Western Australia

Electricity Industry Act 2004

Electricity Industry Exemption Order 2005

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Electricity Industry Exemption Order 2005

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Defined terms

Electricity Industry Exemption Order 2005

1. Citation

This order is the *Electricity Industry Exemption Order 2005*.

2. Commencement

This order comes into operation on 1 January 2006.

3A. Terms used

In this order —

Aboriginal community has the meaning given in the *Aboriginal Communities Act 1979* section 3;

Deposited Plan, followed by a number, means the deposited plan of that number —

(a) lodged with the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5(1); and

(b) approved by an authorised land officer as defined in the *Land Administration Act 1997* section 3(1);

non-residential property means a property or any part of a property that is not —

(a) a residential property; or

(b) a site as defined in the Caravan Parks and *Camping Grounds Act 1995* section 5(1);

Pilbara Energy Connection means the electricity infrastructure used, or to be used, for, or in connection with, or to control, the transportation of electricity between each of the following,

through the Lambda Terminal located on mining tenement L45/474 —

(a) the Chichester Hub located on mining tenement L45/456;

(b) the Iron Bridge located on mining tenement L45/467;

(c) the Solomon Hub located on mining tenement L47/859;

property means a parcel of land and includes —

(a) a part of a parcel of land; and

(b) 2 or more parcels of land with common boundaries that are constituted, owned or occupied as 1 property;

residential property means a property or any part of a property used, or intended to be used, as a person's principal place of residence but does not include a site as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

SWIS means the South West interconnected system.

[Clause 3A inserted: Gazette 9 Oct 2009 p. 3992; amended: Gazette 29 Jun 2012 p. 2933; 23 Dec 2016 p. 5894-5; SL 2020/180 cl. 4; SL 2023/80 cl. 4; SL 2024/3 cl. 4.]

3B. Application of order

This order does not apply to a person in relation to the supply of electricity to a customer under a solar power purchase agreement as defined in the *Electricity Industry (Solar Power Purchase Agreements) Exemption Order 2016* clause 3.

[Clause 3B inserted: Gazette 23 Dec 2016 p. 5895.]

3. Exemption for generating works of 100 MW or less

(1) In this clause —

connection point, in relation to generating works, means a point at which the generating works are connected to a transmission system or a distribution system.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if —

(a) in relation to the construction of generating works — the total generation capacity that the generating works will have is not more than 100 MW at each connection point after construction is completed; or

(b) in relation to the operation of generating works — the generation capacity of the generating works is not more than 100 MW at each connection point.

(3) The exemption provided for in subclause (2) is subject to the condition that, if the generating works are connected to a transmission system or distribution system of an electricity corporation that forms part of the SWIS, the metering of the supply of electricity from those works must be undertaken in accordance with the procedures and arrangements set out in the *Electricity Industry (Metering) Code 2012*.

[Clause 3 amended: Gazette 9 Oct 2009 p. 3992; 29 Jun 2012 p. 2934; 25 Sep 2018 p. 3557; SL 2022/171 cl. 4.]

4A. Exemptions for supply to non-residential property on which generating works are located

(1A) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned —

(a) are located or to be located on a non-residential property; and

(b) are used or to be used solely for the generation of electricity for consumption by another person on the property.

(1) A person (the ***supplier***) is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned —

(a) is connected or to be connected to generating works operated by the supplier; and

(aa) is located or to be located on a non-residential property; and

(b) is used or to be used solely for the transportation of electricity for consumption by another person on the non-residential property on which the generating works are located.

(2) A person (the ***supplier***) is exempt from the *Electricity Industry Act 2004* section 7(4) if —

(a) the electricity is generated using generating works operated by the supplier; and

[(b) deleted]

(c) the electricity is sold for consumption on a non-residential property on which the generating works are located.

[Clause 4A inserted: Gazette 29 Jun 2012 p. 2934; amended: Gazette 14 Dec 2012 p. 6199; 23 Dec 2016 p. 5895-6.]

4B. Exemption for supply to non-residential property occupied by supplier

A person (the ***supplier***) is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity —

(a) is generated using generating works operated by the supplier; and

(b) is supplied to a non-residential property part of which is occupied by the supplier; and

(c) is sold by the supplier for consumption by another person on the non-residential property.

[Clause 4B inserted: Gazette 26 Jun 2015 p. 2253; amended: Gazette 23 Dec 2016 p. 5896.]

4. Exemptions for on-supply

(1) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned —

(a) is located or to be located on a non-residential property; and

(b) is used or to be used solely for the transportation of electricity for consumption on the property.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned —

(a) is located or to be located on a property; and

(b) is used or to be used solely for the transportation of electricity for consumption on the property.

(3) A person who is exempt under subclause (1) is exempt from the *Electricity Industry Act 2004* section 7(4), in relation to the sale of electricity transported by the transmission system, if the electricity is sold for consumption on the property.

(4) A person who is exempt under subclause (2) is exempt from the *Electricity Industry Act 2004* section 7(4), in relation to the sale of electricity transported by the distribution system, if the electricity is sold for consumption on the property.

(5) The exemptions provided for in this clause —

(a) are subject to the conditions set out in clauses 6 and 6A; and

(b) do not apply to the Rottnest Island Authority established under the *Rottnest Island Authority Act 1987*.

[Clause 4 inserted: Gazette 23 Dec 2016 p. 5896-7; amended: Gazette 25 Sep 2018 p. 3557.]

*[**5.** Deleted: Gazette 23 Dec 2016 p. 5897.]*

6. Conditions applying to certain exemptions under cl. 4: fees and charges

(1) In this clause —

electricity reticulation system means any apparatus, plant or equipment that is used for, or in connection with, the transportation of electricity to a property;

exempt supplier, in relation to a property, means a person who is exempt from the *Electricity Industry Act 2004* section 7(2), (3) or (4) under clause 4 in relation to the property;

occupier, of a property, means a person in lawful occupation of the property.

(2) For the purposes of this clause, electricity services are services for, or in connection with, the supply of electricity.

(3) Without limiting subclause (2), electricity services include —

(a) the provision and maintenance of an electricity reticulation system; and

(b) the connection of a property to an electricity reticulation system; and

(c) the provision, maintenance and reading of a meter to measure and record the quantity of electricity supplied to a property; and

(d) the preparation and issue of accounts in relation to the supply of electricity to a property; and

(e) anything incidental to or associated with a matter referred to in paragraph (a), (b), (c) or (d).

(4) If electricity supplied to a residential property by an exempt supplier is supplied to the exempt supplier by the Electricity Generation and Retail Corporation, any charge imposed by the exempt supplier for the electricity must not exceed the charge for metered consumption —

(a) to be paid under the *Energy Operators (Electricity Generation and Retail Corporation) (Charges)*

By-laws 2006 by consumers for electricity supplied for residential use only; and

(b) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply.

(5A) If electricity supplied to a residential property by an exempt supplier is supplied to the exempt supplier by the Regional Power Corporation, any charge imposed by the exempt supplier for that electricity must not exceed the charge for metered consumption —

(a) to be paid under the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and

(b) applying to electricity supplied by the Regional Power Corporation on the day of the supply.

(5) If electricity supplied to a residential property by an exempt supplier is generated using generating works that are owned or operated by the exempt supplier, any charge imposed by the exempt supplier for that electricity must not exceed the amount necessary for the exempt supplier to recover the costs of generation.

(6) Any fees or charges imposed by an exempt supplier for the provision of electricity services in relation to a residential property must not, in total —

(a) in a licence area in which the Electricity Generation and Retail Corporation sells electricity to customers, exceed the fixed charge —

(i) to be paid under the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and

(ii) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply;

or

(b) in a licence area in which the Regional Power Corporation sells electricity to customers, exceed the fixed charge —

(i) to be paid under the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and

(ii) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply.

(7A) Subclause (6) applies even if the electricity is generated using generating works that are owned or operated by the exempt supplier.

(7) If an exempt supplier supplies electricity to a property, the exempt supplier must make available to an occupier of the property information that clearly sets out —

(a) the quantity of electricity supplied to the occupier; and

(b) the fees and charges payable by the occupier —

(i) for electricity supplied; and

(ii) for the provision of electricity services in relation to the property.

(8) Information referred to in subclause (7) must be made available in a manner that is easily accessible.

(9) If information referred to in subclause (7) is not included in an account issued to an occupier of the property, the exempt

supplier must inform the occupier of how to gain access to the information.

[Clause 6 amended: Gazette 8 May 2009 p. 1498-9; 27 Dec 2013 p. 6475; 23 Dec 2016 p. 5897-9.]

6A. Conditions applying to certain exemptions under cl. 4: life support equipment

(1) In this clause —

appropriately qualified medical practitioner has the meaning given in the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016* clause 1.5;

commencement day means the day on which the *Electricity Industry Exemption Amendment Order 2018* clause 6 comes into operation;

contact details, of a person, means the person's telephone number and email address, as nominated by the person;

exempt supplier means a person who is exempt from the *Electricity Industry Act 2004* section 7(3) and (4) under clause 4(2) and (4);

life support equipment means equipment of a type specified for the purposes of the Life Support Equipment Electricity Subsidy Scheme, as administered by the Department of Finance immediately before commencement day;

registered property, in relation to an exempt supplier, means a property included in the register kept by the exempt supplier in accordance with this clause;

retailer means a person who holds —

(a) a retail licence; or

(b) an integrated regional licence that authorises the licensee to sell electricity;

supply address, in relation to an exempt supplier, means the property in relation to which the person is exempt under clause 4(2) and (4).

(2) An exempt supplier must, in accordance with this clause, keep a register of properties at the supply address at which a person who requires life support equipment resides.

(3) If an exempt supplier is given written confirmation, by an appropriately qualified medical practitioner, that a person residing at a property at the supply address requires life support equipment, the exempt supplier must —

(a) include the property in the register by including its address, and the contact details of the occupier of the property, in the register; and

(b) keep a copy of the confirmation; and

(c) within 48 hours of being given the confirmation —

(i) notify the retailer (if any) who supplies electricity for the supply address, that a person residing at the supply address requires life support equipment; and

(ii) give a copy of the confirmation to the retailer.

(4) If an exempt supplier is informed that there is no person or will, after a specified date, be no person residing at a registered property at the supply address who requires life support equipment, the exempt supplier —

(a) must, within 48 hours of being informed, pass on that information to the retailer (if any) who supplies electricity for the supply address; and

(b) may remove the property from the register accordingly.

(5) The exempt supplier, in relation to a registered property at the supply address —

(a) must not interrupt the supply of electricity to the registered property unless —

(i) 48 hours' notice has been given to the occupier of the property; or

(ii) an occupier of the property consents to the interruption;

and

(b) must not disconnect the registered property for a failure to pay a fee or charge in relation to the supply of electricity to the property; and

(c) must pass on to the occupier of the registered property any notice given to the exempt supplier of an interruption to the supply of electricity to the supply address, within 48 hours of receiving the notice; and

(d) must pass on to the occupier of the registered property a request (if relevant) by a retailer for written confirmation by an appropriately qualified medical practitioner that a person residing at the supply address requires or continues to require life support equipment.

(6) If a person becomes an exempt supplier in relation to a supply address by replacing a previous exempt supplier, the person must, within 48 hours of becoming an exempt supplier in relation to the supply address —

(a) notify the occupier of each property at the supply address that they have become an exempt supplier in relation to the supply address; and

(b) request the occupier to inform them whether or not any person who resides at the property requires life support equipment.

[Clause 6A inserted: Gazette 25 Sep 2018 p. 3557-9.]

7. Exemptions for supply to Aboriginal communities

(1) In this clause —

Aboriginal community premises means any premises that are —

(a) owned, occupied or leased by an Aboriginal community or members of an Aboriginal community; or

(b) used solely or principally for the purposes of an Aboriginal community.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used solely for the transportation of electricity for consumption on Aboriginal community premises.

(3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption on Aboriginal community premises.

(4) The exemptions provided for in this clause do not apply to the Electricity Networks Corporation, the Electricity Generation and Retail Corporation or the Regional Power Corporation.

[Clause 7 amended: Gazette 31 Mar 2006 p. 1158; 27 Dec 2013 p. 6475; SL 2023/80 cl. 5.]

7A. Temporary exemptions for supply by Regional Power Corporation to certain Aboriginal communities

(1) In this clause —

relevant Aboriginal community premises means any premises that are —

(a) owned, occupied or leased by, or by the members of, an Aboriginal community listed in Schedule 1A; or

(b) used solely or principally for the purposes of an Aboriginal community listed in Schedule 1A.

(2) The Regional Power Corporation is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used solely for the transportation of electricity for consumption on relevant Aboriginal community premises.

(3) The Regional Power Corporation is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption on relevant Aboriginal community premises.

(4) Subclause (3) does not apply in relation to the sale of electricity for consumption on relevant Aboriginal community premises in respect of the following Aboriginal communities —

(a) Barrel Well;

(b) Kardaloo (Wandanooka);

(c) Kurrawang.

(5) The exemptions provided for in this clause expire on 31 December 2031.

[Clause 7A inserted: SL 2023/80 cl. 6.]

8. Exemptions for operations under Pilbara Energy Project Agreement

(1) In this clause —

PEP Agreement has the meaning given to "the Agreement" in the *Pilbara Energy Project Agreement Act 1994* section 3.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned are constructed or operated pursuant to the PEP Agreement.

(3) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned is constructed or operated pursuant to the PEP Agreement.

(4) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is constructed or operated pursuant to the PEP Agreement.

(5) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if —

(a) the electricity is sold to customers pursuant to the PEP Agreement; and

(b) each of those customers consumes more than 160 MWh of electricity per annum.

*[**9.** Deleted: SL 2023/80 cl. 7.]*

10. Exemptions for operations under various government agreements

(1) In this clause —

relevant agreement means —

(a) the Agreement as defined in the *Iron Ore (Hamersley Range) Agreement Act 1963* section 2;

(b) the Agreement as defined in the *Iron Ore (Mount Newman) Agreement Act 1964* section 2; and

(c) the Agreement as defined in the *Iron Ore (Robe River) Agreement Act 1964* section 2.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned are constructed or operated pursuant to a relevant agreement.

(3) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned is constructed or operated pursuant to a relevant agreement.

(4) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is constructed or operated pursuant to a relevant agreement.

(5) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold to customers pursuant to a relevant agreement.

11. Conditions applying to exemptions under clause 10

(1) In this clause —

code provision means a provision of the code of conduct as defined in the *Electricity Industry Act 2004* section 78 other than —

(a) Parts 2, 9, 11, 13 and 14; and

(b) clauses 4.4(1)(t) and (bb), 5.2(1)(c), 6.10, 7.1(1)(c)(ii), 10.1(1), 10.2(4), 10.4(b) and (c), 10.7(4), 10.8(2), 10.10(2), (4), (5) and (6), 12.1(2)(b), (3) and (4), and 12.5(1)(b) and (c),

of that code.

(1a) The exemption provided for in clause 10(3) is subject to the condition that the person must comply with any obligation that the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* from time to time imposes on a transmitter as if the person were a transmitter for the purposes of that code.

(2) The exemption provided for in clause 10(4) is subject to the following conditions —

(a) the person must comply with any obligation that the *Electricity Industry (Obligation to Connect) Regulations 2005* regulations 4 and 7(1) from time to time impose on a distributor as if the person were a distributor for the purposes of those regulations;

(b) the person must comply with any obligation that a code provision from time to time imposes on a distributor as if the person were a distributor for the purposes of that provision;

(c) the person must comply with any obligation that the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* from time to time imposes on a distributor as if the person were a distributor for the purposes of that code.

(3) The exemption provided for in clause 10(5) is subject to the condition that the person must comply with any obligation that a code provision from time to time imposes on a retailer as if the person were a retailer for the purposes of that provision.

(4) For the purposes of subclauses (1a) and (2)(c) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* is taken to be modified so that —

(a) the words "under a distribution licence, transmission licence or integrated regional licence" are omitted from the definition of "network" in section 3(1); and

(b) a report under section 27(1)(a) is not required to set out the information described in Schedule 1 items 8, 14 and 15; and

(c) Schedule 1 item 10 does not apply in relation to the first report under section 27(1)(a).

[Clause 11 amended: Gazette 27 Jun 2006 p. 2286-7.]

12. Exemptions for operations in DBNGP corridor

(1) In this clause —

DBNGP corridor has the meaning given to that term in the *Dampier to Bunbury Pipeline Act 1997* section 27(1);

DBNGP Transmission means DBNGP (WA) Transmission Pty Ltd.

(2) DBNGP Transmission is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is located or to be located in the DBNGP corridor.

(3) DBNGP Transmission is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption in the DBNGP corridor.

13. Exemptions for Electricity Generation and Retail Corporation

(1) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(2) in relation to the operation of a transmission system for the supply of electricity to Colltech Australia Limited (ABN 24 094 515 992)

at premises located at the Collie Power Station, Williams Road, Collie.

(2) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the operation of a distribution system for the supply of electricity to Colltech Australia Limited (ABN 24 094 515 992) at premises located at the Collie Power Station, Williams Road, Collie.

(3) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity to —

(a) Billiton Aluminium (Worsley) Pty Ltd (ACN 088 336 921), Kobe Alumina Associates (Australia) Pty Ltd (ACN 008 907 524) and Nissho Iwai Alumina Pty Ltd (ACN 009 309 344) pursuant to an agreement dated 24 June 1999 for the supply of electricity to premises located at Wellington Location 5314;

(b) Tiwest Pty Ltd (ACN 009 343 364) pursuant to an agreement dated 23 October 1997 for the supply of electricity to premises located at Mason Road, Kwinana; and

(c) Transfield Services Kemerton Pty Ltd (ACN 109 619 112) as trustee for the Transfield Services Kemerton Trust pursuant to an agreement dated 8 December 2003 for the supply of electricity to premises located at Marriott Road, Kemerton.

[Clause 13 inserted: Gazette 31 Mar 2006 p. 1158-9; amended: Gazette 11 Jan 2008 p. 102; 27 Dec 2013 p. 6475.]

*[**13A.** Deleted: Gazette 27 Dec 2013 p. 6476.]*

14. Exemptions for Fremantle Port Authority

(1) In this clause —

Fremantle Port Authority means the Fremantle Port Authority established under the *Port Authorities Act 1999*.

(2) Fremantle Port Authority is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the operation of its distribution systems at Fremantle and Kwinana.

(3) Fremantle Port Authority is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity transported through the distribution systems referred to in subclause (2).

[Clause 14 inserted: Gazette 27 Jun 2006 p. 2288.]

15. Exemptions for supply in Eucla

(1) In this clause —

Eucla means the area constituting the townsite of Eucla for the purposes of the *Land Administration Act 1997*.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is located or to be located in Eucla.

(3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption in Eucla.

[Clause 15 inserted: Gazette 27 Jun 2006 p. 2288.]

16. Exemption for distribution systems of less than 1 km connecting to network other than SWIS

A person is exempt from the *Electricity Industry Act 2004* section 7(3) if —

(a) the distribution system concerned is used solely for the transportation of electricity from generating works

operated by the person to a network other than the SWIS; and

(b) the distance the electricity is transported is less than 1 km.

[Clause 16 inserted: Gazette 9 Oct 2009 p. 3993.]

17. Exemptions for holders of generation licence connecting to SWIS

(1) The holder of a generation licence is exempt from the *Electricity Industry Act 2004* section 7(2) in relation to a transmission system used solely to transport electricity between 2 or more of the following —

(a) generating works to which the licence applies;

(b) storage works that are connected to the SWIS at the same point as the generating works;

(c) the SWIS.

(2) The holder of a generation licence is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to a distribution system used solely to transport electricity between 2 or more of the following —

(a) generating works to which the licence applies;

(b) storage works that are connected to the SWIS at the same point as the generating works;

(c) the SWIS.

(3) The exemptions provided for in subclauses (1) and (2) are subject to the condition that the connection of the distribution or transmission system to the SWIS complies with the relevant technical rules, as amended from time to time, published under the *Electricity Networks Access Code 2004* established under the *Electricity Industry Act 2004* section 104(1).

[Clause 17 inserted: Gazette 9 Oct 2009 p. 3993; amended: SL 2024/182 cl. 4.]

18. Exemption for EDL NGD (WA)

(1) EDL NGD (WA) Pty Ltd (ABN 35 070 941 721) is exempt from the *Electricity Industry Act 2004* section 7(3) for the underground distribution network joining the power station site and the sub station site identified in Plan No. ERA-EL-001.

(2) The distribution network is depicted as ***HV Cabling Route*** in Plan No. ERA-EL-001 a copy of which is shown for information in Schedule 1 Division 2.

[Clause 18 inserted: Gazette 9 Oct 2009 p. 3993.]

19. Exemptions for electric vehicle charging stations

(1) In this clause —

electric vehicle means a vehicle that is propelled wholly or partly by electricity.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used solely for the transportation of electricity for the purpose of charging a battery of an electric vehicle.

(3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for the purpose of charging a battery of an electric vehicle.

(4) The exemptions provided for in this clause expire on 30 June 2027.

[Clause 19 inserted: Gazette 29 Jun 2012 p. 2934-5; amended: Gazette 26 Jun 2015 p. 2254; 26 Jun 2018 p. 2361; SL 2020/83 cl. 4; SL 2021/67 cl. 4; SL 2024/85 cl. 4.]

20. Exemptions for Blair Fox — Karakin Wind Farm and Beros Road Wind Farm

(1) In this clause —

Beros Road property means the land being Lot 501 on Deposited Plan 400357;

Blair Fox means Blair Fox Pty Ltd (ACN 071 939 654);

Chatfield Clarke Road property means the land being Lot 10883 on Deposited Plan 210796;

Karakin Wind Farm means the generating works located on land being Lot 200 on Deposited Plan 302268.

(2) Blair Fox is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to —

(a) the construction and operation of a distribution system used or to be used solely for the transportation of electricity from the Karakin Wind Farm for a distance of less than 16 km; and

(b) the construction and operation of a distribution system used or to be used solely for the transportation of electricity —

(i) on and between the Beros Road property and the Chatfield Clarke Road property; and

(ii) if the main connection point between the SWIS and the distribution system is not located on the Beros Road property — between the Beros Road property and the main connection point.

(3) Blair Fox is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity if the electricity —

(a) is transported through the distribution system referred to in subclause (2)(a); and

(b) is sold to customers each of whom consumes more than 160 MWh of electricity per annum.

[Clause 20 inserted: Gazette 29 Jun 2012 p. 2935; amended: SL 2024/3 cl. 5.]

[21, 22. *Deleted: SL 2023/80 cl. 8.]*

23. Exemption for CSBP — Kwinana manufacturing facility

(1) In this clause —

CSBP means CSBP Limited (ABN 81 008 668 371);

Kwinana site means Lot 20 on Diagram 78086 being the whole of the land comprised in Certificate of Title Volume 1918 Folio 244.

(2) CSBP is exempt from the *Electricity Industry Act 2004* section 7(1) in relation to the operation of generating works on the Kwinana site.

[Clause 23 inserted: Gazette 15 May 2015 p. 1721.]

*[**24.** Deleted: SL 2023/80 cl. 9.]*

25. Exemptions for Eastern Metropolitan Regional Council: supply to Perth Airport

(1) In this clause —

Eastern Metropolitan Regional Council means Eastern Metropolitan Regional Council (ABN 89 631 866 056);

Hazelmere means Hazelmere Resource Recovery Park, 77 Lakes Road, Hazelmere, Western Australia;

Perth Airport means Lot 100 on Plan 6619 being the whole of the land comprised in certificate of title volume 2124 folio 980;

Perth Airport Pty Ltd means Perth Airport Pty Ltd (ABN 24 077 153 130).

(2) Eastern Metropolitan Regional Council is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the construction and operation of a distribution system used or to be used solely for the transportation of electricity from Hazelmere to Perth Airport.

(3) Eastern Metropolitan Regional Council is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale

to Perth Airport Pty Ltd of electricity transported through the distribution system referred to in subclause (2).

[Clause 25 inserted: Gazette 23 Dec 2016 p. 5899-900.]

26. Exemption for certain connections to internet networks

(1) In this clause —

internet network means a network, comprised at least in part by fibre optic cable, used or to be used for providing access to the internet.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used for the transportation of electricity from a property to one or more components of a connection between an internet network and the property.

[Clause 26 inserted: Gazette 22 Aug 2017 p. 4502.]

27. Exemption for Woodside Energy — Mt Wongama communications facility

(1) In this clause —

Mt Wongama communications facility means the communication facility located on Lot 194 on Deposited Plan 216682;

Woodside Energy means Woodside Energy Ltd (ABN 63 005 482 986).

(2) Woodside Energy is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the operation of a distribution system used solely for the transport of electricity from the Karratha Gas Plant to the Mt Wongama communication facility.

[Clause 27 inserted: Gazette 6 Sep 2019 p. 3196.]

28. Exemption for Pilbara Energy Company — Pilbara Energy Connection

(1) In this clause —

Pilbara Energy Company means Pilbara Energy Company Pty Ltd (ACN 624 732 878).

(2) Pilbara Energy Company is exempt from the *Electricity Industry Act 2004* section 7(2) in relation to the construction and operation of the Pilbara Energy Connection.

[Clause 28 inserted: SL 2020/83 cl. 5; amended: SL 2020/180 cl. 5.]

29. Exemption for generating works connecting to Pilbara Energy Connection

The following are exempt from the *Electricity Industry Act 2004* section 7(1) in relation to the construction and operation of generating works that connect to, or will connect to, the Pilbara Energy Connection —

(a) Pilbara Energy (Generation) Pty Ltd (ACN 631 303 305);

(b) FMG Solomon Pty Ltd (ACN 128 959 179).

[Clause 29 inserted: SL 2020/180 cl. 6.]

30. Exemption for sale of electricity — Pilbara Energy Connection

(1) In this clause —

FMG entity means —

(a) Fortescue Metals Group Ltd (ACN 002 594 872); and

(b) a body corporate that is related to Fortescue Metals Group Ltd (ACN 002 594 872) under the *Corporations Act 2001* (Commonwealth) section 50.

(2) An FMG entity is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity transported, or to be transported, by the Pilbara Energy Connection to —

(a) IB Operations Pty Ltd (ACN 165 513 557); or

(b) another FMG entity.

[Clause 30 inserted: SL 2022/44 cl. 4.]

31. Exemption for sale of electricity — Jinbi generating works

(1) In this clause —

Hamersley Iron means Hamersley Iron Pty Ltd (ACN 004 558 276);

Jinbi Project means Jinbi Project Pty Ltd (ACN 681 974 407);

Jinbi generating works means the generating works located at Lot 500 on Deposited Plan 429510;

relevant State agreement means —

(a) the Agreement as defined in the *Iron Ore (Hamersley Range) Agreement Act 1963* section 2; or

(b) the Agreement as defined in the *Iron Ore (Robe River) Agreement Act 1964* section 2.

(2) Jinbi Project is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity to Hamersley Iron if the electricity is —

(a) generated by the Jinbi generating works; and

(b) transported through an electricity network operated pursuant to a relevant State agreement.

[Clause 31 inserted: SL 2026/101 cl. 4.]

Schedule 1A — Aboriginal communities in relation to which Regional Power Corporation temporarily exempt

[cl. 7A]

[Heading inserted: SL 2023/80 cl. 10.]

Table

	Aboriginal community
1.	Barrel Well
2.	Baulu-Wah (Violet Valley)
3.	Bawoorrooga
4.	Bidan
5.	Billard
6.	Biridu
7.	Bow River
8.	Budgarjook (Red Soil)
9.	Bulgin
10.	Burrguk (Banana Wells)
11.	Burringurrah
12.	Chile Creek
13.	Cockatoo
14.	Cockatoo Springs
15.	Cosmo Newberry

	Aboriginal community
16.	Crocodile Hole (Rugan)
17.	Djarajung (Cygnet Bay)
18.	Djugarargyn
19.	Djugerari
20.	Djulbard
21.	Dodnun
22.	Embalgun
23.	Four Mile
24.	Frazier Downs
25.	Galamunda
26.	Galeru Gorge
27.	Ganinyi
28.	Geboowama
29.	Gnylmarung
30.	Goojarr Goonyool
31.	Goolarrgon
32.	Goombading (Djunbid)
33.	Goombaragin
34.	Gulberang

	Aboriginal community
35.	Gullaweed
36.	Gumbarnum
37.	Gurrbalgun Urrma (Pender Bay)
38.	Imintji
39.	Innawonga
40.	Jameson
41.	Jarlmadangah Burru
42.	Jigalong
43.	Jimbalakudunj
44.	Jimbilum
45.	Jinparinya
46.	Jundaru
47.	Kadjina
48.	Kandiwal
49.	Karalundi
50.	Kardaloo (Wandanooka)
51.	Kiwirrkurra
52.	Koorabye
53.	Kunawarritji

	Aboriginal community
54.	Kupartiya
55.	Kupungarri
56.	Kurrawang
57.	Kutkububba
58.	La Djardarr Bay
59.	Maddar
60.	Mandangala
61.	Marta Marta
62.	Middle Lagoon (Wulgarding)
63.	Milargoon
64.	Mimbi
65.	Mindibungu
66.	Mingalkala
67.	Mingullatharndo
68.	Molly Springs
69.	Moongardie
70.	Mount Margaret
71.	Mulan
72.	Mulga Queen

	Aboriginal community
73.	Muludja
74.	Munget
75.	Ngalingkadji
76.	Ngallagunda
77.	Ngumpan
78.	Ngurawaana
79.	Ngurtuwarta
80.	Nygah Nygah
81.	Pandanus Park
82.	Papulankutja (Blackstone)
83.	Parnngurr
84.	Patjarr
85.	Pia Wadjarri
86.	Pullout Springs (Girriyoowa)
87.	Punju Njamal
88.	Punmu
89.	RB Junction
90.	Ringer Soak
91.	Rollah

	Aboriginal community
92.	Tappers Inlet
93.	Tirralintji
94.	Tjirrkarli
95.	Tjukurla
96.	Tjuntjuntjara
97.	Wakathuni
98.	Wanamulnyundong
99.	Wanarn
100.	Wangkatjungka
101.	Warakurna
102.	Warburton
103.	Warralong
104.	Weymul
105.	Windidda
106.	Wingellina
107.	Wirrimanu (Balgo)
108.	Woolah (Doon Doon)
109.	Woolergerberleng
110.	Wurreranginy (Frog Hollow)

	Aboriginal community
111.	Yakanarra
112.	Yandeyarra
113.	Yirralalem
114.	Yiyili
115.	Youngaleena
116.	Yulga Jinna
117.	Yulmbu

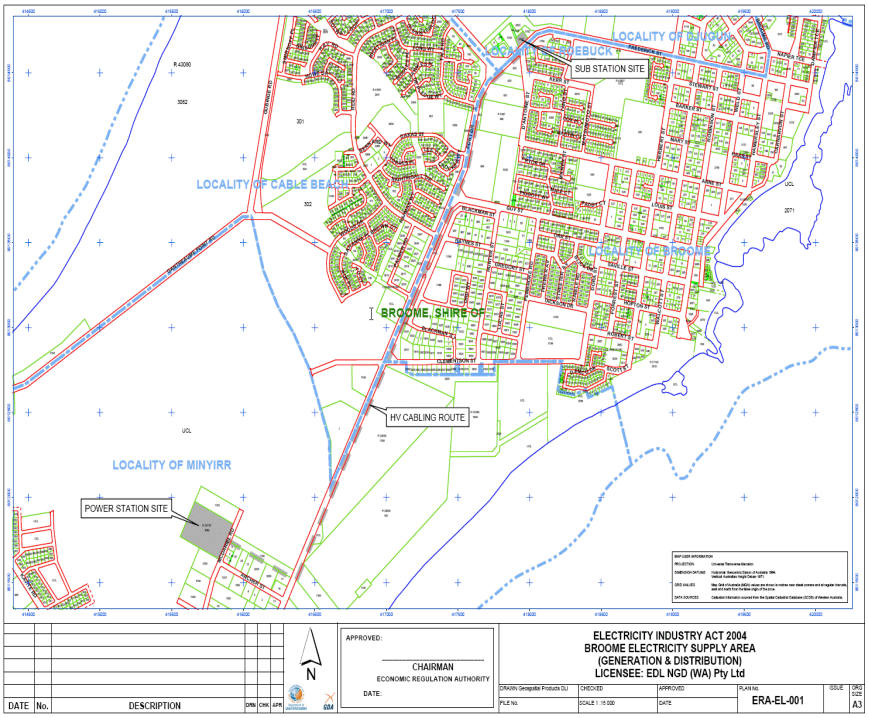
[Schedule 1A inserted: SL 2023/80 cl. 10.]

Schedule 1 — Depiction of EDL NGD (WA) exempt distribution system

[cl. 18]

[Heading inserted: Gazette 9 Oct 2009 p. 3994.]

EDL NGD (WA) — HV Cabling Route



[Schedule 1 inserted: Gazette 9 Oct 2009 p. 3994.]

[Schedule 2 deleted: SL 2023/80 cl. 11.]

Notes

This is a compilation of the *Electricity Industry Exemption Order 2005* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Electricity Industry Exemption Order 2005	9 Dec 2005 p. 5878-84	1 Jan 2006 (see cl. 2)
Electricity Industry Exemption Amendment Order 2006	31 Mar 2006 p. 1158-9	1 Apr 2006 (see cl. 2)
Electricity Industry Exemption Amendment Order (No. 2) 2006	27 Jun 2006 p. 2285-7	1 Jul 2006 (see cl. 2)
Electricity Industry Exemption Amendment Order (No. 3) 2006	27 Jun 2006 p. 2287-8	1 Jul 2006 (see cl. 2)
Electricity Industry Exemption Amendment Order 2007	11 Jan 2008 p. 101-3	cl. 1 and 2: 11 Jan 2008 (see cl. 2(a)); Order other than cl. 1 and 2: 12 Jan 2008 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2009	8 May 2009 p. 1497-9	cl. 1 and 2: 8 May 2009 (see cl. 2(a)); Order other than cl. 1 and 2: 9 May 2009 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2009	9 Oct 2009 p. 3992-4	cl. 1 and 2: 9 Oct 2009 (see cl. 2(a)); Order other than cl. 1 and 2: 10 Oct 2009 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2012	29 Jun 2012 p. 2933-6	cl. 1 and 2: 29 Jun 2012 (see cl. 2(a)); Order other than cl. 1 and 2: 30 Jun 2012 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2012	14 Dec 2012 p. 6198-9	cl. 1 and 2: 14 Dec 2012 (see cl. 2(a)); Order other than cl. 1 and 2: 15 Dec 2012 (see cl. 2(b))
Electricity Corporations (Consequential Amendments) Regulations 2013 r. 10	27 Dec 2013 p. 6469-79	1 Jan 2014 (see r. 2(c) and *Gazette* 27 Dec 2013 p. 6465)

Citation	Published	Commencement
Electricity Industry Exemption Amendment Order 2014	17 Oct 2014 p. 4003	cl. 1 and 2: 17 Oct 2014 (see cl. 2(a)); Order other than cl. 1 and 2: 18 Oct 2014 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2015	15 May 2015 p. 1720-1	cl. 1 and 2: 15 May 2015 (see cl. 2(a)); Order other than cl. 1 and 2: 16 May 2015 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2015	26 Jun 2015 p. 2253-4	cl. 1 and 2: 26 Jun 2015 (see cl. 2(a)); Order other than cl. 1, 2 and 6: 27 Jun 2015 (see cl. 2(c)); cl. 6: 1 Jul 2015 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 3) 2015	8 Sep 2015 p. 3719	cl. 1 and 2: 8 Sep 2015 (see cl. 2(a)); Order other than cl. 1 and 2: 9 Sep 2015 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2016	8 Jan 2016 p. 19-20	cl. 1 and 2: 8 Jan 2016 (see cl. 2(a)); Order other than cl. 1 and 2: 9 Jan 2016 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2016	23 Dec 2016 p. 5894-900	cl. 1 and 2: 23 Dec 2016 (see cl. 2(a)); cl. 5: 24 Dec 2016 (see cl. 2(b) and *Gazette* 23 Dec 2016 p. 5900); Order other than cl. 1, 2 and 5: 24 Dec 2016 (see cl. 2(c))
Electricity Industry Exemption Amendment Order (No. 2) 2017	22 Aug 2017 p. 4501-2	cl. 1 and 2: 22 Aug 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 23 Aug 2017 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2018	26 Jun 2018 p. 2360	cl. 1 and 2: 26 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Jun 2018 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 4) 2018	26 Jun 2018 p. 2361	cl. 1 and 2: 26 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Jun 2018 (see cl. 2(b))

Citation	Published	Commencement
Electricity Industry Exemption Amendment Order (No. 5) 2018	29 Jun 2018 p. 2434-5	cl. 1 and 2: 29 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 30 Jun 2018 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2018	25 Sep 2018 p. 3557-9	cl. 1 and 2: 25 Sep 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 23 Oct 2018 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2019	6 Sep 2019 p. 3196	cl. 1 and 2: 6 Sep 2019 (see cl. 2(a)); Order other than cl. 1 and 2: 7 Sep 2019 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2020	SL 2020/83 19 Jun 2020	cl. 1 and 2: 19 Jun 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 20 Jun 2020 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2020	SL 2020/180 25 Sep 2020	cl. 1 and 2: 25 Sep 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 26 Sep 2020 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2021	SL 2021/67 4 Jun 2021	cl. 1 and 2: 4 Jun 2021 (see cl. 2(a)); Order other than cl. 1 and 2: 5 Jun 2021 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2022	SL 2022/44 25 Mar 2022	cl. 1 and 2: 25 Mar 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 26 Mar 2022 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 2) 2022	SL 2022/171 21 Oct 2022	cl. 1 and 2: 21 Oct 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 22 Oct 2022 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2023	SL 2023/80 20 Jun 2023	cl. 1 and 2: 20 Jun 2023 (see cl. 2(a)); Order other than cl. 1 and 2: 21 Jun 2023 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2024	SL 2024/3 10 Jan 2024	cl. 1 and 2: 10 Jan 2024 (see cl. 2(a)); Order other than cl. 1 and 2: 11 Jan 2024 (see cl. 2(b))

Citation	Published	Commencement
Electricity Industry Exemption Amendment Order (No. 2) 2024	SL 2024/85 29 May 2024	cl. 1 and 2: 29 May 2024 (see cl. 2(a)); Order other than cl. 1 and 2: 30 May 2024 (see cl. 2(b))
Electricity Industry Exemption Amendment Order (No. 3) 2024	SL 2024/182 4 Sep 2024	cl. 1 and 2: 4 Sep 2024 (see cl. 2(a)); Order other than cl. 1 and 2: 5 Sep 2024 (see cl. 2(b))
Electricity Industry Exemption Amendment Order 2026	SL 2026/101 10 Jun 2026	cl. 1 and 2: 10 Jun 2026 (see cl. 2(a)); Order other than cl. 1 and 2: 11 Jun 2026 (see cl. 2(b))

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)
Aboriginal community	3A
Aboriginal community premises	7(1)
appropriately qualified medical practitioner	6A(1)
Beros Road property	20(1)
Blair Fox	20(1)
Chatfield Clarke Road property	20(1)
code provision	11(1)
commencement day	6A(1)
connection point	3(1)
contact details	6A(1)
CSBP	23(1)
DBNGP corridor	12(1)
DBNGP Transmission	12(1)
Deposited Plan	3A
Eastern Metropolitan Regional Council	25(1)
electricity reticulation system	6(1)
electric vehicle	19(1)
Eucla	15(1)
exempt supplier	6(1), 6A(1)
FMG entity	30(1)
Fremantle Port Authority	14(1)
Hamersley Iron	31(1)
Hazelmere	25(1)
internet network	26(1)
Jinbi generating works	31(1)
Jinbi Project	31(1)
Karakin Wind Farm	20(1)
Kwinana site	23(1)
life support equipment	6A(1)
Mt Wongama communications facility	27(1)
non-residential property	3A
occupier	6(1)
PEP Agreement	8(1)
Perth Airport	25(1)
Perth Airport Pty Ltd	25(1)
Pilbara Energy Company	28(1)
Pilbara Energy Connection	3A
property	3A
registered property	6A(1)

relevant Aboriginal community premises ..... 7A(1)
relevant agreement ..... 10(1)
relevant State agreement ..... 31(1)
residential property 3A
retailer ..... 6A(1)
supplier ..... 4A(1) and (2), 4B
supply address ..... 6A(1)
SWIS 3A
Woodside Energy ..... 27(1)

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