



Western Australia

Electricity Industry Act 2004

## **Electricity Industry Exemption Order 2005**



## Electricity Industry Exemption Order 2005

### Contents

1.	Citation	1
2.	Commencement	1
3A.	Terms used	1
3B.	Application of order	2
3.	Exemption for generating works under 30 MW	2
4A.	Exemptions for supply to non residential property on which generating works are located	3
4B.	Exemption for supply to non residential property occupied by supplier	4
4.	Exemptions for on-supply	4
6.	Conditions applying to exemptions under clause 4	5
7.	Exemptions for supply to Aboriginal communities	8
8.	Exemptions for operations under Pilbara Energy Project Agreement	9
9.	Exemption for sale to certain customers under Iron Ore Beneficiation (BHP) Agreement	9
10.	Exemptions for operations under various government agreements	10
11.	Conditions applying to exemptions under clause 10	10
12.	Exemptions for operations in DBNGP corridor	12
13.	Exemptions for Electricity Generation and Retail Corporation	12
14.	Exemptions for Fremantle Port Authority	13
15.	Exemptions for supply in Eucla	14
16.	Exemption for distribution systems of less than 1 km connecting to network other than SWIS	14
17.	Exemptions for holders of generation licence connecting to SWIS	14

**Contents**

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18.	Exemption for EDL NGD (WA)	15
19.	Exemptions for electric vehicle charging stations	15
20.	Exemptions for Blair Fox — Karakin Wind Farm	16
21.	Exemptions for EMR Golden Grove and Minjar Gold — supply to Minjar Gold	16
22.	Exemption for Power Rental Op Co Australia — South Hedland Power Station	17
23.	Exemption for CSBP — Kwinana manufacturing facility	17
24.	Exemption for Kwinana WTE Project — Kwinana power station	18
25.	Exemptions for Eastern Metropolitan Regional Council: supply to Perth Airport	18
26.	Exemption for certain connections to internet networks	19

**Schedule 1 — Depiction of EDL NGD (WA) exempt distribution system**

**EDL NGD (WA) — HV Cabling Route**

**Schedule 2 — Description of Kwinana site boundary line**

**Notes**

Compilation table	22
Provisions that have not come into operation	24

**Defined terms**

## Electricity Industry Exemption Order 2005

### 1. Citation

This order is the *Electricity Industry Exemption Order 2005*.

### 2. Commencement

This order comes into operation on 1 January 2006.

### 3A. Terms used

In this order —

***non-residential property*** means a property or any part of a property that is not —

- (a) a residential property; or
- (b) a site as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

***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 but does not include a site as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

cl. 3B

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**SWIS** means the South West interconnected system.

*[Clause 3A inserted in Gazette 9 Oct 2009 p. 3992; amended in Gazette 29 Jun 2012 p. 2933; 23 Dec 2016 p. 5894-5.]*

**3B. Application of order**

This order does not apply to a person in relation to the supply of electricity to a customer under a solar power purchase agreement as defined in the *Electricity Industry (Solar Power Purchase Agreements) Exemption Order 2016* clause 3.

*[Clause 3B inserted in Gazette 23 Dec 2016 p. 5895.]*

**3. Exemption for generating works under 30 MW**

(1) In this clause —

**connection point** means a point at which the generating works are connected to a transmission system or a distribution system;  
**generation capacity**, in relation to generating works under construction, means the total generation capacity in megawatts that the generating works will have after construction is completed.

(2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generation capacity of the generating works concerned is less than 30 MW at each connection point.

(3) The exemption provided for in subclause (2) is subject to the condition that, if the generating works are connected to a transmission system or distribution system of an electricity corporation that forms part of the SWIS, the metering of the supply of electricity from those works must be undertaken in accordance with the procedures and arrangements set out in the *Electricity Industry Metering Code 2005*.

*[Clause 3 amended in Gazette 9 Oct 2009 p. 3992; 29 Jun 2012 p. 2934.]*

**4A. Exemptions for supply to non residential property on which generating works are located**

- (1A) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned —
- (a) are located or to be located on a non-residential property; and
  - (b) are used or to be used solely for the generation of electricity for consumption by another person on the property.
- (1) A person (the **supplier**) is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned —
- (a) is connected or to be connected to generating works operated by the supplier; and
  - (aa) is located or to be located on a non-residential property; and
  - (b) is used or to be used solely for the transportation of electricity for consumption by another person on the non-residential property on which the generating works are located.
- (2) A person (the **supplier**) is exempt from the *Electricity Industry Act 2004* section 7(4) if —
- (a) the electricity is generated using generating works operated by the supplier; and
  - [(b) deleted]*
  - (c) the electricity is sold for consumption on a non-residential property on which the generating works are located.

*[Clause 4A inserted in Gazette 29 Jun 2012 p. 2934; amended in Gazette 14 Dec 2012 p. 6199; 23 Dec 2016 p. 5895-6.]*

**cl. 4B**

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**4B. Exemption for supply to non residential property occupied by supplier**

A person (the *supplier*) is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity —

- (a) is generated using generating works operated by the supplier; and
- (b) is supplied to a non-residential property part of which is occupied by the supplier; and
- (c) is sold by the supplier for consumption by another person on the non-residential property.

*[Clause 4B inserted in Gazette 26 Jun 2015 p. 2253; amended in Gazette 23 Dec 2016 p. 5896.]*

**4. Exemptions for on-supply**

- (1) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned —
  - (a) is located or to be located on a non-residential property; and
  - (b) is used or to be used solely for the transportation of electricity for consumption on the property.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned —
  - (a) is located or to be located on a property; and
  - (b) is used or to be used solely for the transportation of electricity for consumption on the property.
- (3) A person who is exempt under subclause (1) is exempt from the *Electricity Industry Act 2004* section 7(4), in relation to the sale of electricity transported by the transmission system, if the electricity is sold for consumption on the property.
- (4) A person who is exempt under subclause (2) is exempt from the *Electricity Industry Act 2004* section 7(4), in relation to the sale



of electricity transported by the distribution system, if the electricity is sold for consumption on the property.

- (5) The exemptions provided for in this clause —
- (a) are subject to the conditions set out in clause 6; and
  - (b) do not apply to the Rottnest Island Authority established under the *Rottnest Island Authority Act 1987*.

[Clause 4 inserted in Gazette 23 Dec 2016 p. 5896-7.]

[5. Deleted in Gazette 23 Dec 2016 p. 5897.]

#### 6. **Conditions applying to exemptions under clause 4**

- (1) In this clause —

***electricity reticulation system*** means any apparatus, plant or equipment that is used for, or in connection with, the transportation of electricity to a property;

***exempt supplier***, in relation to a property, means a person who is exempt from the *Electricity Industry Act 2004* section 7(2), (3) or (4) under clause 4 in relation to the property;

***occupier***, of a property, means a person in lawful occupation of the property.

- (2) For the purposes of this clause, electricity services are services for, or in connection with, the supply of electricity.

- (3) Without limiting subclause (2), electricity services include —

- (a) the provision and maintenance of an electricity reticulation system; and
- (b) the connection of a property to an electricity reticulation system; and
- (c) the provision, maintenance and reading of a meter to measure and record the quantity of electricity supplied to a property; and
- (d) the preparation and issue of accounts in relation to the supply of electricity to a property; and

**cl. 6**

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- (e) anything incidental to or associated with a matter referred to in paragraph (a), (b), (c) or (d).
- (4) If electricity supplied to a residential property by an exempt supplier is supplied to the exempt supplier by the Electricity Generation and Retail Corporation, any charge imposed by the exempt supplier for the electricity must not exceed the charge for metered consumption —
  - (a) to be paid under the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and
  - (b) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply.
- (5A) If electricity supplied to a residential property by an exempt supplier is supplied to the exempt supplier by the Regional Power Corporation, any charge imposed by the exempt supplier for that electricity must not exceed the charge for metered consumption —
  - (a) to be paid under the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and
  - (b) applying to electricity supplied by the Regional Power Corporation on the day of the supply.
- (5) If electricity supplied to a residential property by an exempt supplier is generated using generating works that are owned or operated by the exempt supplier, any charge imposed by the exempt supplier for that electricity must not exceed the amount necessary for the exempt supplier to recover the costs of generation.

- (6) Any fees or charges imposed by an exempt supplier for the provision of electricity services in relation to a residential property must not, in total —
- (a) in a licence area in which the Electricity Generation and Retail Corporation sells electricity to customers, exceed the fixed charge —
    - (i) to be paid under the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and
    - (ii) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply;
  - or
  - (b) in a licence area in which the Regional Power Corporation sells electricity to customers, exceed the fixed charge —
    - (i) to be paid under the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006* by consumers for electricity supplied for residential use only; and
    - (ii) applying to electricity supplied by the Electricity Generation and Retail Corporation on the day of the supply.
- (7A) Subclause (6) applies even if the electricity is generated using generating works that are owned or operated by the exempt supplier.
- (7) If an exempt supplier supplies electricity to a property, the exempt supplier must make available to an occupier of the property information that clearly sets out —
- (a) the quantity of electricity supplied to the occupier; and
  - (b) the fees and charges payable by the occupier —
    - (i) for electricity supplied; and

**cl. 7**

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- (ii) for the provision of electricity services in relation to the property.
- (8) Information referred to in subclause (7) must be made available in a manner that is easily accessible.
- (9) If information referred to in subclause (7) 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.

*[Clause 6 amended in Gazette 8 May 2009 p. 1498-9; 27 Dec 2013 p. 6475; 23 Dec 2016 p. 5897-9.]*

**7. Exemptions for supply to Aboriginal communities**

- (1) In this clause —  
*Aboriginal community* has the meaning given to that term in the *Aboriginal Communities Act 1979* section 3;  
*Aboriginal community premises* means any premises that are —
  - (a) owned, occupied or leased by an Aboriginal community or members of an Aboriginal community; or
  - (b) used solely or principally for the purposes of an Aboriginal community.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used solely for the transportation of electricity for consumption on Aboriginal community premises.
- (3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption on Aboriginal community premises.
- (4) The exemptions provided for in this clause do not apply to the Electricity Networks Corporation, the Electricity Generation and Retail Corporation or the Regional Power Corporation.

[Clause 7 amended in Gazette 31 Mar 2006 p. 1158;  
27 Dec 2013 p. 6475.]

**8. Exemptions for operations under Pilbara Energy Project Agreement**

- (1) In this clause —  
*PEP Agreement* has the meaning given to “the Agreement” in the *Pilbara Energy Project Agreement Act 1994* section 3.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned are constructed or operated pursuant to the PEP Agreement.
- (3) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned is constructed or operated pursuant to the PEP Agreement.
- (4) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is constructed or operated pursuant to the PEP Agreement.
- (5) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if —
  - (a) the electricity is sold to customers pursuant to the PEP Agreement; and
  - (b) each of those customers consumes more than 160 MWh of electricity per annum.

**9. Exemption for sale to certain customers under Iron Ore Beneficiation (BHP) Agreement**

A person is exempt from the *Electricity Industry Act 2004* section 7(4) if —

- (a) the electricity is sold to customers pursuant to the Agreement as defined in the *Iron Ore Beneficiation (BHP) Agreement Act 1996* section 3; and
- (b) each of those customers consumes more than 160 MWh of electricity per annum.

cl. 10

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**10. Exemptions for operations under various government agreements**

(1) In this clause —

**relevant agreement** means —

- (a) the Agreement as defined in the *Iron Ore (Hamersley Range) Agreement Act 1963* section 2;
  - (b) the Agreement as defined in the *Iron Ore (Mount Newman) Agreement Act 1964* section 2; and
  - (c) the Agreement as defined in the *Iron Ore (Robe River) Agreement Act 1964* section 2.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if the generating works concerned are constructed or operated pursuant to a relevant agreement.
- (3) A person is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system concerned is constructed or operated pursuant to a relevant agreement.
- (4) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is constructed or operated pursuant to a relevant agreement.
- (5) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold to customers pursuant to a relevant agreement.

**11. Conditions applying to exemptions under clause 10**

(1) In this clause —

**code provision** means a provision of the code of conduct as defined in the *Electricity Industry Act 2004* section 78 other than —

- (a) Parts 2, 9, 11, 13 and 14; and
- (b) clauses 4.4(1)(t) and (bb), 5.2(1)(c), 6.10, 7.1(1)(c)(ii), 10.1(1), 10.2(4), 10.4(b) and (c), 10.7(4), 10.8(2),

10.10(2), (4), (5) and (6), 12.1(2)(b), (3) and (4), and  
12.5(1)(b) and (c),

of that code.

- (1a) The exemption provided for in clause 10(3) is subject to the condition that the person must comply with any obligation that the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* from time to time imposes on a transmitter as if the person were a transmitter for the purposes of that code.
- (2) The exemption provided for in clause 10(4) is subject to the following conditions —
- (a) the person must comply with any obligation that the *Electricity Industry (Obligation to Connect) Regulations 2005* regulations 4 and 7(1) from time to time impose on a distributor as if the person were a distributor for the purposes of those regulations;
  - (b) the person must comply with any obligation that a code provision from time to time imposes on a distributor as if the person were a distributor for the purposes of that provision;
  - (c) the person must comply with any obligation that the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* from time to time imposes on a distributor as if the person were a distributor for the purposes of that code.
- (3) The exemption provided for in clause 10(5) is subject to the condition that the person must comply with any obligation that a code provision from time to time imposes on a retailer as if the person were a retailer for the purposes of that provision.
- (4) For the purposes of subclauses (1a) and (2)(c) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* is taken to be modified so that —

**cl. 12**

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- (a) the words “under a distribution licence, transmission licence or integrated regional licence” are omitted from the definition of “network” in section 3(1); and
- (b) a report under section 27(1)(a) is not required to set out the information described in Schedule 1 items 8, 14 and 15; and
- (c) Schedule 1 item 10 does not apply in relation to the first report under section 27(1)(a).

*[Clause 11 amended in Gazette 27 Jun 2006 p. 2286-7.]*

**12. Exemptions for operations in DBNGP corridor**

- (1) In this clause —  
***DBNGP corridor*** has the meaning given to that term in the *Dampier to Bunbury Pipeline Act 1997* section 27(1);  
***DBNGP Transmission*** means DBNGP (WA) Transmission Pty Ltd.
- (2) DBNGP Transmission is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is located or to be located in the DBNGP corridor.
- (3) DBNGP Transmission is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption in the DBNGP corridor.

**13. Exemptions for Electricity Generation and Retail Corporation**

- (1) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(2) in relation to the operation of a transmission system for the supply of electricity to Colltech Australia Limited (ABN 24 094 515 992) at premises located at the Collie Power Station, Williams Road, Collie.
- (2) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to



the operation of a distribution system for the supply of electricity to Colltech Australia Limited (ABN 24 094 515 992) at premises located at the Collie Power Station, Williams Road, Collie.

- (3) The Electricity Generation and Retail Corporation is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity to —
- (a) Billiton Aluminium (Worsley) Pty Ltd (ACN 088 336 921), Kobe Alumina Associates (Australia) Pty Ltd (ACN 008 907 524) and Nissho Iwai Alumina Pty Ltd (ACN 009 309 344) pursuant to an agreement dated 24 June 1999 for the supply of electricity to premises located at Wellington Location 5314;
  - (b) Tiwest Pty Ltd (ACN 009 343 364) pursuant to an agreement dated 23 October 1997 for the supply of electricity to premises located at Mason Road, Kwinana; and
  - (c) Transfield Services Kemerton Pty Ltd (ACN 109 619 112) as trustee for the Transfield Services Kemerton Trust pursuant to an agreement dated 8 December 2003 for the supply of electricity to premises located at Marriott Road, Kemerton.

*[Clause 13 inserted in Gazette 31 Mar 2006 p. 1158-9; amended in Gazette 11 Jan 2008 p. 102; 27 Dec 2013 p. 6475.]*

*[13A. Deleted in Gazette 27 Dec 2013 p. 6476.]*

#### **14. Exemptions for Fremantle Port Authority**

- (1) In this clause —
- Fremantle Port Authority*** means the Fremantle Port Authority established under the *Port Authorities Act 1999*.
- (2) Fremantle Port Authority is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the operation of its distribution systems at Fremantle and Kwinana.

**cl. 15**

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- (3) Fremantle Port Authority is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale of electricity transported through the distribution systems referred to in subclause (2).

*[Clause 14 inserted in Gazette 27 Jun 2006 p. 2288.]*

**15. Exemptions for supply in Eucla**

- (1) In this clause —

**Eucla** means the area constituting the townsite of Eucla for the purposes of the *Land Administration Act 1997*.

- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is located or to be located in Eucla.
- (3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for consumption in Eucla.

*[Clause 15 inserted in Gazette 27 Jun 2006 p. 2288.]*

**16. Exemption for distribution systems of less than 1 km connecting to network other than SWIS**

A person is exempt from the *Electricity Industry Act 2004* section 7(3) if —

- (a) the distribution system concerned is used solely for the transportation of electricity from generating works operated by the person to a network other than the SWIS; and
- (b) the distance the electricity is transported is less than 1 km.

*[Clause 16 inserted in Gazette 9 Oct 2009 p. 3993.]*

**17. Exemptions for holders of generation licence connecting to SWIS**

- (1) The holder of a generation licence is exempt from the *Electricity Industry Act 2004* section 7(2) if the transmission system

concerned is used solely for the transportation of electricity from generating works to which the licence applies to the SWIS.

- (2) The holder of a generation licence is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used solely for the transportation of electricity from generating works to which the licence applies to the SWIS.
- (3) The exemptions provided for in subclauses (1) and (2) are subject to the condition that the connection of the distribution or transmission system to the SWIS complies with the relevant technical rules, as amended from time to time, published under the *Electricity Networks Access Code 2004* established under the *Electricity Industry Act 2004* section 104(1).

*[Clause 17 inserted in Gazette 9 Oct 2009 p. 3993.]*

#### **18. Exemption for EDL NGD (WA)**

- (1) EDL NGD (WA) Pty Ltd (ABN 35 070 941 721) is exempt from the *Electricity Industry Act 2004* section 7(3) for the underground distribution network joining the power station site and the sub station site identified in Plan No. ERA-EL-001.
- (2) The distribution network is depicted as *HV Cabling Route* in Plan No. ERA-EL-001 a copy of which is shown for information in Schedule 1 Division 2.

*[Clause 18 inserted in Gazette 9 Oct 2009 p. 3993.]*

#### **19. Exemptions for electric vehicle charging stations**

- (1) In this clause —  
*electric vehicle* means a vehicle that is propelled wholly or partly by electricity.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used solely for the transportation of electricity for the purpose of charging a battery of an electric vehicle.

**cl. 20**

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- (3) A person is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity is sold for the purpose of charging a battery of an electric vehicle.
- (4) The exemptions provided for in this clause expire on 30 June 2020.

*[Clause 19 inserted in Gazette 29 Jun 2012 p. 2934-5; amended in Gazette 26 Jun 2015 p. 2254; 26 Jun 2018 p. 2361.]*

**20. Exemptions for Blair Fox — Karakin Wind Farm**

- (1) In this clause —  
***Blair Fox*** means Blair Fox Pty Ltd (ACN 071 939 654);  
***Karakin Wind Farm*** means the generating works located on land being Lot 200 on Deposited Plan 302268.
- (2) Blair Fox is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the construction and operation of a distribution system used or to be used solely for the transportation of electricity from the Karakin Wind Farm for a distance of less than 16 km.
- (3) Blair Fox is exempt from the *Electricity Industry Act 2004* section 7(4) if the electricity —
  - (a) is transported through the distribution system referred to in subclause (2); and
  - (b) is sold to customers each of whom consumes more than 160 MWh of electricity per annum.

*[Clause 20 inserted in Gazette 29 Jun 2012 p. 2935.]*

**21. Exemptions for EMR Golden Grove and Minjar Gold — supply to Minjar Gold**

- (1) In this clause —  
***EMR Golden Grove*** means EMR Golden Grove Pty Ltd (ACN 114 868 325);  
***Minjar Gold*** means Minjar Gold Pty Ltd (ACN 119 514 528).

- (2) Minjar Gold is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the operation of a distribution system used solely for the transportation of electricity from the land the subject of mining lease 59/362 to Minjar Gold at premises located on land the subject of mining lease 59/406-I.
- (3) EMR Golden Grove is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale to Minjar Gold of electricity transported through the distribution system referred to in subclause (2).
- (4) The exemptions provided for in this clause expire on 30 June 2021.

*[Clause 21 inserted in Gazette 29 Jun 2012 p. 2935-6; amended in Gazette 8 Sep 2015 p. 3719; 29 Jun 2018 p. 2435.]*

**22. Exemption for Power Rental Op Co Australia — South Hedland Power Station**

- (1) In this clause —  
***Power Rental Op Co Australia*** means Power Rental Op Co Australia LLC (ABN 85 457 881 818);  
***South Hedland Power Station site*** means Lot 601 on Deposited Plan 70566.
- (2) Power Rental Op Co Australia is exempt from the *Electricity Industry Act 2004* section 7(1) in relation to the construction and operation of generating works on the South Hedland Power Station site.
- (3) The exemption provided for in this clause expires on 31 March 2018.

*[Clause 22 inserted in Gazette 17 Oct 2014 p. 4003.]*

**23. Exemption for CSBP — Kwinana manufacturing facility**

- (1) In this clause —  
***CSBP*** means CSBP Limited (ABN 81 008 668 371);

cl. 24

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**Kwinana site** means Lot 20 on Diagram 78086 being the whole of the land comprised in Certificate of Title Volume 1918 Folio 244.

- (2) CSBP is exempt from the *Electricity Industry Act 2004* section 7(1) in relation to the operation of generating works on the Kwinana site.

[Clause 23 inserted in Gazette 15 May 2015 p. 1721.]

**24. Exemption for Kwinana WTE Project — Kwinana power station**

- (1) In this clause —

**generation capacity**, in relation to generating works under construction, means the total generation capacity in megawatts that the generating works will have after construction is completed;

**Kwinana site** means that part of Lot 9501 on Deposited Plan 407762 that is bounded by the line described in Schedule 2;

**Kwinana WTE Project** means Kwinana WTE Project Co Pty Ltd (ACN 165 661 263).

- (2) Kwinana WTE Project is exempt from the *Electricity Industry Act 2004* section 7(1) in relation to the construction and operation of generating works on the Kwinana site if the generation capacity of the generating works is less than or equal to 45 MW.

[Clause 24 inserted in Gazette 8 Jan 2016 p. 19-20; amended in Gazette 26 Jun 2018 p. 2360.]

**25. Exemptions for Eastern Metropolitan Regional Council: supply to Perth Airport**

- (1) In this clause —

**Eastern Metropolitan Regional Council** means Eastern Metropolitan Regional Council (ABN 89 631 866 056);

**Hazelmere** means Hazelmere Resource Recovery Park,  
77 Lakes Road, Hazelmere, Western Australia;

**Perth Airport** means Lot 100 on Plan 6619 being the whole of  
the land comprised in certificate of title volume 2124 folio 980;

**Perth Airport Pty Ltd** means Perth Airport Pty Ltd  
(ABN 24 077 153 130).

- (2) Eastern Metropolitan Regional Council is exempt from the *Electricity Industry Act 2004* section 7(3) in relation to the construction and operation of a distribution system used or to be used solely for the transportation of electricity from Hazelmere to Perth Airport.
- (3) Eastern Metropolitan Regional Council is exempt from the *Electricity Industry Act 2004* section 7(4) in relation to the sale to Perth Airport Pty Ltd of electricity transported through the distribution system referred to in subclause (2).

[Clause 25 inserted in Gazette 23 Dec 2016 p. 5899-900.]

## 26. Exemption for certain connections to internet networks

- (1) In this clause —  
**internet network** means a network, comprised at least in part by fibre optic cable, used or to be used for providing access to the internet.
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(3) if the distribution system concerned is used or to be used for the transportation of electricity from a property to one or more components of a connection between an internet network and the property.

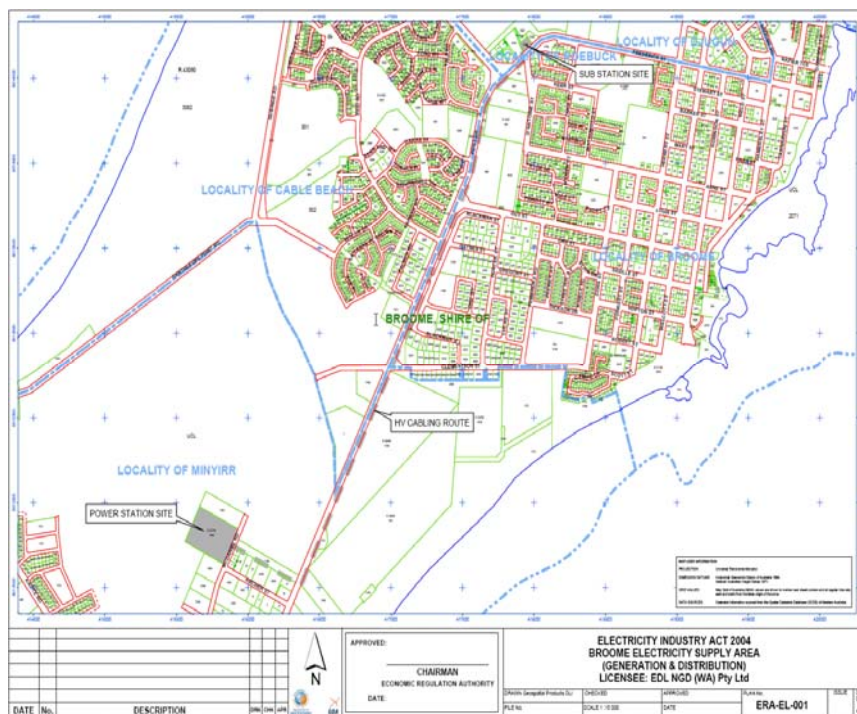
[Clause 26 inserted in Gazette 22 Aug 2017 p. 4502.]

## Schedule 1 — Depiction of EDL NGD (WA) exempt distribution system

[cl. 18]

[Heading inserted in Gazette 9 Oct 2009 p. 3994.]

### EDL NGD (WA) — HV Cabling Route



[Schedule 1 inserted in Gazette 9 Oct 2009 p. 3994.]



## Schedule 2 — Description of Kwinana site boundary line

[cl. 24(1)]

*[Heading inserted in Gazette 8 Jan 2016 p. 20.]*

The Kwinana site is bounded by a line starting at point 1 in the sequence specified in the Table then, initially in an easterly direction, along a straight line between each of the points in the sequence to point 4 then in a straight line to point 1.

**Table**

<b>Point</b>	<b>Coordinates mE</b>	<b>Coordinates mN</b>
1	384720.47	6435668.39
2	384980.06	6435668.44
3	384979.59	6435538.32
4	384704.40	6435538.35

Note: Coordinate references are to Map Grid of Australia 1994 grid coordinates in Zone 50 of the Universal Transverse Mercator Grid System based on the Geocentric Datum of Australia.

*[Schedule 2 inserted in Gazette 8 Jan 2016 p. 20.]*

**Notes**

<sup>1</sup> This is a compilation of the *Electricity Industry Exemption Order 2005* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Electricity Industry Exemption Order 2005</i>	9 Dec 2005 p. 5878-84	1 Jan 2006 (see cl. 2)
<i>Electricity Industry Exemption Amendment Order 2006</i>	31 Mar 2006 p. 1158-9	1 Apr 2006 (see cl. 2)
<i>Electricity Industry Exemption Amendment Order (No. 2) 2006</i>	27 Jun 2006 p. 2285-7	1 Jul 2006 (see cl. 2)
<i>Electricity Industry Exemption Amendment Order (No. 3) 2006</i>	27 Jun 2006 p. 2287-8	1 Jul 2006 (see cl. 2)
<i>Electricity Industry Exemption Amendment Order 2007</i>	11 Jan 2008 p. 101-3	cl. 1 and 2: 11 Jan 2008 (see cl. 2(a)); Order other than cl. 1 and 2: 12 Jan 2008 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2009</i>	8 May 2009 p. 1497-9	cl. 1 and 2: 8 May 2009 (see cl. 2(a)); Order other than cl. 1 and 2: 9 May 2009 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order 2009</i>	9 Oct 2009 p. 3992-4	cl. 1 and 2: 9 Oct 2009 (see cl. 2(a)); Order other than cl. 1 and 2: 10 Oct 2009 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order 2012</i>	29 Jun 2012 p. 2933-6	cl. 1 and 2: 29 Jun 2012 (see cl. 2(a)); Order other than cl. 1 and 2: 30 Jun 2012 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2012</i>	14 Dec 2012 p. 6198-9	cl. 1 and 2: 14 Dec 2012 (see cl. 2(a)); Order other than cl. 1 and 2: 15 Dec 2012 (see cl. 2(b))
<i>Electricity Corporations (Consequential Amendments) Regulations 2013 r. 10</i>	27 Dec 2013 p. 6469-79	1 Jan 2014 (see r. 2(c) and <i>Gazette</i> 27 Dec 2013 p. 6465)

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Electricity Industry Exemption Amendment Order 2014</i>	17 Oct 2014 p. 4003	cl. 1 and 2: 17 Oct 2014 (see cl. 2(a)); Order other than cl. 1 and 2: 18 Oct 2014 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order 2015</i>	15 May 2015 p. 1720-1	cl. 1 and 2: 15 May 2015 (see cl. 2(a)); Order other than cl. 1 and 2: 16 May 2015 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2015</i>	26 Jun 2015 p. 2253-4	cl. 1 and 2: 26 Jun 2015 (see cl. 2(a)); Order other than cl. 1, 2 and 6: 27 Jun 2015 (see cl. 2(c)); cl. 6: 1 Jul 2015 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 3) 2015</i>	8 Sep 2015 p. 3719	cl. 1 and 2: 8 Sep 2015 (see cl. 2(a)); Order other than cl. 1 and 2: 9 Sep 2015 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order 2016</i>	8 Jan 2016 p. 19-20	cl. 1 and 2: 8 Jan 2016 (see cl. 2(a)); Order other than cl. 1 and 2: 9 Jan 2016 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2016</i>	23 Dec 2016 p. 5894-900	cl. 1 and 2: 23 Dec 2016 (see cl. 2(a)); cl. 5: 24 Dec 2016 (see cl. 2(b) and <i>Gazette</i> 23 Dec 2016 p. 5900); Order other than cl. 1, 2 and 5: 24 Dec 2016 (see cl. 2(c))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2017</i>	22 Aug 2017 p. 4501-2	cl. 1 and 2: 22 Aug 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 23 Aug 2017 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 2) 2018</i>	26 Jun 2018 p. 2360	cl. 1 and 2: 26 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Jun 2018 (see cl. 2(b))
<i>Electricity Industry Exemption Amendment Order (No. 4) 2018</i>	26 Jun 2018 p. 2361	cl. 1 and 2: 26 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Jun 2018 (see cl. 2(b))

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Electricity Industry Exemption Amendment Order (No. 5) 2018</i>	29 Jun 2018 p. 2434-5	cl. 1 and 2: 29 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 30 Jun 2018 (see cl. 2(b))

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### **Provisions that have not come into operation**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Electricity Industry Exemption Amendment Order 2018</i> cl. 3-6 <sup>2</sup>	25 Sep 2018 p. 3557-9	23 Oct 2018 (see cl. 2(b))

<sup>2</sup> On the date as at which this compilation was prepared, the *Electricity Industry Exemption Amendment Order 2018* cl. 3-6 had not come into operation. They read as follows:

**3. Order amended**

This order amends the *Electricity Industry Exemption Order 2005*.

**4. Clause 3 amended**

In clause 3(3) delete “*Metering Code 2005.*” and insert:

*(Metering) Code 2012.*

**5. Clause 4 amended**

In clause 4(5)(a) delete “clause 6; and” and insert:

clauses 6 and 6A; and

6. **Clause 6A inserted**

After clause 6 insert:

**6A. Conditions applying to certain exemptions under cl. 4: life support equipment**

(1) In this clause —

**appropriately qualified medical practitioner** has the meaning given in the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016* clause 1.5;

**commencement day** means the day on which the *Electricity Industry Exemption Amendment Order 2018* clause 6 comes into operation;

**contact details**, of a person, means the person's telephone number and email address, as nominated by the person;

**exempt supplier** means a person who is exempt from the *Electricity Industry Act 2004* section 7(3) and (4) under clause 4(2) and (4);

**life support equipment** means equipment of a type specified for the purposes of the Life Support Equipment Electricity Subsidy Scheme, as administered by the Department of Finance immediately before commencement day;

**registered property**, in relation to an exempt supplier, means a property included in the register kept by the exempt supplier in accordance with this clause;

**retailer** means a person who holds —

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

**supply address**, in relation to an exempt supplier, means the property in relation to which the person is exempt under clause 4(2) and (4).

(2) An exempt supplier must, in accordance with this clause, keep a register of properties at the supply address at which a person who requires life support equipment resides.

- (3) If an exempt supplier is given written confirmation, by an appropriately qualified medical practitioner, that a person residing at a property at the supply address requires life support equipment, the exempt supplier must —
- (a) include the property in the register by including its address, and the contact details of the occupier of the property, in the register; and
  - (b) keep a copy of the confirmation; and
  - (c) within 48 hours of being given the confirmation —
    - (i) notify the retailer (if any) who supplies electricity for the supply address, that a person residing at the supply address requires life support equipment; and
    - (ii) give a copy of the confirmation to the retailer.
- (4) If an exempt supplier is informed that there is no person or will, after a specified date, be no person residing at a registered property at the supply address who requires life support equipment, the exempt supplier —
- (a) must, within 48 hours of being informed, pass on that information to the retailer (if any) who supplies electricity for the supply address; and
  - (b) may remove the property from the register accordingly.
- (5) The exempt supplier, in relation to a registered property at the supply address —
- (a) must not interrupt the supply of electricity to the registered property unless —
    - (i) 48 hours' notice has been given to the occupier of the property; or
    - (ii) an occupier of the property consents to the interruption;and
  - (b) must not disconnect the registered property for a failure to pay a fee or charge in relation to the supply of electricity to the property; and

- (c) must pass on to the occupier of the registered property any notice given to the exempt supplier of an interruption to the supply of electricity to the supply address, within 48 hours of receiving the notice; and
  - (d) must pass on to the occupier of the registered property a request (if relevant) by a retailer for written confirmation by an appropriately qualified medical practitioner that a person residing at the supply address requires or continues to require life support equipment.
- (6) If a person becomes an exempt supplier in relation to a supply address by replacing a previous exempt supplier, the person must, within 48 hours of becoming an exempt supplier in relation to the supply address —
- (a) notify the occupier of each property at the supply address that they have become an exempt supplier in relation to the supply address; and
  - (b) request the occupier to inform them whether or not any person who resides at the property requires life support equipment.

Note: The heading to clause 6 is to read:  
**Conditions applying to certain exemptions under cl. 4: fees and charges**

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Aboriginal community .....	7(1)
Aboriginal community premises .....	7(1)
Blair Fox .....	20(1)
code provision .....	11(1)
connection point .....	3(1)
CSBP .....	23(1)
DBNGP corridor .....	12(1)
DBNGP Transmission .....	12(1)
Eastern Metropolitan Regional Council .....	25(1)
electric vehicle .....	19(1)
electricity reticulation system .....	6(1)
EMR Golden Grove .....	21(1)
Eucla .....	15(1)
exempt supplier .....	6(1)
Fremantle Port Authority .....	14(1)
generation capacity .....	3(1), 24(1)
Hazelmere .....	25(1)
internet network .....	26(1)
Karakin Wind Farm .....	20(1)
Kwinana site .....	23(1), 24(1)
Kwinana WTE Project .....	24(1)
Minjar Gold .....	21(1)
non-residential property .....	3A
occupier .....	6(1)
PEP Agreement .....	8(1)
Perth Airport .....	25(1)
Perth Airport Pty Ltd .....	25(1)
Power Rental Op Co Australia .....	22(1)
property .....	3A
relevant agreement .....	10(1)
residential property .....	3A
South Hedland Power Station site .....	22(1)
supplier .....	4A(1), 4A(2), 4B
SWIS .....	3A