



Western Australia

## **Electricity Industry (Obligation to Connect) Regulations 2005**

Compare between:

[04 Oct 2005, 00-a0-11] and [06 Nov 2021, 00-b0-00]



## Electricity Industry (Obligation to Connect) Regulations 2005

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Electricity Industry (Obligation to Connect) Regulations 2005*.

#### 2. Terms used in these regulations

In these regulations, unless the contrary intention appears —  
***attach*** means to do all that is needed to connect premises to a distribution system except energise the premises;

***business day*** means a day that is not a Saturday, a Sunday, or a public holiday;

***customer*** means a customer who consumes not more than 160 MWh of electricity per annum;

***distributor, in relation to a distribution system***, means ~~a~~the licensee holding —

~~(a)~~ — a distribution licence; or

~~(b)~~ — an integrated regional licence authorising the licensee to operate ~~a~~the distribution system;

***energise*** means to complete a connection by establishing, at the meter through which electricity is to be supplied to a customer's premises, a voltage that is capable of being sustained under the expected load conditions;

***metropolitan area*** means —

- (a) the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*;

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- (b) the districts under the *Local Government Act 1995* named Mandurah and Murray; and
- (c) the townsites, as defined in the *Land Administration Act 1997* section 3(1), named —
  - (i) Albany;
  - (ii) Bunbury;
  - (iii) Geraldton;
  - (iv) Kalgoorlie;
  - (v) Boulder;
  - (vi) Karratha;
  - (vii) Port Hedland; and
  - (viii) South Hedland;

**premises** means premises owned or occupied by a new or existing customer;

**retailer** means a licensee holding —

- (a) a retail licence; or
- (b) an integrated regional licence authorising the licensee to sell electricity to customers;

**SPS** means stand-alone power system.

[Regulation 2 amended: SL 2021/185 r. 7.]

## **Part 2 — Additional licence conditions**

### **3. Distributor's licence**

It is a condition of the licence held by a distributor that the distributor must comply with any obligation that regulation 4 or regulation 7(1) [or Part 5](#) imposes on the distributor.

[\[Regulation 3 amended: SL 2021/185 r. 8.\]](#)

## Part 3 — Premises not attached

### 4. Obligation to attach or connect premises

~~—If~~(1) This regulation applies if premises are not attached to a distribution system (including a distribution system that is part of an SPS) and —

- (a) a retailer seeks to make arrangements with the distributor for the premises to be attached or connected;  
or
- (b) a customer applies to the distributor for the premises to be attached;~~or~~

~~—(c) a customer who will not use more than 50 MWh per annum at the premises applies to the distributor, before 1 January 2006, for the premises to be connected,~~

~~—the~~ (2) The distributor must, in the circumstances described in regulation 5(1), either —

(a) attach or connect the premises to the system, as the case requires;~~or~~

(b) provide an SPS for the supply of electricity to the premises.

Note for this subregulation:

The capacity of the Electricity Networks Corporation and the Regional Power Corporation to provide an SPS may be limited by the Code: see section 105(1)(cb) of the Act.

[Regulation 4 inserted: SL 2021/185 r. 9.]

### 5. Details of obligation to attach or connect

(1) An obligation under regulation 4 ~~to attach or connect~~in relation to premises arises only if —

- (a) the distribution system would not need to be extended by more than 100 metres to enable the premises to be attached or connected to the system; and

- (b) each requirement, if any, that the distributor imposes under subregulation (2), ~~(3)~~ or ~~(3)~~ (4A) has been satisfied.

(1A) Subregulation (2) applies if the distributor proposes to satisfy the obligation by attaching the premises to the distribution system.

(1B) Subregulation (3) applies if the distributor proposes to satisfy the obligation by connecting the premises to the distribution system.

(1C) Subregulation (4A) applies if the distributor proposes to satisfy the obligation by providing an SPS for the supply of electricity to the premises.

- (2) Before the end of the second complete business day after arrangements are sought to be made, or ~~an~~ the application is made, under regulation 4 for the premises to be attached to ~~a~~ the distribution system, the distributor may impose any of the requirements described in subregulation (4)(a) or (b).
- (3) Before the end of the second complete business day after arrangements are sought to be made, ~~or an application is made,~~ under regulation 4 for the premises to be connected to ~~a~~ the distribution system, the distributor may impose any of the requirements described in subregulation (4).
- (4) The requirements that the distributor may impose are —
- (a) that the agreement of the owner of any land through which any extension of the distribution system that is needed would pass, or on which any part of the distribution system is to be installed, be obtained to anything affecting the land that is necessary for the connection to be established and maintained;
  - (b) that a contract be entered into accepting liability to pay to the distributor —
    - (i) the amount that it costs, or would cost, the distributor to make the connection in the lowest

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cost way that is sustainable for making connections of that kind ~~and is~~ in accordance with accepted good industry practice as it would be applied by a prudent distributor; or

- (ii) any greater amount that it is agreed to ~~pay~~be paid for the distributor to make the connection in any other way;
- (c) that a contract be entered into with the distributor for the transportation of the electricity to be supplied through the connection.

~~(5) If (4A)~~ Before the end of the 5<sup>th</sup> complete business day after arrangements are sought to be made, or the application is made, under regulation 4 ~~obliges~~, the distributor ~~to attach or connect~~ may impose any of the requirements described in regulation 5A.

(5) If the distributor decides to satisfy the obligation under regulation 4 by attaching or connecting the premises to ~~a~~the distribution system, the obligation includes an obligation to extend the distribution system to a suitable connection point.

- (6) The capacity and standard of the extension ~~has to~~SPS must be adequate for the supply required and in accordance with accepted good industry practice as it would be applied by a prudent distributor.

[Regulation 5 amended: SL 2021/185 r. 10.]

**5A. Requirements for installation of SPS**

(1) The distributor may require that the agreement of the owner of any land on which a part of the SPS is to be installed be obtained to anything affecting the land that is necessary for the SPS to be installed and maintained.

(2) The distributor may require that a contract be entered into accepting liability to pay to the distributor —



- (a) the amount that it would cost the distributor to provide an SPS in a way that efficiently minimises costs in accordance with accepted good industry practice as it would be applied by a prudent distributor; or
- (b) any greater amount that it is agreed to be paid.

Note for this subregulation:

A modified version of this subregulation applies in relation to an arrangement sought or an application made during any 2-year notice period applicable in relation to the distribution system: see regulation 13.

- (3) The distributor may require that a contract be entered into with the distributor for the transport of the electricity to be supplied by the SPS.

[Regulation 5A inserted: SL 2021/185 r. 11.]

## **6. Time for complying with obligation**

- (1) If the distributor ~~is obliged~~ decides to satisfy an obligation under regulation 4 ~~to attach~~ by attaching or ~~connect~~ connecting the premises to ~~a~~ the distribution system, it is required to do so before the time limit imposed by subregulation (2).
- (2) The time limit ~~under this~~ for the purposes of subregulation (1) is —
  - (a) the end of the 20th business day after the day on which the obligation arises; or
  - (b) any later time when to which the customer agrees in writing.

(2A) If the distributor decides to satisfy an obligation under regulation 4 by providing an SPS for the supply of electricity to the premises, it is required to do so before the time limit imposed by subregulation (2B).

(2B) The time limit for the purposes of subregulation (2A) is —

- (a) the end of the period of 6 months beginning on the day on which the obligation arises; or

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(b) any later time to which the customer agrees in writing.

- (3) If, during any of the time that this regulation gives the distributor for complying with the obligation, any written law prevents the distributor from complying, subregulation (2) [or \(2B\) \(whichever is relevant\)](#) applies as if the obligation arises when the written law ceases to prevent the distributor from complying.

[\[Regulation 6 amended: SL 2021/185 r. 12.\]](#)

## **Part 4 — Premises already attached**

### **7. Obligation to energise premises**

- (1) If —
- (a) premises are attached to a distribution system but are not energised;
  - (b) a retailer applies to the distributor for the premises to be energised; and
  - (c) a requirement, if any, that the distributor imposes under subregulation (2) has been satisfied,
- the distributor must energise the premises.
- (2) Before the end of the time limit fixed by regulation 8 for the energisation of premises, the distributor may impose a requirement that a contract be entered into with the distributor for the transportation of the electricity to be supplied through the connection.

### **8. Time for complying with obligation**

- (1) If a distributor is obliged under regulation 7(1) to energise premises, it is required to do so before the time limit imposed by subregulation (2).
- (2) The time limit under this subregulation is —
- (a) if the premises are within the metropolitan area —
    - (i) the end of the first business day after the day on which the application under regulation 7(1) is received if it is received before 3 p.m. on a business day;
    - (ii) the end of the second business day after the day on which the application under regulation 7(1) is received if it is received on a business day, but not before 3 p.m., or on a day that is not a business day;

- (b) if the premises are not within the metropolitan area —
  - (i) the end of the fifth business day after the day on which the application under regulation 7(1) is received if it is received before 3 p.m. on a business day;
  - (ii) the end of the sixth business day after the day on which the application under regulation 7(1) is received if it is received on a business day, but not before 3 p.m., or on a day that is not a business day,

or any later time to which the customer agrees in writing.

- (3) If, during any of the time that this regulation gives the distributor for energising the premises, any written law prevents the distributor from doing so, subregulation (2) applies as if the application under regulation 7(1) were received when the written law ceases to prevent the distributor from energising the premises.

## **Part 5 — Decommissioning distribution systems**

*[Heading inserted: SL 2021/185 r. 13.]*

### **9. Term used: commencement day**

In this Part —

***commencement day*** means the day on which the *Electricity Industry Regulations Amendment (Stand-Alone Power Systems) Regulations 2021* regulation 13 comes into operation.

*[Regulation 9 inserted: SL 2021/185 r. 13.]*

### **10. Application of Part**

(1) This Part applies in relation to a distribution system of an electricity corporation and not in relation to any other distribution system.

(2) This Part does not apply to or in relation to a customer who consumes more than 50 MWh of electricity per annum.

(3) This Part does not apply in relation to —

(a) a distribution system that is part of an SPS; or

(b) a distribution system or a part of a distribution system that was decommissioned before commencement day.

*[Regulation 10 inserted: SL 2021/185 r. 13.]*

### **11. Preserved obligation to connect**

If a distribution system or a part of a distribution system is decommissioned, Part 3 applies, with all necessary modifications, in relation to the distribution system or part as if it had not been decommissioned, and so applies until the end of the period of 10 years beginning on the day on which the distribution system or part was decommissioned.

*[Regulation 11 inserted: SL 2021/185 r. 13.]*

**12. Notice of proposed decommissioning**

(1) A distributor that proposes to decommission a distribution system or a part of a distribution system must notify —

(a) the owner of each premises attached to the distribution system or part; and

(b) the owner of each premises in relation to which the requirement in regulation 5(1)(a) is satisfied in relation to the distribution system or part.

(2) The distributor must comply with subregulation (1) before decommissioning the distribution system or part, but a failure to do so does not prevent the decommissioning of the distribution system or part.

(3) If a distributor does not comply with subregulation (1) in relation to premises before the day on which the distribution system or part is decommissioned, the distributor is, for the purposes of this Part, taken to have notified the owner of the premises on the day on which the distribution system or part is decommissioned.

(4) A distributor that has complied with subregulation (1) in relation to premises, need not comply with the obligation again in relation to the premises and the proposal.

Example for this subregulation:

There is a new owner of the premises after notification but before decommissioning occurs.

[Regulation 12 inserted: SL 2021/185 r. 13.]

**13. Price-capping for arrangement sought or application made during 2-year notice period**

(1) In this regulation —

**2-year notice period**, in relation to premises, means the 2-year period beginning on the day on which the owner of the premises is notified of the proposal to decommission the part of the distribution system.

Note for this definition:

A 2-year notice period may occur wholly before or wholly after decommissioning or partly before and partly after decommissioning, depending on when the owner of the premises is notified of the proposal to decommission.

(2) Subregulation (3) applies in relation to an arrangement sought or an application made, as described in regulation 4(1), for premises to be connected or attached to a part of a distribution system if —

(a) the distributor has notified the owner of the premises that the distributor proposes to decommission that part of, or the whole of, the distribution system (whether notification is given before, on or after commencement day); and

(b) the arrangement was sought or application was made —

(i) on or after commencement day; and

(ii) during the 2-year notice period for the premises.

(3) Regulation 5A (including as it may apply under regulation 11) applies in relation to the arrangement sought or application made as if regulation 5A(2) were as follows:

(2) The distributor may require that a contract be entered into accepting liability to pay to the distributor —

(a) the lesser of —

(i) the amount that it would cost the distributor to provide an SPS in a way that efficiently minimises costs in accordance with accepted good industry practice as it would be applied by a prudent distributor; and

(ii) the amount that it would cost the distributor to make the connection (to the distribution system) in the lowest cost way that is sustainable for making

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connections of that kind in accordance  
with accepted good industry practice as  
it would be applied by a prudent  
distributor;

or

(b) any greater amount that it is agreed to be paid.

(4) However, if the distributor no longer proposes to decommission  
that part of the distribution system, subregulation (2) (of this  
regulation) does not apply in relation to an arrangement sought  
or application made after that.

[Regulation 13 inserted: SL 2021/185 r. 13.]

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## Notes

<sup>†</sup> This is a compilation of the *Electricity Industry (Obligation to Connect) Regulations 2005*. ~~The following~~ and includes amendments made by other written laws. For provisions that have come into operation see the [compilation table](#) ~~contains~~ information about those regulations.

## Compilation table

Citation	<del>Gazette</del> <sup>Publi</sup> <a href="#">shed</a>	Commencement
<i>Electricity Industry (Obligation to Connect) Regulations 2005</i>	4 Oct 2005 p. 4459-64	4 Oct 2005
<a href="#">Electricity Industry Regulations Amendment (Stand-Alone Power Systems) Regulations 2021 Pt. 3</a>	<a href="#">SL 2021/185</a> <a href="#">5 Nov 2021</a>	<a href="#">6 Nov 2021 (see r. 2(c))</a>