4(1)(b);

urban areas means —

(a) the metropolitan region described in the *Metropolitan Region Town Planning Scheme Act 1959* [1] Third Schedule;

(b) the local government district of Mandurah; and

(c) the following townsites as constituted under the *Land Administration Act 1997* section 26 —

(i) Albany;

(ii) Bunbury;

(iii) Geraldton;

(iv) Kalgoorlie.

(2) Notes in this Code are provided to assist understanding and do not form part of the Code.

(3) For the purposes of this Code, network infrastructure facilities do not include a line, pole, switch, transformer or apparatus that is—

(a) on or a part of premises to which electricity is supplied by a transmitter or distributor; and

(b) situated beyond the point at which electricity is so supplied,

(4) Notwithstanding sub-section (3), network infrastructure facilities do include a stand-alone power system that is part of a covered network.

[Section 3 amended: Gazette 31 Mar 2006 p. 1346; 27 Nov 2009 p. 4781; 2 May 2017 p. 2287; 25 Sep 2018 p. 3568; Gazette 5 Nov 2021 p. 4969.]

Part 2 — Quality and reliability standards

Division 1 — Quality standards

4. Term used: compatibility levels

In sections 6(2) and 7 —

compatibility levels means reference values for coordinating the emission and immunity of equipment which is part of, or supplied by, a network in order to ensure electromagnetic compatibility in the whole system, including connected equipment.

5. Obligation to observe standards

(1) A transmitter and a distributor must, so far as is reasonably practicable, ensure that electricity supplied by the transmitter or distributor to a customer's electrical installations, as measured at the point of connection of those installations to the network, at all times complies with the standards prescribed by sections 6(2) and 7.

(2) Subsection (1) does not apply to electricity supplied to a customer's electrical installations if the cause of the non-compliance —

(a) is in those installations; or

(b) is an act or omission of the customer.

6. Voltage fluctuations

(1) In the Table to subsection (2), the expressions $\boldsymbol{P_{st}}$ and $\boldsymbol{P_{lt}}$ have the meanings that they have, as at the commencement of this Code, in Part 3.7 clause 3 of Standard 61000:2001 published jointly by Standards Australia and the Standards Council of New Zealand.

(2) The standard for the voltage fluctuation of electricity supplied is a level of fluctuation that is less than the compatibility levels set out in the Table to this subsection.

Table

	Compatibility levels
P_{st}	1.0
P_{lt}	0.8

7. Harmonics

The standard for the harmonic voltage distortion level of electricity supplied is a distortion level that is less than the compatibility levels set out in the Table to this section.

Table

Compatibility levels for harmonic voltages (in percent of the nominal voltage)

Odd harmonics non multiple of 3		Odd harmonics multiple of 3		Even harmonics	
Order h	Harmonic voltage %	Order h	Harmonic voltage %	Order h	Harmonic voltage %
5	6	3	5	2	2
7	5	9	1.5	4	1
11	3.5	15	0.3	6	0.5
13	3	21	0.2	8	0.5
17	2	>21	0.2	10	0.5
19	1.5			12	0.2
23	1.5			>12	0.2
25	1.5				
>25	0.2+1.3 (25/h)				

Note — Total harmonic distortion (THD): 8%

8. Duty to disconnect if damage may result

If —

(a) a transmitter or distributor is, or will be, unable to comply with section 5 in relation to a standard prescribed by section 6(2) or 7; and

(b) the failure may result in damage to a customer's electrical installations or property,

the transmitter or distributor must, so far as is reasonably practicable, disconnect the supply of electricity to those installations or property, unless it is in the interests of the customer to maintain the supply.

Note:

This note relates to the standards prescribed by law for the voltage level and the frequency of electricity supplied by the networks operated by Western Power Corporation at the commencement of this Code. Those matters are not covered by this Code because they are provided for by the *Electricity Act 1945* section 25(1)(d). Under that section —

(a) the voltage must be maintained at +/- 6% of the voltage declared for the purposes of that section namely, 240v single-phase or 415v three-phase; and

(b) the frequency must be maintained at +/- 2.5% of the frequency so declared namely, 50 cycles per second.

Division 2 — Standards for the interruption of supply to individual customers

9. General standard of reliability

A transmitter or distributor must, so far as is reasonably practicable, ensure that the supply of electricity to a customer is maintained and the occurrence and duration of interruptions is kept to a minimum.

10. Duty to reduce effect of interruption

(1) A transmitter or distributor must, so far as is reasonably practicable, reduce the effect of any interruption on a customer.

(2) Without limiting subsection (1), a transmitter or distributor must consider whether the transmitter or distributor should supply electricity by alternative means to a customer who will be affected by a proposed interruption if —

(a) the interruption is expected to exceed the relevant period under section 11(2);

(b) the effect of the interruption on the customer's business is likely to be substantial; or

(c) the transmitter or distributor is aware that a person living in the customer's premises has special health needs and requires electricity for the operation of equipment that caters to those needs.

11. Planned interruptions

(1A) In this section —

customer includes an eligible person as defined in section 16.

(1) It is not a breach of section 9 for a transmitter or distributor to interrupt the supply of electricity to a customer for the purpose of maintaining or altering the transmitter's or distributor's network if —

(a) so far as is reasonably practicable, the length of the interruption does not exceed the relevant period specified in subsection (2); and

(b) the transmitter or distributor has given notice of the proposed interruption to the customer —

(i) not less than 72 hours before the start of the interruption; or

(ii) if it is not reasonably practicable to comply with subparagraph (i), at the earliest practicable time before the start of the interruption.

(2) The periods referred to in subsection (1)(a) and section 11A(3)(a) are —

(a) if the customer's premises are on or south of the 26th parallel of latitude —

(i) 6 hours; or

(ii) 4 hours, if at the time when notice is given the forecast maximum temperature issued by the Bureau of Meteorology in Perth for the area in which the premises are situated is 30°C or more for any part of the period of the interruption;

or

(b) if the customer's premises are north of the 26th parallel of latitude, 4 hours.

(3) It is sufficient for the purposes of subsection (1)(b) if the notice —

(a) is sent by post to the customer at the premises concerned or delivered to the customer's letterbox at those premises; or

(aa) is sent by post to the customer to an address, other than the address of the premises concerned, that has been nominated by the customer for notices to be given by post under this section; or

(ab) is sent electronically to the customer, including by email, facsimile, text message or the internet; or

(b) is broadcast twice on a television or radio station broadcasting to the area in which the premises are situated; or

(c) is published in a newspaper circulating in that area.

(4) For the purposes of subsection (3)(ab), a notice cannot be given by telephone or by publication on a website maintained by the transmitter or distributor.

[Section 11 amended: Gazette 27 Nov 2009 p. 4781; 2 May 2017 p. 2287-8.]

11A. Interruptions to restore supply from network

(1) In this section —

customer includes an eligible person as defined in section 16.

(2) This section applies if a customer is being supplied with electricity by alternative means because the customer is unable to receive supply from the network.

(3) It is not a breach of section 9 for a transmitter or distributor to interrupt the supply of electricity to a customer for the purpose of restoring the supply of electricity to the customer from the network if —

(a) so far as is reasonably practicable, the length of the interruption does not exceed the relevant period specified in section 11(2); and

(b) the transmitter or distributor has used its best endeavours to give notice of the proposed interruption by contacting —

(i) the customer; or

(ii) if the customer's premises are residential premises, the customer or another person who resides at those premises.

(4) For the purposes of subsection (3)(b), the customer or other person may be contacted face to face, by post or by telephone, email, facsimile, text message, the internet or other electronic means but not by the publication of a notice on a website maintained by the transmitter or distributor.

[Section 11A inserted: Gazette 2 May 2017 p. 2288.]

12. Significant interruptions to small use customers

(1) In this section —

permitted number of times means —

(a) for small use customers in the Perth CBD or the urban areas, 9 times; and

(b) 16 times for small use customers in other areas;

prescribed standard means the supply of electricity for 9 years in every 10 without the interruption of supply exceeding that specified in subsection (2)(a) or (b);

year means the period of 12 months ending on 30 June.

(2) This section applies at any time when the supply of electricity by a distributor to a small use customer —

(a) has been interrupted for more than 12 hours continuously; or

(b) has in the preceding year been interrupted more than the permitted number of times,

and the distributor considers that the prescribed standard is unlikely to be met in respect of the customer.

(3) The distributor must either —

(a) remedy the cause or causes of interruption so that the prescribed standard is met; or

(b) enter into an alternative arrangement to the small use customer's satisfaction for the supply of electricity to the customer.

Division 3 — Standards for the duration of interruption of supply in particular areas

13. Standards prescribed for particular areas

(1) In this section —

customer premises means premises on which electrical installations are connected to a transmission or distribution system for the purpose of receiving supply.

(2) A transmitter or distributor must, so far as is reasonably practicable, ensure that for customer premises in an area referred to in the first column of the Table to this subsection the average total length of interruptions of supply, as calculated under

subsection (3), does not exceed the number of minutes specified in the second column opposite the reference to that area.

Table

Area	Standard for average total length of interruptions
the Perth CBD	30
the urban areas other than the Perth CBD	160
any other area of the State	290

(3) For the purposes of subsection (2), the average total length of interruptions of supply is to be calculated as at 30 June in each year —

(a) by taking the average total length, in minutes, of interruptions of supply to customer premises in an area during each year of the period of 4 years ending on that day; and

(b) by then taking the average of the 4 annual figures determined under paragraph (a).

(4) Each customer premises, or part of such premises, for which the supply of electricity is metered separately under the *Energy Operators (Powers) Act 1979* section 62(5) are separate premises for the purposes of this section.

Division 3A — Temporary reliability standards for supply to particular areas

[Heading inserted: Gazette 25 Sep 2018 p. 3568.]

13A. Temporary reliability standards for Eastern Goldfields and North Country

(1) The reliability standards in this Division apply during the period beginning on 1 October 2018 and ending on 30 September 2028.

(2) In this Division —

essential services includes, but are not necessarily limited to, services such as hospitals and railways where the maintenance of a supply of electricity is necessary for the maintenance of public health, order and safety.

[Section 13A inserted: Gazette 25 Sep 2018 p. 3568; amended: Gazette 12 Nov 2021 p. 5091.]

13B. Temporary reliability standards for supply to Eastern Goldfields

(1) Electricity Networks Corporation must, so far as is reasonably practicable, have in place arrangements to—

(a) restore and maintain at least 45MW of supply to essential services loads and the majority of small use customers in the Eastern Goldfields as soon as is reasonably practicable following the occurrence of an unplanned outage of a transmission element supplying the Eastern Goldfields; and

(b) maintain at least 45MW of supply to essential services loads and the majority of small use customers in the Eastern Goldfields during the occurrence of a planned outage of a transmission element supplying the Eastern Goldfields.

[Section 13B inserted: Gazette 25 Sep 2018 p. 3568-9.]

13C. Temporary reliability standards for supply to North Country

(1) Electricity Networks Corporation must, so far as is reasonably practicable, have in place arrangements to—

(a) restore and maintain at least 50MW of supply to essential services loads and the majority of small use customers in the North Country as soon as reasonably practicable following the occurrence of an unplanned

outage of a transmission element supplying the North Country; and

(b) maintain at least 50MW of supply to essential services loads and a majority of small use customers in the North Country during a planned outage of a transmission element supplying the North Country.

[Section 13C inserted: Gazette 25 Sep 2018 p. 3569.]

Division 4 — Variation of obligations under this Part

14. Alternative provision may be made by Minister on application

(1) A transmitter or distributor may apply to the Minister for —

(a) an exemption from compliance with a provision of this Part; and

(b) the replacement of that provision by another provision to be complied with by the transmitter or distributor in the supply of electricity.

(2) An application under subsection (1) must be referred to the Authority for its advice.

(3) If, having regard to the advice of the Authority, the Minister is satisfied that it is appropriate to do so, the Minister may by instrument —

(a) exempt the transmitter or distributor from compliance with the provision concerned; and

(b) attach to the exemption a condition that another provision, in place of the provision for which an exemption is granted, is to be complied with by the transmitter or distributor in the supply of electricity.

(4) An exemption may be expressed to apply —

(a) generally; or

(b) only in respect of a specified area, or a specified part of an area, to which the transmitter's or distributor's licence applies.

(5) An instrument under subsection (3) may provide for circumstances in which, and conditions (additional to that mentioned in subsection (3)(b)) subject to which, an exemption is to apply.

(6) An exemption is of no effect at any time when a condition to which it is subject is not being observed.

(7) The Minister may at any time, after obtaining the advice of the Authority, by notice in writing to the transmitter or distributor, revoke or vary an instrument under subsection (3), including by imposing any further condition to be complied with by the transmitter or distributor.

(8) A transmitter or distributor to which an instrument under subsection (3) applies must, on request by a customer of the transmitter or distributor who is or may be affected by the operation of the instrument, provide the customer, free of charge, with a copy of the instrument and of any notice given under subsection (7).

15. Provisions may be excluded or modified by agreement

(1) A customer and a transmitter or a distributor may agree in writing that a provision of this Part is excluded or modified in relation to the supply of electricity by the transmitter or distributor to the customer.

(2) An agreement under subsection (1) must set out the matters that the parties consider are the advantages and disadvantages to the customer of entering into the agreement.

(3) This Part has effect in relation to the supply of electricity to a customer subject to any agreement entered into by the customer under this section.

Part 3 — Payments for failure to meet certain standards

[Heading amended: Gazette 27 Nov 2009 p. 4781.]

16. Terms used

In this Part —

corporation means the Electricity Networks Corporation, the Regional Power Corporation, or a subsidiary of either of those corporations, but only so far as the corporation is operating a distribution system;

eligible person means —

(a) a customer who is supplied with electricity from a distribution system operated by a corporation and who consumes not more than 50 MWh of electricity per year; or

(b) a person who —

(i) at separately metered premises; or

(ii) at premises, other than separately metered premises, where the person principally resides or carries on a business,

is supplied with electricity from a distribution system operated by a corporation and who consumes not more than 50 MWh of electricity per year;

emergency operating state has the meaning given by section 3.5.1 of the Wholesale Electricity Market Rules published in the *Gazette* on 5 October 2004 at pages 4323 to 4725;

separately metered premises means premises, or part of premises, for which the supply of electricity is metered separately under the *Energy Operators (Powers) Act 1979* section 62(5).

[Section 16 amended: Gazette 31 Mar 2006 p. 1346; 27 Nov 2009 p. 4782.]

17. Interruptions to which this Part does not apply

(1) Sections 18 and 19 do not apply to an interruption that —

(a) is to the supply of electricity on the South West interconnected system and —

(i) that occurs during, or as a consequence of, an emergency operating state; or

(ii) that is occasioned by the exercise or performance of a power or duty under a written law to disconnect the supply of electricity to any premises on account of fire or other hazard or to facilitate the rescue of any person or property;

(b) is caused by the eligible person or equipment under the eligible person's control; or

(c) the Minister determines should not attract a payment under this Part because it occurred in exceptional circumstances.

(2) A determination under subsection (1)(c) is to be made by order published in the Gazette, and may be revoked or amended by the Minister in the same way.

[Section 17 amended: Gazette 27 Nov 2009 p. 4783.]

18. Payment for failure to give required notice of planned interruption

If —

(a) a corporation fails to give an eligible person not less than 72 hours notice of a planned interruption as required by section 11(1)(b)(i); and

(b) the person, within 60 days after the interruption, applies to the corporation for compensation under this section,

the corporation must, within 30 days after the application is made, pay the sum of $20 in respect of the failure to the person or as provided by section 22.

[Section 18 amended: Gazette 27 Nov 2009 p. 4783.]

19. Payment for supply interruptions exceeding 12 hours

(1) If —

(a) the supply of electricity by a corporation to an eligible person is interrupted for more than 12 hours continuously, whether or not notice has been given to the person under section 11(1) or 11A(3); and

(b) the person, within 60 days after the interruption ceases, applies to the corporation for compensation under this section,

the corporation must, within 30 days after the application is made, pay the sum of $120 in respect of the interruption to the person or as provided by section 22.

(2) For the purposes of subsection (1)(a) the period of 12 hours is to be calculated from the time when the corporation —

(a) was advised by the person that the supply of electricity was interrupted; or

(b) should have become aware, on account of the information reasonably available to it, that the person's supply had been interrupted,

whichever is the earlier.

Note:

A person who is dissatisfied with a failure or refusal of a corporation to pay a sum in accordance with this section or section 18 may seek to enforce payment by application to the electricity ombudsman under the Act Part 7.

[Section 19 amended: Gazette 27 Nov 2009 p. 4783; 2 May 2017 p. 2289; 1 Apr 2022 p. 2457.]

20. Only one application for each premises

(1) For any particular interruption referred to in section 18(a) or 19(1)(a) not more than one application may be made to the corporation under that section in respect of any premises.

(2) Each premises or part of premises —

(a) that are separately metered premises; or

(b) where an eligible person principally resides or carries on a business,

are separate premises for the purposes of subsection (1).

[Section 20 amended: Gazette 27 Nov 2009 p. 4782.]

21. Information to be provided

(1) A corporation must provide eligible persons who are customers with information as to —

(a) the rights conferred by sections 18 and 19;

(b) how applications under those sections may be made; and

(c) the manner in which applications will be dealt with by the corporation.

(2) A corporation must provide the information described in subsection (1) to a customer by written notice sent to the customer at the address to which accounts are sent, whether accompanying an account or otherwise.

(3) A notice under subsection (2) must be given to a customer by a corporation not less than once in each financial year of the corporation.

[Section 21 amended: Gazette 27 Nov 2009 p. 4782-3.]

22. Alternative methods of payment

A payment under section 18 or 19 may, instead of being made to the person concerned, be made by the corporation —

(a) to the retail licensee who supplies electricity to the person if there is an arrangement in force under which the sum will be paid or credited to the person; or

(b) as agreed between the corporation and the person.

[Section 22 amended: Gazette 27 Nov 2009 p. 4783.]

Part 4 — Duties incidental to the prescribed standards

Division 1 — Monitoring, record keeping and investigation

23. Monitoring and record keeping

(1) A transmitter or distributor must take all such steps as are reasonably necessary to monitor the operation of its network to ensure compliance with —

(a) the provisions of Part 2 or an instrument made under section 14(3); and

(b) the reporting requirements under sections 26 and 27.

(2) A transmitter or distributor must keep such records of information as are required for the purposes of subsection (1) and retain the information for at least 5 years after the day on which a report containing the information is published under section 26 or 27.

[Section 23 amended: Gazette 2 May 2017 p. 2289.]

24. Quality investigations

(1) In this section —

working day means a day other than a Saturday, a Sunday or a public holiday throughout the State or in the area where the relevant premises are situated.

(2) A customer who considers that the supply of electricity to the customer's electrical installations by a transmitter or distributor does not, or did not at a particular time or on a particular occasion, comply with —

(a) section 6(2) or 7; or

(b) an instrument made under section 14(3),

may in writing request the transmitter or distributor to investigate whether the supply of electricity complies with, or at a particular

time or on a particular occasion complied with, that section or that instrument.

(3) If a request is so made, the transmitter or distributor must within 20 working days complete the investigation, and must take such field measurements as may be required for that purpose.

(4) The transmitter or distributor must report the results of the investigation to the customer concerned.

(5) Subsection (3) does not apply if the transmitter or distributor believes on reasonable grounds that the request is frivolous or vexatious or is not made in good faith.

Division 2 — Complaints

25. Information to be given to small use customers

(1) In this section —

complaint means a complaint that a provision of Part 2, or of an instrument made under section 14(3), has not been, or is not being, complied with.

(2) A transmitter and a distributor must make available, at no cost, a copy of a document setting out information about its complaints handling processes to a small use customer —

(a) who makes a complaint to the transmitter or distributor; or

(b) asks to be given such information.

(3) The document referred to in subsection (2) must inform a small use customer of any right that the customer has to refer to the electricity ombudsman under the Act Part 7 a complaint that is not resolved to the customer's satisfaction.

Division 3 — Performance reporting

25A. Term used: reporting period

(1) In this Division —

reporting period, in relation to an audit and report under section 26, means —

(a) the period of 3 years; or

(b) for a transmitter or distributor given a notice by the Authority under section 26A, the reporting period stated in that notice;

reporting period, in relation to a report under section 27, means the period of 1 year.

(2) A reporting period begins on 1 July and ends on 30 June, as relevant to that period.

[Section 25A inserted: Gazette 2 May 2017 p. 2289.]

26. Audit and report on monitoring systems

(1) A transmitter and a distributor must, as required by subsection (2), arrange for an independent expert to audit, and report on, the operation of the systems that the transmitter or the distributor has in place for monitoring its compliance with Part 2 or an instrument made under section 14(3).

(2) An audit under subsection (1) is to be carried out in respect of the operation of such systems during each reporting period.

(3) A transmitter and a distributor must publish the report referred to in subsection (1) not later than 1 October following the reporting period.

(4) A report is published for the purposes of subsection (3) if —

(a) copies of it are available to the public, without cost, at places where the transmitter or distributor transacts business with the public; and

(b) a copy of it is posted on a website maintained by the transmitter or distributor.

(5) A copy of each report must be given to the Minister and the Authority not less than 7 days before it is published under subsection (3).

[Section 26 amended: Gazette 2 May 2017 p. 2289-90.]

26A. Authority may give notice regarding reporting period

(1) The Authority may give a transmitter or distributor a written notice stating that the reporting period is the period of 1 year or 2 years for the purposes of an audit and report under section 26.

(2) The Authority may, by written notice, revoke a notice under subsection (1).

[Section 26A inserted: Gazette 2 May 2017 p. 2290.]

27. Publication of information about performance

(1) A transmitter and a distributor must —

(a) prepare a report setting out the information described in Schedule 1, so far as it relates to the operations of the transmitter or distributor, in respect of each year ending on 30 June; and

(b) publish that report not later than the following 1 October.

(2) A report is published for the purposes of subsection (1)(a) if —

(a) copies of it are available to the public, without cost, at places where the transmitter or distributor transacts business with the public; and

(b) a copy of it is posted on a website maintained by the transmitter or distributor.

(3) A copy of each report must be given to the Minister and the Authority not less than 7 days before it is published under subsection (1).

[Section 27 amended: Gazette 2 May 2017 p. 2290.]

28. Reports not needed if there were no small use customers

A transmitter or distributor only has to —

(a) arrange for an audit and report under section 26; and

(b) prepare a report under section 27,

in respect of a reporting period if, during that period, the transmitter or distributor had one or more small use customers.

[Section 28 inserted: Gazette 19 Sep 2007 p. 4725-6; amended: Gazette 2 May 2017 p. 2290.]

29. Transitional provisions for Part 4 Division 3

(1) In this section —

commencement day means 1 July 2017.

(2) This Division, as in force immediately before the commencement day, continues to have effect for the purposes of an audit and report under section 26 in respect of the year ending on 30 June 2017.

(3) For the purposes of this Division, as in force on and from the commencement day, the first reporting period for section 26 commences on that day.

[Section 29 inserted: Gazette 2 May 2017 p. 2291.]

Schedule 1 — Information to be published

[s. 27(1)(a)]

1. In this Schedule —

complaint means a complaint that a provision of —

(a) Part 2; or

(b) an instrument made under section 14(3),

has not been, or is not being, complied with;

customer premises means premises on which electrical installations are connected to a transmission or distribution system for the purpose of receiving supply;

isolated system means a system for the transmission and distribution of electricity that is not connected to the North West interconnected system or the South West interconnected system and is not a stand-alone power system that is part of a covered network;

North West interconnected system means the interconnected transmission and distribution systems, generating works and associated works —

(a) located in the Pilbara region of the State; and

(b) into which electricity is supplied by one or more of the electricity generation plants at Dampier, Port Hedland and Cape Lambert,

as expanded or altered from time to time.

2. For the purposes of items 7 and 11 each of the following is a discrete area —

(a) the Perth CBD;

(b) the urban areas other than the Perth CBD;

(c) all other areas of the State,

but in preparing a report under section 27(1)(a) a transmitter or distributor is to set out the information mentioned in items 7 and 11, so far as it relates to the operations of the transmitter or distributor, for the whole of the discrete area described in paragraph (c) and also for each of the following areas separately —

(d) the area served by the North West interconnected system;

(e) each area of the State served by an isolated system.

3. In addition to the matters described in item 2, a transmitter or distributor, in preparing a report under s27(1)(a) is to set out the information specified in items 7 and 11, so far as it relates to the operations of the transmitter or distributor for all—

(a) stand-alone power systems that form part of the transmitter or distributor's covered network; and

(b) other stand-alone power systems provided by the transmitter or distributor.

4. In respect of each failure by the transmitter or distributor to comply with a provision of this Code or an instrument under section 14(3) (as identified by monitoring records or under section 24 or following a complaint) —

(a) the total number of breaches of each provision; and

(b) the remedial action taken in each case.

5. The number of premises of small use customers the supply of electricity to which has been interrupted —

(a) for more than 12 hours continuously; or

(b) more than the permitted number of times, as that expression is defined in section 12(1),

and in the case of interruptions referred to in paragraph (a), the number of interruptions and the length of each interruption.

6. The total number of complaints received.

7. The number of complaints received from customers in each of the discrete areas.

8. The total amount spent by the transmitter or distributor in addressing complaints, other than by way of payment under sections 18 and 19.

9. The number and total amount of payments made by the transmitter or distributor under each of sections 18 and 19.

10. The information published for items 4(a), 6, 7, 8 and 9 in respect of the year ending 30 June preceding the year to which the report relates.

11. For each discrete area —

(a) the average length of interruption of supply to customer premises expressed in minutes;

(b) the average number of interruptions of supply to customer premises;

(c) the average percentage of time that electricity has been supplied to customer premises; and

(d) the average total length of all interruptions of supply to customer premises expressed in minutes.

12. The information published for each paragraph of item 11 in respect of each of the 3 years ending 30 June preceding the year to which the report relates.

13. For each paragraph of item 11, the average of the 4 amounts under that paragraph in respect of the years comprising —

(a) the year to which the report relates; and

(b) the 3 years referred to in item 12.

[14-15. deleted]

[Schedule 1 amended: Gazette 2 May 2017 p. 2291; Gazette 5 Nov 2021 p. 4970.]

Notes

This is a compilation of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
Electricity Industry (Network Quality and Reliability of Supply) Code 2005	13 Dec 2005 p. 6051-69	1 Jan 2006 (see s. 2)
Electricity Corporations (Consequential Amendments) Regulations 2006 r. 75	31 Mar 2006 p. 1299-357	1 Apr 2006 (see r. 2)
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2007	19 Sep 2007 p. 4725-6	s. 1 and 2: 19 Sep 2007 (see s. 2(a)); Code other than s. 1 and 2: 20 Sep 2007 (see s. 2(b))
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2009	27 Nov 2009 p. 4781-3	s. 1 and 2: 27 Nov 2009 (see s. 2(a)); Code other than s. 1 and 2: 28 Nov 2009 (see s. 2(b))
Reprint 1: The *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* as at 23 Jul 2010 (includes amendments listed above)		
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2017	2 May 2017 p. 2287-91	s. 1 and 2: 2 May 2017 (see s. 2(a)); Code other than s. 1, 2 and 8-14: 3 May 2017 (see s. 2(c)); s. 8-14: 1 Jul 2017 (see s. 2(b))
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2018	25 Sep 2018 p. 3568-9	1 Oct 2018 (see s. 2)
Electricity Industry (Network Quality and Reliability of Supply) Code Amendments 2021	5 Nov 2021 p. 4968-70	6 Nov 2021 (see s. 2)
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2021	12 Nov 2021 p. 5091	13 Nov 2021 (see s. 2)

Citation	Published	Commencement
Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2022	1 Apr 2022 p. 2457	1 Jul 2022 (see cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Citation	Published	Commencement
Electricity Industry Amendment (Distributed Energy Resources) Act 2024 s. 83(b)	assented to 7 Mar 2024	To be proclaimed (see s. 2(b))

Other notes

[1] Repealed by the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 4. The part of the State that was, as at 1 June 1988, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959* is also described in the *Planning and Development Act 2005* Sch. 3 as it was enacted on 12 December 2005.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
Authority	3(1)
commencement day	29(1)
compatibility levels	4
complaint	25(1), Sch. 1
corporation	16
covered network	3(1)
customer	3(1), 11(1A), 11A(1)
customer premises	13(1), Sch. 1
customer's electrical installations	3(1)
distribution system	3(1)
distributor	3(1)
Eastern Goldfields	3(1)
eligible person	16
emergency operating state	16
essential services	13A(2)
interruption	3(1)
isolated system	Sch. 1
network	3(1)
network infrastructure facilities	3(1)
North Country	3(1)
North West interconnected system	Sch. 1
permitted number of times	12(1)
Perth CBD	3(1)
planned interruption	3(1)
Plt	6(1)
prescribed standard	12(1)
Pst	6(1)
reporting period	25A(1)
separately metered premises	16
small use customer	3(1)
stand-alone power system	3(1)
transmitter	3(1)
urban areas	3(1)
working day	24(1)
year	12(1)

© State of Western Australia 2024.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia 2024.

By Authority: GEOFF O. LAWN, Government Printer