



Western Australia

Electricity Industry Act 2004

**Electricity Industry (Licence Conditions)
Regulations 2005**

Electricity Industry (Licence Conditions) Regulations 2005

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Electricity Industry (Licence Conditions) Regulations 2005

1. Citation

These regulations are the *Electricity Industry (Licence Conditions) Regulations 2005*¹.

2. Commencement

These regulations come into operation on the day on which they are published in the *Gazette*¹.

3. Terms used

In these regulations, unless the contrary intention appears —
approved contract means a contract approved under regulation 8(2);

Coordinator means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;

eligible customer means —

- (a) a customer —
 - (i) to whom electricity is supplied for residential purposes; and
 - (ii) who consumes not more than 50 MWh of electricity per annum;

or

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- (b) a customer that is a school, university or other educational institution; or
- (c) a customer that is a non-profit making organisation;

relevant corporation means an electricity corporation or a subsidiary of an electricity corporation;

renewable source electricity, in relation to an eligible customer, means electricity generated by a small renewable energy system located on premises owned or occupied by the eligible customer;

small renewable energy system means —

- (a) a system of photovoltaic arrays; or
- (b) a system of wind turbines; or
- (c) a hydro power system; or
- (d) another system for the generation of electricity from a renewable energy source,

that has a generating capacity exceeding 500 W but not exceeding 5 kW.

[Regulation 3 amended: Gazette 23 Dec 2005 p. 6267; 31 Mar 2006 p. 1346.]

4. References to licence held by relevant corporation

A reference in these regulations to a transmission licence, a distribution licence, a retail licence or an integrated regional licence held by a relevant corporation includes a reference to a licence of that kind that the corporation is deemed to hold under section 46 of the Act.

5. Condition requiring compliance with *Electricity Industry (Customer Transfer) Code 2016*

- (1) This regulation applies to —
 - (a) a transmission licence, a distribution licence or an integrated regional licence held by a relevant corporation; and

- (b) a retail licence or an integrated regional licence that authorises the sale of electricity transported through a transmission system or distribution system operated by a relevant corporation.
- (2) It is a condition of every licence to which this regulation applies that the transfer of customers must be undertaken in accordance with the procedures and arrangements set out in the *Electricity Industry (Customer Transfer) Code 2016*.

[Regulation 5 amended: Gazette 13 Jun 2017 p. 2883.]

5A. Condition requiring compliance with *Electricity Industry (Metering) Code 2012*

- (1) This regulation applies to —
 - (a) a transmission licence, a distribution licence or an integrated regional licence held by a relevant corporation; and
 - (b) a retail licence or an integrated regional licence that authorises the sale of electricity transported through a transmission system or distribution system operated by a relevant corporation; and
 - (c) a generation licence or an integrated regional licence that authorises the operation of generating works connected to a transmission system or distribution system operated by a relevant corporation.
- (2) It is a condition of every licence to which this regulation applies that the metering of the supply of electricity must be undertaken in accordance with the procedures and arrangements set out in the *Electricity Industry (Metering) Code 2012*.

[Regulation 5A inserted: Gazette 23 Dec 2005 p. 6267; amended: Gazette 13 Jun 2017 p. 2883.]

6. Condition requiring relevant corporation to offer to purchase electricity generated through small renewable energy systems

It is a condition of every retail licence and integrated regional licence held by a relevant corporation that, on and after 1 May 2005, the corporation must offer to purchase renewable source electricity, under an approved contract, from an eligible customer who wishes to sell such electricity to the corporation.

7. Condition requiring relevant corporation to report on cost of purchasing renewable source electricity

It is a condition of every retail licence and integrated regional licence held by a relevant corporation that the corporation must, as soon as practicable after the end of each financial year, submit a written report to the Coordinator setting out the costs incurred by the corporation during that year in purchasing renewable source electricity under approved contracts.

8. Contracts to purchase renewable source electricity, approval of etc.

- (1) It is a condition of every retail licence and integrated regional licence held by a relevant corporation that the corporation must, before 1 March 2005 or such later day as the Coordinator may allow, submit to the Coordinator a draft of the contract under which the corporation proposes to purchase renewable source electricity from eligible customers.
- (2) The Coordinator may —
 - (a) approve a contract submitted under subregulation (1); or
 - (b) request that it be amended and approve it in an amended form.
- (3) The Coordinator must not give an approval unless the Coordinator considers that the contract will provide for the purchase of renewable source electricity on fair and reasonable terms and conditions.

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- (4) A relevant corporation may submit to the Coordinator for approval —
- (a) an amendment to the approved contract; or
 - (b) a replacement for the approved contract.
- (5) If, in the opinion of the Coordinator, the approved contract no longer provides for the purchase of renewable source electricity on fair and reasonable terms and conditions, the Coordinator may direct the relevant corporation concerned —
- (a) to submit an appropriate amendment to the contract to the Coordinator for approval; and
 - (b) to do so within a period specified by the Coordinator.
- (6) In subregulation (5) —
- appropriate amendment** means an amendment —
- (a) specified by the Coordinator; or
 - (b) otherwise determined by the Coordinator to be suitable for approval.
- (7) Subregulations (2) and (3) apply to an amendment or replacement submitted under subregulation (4) or (5) in the same way as they apply to the contract or the original contract, as the case requires.
- (8) It is a condition of every retail licence and integrated regional licence held by a relevant corporation that the corporation must comply with a direction given to the corporation under subregulation (5).

9. Condition requiring compliance with *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*

- (1) In this regulation —
- Director of Energy Safety** means the official referred to in section 5 of the *Energy Coordination Act 1994*.
- (2) This regulation applies to —

- (a) a distribution licence; and
 - (b) a transmission licence; and
 - (c) an integrated regional licence which authorises the carrying out of the activities described in section 4(1)(b) or (c) of the Act.
- (3) It is a condition of every licence to which this regulation applies that the holder of the licence must comply with the obligations imposed on the holder by Part 2, section 21 and Part 4 of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.
- (4) If the Authority in the performance of its functions under section 32 of the Act in relation to the obligations referred to in subregulation (3) requests the Director of Energy Safety to provide advice to assist the Authority in that performance, it is a function of the Director of Energy Safety to do all such things as are required to comply with the request.

[Regulation 9 inserted: Gazette 13 Dec 2005 p. 5980.]

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Notes

- ¹ This is a compilation of the *Electricity Industry (Licence Conditions) Regulations 2005* 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>Electricity Industry (Licence Conditions) Regulations 2005</i>	7 Jan 2005 p. 57-9	7 Jan 2005 (see r. 2)
<i>Electricity Industry (Licence Conditions) Amendment Regulations (No. 3) 2005</i>	13 Dec 2005 p. 5979-80	1 Jan 2006 (see r. 2)
<i>Electricity Industry (Licence Conditions) Amendment Regulations 2005</i>	23 Dec 2005 p. 6266-7	23 Dec 2005 (see r. 2)
<i>Electricity Corporations (Consequential Amendments) Regulations 2006</i> r. 74	31 Mar 2006 p. 1299-357	1 Apr 2006 (see r. 2)
Reprint 1: The Electricity Industry (Licence Conditions) Regulations 2005 as at 4 Nov 2011 (includes amendments listed above)		
<i>Electricity Industry (Licence Conditions) Amendment Regulations 2017</i>	13 Jun 2017 p. 2882-3	r. 1 and 2: 13 Jun 2017 (see r. 2(a)); Regulations other than r. 1 and 2): 14 Jun 2017 (see r. 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)
appropriate amendment.....	8(6)
approved contract.....	3
Coordinator	3
Director of Energy Safety	9(1)
eligible customer.....	3
relevant corporation	3
renewable source electricity.....	3
small renewable energy system	3