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ENERGY OPERATORS (POWERS) ACT 1979

**ENERGY OPERATORS
(ELECTRICITY RETAIL
CORPORATION) (CHARGES)
BY-LAWS 2006**

Western Australia

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

CONTENTS

1. Citation
2. Commencement
3. Terms used in these by-laws
4. Electricity charges
5. Application of residential tariffs
6. Meter rental
7. Fees
8. Payment
9. Rebates and reduced fees
10. Calculation of charges
11. Changes in rates
12. Prescribed rate of interest under the Act section 62(16)

Schedule 1 — Supply charges

1. Tariff L1 (general supply — low/medium voltage tariff)
2. Tariff M1 (general supply — high voltage tariff)
3. Tariff R1 (time of use tariff)
4. Tariff S1 (low/medium voltage time based demand and energy Tariff)
5. Tariff T1 (high voltage time based demand and energy tariff)
6. Standby charges
7. Tariff A1 (residential tariff)
8. Tariff B1 (residential water heating tariff)
9. Tariff C1 (special community service tariff)
10. Tariff D1 (special tariff for certain premises)

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

Contents

- 11. Tariff K1 (general supply with residential tariff)
- 12. Tariff W1 (traffic light installations)

Schedule 2 — Street lighting

Schedule 3 — Meter rental

Schedule 4 — Fees

Energy Operators (Powers) Act 1979

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

Made by the Electricity Retail Corporation with the approval of the Governor in Executive Council.

1. Citation

These by-laws are the *Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006*.

2. Commencement

These by-laws come into operation on 1 April 2006.

3. Terms used in these by-laws

In these by-laws, unless the contrary intention appears —

“**corporation**” means the body established by the *Electricity Corporations Act 2005* section 4(1)(c);

“**dwelling**” means a house, flat, home unit or other place of residence used solely for residential purposes;

“**half-hourly maximum demand**” means the maximum demand in kilowatts recorded during the accounting period concerned in any period of half an hour;

“**off peak**” means any period other than on peak;

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

bl. 4

“on peak” means the periods between 8.00 a.m. and 10.00 p.m. Monday to Friday;

“residential tariff” means Tariff A1 or B1;

“Tariff” followed by a designation means the tariff so designated in Schedule 1;

“unit”, in relation to a charge for electricity, means one kilowatt hour.

4. Electricity charges

- (1) The charges to be paid by consumers for electricity supplied by the corporation are those specified in, or calculated in accordance with, Schedule 1.
- (2) The charges to be paid by consumers for street lighting supplied by the corporation are those specified in Schedule 2.

5. Application of residential tariffs

- (1) A consumer is entitled to be supplied on the basis of a residential tariff only if —
 - (a) the premises supplied consist of a dwelling; and
 - (b) the supply is not used for any industrial, commercial, business, or general purpose.
- (2) Notwithstanding that any premises would not otherwise be treated as a dwelling for the purposes of this by-law, a residential tariff may be applied if the premises or any part of the premises is independently supplied and separately metered solely for the purpose of a residential supply.

6. Meter rental

- (1) A consumer supplied by the corporation with electricity is liable to pay the rental specified in Schedule 3 in respect of each subsidiary meter used to meter the supply.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

bl. 7

- (2) Sub-by-law (1) does not apply to a consumer if —
- (a) the premises supplied consist of a dwelling;
 - (b) the supply is not used for any industrial, commercial, business, or general purpose; and
 - (c) the master account is supplied under a residential tariff.

7. Fees

The fees specified in Schedule 4 are payable in respect of the matters specified in that Schedule.

8. Payment

- (1) In this by-law —
- “relevant period”** means —
- (a) in the case of a consumer to whom the *Code of Conduct for the Supply of Electricity to Small Use Customers* applies, the period ending on the due date for payment as specified by the corporation; and
 - (b) in any other case, the period of 14 days after payment is requested by the corporation.
- (2) A consumer supplied by the corporation must pay the appropriate charges specified in the Schedules within the relevant period.
- (3) Subject to the Act section 124(4a), if payment of a charge exceeding \$1 000 is not made in full within the relevant period, the consumer must pay an additional amount by way of interest at the rate of 12.75% per annum calculated on a daily basis.
- (4) An amount payable under sub-by-law (2) or (3) is recoverable in any court of competent jurisdiction as a debt due to the corporation.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006

bl. 9

9. Rebates and reduced fees

(1) In this by-law —

“eligible person” means a person who satisfies the corporation that the person holds —

(a) a —

(i) Health Care Card;

(ii) Commonwealth seniors health card; or

(iii) Pensioner Concession Card,

issued by the Department of Social Security of the Government of the Commonwealth;

(b) a Repatriation Health Card, issued by the Department of Veterans' Affairs of the Government of the Commonwealth, that indicates on it that the person is totally and permanently incapacitated, a war widow or a dependant; or

(c) a Seniors' Card issued by the Office of Seniors' Interests of the Government of the State.

(2) Where electricity is supplied to a consumer who is an eligible person, for use at his or her principal place of residence and the consumer is charged on the basis of Tariff A1, the consumer is entitled to a rebate equal to the fixed charge payable under that tariff for that residence.

(3) Where a consumer who is charged on the basis of Tariff A1 for electricity supplied by the corporation satisfies the corporation that electricity supplied to the consumer has been delivered to and used at premises occupied by an eligible person as his or her principal place of residence, the consumer is entitled to a rebate equal to the fixed charge payable under that tariff for those premises.

(4) Where a fixed charge is payable for multiple dwellings and there is a dwelling in respect of which the rebate is not payable, for the purposes of ascertaining the amount of the rebate

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006**bl. 10**

payable the amount of the fixed charge payable in respect of the first dwelling shall be taken to relate to a dwelling in respect of which a rebate is not payable.

- (5) A person who comes within paragraph (a) or (b) of the definition of “eligible person” in sub-by-law (1) and who is entitled to a rebate under this by-law is also —
- (a) exempted from payment of the account establishment fee specified in Schedule 4 item 1; and
 - (b) entitled to pay the reduced meter testing fee specified in Schedule 4 item 6(b).

10. Calculation of charges

- (1) Where a charge per unit specified in Schedule 1 depends on the number of units consumed per day the charge per unit is to be based on the average daily consumption in the accounting period.
- (2) Where a charge calculated in accordance with a Schedule is an amount which is not a whole number multiple of 5 cents the amount is to be rounded up or down, as the case may be, to the nearest whole number multiple of 5 cents.

11. Changes in rates

Where during any accounting period a change in the applicable rate of charges occurs, the charge payable may be adjusted by reference to the date on which the change is to take effect or by reference to the date on which the change is applied to any applicable account, whichever results in the lower charge.

12. Prescribed rate of interest under the Act section 62(16)

For the purposes of the Act section 62(16), the rate at which interest is to be paid, or given credit for, by the corporation is 7.8%.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 1 Supply charges

cl. 1

Schedule 1 — Supply charges

[bl. 3, 4(1) and 10(1)]

1. Tariff L1 (general supply — low/medium voltage tariff)

- (1) Tariff L1 is available for low/medium voltage supply.
- (2) Tariff L1 comprises —
 - (a) a fixed charge at the rate of 26.57 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 17.47 cents per unit for the first 1 650 units per day; and
 - (ii) 15.76 cents per unit per day for all units exceeding 1 650 units.

2. Tariff M1 (general supply — high voltage tariff)

- (1) Tariff M1 is available for consumers supplied at 6.6kV, 11kV, 22kV or 33kV or such higher voltage as the corporation may approve.
- (2) Tariff M1 comprises —
 - (a) a fixed charge at the rate of 26.57 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 16.88 cents per unit for the first 1 650 units per day; and
 - (ii) 15.16 cents per unit per day for all units exceeding 1 650 units.

3. Tariff R1 (time of use tariff)

- (1) Tariff R1 comprises a fixed charge and energy charges dependent on the time of day and day of the week. It is subject to the conditions that the consumer agrees to take the tariff for a minimum of 12 months and pays the Tariff R1 “time-of-use meter” installation fee set out in Schedule 4.
- (2) Tariff R1 comprises —
 - (a) a fixed charge at the rate of \$1.09 per day; and

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Supply charges **Schedule 1**

cl. 4

- (b) an energy charge consisting of —
 - (i) an on peak energy charge at the rate of 19.13 cents per unit; and
 - (ii) an off peak energy charge at the rate of 5.90 cents per unit.

4. Tariff S1 (low/medium voltage time based demand and energy Tariff)

- (1) Tariff S1 is available for low/medium voltage supply.
- (2) Tariff S1 comprises —
 - (a) a minimum charge at the rate of \$229.53 per day;
 - (b) a demand charge at the rate of 58.31 cents per day multiplied by —
 - (i) the on peak half-hourly maximum demand; or
 - (ii) 30% of the off peak half-hourly maximum demand, whichever is the greater; and
 - (c) an energy charge consisting of —
 - (i) an on peak energy charge at the rate of 8.36 cents per unit; and
 - (ii) an off peak energy charge at the rate of 5.29 cents per unit.
- (3) Tariff S1 is subject to the following conditions —
 - (a) the consumer must agree to take the tariff for a minimum period of 12 months;
 - (b) the power factor must be 0.8 or better during the on peak period;
 - (c) the corporation reserves the right to levy a charge of 41.06 cents per day per kVAR for the kVAR necessary to improve the power factor to 0.8 lagging in any period during which the power factor at the time of the consumer's maximum demand is less than 0.8.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 1 Supply charges

cl. 5

5. Tariff T1 (high voltage time based demand and energy tariff)

- (1) Tariff T1 is available to consumers supplied at 6.6kV, 11kV, 22kV or 33kV or such higher voltage as the corporation may approve.
- (2) Tariff T1 comprises —
 - (a) a minimum charge at the rate of \$295.11 per day;
 - (b) a demand charge at the rate of 52.00 cents per day multiplied by —
 - (i) the on peak half-hourly maximum demand; or
 - (ii) 30% of the off peak half-hourly maximum demand, whichever is the greater; and
 - (c) an energy charge consisting of —
 - (i) an on peak energy charge of 7.61 cents per unit; and
 - (ii) an off peak energy charge of 5.07 cents per unit.
- (3) Tariff T1 is subject to the following conditions —
 - (a) the consumer must agree to take the tariff for a minimum period of 12 months;
 - (b) it applies to a consumer who owns all equipment except tariff metering equipment on the load side of the consumer's high voltage terminals;
 - (c) the power factor must be 0.8 or better during the on peak period;
 - (d) the corporation reserves the right to levy a charge of 41.06 cents per day per kVAR for the kVAR necessary to improve the power factor to 0.8 lagging in any period during which the power factor at the time of the consumer's maximum demand is less than 0.8.

6. Standby charges

- (1) Standby charges are applicable to consumers with their own generation and supplied on Tariff L1, R1, S1, M1 or T1 and are payable in addition to those tariffs.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Supply charges **Schedule 1**

cl. 6

- (2) In the case of Tariff L1 or R1, the standby charge is 5.72 cents per day per kW based on the difference between total half-hourly maximum demand and normal half-hourly maximum demand.
- (3) In the case of Tariff S1, the standby charge is 5.72 cents per day per kW based on the difference between —
- (a) total half-hourly maximum demand and normal half-hourly maximum demand; or
 - (b) total half-hourly maximum demand and registered half-hourly maximum demand,
- whichever is less.
- (4) In the case of Tariff M1, the standby charge is 5.10 cents per day per kW based on the difference between total half-hourly maximum demand and normal half-hourly maximum demand.
- (5) In the case of Tariff T1, the standby charge is 5.10 cents per day per kW based on the difference between —
- (a) total half-hourly maximum demand and normal half-hourly maximum demand; or
 - (b) total half-hourly maximum demand and registered half-hourly maximum demand,
- whichever is less.
- (6) The provision of a standby service is subject to the following conditions —
- (a) the consumer must pay for the cost of all additional mains and equipment necessary to provide the standby service;
 - (b) the standby service agreement must be for a minimum period of 12 months;
 - (c) the consumer must give 6 months notice in writing to the corporation of intention to terminate the standby service agreement;
 - (d) the normal half-hourly maximum demand will be assessed by the corporation and will be based on loading normally supplied from the corporation's supply;

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 1 Supply charges

cl. 7

- (e) notwithstanding the corporation's assessment, in any accounting period the normal half-hourly maximum demand is taken to be not less than —
- $$\frac{\text{kWh registered for the accounting period}}{24 \times (\text{number of days in the accounting period}) \times 0.4}$$
- (f) the total half-hourly maximum demand will be assessed by the corporation as the consumer's expected half-hourly minimum demand on the corporation's system without the consumer's generation equipment in operation;
- (g) the difference between total half-hourly maximum demand and normal half-hourly maximum demand will not exceed —
- (i) the capacity of the consumer's generation equipment;
or
 - (ii) the expected maximum loading of such generation equipment, as assessed by the corporation.

7. Tariff A1 (residential tariff)

- (1) Tariff A1 is available for residential use only.
- (2) Tariff A1 comprises —
 - (a) a fixed charge at the rate of 25.57 cents per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of —
 - (i) 25.57 cents per day for the first dwelling; and
 - (ii) 19.86 cents per day for each additional dwelling;and
 - (b) a charge for metered consumption at the rate of 13.94 cents per unit.

8. Tariff B1 (residential water heating tariff)

- (1) Tariff B1 is available for residential water heating during a 6 hour period between the hours of 11.00 p.m. and 6.00 a.m. for installations approved by the corporation. Other single phase hardwired appliances may be connected in conjunction with the water heater.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Supply charges **Schedule 1**

cl. 9

- (2) Tariff B1 comprises —
- (a) a fixed charge at the rate of 12.84 cents per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of 12.84 cents per day for each dwelling; and
 - (b) a charge for metered consumption at the rate of 7.10 cents per unit.

9. Tariff C1 (special community service tariff)

- (1) Tariff C1 is available for small voluntary and charitable organisations, subject to the conditions listed in subclause (3).
- (2) Tariff C1 comprises —
- (a) a fixed charge at the rate of 25.57 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 13.94 cents per unit for the first 20 units per day;
 - (ii) 17.47 cents for the next 1 630 units per day; and
 - (iii) 15.76 cents per unit per day for all units exceeding 1 650 units.
- (3) The consumer must comply with the following conditions —
- (a) the consumer must be a direct customer of the corporation;
 - (b) the consumer must be a voluntary, non-profit making organisation;
 - (c) the consumer must be classified as being tax exempt under the *Income Tax Assessment Act 1936* of the Commonwealth section 23;
 - (d) the consumer must provide a public service, which is available to any member of the public without discrimination;
 - (e) the consumer must not be a Commonwealth, State or local government department, instrumentality or agency;
 - (f) the consumer must not receive the major part of its funding from any organisation mentioned in paragraph (e).

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 1 Supply charges

cl. 10

- (4) A consumer seeking supply under Tariff C1 must make an application to the corporation in writing accompanied by evidence which clearly demonstrates that the consumer meets all the conditions listed in subclause (3).

10. Tariff D1 (special tariff for certain premises)

- (1) Tariff D1 is available for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain, being premises for which Tariff A1 is not available.
- (2) Tariff D1 comprises —
- (a) a fixed charge at the rate of 25.57 cents per day;
 - (b) if under subclause (3) there is deemed to be more than one equivalent domestic residence in the premises, a charge of 19.86 cents per day for each equivalent domestic residence except the first that is deemed to be in the premises; and
 - (c) a charge for metered consumption at the rate of 13.94 cents per unit.
- (3) The number of equivalent domestic residences deemed to be in particular premises is ascertained by dividing the facility's total bed capacity by 5 and, where the quotient is not a whole number, by increasing it to the next highest whole number.

11. Tariff K1 (general supply with residential tariff)

- (1) Tariff K1 is available for premises where the circuit wiring is not separate and the electricity is used partly for general purposes and partly for residential purposes.
- (2) Tariff K1 comprises —
- (a) a fixed charge at the rate of 25.57 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 13.94 cents per unit for the first 20 units per day;

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006Supply charges **Schedule 1**

cl. 12

- (ii) 17.47 cents per unit for the next 1 630 units per day;
and
- (iii) 15.76 cents per unit per day for all units exceeding
1 650 units.

12. Tariff W1 (traffic light installations)

Tariff W1 comprises a charge of \$1.61 per day per kilowatt of the total installed wattage.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 2 Street lighting

Schedule 2 — Street lighting

[bl. 4(2)]

Wattage Groups — Fitting Types — Switching Hours

| Item | Wattage | Type | Lamp Details | | | |
|---|--------------|-------------------------------------|----------------------------|---|------------------------------------|-------------------------------|
| | | | Fitting and Pole Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
| <i>Street lighting on current offer and for existing services</i> | | | | | | |
| Z.01 | 50 | Mercury Vapour | Any | 17.09 | 17.47 | 18.77 |
| Z.02 | 80 | Mercury Vapour | Any | 20.14 | 20.59 | 22.65 |
| Z.03 | 125 | Mercury Vapour | Any | 24.91 | 25.71 | 28.63 |
| Z.04 | 140 | Sodium | Crosswalk Any Pole | 25.49 | 26.32 | 29.65 |
| Z.07 | 250 | 100% Consumer Cost M.V. Type W | Luminaire, Any Pole | 30.90 | 32.47 | 38.33 |
| Z.10 | 400 | 100% Consumer Cost M.V. Type W | Luminaire, Any Pole | 45.77 | 48.17 | 57.32 |
| Z.13 | 150 | 100% Consumer Cost H.P. Sodium | Luminaire, Any Pole | 23.60 | 24.45 | 29.29 |
| Z.15 | 250 | 100% Consumer Cost H.P. Sodium | Luminaire, Any Pole | 34.97 | 36.82 | 44.02 |
| Z.18 | per kilowatt | Auxiliary Lighting in Public Places | Service by Negotiation | 100.16 | 105.74 | 127.62 |
| <i>Street lighting for existing services only</i> | | | | | | |
| Z.05 | 250 | Mercury Vapour | Open Fitting, Any Pole | 40.04 | 41.60 | 47.48 |
| Z.06 | 400 | Mercury Vapour | Open Fitting, Luminaire | 54.92 | 57.32 | 66.43 |
| Z.08 | 250 | 50% E.C. Cost M.V. Type W | Luminaire, Wood Poles | 35.47 | 37.02 | 42.90 |
| Z.09 | 250 | 100% E.C. Cost M.V. Type W | Luminaire, Wood Poles | 40.04 | 41.60 | 47.48 |
| Z.11 | 400 | 50% E.C. Cost M.V. Type W | Luminaire, Wood Poles | 50.34 | 52.75 | 61.86 |
| Z.12 | 400 | 100% E.C. Cost M.V. Type W | Luminaire, Wood Poles | 54.92 | 57.32 | 66.43 |
| Z.14 | 150 | 100% E.C. Cost H.P. Sodium | Luminaire, Any Pole | 36.39 | 37.25 | 42.06 |
| Z.16 | 250 | 50% E.C. Cost H.P. Sodium | Luminaire, Any Pole | 41.81 | 43.69 | 50.87 |
| Z.17 | 250 | 100% E.C. Cost H.P. Sodium | Luminaire, Any Pole | 48.64 | 50.54 | 57.72 |
| Z.51 | 60 | Incandescent | Any | 17.09 | 17.47 | 18.79 |

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Street lighting Schedule 2

| Lamp Details | | | | | | |
|---------------------|----------------|--------------|------------------------------|--|---|--------------------------------------|
| Item | Wattage | Type | Fitting and Pole Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
| Z.52 | 100 | Incandescent | Any | 17.09 | 17.47 | 18.79 |
| Z.53 | 200 | Incandescent | Any | 20.14 | 20.59 | 22.65 |
| Z.54 | 300 | Incandescent | Any | 24.91 | 25.71 | 28.63 |
| Z.55 | 500 | Incandescent | Open Fitting, Any Pole | 40.04 | 41.60 | 47.48 |
| Z.56 | 40 | Fluorescent | Open Fitting, Any Pole | 17.09 | 17.47 | 18.79 |
| Z.57 | 80 | Fluorescent | Open Fitting, Any Pole | 20.14 | 20.59 | 22.65 |
| Z.58 | 160 | Fluorescent | — | 28.16 | 28.56 | 33.13 |

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 3 Meter rental

Schedule 3 — Meter rental

[bl. 6(1)]

The rental payable in respect of a subsidiary meter is 15.97 cents per day.

Note: Subsidiary meters are available on application for purposes approved by the corporation.

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Fees Schedule 4

Schedule 4 — Fees

[bl. 7 and 9(5)]

| Description of fee | Amount |
|---|-------------|
| 1. Non-refundable account establishment fee payable on the establishment or transfer of an account | \$27.50 |
| 2. Three phase residential installation — | |
| (a) new installation or replacement of single phase meter | \$240.40 |
| (b) installation of subsidiary three phase meter (each installation) | \$148.50 |
| 3. Non-refundable reconnection fee where supply has been terminated for non-payment of charges or for any other lawful reason | \$27.50 |
| 4. Connection to standard public telephone facility where supply not independently metered (per day) ... | 30.68 cents |
| 5. Temporary supply connection — | |
| (a) single phase (overhead) | \$300.00 |
| (b) three phase (overhead) | \$600.00 |
| 6. Meter testing — | |
| (a) standard meter testing fee | \$152.00 |
| (b) reduced meter testing fee | \$139.80 |
| 7. Disconnection of overhead service leads following unauthorised reconnection | \$190.00 |
| 8. Meter reading where reading requested by consumer | \$19.20 |
| 9. Supply of electricity to standard railway crossing lights (per day) | 39.22 cents |
| 10. Overdue account notices | \$3.80 |
| 11. Tariff R1 “time-of-use meter” installation fee | \$709.00 |

Energy Operators (Electricity Retail Corporation) (Charges) By-laws 2006
Schedule 4 Fees

The Common Seal of the)
Electricity Retail Corporation was) [LS]
affixed to these by-laws)
in the presence of —)

MICHAEL SMITH, Director.

JIM MITCHELL, Chief Executive Officer.

Approved by the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.



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