



Western Australia

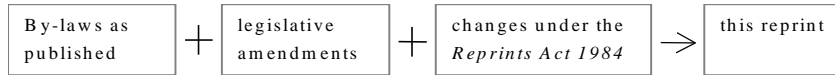
Energy Operators (Powers) Act 1979

**Energy Operators (Regional
Power Corporation) (Charges)
By-laws 2006**

Reprint 1: The by-laws as at 16 October 2009

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the by-laws have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the by-laws were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the by-laws are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Energy Operators (Regional Power Corporation) (Charges) By-laws 2006

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 16 October 2009

Western Australia

Energy Operators (Powers) Act 1979

Energy Operators (Regional Power Corporation) (Charges) By-laws 2006

1. Citation

These by-laws are the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006*¹.

2. Commencement

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

3. Terms used

In these by-laws, unless the contrary intention appears —
corporation means the body established by the *Electricity Corporations Act 2005* section 4(1)(d);

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

RBA cash rate means the percentage (or maximum percentage) specified by the Reserve Bank of Australia as the Cash Rate Target;

residential tariff means Tariff A2;

bl. 4

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.

[By-law 3 amended in Gazette 30 Mar 2009 p. 1000.]

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 the 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, the 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.
- (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 the 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 for each day that the charge remains unpaid at a rate that is equal to the RBA cash rate as at that day increased by 6 percentage points.
- (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.

[By-law 8 amended in Gazette 30 Mar 2009 p. 1000.]

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 A2, 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 A2 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

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, for the purpose of ascertaining a charge under Tariff N2, a rate in cents per unit is to be calculated in accordance with a formula, the rate is to be rounded to the nearest one hundredth of one cent except where an amount calculated falls halfway between 2 consecutive one hundredths of one cent, in which case the rate is to be rounded to the nearest even one hundredth of one cent.
- (3) 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.

bl. 12

12. Prescribed rate of interest for s. 62(16) of the Act

(1) In this by-law —

interest period means the period in respect of which payment is made or credit is given.

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

(a) the rate that is equal to the RBA cash rate for the interest period; or

(b) if there is more than one RBA cash rate for the interest period — the rate that is equal to the average of the RBA cash rates for that period.

[By-law 12 inserted in Gazette 30 Mar 2009 p. 1000-1.]

Schedule 1 — Supply charges

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

[Heading inserted in Gazette 30 Mar 2009 p. 1009.]

1. Terms used

In this Schedule —

North West interconnected system means the electrical system from which electricity generated at one or more of the power stations at Dampier, Cape Lambert and Port Hedland, respectively, is supplied to consumers;

regional non-integrated system means any electrical system of or conducted by the corporation from which electricity is supplied to consumers, other than the South West interconnected system and the North West interconnected system;

South West interconnected system has the meaning given in the *Electricity Industry Act 2004* section 3.

[Clause 1 inserted in Gazette 30 Mar 2009 p. 1009.]

2. Tariff L2 (general supply — low/medium voltage tariff)

- (1) Tariff L2 is available for low/medium voltage supply.
- (2) Tariff L2 comprises —
 - (a) a fixed charge at the rate of 30.679 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 20.163 cents per unit for the first 1 650 units per day; and
 - (ii) 18.194 cents per unit for all units exceeding 1 650 units per day.
- (3) Tariff L2 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be less than 50 megawatt hours per annum.

[Clause 2 inserted in Gazette 30 Mar 2009 p. 1009-10.]

cl. 3

3. Tariff L4 (general supply — low/medium voltage tariff)

- (1) Tariff L4 is available for low/medium voltage supply.
- (2) Tariff L4 comprises —
 - (a) a fixed charge at the rate of 32.142 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 21.12 cents per unit for the first 1 650 units per day; and
 - (ii) 19.063 cents per unit for all units exceeding 1 650 units per day.
- (3) Tariff L4 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be 50 megawatt hours or more per annum.

[Clause 3 inserted in Gazette 30 Mar 2009 p. 1010.]

4. Tariff M2 (general supply — high voltage tariff)

- (1) Tariff M2 is available for consumers supplied at 6.6 kV, 11 kV, 22 kV or 33 kV or such higher voltage as the corporation may approve.
- (2) Tariff M2 comprises —
 - (a) a fixed charge at the rate of 32.142 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 20.405 cents per unit for the first 1 650 units per day; and
 - (ii) 18.326 cents per unit per day for all units exceeding 1 650 units.

[Clause 4 inserted in Gazette 30 Mar 2009 p. 1010.]

5. Tariff N2 (regional non-integrated systems — cost of supply tariff)

- (1) Tariff N2 applies to electricity supplied from a regional non-integrated system to Commonwealth or foreign government instrumentalities.

- (2) Tariff N2 comprises —
- (a) a fixed charge at the rate of 31.31 cents per day; and
 - (b) a charge for metered consumption at the rate (in cents per unit) calculated in accordance with the following formula and by-law 10(2) —

$$R = [18.7797 + \frac{8.5552 \times P}{39.18}] \times 1.1$$

Where —

R is the rate to be calculated; and

P is the Singapore Gas Oil 0.5%S midpoint of the Product Price Assessments for Singapore/Japan Cargoes —

- (i) as amended from time to time and published by Platt's in the Oilgram Price Report; and
- (ii) as expressed in Australian dollars per litre and including the rate of duty imposed by item 10.10 of the Schedule to the *Excise Tariff Act 1921* (Commonwealth).

[Clause 5 inserted in Gazette 30 Mar 2009 p. 1011.]

6. Tariff P2 (North West interconnected system — cost of supply tariff)

- (1) Tariff P2 applies to electricity supplied from the North West interconnected system to Commonwealth or foreign government instrumentalities.
- (2) Tariff P2 comprises —
 - (a) a fixed charge at the rate of 37.89 cents per day; and
 - (b) a charge for metered consumption at the rate of 25.13 cents per unit.

[Clause 6 inserted in Gazette 30 Mar 2009 p. 1011.]

7. Tariff A2 (residential tariff)

- (1) Tariff A2 is available for residential use only.

cl. 8

- (2) Tariff A2 comprises —
- (a) a fixed charge at the rate of 32.329 cents per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of —
 - (i) 32.329 cents per day for the first dwelling; and
 - (ii) 25.102 cents per day for each additional dwelling;and
 - (b) a charge for metered consumption at the rate of 17.611 cents per unit.

[Clause 7 inserted in Gazette 30 Mar 2009 p. 1012.]

8. Tariff C2 (special community service tariff)

- (1) Tariff C2 is available for small voluntary and charitable organisations, subject to the conditions listed in subclause (3).
- (2) Tariff C2 comprises —
- (a) a fixed charge at the rate of 29.524 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 16.093 cents per unit for the first 20 units per day; and
 - (ii) 20.163 cents for the next 1 630 units per day; and
 - (iii) 18.194 cents per unit per day for all units exceeding 1 650 units.
- (3) Tariff C2 is available subject to 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 endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* (Commonwealth) Subdivision 50-B;
 - (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).
- (4) A consumer seeking supply under Tariff C2 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).

[Clause 8 inserted in Gazette 30 Mar 2009 p. 1012-13.]

9. Tariff D2 (special tariff for certain premises)

- (1) Tariff D2 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 A2 is not available.
- (2) Tariff D2 comprises —
 - (a) a fixed charge at the rate of 29.524 cents per day; and
 - (b) if under subclause (3) there is deemed to be more than one equivalent domestic residence in the premises, a charge of 22.924 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 16.093 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.

[Clause 9 inserted in Gazette 30 Mar 2009 p. 1013-14.]

10. Tariff K2 (general supply with residential tariff)

- (1) Tariff K2 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 K2 comprises —
 - (a) a fixed charge at the rate of 32.329 cents per day; and

cl. 11

- (b) a charge for metered consumption at the rate of —
 - (i) 17.611 cents per unit for the first 20 units per day;
and
 - (ii) 22.077 cents per unit for the next 1 630 units per day;
and
 - (iii) 19.932 cents per unit per day for all units exceeding
1 650 units.

[Clause 10 inserted in Gazette 30 Mar 2009 p. 1014.]

11. Tariff W2 (traffic light installations)

Tariff W2 comprises a charge of \$3.8833 per day per kW of installed wattage.

[Clause 11 inserted in Gazette 30 Mar 2009 p. 1014.]

Schedule 2 — Street lighting

[bl. 4(2)]

[Heading inserted in Gazette 30 Mar 2009 p. 1015.]

Item	Wattage	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	22.605	23.089	24.838
Z.02	80	Mercury Vapour	26.620	27.214	29.942
Z.03	125	Mercury Vapour	32.923	33.990	37.840
Z.04	140	Low Pressure Sodium	33.693	34.793	39.215
Z.07	250	Mercury Vapour	40.854	42.933	50.688
Z.10	400	Mercury Vapour	60.522	63.690	75.790
Z.13	150	High Pressure Sodium	31.185	32.329	38.731
Z.15	250	High Pressure Sodium	46.233	48.697	58.201
Z.18	per kW	Auxiliary Lighting in Public Places	132.451	139.810	168.773
<i>Street lighting for existing services only</i>					
Z.05	250	Mercury Vapour	52.943	55.011	62.777
Z.06	400	Mercury Vapour	72.622	75.790	87.835
Z.08	250	Mercury Vapour 50% E.C. cost	46.893	48.939	56.727
Z.09	250	Mercury Vapour 100% E.C. cost	52.943	55.011	62.777
Z.11	400	Mercury Vapour 50% E.C. cost	66.572	69.751	81.807

Energy Operators (Regional Power Corporation) (Charges) By-laws 2006
Schedule 2 Street lighting

Item	Wattage	Type	Midnight Switch-off (Obsolescent) Cents per day	1.15 a.m. Switch-off Cents per day	Dawn Switch-off Cents per day
Z.12	400	Mercury Vapour 100% E.C. cost	72.622	75.790	87.835
Z.14	150	H.P. Sodium	48.114	49.236	55.616
Z.16	250	H.P. Sodium 50% E.C. cost	55.286	57.772	67.254
Z.17	250	H.P. Sodium 100% E.C. cost	64.317	66.836	76.329
Z.51	60	Incandescent	22.605	23.089	24.838
Z.52	100	Incandescent	22.605	23.089	24.838
Z.53	200	Incandescent	26.620	27.214	29.942
Z.54	300	Incandescent	32.923	33.990	37.840
Z.55	500	Incandescent	52.943	55.011	62.777
Z.56	40	Fluorescent	22.605	23.089	24.838
Z.57	80	Fluorescent	26.620	27.214	29.942
Z.58	160	Fluorescent	37.235	37.752	43.802

[Schedule 2 inserted in Gazette 30 Mar 2009 p. 1014-16.]

Schedule 3 — Meter rentals

[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.

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	\$32.10
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	\$29.60
4. Connection to standard public telephone facility where supply not independently metered (per day)	40.568 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)	51.843 cents
10. Overdue account notices	\$4.40

	Description of fee	Amount
11.	Rejected account payment (where payment made through Australia Post)	\$23.00

[Schedule 4 amended in Gazette 29 Jun 2007 p. 3193; 30 Mar 2009 p. 1008 and 1016-17.]

Notes

- ¹ This reprint is a compilation as at 16 October 2009 of the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Energy Operators (Regional Power Corporation) (Charges) By-laws 2006</i>	31 Mar 2006 p. 1279-97	1 Apr 2006 (see bl. 2)
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-law 2007</i>	29 Jun 2007 p. 3192-3	bl. 1 and 2: 29 Jun 2007 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2007 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2009</i>	30 Mar 2009 p. 997-1017	bl. 1 and 2: 30 Mar 2009 (see bl. 2(a)); bl. 3 and Pt. 2: 1 Apr 2009 (see bl. 2(b)); Pt. 3: 1 Jul 2009 (see bl. 2(c))
Reprint 1: The <i>Energy Operators (Regional Power Corporation) (Charges) By-laws 2006</i> as at 16 Oct 2009 (includes amendments listed above)		

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)
corporation	3
dwelling	3
eligible person	9(1)
interest period.....	12(1)
North West interconnected system.....	Sch. 1 cl. 1
RBA cash rate	3
regional non-integrated system	Sch. 1 cl. 1
relevant period	8(1)
residential tariff.....	3
South West interconnected system.....	Sch. 1 cl. 1
Tariff	3
unit	3