



Western Australia

Energy Operators (Powers) Act 1979

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



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

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**Defined terms**

## **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*<sup>1</sup>.

### **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;

***permitted surcharge***, in relation to a payment, has the meaning given in RBA Standard No 3 of 2016;

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

***RBA Standard No. 3 of 2016*** means the standard titled Standard No. 3 of 2016: Scheme Rules Relating to Merchant Pricing for Credit, Debit and Prepaid Card Transactions determined by the Reserve Bank of Australia under the *Payment Systems*

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(Regulation) Act 1998 (Commonwealth) section 18, as in force from time to time;

**residential tariff** means Tariff A2 or a MyPower residential tariff as defined in Schedule 1 clause 8(1);

**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: Gazette 30 Mar 2009 p. 1000; 29 Jun 2012 p. 2900; 22 Aug 2014 p. 3017; 22 Dec 2017 p. 5979; 26 Jun 2018 p. 2362.]

[4A. Deleted: Gazette 22 Aug 2014 p. 3017.]

**4. Electricity charges**

(1A) In this by-law —

**North West interconnected system** has the meaning given in the *Electricity Transmission and Distribution Systems (Access) Act 1994* section 2;

**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.

(1) The charges to be paid by consumers for the metered supply of electricity by the corporation are those specified in, or calculated in accordance with, Schedule 1.

(2A) Sub-by-law (1) does not apply to electricity supplied from a regional non-integrated system or the **North West interconnected system** to Commonwealth, State or foreign government departments, instrumentalities, agencies or trading concerns (except for local governments, regional local

governments or other bodies corporate not prohibited by the *Local Government Act 1995* section 3.60).

- (2) The charges to be paid by consumers for the unmetered supply of street lighting by the corporation are those specified in Schedule 2 Division 1.
- (3) The charges to be paid by consumers for the unmetered supply of electricity except street lighting by the corporation are those specified in, or calculated in accordance with, Schedule 2 Division 2.

*[By-law 4 amended: Gazette 30 Aug 2013 p. 4093-4; 26 Jun 2015 p. 2247-8.]*

## **5. Application of residential tariffs**

- (1) A consumer is entitled to be supplied on the basis of a 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, a 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.

*[By-law 5 amended: Gazette 22 Dec 2017 p. 5979.]*

## **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; and

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- (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: Gazette 30 Mar 2009 p. 1000.]*

**[9.** *Deleted: Gazette 21 Sep 2012 p. 4423.]*



**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) *deleted*]

- (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.

*[By-law 10 amended: Gazette 27 Jun 2014 p. 2320.]*

**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.

**12. Prescribed rate of interest for s. 62(16) of 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: Gazette 30 Mar 2009 p. 1000-1.]*

## **Schedule 1 — Supply charges**

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

[Heading inserted: Gazette 26 Jun 2018 p. 2362.]

### **Division 1 — Tariffs other than MyPower tariffs**

[Heading inserted: Gazette 26 Jun 2018 p. 2362.]

#### **1. 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 \$1.7154 per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 26.6946 cents per unit for the first 1 650 units per day; and
    - (ii) 30.0972 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 MW hours per annum.

[Clause 1 inserted: Gazette 26 Jun 2018 p. 2362.]

#### **2. 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 55.7410 cents per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 36.6265 cents per unit for the first 1 650 units per day; and
    - (ii) 33.0594 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 MW hours or more per annum.

*[Clause 2 inserted: Gazette 26 Jun 2018 p. 2363.]*

**3. Tariff A2 (residential tariff)**

- (1) Tariff A2 is available for residential use only.
- (2) Tariff A2 comprises —
- (a) a fixed charge at the rate of \$1.0155 per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of —
    - (i) \$1.0155 per day for the first dwelling; and
    - (ii) 40.3762 cents per day for each additional dwelling;and
  - (b) a charge for metered consumption at the rate of 28.3272 cents per unit.

*[Clause 3 inserted: Gazette 26 Jun 2018 p. 2363.]*

**4. 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 94.9058 cents per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 22.1733 cents per unit for the first 20 units per day; and
    - (ii) 23.6574 cents per unit for the next 1 630 units per day; and
    - (iii) 22.5658 cents per unit for all units exceeding 1 650 units per day.
- (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 4 inserted: Gazette 26 Jun 2018 p. 2363-4.]*

**5. 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 94.9058 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 35.1848 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 24.1118 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 5 inserted: Gazette 26 Jun 2018 p. 2364.]*

**6. Tariff K2 (general supply with residential tariff)**

- (1) Tariff K1 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 \$1.7154 per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 28.3272 cents per unit for the first 20 units per day; and
    - (ii) 26.6946 cents per unit for the next 1 630 units per day; and
    - (iii) 30.0972 cents per unit for all units exceeding 1 650 units per day.

*[Clause 6 inserted: Gazette 26 Jun 2018 p. 2364.]*

**Division 2 — MyPower tariffs**

*[Heading inserted: Gazette 26 Jun 2018 p. 2365.]*

**7. Terms used**

- (1) In this Division —

***Esperance network*** means the electricity network operated by the corporation that supplies electricity to the town of Esperance and surrounding areas;

***peak day*** means —

- (a) in relation to a tariff determined under clause 8 — a day that is in a peak period and is not a Saturday, a Sunday or a public holiday in the place in which the relevant premises to which electricity is supplied are situated; or
- (b) in relation to a tariff determined under clause 9 — a day that is in a peak period and is not a public holiday in the place in which the relevant premises to which electricity is supplied are situated;

*peak period* means —

- (a) in relation to electricity supplied otherwise than as described in paragraph (b) — a period beginning on 1 December in a year and ending on 30 April in the following year; or
- (b) in relation to electricity supplied on the Esperance network — a period beginning on 1 July in a year and ending on 31 March in the following year, but excluding the months of September, October, November and December;

*peak time* means a period beginning at 1 pm and ending at 8 pm.

- (2) For the purposes of this Division, a consumer *exceeds the applicable peak allowance* in relation to a tariff if, on a peak day, the consumer consumes more electricity during 1 or more hours in a peak time than the applicable peak allowance for the tariff, unless —
  - (a) the contract under which the electricity is supplied has been in force for a period of 14 days or fewer; or
  - (b) the corporation considers that on the relevant day the consumer was affected by an emergency event (for example, a cyclone or bushfire).

[Clause 7 inserted: Gazette 26 Jun 2018 p. 2365.]

## **8. MyPower residential tariffs**

- (1) Each tariff determined under this clause (a *MyPower residential tariff*) is available only —
  - (a) for residential use; and
  - (b) if the consumer has entered into a non-standard contract (as defined in the *Electricity Industry Act 2004* section 47) with the corporation for the supply of electricity at a MyPower residential tariff.
- (2) Each MyPower residential tariff comprises the following charges —
  - (a) a fixed charge at the applicable rate; and
  - (b) a charge for metered consumption at the applicable rate.

- (3) Each MyPower residential tariff is available subject to the condition that the consumer does not exceed the applicable peak allowance on 4 or more peak days in a peak period.
- (4) For each MyPower residential tariff, the applicable rates of the fixed charge and metered consumption charge, and the applicable peak allowance, are to be determined under the Table.

**Table**

<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower residential 1.5 fixed plan price	\$1.085704 per day	\$0.100000 per unit	1.5 units per hour
MyPower residential 3 fixed plan price	\$2.349424 per day	\$0.100000 per unit	3 units per hour
MyPower residential 5 fixed plan price	\$4.754144 per day	\$0.100000 per unit	5 units per hour
MyPower residential 7 fixed plan price	\$7.830263 per day	\$0.100000 per unit	7 units per hour
MyPower residential 10 fixed plan price	\$11.820120 per day	\$0.100000 per unit	10 units per hour

<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower residential 15 fixed plan price	\$24.069593 per day	\$0.100000 per unit	15 units per hour

[Clause 8 inserted: Gazette 26 Jun 2018 p. 2365-6.]

**9. MyPower non-residential tariffs**

- (1) Each tariff determined under this clause (a **MyPower non-residential tariff**) is available only —
  - (a) for non-residential use; and
  - (b) if the consumer has entered into a non-standard contract (as defined in the *Electricity Industry Act 2004* section 47) with the corporation for the supply of electricity at a MyPower non-residential tariff.
- (2) Each MyPower non-residential tariff comprises the following charges —
  - (a) a fixed charge at applicable rate; and
  - (b) a charge for metered consumption at the applicable rate.
- (3) Each MyPower non-residential tariff is available subject to the condition that the consumer does not exceed the applicable peak allowance on 4 or more peak days in a peak period.
- (4) For each MyPower non-residential tariff, the applicable rates of the fixed charge and metered consumption charge, and the applicable peak allowance, are to be determined under the Table.



**Table**

<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower business 3 fixed plan price	\$2.471406 per day	\$0.100000 per unit	3 units per hour
MyPower business 5 fixed plan price	\$5.880557 per day	\$0.100000 per unit	5 units per hour
MyPower business 7 fixed plan price	\$10.522735 per day	\$0.100000 per unit	7 units per hour
MyPower business 10 fixed plan price	\$15.678374 per day	\$0.100000 per unit	10 units per hour
MyPower business 15 fixed plan price	\$24.069593 per day	\$0.100000 per unit	15 units per hour
MyPower business 20 fixed plan price	\$42.912920 per day	\$0.100000 per unit	20 units per hour
MyPower business 30 fixed plan price	\$60.549730 per day	\$0.100000 per unit	30 units per hour

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**Schedule 1** Supply charges

**Division 2** MyPower tariffs

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<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower business 40 fixed plan price	\$88.342663 per day	\$0.100000 per unit	40 units per hour
MyPower business 50 fixed plan price	\$121.159230 per day	\$0.100000 per unit	50 units per hour

*[Clause 9 inserted: Gazette 26 Jun 2018 p. 2366-8.]*

**Schedule 2 — Unmetered supply**

[bl. 4(2) and (3)]

[Heading inserted: Gazette 26 Jun 2018 p. 2368.]

**Division 1 — Street lighting**

[Heading inserted: Gazette 26 Jun 2018 p. 2368.]

<b>Item</b>	<b>Wattage</b>	<b>Type</b>	<b>Midnight Switch-off (Obsolescent) Cents per day</b>	<b>1.15 a.m. Switch-off Cents per day</b>	<b>Dawn Switch-off Cents per day</b>
<i>Street lighting on current offer and for existing services</i>					
Z.01	50	Mercury Vapour	32.7338	33.4901	36.2736
Z.02	80	Mercury Vapour	39.8997	40.9299	45.3137
Z.03	125	Mercury Vapour	49.1011	50.8492	57.2876
Z.04	140	Low Pressure Sodium	50.3634	52.0077	58.6175
Z.07	250	Mercury Vapour	63.1971	66.6382	79.5699
Z.10	400	Mercury Vapour	77.4388	80.5998	112.7212
Z.13	150	High Pressure Sodium	48.8872	50.8489	60.3506
Z.15	250	High Pressure Sodium	66.2096	70.0344	84.7089
Z.18	per kW	Auxiliary Lighting in Public Places	Not applicable	Not applicable	260.3999
Z.59	66	LED	35.4528	36.4989	39.4877
Z.60	132	LED	47.3256	49.5750	60.1250
Z.61	198	LED	51.5747	55.2353	71.7486
Z.62	25	LED	32.6454	33.0048	33.3876
<i>Street lighting for existing services only</i>					
Z.05	250	Mercury Vapour	75.6409	78.7803	91.9121

**Energy Operators (Regional Power Corporation) (Charges) By-laws 2006****Schedule 2** Unmetered supply**Division 1** Street lighting

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<b>Item</b>	<b>Wattage</b>	<b>Type</b>	<b>Midnight Switch-off (Obsolescent) Cents per day</b>	<b>1.15 a.m. Switch-off Cents per day</b>	<b>Dawn Switch-off Cents per day</b>
Z.06	400	Mercury Vapour	99.8261	104.7087	125.3405
Z.08	250	Mercury Vapour 50% E.C. cost	69.6119	72.7295	85.8833
Z.09	250	Mercury Vapour 100% E.C. cost	75.6409	78.7803	91.9121
Z.11	400	Mercury Vapour 50% E.C. cost	93.7972	98.6909	119.3336
Z.12	400	Mercury Vapour 100% E.C. cost	99.8261	104.7087	125.3405
Z.14	150	High Pressure Sodium	65.9286	67.6938	77.2873
Z.16	250	High Pressure Sodium 50% E.C. cost	75.6643	79.2202	94.0621
Z.17	250	High Pressure Sodium 100% E.C. cost	84.6637	88.2525	103.1054
Z.51	60	Incandescent	33.7893	34.5128	37.1270
Z.52	100	Incandescent	33.8972	34.9331	38.8330
Z.53	200	Incandescent	39.7908	40.6786	44.7566
Z.54	300	Incandescent	49.2123	50.8072	56.5620
Z.55	500	Incandescent	79.1375	82.2287	93.8371
Z.56	40	Fluorescent	32.5011	33.2026	35.7780
Z.57	80	Fluorescent	39.7906	40.6786	44.7566
Z.58	160	Fluorescent	55.6580	56.4305	65.4738

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*[Division 1 inserted: Gazette 26 Jun 2018 p. 2368-9.]*

**Division 2 — Miscellaneous**

*[Heading inserted: Gazette 26 Jun 2018 p. 2369.]*

**1. Traffic light installation**

Supply of electricity to traffic light installations comprises a charge of \$7.2270 per day per kW of installed wattage.

*[Clause 1 inserted: Gazette 26 Jun 2018 p. 2369.]*

**2. Public telephone facility**

Supply of electricity to a standard public telephone facility where supply is not independently metered comprises a charge of 62.8063 cents per day.

*[Clause 2 inserted: Gazette 26 Jun 2018 p. 2369.]*

**3. Railway crossing**

Supply of electricity to standard railway crossing lights comprises a charge of 80.2623 cents per day.

*[Clause 3 inserted: Gazette 26 Jun 2018 p. 2369.]*

### **Schedule 3 — Meter rentals**

[bl. 6(1)]

*[Heading inserted: Gazette 26 Jun 2018 p. 2370.]*

The rental payable in respect of a subsidiary meter is 16.49 cents per day.

*Note: Subsidiary meters are available on application for purposes approved by the corporation.*

*[Schedule 3 inserted: Gazette 26 Jun 2018 p. 2370.]*

## Schedule 4 — Fees

[bl. 7]

*[Heading inserted: Gazette 26 Jun 2018 p. 2370.]*

Description of fee	Amount
1. Non-refundable account establishment fee payable on the establishment or transfer of an account .....	\$23.60
2. Three phase residential installation — new installation of three phase meter or replacement of single phase meter with three phase meter	\$909.00
3. Temporary supply connection —	
(a) single phase (overhead) .....	\$896.00
(b) three phase (overhead) .....	\$896.00
4. Meter testing —	
(a) standard meter testing fee .....	\$243.60
(b) reduced meter testing fee .....	\$152.20
5. Disconnection of overhead service leads following unauthorised reconnection .....	\$758.00
6. Overdue account notices .....	\$5.80
7. Rejected account payment (where payment made through Australia Post) .....	\$24.40
8. A transaction fee where a consumer makes a payment to the corporation by means of a credit card or debit card	The permitted surcharge for the payment
9. Remote configurations .....	\$25.70
10. Meter damage fee .....	\$840.00
11. Remote connection or disconnection .....	\$6.19
12. Paper bill fee .....	\$1.20

**Energy Operators (Regional Power Corporation) (Charges) By-laws 2006**  
**Schedule 4 Fees**

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<b>Description of fee</b>	<b>Amount</b>
13. Over-the-counter payment fee .....	\$2.27

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*[Schedule 4 inserted: Gazette 26 Jun 2018 p. 2370.]*





## Notes

- <sup>1</sup> This is a compilation 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 <sup>1a</sup>. 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-laws 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))
<b>Reprint 1: The Energy Operators (Regional Power Corporation) (Charges) By-laws 2006 as at 16 Oct 2009</b> (includes amendments listed above)		
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2010</i>	26 Mar 2010 p. 1171-89	Pt. 1: 26 Mar 2010 (see bl. 2(a)); Pt. 2: 1 Apr 2010 (see bl. 2(b)); Pt. 3: 1 Jul 2010 (see bl. 2(c))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2011</i>	24 Jun 2011 p. 2495-8	bl. 1 and 2: 24 Jun 2011 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2011 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By laws 2012</i>	29 Jun 2012 p. 2899-911	bl. 1 and 2: 29 Jun 2012 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2012 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By laws (No. 2) 2012</i>	21 Sep 2012 p. 4423	bl. 1 and 2: 21 Sep 2012 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Oct 2012 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2013</i>	14 Jun 2013 p. 2223-7	bl. 1 and 2: 14 Jun 2013 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2013 (see bl. 2(b))

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

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2013</i>	30 Aug 2013 p. 4093-6	bl. 1 and 2: 30 Aug 2013 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Sep 2013 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2014</i>	27 Jun 2014 p. 2319-26	bl. 1 and 2: 27 Jun 2014 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2014 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2014</i>	22 Aug 2014 p. 3017-23	bl. 1 and 2: 22 Aug 2014 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Sep 2014 (see bl. 2(b))
<b>Reprint 2: The Energy Operators (Regional Power Corporation) (Charges) By-laws 2006 as at 3 Oct 2014</b> (includes amendments listed above)		
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2015</i>	26 Jun 2015 p. 2247-52	bl. 1 and 2: 26 Jun 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2015 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2016</i>	28 Jun 2016 p. 2626-8	bl. 1 and 2: 28 Jun 2016 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2016 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2016</i>	31 Aug 2016 p. 3707-10	bl. 1 and 2: 31 Aug 2016 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Sep 2016 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2017</i>	27 Jun 2017 p. 3419-24	bl. 1 and 2: 27 Jun 2017 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2017 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2017</i>	30 Jun 2017 p. 3562-4	bl. 1 and 2: 30 Jun 2017 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2017 (see bl. 2(b)(i))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 3) 2017</i>	22 Dec 2017 p. 5978-83	bl. 1 and 2: 22 Dec 2017 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jan 2018 (see bl. 2(b))
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2018</i>	26 Jun 2018 p. 2361-71	bl. 1 and 2: 26 Jun 2018 (see bl. 2(a)); By-laws other than bl. 1 and 2:

Citation	Gazettal	Commencement
		1 Jul 2018 (see bl. 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**

Citation	Gazettal	Commencement
<i>Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2019</i> bl. 3-6 <sup>2</sup>	21 Jun 2019 p. 2119-27	1 Jul 2019 (see r. 2(b))

<sup>2</sup> On the date as at which this compilation was prepared, the *Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2019* bl. 3-6 had not come into operation. They read as follows:

3. **By-laws amended**  
These by-laws amend the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006*.
4. **By-law 10 amended**  
Delete by-law 10(3).
5. **Schedules 1 and 2 replaced**  
Delete Schedules 1 and 2 and insert:

**Schedule 1 — Supply charges**

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

**Division 1 — Tariffs other than MyPower tariffs**

1. **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 \$1.7789 per day; and
    - (b) a charge for metered consumption at the rate of —
      - (i) 27.6823 cents per unit for the first 1 650 units per day; and

- (ii) 31.2108 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 MW hours per annum.
- 2. 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 \$1.9181 per day; and
    - (b) a charge for metered consumption at the rate of —
      - (i) 38.9608 cents per unit for the first 1 650 units per day; and
      - (ii) 33.0594 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 MW hours or more per annum.
- 3. Tariff A2 (residential tariff)**
- (1) Tariff A2 is available for residential use only.
  - (2) Tariff A2 comprises —
    - (a) a fixed charge at the rate of \$1.0333 per day or, for multiple dwellings supplied through 1 metered supply point, a fixed charge at the rate of —
      - (i) \$1.0333 per day for the first dwelling; and
      - (ii) 41.0828 cents per day for each additional dwelling;
    - and
    - (b) a charge for metered consumption at the rate of 28.8229 cents per unit.
- 4. 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 97.2784 cents per day; and
    - (b) a charge for metered consumption at the rate of —
      - (i) 22.7276 cents per unit for the first 20 units per day; and

- (ii) 24.2488 cents per unit for the next 1 630 units per day; and
  - (iii) 23.1299 cents per unit for all units exceeding 1 650 units per day.
- (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).

**5. 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 96.6141 cents per day; and
  - (b) if under subclause (3) there is deemed to be more than 1 equivalent domestic residence in the premises, a charge of 35.8181 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 24.5458 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.

**6. 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 \$1.7686 per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 29.2053 cents per unit for the first 20 units per day; and
    - (ii) 27.5221 cents per unit for the next 1 630 units per day; and
    - (iii) 31.0302 cents per unit for all units exceeding 1 650 units per day.

**Division 2 — MyPower tariffs**

**7. Terms used**

- (1) In this Division —

*Esperance network* means the electricity network operated by the corporation that supplies electricity to the town of Esperance and surrounding areas;

*peak day* means —

  - (a) in relation to a tariff determined under clause 8 — a day that is in a peak period and is not a Saturday, a Sunday or a public holiday in the place in which the relevant premises to which electricity is supplied are situated; or
  - (b) in relation to a tariff determined under clause 9 — a day that is in a peak period and is not a public holiday in the place in which the relevant premises to which electricity is supplied are situated;

*peak period* means —

- (a) in relation to electricity supplied otherwise than as described in paragraph (b) — a period beginning on 1 December in a year and ending on 30 April in the following year; or
- (b) in relation to electricity supplied on the Esperance network — a period beginning on 1 July in a year and ending on 31 March in the following year, but excluding the months of September, October, November and December;

**peak time** means a period beginning at 1 pm and ending at 8 pm.

- (2) For the purposes of this Division, a consumer **exceeds the applicable peak allowance** in relation to a tariff if, on a peak day, the consumer consumes more electricity during 1 or more hours in a peak time than the applicable peak allowance for the tariff, unless —
- (a) the contract under which the electricity is supplied has been in force for a period of 14 days or fewer; or
  - (b) the corporation considers that on the relevant day the consumer was affected by an emergency event (for example, a cyclone or bushfire).

**8. MyPower residential tariffs**

- (1) Each tariff determined under this clause (a **MyPower residential tariff**) is available only —
- (a) for residential use; and
  - (b) if the consumer has entered into a non-standard contract (as defined in the *Electricity Industry Act 2004* section 47) with the corporation for the supply of electricity at a MyPower residential tariff.
- (2) Each MyPower residential tariff comprises the following charges —
- (a) a fixed charge at the applicable rate; and
  - (b) a charge for metered consumption at the applicable rate.
- (3) Each MyPower residential tariff is available subject to the condition that the consumer does not exceed the applicable peak allowance on 4 or more peak days in a peak period.
- (4) For each MyPower residential tariff, the applicable rates of the fixed charge and metered consumption charge, and the applicable peak allowance, are to be determined under the Table.

**Table**

<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower residential 1.5 fixed plan price	\$1.118275 per day	\$0.100000 per unit	1.5 units per hour
MyPower residential 3 fixed plan price	\$2.419907 per day	\$0.100000 per unit	3 units per hour

Tariff name	Rate of fixed charge	Rate of metered consumption charge	Peak allowance
MyPower residential 5 fixed plan price	\$4.896768 per day	\$0.100000 per unit	5 units per hour
MyPower residential 7 fixed plan price	\$8.065171 per day	\$0.100000 per unit	7 units per hour
MyPower residential 10 fixed plan price	\$12.174724 per day	\$0.100000 per unit	10 units per hour
MyPower residential 15 fixed plan price	\$24.791681 per day	\$0.100000 per unit	15 units per hour

**9. MyPower non-residential tariffs**

- (1) Each tariff determined under this clause (a *MyPower non-residential tariff*) is available only —
  - (a) for non-residential use; and
  - (b) if the consumer has entered into a non-standard contract (as defined in the *Electricity Industry Act 2004* section 47) with the corporation for the supply of electricity at a MyPower non-residential tariff.
- (2) Each MyPower non-residential tariff comprises the following charges —
  - (a) a fixed charge at the applicable rate; and
  - (b) a charge for metered consumption at the applicable rate.
- (3) Each MyPower non-residential tariff is available subject to the condition that the consumer does not exceed the applicable peak allowance on 4 or more peak days in a peak period.
- (4) For each MyPower non-residential tariff, the applicable rates of the fixed charge and metered consumption charge, and the applicable peak allowance, are to be determined under the Table.

**Table**

Tariff name	Rate of fixed charge	Rate of metered consumption charge	Peak allowance
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<b>Tariff name</b>	<b>Rate of fixed charge</b>	<b>Rate of metered consumption charge</b>	<b>Peak allowance</b>
MyPower business 3 fixed plan price	\$2.607333 per day	\$0.100000 per unit	3 units per hour
MyPower business 5 fixed plan price	\$6.203988 per day	\$0.100000 per unit	5 units per hour
MyPower business 7 fixed plan price	\$11.101485 per day	\$0.100000 per unit	7 units per hour
MyPower business 10 fixed plan price	\$16.540685 per day	\$0.100000 per unit	10 units per hour
MyPower business 15 fixed plan price	\$25.393421 per day	\$0.100000 per unit	15 units per hour
MyPower business 20 fixed plan price	\$46.989647 per day	\$0.100000 per unit	20 units per hour
MyPower business 25 fixed plan price	\$48.071605 per day	\$0.100000 per unit	25 units per hour
MyPower business 30 fixed plan price	\$66.301954 per day	\$0.100000 per unit	30 units per hour
MyPower business 35 fixed plan price	\$70.577512 per day	\$0.100000 per unit	35 units per hour
MyPower business 40 fixed plan price	\$96.735216 per day	\$0.100000 per unit	40 units per hour
MyPower business 50 fixed plan price	\$132.669357 per day	\$0.100000 per unit	50 units per hour

**Schedule 2 — Unmetered supply**

[bl. 4(2) and (3)]

**Division 1 — Street lighting**

<b>Item</b>	<b>Wattage</b>	<b>Type</b>	<b>Midnight Switch-off (Obsolescent) Cents per day</b>	<b>1.15 am Switch-off Cents per day</b>	<b>Dawn Switch-off Cents per day</b>
<b>Street lighting on current offer and for existing services</b>					
Z.01	50	Mercury Vapour	39.7706	40.6169	43.7482
Z.02	80	Mercury Vapour	46.2502	47.3500	51.9473
Z.03	125	Mercury Vapour	54.9343	56.7707	63.5593
Z.04	140	Low Pressure Sodium	51.3455	53.0219	59.7605
Z.07	250	Mercury Vapour	68.3570	71.8828	85.1413
Z.10	400	Mercury Vapour	81.6671	85.0517	115.9997
Z.13	150	High Pressure Sodium	54.7447	56.7739	66.3222
Z.15	250	High Pressure Sodium	71.1148	74.9966	89.8633
Z.18	per kW	Auxiliary Lighting in Public Places	Not applicable	Not applicable	265.4778
Z.59	66	LED	41.9512	42.9984	46.0879
Z.60	132	LED	53.7659	56.1502	67.0044
Z.61	198	LED	57.3070	60.8976	76.8782
Z.62	25	LED	39.2591	39.6511	40.2545
Z.63	120	LED	50.2248	51.7613	59.0684
Z.64	180	LED	57.1959	60.7568	76.6045
Z.65	18	LED	38.5633	38.7962	38.8217
Z.66	20	LED	38.6777	38.9367	39.0572
Z.67	53	LED	41.5806	42.5380	45.2835
Z.68	80	LED	42.3919	43.5460	47.0444
Z.69	160	LED	51.6095	53.4776	62.1718

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

Item	Wattage	Type	Midnight Switch-off (Obsolescent) Cents per day	1.15 am Switch-off Cents per day	Dawn Switch-off Cents per day
<i>Street lighting for existing services only</i>					
Z.05	250	Mercury Vapour	77.1159	80.3165	93.7044
Z.06	400	Mercury Vapour	101.7727	106.7505	127.7846
Z.08	250	Mercury Vapour 50% E.C. cost	70.9693	74.1477	87.5580
Z.09	250	Mercury Vapour 100% E.C. cost	77.1159	80.3165	93.7044
Z.11	400	Mercury Vapour 50% E.C. cost	95.6262	100.6154	121.6606
Z.12	400	Mercury Vapour 100% E.C. cost	101.7727	106.7505	127.7846
Z.14	150	High Pressure Sodium	67.2142	69.0138	78.7944
Z.16	250	High Pressure Sodium 50% E.C. cost	77.1398	80.7650	95.8963
Z.17	250	High Pressure Sodium 100% E.C. cost	86.3146	89.9734	105.1160
Z.51	60	Incandescent	34.4482	35.1858	37.8510
Z.52	100	Incandescent	34.3299	35.6143	39.5902
Z.53	200	Incandescent	40.5667	41.4718	45.6294
Z.54	300	Incandescent	50.1719	51.7979	57.6650
Z.55	500	Incandescent	80.6807	83.8322	95.6669
Z.56	40	Fluorescent	39.1321	39.8326	42.4119
Z.57	80	Fluorescent	40.5665	41.4718	45.6294
Z.58	160	Fluorescent	56.7433	57.5309	66.7505

**Division 2 — Miscellaneous**

- 1. Traffic light installation**  
Supply of electricity to traffic light installations comprises a charge of \$7.4619 per day per kW of installed wattage.
- 2. Public telephone facility**  
Supply of electricity to a standard public telephone facility where supply is not independently metered comprises a charge of 64.7219 cents per day.
- 3. Railway crossing**  
Supply of electricity to standard railway crossing lights comprises a charge of 82.7103 cents per day.
- 6. Schedule 4 replaced**  
Delete Schedule 4 and insert:

**Schedule 4 — Fees**

[bl. 7]

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<b>Description of fee</b>	<b>Amount</b>
1. Non-refundable account establishment fee payable on the establishment or transfer of an account .....	\$23.60
2. Three phase residential installation — new installation of three phase meter or replacement of single phase meter with three phase meter .....	\$901.00
3. Temporary supply connection —	
(a) single phase (overhead) .....	\$901.00
(b) three phase (overhead) .....	\$901.00
4. Meter testing —	
(a) standard meter testing fee .....	\$243.60
(b) reduced meter testing fee .....	\$152.20
5. Disconnection of overhead service leads following unauthorised reconnection .....	\$762.10
6. Overdue account notices .....	\$5.80

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<b>Description of fee</b>	<b>Amount</b>
7. Rejected account payment (where payment made through Australia Post) .....	\$27.50
8. A transaction fee where a consumer makes a payment to the corporation by means of a credit card or debit card	The permitted surcharge for the payment
9. Remote configurations .....	\$26.00
10. Meter damage fee .....	\$844.10
11. Remote connection or disconnection .....	\$6.19
12. Paper bill fee .....	\$1.20
13. Over-the-counter payment fee .....	\$2.52

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Defined terms

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## 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>
corporation .....	3
dwelling .....	3
Esperance network .....	Sch. 1 cl. 7(1)
exceeds the applicable peak allowance .....	Sch. 1 cl. 7(2)
interest period .....	12(1)
MyPower non-residential tariff .....	Sch. 1 cl. 9(1)
MyPower residential tariff .....	Sch. 1 cl. 8(1)
North West interconnected system .....	4(1A), 4(2A)
peak day .....	Sch. 1 cl. 7(1)
peak period .....	Sch. 1 cl. 7(1)
peak time .....	Sch. 1 cl. 7(1)
permitted surcharge .....	3
RBA cash rate .....	3
RBA Standard No. 3 of 2016 .....	3
regional non-integrated system .....	4(1A)
relevant period .....	8(1)
residential tariff .....	3
South West interconnected system .....	4(1A)
Tariff .....	3
unit .....	3