

# **Energy Coordination Exemption Order 2009**

Compare between:

[25 Sep 2010, 00-b0-02] and [24 Dec 2016, 00-c0-02]

#### Western Australia

#### **Energy Coordination Act 1994**

## **Energy Coordination Exemption Order 2009**

#### 1. Citation

This order is the *Energy Coordination Exemption Order* 2009. [Clause 1 amended in: Gazette 24 Sep 2010 p. 5009.]

#### 2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 on the day on which this order is published in the *Gazette*;
- (b) the rest of the order on the day after that day.

[Clause 2 amended in: Gazette 24 Sep 2010 p. 5009.]

#### 2A. Terms used

In this order —

exempt supplier, in relation to a property, means a person who is exempt from the Energy Coordination Act 1994 section 11G(1) or (2) under clause 4 in relation to the property; occupier, of a property, means a person in lawful occupation of the property;

*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.

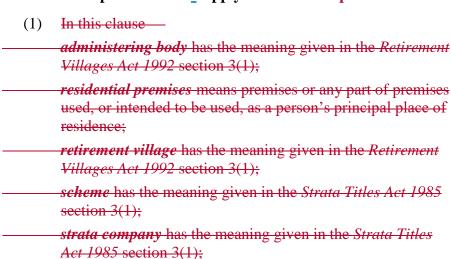
[Clause 2A inserted: Gazette 23 Dec 2016 p. 5904.]

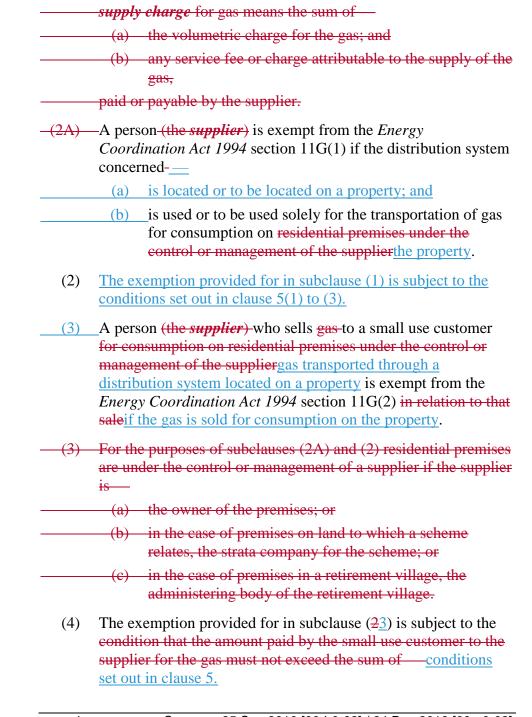
# 3. Exemption from s. 11G(1) — developer constructing distribution system

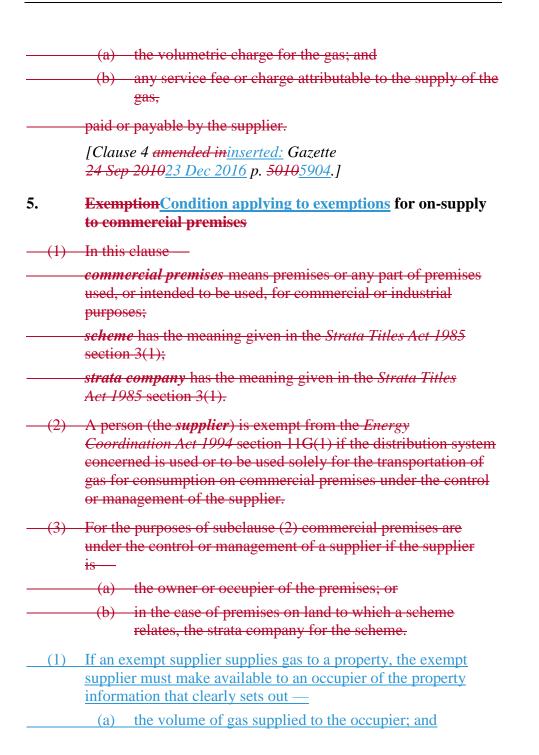
- (1) A person who subdivides land (the *developer*) is exempt from the *Energy Coordination Act 1994* section 11G(1) in relation to the construction of a distribution system for the transportation of gas to lots resulting from that subdivision.
- (2) The exemption provided for in subclause (1) is subject to the conditions set out in subclauses (3), (4) and (6).
- (3) Before construction of the distribution system starts, or within such further time as the Coordinator allows, the developer must provide the Coordinator with evidence to the satisfaction of the Coordinator that the developer has entered into an agreement with the holder of a distribution licence (the *licensee*) making provision for the following matters
  - (a) the licensee's design and construction requirements for the distribution system;
  - (b) an audit by the licensee or its nominee of the distribution system, after construction is completed, to ensure compliance with the requirements mentioned in paragraph (a) and all relevant statutory requirements;
  - (c) arrangements for the transfer of ownership of the distribution system to the licensee;
  - (d) the allocation of responsibility for maintenance of the distribution system before gas is transported through it;
  - (e) a requirement for the licensee to be given plans and other documentation relating to the distribution system.

- (4) Before construction of the distribution system starts, or within such further time as the Director allows, the developer must give the Director a written notice that
  - (a) sets out or is accompanied by information about the design and attributes of the distribution system including pipe pressure, materials to be used in construction and projected gas load;
  - (b) sets out the name and contact details of the entity with primary responsibility for carrying out construction of the distribution system;
  - (c) sets out the projected timeframe for construction of the distribution system;
  - (d) sets out or is accompanied by a map showing the location of the distribution system.
- (5) The Director may, by written notice given to the developer, specify guidelines that are to be observed in the construction of the distribution system.
- (6) The developer must ensure that guidelines specified under subclause (5) are observed.

#### 4. Exemptions for on-supply-to residential premises







- (b) the volumetric charge for the gas payable by the occupier; and
- (c) any service fee or charge attributable to the supply of the gas payable by the occupier.
- (2) Information referred to in subclause (1) must be made available in a manner that is easily accessible.
- (3) If information referred to in subclause (1) 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.
- (4) If an exempt supplier supplies gas to a residential property the amount paid by the small use customer to the exempt supplier for the gas must not exceed the sum of
  - (a) the volumetric charge for the gas paid or payable by the exempt supplier; and
  - (b) any service fee or charge attributable to the supply of the gas paid or payable by the exempt supplier.

[Clause 5 inserted-in: Gazette 24 Sep 201023 Dec 2016] p. 50105905.]

### **Notes**

This is a compilation of the *Energy Coordination Exemption Order 2009* and includes the amendments made by the other written laws referred to in the following table.

### **Compilation table**

Citation	Gazettal	Commencement	
Energy Coordination Exemption Order 2009	31 Mar 2009 p. 1022-4	cl. 1 and 2: 31 Mar 2009 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Apr 2009 (see cl. 2(b))	
Energy Coordination Exemption Amendment Order 2010	24 Sep 2010 p. 5009-10	cl. 1 and 2: 24 Sep 2010 (see cl. 2(a)); Order other than cl. 1 and 2: 25 Sep 2010 (see cl. 2(b))	
Energy Coordination Exemption Amendment Order 2016	23 Dec 2016 p. 5903-5	cl. 1 and 2: 22 Dec 2016 (see cl. 2(a)); Order other than cl. 1 and 2: 24 Dec 2016 (see cl. 2(b))	