

# Transmission Licence

## Electricity Industry Act 2004 (WA)

### Transmission Licence

The Economic Regulation Authority (Authority), established under the *Economic Regulation Authority Act 2003* hereby grants a transmission licence to <<Name>> (Licensee) subject to, and in accordance with, the terms set out in this licence.

Dated this <<Date>> day <<Month>> 20xx.

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Signed by a delegate;  
member; or  
the Chairman of the Economic Regulation Authority.

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# Transmission Licence

*Electricity Industry Act 2004 (WA)*

**LICENCE ETL <<Number>>**

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***Applicant's Full Name***  
***(Licensee)***

**<<ABN\_ACN>>**

**<<ADDRESS>>**

# Transmission Licence

## 1 Definitions

**Act** means the *Electricity Industry Act 2004 (WA)*.

**applicable legislation** includes:

- (a) the *Act*;
- (b) the *Regulations*; and
- (c) the *Codes*.

**asset management system** means the measures that are to be taken by the *licensee* for the proper maintenance, expansion or reduction of the *transmission system*.

**asset management system review** means a review of the effectiveness of the *asset management system*.

**Authority** means the Economic Regulation Authority.

**business day** means a day which is not a Saturday, Sunday or a Public Holiday in Western Australia.

**Code** means:

- (a) the *Electricity Networks Access Code 2004*;
- (b) the *Electricity Industry Customer Transfer Code 2004*;
- (c) the *Reliability and Quality of Supply Code 2005*; or
- (d) a code prepared by the *Authority* or the Minister pursuant to section 39 of the Act.

**commencement date** means the date specified in Schedule 1.

**customer** means a person to whom *electricity* is sold for the purpose of consumption.

**distribution system** means any apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the transportation of *electricity* at nominal voltages of less than 66kV.

**electricity** includes electrical energy of any kind, however produced, stored, transported or consumed.

**electricity licensing email address** means:

- (a) in relation to the *Authority*, the addressee's authorised *Authority* email address or other such email address as notified in writing to the *licensee*; and

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- (b) in relation to the *licensee*, the email address specified in the *licence* application or other such email address as notified in writing to the *Authority*.

**expiry date** means the date specified in Schedule 1.

**individual performance standards** mean any standards prescribed by the *Authority* for an individual *licensee* pursuant to clause 14 of the *licence*.

**licence** means:

- (a) this licence;
- (b) Schedule 1; and
- (c) any *individual performance standards* approved by the *Authority* pursuant to clause 14.

**licence area** is the area stated in Schedule 1 of this *licence*.

**licensee** means the <<Name of licensee>>.

**notice** means a written notice, agreement, consent, direction, representation, advice, statement or other communication required or given pursuant to or in connection with, this *licence*.

**operate** or **operation** in relation to the *transmission system* includes:

- (a) to maintain the system; and
- (b) to make any modifications necessary or desirable for the operation of the system.

**performance audit** means an audit of the effectiveness of measures taken by the *licensee* to meet the *performance criteria* in this *licence*.

**performance criteria** means:

- (a) the terms and conditions of the *licence*; and
- (b) any other relevant matter in connection with the *applicable legislation* that the *Authority* determines should form part of the *performance audit*.

**publish** in relation to a report or information means either:

- (a) posting the report or information on the *licensee's* website; or
- (b) sending the report or information to the *Authority* to be published on the *Authority's* website.

**Regulations** means:

- (a) *Electricity Industry (Licensing Fees) Regulations 2005*; and
- (b) any regulations in force from time to time made pursuant to the *Act*.

**related body corporate** has the meaning in section 50 of the *Corporations Act 2001 (Cwlth)*.

**reviewable decision** means a decision by the *Authority* pursuant to:

- (a) clause 14.2;

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- (b) clause 15.2;
- (c) clause 16.4; or
- (d) clause 19.1,

of this *licence*.

**South West Interconnected System** means the interconnected transmission and distribution systems, generating works and associated works:

- (a) located in the South West of the State and extending generally between Kalbarri, Albany and Kalgoorlie; and
- (b) into which *electricity* is supplied by:
  - (i) one or more of the electricity generation plants at Kwinana, Muja, Collie and Pinjar; or
  - (ii) any prescribed *electricity* generation plant.

**supply** means to transport *electricity* through the transmission system.

**transmission system** is described in Schedule 1 and means any apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the transportation of *electricity* at nominal voltages of 66kV or higher.

## 2 2 Grant of Licence

2.1 The *licensee* is granted a *licence* for the *licence area* to:

- (a) construct and *operate* a new *transmission system* or *operate* an existing *transmission system*;
- (b) *supply* electricity from:
  - (i) *generating works*;
  - (ii) *distribution systems*; or
  - (iii) another *transmission system*;
 to:
  - (i) a *customer*, on behalf of a retailer;
  - (ii) a *distribution system*; or
  - (iii) another *transmission system*;
- (c) provide connection services to:
  - (i) *generating works*;
  - (ii) *distribution systems*;
  - (iii) another *transmission system*; or
  - (iv) *customers* on behalf of a retailer,

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in accordance with the terms and conditions of this *licence*.

### 3 Term

3.1 This *licence* commences on the *commencement date* and continues until the earlier of:

- (a) the cancellation of the *licence* pursuant to clause 7 of this *licence*;
- (b) the surrender of the *licence* pursuant to clause 8 of this *licence*; or
- (c) the *expiry date*.

### 4 Fees

4.1 The *licensee* must pay the applicable fees in accordance with the *Regulations*.

### 5 Compliance

5.1 Subject to any modifications or exemptions granted pursuant to the *Act*, the *licensee* must comply with any *applicable legislation* including, but not limited to, the *Electricity Industry Customer Transfer Code 2004*.

5.2 Subject to the provisions of any *applicable legislation*, the *Authority* may direct the *licensee* in writing to do any measure necessary to:

- (a) correct the breach of any *applicable legislation*; or
  - (b) prevent the breach of any *applicable legislation* occurring again,
- and specify a time limit by which such action must be taken.

### 6 Transfer of Licence

6.1 This *licence* may be transferred only in accordance with the *Act*.

### 7 Cancellation of Licence

7.1 This *licence* may be cancelled only in accordance with the *Act*.

### 8 Surrender of Licence

8.1 The *licensee* may surrender the *licence* at any time by written *notice* to the *Authority*.

8.2 The surrender of the *licence* will take effect on the day that the *Authority* publishes a *notice* of the surrender in the *Gazette*.

8.3 The *licensee* will not be entitled to a refund of any fees by the *Authority*.

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## 9 Renewal of Licence

9.1 This *licence* may be renewed only in accordance with the *Act*.

## 10 Amendment of Licence on Application of the Licensee

10.1 The *licensee* may apply to the *Authority* to amend the *licence* in accordance with the *Act*.

## 11 Amendment of the Licence by the Authority

11.1 Subject to any *applicable legislation*, the *Authority* may amend the *licence* at any time in accordance with this clause.

11.2 Before amending the *licence* under clause 11.1, the *Authority* must:

- (a) provide the *licensee* with written *notice* of the proposed amendments under consideration by the *Authority*;
- (b) allow 15 *business days* for the *licensee* to make submissions on the proposed amendments; and
- (c) take into consideration those submissions.

11.3 This clause also applies to the substitution of the existing *licence*.

11.4 For avoidance of doubt, the *licensee* will not have to pay an associated application fee or *licence* fee for the purpose of clause 11.1.

## 12 Expansion or Reduction of Transmission Systems

12.1 The *licensee* may expand or reduce the *transmission systems* if the relevant expansion or reduction is provided for in the *asset management system*.

12.2 If the relevant expansion or reduction is not provided for in the *asset management system*, the *licensee* must amend the *asset management system* before the expansion or reduction and notify the *Authority* in accordance with clause 16.2 of this *licence*.

12.3 The *licensee* must not expand the *transmission systems* outside the *licence area*.

12.4 The *licensee* must pay any applicable fees in accordance with the *Regulations*.

## 13 Accounting Records

13.1 The *licensee* and any *related body corporate* must maintain accounting records that comply with the Australian Accounting Standards Board Standards or equivalent International Accounting Standards.

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## 14 Individual Performance Standards

- 14.1 Performance standards are contained in *applicable legislation*.
- 14.2 The *Authority* may prescribe *individual performance standards* in relation to the *licensee* of its obligations under this *licence* or the *applicable legislation*.
- 14.3 Before approving any *individual performance standards* under this clause, the *Authority* will:
- (a) provide the *licensee* with a copy of the proposed *individual performance standards*;
  - (b) allow 15 *business days* for the *licensee* to make submissions on the proposed *individual performance standards*; and
  - (c) take into consideration those submissions.
- 14.4 Once approved by the *Authority*, the *performance standards* are included as additional terms and conditions to this *licence*.

## 15 Performance Audit

- 15.1 The *licensee* must, unless otherwise notified in writing by the *Authority*, provide the *Authority* with a *performance audit* within 24 months after the *commencement date*, and every 24 months thereafter.
- 15.2 The *licensee* must comply, and must require the *licensee's* auditor to comply, with the *Authority's* standard audit guidelines dealing with the *performance audit*, including any minimum requirements relating to the appointment of the auditor, the scope of the audit, the conduct of the audit and the reporting of the results of the audit.
- 15.3 The *licensee* may seek a review of any of the requirements of the *Authority's* standard audit guidelines in accordance with clause 21.1.
- 15.4 The independent auditor may be nominated by the *licensee* but must be approved by the *Authority* prior to the audit pursuant to clause 15.1. Should the *Authority* reject the *licensee's* nomination of an independent auditor twice or, in the event that no nomination has been made by the *licensee* within 1 month of the date the audit was due, the *Authority* may choose an independent auditor who will conduct the audit.

## 16 Asset Management System

- 16.1 The *licensee* must provide for, and notify the *Authority* of, an *asset management system* in relation to the *transmission systems* within 2 *business days* from the *commencement date* or from the completion of construction of the *transmission systems*, whichever is later.
- 16.2 The *licensee* must notify the *Authority* of any material change to the *asset management system* within 10 *business days* of such change.
- 16.3 The *licensee* must, unless otherwise notified in writing by the *Authority*, provide the *Authority* with a report as to the effectiveness of the *asset*

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*management system* within 24 months after the *commencement date* and every 24 months thereafter.

- 16.4 The *licensee* must comply, and must require the *licensee's* expert to comply, with relevant aspects of the *Authority's* standard guidelines dealing with the *asset management system*, including any minimum requirements relating to the appointment of the expert, the scope of the review, the conduct of the review and the reporting of the results of the review.
- 16.5 The *licensee* may seek a review of any of the requirements of the *Authority's* standard guidelines dealing with the *asset management system* in accordance with clause 21.1.
- 16.6 The independent expert may be nominated by the *licensee* but must be approved by the *Authority* prior to the review pursuant to clause 16.3. Should the *Authority* reject the *licensee's* nomination of an independent expert twice, or in the event that no independent expert has been nominated by the *licensee* within 1 month of the date the review was due, the *Authority* may choose an independent expert who will conduct the review.

## 17 Reporting

- 17.1 The *licensee* must report to the *Authority*:
- (a) if the *licensee* is under external administration as defined by the *Corporations Act 2001 (Cwlth)* within 2 *business days*; or
  - (b) if the *licensee* experiences a significant change in the *licensee's* corporate, financial or technical circumstances upon which this *licence* was granted which may affect the *licensee's* ability to meet its obligations under this *licence* within 10 *business days* of the change occurring.

## 18 Provision of Information

- 18.1 The *licensee* must provide to the *Authority* any information that the *Authority* may require in connection with its functions under the *Act* in the time, manner and form specified by the *Authority*.

## 19 Publishing Information

- 19.1 The *Authority* may direct the *licensee* to *publish* any information within a specified timeframe it considers relevant in connection with the *licensee* or the performance by the *licensee* of its obligations under this *licence*.
- 19.2 Subject to clause 19.3, the *licensee* must *publish* the information referred to in clause 19.1.
- 19.3 If the *licensee* considers that the information is confidential it must:
- (a) immediately notify the *Authority*; and

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- (b) seek a review of the *Authority's* decision in accordance with clause 21.1.
- 19.4 Once it has reviewed the decision, the *Authority* will direct the *licensee* in accordance with the review to:
- (a) *publish* the information;
- (b) *publish* the information with the confidential information removed or modified; or
- (c) not *publish* the information.

## 20 Notices

- 20.1 Unless otherwise specified, all *notices* must be in writing.
- 20.2 A *notice* will be regarded as having been sent and received:
- (a) when delivered in person to the addressee; or
- (b) 3 *business days* after the date of posting if the *notice* is posted in Western Australia; or
- (c) 5 *business days* after the date of posting if the *notice* is posted outside Western Australia; or
- (d) if sent by facsimile, when according to the sender's transmission report, the *notice* has been successfully received by the addressee; or
- (e) if sent by email, when according to the sender's electronic record, the *notice* has been successfully sent to the addressee's *electricity licensing email address*.

## 21 Review of the Authority's Decisions

- 21.1 The *licensee* may seek a review of a *reviewable decision* by the *Authority* pursuant to this *licence* in accordance with the following procedure:
- (a) the *licensee* shall make a submission on the subject of the *reviewable decision* within 10 *business days* (or other period as approved by the *Authority*) of the decision; and
- (b) the *Authority* will consider the submission and provide the *licensee* with a written response within 20 *business days*.
- 21.2 For the avoidance of doubt, this clause does not apply to a decision of the *Authority* pursuant to the *Act*, nor does it restrict the *licensee's* right to have a decision of the *Authority* reviewed in accordance with the *Act*.

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## Schedule 1 – Licensee Details

- 1 **Name and Address of Licensee**
- 2 **Operating (Licence) Area**
- 3 **Transmission System**
- 4 **Commencement Date**
- 5 **Expiry Date**

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**Amendment Record Sheet:**

<b>Amendment Date</b>	<b>Description of Amendment</b>

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