

Decision to approve the replacement Standard Form Contract

ROTTNEST ISLAND AUTHORITY

12 December 2011

Economic Regulation Authority

WESTERN AUSTRALIA

Important Notice

This document has been compiled in good faith by the Economic Regulation Authority (**Authority**). The document contains information supplied to the Authority from third parties. The Authority makes no representation or warranty, express or implied, as to the accuracy, completeness, reasonableness or reliability of the information supplied by those third parties.

This document is not a substitute for legal or technical advice. No person or organisation should act on the basis of any matter contained in this document without obtaining appropriate professional advice. The Authority and its staff members make no representation or warranty, expressed or implied, as to the accuracy, completeness, reasonableness or reliability of the information contained in this document, and accept no liability, jointly or severally, for any loss or expense of any nature whatsoever (including consequential loss) arising directly or indirectly from any making available of this document, or the inclusion in it or omission from it of any material, or anything done or not done in reliance on it, including in all cases, without limitation, loss due in whole or part to the negligence of the Authority and its employees.

This notice has effect subject to the *Competition & Consumer Act 2010 (Cth)*, the *Fair Trading Act 1987 (WA)* and the *Fair Trading Act 2010 (WA)*, if applicable, and to the fullest extent permitted by law.

Any summaries of the legislation, regulations or licence provisions in this document do not contain all material terms of those laws or obligations. No attempt has been made in the summaries, definitions or other material to exhaustively identify and describe the rights, obligations and liabilities of any person under those laws or licence provisions.

A full copy of this document is available from the Economic Regulation Authority website at www.erawa.com.au.

For further information, contact:

Economic Regulation Authority
Perth, Western Australia
Phone: (08) 9213 1900

© Economic Regulation Authority 2011

The copying of this document in whole or part for non-commercial purposes is permitted provided that appropriate acknowledgment is made of the Economic Regulation Authority and the State of Western Australia. Any other copying of this document is not permitted without the express written consent of the Authority.

DECISION

1. Pursuant to section 51 and 52 of the *Electricity Industry Act 2004 (Act)*, the Economic Regulation Authority (**Authority**) approves the replacement standard form contract for the supply of electricity to small use customers submitted by Rottnest Island Authority (**RIA**).

REASONS

2. The Authority requested that RIA review its standard form contract to ensure compliance with the requirements of the new Australian Consumer Law and the current version of the *Code of Conduct for the Supply of Electricity to Small Use Customers*. On 24 May 2011, RIA submitted a proposed replacement contract under which the licensee proposed to supply electricity to its small use customers.
3. Feedback was provided to RIA regarding consumer guarantees, unsolicited consumer agreements and proprietary interests. As a result of this feedback, RIA proposed a number of further changes.
4. In accordance with the Authority's *Public Consultation Guidelines – For Electricity, Gas & Water Licences and Electricity & Gas Standard Form Contracts (July 2006)*, the Authority provided a public consultation period of at least 15 business days between 4 November 2011 and 24 November 2011. No submissions were received.
5. Under the Act the Authority must not approve a standard form contract if it considers that the contract will not meet the requirements of the regulations in respect of such contracts, or will be inconsistent with the Act or any other written law, or any term, condition or provision of the licence.
6. The Authority has considered RIA's replacement standard form contract and is satisfied that it meets the requirements of the Act and therefore approves the contract.

LYNDON ROWE
CHAIRMAN

APPENDICES

Appendix 1 Standard Form Contract