



Western Australia

Electricity Industry Amendment (Distributed Energy Resources) Act 2024

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Western Australia

Electricity Industry Amendment (Distributed Energy Resources) Act 2024

No. 1 of 2024

An Act to amend the *Electricity Industry Act 2004* in relation to the State electricity objective, distributed energy resources and the regulation of network access, distribution networks and power system security, and to make consequential amendments to other Acts.

[Assented to 7 March 2024]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — Stage 1 amendments

Division 1 — *Electricity Industry Act 2004* amended

3. Act amended

This Division amends the *Electricity Industry Act 2004*.

4. Section 3 amended

- (1) In section 3(1) insert in alphabetical order:

connected facility, in relation to a distribution system, means electricity infrastructure connected to the distribution system that manages or controls the flow of electricity to or from the distribution system;

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

electricity services means services that are necessary or incidental to the supply of electricity to consumers of electricity;

electricity system means the following —

- (a) distribution systems;
- (b) generating works;
- (c) stand-alone power systems;
- (d) storage works;
- (e) transmission systems;
- (f) wires, apparatus, equipment, plant or buildings that are incidental to the supply of electricity;

electricity system and market rules has the meaning given in section 123(1);

embedded network —

- (a) means a distribution system that —
 - (i) supplies electricity to at least 1 customer who is not an entity in control of the distribution system or at least 1 premises that is not occupied by an entity in control of the distribution system; and
 - (ii) is supplied with electricity by another distribution system; and
 - (iii) is not part of a covered network;and
- (b) includes a distribution system referred to in paragraph (a) that is capable of operating without receiving a supply of electricity from another electricity network; but
- (c) does not include a distribution system of a class that is prescribed by the regulations not to be an embedded network;

quality, in relation to the supply of electricity, means the extent to which the supply of electricity complies with any technical requirements of —

- (a) the regulations; and
- (b) the electricity system and market rules; and
- (c) a standard made under section 39(2)(d);

reliability, in relation to the supply of electricity or the operation of an electricity system, means the ability of the electricity system to maintain or supply consistent delivery of electricity to customers;

security, in relation to the supply of electricity or the operation of an electricity system, includes the ability of the supply or electricity system to withstand

disruption or disturbance or changed circumstances of supply or operation;

State electricity objective has the meaning given in section 3A(1);

- (2) In section 3(1) insert in alphabetical order:

prescribed voltage means the voltage prescribed by the regulations for this definition;

- (3) In section 3(1) in the definition of *distribution system* delete “of less than 66 kV;” and insert:

that are less than the prescribed voltage;

- (4) In section 3(1) in the definition of *transmission system* delete “of 66 kV or higher.” and insert:

equal to or higher than the prescribed voltage.

5. Section 3A inserted

At the end of Part 1 insert:

3A. State electricity objective

- (1) The *State electricity objective* is to promote efficient investment in, and efficient operation and use of, electricity services for the long-term interests of consumers of electricity in relation to —
- (a) the quality, safety, security and reliability of supply of electricity; and

- (b) the price of electricity; and
 - (c) the environment, including reducing greenhouse gas emissions.
- (2) The Minister, the Authority, the Coordinator and the Board must have regard to the State electricity objective in carrying out a function under this Act.
- (3) For the purposes of subsection (2), the Minister, the Authority, the Coordinator or the Board may give the weight to any aspect of the State electricity objective that the Minister, the Authority, the Coordinator or the Board considers appropriate in all the circumstances.

6. Section 11 amended

After section 11(4)(a) insert:

- (aa) the electricity system and market rules; or

7. Section 39 amended

In section 39(2)(d) delete “quality” and insert:

quality, security

8. Section 39A amended

- (1) In section 39A(1) delete the definition of *relevant day* and insert:

relevant day means the day referred to in subsection (4);

- (2) In section 39A(1) in the definition of *service standards* delete “quality” and insert:

quality, security

- (3) In section 39A(2) delete “Authority is to” and insert:

Coordinator must

- (4) Delete section 39A(3).

- (5) In section 39A(4) delete “Subsequent reviews are to” and insert:

Reviews must

- (6) In section 39A(6) and (7) delete “Authority is to” and insert:

Coordinator must

- (7) In section 39A(8) delete “Authority,” and insert:

Coordinator,

- (8) In section 39A(10):

- (a) delete “Authority is to —” and insert:

Coordinator must —

- (b) in paragraph (a) delete “Authority” and insert:

Coordinator

- (9) In section 39A(11):

- (a) delete “is to” and insert:

must

- (b) delete “subsequent”.

Note: The heading to amended section 39A is to read:

Review of standards applying to Regional Power Corporation

9. Section 60 amended

In section 60 delete the definition of *Coordinator*.

10. Section 105 amended

- (1) In section 105(1):

- (a) delete “also”;

- (b) in paragraph (cb) delete “works; and” and insert:

works, including stand-alone power systems or storage works that do not form part of a covered network; and

- (c) after paragraph (cb) insert:

- (cc) generally, the relationship between the Code and the electricity system and market rules, including things done under or governed by the Code or the electricity system and market rules; and

- (2) In section 105(2) delete “in the *Gazette*” and insert:

in accordance with the *Interpretation Act 1984* section 41(1)(a)

11. Section 115 amended

In section 115(1)(a) delete “Code; or” and insert:

Code or the electricity system and market rules; or

12. Section 119 amended

Delete section 119(2) and insert:

- (2) The objective of this Part (the *Pilbara electricity objective*) is to meet the State electricity objective in the Pilbara region.

13. Section 120A amended

Delete section 120A(2).

14. Section 120B amended

In section 120B:

- (a) in paragraph (f) delete “the Code or” and insert:

the Code,

- (b) in paragraph (f) after “Access Code” insert:

or the electricity system and market rules

(c) in paragraph (h) after “between the Code” insert:

or the electricity system and market rules

(d) in paragraph (h) delete “Code or” and insert:

Code, the electricity system and market rules or

15. Section 120F amended

In section 120F(1) after “the Code” insert:

or the electricity system and market rules

Note: The heading to amended section 120F is to read:

Consequential amendments to the Code or electricity system and market rules

16. Section 120K amended

In section 120K(3):

(a) in paragraph (b) delete “paragraph (a).” and insert:

paragraph (a);

(b) after paragraph (b) insert:

(c) the regulation of the powers of the Regional Power Corporation to provide stand-alone power systems or storage works, including stand-alone power systems or storage works that do not form part of a covered Pilbara network.

17. Section 120W amended

In section 120W(4)(a) after “security” insert:

and reliability

18. Section 120ZG amended

(1) In section 120ZG(2) delete “achieved.” and insert:

met.

(2) In section 120ZG(4):

(a) delete “achieved,” and insert:

met,

(b) delete “achieved.” and insert:

met.

19. Section 120ZH amended

In section 120ZH(1) delete “achieved” and insert:

met

20. Part 9 heading replaced

Delete the heading to Part 9 and insert:

**Part 9 — Electricity system and electricity
markets**

Division 1 — Preliminary

21. Section 121 amended

- (1) In section 121(1) delete the definitions of:

market

market rules

- (2) In section 121(1) insert in alphabetical order:

governance participant means a person —

- (a) on whom functions are conferred under the regulations or the electricity system and market rules; or
- (b) on whom functions relating to this Part are conferred by another written law;

network service provider has the meaning given in section 103;

participant means —

- (a) a person who is registered in accordance with the electricity system and market rules as required under the regulations; or
- (b) a governance participant;

wholesale electricity market means the wholesale electricity market established by regulations made under section 122.

- (3) Delete section 121(2).

22. Part 9 Division 2 heading inserted

After section 121 insert:

**Division 2 — Wholesale electricity market and
electricity system and market rules**

23. Section 122 amended

- (1) In section 122(1) delete “market (the *market*)” and insert:

wholesale electricity market

- (2) Delete section 122(2).

Note: The heading to amended section 122 is to read:

Regulations to provide for a wholesale electricity market

24. Section 123 amended

- (1) In section 123(1) delete the passage that begins with “(the *market rules*)” and ends with “regulations.” and insert:

(the *electricity system and market rules*).

(2) After section 123(1) insert:

- (1A) The electricity system and market rules may provide for —
- (a) any matter relating to meeting the State electricity objective; and
 - (b) any matter relating to an electricity system in the State that is authorised under this Part to be provided for in the electricity system and market rules; and
 - (c) any matter relating to the wholesale electricity market; and
 - (d) any matter relating to the operation of the South West interconnected system; and
 - (e) any matter authorised under Part 8 or 8A to be provided for in the electricity system and market rules; and
 - (f) the registration of persons engaged in specified activities for which registration is required under the regulations made under section 124(3); and
 - (g) technical requirements and standards in relation to access to electricity systems; and
 - (h) any other matter that under this Act may be provided for in the electricity system and market rules.

(3) In section 123(2):

(a) after “The” insert:

electricity system and

- (b) delete “not” (1st occurrence);
- (c) delete “and section 42 of that Act does” and insert:

but sections 42 and 43(6) of that Act do

- (4) Delete section 123(3).

- (5) In section 123(4):

- (a) in paragraph (a) delete “establishment of the initial” and insert:

making of the electricity system and

- (b) in paragraph (b) after “of the” insert:

electricity system and

- (c) in paragraph (b) after “and the” insert:

electricity system and

- (d) in paragraph (c) delete “initial” and insert:

electricity system and

- (e) in paragraph (c) after “replacing, the” insert:

electricity system and

- (6) After section 123(4) insert:
- (5) The regulations, and the electricity system and market rules may apply, adopt or incorporate, with or without modification, material contained in any other document or writing as in effect or existing —
- (a) when the regulations, or rules or any amendment of the regulations or rules comes into operation; or
 - (b) at a specified prior time; or
 - (c) from time to time.

Note: The heading to amended section 123 is to read:

Regulations to provide for electricity system and market rules

25. Section 124 amended

- (1) In section 124(1) delete the passage that begins with “for” and ends with “122(2).” and insert:

in relation to the following —

- (a) meeting the State electricity objective;
- (b) the purpose set out in section 122(1);
- (c) any matters that may be included in the electricity system and market rules.

- (2) In section 124(2):
- (a) in paragraph (b) after “authorise the” insert:

electricity system and

- (b) in paragraph (b) delete “Minister” and insert:

Minister, the Authority or the Coordinator

- (c) in paragraph (c) before “market rules” insert:

electricity system and

- (d) in paragraph (d) delete “participant referred to in section 121(2)(b) or (c)” and insert:

governance participant

- (e) in paragraph (d) after “functions of the” insert:

governance

- (f) in paragraph (e) after “authorise the” insert:

electricity system and

- (g) delete paragraphs (f) to (m);

- (h) in paragraph (n) delete “participant referred to in section 121(2)(b) or (c),” and insert:

governance participant,

- (3) In section 124(3) after “with the” insert:

electricity system and

- (4) Delete section 124(5) and (6) and insert:
- (5) If there is an inconsistency between a provision of the regulations and a provision of the electricity system and market rules, the provision of the regulations prevails.

26. Part 9 Divisions 3 to 7 inserted

After section 124 insert:

Division 3 — Reliable supply and electricity systems

124A. Reliable supply and electricity systems

Without limiting section 123 or 124, the electricity system and market rules may provide for the following —

- (a) matters relating to any of the following —
 - (i) the reliability of electricity supply and electricity systems;
 - (ii) the security of electricity supply and electricity systems;
 - (iii) the quality of electricity supply;
 - (iv) the safe supply of electricity and the safe operation of electricity systems;
- (b) requirements and standards for the purposes of paragraph (a);
- (c) the obligations of holders of transmission licences, distribution licences or integrated regional licences or other persons to comply with any requirements or standards referred to in paragraph (b);

- (d) the compensation payments to be made to customers by the holder of a transmission licence, distribution licence or integrated regional licence or any other person for a failure to comply with any obligations prescribed under paragraph (c).

124B. System voltage or frequency

The regulations may impose, or authorise the electricity system and market rules to impose, duties on network operators (as defined in the *Electricity Act 1945* section 5(1)) in relation to —

- (a) the system voltage or frequency at which the network operator supplies electricity to the premises of a consumer at the point where the electricity will pass beyond the service apparatus of the network operator; and
- (b) the maintenance of system voltage within specified limits.

124C. Directions to rectify non-compliance

- (1) The regulations may confer power on a network service provider or another person —
 - (a) to direct a person who has failed to comply with a specified requirement of this Act, the regulations or the electricity system and market rules to rectify the non-compliance to ensure the safe supply of electricity or the safe operation of the electricity system; and
 - (b) if a direction referred to in paragraph (a) is not complied with —
 - (i) to take specified actions to rectify the non-compliance; and

- (ii) to recover the cost of taking a specified action from the person to whom the direction is given and to bring proceedings for that purpose.
- (2) The regulations may provide for —
 - (a) applications to be made to the State Administrative Tribunal for review of any decision to give a direction or to take an action referred to in subsection (1); and
 - (b) the effect on a direction or action pending the determination of an application referred to in paragraph (a).
- (3) A regulation under subsection (2)(b) may provide for the stay of the operation of a decision to give a direction or to take an action despite the *State Administrative Tribunal Act 2004* section 25(1).

Division 4 — Distribution systems and connected facilities

124D. Terms used

In this Division —

connected facility operator means a person or persons responsible for —

- (a) owning or operating a connected facility; or
- (b) supplying electricity or electricity services through a connected facility;

distribution system includes a stand-alone power system;

distribution system market means a market for the sale, trading or purchase of electricity and electricity services principally generated or otherwise produced and consumed on a distribution system;

distribution system market operator, in relation to a distribution system market, means a person or body designated under the electricity system and market rules as the operator of the distribution system market;

distribution system operator, in relation to a distribution system, means a person or body designated under the electricity system and market rules as the operator of the distribution system;

network user has the meaning in section 103.

124E. Distribution system regulation

The electricity system and market rules may provide for any of the following in relation to distribution systems (including embedded networks) or connected facilities —

- (a) the operation of distribution systems or connected facilities;
- (b) standards and technical requirements for connected facilities;
- (c) the designation of a person or body as a distribution system operator in relation to a distribution system and the functions and rights of a distribution system operator;
- (d) the identification of a connected facility operator in relation to a connected facility and the functions and rights of a connected facility operator;
- (e) the identification of a network user in relation to a distribution system or connected facility and the functions and rights of a network user;
- (f) the extent and transparency of control that a distribution system operator must establish and maintain in relation to a distribution system or

confer on another person in relation to a distribution system;

- (g) the extent and transparency of control that a connected facility operator must establish and maintain in relation to a connected facility or confer on another person in relation to a connected facility;
- (h) the creation, governance and operation of a distribution system market;
- (i) the designation of a person or body as the operator of a distribution system market;
- (j) the conferral of rights and functions on a person or body (including a person holding office under a written law or a body established under a written law) in relation to the governance and operation of a distribution system market;
- (k) the regulation of the relationship between any of the following —
 - (i) a distribution system operator and any other distribution system operator;
 - (ii) a connected facility operator and any other connected facility operator;
 - (iii) a distribution system operator and a connected facility operator;
 - (iv) a distribution system operator and the operator of the wholesale electricity market;
 - (v) a connected facility operator and the operator of the wholesale electricity market;

- (vi) a distribution system market and the wholesale electricity market;
- (vii) a distribution system market operator and the operator of the wholesale electricity market;
- (viii) a distribution system market operator and a distribution system operator;
- (ix) a distribution system operator and any other participant;
- (x) a connected facility operator and any other participant;
- (xi) a distribution system market operator and any other participant;
- (xii) a distribution system operator and a network user;
- (xiii) a connected facility operator and a network user.

124F. Technical and other standards

The electricity system and market rules may provide for any of the following in relation to distribution systems (including embedded networks) or connected facilities —

- (a) technical or other standards, including standards relating to —
 - (i) the supply of electricity or electricity services through the distribution system or connected facility; and
 - (ii) the transfer of electricity into and out of the distribution system or connected facility;

- (b) technical requirements, standards or other requirements relating to the connection of premises to a distribution system or connected facility or a distribution system and connected facility to each other, including requirements and standards relating to —
 - (i) remote monitoring, data capture and meter reading; and
 - (ii) remote disconnection and reconnection; and
 - (iii) other aspects of remote control.

Division 5 — Metering and data

124G. Metering

The electricity system and market rules may provide for any matter relating to the metering of the supply of electricity, including —

- (a) the provision, operation and maintenance of metering equipment; and
- (b) ownership of and access to metering data.

124H. Electricity data and electricity data systems

- (1) In this section —

electricity data means information and documents relating to any of the following —

- (a) electricity services;
- (b) network services;
- (c) electricity generation;
- (d) electricity consumption;
- (e) suppliers of electricity, electricity services and network services;

- (f) consumers of electricity and electricity services, in relation to that consumption;

electricity data service means a service relating to —

- (a) the collection, distribution, storage and processing of electricity data; or
- (b) the operation of an electricity data system;

electricity data system means a system on which electricity data is stored, distributed or processed.

- (2) The electricity system and market rules may prescribe requirements and standards relating to electricity data systems and electricity data services and electricity data collected, distributed, stored, processed or used in connection with the operation of electricity data systems and electricity data services, including requirements and standards relating to —
 - (a) confidentiality; and
 - (b) the protection of personal information; and
 - (c) cyber security; and
 - (d) the data rights of consumers.
- (3) The electricity system and market rules may authorise or require the sharing of electricity data between network service providers.

Division 6 — Enforcement

124I. Term used: contravene

In this Division —

contravene, in relation to a provision of the electricity system and market rules, includes —

- (a) attempt to contravene the provision; or
- (b) aid, abet, counsel or procure a person to contravene the provision; or

- (c) induce, or attempt to induce, a person, whether by threats or promises or otherwise, to contravene the provision; or
- (d) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of the provision; or
- (e) conspire with others to contravene the provision.

124J. Regulations as to enforcement of electricity system and market rules

- (1) The regulations may provide for the enforcement of the electricity system and market rules.
- (2) Without limiting subsection (1), the regulations may —
 - (a) provide that a provision of the electricity system and market rules specified in the regulations, or of a class specified in the regulations, is a civil penalty provision for the purposes of the regulations; and
 - (b) prescribe, for a contravention of a civil penalty provision, the following amounts that may, in accordance with the regulations, be demanded from or imposed on a person who contravenes the provision —
 - (i) an amount not exceeding \$100 000;
 - (ii) in addition, a daily amount not exceeding \$20 000 for each day or part of a day during which the contravention continues;and
 - (c) provide for demands for the payment of amounts referred to in paragraph (b) and the enforcement of demands for their payment; and

- (d) provide for —
 - (i) and regulate the taking of proceedings in the Supreme Court or otherwise in respect of alleged contraventions of provisions of the electricity system and market rules; and
 - (ii) the orders that can be made and other sanctions that can be imposed in those proceedings; and
 - (iii) the enforcement of those orders and sanctions;and
- (e) provide for the manner in which amounts received by way of civil penalties are to be dealt with and applied; and
- (f) provide for —
 - (i) and regulate the taking of proceedings in the Supreme Court for an injunction restraining engagement in conduct contravening a provision of the electricity system and market rules; and
 - (ii) the granting of an injunction (including an interim injunction); and
 - (iii) the rescission or variation of an injunction so granted;and
- (g) provide for and regulate the taking of proceedings before the Supreme Court for a declaration as to whether a provision of the electricity system and market rules is being or has been contravened and provide for the orders that can be made in those proceedings; and

- (h) provide for and regulate the taking of action for the recovery of an amount of loss or damage suffered because of conduct contravening a provision of the electricity system and market rules; and
- (i) provide for and regulate the making of applications for, and the issue of, warrants relating to the investigation of alleged contraventions of provisions of the electricity system and market rules and for the powers exercisable under warrants; and
- (j) provide for any matter that is necessary or convenient to be prescribed in relation to the enforcement of the electricity system and market rules.

124K. Criminal proceedings do not lie

- (1) Criminal proceedings (including proceedings under *The Criminal Code* section 177 or 178) do not lie against a person by reason only that the person has contravened a provision of the electricity system and market rules.
- (2) Nothing in subsection (1) affects section 115.

Division 7 — Functions of Authority

124L. Functions of Authority

The Authority is responsible for —

- (a) monitoring, investigating and enforcing compliance with the electricity system and market rules; and

- (b) carrying out any other function conferred on it by the regulations or the electricity system and market rules.

27. Part 9 Division 8 heading inserted

Before section 125 insert:

Division 8 — Review of decisions

28. Section 125 amended

- (1) In section 125(1):
 - (a) delete “participant referred to in section 121(2)(b) or (c)” and insert:

governance participant
 - (b) after “or the” insert:

electricity system and
- (2) In section 125(3):
 - (a) after “decisions of” insert:

governance
 - (b) after “or the” insert:

electricity system and

29. Part 9 Division 9 heading inserted

After section 125 insert:

Division 9 — Immunity

30. Section 126 amended

- (1) In section 126(1) delete the definitions of:
market governance participant
system management participant
- (2) In section 126(1) in the definition of *officer*, of a body corporate that is not a corporation, delete “(Commonwealth);” and insert:

(Commonwealth).
- (3) After section 126(1) insert:

(1A) The following do not incur any civil monetary liability for an act or omission done or made in good faith in the performance, or purported performance, of a function under this Part, the regulations or the electricity system and market rules —
 - (a) the Minister;
 - (b) the Authority;
 - (c) the Coordinator.

- (1B) The following persons do not incur any civil monetary liability for an act or omission done or made in good faith in the performance, or purported performance, of a function under this Part, the regulations or the electricity system and market rules —
- (a) an officer or employee of the Department of the public service principally assisting in the administration of this Act;
 - (b) an officer or employee of the Authority;
 - (c) an officer or employee of the Coordinator.

- (4) In section 126(2):
- (a) delete “market” (1st and 2nd occurrences);
 - (b) after “or the” insert:

electricity system and

- (5) In section 126(3):
- (a) delete “done or made after the expiration of the period of 12 months from the establishment of the initial market rules” and insert:

mentioned in subsection (2)
 - (b) in paragraph (a) delete “subsection (2)” and insert:

that subsection

(6) Delete section 126(4) and insert:

(4) Nothing in subsection (2) or (3) limits the immunity given by subsection (1A) or (1B).

Note: The heading to amended section 126 is to read:

Immunity of certain persons and bodies

31. Part 9 Division 10 heading inserted

After section 126 insert:

Division 10 — Competition authorisation

32. Section 127 amended

In section 127(2) after “to the” insert:

electricity system and

33. Part 9 Division 11 heading inserted

After section 127 insert:

Division 11 — Review of wholesale electricity market operation

34. Section 128 amended

(1) Delete section 128(1) and insert:

- (1) The Coordinator must review the operation of the wholesale electricity market, and prepare a report based on the review —
- (a) as soon as practicable after the 3rd anniversary of the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 3 comes into operation; and
 - (b) after that, at intervals of not more than 3 years.

(2) In section 128(2) delete “objectives set out in section 122(2) have been or are being achieved.” and insert:

State electricity objective has been or is being met.

(3) Delete section 128(3) and (4) and insert:

- (3) The Coordinator must give the Minister a written report based on the review not later than 3 years and 6 months after —
- (a) for the first review, the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 3 came into operation; or
 - (b) for a subsequent review, the last preceding report was laid before each House of Parliament under subsection (5)(a).

- (4) If the Coordinator considers that the State electricity objective has not been and is not being met in whole or in part, the report must set out recommendations as to how the State electricity objective can be met.

- (4) In section 128(5) delete “is to —” and insert:

must —

- (5) In section 128(6):

- (a) delete “Authority is to” and insert:

Coordinator must

- (b) delete “Authority.” and insert:

Coordinator.

Note: The heading to amended section 128 is to read:

Review of wholesale electricity market operation

35. Section 129 amended

- (1) In section 129(1):

- (a) delete “Authority is to” and insert:

Coordinator must

- (b) delete “objectives set out in section 122(2) have been or are being achieved” and insert:

State electricity objective has been or is being met

(2) In section 129(2):

(a) delete “Authority is to cause” and insert:

Coordinator must ensure that

(b) delete “to be —” and insert:

is —

(c) in paragraph (b) delete “Authority.” and insert:

Coordinator.

(3) In section 129(3):

(a) delete “is to” and insert:

must

(b) in paragraph (a) delete “Authority; and” and insert:

Coordinator; and

(4) In section 129(4) delete “is not to” and insert:

must not

- (5) In section 129(5) delete “Authority is to” and insert:

Coordinator must

36. Section 129AA inserted

At the end of Part 9 insert:

129AA. Coordinator may appoint panels

The regulations may confer power on the Coordinator —

- (a) to appoint panels of persons to provide advice and assistance to the Coordinator in conducting a review or implementing any recommendations of a review; and
- (b) to recover the costs of the appointment of a panel by requiring the payment of fees, determined in accordance with the regulations, by participants and operators of covered networks.

37. Section 134 amended

- (1) In section 134(1) delete the definition of *market rules*.
- (2) In section 134(2) after “or the” insert:

electricity system and

38. Part 11 inserted

After section 134 insert:

Part 11 — Transitional provisions for *Electricity Industry Amendment (Distributed Energy Resources) Act 2024*

135. Term used: relevant instrument

In this Part —

relevant instrument means —

- (a) the Code; or
- (b) a technical code or technical rules approved by the Authority under the Code or any other instrument made under the Code; or
- (c) the *Electricity Industry (Metering) Code 2012* made under section 39(2a) or an instrument made under that code; or
- (d) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* made under section 39(2a)(a) or an instrument made under that code.

136. Transitional regulations: general

- (1) In this section —

specified means specified or described in the regulations;

transitional matter —

- (a) means a matter or issue of a transitional nature that arises as a result of any of the amendments to this Act made by the *Electricity Industry Amendment (Distributed Energy Resources)*

Act 2024, including a matter or issue that arises as a result of the coming into operation of different provisions of that Act at different times; and

- (b) includes a savings or application matter.
- (2) If there is not sufficient provision in this Act for dealing with a transitional matter, regulations may prescribe all matters that are required, or are necessary or convenient, to be prescribed for dealing with the matter.
- (3) If regulations made under subsection (2) provide that a specified state of affairs is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a) but not earlier than the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 38 comes into operation, the regulations have effect according to their terms.
- (4) If regulations made under subsection (2) contain a provision of a kind described in subsection (3), the provision does not operate so as —
 - (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the day of publication of those regulations; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

137. Transitional provisions: power to make orders

Without limiting section 136, the regulations may authorise the Minister to determine by order published in accordance with the *Interpretation Act 1984* section 41(1)(a) how any matter in progress immediately before a day specified in the order is to be treated, after that day, for the purposes of the provisions of the regulations or the electricity system and market rules.

138. Transitional provisions: relevant instruments

- (1) Without limiting section 136, the regulations may provide, or authorise the electricity system and market rules to provide, for the regulation of matters of a savings, transitional or supplementary nature relating to the transition of matters contained in a relevant instrument to the electricity system and market rules.
- (2) The regulations may provide, or authorise the electricity system and market rules to provide, for the continuation of the operation of a relevant instrument after its revocation for the purpose of the transition of any matter to the electricity system and market rules.
- (3) The regulations may provide, or authorise the electricity system and market rules to provide, how anything done or in progress or required to be done under a relevant instrument is to be treated on and after a day specified in the electricity system and market rules.
- (4) The regulations may provide, or authorise the electricity system and market rules to provide, that a reference in any instrument to a relevant instrument is to be treated on and after a day specified in the electricity system and market rules as a reference to the

electricity system and market rules or specified provisions of the electricity system and market rules.

139. Powers of Minister: relevant instruments

- (1) The Minister may amend a relevant instrument to facilitate, or as a consequence of, the transition of any matter in any relevant instrument to the electricity system and market rules.
- (2) The Minister may amend the Code and any other relevant instrument in relation to the application of the State electricity objective to the Code or instrument.
- (3) The Minister may amend the electricity system and market rules to provide for the transition of any matter in any relevant instrument to the electricity system and market rules.
- (4) A requirement under this Act or the regulations or a relevant instrument for public consultation before amending a relevant instrument or the electricity system and market rules does not apply to an amendment made under subsection (1), (2) or (3).

140. Electricity system and market rules do not affect existing agreements

- (1) The making or amendment of the electricity system and market rules —
 - (a) does not affect the terms and conditions, or the operation, of an agreement or arrangement in operation under a relevant instrument immediately before a day specified in the electricity system and market rules for that purpose; and
 - (b) does not afford a party to the agreement or arrangement any ground or reason for not

complying with the agreement according to its terms and conditions.

- (2) Subsection (1)(a) or (b) does not apply to an agreement or arrangement to the extent that the electricity system and market rules or the agreement or arrangement or an enactment provides otherwise.

141. References to market rules and wholesale electricity market objectives

- (1) A reference in any Act or instrument to the market rules under this Act is taken on and after the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 24 comes into operation to be a reference to the electricity system and market rules.
- (2) A reference in any Act or instrument to the objectives of the wholesale electricity market under this Act is taken on and after the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 23 comes into operation to be a reference to the State electricity objective.

142. Power to make electricity system and market rules for matters that may be provided for in relevant instruments

- (1) Until the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation, the electricity system and market rules may make provision for any matter that may be provided for in a relevant instrument.
- (2) If there is an inconsistency between a provision of the electricity system and market rules and a provision of a relevant instrument, the provision of the electricity system and market rules prevails.

- (3) Until the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation, a reference in this Act or an instrument under this Act to a relevant instrument includes a reference to any provision included in the electricity system and market rules in accordance with subsection (1).

143. References to Code and technical codes under Code

- (1) A reference in any Act or instrument to the Code is taken on and after the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation to be a reference to the electricity system and market rules.
- (2) A reference in any Act or instrument to a technical code approved by the Authority under the Code is taken on and after day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation to be a reference to a technical standard or requirement provided for under the electricity system and market rules under section 123(1A)(g) of this Act.

144. References to standards

Until the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation —

- (a) a reference in section 39A to RPC standards includes a reference to requirements and standards provided by the electricity system and market rules for the purposes of section 124A(a)(i) to (iii); and
- (b) a reference in sections 129D and 129N to service standards includes a reference to requirements and standards provided by the

electricity system and market rules for the purposes of section 124A(a)(i) to (iii).

145. References to *Electricity Industry (Metering) Code 2012* made under section 39(2a)

A reference in any Act or instrument to the *Electricity Industry (Metering) Code 2012* made under section 39(2a) is taken on and after the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation to be a reference to the electricity system and market rules made under section 124G.

146. References to *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* made under section 39(2a)(a)

A reference in any Act or instrument to the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* made under section 39(2a)(a) is taken on and after the day on which the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* Part 3 comes into operation to be a reference to the electricity system and market rules made for the purposes of section 124A(a)(i) to (iii).

39. Schedule 1 clause 1 amended

In Schedule 1 clause 1(k) after “section 39)” insert:

or requirements or standards under specified electricity system and market rules

Division 2 — *Electricity Act 1945* amended

40. Act amended

This Division amends the *Electricity Act 1945*.

41. Section 25 amended

In section 25(1):

- (a) in paragraph (c) delete ‘polarity; and’ and insert:

polarity.

- (b) delete paragraph (d).

Division 3 — *Electricity Corporations Act 2005* amended

42. Act amended

This Division amends the *Electricity Corporations Act 2005*.

43. Section 3 amended

In section 3(1) insert in alphabetical order:

electricity system and market rules means the
electricity system and market rules as defined in the
Electricity Industry Act 2004 section 123(1);

44. Section 41 amended

Delete section 41(b), (ba) and (c) and insert:

- (b) to do anything that it is authorised or required
to do by the *Electricity Industry Act 2004*, the
regulations under that Act, the Code made

under Part 8 of that Act and the electricity system and market rules; and

- (c) to provide stand-alone power systems (as defined in the *Electricity Industry Act 2004* section 3(1)) in accordance with the regulations under Part 8 of that Act, the Code made under that Part and the electricity system and market rules; and

45. Section 50 amended

Delete section 50(c) and insert:

- (ba) to do anything that it is authorised or required to do by the *Electricity Industry Act 2004*, the regulations under that Act, the electricity system and market rules, the Code made under Part 8 of that Act and the Pilbara Networks Access Code and Pilbara networks rules made under Part 8A of that Act; and
- (bb) to provide stand-alone power systems (as defined in the *Electricity Industry Act 2004* section 3(1)) in accordance with the regulations under Part 8 of that Act, the Code under that Part and the electricity system and market rules; and
- (c) to provide stand-alone power systems (as defined in the *Electricity Industry Act 2004* section 3(1)) in accordance with the regulations, the Pilbara Networks Access Code and the Pilbara networks rules made under Part 8A of that Act; and

46. Section 54 amended

In section 54(8) delete “8 or 8A.” and insert:

8, 8A or 9.

47. Section 63 amended

In section 63(4)(b) delete “section 124,” and insert:

Part 9,

48. Section 111 amended

In section 111 before “market rules” insert:

electricity system and

**Division 4 — *Electricity Transmission and Distribution Systems*
(Access) Act 1994 amended**

49. Act amended

This Division amends the *Electricity Transmission and Distribution Systems (Access) Act 1994*.

50. Section 95A amended

Delete section 95A(2)(b)(ii) and insert:

- (ii) the *Electricity Industry Act 2004* Part 8,
the Code established under that Part and

the electricity system and market rules
under that Act.

Division 5 — *Energy Operators (Powers) Act 1979* amended

51. Act amended

This Division amends the *Energy Operators (Powers) Act 1979*.

52. Section 45 amended

In section 45(4A), delete the definition of ***generating works*** and insert:

generating works does not include a stand-alone power system (as defined in the *Electricity Industry Act 2004* section 3(1)) that is being constructed, installed, operated or maintained —

- (a) in accordance with the regulations and the Code made under the *Electricity Industry Act 2004* Part 8 and the electricity system and market rules (as defined in the section 3(1) of that Act); or
- (b) by the Regional Power Corporation in accordance with the regulations, the Pilbara Networks Access Code and the Pilbara networks rules made under the *Electricity Industry Act 2004* Part 8A; or
- (c) by the Regional Power Corporation in accordance with its powers under the *Electricity Corporations Act 2005* and the regulations made under the *Electricity Industry Act 2004* Part 8A.

Part 3 — Stage 2 amendments

Division 1 — *Electricity Industry Act 2004* amended

53. Act amended

This Division amends the *Electricity Industry Act 2004*.

54. Section 3 amended

- (1) In section 3(1) delete the definition of *Code*.
- (2) In section 3(1) in the definition of *covered network*:
 - (a) in paragraph (a) delete “comes” and insert:

came
 - (b) after paragraph (a) insert:

(aa) were covered by the Code under section 104 of the Act as in force immediately before the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 61 came into operation and that have not ceased to be a covered network; or
 - (c) in paragraph (b) delete “Code” and insert:

electricity system and market rules

- (3) In section 3(1) in the definition of *quality*:
- (a) in paragraph (b) delete “rules; and” and insert:

rules;

- (b) delete paragraph (c).

55. Section 11 amended

Delete section 11(4)(b).

56. Section 39 amended

- (1) Delete section 39(2)(a), (d) and (da).
- (2) In section 39(2c) in the definition of *code matter* delete paragraphs (a), (c) and (ca).

57. Section 39A amended

In section 39A(1) delete the definition of *RPC standards* and insert:

RPC standards means requirements and standards in the electricity system and market rules that —

- (a) relate to the quality, security and reliability of electricity systems made for the purposes of section 124A(a)(i) to (iii); and
- (b) are to be observed by the Regional Power Corporation;

Note: The heading to amended section 39A is to read:

Review of standards applying to Regional Power Corporation

58. Section 102 deleted

Delete section 102.

59. Section 103 amended

In section 103 in the definition of *access agreement* delete “Code” and insert:

electricity system and market rules

60. Part 8 Division 2 heading replaced

Delete the heading to Part 8 Division 2 and insert:

**Division 2 — Rules to regulate access to services of
network infrastructure facilities**

61. Section 104 replaced

Delete section 104 and insert:

**104. Electricity system and market rules to regulate
access to services of network infrastructure facilities**

The electricity system and market rules must include provisions in relation to access to the services of network infrastructure facilities.

62. Section 104A amended

(1) In section 104A(1):

- (a) delete “Provision is to be made in the Code —” and insert:

The electricity system and market rules must include provisions —

- (b) in paragraph (c) delete “for” and insert:

regulating

(2) In section 104A(3) delete “Code” and insert:

electricity system and market rules

(3) In section 104A(4) delete “Code,” and insert:

electricity system and market rules,

Note: The heading to amended section 104A is to read:

Electricity system and market rules to provide for coverage of networks

63. Section 104B amended

In section 104B:

- (a) delete “Provision is to be made in the Code” and insert:

The electricity system and market rules must include provisions

- (b) in paragraph (a) delete “out —” and insert:

out any of the following —
- (c) in paragraph (a)(i) delete “services; and” and insert:

services;
- (d) in paragraph (a)(ii) delete “conditions; and” and insert:

conditions;
- (e) in paragraph (a)(iii) delete “Code;” and insert:

electricity system and market rules;
- (f) delete paragraph (m);
- (g) in paragraph (o) delete “Code,” and insert:

electricity system and market rules,

Note: The heading to amended section 104B is to read:

Full regulation of access to services of covered networks

64. Section 105 amended

- (1) In section 105(1):
 - (a) delete “Code” (1st occurrence) and insert:

electricity system and market rules

- (b) delete paragraphs (b) and (c) and insert:
 - (b) the conferral of functions on an arbitrator for the purposes of the arbitration of disputes; and
 - (c) delete paragraph (cc).
- (2) In section 105(2):
- (a) delete “the commencement of this Part” and insert:

a day specified in the order
 - (b) delete “commencement,” and insert:

day,
 - (c) delete “Code.” and insert:

electricity system and market rules.

Note: The heading to amended section 105 is to read:

Other matters for which electricity system and market rules may make provision

65. Section 106 amended

- (1) In section 106(1):
- (a) delete “making of the Code or the”;
 - (b) in paragraph (a) delete “the commencement of the Code or”.

(2) In section 106(2):

(a) delete “Code” and insert:

electricity system and market rules

(b) delete “provides” and insert:

provide

Note: The heading to amended section 106 is to read:

Approval of access arrangement does not affect existing agreements

66. Sections 107 to 112 deleted

Delete sections 107 to 112.

67. Section 114 deleted

Delete section 114.

68. Section 115 amended

In section 115(1)(a) delete “Code or”.

69. Sections 116 to 118 deleted

Delete sections 116 to 118.

70. Section 120B amended

In section 120B:

- (a) in paragraph (f) delete “the Code,”;
- (b) in paragraph (h) delete “the Code or”;
- (c) in paragraph (h) delete “the Code,”.

71. Section 120F amended

In section 120F(1) delete “the Code or”.

Note: The heading to amended section 120F is to read:

Consequential amendments to the electricity system and market rules

72. Section 129D amended

In section 129D(4) delete the definition of *service standards* and insert:

service standards means requirements and standards provided by the electricity system and market rules for the purposes of section 124A(a)(i) to (iii).

73. Section 129F amended

In section 129F(2) and (3) delete “Code” and insert:

electricity system and market rules

74. Section 129N amended

In section 129N(5) delete the definition of *service standards* and insert:

service standards means requirements and standards provided by the electricity system and market rules for the purposes of section 124A(a)(i) to (iii).

75. Section 130 amended

(1) In section 130(2):

(a) in paragraph (i) delete “Code” and insert:

electricity system and market rules

(b) in paragraph (j) delete “Code” (1st occurrence) and insert:

electricity system and market rules

(2) In section 130(9) delete “Code” and insert:

electricity system and market rules

Division 2 — *Electricity Corporations Act 2005* amended

76. Act amended

This Division amends the *Electricity Corporations Act 2005*.

77. Section 41 amended

In section 41:

(a) in paragraph (b) delete “Act, the Code made under Part 8 of that”;

(b) in paragraph (c) delete “Act, the Code made under that Part” and insert:

Act

78. Section 50 amended

In section 50:

- (a) in paragraph (ba) delete “rules, the Code made under Part 8 of that Act” and insert:

rules

- (b) in paragraph (bb) delete “Act, the Code under that Part” and insert:

Act

Division 3 — *Electricity Transmission and Distribution Systems (Access) Act 1994* amended

79. Act amended

This Division amends the *Electricity Transmission and Distribution Systems (Access) Act 1994*.

80. Section 95A amended

In section 95A(2)(b)(ii) delete “Part 8, the Code established under that Part” and insert:

Part 8

Division 4 — *Energy Operators (Powers) Act 1979* amended

81. Act amended

This Division amends the *Energy Operators (Powers) Act 1979*.

82. Section 45 amended

In section 45(4A) in the definition of *generating works* paragraph (a) delete “the Code made under the *Electricity Industry Act 2004* Part 8 and”.

Division 5 — Subsidiary legislation made under *Electricity Industry Act 2004* repealed

83. Particular Codes repealed

The following are repealed —

- (a) the *Electricity Industry (Metering) Code 2012*;
 - (b) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*;
 - (c) the Code in force under section 104 as in force immediately before the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 61 comes into operation.
-