

Electricity Licence Review 2010 – Discussion Paper

August 2010

Economic Regulation Authority



WESTERN AUSTRALIA

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

The copying of this document in whole or in part for non-commercial purposes is permitted provided that appropriate acknowledgement 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.

Disclaimer

This document has been compiled in good faith by the Economic Regulation Authority (the Authority). 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) ("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 Trade Practices Act 1974 (Cth) and the Fair Trading Act 1987 (WA), if applicable, and to the fullest extent permitted by law.

The 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.

Contents

Executive Summary	5
Invitation to make submissions	6
1 Background	7
1.1 WA electricity licensing regime	7
1.2 Exemptions	9
1.3 Jurisdictional overview	10
1.4 Previous utility licence reviews	11
2 Electricity licence review	12
2.1 Scope & objectives	12
2.2 Overview of review process	12
3 Recommendations	13
3.1 Number formatting of licences	13
3.2 Restructure of the EIRL	13
3.3 Restructure of the EDL & ERL	14
3.4 Cover page EGL, ETL, EDL, ERL & EIRL	14
3.5 Licensee details EGL, ETL, EDL, ERL & EIRL	14
3.6 Definitions – New entry paragraph	15
3.7 Definitions – Reference to legislation	15
3.8 Definitions – Deletion of redundant definitions	16
3.9 Definitions – Minor amendments	17
3.10 Definitions – New definitions	17
3.11 Definitions – Transfer to individual clauses	18
3.12 Definitions – Modification of legislation	18
3.13 Grant of Licence	18
3.14 Fees	18
3.15 Compliance	19
3.16 Compliance	19
3.17 Surrender of Licence	19
3.18 Amendment of the Licence by the Authority	20
3.19 Customer Contracts	20
3.20 Customer Service Charter	20
3.21 Amending the Customer Service Charter	20
3.22 Expansion or Reduction of [Generating Works, Transmission System, Distribution System]	20
3.23 Accounting Records	20
3.24 Individual Performance Standards	21
3.25 Performance Audit	21
3.26 Asset Management System	21
3.27 Reporting	22
3.28 Publishing Information	23
3.29 Review of the Authority's decisions	23

3.30	Licensee Details	23
3.31	Schedule 3 – Operating Area Map/s	24
3.32	General	24
4	Deviations	24
4.1	Definitions	24
4.2	Customer Contracts	25
4.3	Extension and expansion	25
4.4	Trouble call fault management plan	26
4.5	Renewable source electricity contract	26
4.6	Renewable source electricity	27
4.7	Information to be provided to prospective customers	28
	Appendices	29

Executive Summary

The *Electricity Industry Act 2004* (**Act**) governs the operation of the electricity licensing regime in Western Australia (**WA**) and defines the role and powers of the Economic Regulation Authority (**Authority**) with regard to licensing, monitoring and enforcement. The Authority is also responsible for these functions in the gas industry (under the *Energy Coordination Act 1994*) and the water industry (under the *Water Services Licensing Act 1995*).

Under the Act, participants in the electricity industry who intend to, or currently, generate, transmit, distribute or sell electricity must hold an electricity licence (unless otherwise exempt).

The Authority commenced public consultation on the form and content of each of the electricity licence templates in early 2005. The Authority decided on the final electricity licence templates in November 2005 and announced that all those wishing to sell or supply electricity in WA had to apply for a licence by 31 December 2005 in accordance with the transitional provisions outlined in the Act.

In 2007, the Authority released, following public consultation, its *Best Practice Licensing Guidelines* (**guidelines**). The guidelines outline the Authority's approach to licensing and the key principles that guide its work in this area.

The guidelines state that:

To minimise compliance costs, a licensor should ensure its processes incorporate simple and targeted language, are consistent with other laws and integrated across jurisdictions, are flexible and are formulated with input from interested parties.

To this end, the Authority has undertaken reviews of its gas licences (in 2006) and water licences (in 2008). Both of these licensing reviews found that the electricity licensing regime represented good practice and that gas and water licences should be amended to more closely reflect the structure of the electricity licences.

Given the Authority's commitment to good practice licensing, it is timely that the electricity licences be reviewed.

The scope of the Electricity Licence Review 2010 is to examine:

- the format of all electricity licences;
- the terms and conditions contained within all template electricity generation, transmission, distribution, retail and integrated regional licences;
- whether current deviations from the template licences should continue to exist; and
- whether further deviations from the template licences should be created, and, if so, in what circumstances.

The review does not include examination of:

- electricity legislation or subsidiary legislation; or
- licence exemptions.

The review objectives are to:

- reflect the current regulatory environment and promote consistent licence regulation across the utility sector;
- improve consistency between operating licences both within the electricity licence types and between electricity, gas and water licences;
- enhance consumer protection, including providing scope for improved compliance;
- reduce the regulatory burden on business, particularly by removing spent, redundant or inappropriate licence provisions and thereby reducing compliance costs; and
- utilise best practice principles of utility licensing.

These objectives are consistent with those approved by the Authority for the review of both water and gas licences.

Invitation to make submissions

Interested parties are invited to make submissions in print and electronic form by **4:00 pm (WST) on Friday 17 September 2010**.

Submissions should be marked to the attention of Ms Lanie Chopping, Assistant Director, Customer Protection.

Postal address: PO Box 8469, PERTH BC WA 6849

Office address: Level 6, 197 St Georges Terrace, PERTH WA 6000

Email address: publicsubmissions@erawa.com.au

In general, all submissions from interested parties will be treated as being in the public domain and placed on the Authority's website. Where an interested party wishes to make a submission in confidence, it should clearly indicate the parts of the submission for which confidentiality is claimed, and specify in reasonable detail the basis for the claim. Any claim of confidentiality will be considered in accordance with the provisions of Section 55 of the *Economic Regulation Authority Act 2003*.

The publication of a submission on the Authority's website shall not be taken as indicating that the Authority has knowledge either actual or constructive of the contents of a particular submission and, in particular, whether the submission in whole or part contains information of a confidential nature and no duty of confidence will arise for the Authority.

Depending upon the nature and complexity of the issues raised during the public consultation period, the Authority may decide to form a reference group to provide further advice regarding the matters raised.

1 Background

1.1 WA electricity licensing regime

Commencing 1 January 2005, the Authority was given the role of licensing Western Australian electricity supply services in accordance with the Act.

An electricity supply includes the means to generate electricity, transport electricity through a transmission or distribution system and sell electricity to customers.

After undertaking consultation throughout 2005, the Authority approved the final version of each template electricity licence in November 2005.

Electricity licences are categorised as follows:

- **Generation licences (EGL)** which authorise the construction and operation of generating works. Generating works under 30MW at each connection point are exempt (see *Electricity Industry Exemption Order 2005*).
- **Transmission licences (ETL)** which authorise the construction and operation of transmission systems to transport electricity at nominal voltages of 66kV or higher.
- **Distribution licences (EDL)** which authorise the construction and operation of distribution systems to transport electricity at nominal voltages of less than 66kV.
- **Retail licences (ERL)** which authorise the sale of electricity to customers.
- **Integrated regional licences (EIRL)** which authorise the construction and operation of any combination of generation, transmission, distribution and retail activities otherwise than through the South West Interconnected System (**SWIS**).

There are currently 50 electricity licences in the following categories:

- Generation = 22
- Transmission = 5
- Distribution = 5
- Retail = 14
- Integrated Regional = 4

A list of current licensees by licence type is included in **Appendix 1**.

The majority of these licences are identical to the relevant template licence. However, the specific circumstance of a small number of licensees requires deviation from the template. For example, the Western Power distribution licence contains a non-template provision requiring Western Power to operate a fault call management system and notify the Authority if it intends to outsource this function.

A copy of each of the current licence templates is attached (**Appendices 2, 3, 4, 5 & 6**).

Section 11 of the Act provides the Authority with the power to determine any terms and conditions of the licence. Without limiting that power, Schedule 1 of the Act specifies that a licence can include conditions related to:

-
- the preparation and implementation of strategies for the management of greenhouse gas emissions (EGL & EIRL) and publication of records regarding greenhouse gas emissions (EGL, ERL & EIRL);
 - the preparation and implementation of strategies to encourage the use of renewable energy (ERL & EIRL);
 - the provision of information to customers in relation to consumption, conservation and efficiency (ERL & EIRL);
 - any methods or principles to be applied by the licensee in determining fees or charges payable by prescribed customers (ERL & EIRL);
 - the provision of information to customers regarding the disaggregated components of a fee or charge applied by a retailer, including what components relate to generation; transmission; distribution and retail costs (ERL & EIRL);
 - the extent to which the licensee's customers may be of a particular class;
 - maintenance by the licensee of specific accounting records;
 - preventing the licensee from engaging in particular business activities in the electricity industry in WA;
 - methods or standards of supply;
 - compliance with specified codes;
 - procedures for licence surrender;
 - the provision of information by the licensee to the Authority;
 - the lodgement of securities by the licensee with the Authority;
 - the performance of functions by the licensee;
 - the publication of performance information;
 - any obligations of the licensee to public authorities and other licensees;
 - regulation of the construction or operation (or both) of any generating works, transmission system or distribution system; and
 - the disposal or transfer of property, rights or liabilities.

The Act allows a retail licence to be granted for up to 15 years whilst any other classification of an electricity licence may be granted for up to 30 years. A licence must be designated to apply to one or more areas of the State specified in the licence (see section 5 of the Act).

The Authority may only grant, renew or transfer a licence if it is satisfied that it would not be contrary to the public interest to do so. Section 19(1) of the Act requires that the Authority must be satisfied that the applicant —

- (a) has, and is likely to retain; or
- (b) will acquire within a reasonable time after the grant, renewal or transfer, and is then likely to retain,

the financial and technical resources to undertake the activities authorised, or to be authorised, by the licence.

The Authority has published the *Electricity, Gas and Water Licences: Application Guideline and Forms (June 2008)* to assist licence applicants in preparing their licence application.

The Authority has the power to amend an electricity licence, either at its own initiative or as a result of a licensee's application for licence amendment.

The Authority has made one universal change to the electricity licences since their inception. In 2009, the Authority amended the definition of 'customer' to match the definition with that contained in the Act.

The Authority monitors compliance with the licence through annual performance and compliance reports and performance audits conducted at least once every 24 months.

If the Authority believes that a licensee has contravened the terms and conditions of its licence, it may send a notice to the licensee requiring the contravention to be rectified. Section 32(2) specifies that if the Authority is not satisfied that this notice has been reasonably complied with, the Authority may do one or more of the following -

- (a) serve a letter of reprimand;
- (b) order the licensee to pay a monetary penalty fixed by the Authority but not exceeding \$100 000;
- (c) cause the contravention to be rectified to the satisfaction of the Authority.

If necessary, the Authority may authorise persons to enter any premises to rectify the contravention. In this case, the Authority may recover any costs it incurs to rectify the contravention.

Before the Authority can impose a penalty or cause action to be taken to rectify a contravention, it must notify the licensee and give the licence holder a reasonable opportunity to make a submission on the matter. However, if the public's health or safety is or may be at risk, the Authority does not need to provide notice to the licensee and the licensee is not entitled to make a submission on the matter.

A person or class of people adversely affected by a decision or direction of the Authority under the Act may apply to the Western Australian Electricity Review Board for a review of the decision or direction.

1.2 Exemptions

Under section 8 of the Act, the Governor may exempt any person or class of persons from requiring a licence. Where granted, licence exemption orders are published in the Government Gazette.

In some circumstances, a licence exemption may contain conditions. For example, a condition of the exemption for caravan parks is that the owner charge no more than the standard residential tariff. In these situations, the Office of Energy monitors compliance with the conditions.

The Office of Energy currently administers exemptions from licensing as required under section 7 of the Act.

Examples of exemptions include:

- caravan parks;
- residential & commercial on-sellers;
- generating works under 30 MW;
- most Aboriginal communities;
- some areas that are the subject of Government agreement;
- distribution systems of less than 1km connecting to networks other than the SWIS; and
- generators with distribution and/or transmission systems used solely for the purpose of transporting electricity to the SWIS.

The last exemption listed above was enacted in October 2009. As a result of this amendment, a number of generation licence holders have recently surrendered their transmission and/or distribution licences.

1.3 Jurisdictional overview

Significant licensing changes are proposed to occur in the National Electricity Market (**NEM**) and in other State jurisdictions, over the next 12 months. Given the fact that these changes are yet to be finalised it would be premature of the Authority to propose licence amendments to improve consistency with other jurisdictions at this stage. However, the Authority has provided this jurisdictional overview as part of general background information to inform stakeholders.

Electricity licensing frameworks apply in all Australian States. The following table illustrates the current licensing requirements in Victoria, South Australia, NSW, ACT and Tasmania.

	Retail	Distribution	Transmission	System Control	Generation	Trader
Victoria	✓	✓	✓		✓	✓
SA	✓	✓	✓	✓	✓	
NSW	✓	✓				
ACT	✓	✓				
Tasmania	✓	✓	✓		✓	

There are considerable differences between the licence conditions both within and between the State's licence types. Some of these variations may be explained by the specifics of the licensee's supply situation, or by the fact that some older licences have not been updated to reflect more recent changes to a State's licensing regime.

Examples of licence conditions included in the licences of some other States, but not WA, are:

- **(limited) customer protection provisions for large use customers.** For example, the South Australian retail licence prohibits disconnection of large use customers otherwise than in accordance with the terms and conditions of their contract.

-
- **customer service obligations.** For example, the majority of South Australian generation and retail licences require a licensee to comply with applicable concession and community service obligations schemes. Similarly, most of the Victorian retail licences require the licensee to enter into an agreement with the State for the provision of community services, if so directed.
 - **environmental strategies.** For example, the ACT distribution and retail licences require the licensee to develop, and comply with, strategies for promoting energy efficiency, demand management and sustainable energy sourcing. South Australian distribution and retail licensees are required to investigate strategies to reduce greenhouse gas emissions, to promote the efficient use of electricity, and to promote the sale of renewable energy.

The South Australian and Victorian licensing regime provide for distinct licence types for certain service providers. South Australia has a generation licence that applies specifically to wind farm generators. The licence includes conditions specific to this type of generation, such as fault ride through capability, reactive power capability, and wind forecasting. Victoria has a distinct retail licence for retailers who only supply electricity to large use customers. This licence is less detailed and, for example, does not contain provisions regarding payment methods, community service obligations or an obligation to offer to sell.

The Authority understands that the Ministerial Council on Energy (**MCE**) has determined that the Australian Energy Regulator will be responsible for issuing retailer authorisations. It is proposed that the national retail authorisation regime will differ from existing jurisdictional licensing regimes in that it will not impose substantive obligations on retailers by means of the authorisation. Direct obligations on retailers will be imposed through the National Energy Retail Law (**NERL**) and National Energy Retail Rules (**NERR**). The enforcement regime will be based on compliance with these direct obligations rather than on compliance with a condition of a licence.

The Authority understands that the NERL and NERR also impose obligations on distributors. However, at this stage it is not proposed that the AER assume responsibility for licensing or authorising distributors. The Authority understands that distribution licensing and where relevant transmission and generation licensing will remain the responsibility of State jurisdictional regulators.

1.4 Previous utility licence reviews

Since its inception, the Authority has undertaken a review of water and gas licences.

In 2006, the Authority undertook a review of gas trading and distribution licences. The review aimed to modernise gas licences by making licence terms and conditions consistent, to the extent practical, with those for electricity as well as recognising energy licensing developments occurring at a national level.

The review was completed in 2007. As a result of the review, consistency between the terms, conditions and formatting of electricity and gas licences was greatly improved.

In 2008, the Authority commenced its review of water licences. The main objective of this review was to improve consistency between water licences and gas and electricity licences. The review was finalised in 2008 and resulted in a much higher level of consistency between water and energy licences.

In July 2010, the Authority made a universal change to all gas trading and distribution licences by replacing Schedule 2 of these licences (Gas Customer Code) with an amended version of Schedule 2. As part of this amendment, the Authority also decided to change the formatting of all gas licences to improve clarity.

2 Electricity licence review

2.1 Scope & objectives

The scope of the electricity licence review is limited to the contents of the licences. In this review, the Authority will examine:

- the format of all electricity licences;
- the terms and conditions contained within all template electricity generation, transmission, distribution, retail and integrated regional licences;
- whether deviations from the template licences should continue to exist; and
- whether further deviations from the template licences should be created, and, if so, in what circumstances.

The review does not include an examination of:

- electricity legislation or subsidiary legislation; or
- licence exemptions.

The objectives of the electricity licence review mirror those used by the Authority in its reviews of gas and water licences. The objectives are to:

- reflect the current regulatory environment and promote consistent licence regulation across the utility sector;
- improve consistency between operating licences;
- enhance consumer protection, including providing scope for improved compliance;
- reduce the regulatory burden on business, particularly by removing spent, redundant or inappropriate licence provisions and thereby reducing compliance costs; and
- utilise best practice principles of utility licensing.

2.2 Overview of review process

The Authority has published this Discussion Paper to seek public comment on the amendments it proposes to make to each of the licence templates and licences granted to existing licensees.

Depending upon the nature and complexity of the issues raised during the public consultation period, the Authority may decide to form a reference group to provide further advice regarding the matters raised.

The Authority may decide to undertake a second round of public consultation on one or more issues raised during the initial public consultation period.

If, in the Authority's view, the issues raised during the initial public consultation period do not warrant the establishment of a reference group and / or a second round of public consultation, the Authority will publish its final decision on the matter and amend all electricity licences.

3 Recommendations

This section lists all licence template amendments proposed by the Authority. Some of the amendments proposed apply only to one licence type while others apply to two or more licence types. Each recommendation clearly specifies the licence type(s) it applies to.

References to specific licence clauses are to the clauses included in the Authority's current licence templates as published on its website. Copies of the current licence templates are included in Attachments 2, 3, 4, 5 and 6.

Copies of the new licence templates, including all amendments proposed by the Authority, are included in Attachments 7, 8, 9, 10 and 11.

3.1 Number formatting of licences EGL, ETL, EDL, ERL & EIRL

The Authority issues licences using the licence template for each licence type. For a number of reasons deviations may be required from the applicable licence template. For example, the Authority has issued a retail licence to Clear Energy Pty Ltd which contains additional information disclosure requirements that are not usually contained in a retail licence.

Issuing licences with clauses that deviate from the licence template can cause problems when referring to conditions. For example, a requirement to comply with clause 12 of a distribution licence may refer to a different licence condition dependent upon whether there are deviations within a particular licence.

To rectify this situation the Authority proposes that each type of licence will contain a core template of consistent conditions and all licensee specific conditions will be contained in Schedule 2 of each specific licence.

3.2 Restructure of the EIRL EIRL

At present, all granted integrated regional licences authorise the licensee to undertake all four supply activities (generation, transmission, distribution and retail) – even if the licensee currently only undertakes one, two or three supply activities.

The Authority proposes to restructure these licences whereby a licence is only granted with respect to the activities undertaken by the licensee at the time of licence grant. If a licensee, at a future point in time, intends to expand its operations to include additional supply activities, it will have to apply to the Authority for a licence amendment.

As a result, the licences of all existing and new integrated regional providers will be tailored to reflect their specific supply situation. For example, the licence of an integrated

regional provider who does not retail electricity to customers will no longer include provisions relating to standard form contracts or the ombudsman scheme.

Any licence conditions that do not apply to all supply activities have been moved and are now included after the last clause that is relevant for all licence activities; clause 19. Licence conditions that do not apply to a licensee, by virtue of the licensee not undertaking the relevant supply activity, will be replaced with the words “NOT USED”.

By moving activity specific conditions after clause 19 and replacing them, where relevant, with the words “NOT USED”, the numbering for all licence templates will remain consistent (as discussed in Recommendation 3.1 above).

3.3 Restructure of the EDL & ERL

EDL & ERL

A number of clauses within the distribution and retail licences are proposed to be transferred after clause 19 of their respective licences. The clauses transferred contain conditions that only apply to distribution and/or retail licences. The transfer supports Recommendation 3.1 by ensuring consistent numbering throughout all licence templates.

3.4 Cover page

EGL, ETL, EDL, ERL & EIRL

It is proposed that the cover page be amended to ensure consistency with the new gas licence templates. As a result, the new text on the cover page for (for example) retail licences will read:

Electricity Retail Licence
<Licensee Name>
ERL<X>, Version <X>, <Date>

3.5 Licensee details

EGL, ETL, EDL, ERL & EIRL

It is proposed that page 2 of the electricity licence templates be amended consistent with the formatting used for the gas licence templates. This means that the following information would be included on page 2:

- licensee name
- date of grant
- version number
- version date

In addition, the following licensee details, which are currently included in Schedule 1 of the electricity licences, would be transferred to page 2:

- licensee address
- description of generating works
- nameplate capacity of generating works
- description of transmission system
- length of transmission system
- description of distribution system
- length of distribution system

The definition of “licence” included in clause 1.1 ensures that neither the cover page nor page 2 form part of the licence. As a result, the Authority will be able to make any necessary changes to details included on these pages without following the licence amendment process.

Licence area information, including relevant map references, and the commencement date will be retained within Schedule 1. However, a short description of the licence area and information on the commencement date will also be included on page 2. Changes to the licence area details or commencement date, as included in Schedule 1, will continue to be subject to the licence amendment process.

All licence templates will include the following signature block:

Signed by a delegate;
Member; or
the Chairman of the Economic Regulation Authority
Dated this <Date> day <Month> <Year>

This is consistent with the approach adopted by the Authority for gas licence templates.

3.6 Definitions – New entry paragraph Clause 1 of the EGL, ETL, EDL, ERL & EIRL

For the purpose of legal clarity, the Authority proposes to add a sentence at the commencement of the definitions clause that reads:

In this licence, the following definitions apply unless the context otherwise requires:

The title of the section will also be amended to read “Definitions and Interpretation”. The addition “and Interpretation” reflects the addition of the new entry paragraph.

3.7 Definitions – Reference to legislation Clause 1 of the EGL, ETL, EDL, ERL & EIRL (as applicable)

The Authority proposes to remove the current definition statements of those terms that are already defined in superior legislation. The definition for each of these terms will be replaced with a statement that refers the reader to the relevant legislation, for example, “has the meaning given to that term in section 28 of the *Electricity Industry Act 2004*.”

This approach will reduce the risk of a term being incorrectly defined in the licence and improve clarity regarding the source of definitions in the licensing system.

The following definitions have been replaced with a statement referring to the definition in superior legislation:

- customer
- distribution system
- electricity
- generating works
- operate
- operation

-
- small use customer
 - South West Interconnected System
 - supply
 - transmission system

3.8 Definitions – Deletion of redundant definitions

Clause 1 of the EGL, ETL, EDL, ERL & EIRL

A number of definitions have become redundant due to legislative changes or proposed amendments to the licence templates and the Authority proposes that these be deleted. These include:

- **asset management system review** – Although a defined term, this definition was not used within the generation, transmission, distribution or integrated regional licences. The definition will therefore be deleted.
- **customer** – This definition was not used within the generation licence and will be deleted from the generation licence template. Due to amendments proposed to clause 2 of the transmission licence template, the definition of customer may also be removed from this licence type.
- **customer service charter** – This definition may be deleted from the retail, distribution and integrated regional licences following the Authority's decision to remove the requirement for a customer service charter from the *Code of Conduct for the Supply of Electricity to Small Use Customers (Code of Conduct)*.
- **distribution system** – This definition may be deleted from the transmission licence template following amendments proposed to clause 2 of the transmission licence.
- **non-standard contract** – This definition was not used within the distribution licence and will be deleted from the distribution licence template.
- **review guidelines** – This definition may be removed as the requirement to review a customer service charter has been removed from the distribution, retail and integrated regional licences.
- **South West Interconnected System** – This definition has been deleted from the transmission and distribution licence templates. In these licences, the definition was only used to describe the transmission and distribution systems in Schedule 2. As these descriptions will be transferred to page 2 and no longer form part of the licence, a definition of the term is no longer required.
- **supply** – This definition was not used within the generation licence and may be removed. Similarly, the term is no longer used within the transmission licence and will be deleted.
- **transmission system** – This definition will be deleted from the distribution licence template following proposed amendments to clause 2 of the distribution licence.

3.9 Definitions – Minor amendments

Clause 1 of the EGL, ETL, EDL, ERL & EIRL; Clause 20, 22, 23 & 24 of the EIRL

Minor amendments are proposed to the following definitions to provide clarity:

- **asset management system** – This definition will be amended within the integrated regional licence template by replacing reference to “*generating works, distribution system and transmission system*” with “*licensee’s assets*”. In turn, “*licensee’s assets*” will be defined to mean “the *licensee’s distribution system, transmission system or generating works* (as the case may be)”. The amendment reflects that not all holders of an integrated regional licence will operate all three works or systems.
- **Code** – The definition of Code will include a list of all codes issued under the Act.
- **electricity marketing agent** – This definition now refers to section 78 of the Act.
- **licence** – This definition has been amended to clarify that the title page and page 2 of the document do not form part of the licence. In addition, reference to “Schedule 1” has been replaced with “any Schedules to this document” to reflect the fact that all licences will include more than one Schedule.
- **licensee** – This definition now reads “means < Licensee Name> <ABN>” in all licences.
- **non-standard contract** – This definition now refers to section 47 of the Act.
- **Regulations** – The definition of Regulations will include a list of all regulations made under the Act.
- **related body corporate** – The phrase “given to that term” has been added to this definition to ensure consistency with other definitions that refer to higher legislation.
- **reviewable decision** – This definition contained a number of incorrect clause references. Any incorrect references have been rectified.
- **standard form contract** – This definition now refers to section 47 of the Act.

3.10 Definitions – New definitions

Clause 1 of the EDL; Clause 20 of the EIRL

The Authority proposes to add definitions of “small use customer” and “supply” to the distribution licence template as reference is made to these terms in clause 14 [now 21]. The definitions are identical to those used in the retail and integrated regional licence templates.

As discussed above, clause 20.8 of the integrated regional licence includes a new definition of “licensee’s assets”.

3.11 Definitions – Transfer to individual clauses

Clause 1 of the EIRL

For the integrated regional licence template, it is proposed that a number of definitions be transferred from clause 1.1 to the individual clauses they relate to. Rationale for the transfer is that these clauses can now be deleted from those integrated regional licences to which they are extraneous without having to delete the relevant definitions from clause 1.1.

The definitions of “approved scheme” and “small use customer” have been transferred to clause 21. Clause 22 now includes the definition of “electricity marketing agent”, while clauses 23 and 24 include the definition of “standard form contract”. The definition of “non-standard contract” has been moved to clause 23.

3.12 Definitions – Modification of legislation

Clause 1 of the EGL, ETL, EDL, ERL & EIRL

It is proposed that a new clause be added to all licences to read:

A reference in this *licence* to any *applicable legislation* includes, unless the context otherwise requires, any statutory modification, amendment or re-enactment of that *applicable legislation*.

The clause is proposed to be added to provide legal clarity.

3.13 Grant of Licence

Clause 2 of the ETL, EDL & EIRL

It is proposed that clause 2.1(a) of the transmission and distribution licence templates be amended to read: “The *licensee* is granted a *licence* for the *licence* area to construct and operate a new [*distribution system / transmission system*] or operate an existing [*distribution system / transmission system*] in accordance with the terms and conditions of this *licence*”.

It is proposed that clauses 2.1(b) and (c) of the transmission and distribution licence templates be deleted to streamline the licence.

It is proposed that clause 2.1 of the integrated regional licence template be replaced with the following:

The licensee is granted a licence for the licence area to carry out the activities described in Schedule 1 in accordance with the terms and conditions of this licence.

The amendment is proposed to ensure that an integrated regional licensee is only authorised to carry out the activities described in Schedule 1.

3.14 Fees

Clause 4 of the EGL, ETL, EDL, ERL & EIRL

The Authority proposes to amend the clause to remove the term “the Regulations” and replace it with “any applicable legislation” to provide legal clarity.

3.15 Compliance

Clause 5.1 of the ETL, EDL, ERL & EIRL

It is proposed that clause 5.1 be amended to read:

Subject to any modifications or exemptions granted pursuant to the *Act*, the *licensee* must comply with any *applicable legislation*.

Reference to specific Codes would be deleted as reference to these Codes is already included indirectly through use of the defined term 'applicable legislation'.

3.16 Compliance

Clause 5.2 of the EGL, ETL, EDL, ERL & EIRL

The Authority proposes to delete clause 5.2 as the Authority's powers with regard to enforcement are already defined in the Act.

3.17 Surrender of Licence

Clause 8 of the EGL, ETL, EDL & ERL; Clause 9 of the EIRL

The Authority proposes to replace Clause 8 [9] with the following:

- 8.1 The *licensee* may only surrender the *licence* pursuant to this clause 8.
- 8.2 If the *licensee* intends to surrender the *licence* the *licensee* must, by *notice* in writing to the *Authority*.
 - (a) set out the date that the *licensee* wishes the surrender of the *licence* to be effective - such date to be no less than 6 months from the date of the *notice*; and
 - (b) set out the reasons why it wishes to surrender the *licence*.
- 8.3 Upon receipt of the *notice* from the *licensee* pursuant to clause 8.2, the *Authority* will publish the *notice*.
- 8.4 Notwithstanding clause 8.2, the surrender of the *licence* will only take effect on the later of the day that:
 - (a) the *Authority* publishes a notice of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the *Authority*; and
 - (b) the *licensee* hands back the *licence* to the *Authority*.
- 8.5 The *licensee* will not be entitled to a refund of any fees by the *Authority*.

The amendment has been proposed to provide further detail and clarity regarding the licence surrender process.

The Authority has provided the six month timeframe to prevent customers and other stakeholders suffering detriment as a result of the surrender and to ensure that, where appropriate, alternative supply arrangements can be established.

3.18 Amendment of the Licence by the Authority

Clause 11 of the EGL, ETL & EDL; Clause 12 of the ERL & EIRL

The Authority proposes that the final sub-clause be amended to improve clarity of the clause. The clause would read:

For the avoidance of doubt, the *licensee* will not have to pay a fee for amendments under clause 12 [or 11, as applicable].

3.19 Customer Contracts

Clause 13 of the ERL

The Authority proposes that clause 13.1(b) be amended to read:

a non-standard contract that complies with the Act.

The new wording is consistent with Section 54(1) of the Act.

3.20 Customer Service Charter

Clause 12 of the EDL; Clause 15 of the ERL & EIRL

Following the 2009 statutory review of the Code of Conduct by the Electricity Code Consultative Committee (**ECCC**) the Authority agreed to remove the Code provisions requiring that retailers and distributors produce a customer service charter (**charter**).

Given the fact that retailers and distributors are no longer required to produce a charter, the Authority proposes that provisions related to charters be removed from the licence. Commensurate provisions have already been removed from all gas licences.

3.21 Amending the Customer Service Charter

Clause 13 of the EDL; Clause 16 of the ERL & EIRL

For the reasons outlined in Recommendation 3.20, the Authority proposes that this clause be removed from the distribution, retail and integrated regional licences.

3.22 Expansion or Reduction of [Generating Works, Transmission System, Distribution System]

Clause 12 of the EGL & ETL; Clause 15 of the EDL; Clause 20 of the EIRL

It is proposed that this clause be deleted as the Authority believes that these responsibilities are adequately covered in section 14 of the Act.

3.23 Accounting Records

Clause 13 of the EGL & ETL; Clause 16 of the EDL; Clause 20 of the ERL; Clause 21 of the EIRL

The Authority proposes that the reference to the “Australian Accounting Standard Boards Standard” be replaced with “Australian Auditing and Assurance Standards Board” as this is the correct reference.

3.24 Individual Performance Standards

Clause 14 of the EGL & ETL; Clause 17 of the EDL; Clause 21 of the ERL; Clause 22 of the EIRL

The Authority proposes that sub-clause 2 of this section be amended for clarity. The proposed clause now reads:

The Authority may prescribe *individual performance standards* applying to the *licensee* in respect of the *licensee's* obligations under this *licence* or the *applicable legislation*.

It is proposed that sub-clause 4 be amended to include the word “individual” before “performance standards”.

3.25 Performance Audit

Clause 15 of the EGL & ETL; Clause 18 of the EDL; Clause 22 of the ERL; Clause 23 of the EIRL

The Authority proposes that sub-clause 2 be amended to read:

The *licensee* must comply, and must require the *licensee's* auditor to comply, with the *Authority's* standard audit guidelines.

This amendment is proposed to streamline the licence.

The Authority proposes that sub-clause 4 be amended to read:

The *performance audit* must be conducted by an independent auditor approved by the *Authority*. If the *licensee* fails to nominate an auditor within one month of the date that the *performance audit* was due, or the auditor nominated by the *licensee* is rejected on two successive occasions by the *Authority*, the *Authority* may choose an independent auditor to conduct the *performance audit*.

This amendment is proposed to ensure clarity.

3.26 Asset Management System

Clause 16 of the EGL & ETL; Clause 19 of the EDL; Clause 24 of the EIRL

A number of amendments are proposed to this clause which is contained in all licence templates with the exception of the retail licence template.

Sub-clause 1 is proposed to be split into two separate clauses.

Sub-clause 1 now reads:

The *licensee* must provide for an *asset management system* in respect of the *licensee's* assets.

New sub-clause 2 reads:

The *licensee* must notify the *Authority* of the details of the *asset management system* within 2 *business days* from the later of:

- (i) the *commencement date*; or

-
- (ii) the completion of construction of the [*distribution system, transmission system or generating works*].

Sub-clause 2 [now 3] is proposed to be amended to replace the term “material change” with “substantial change”.

Sub-clause 3 [now 4] is proposed to be amended to read:

The *licensee* must provide the *Authority* with a report by an independent expert, acceptable to the *Authority*, as to the effectiveness of the *asset management system* not less than once in every period of 24 months calculated from the *commencement date* (or any longer period that the *Authority* allows by notice in writing).

Sub-clause 4 [now 5] is proposed to be amended to read:

The *licensee* must comply, and must require the *licensee’s* expert to comply, with the *Authority’s* standard audit guidelines.

Sub-clause 5 [now 6] is proposed to be amended to insert the word “audit” between “standard” and “guidelines”.

Sub-clause 6 [now 7] is proposed to be amended to read:

The review of the *asset management system* must be conducted by an independent expert approved by the *Authority*. If the *licensee* fails to nominate an independent expert within one month of the date that the review of the *asset management system* was due, or the independent expert nominated by the *licensee* is rejected on two successive occasions by the *Authority*, the *Authority* may choose an independent expert to conduct the review of the *asset management system*.”

These amendments have been proposed to improve clarity and accuracy.

3.27 Reporting

Clause 17 of the EGL & ETL; Clause 20 of the EDL; Clause 23 of the ERL; Clause 25 of the EIRL

The title of this clause is proposed to be amended to read: “Reporting a Change in Circumstances” as this more accurately reflects the content of the clause.

Sub-clause 1(a) is proposed to be amended by inserting the words “of such external administration occurring;” at the end of the clause.

The wording of sub-clause 1(b) is proposed to be amended and the clause has been split into two clauses. The sub-clause now reads:

If the *licensee*:

- (i) experiences a change in the *licensee’s* corporate, financial or technical circumstances upon which this *licence* was granted; and
- (ii) the change may materially affect the *licensee’s* ability to perform its obligations under this licence,

within 10 business days of the change occurring; or

Both amendments have been proposed to improve clarity and accuracy.

A new sub-clause (c) is proposed to be added which reads:

- (c) if the details of the:
 - (i) *licensee's* name;
 - (ii) *licensee's* ABN; or
 - (iii) *licensee's* address,

as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.

For the distribution licence template, sub-clause (c) also includes reference to “the description of the distribution system” and “the length of the distribution system”. Similarly, for the transmission licence template, sub-clause (c) refers to “the description of the transmission system” and “the length of the transmission system”.

The generation licence template requires the licensee to report on “the description of the generating works” and “the nameplate capacity of the generating works”.

Clause 15(c) of the integrated regional licence includes reference to generating works, transmission systems and distribution systems. For licensees who do not engage in all three activities, the licence will only include reference to those activities they do engage in.

This new reporting requirement has been added to ensure that the Authority is informed of any changes to the licensee’s supply activities. As page 2 does not form part of the licence, any new information received by the Authority will not require a licence amendment.

3.28 Publishing Information

Clause 19 of the EGL & ETL; Clause 22 of the EDL; Clause 25 of the ERL; Clause 27 of the EIRL

To improve clarity, sub-clause 1 is proposed to be re-phrased to read:

The *Authority* may direct the *licensee* to publish, within a specified timeframe, any information it considers [...].

3.29 Review of the Authority’s decisions

Clause 21.1(c) of the EGL

Clause 21.1(c) was incorrectly labelled a subclause of clause 21.1. To fix this error, the clause will be renumbered to 21.2.

3.30 Licensee Details

Schedule 1 of the EGL, ETL, EDL, ERL & EIRL

The Authority proposes to amend the title of the schedule to read “Licence Details” as this more accurately reflects the content of the schedule.

The name and address of the licensee are proposed for deletion as this information is contained at the front of the licence. For the same reason, any information relating to the

licensee's distribution system, transmission system and/or generating works have been proposed to be removed from Schedule 1.

Information on the licensee's operating area and the commencement and expiry date of the licence are proposed to continue to be included in Schedule 1.

A new clause is proposed to be included within Schedule 1 of the integrated regional licence. The clause lists the supply activities which the licensee is authorised to undertake. Any supply activities that are not listed in respect of an individual licensee may not be performed by that licensee, unless the licensee applies for an amendment to Schedule 1.

3.31 Schedule 3 – Operating Area Map/s

A new schedule is proposed to be added to all licence templates which will include one or more maps of the licensee's relevant operating area(s).

This approach is consistent with the format of the new gas licence templates.

3.32 General

Some individual licences contain formatting or grammatical errors. For example, some of the retail licences do not contain a space between the definitions for 'individual performance standards' and 'licence'. As a result, they appear to form the one definition.

All formatting and grammatical errors have been corrected in the new licences as applicable.

4 Deviations

A number of individual licences contain clauses that are specific to the licensee. This only occurs where the deviation is necessary due to the nature of the licensee's operations. As discussed in Recommendation 3.1, these clauses will be included in Schedule 2 of the licensee's licence.

The following sections provide a brief overview of clauses specific to the licensee.

4.1 Definitions

Clause 1 of the ETL, EDL & EIRL

It is proposed that a number of licences include definitions that are not included in the relevant licence template. Relevant definitions to be included in the clauses that refer to them are:

- **Coordinator** – This definition is used in Western Power's transmission and distribution licence as its extension and expansion policy requires the Coordinator's approval. The definition is furthermore used in Synergy's retail licence and Horizon Power's integrated regional licence in relation to the approval of their renewable source electricity contracts by the Coordinator.

- **extension and expansion policy** – Section 65 of the Act limits the application of Part 4 of the Act (Extension and expansion policies for certain corporations) to Western Power and Horizon Power. A definition of ‘extension and expansion policy’ is therefore only required in their distribution, transmission and integrated regional licences.
- **renewable source electricity** – Conditions in relation to the development of renewable source electricity contracts, as contained in regulation 8 of the *Electricity Industry (Licence Conditions) Regulations 2005*, only apply to Synergy and Horizon Power. These conditions, and their related definitions, will therefore only be included in their licences.
- **renewable source electricity contract** – As for “renewable source electricity” above.
- **renewable source electricity customer** – As for “renewable source electricity” above.
- **small renewable energy system** – As for “renewable source electricity” above.

4.2 Customer Contracts

Clause 13.4 of Horizon Power’s EIRL; New clause within Synergy’s ERL

Clause 13.4 of Horizon Power’s integrated regional licence requires Horizon Power to offer to supply electricity under a standard form contract to a small use customer who requests supply. The clause reflects Horizon Power’s obligations under regulation 40 of the *Electricity Industry (Customer Contracts) Regulations 2005*.

As the clause is specific to Horizon Power, it is proposed that the clause be transferred to Schedule 2 of the licence.

An identical clause is proposed to be included in Schedule 2 of Synergy’s retail licence as the obligation also applies to Synergy.

4.3 Extension and expansion

Clause 12 of Western Power’s ETL; Clause 15 of Western Power’s EDL; Clause 22 of Horizon Power’s EIRL

The ‘Extension and expansion’ clause included in the Western Power and Horizon Power licences is proposed to be retained as it is a mandatory licence condition under section 65 of the Act that these licensees comply with a direction given by the Coordinator of Energy to submit an extension and expansion policy.

As currently drafted, the Western Power clauses are an amalgamation of the "Extension and expansion plan" clause and "Expansion or reduction of [generating works / transmission system / distribution system]" clause. As discussed in Recommendation 3.22, the Authority proposes to delete the “Expansion or reduction of ...” clause from all licences.

Deletion of the “Expansion or reduction of ...” elements from the “Extension and expansion” clause will ensure that this clause only reflects the requirements of section 65 of the Act.

Clause 22.4 of Horizon Power’s licence is proposed to be deleted as it is not relevant to the requirements of section 65 of the Act.

The proposed clause now reads:

1. The *licensee* must submit to the *Coordinator* a draft *extension and expansion policy* within three months after a written request by the *Coordinator* or other such time as allowed by the *Coordinator*.
2. The *licensee* must comply with any direction given to the *licensee* by the *Coordinator* to:
 - (a) amend the draft *extension and expansion policy*; or
 - (b) submit an amendment to the approved *extension and expansion policy*,within the time specified by the *Coordinator*.
3. The *licensee* must implement the arrangements set out in the *extension and expansion policy* that has been approved by the *Coordinator* in accordance with the *Act*.

4.4 Trouble call fault management plan

Clause 22 of Western Power’s ETL; Clause 25 of Western Power’s EDL

An amended version of this clause was originally included in Western Power’s transmission and distribution licences requiring Western Power to have in place an approved trouble call fault management plan covering its transmission and distribution systems.

Western Power’s trouble call fault management system became operational in March 2009. Consequently, the clause was amended to require Western Power to continue to operate and maintain the system, and to notify the Authority if it intends to outsource the system.

The Authority intends to continue to include the provision in Western Power’s transmission and distribution licences. The Authority proposes that the reference to “plan” in the heading be replaced with “system” to more accurately reflect the contents of the clause.

4.5 Renewable source electricity contract

Clause 20 of Horizon Power’s EIRL; New clause within Synergy’s ERL

Horizon Power’s licence contains a clause reflecting the requirements of regulation 8 of the *Electricity Industry (Licence Conditions) Regulations 2005*.

As regulation 8 also applies to Synergy, the Authority proposes to include this clause in Synergy’s retail licence as well. The proposed clause reads as follows:

- 1 The *licensee* must submit to the *Coordinator* a draft *renewable source electricity contract* by the time specified in the *Act* or by the *Coordinator*.
- 2 The *Coordinator* will:
 - (a) approve the draft *renewable source electricity contract*; or

-
- (b) specify the amendments the *licensee* must make to the draft *renewable source electricity contract* before the *Coordinator* will amend the draft *renewable source electricity contract*,
- and notify the *licensee* of its decision within a reasonable time.
- 3 The *licensee* may amend the *renewable source electricity contract* at any time by submitting to the *Coordinator*:
- (a) an amendment to the *renewable source electricity contract*, or
- (b) a substituted *renewable source electricity contract*.
- 4 The *Coordinator* will:
- (a) approve the amendment to the *renewable source electricity contract* or substituted *renewable source electricity contract*; or
- (b) specify the amendments the *licensee* must make to the amended or substituted *renewable source electricity contract* before the *Coordinator* will amend the *renewable source electricity contract*,
- and notify the *licensee* of its decision within a reasonable time.
- 5 The *Coordinator* may at any time direct the *licensee* to submit an amendment to the *renewable source electricity contract* and specify the time by which the *licensee* must submit that amendment.
- 6 The *licensee* must comply with a direction given by the *Coordinator* under clause 5.

4.6 Renewable source electricity

Clause 21 of Horizon Power's EIRL; New clause within Synergy's ERL

Clause 21 of Horizon Power's licence reflects the requirements of regulations 6 and 7 of the *Electricity Industry (Licence Conditions) Regulations 2005*.

As regulations 6 and 7 also apply to Synergy, the Authority proposes to include this clause in Synergy's retail licence as well. The proposed clause reads as follows:

- 1 The *licensee* must offer to purchase *renewable source electricity* from a *renewable source electricity customer* who wishes to sell *electricity* to the *licensee*.
- 2 The offer to purchase *electricity* in sub-clause 1 must be in the form of a *renewable source electricity contract* approved by the *Coordinator* in accordance with clause [20 – *renewable source electricity contract*].
- 3 The *licensee* must submit to the *Coordinator* a written report detailing:
- (a) the amount of *renewable source electricity* purchased by the *licensee*; and
- (b) the cost of purchasing that *renewable source electricity*,

4.7 Information to be provided to prospective customers

Clause 28 of Clear Energy's ERL

Clear Energy's retail licence contains a clause which requires it to provide certain information to customers prior to entering into a standard form or non-standard contract. The clause takes account of the specific nature of Clear Energy's supply situation, and is therefore only included in Clear Energy's retail licence.

Appendices

Appendix 1 List of current licensees by licence type

GENERATION (EGL)

- EDWF HOLDINGS 1 Pty Ltd & EDWF HOLDINGS 2 Pty Ltd t/a Emu Downs Wind Farm Joint Venture
- Walkaway Wind Power Pty Ltd
- NewGen Power Kwinana Pty Ltd
- Griffin Power Pty Ltd
- Transfield Services - Kemerton Pty Ltd
- Alinta Cogeneration (Wagerup) Pty Ltd
- Electricity Generation Corporation (Verve Energy)
- Perth Power Partnership
- South West Cogeneration Joint Venture
- Alinta Cogeneration (Pinjarra) Pty Ltd
- Goldfields Power Pty Ltd
- BHP Billiton Worsley Alumina Pty Ltd
- Southern Cross Energy Partnership
- Alcoa of Australia Limited
- CSBP Pty Ltd
- Eneabba Energy Pty Ltd
- Griffin Power 2 Pty Ltd
- NewGen Neerabup Partnership
- Western Energy Pty Ltd
- WR Carpenter No.1 Pty Ltd
- ATCO Power Australia (Karratha) Pty Ltd
- Collgar Wind Farm Pty Ltd

TRANSMISSION (ETL)

- Electricity Networks Corporation (formerly Western Power)
- Southern Cross Energy Partnership

DISTRIBUTION (EDL)

- Electricity Networks Corporation (formerly Western Power)
- BHP Billiton Nickel West
- Southern Cross Energy Partnership
- Newmont Power Pty Ltd

RETAIL (ERL)

- Electricity Retail Corporation (Synergy)*
- BHP Billiton Nickel West
- Griffin Energy Sales Pty Ltd
- Goldfields Power Pty Ltd
- Premier Power Sales Pty Ltd
- Alinta Sales Pty Ltd*
- Southern Cross Energy Partnership
- CSBP Pty Ltd
- Newmont Power Pty Ltd
- Perth Energy Pty Ltd*
- Landfill Gas and Power Pty Ltd
- Griffin Power Pty Ltd
- Newmont AP Power Pty Ltd
- Clear Energy Pty Ltd*

INTEGRATED REGIONAL (EIRL)

- EDL NGD (WA) Pty Ltd
- Regional Power Corporation (Horizon Power)*
- Rottnest Island Authority*
- Ord Hydro

(*) indicates that the licensee holds a Standard Form Contract and may retail electricity to customers consuming less than 160MWh of electricity per annum.

Appendix 2 Current Electricity Generation Licence Template

Generation Licence

Electricity Industry Act 2004 (WA)

Generation Licence

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

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

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

Generation Licence

Electricity Industry Act 2004 (WA)

LICENCE EGL <<Number>>

Applicant's Full Name
(Licensee)

«ABN_ACN»

«ADDRESS»

Generation 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 *generating works*.

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 *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;
- (b) the *Electricity Industry Customer Transfer Code 2004*;
- (c) the *Electricity Networks Access Code 2004*;
- (d) the *Electricity Industry Metering Code 2005*;
- (e) 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.

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

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

- (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.

generating works is described in Schedule 1 and means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of *electricity*.

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 *generating works* 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*.

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

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 14.3;
- (b) clause 15.3;
- (c) clause 16.5; or
- (d) clause 19.3,

of this *licence*.

supply means to generate *electricity*.

2 Grant of Licence

- 2.1 The *licensee* is granted a licence for the *licence area* to construct and operate *generating works* or operate existing *generating works* 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*.
- 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,

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

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*.

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*.

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

- 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 generating works

- 12.1 The *licensee* may expand or reduce the *generating works* 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 *generating works* 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.

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*.

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

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 *generating works* within 2 *business days* from the *commencement date* or from the completion of construction of the *generating works*, 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 management system* within 24 months after *commencement date* and every 24 months thereafter.
- 16.4 The *licensee* must comply, and must require the *licensee's* expert to comply, with 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.

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

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
 - (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

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

- (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*..
- (c) 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*.

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

Schedule 1 – Licensee Details

- 1 Name and address of licensee
- 2 Operating (licence) area
- 3 Generating Works
- 4 Commencement Date
- 5 Expiry Date

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

Amendment Record Sheet:

Amendment Date	Description of amendment

Licensee	<<Name>>	Version
Licence	EGL <<Number>>	Version Date

Appendix 3 Current Electricity Transmission Licence Template

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.

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

Transmission Licence

Electricity Industry Act 2004 (WA)

LICENCE ETL <<Number>>

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

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

- (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;

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

- (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,

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

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*.

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

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.

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

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*

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

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

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

- (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*.

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

Schedule 1 – Licensee Details

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

Licensee	<<Name>>	Version
Licence	ETL <<Number>>	Version Date

Amendment Record Sheet:

Amendment Date	Description of Amendment

Licensee <<Name>>	Version
Licence ETL <<Number>>	Version Date

Appendix 4 Current Electricity Distribution Licence Template

Distribution Licence

Electricity Industry Act 2004 (WA)

Distribution Licence

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

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

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

Distribution Licence

Electricity Industry Act 2004 (WA)

LICENCE EDL <<Number>>

Applicant's Full Name
(Licensee)

<<ABN_ACN>>

<<ADDRESS>>

Distribution Licence

1 Definitions

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

applicable legislation includes:

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

approved scheme means a scheme approved under section 92 of the *Act*.

asset management system means the measures that are to be taken by the *licensee* for the proper maintenance, expansion or reduction of the *distribution 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 *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;
- (b) the *Electricity Industry Customer Transfer Code 2004*;
- (c) the *Electricity Networks Access Code 2004*;
- (d) the *Electricity Industry Metering Code 2005*;
- (e) the *Reliability and Quality of Supply Code 2005*; or
- (f) 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.

customer service charter means the charter prepared by a retailer pursuant to Part 11 of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

distribution 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 less than 66kV.

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

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

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
- (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 17 of the *licence*.

licence means:

- (a) this licence;
- (b) Schedule 1; and
- (c) any *individual performance standards* approved by the *Authority* pursuant to clause 17.

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

licensee means the <<Name of licensee>>.

non-standard contract has the meaning in section 54(3) of the *Act*.

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 *distribution 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 (Code of Conduct) Regulations 2005*;
- (b) *Electricity Industry (Licence Conditions) Regulations 2005*;
- (c) *Electricity Industry (Licensing Fees) Regulations 2005*;
- (d) *Electricity Industry (Obligation to Connect) Regulations 2005*;

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

- (e) *Electricity Industry (Ombudsman) Regulations 2005*; and
- (f) 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)*.

review guidelines means the guidelines for the review of customer service charters published on the *Authority's* website.

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

- (a) clause 17.2;
- (b) clause 18.2;
- (c) clause 19.4; or
- (d) clause 22.1,

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.

transmission 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 66kV or higher.

2 Grant of Licence

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

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

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

- (iii) another *distribution system*; or
- (iv) *customers* on behalf of a retailer,

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*, the *Electricity Industry Metering Code 2005*, the *Reliability and Quality of Supply Code 2005* and the *Code of Conduct for the Supply of Electricity to Small Use Customers 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*.

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

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*.

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 Customer Service Charter

12.1 The *licensee* must prepare a *customer service charter* if it supplies *electricity* to *small use customers*.

12.2 The *licensee* must, unless otherwise notified in writing by the *Authority*, review the *customer service charter* at least once every 36 months from the grant of the licence and submit to the *Authority* the results of that review within 5 *business days* after it is completed.

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

- 12.3 The *licensee* may, at any time, review the *customer service charter* and submit to the *Authority* the results of that review within 5 *business days* after it is completed.
- 12.4 Any review of the *customer service charter* must have regard to the *review guidelines*.
- 12.5 When the *licensee* has reviewed the *customer service charter* pursuant to clauses 12.2 or 12.3 of this *licence*, the *Authority* will examine:
- (b) the review pursuant to clauses 12.2 or 12.3 of this *licence*; and
 - (c) the *customer service charter*,
- and publish the review and the *Authority's* assessment of the review on the *Authority's* website within a reasonable time of receiving the review.

13 Amending the Customer Service Charter

- 13.1 The *licensee* may amend the *customer service charter* at any time by submitting to the *Authority*:
- (a) an amendment to the *customer service charter*, or
 - (b) a substituted *customer service charter*.
- 13.2 The *Authority* may examine the amendment and publish the *Authority's* assessment of the amendment on the *Authority's* website within a reasonable time of receiving the amendment.

14 Approved Scheme

- 14.1 The *licensee* must not supply *electricity* to *small use customers* unless the *licensee* is:
- (a) a member of an *approved scheme*; and
 - (b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

15 Expansion or Reduction of Distribution Systems

- 15.1 The *licensee* may expand or reduce the *distribution systems* if the relevant expansion or reduction is provided for in the *asset management system*.
- 15.2 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 19.2 of this *licence*.
- 15.3 The *licensee* must not expand the *distribution systems* outside the *licence area*.
- 15.4 The *licensee* must pay any applicable fees in accordance with the *Regulations*.

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

16 Accounting Records

- 16.1 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.

17 Individual Performance Standards

- 17.1 Performance standards are contained in *applicable legislation*.
- 17.2 The *Authority* may prescribe *individual performance standards* in relation to the *licensee* of its obligations under this *licence* or the *applicable legislation*.
- 17.3 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.
- 17.4 Once approved by the *Authority*, the *performance standards* are included as additional terms and conditions to this *licence*.

18 Performance Audit

- 18.1 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.
- 18.2 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.
- 18.3 The *licensee* may seek a review of any of the requirements of the *Authority's* standard audit guidelines in accordance with clause 24.1.
- 18.4 The independent auditor may be nominated by the *licensee* but must be approved by the *Authority* prior to the audit pursuant to clause 18.1. 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.

19 Asset Management System

- 19.1 The *licensee* must provide for, and notify the *Authority* of, an *asset management system* in relation to the *distribution system* within 2 *business days* from the

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

commencement date or from the completion of construction of the *distribution system*, whichever is later.

- 19.2 The *licensee* must notify the *Authority* of any material change to the asset management system within 10 *business days* of such change.
- 19.3 The *licensee* must, unless otherwise notified in writing by the *Authority*, provide the *Authority* with a report as to the effectiveness of the *asset management system* within 24 months after the *commencement date* and every 24 months thereafter.
- 19.4 The *licensee* must comply, and must require the *licensees* expert to comply, with 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.
- 19.5 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 24.1.
- 19.6 The independent expert may be nominated by the *licensee* but must be approved by the *Authority* prior to the review pursuant to clause 19.3. 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.

20 Reporting

- 20.1 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.

21 Provision of Information

- 21.1 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*.

22 Publishing Information

- 22.1 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*.
- 22.2 Subject to clause 22.3, the *licensee* must *publish* the information referred to in clause 22.1.

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

- 22.3 If the *licensee* considers that the information is confidential it must:
- (a) immediately notify the *Authority*; and
 - (b) seek a review of the *Authority*'s decision in accordance with clause 24.1.
- 22.4 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.

23 Notices

- 23.1 Unless otherwise specified, all *notices* must be in writing.
- 23.2 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*.

24 Review of the Authority's Decisions

- 24.1 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*.
- 24.2 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*.

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

Schedule 1 – Licensee Details

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

Licensee	<<Name>>	Version
Licence	EDL <<Number>>	Version Date

Amendment Record Sheet:

Amendment Date	Description of Amendment

Licensee <<Name>>	Version
Licence EDL <<Number>>	Version Date

Appendix 5 Current Electricity Retail Licence Template

Retail Licence

Electricity Industry Act 2004 (WA)

Retail Licence

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

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

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

Retail Licence

Electricity Industry Act 2004 (WA)

LICENCE ERL<<Number>>

Applicant's Full Name
(Licensee)

<<ABN_ACN >>

<<ADDRESS>>

Retail Licence

1 Definitions

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

applicable legislation includes:

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

approved scheme means a scheme approved under section 92 of the *Act*.

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 *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;
- (b) the *Electricity Industry Customer Transfer Code 2004*;
- (c) the *Electricity Networks Access Code 2004*;
- (d) the *Electricity Industry Metering Code 2005*;
- (e) the *Reliability and Quality of Supply Code 2005*; or
- (f) 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.

customer service charter means the charter prepared by a retailer pursuant to Part 11 of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

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
- (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*.

electricity marketing agent has the meaning in the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

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 21 of the licence.

licence means:

- (a) this licence;
- (b) Schedule 1; and
- (c) any *individual performance standards* approved by the Authority pursuant to clause 21.

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

licensee means the <<Name of licensee>>.

non-standard contract has the meaning in section 54(3) of the Act.

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.

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 (Code of Conduct) Regulations 2005*;
- (b) *Electricity Industry (Licence Conditions) Regulations 2005*;
- (c) *Electricity Industry (Licensing Fees) Regulations 2005*;
- (d) *Electricity Industry (Obligation to Connect) Regulations 2005*;
- (e) *Electricity Industry (Ombudsman) Regulations 2005*; and
- (f) 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)*.

review guidelines means the guidelines for the review of customer service charters published on the Authority's website.

reviewable decision means a decision by the Authority pursuant to:

- (a) clause 13.2, 13.3;
- (b) clause 21.2;

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- (c) clause 22.2; or
- (d) clause 25.1,

of this *licence*.

small use customer means a customer who consumes not more than 160MWh of electricity per annum.

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.

standard form contract means a standard form contract submitted by the *licensee* in accordance with section 49 or section 50 of the *Act* and approved by the *Authority* pursuant to section 51 of the *Act*.

supplier of last resort has the meaning in Part 5 of the *Act*.

supply means to sell *electricity*.

2 Grant of Licence

- 2.1 The *licensee* is granted a *licence* for the *licence area* to *supply electricity* to *customers* 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 8 of this *licence*;
 - (b) the surrender of the *licence* pursuant to clause 9 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*, the *Reliability and Quality of Supply Code 2005*, the *Electricity Industry Metering Code 2005* and the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- 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 Marketers

- 6.1 The *licensee* must ensure that an electricity marketing agent of the *licensee* complies with the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.
- 6.2 The *licensee* must report a breach by the electricity marketing agent of the applicable conditions of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004* to the *Authority* within 3 *business days* of becoming aware of the breach.

7 Transfer of Licence

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

8 Cancellation of Licence

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

9 Surrender of Licence

- 9.1 The *licensee* may surrender the *licence* at any time by written *notice* to the *Authority*.
- 9.2 The surrender of the *licence* will take effect on the day that the *Authority* publishes a *notice* of the surrender in the *Gazette*.
- 9.3 The *licensee* will not be entitled to a refund of any fees by the *Authority*.

10 Renewal of Licence

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

11 Amendment of Licence on Application of the Licensee

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

12 Amendment of the Licence by the Authority

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

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- 12.2 Before amending the *licence* under clause 12.1, 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.
- 12.3 This clause also applies to the substitution of the existing *licence*.
- 12.4 For avoidance of doubt, the *licensee* will not have to pay an associated application fee or licence fee for the purpose of clause 12.1.

13 Customer Contracts

- 13.1 Subject to the *Regulations*, the *licensee* must not supply *electricity* to a *small use customer* otherwise than under:
- (a) a *standard form contract*, or
 - (b) a *non-standard contract*.
- 13.2 The *licensee* must, if directed by the *Authority*, review the *standard form contract* and submit to the *Authority* the results of that review within the time specified by the *Authority*.
- 13.3 The *licensee* must comply with any direction given by the *Authority* in relation to the scope, process or methodology of the review referred to in clause 13.2.

14 Amending the Standard Form Contract

- 14.1 The *licensee* may only amend the *standard form contract* with the *Authority's* approval.
- 14.2 The *licensee* may amend the *standard form contract* at any time by submitting to the *Authority*:
- (a) a proposed amendment to the *standard form contract*, or
 - (b) a proposed substituted *standard form contract*.
- 14.3 The *Authority* may:
- (a) approve the amendment to the *standard form contract* or substituted *standard form contract*, or
 - (b) specify the amendments the *licensee* must make to the amended or substituted *standard form contract* before the *Authority* will amend the *standard form contract*,
- and notify the *licensee* of its decision within a reasonable time.
- 14.4 The *Authority* may, at any time, by *notice* in writing, direct the *licensee* to amend the *standard form contract* by specifying:
- (a) the amendments to be made to the *standard form contract*; and
 - (b) the latest date at which the amendments will come into force.

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

15 Customer Service Charter

- 15.1 The *licensee* must prepare a *customer service charter* if it supplies *electricity* to *small use customers*.
- 15.2 The *licensee* must, unless otherwise notified in writing by the *Authority*, review the *customer service charter* at least once every 36 months from the grant of the licence and submit to the *Authority* the results of that review within 5 *business days* after it is completed.
- 15.3 The *licensee* may, at any time, review the *customer service charter* and submit to the *Authority* the results of that review within 5 *business days* after it is completed.
- 15.4 Any review of the *customer service charter* must have regard to the *review guidelines*.
- 15.5 When the *licensee* has reviewed the *customer service charter* pursuant to clauses 15.2 or 15.3 of this *licence*, the *Authority* will examine:
- (a) the review pursuant to clauses 15.2 or 15.3 of this *licence*; and
 - (b) the *customer service charter*,
- and publish the review and the *Authority's* assessment of the review on the *Authority's* website within a reasonable time of receiving the review.

16 Amending the Customer Service Charter

- 16.1 The *licensee* may amend the *customer service charter* at any time by submitting to the *Authority*:
- (a) an amendment to the *customer service charter*, or
 - (b) a substituted *customer service charter*.
- 16.2 The *Authority* may examine the amendment and publish the *Authority's* assessment of the amendment on the *Authority's* website within a reasonable time of receiving the amendment.

17 Supplier of Last Resort

- 17.1 If the *licensee* is designated a *supplier of last resort* under the *Act*, the *licensee* must perform the functions of the *supplier of last resort*.

18 Directions by the Authority

- 18.1 The *licensee* must comply with any direction given by the *Authority* pursuant to section 53 of the *Act*.

19 Approved Scheme

- 19.1 The *licensee* must not supply *electricity* to *small use customers* unless the *licensee* is:
- (a) a member of an *approved scheme*; and

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- (b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

Licensee <<Name>>	Version
Licence ERL <<Number>>	Version Date

20 Accounting Records

20.1 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.

21 Individual Performance Standards

21.1 Performance standards are contained in *applicable legislation*.

21.2 The *Authority* may prescribe *individual performance standards* in relation to the *licensee* of its obligations under this *licence* or the *applicable legislation*.

21.3 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.

21.4 Once approved by the *Authority*, the *performance standards* are included as additional terms and conditions to this *licence*.

22 Performance Audit

22.1 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.

22.2 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.

22.3 The *licensee* may seek a review of any of the requirements of the *Authority's* standard audit guidelines in accordance with clause 27.1.

22.4 The independent auditor may be nominated by the *licensee* but must be approved by the *Authority* prior to the audit pursuant to clause 22.1. 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.

23 Reporting

23.1 The *licensee* must report to the *Authority*.

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- (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.

24 Provision of Information

- 24.1 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*.

25 Publishing Information

- 25.1 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*.
- 25.2 Subject to clause 25.3, the *licensee* must *publish* the information referred to in clause 25.1.
- 25.3 If the *licensee* considers that the information is confidential it must:
- (a) immediately notify the *Authority*; and
 - (b) seek a review of the *Authority's* decision in accordance with clause 27.1.
- 25.4 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.

26 Notices

- 26.1 Unless otherwise specified, all *notices* must be in writing.
- 26.2 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

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

- (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*.

27 Review of the Authority's Decisions

- 27.1 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*.
- 27.2 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*.

Licensee	<<Name>>	Version
Licence	ERL <<Number>>	Version Date

Schedule 1 – Licensee Details

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

Licensee <<Name>>	Version
Licence ERL <<Number>>	Version Date

Amendment Record Sheet:

Amendment Date	Description of amendment

Licensee <<Name>>	Version
Licence ERL <<Number>>	Version Date

Appendix 6 Current Electricity Integrated Regional Licence Template

Integrated Regional Licence

Electricity Industry Act 2004 (WA)

Integrated Regional Licence

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

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

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

Integrated Regional Licence

Electricity Industry Act 2004 (WA)

LICENCE EIRL <<Number>>

Applicant's Full Name
(Licensee)

<<ABN_ACN>>

<<ADDRESS>>

Integrated Regional Licence

1 Definitions

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

applicable legislation includes:

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

approved scheme means a scheme approved under section 92 of the *Act*.

asset management system means the measures that are to be taken by the *licensee* for the proper maintenance, expansion or reduction of the *generating works, distribution system and 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 *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;
- (a) the *Electricity Industry Customer Transfer Code 2004*;
- (b) the *Electricity Networks Access 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.

customer service charter means the charter prepared by a retailer pursuant to Part 11 of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

distribution 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 less than 66kV.

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

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

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
- (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*.

electricity marketing agent has the meaning in the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

expiry date means the date specified in Schedule 1.

generating works is described in Schedule 1 and means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of *electricity*.

individual performance standards means any standards prescribed by the *Authority* for an individual *licensee* pursuant to clause 22 of the *licence*.

licence means:

- (a) this licence;
- (b) Schedule 1; and
- (c) any *individual performance standards* approved by the *Authority* pursuant to clause 22.

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

licensee means the <<Name of licensee>>.

non-standard contract has the meaning in section 54(3) of the *Act*.

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 *generating works*, *distribution system*, *transmission system*:

- (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.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

Regulations means:

- (a) *Electricity Industry (Code of Conduct) Regulations 2005*;
- (b) *Electricity Industry (Licence Conditions) Regulations 2005*;
- (c) *Electricity Industry (Licensing Fees) Regulations 2005*;
- (d) *Electricity Industry (Obligation to Connect) Regulations 2005*;
- (e) *Electricity Industry (Ombudsman) Regulations 2005*; and
- (f) 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)*.

review guidelines means the guidelines for the review of customer service charters published on the *Authority's* website.

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

- (a) clause 13.2, 13.3;
- (b) clause 22.2;
- (c) clause 23.2;
- (d) clause 24.4; or
- (e) clause 27.1,

of this *licence*.

small use customer means a customer who consumes not more than 160MWh of electricity per annum.

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.

standard form contract means a standard form contract submitted by the *licensee* in accordance with section 49 or section 50 of the *Act* and approved by the *Authority* pursuant to section 51 of the *Act*.

supplier of last resort has the meaning in Part 5 of the *Act*.

supply means to do any one or more of the following:

- (a) sell *electricity*;
- (b) generate *electricity*;
- (c) to transport *electricity* through the *transmission system*;
- (d) to transport *electricity* through the *distribution system*.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

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 Grant of Licence

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

- (a) supply electricity to customers otherwise than through the South West Interconnected System;
- (b) construct and operate generating works or operate existing generating works;
- (c) construct and operate a new distribution system or operate an existing distribution system;
- (d) supply electricity from:
 - (i) generating works;
 - (ii) transmission systems; or
 - (iii) another distribution system;
 to:
 - (i) a customer on behalf of a retailer; or
 - (ii) another distribution system;
- (e) provide connection services to:
 - (i) generating works;
 - (ii) transmission systems;
 - (iii) another distribution system; or
 - (iv) customers on behalf of a retailer;
- (f) construct and operate a new transmission system or operate an existing transmission system;
- (g) supply electricity from:
 - (i) generating works;
 - (ii) distribution systems; or
 - (iii) another transmission system;
 to:
 - (i) a customer on behalf of a retailer; or
 - (ii) another transmission system;
- (h) provide connection services to:
 - (i) generating works;
 - (iii) distribution systems;
 - (iv) another transmission system; or

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

(v) *customers* on behalf of a retailer,
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 8 of this *licence*;
- (b) the surrender of the *licence* pursuant to clause 9 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* and the *Code of Conduct for the Supply of Electricity to Small Use Customers 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 Marketers

6.1 The *licensee* must ensure that an electricity marketing agent of the *licensee* complies with the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*.

6.2 The *licensee* must report a breach by the electricity marketing agent of the applicable conditions of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004* to the *Authority* within 3 *business days* of becoming aware of the breach.

7 Transfer of Licence

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

8 Cancellation of Licence

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

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

9 Surrender of Licence

- 9.1 The *licensee* may surrender the *licence* at any time by written *notice* to the *Authority*.
- 9.2 The surrender of the *licence* will take effect on the day that the *Authority* publishes a *notice* of the surrender in the *Gazette*.
- 9.3 The *licensee* will not be entitled to a refund of any fees by the *Authority*.

10 Renewal of Licence

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

11 Amendment of Licence on Application of the Licensee

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

12 Amendment of the Licence by the Authority

- 12.1 Subject to any *applicable legislation*, the *Authority* may amend the *licence* at any time in accordance with this clause.
- 12.2 Before amending the *licence* under clause 12.1, 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.
- 12.3 This clause also applies to the substitution of the existing *licence*.
- 12.4 For avoidance of doubt, the *licensee* will not have to pay an associated application fee or licence fee for the purpose of clause 12.1.

13 Customer Contracts

- 13.1 Subject to the *Regulations*, the *licensee* must not supply *electricity* to a *small use customer* otherwise than under:
- (a) a *standard form contract*; or
 - (b) a *non-standard contract*.
- 13.2 The *licensee* must, if directed by the *Authority*, review the *standard form contract* and submit to the *Authority* the results of that review within the time specified by the *Authority*.
- 13.3 The *licensee* must comply with any direction given by the *Authority* in relation to the scope, process or methodology of the review referred to in clause 13.2.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

14 Amending the Standard Form Contract

- 14.1 The *licensee* may only amend the *standard form contract* with the *Authority's* approval.
- 14.2 The *licensee* may amend the *standard form contract* at any time by submitting to the *Authority*:
- (a) a proposed amendment to the *standard form contract*, or
 - (b) a proposed substituted *standard form contract*.
- 14.3 The *Authority* may:
- (a) approve the amendment to the *standard form contract* or substituted *standard form contract*, or
 - (b) specify the amendments the *licensee* must make to the amended or substituted *standard form contract* before the *Authority* will amend the *standard form contract*,
- and notify the *licensee* of its decision within a reasonable time.
- 14.4 The *Authority* may, at any time, by *notice* in writing, direct the *licensee* to amend the *standard form contract* by specifying:
- (a) the amendments to be made to the *standard form contract*, and
 - (b) the latest date at which the amendments will come into force.

15 Customer Service Charter

- 15.1 The *licensee* must prepare a *customer service charter* if it supplies *electricity* to *small use customers*.
- 15.2 The *licensee* must, unless otherwise notified in writing by the *Authority*, review the *customer service charter* at least once every 36 months from the grant of the licence and submit to the *Authority* the results of that review within 5 *business days* after it is completed.
- 15.3 The *licensee* may, at any time, review the *customer service charter* and submit to the *Authority* the results of that review within 5 *business days* after it is completed.
- 15.4 Any review of the *customer service charter* must have regard to the *review guidelines*.
- 15.5 When the *licensee* has reviewed the *customer service charter* pursuant to clause 15.2 or 15.3 of this *licence*, the *Authority* will examine:
- (a) the review pursuant to clause 15.2 or 15.3 of this *licence*; and
 - (b) the *customer service charter*,
- and publish the review and the *Authority's* assessment of the review on the *Authority's* website within a reasonable time of receiving the review.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

16 Amending the Customer Service Charter

- 16.1 The *licensee* may amend the *customer service charter* at any time by submitting to the *Authority*:
- (a) an amendment to the *customer service charter*, or
 - (b) a substituted *customer service charter*.
- 16.2 The *Authority* may examine the amendment and publish the *Authority's* assessment of the amendment on the *Authority's* website within a reasonable time of receiving the amendment.

17 Supplier of Last Resort

- 17.1 If the *licensee* is designated a *supplier of last resort* under the *Act*, the *licensee* must perform the functions of the *supplier of last resort*.

18 Directions by the Authority

- 18.1 The *licensee* must comply with any direction given by the *Authority* pursuant to section 53 of the *Act*.

19 Approved Scheme

- 19.1 The *licensee* must not supply *electricity* to *small use customers* unless the *licensee* is:
- (a) a member of an *approved scheme*; and
 - (b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

20 Expansion or Reduction of Generating Works, Distribution Systems and Transmission Systems

- 20.1 The *licensee* may expand or reduce the *generating works*, *distribution systems* and *transmission systems* if the relevant expansion or reduction is provided for in the *asset management system*.
- 20.2 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 24.2 of this licence.
- 20.3 The *licensee* must not expand the *generating works*, *distribution systems* or *transmission systems* outside the *licence area*.
- 20.4 The *licensee* must pay any applicable fees in accordance with the *Regulations*.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

21 Accounting Records

- 21.1 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.

22 Individual Performance Standards

- 22.1 Performance standards are contained in *applicable legislation*.
- 22.2 The *Authority* may prescribe *individual performance standards* in relation to the *licensee* of its obligations under this *licence* or the *applicable legislation*.
- 22.3 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.
- 22.4 Once approved by the *Authority*, the *performance standards* are included as additional terms and conditions to this *licence*.

23 Performance Audit

- 23.1 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.
- 23.2 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.
- 23.3 The *licensee* may seek a review of any of the requirements of the *Authority's* standard audit guidelines in accordance with clause 29.1.
- 23.4 The independent auditor may be nominated by the *licensee* but must be approved by the *Authority* prior to the audit pursuant to clause 23.1. 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.

24 Asset Management System

- 24.1 The *licensee* must provide for, and notify the *Authority* of, an *asset management system* in relation to the *generating works, distribution systems and transmission systems* within 2 *business days* from the commencement date or from the completion of construction of the *generating works, distribution systems or transmission systems*, whichever is later.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

- 24.2 The *licensee* must notify the *Authority* of any material change to the *asset management system* within 10 *business days* of such change.
- 24.3 The *licensee* must, unless otherwise notified in writing by the *Authority*, provide the *Authority* with a report as to the effectiveness of the *asset management system* within 24 months after the *commencement date*, and every 24 months thereafter.
- 24.4 The *licensee* must comply, and must require the *licensee's* expert to comply, with 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.
- 24.5 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 29.1.
- 24.6 The independent expert may be nominated by the *licensee* but must be approved by the *Authority* prior to the review pursuant to clause 24.3. 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.

25 Reporting

- 25.1 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.

26 Provision of Information

- 26.1 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*.

27 Publishing Information

- 27.1 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*.
- 27.2 Subject to clause 27.3, the *licensee* must *publish* the information referred to in clause 27.1.
- 27.3 If the *licensee* considers that the information is confidential it must:
- (a) immediately notify the *Authority*; and

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

- (b) seek a review of the *Authority's* decision in accordance with clause 29.1.
- 27.4 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.

28 Notices

- 28.1 Unless otherwise specified, all *notices* must be in writing.
- 28.2 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*.

29 Review of the Authority's Decisions

- 29.1 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*.
- 29.2 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*.

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

Schedule 1 – Licensee Details

1 Name and Address of Licensee

2 Operating (Licence) area

3 Generating Works

4 Distribution System

5 Transmission System

6 Commencement Date

7 Expiry Date

Licensee	<<Name>>	Version
Licence	EIRL <<Number>>	Version Date

Amendment Record Sheet:

Amendment Date	Description of amendment

Licensee <<Name>>	Version
Licence EIRL <<Number>>	Version Date

Appendix 7 New Electricity Generation Licence Template

Economic Regulation Authority



WESTERN AUSTRALIA

Level 6, Governor Stirling Tower
197 St Georges Terrace
Perth Western Australia 6000

Telephone 61 8 9213 1900
Facsimile 61 8 9213 1999
Website www.era.wa.gov.au

GPO Box 8469
Perth Business Centre
Western Australia 6849

Generation Licence

Electricity Industry Act 2004 (WA)

Generation Licence

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

Dated this x day month 200920xx.

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

Economic Regulation Authority

WESTERN AUSTRALIA

Generation Licence

~~Electricity Industry Act 2004 (WA)~~

Electricity Industry Act 2004 (WA)

Formatted: Font: 14 pt, Bold, Font color: Auto

Generation Licence

Licensee Name: _____ <Licensee name and ABN>

Licensee Address: _____ <Licensee address>

Description of generating works: _____ <description>

Nameplate capacity of generating works: <capacity>

Licence area: _____ <brief description of area>

Commencement date: _____ <Commencement date>

Version Number: _____ <X>

Version Date: _____ <Version Date>

Signed by a delegate:
Member, or
the Chairman of the Economic Regulation Authority

Dated this <Date> day <Month> <Year> (date to match date of grant if issuing licence for the first time, otherwise, date to match version date).

LICENCE EGLX

<<Name>>

(Licensee)

ABN-x

<<Address>>

Formatted: Left

Formatted: Font: 11 pt, Not Bold, Not Italic, Font color: Auto

Formatted: Border: Bottom: (Single solid line, Custom Color(RGB(0,135,156)), 1 pt Line width, From text: 7 pt Border spacing:)

Formatted: Centered, Border: Bottom: (Single solid line, Custom Color(RGB(0,135,156)), 1 pt Line width, From text: 7 pt Border spacing:)

Formatted: Centered

Formatted: Font: 11 pt, Not Bold, Not Italic

Formatted: Body Text

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Bold

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Bold, Not Italic

Formatted: Body Text, Centered

Formatted: Body Text

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Bold, Not Italic

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

Generation Licence

1 Definitions and Interpretation

1.1 In this licence, the following definitions apply unless the context otherwise requires:

Formatted: Bullets and Numbering

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 generating works.

~~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 Code of Conduct for the Supply of Electricity to Small Use Customers;~~
- (b) ~~the Electricity Industry Customer Transfer Code 2004;~~
- (c) ~~the Electricity Networks Access Code 2004;~~
- (d) ~~the Electricity Industry Metering Code 2005;~~
- (e) ~~the Electricity Industry (Network Quality and Reliability of Supply) Code 2005; and~~
- (d) ~~the Electricity Networks Access Code 2004;~~
- (e)(f) a code prepared by the Authority or the Minister pursuant to section 39 of the *Act*.

Formatted: Check spelling and grammar

Formatted: Space Before: 0 pt, After: 6 pt, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm

Formatted: Bullets and Numbering

Formatted: Space Before: 0 pt, After: 6 pt, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 11 pt, Not Italic

Formatted: Font: Not Italic

commencement date means the date specified in Schedule 1.

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

~~electricity has the meaning given to that term in section 3 of the Act, includes electrical energy of any kind however produced, stored, transported or consumed.~~

Formatted: Font: Not Italic

electricity licensing email address means:

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

- (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
- (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.

generating works ~~has the meaning given to that term in section 3 of the Act as described in Schedule 1 and means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of electricity.~~

individual performance standards mean any standards prescribed by the *Authority* for an individual *licensee* pursuant to clause ~~14-13~~ of the *licence*.

licence means:

- (a) this ~~licensee document (excluding the title page and the second page of this document);~~
- (b) ~~the Schedules 4 to this document;~~ and
- ~~(c) any individual performance standards approved by the Authority pursuant to clause 13-14.~~

-

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

licensee means ~~the~~ <<NAME>>.

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** ~~has the meaning given to that term in section 3 of the Act, in relation to the generating works 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

Formatted: Indent: Left: 2 cm

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

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

Regulations means:

- ~~(b)~~ Electricity Industry (Licensing Fees) Regulations 2005; and
- (a) Electricity Industry (Access Code Enforcement) Regulations 2005;
- (b) Electricity Industry (Arbitrator and Board Funding) Regulations 2009;
- (c) Electricity Industry (Code of Conduct) Regulations 2005;
- (d) Electricity Industry (Customer Contracts) Regulations 2005;
- (e) Electricity Industry (Independent Market Operator) Regulations 2004;
- (f) Electricity Industry (Licence Conditions) Regulations 2005;
- (g) Electricity Industry (Licensing Fees) Regulations 2005;
- (h) Electricity Industry (Obligation to Connect) Regulations 2005;
- (i) Electricity Industry (Ombudsman Scheme) Regulations 2005;
- (i) Electricity Industry (Tariff Equalisation) Regulations 2006;
- (k) Electricity Industry (Wholesale Electricity Market) Regulations 2004; and
- ~~(e)(l)~~ any regulations in force from time to time made pursuant to the Act.

related body corporate has the meaning given to that term in section 50 of the Corporations Act 2001 (Cwlth).

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

- (a) clause ~~1313~~14.2;
- (b) clause ~~1414~~15.2;
- ~~(b)(c)~~ clause 14.4;
- ~~(e)(d)~~ clause 17.1 ~~clause 16.4~~; or
- (e) clause 20.5 ~~clause 19.1~~; or
- ~~(e)(f)~~ clause 20.7,

of this licence.

~~supply~~ means to generate electricity.

1.2 A reference in this licence to any applicable legislation includes, unless the context otherwise requires, any statutory modification, amendment or re-enactment of that applicable legislation.

- Formatted: Font: 11 pt, Not Italic
- Formatted: Font: Not Italic
- Formatted: Font: Italic
- Formatted: List Number 2, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm
- Formatted: Bullets and Numbering
- Formatted: Font: Italic
- Formatted: List Number 2
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Font: 11 pt
- Formatted: Font: Italic
- Formatted: Bullets and Numbering
- Formatted: Bullets and Numbering
- Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

2 Grant of Licence

- 2.1 The *licensee* is granted a licence for the *licence area* to construct and operate *generating works* or operate existing *generating works* 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 any~~ *Regulations applicable legislation*.

Formatted: Font: Italic

5 Compliance

- 5.1 Subject to any modifications or exemptions granted pursuant to the *Act*, the *licensee* must comply with any *applicable legislation*.

~~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*.

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

8 Surrender of Licence

- 8.1 ~~The licensee may only surrender the licence pursuant to this clause 8.~~
- 8.2 ~~If the licensee intends to surrender the licence the licensee must, by notice in writing to the Authority:~~
 - ~~(a) set out the date that the licensee wishes the surrender of the licence to be effective - such date to be no less than 6 months from the date of the notice; and~~
 - ~~(b) set out the reasons why it wishes to surrender the licence.~~
- 8.3 ~~Upon receipt of the notice from the licensee pursuant to clause 8.2, the Authority will publish the notice.~~
- 8.4 ~~Notwithstanding clause 8.2, the surrender of the licence will only take effect on the later of the day that:~~
 - ~~(a) the Authority publishes a notice of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the Authority; and~~
 - ~~(b) the licensee hands back the licence to the Authority.~~
- 8.5 ~~The licensee will not be entitled to a refund of any fees by the Authority.~~
- 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.~~

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:

Formatted: Bullets and Numbering

Formatted: (Asian) Chinese (Traditional, Taiwan)

Formatted: (Asian) Chinese (Traditional, Taiwan)

Formatted: (Asian) Chinese (Traditional, Taiwan)

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm, Space Before: 0 pt

Formatted: (Asian) Chinese (Traditional, Taiwan)

Formatted: (Asian) Chinese (Traditional, Taiwan)

Formatted: English (United States)

Formatted: Space Before: 0 pt, After: 6 pt, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm

Formatted: Font: Italic, English (United States)

Formatted: English (United States)

Formatted: Tab stops: Not at 1.5 cm

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: English (United States)

Formatted: Space Before: 0 pt, After: 6 pt, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm

Formatted: Font: Italic, English (United States)

Formatted: English (United States)

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

- (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 a fee for amendments an associated application fee or licence fee for the purpose of under clause 11-4.

~~12~~ **Expansion or reduction of generating works**

~~12.1~~ The *licensee* may expand or reduce the *generating works* 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 *generating works* outside the *licence area*.

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

~~13~~ **Accounting Records**

~~13.12.1~~ The *licensee* and any *related body corporate* must maintain accounting records that comply with the Australian Auditing and Assurance Standards Board Australian Accounting Standards Board Standards or equivalent International Accounting Standards.

~~14~~ **Individual Performance Standards**

~~14.113.1~~ Performance standards are contained in *applicable legislation*.

~~14.213.2~~ The *Authority* may prescribe *individual performance standards* applying to the licensee in respect of relation to the licensee's of its obligations under this *licence* or the *applicable legislation*.

~~14.313.3~~ 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

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

(c) take into consideration those submissions.

~~14.413.4~~ Once approved by the Authority, the *individual performance standards* are included as additional terms and conditions to this licence.

~~15.14~~ Performance Audit

~~15.114.1~~ 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.

~~15.214.2~~ 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.~~

~~15.314.3~~ The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines in accordance with clause ~~191924.1~~.

~~15.414.4~~ The performance audit must be conducted by an independent auditor approved by the Authority. If the licensee fails to nominate an auditor within one month of the date that the performance audit was due, or the auditor nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent auditor to conduct the performance audit. ~~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 *generating works* within ~~2 business days from the commencement date or from the completion of construction of the generating works, 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 management system* within ~~24 months after commencement date and every 24 months thereafter.~~

~~16.4~~ The licensee must comply, and must require the licensee's expert to comply, with the Authority's standard guidelines dealing with the *asset management system*, including any minimum requirements relating to the

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

~~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.~~

4715 Reporting a Change in Circumstances

~~47.115.1~~ 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 of such external administration occurring;~~or~~

(b) if the licensee:

(i) experiences a significant~~change~~ in the licensee's corporate, financial or technical circumstances upon which this licence was granted; and

(ii) the change which~~may~~ materially affect the licensee's ability to meet-perform~~its~~ obligations under this licence;

~~(b)~~ within 10 business days of the change occurring; or

(c) if the details of the:

(i) licensee's name;

(ii) licensee's ABN;

(iii) licensee's address;

(iv) the description of the generating works; or

(v) the nameplate capacity of the generating works;

as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.

4816 Provision of information

~~48.116.1~~ 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.

Formatted: List Number 3

Formatted: Bullets and Numbering

Formatted: Font: Not Italic

Formatted: List Number 3, Indent: Left: 3.5 cm

Formatted: Not Highlight

Formatted: Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 3 cm + Indent at: 3 cm

Formatted: Bullets and Numbering

Formatted: List Number 3, Indent: Left: 0 cm, First line: 0 cm

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Indent: Left: 3.5 cm, First line: 0 cm

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

4917 Publishing information

49.417.1 The *Authority* may direct the *licensee* to *publish* any information within a specified timeframe, any information it considers relevant in connection with the *licensee* or the performance by the *licensee* of its obligations under this *licence*.

49.217.2 Subject to clause 174719.3, the *licensee* must *publish* the information referred to in clause 174719.1.

49.317.3 If the *licensee* considers that the information is confidential it must:

- (a) immediately notify the *Authority*; and
- (b) seek a review of the *Authority*'s decision in accordance with clause 194924.1.

49.417.4 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.

2018 Notices

20.418.1 Unless otherwise specified, all *notices* must be in writing.

20.218.2 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*.

2419 Review of the *Authority*'s decisions

24.419.1 The *licensee* may seek a review of a *reviewable decision* by the *Authority* pursuant to this *licence* in accordance with the following procedure:

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

- (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*.

19.2 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*.

Formatted: List Number 1

Formatted: Bullets and Numbering

20 Asset Management System

20.1 The *licensee* must provide for an *asset management system* in respect of the *licensee*'s assets.

20.2 The *licensee* must notify the *Authority* of the details of the *asset management system* within 2 *business days* from the later of:

- (a) the *commencement date*; and
- (b) the completion of construction of the *generating works*.

Formatted: List Number 2

20.3 The *licensee* must notify the *Authority* of any substantial change to the *asset management system* within 10 *business days* of such change.

20.4 The *licensee* must provide the *Authority* with a report by an independent expert, acceptable to the *Authority*, as to the effectiveness of the *asset management system* not less than once in every period of 24 months calculated from the *commencement date* (or any longer period that the *Authority* allows by notice in writing).

20.5 The *licensee* must comply, and must require the *licensee*'s expert to comply, with the *Authority*'s standard audit guidelines.

20.6 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 19.1.

20.7 The review of the *asset management system* must be conducted by an independent expert approved by the *Authority*. If the *licensee* fails to nominate an independent expert within one month of the date that the review of the *asset management system* was due, or the independent expert nominated by the *licensee* is rejected on two successive occasions by the *Authority*, the *Authority* may choose an independent expert to conduct the review of the *asset management system*.

(e)

Formatted: List Number 1

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

Schedule 1 – ~~Licensee~~ Licence Details

~~1~~ **Name and address of licensee**

~~21~~ **Operating (~~L~~icence) areaArea**

~~The Licence area is the area within the <<Location>> of Western Australia as set out in Plan No. ERA-EL-X.~~

Formatted: Font: 11 pt, Not Bold

~~3~~ **Generating Works**

Formatted: Body Text

~~42~~ **Commencement Date**

~~<insert date>~~

Formatted: Indent: Left: 0 cm

~~53~~ **Expiry Date**

~~<insert -date>~~

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

Schedule 2 – Additional Licence Clauses

[insert any deviations from the standard template]

Formatted: Highlight

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

|

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

Amendment Record Sheet:

Amendment Date	Description of amendment

Licensee	<<Name>>	Version	<<No.>>
Licence	EGLX	Version Date	<<Date>>

Appendix 8 New Electricity Transmission Licence Template

Economic Regulation Authority

 WESTERN AUSTRALIA

Level 6, Governor Stirling Tower
197 St Georges Terrace
Perth Western Australia 6000

GPO Box 8469
Perth Business Centre
Western Australia 6849

Telephone 61 8 9213 1900
Facsimile 61 8 9213 1999
Website www.era.wa.gov.au

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 integrated regional transmission licence to <<Licensee Name>> subject to, and in accordance with, the terms set out in this licence.

Dated this x day of <<Month>> 200X20xx.

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

Economic Regulation Authority

WESTERN AUSTRALIA

Integrated Regional Licence

Electricity Industry Act 2004 (WA)

LICENCE EIRLX

<<Name-ABN/CBN>>

-(Licensee)

<<Address>>

Electricity Industry Act 2004 (WA)

Transmission Licence

Licensee Name: _____ <Licensee name and ABN>

Licensee Address: _____ <Licensee address>

Description of transmission system: _____ <description>

Length of transmission system: _____ <length>

Licence area: _____ <brief description of area>

Commencement date: _____ <Commencement date>

Version Number: _____ <X>

Version Date: _____ <Version Date>

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Signed by a delegate:
Member; or
the Chairman of the Economic Regulation Authority

Dated this <Date> day <Month> <Year> (date to match date of grant if issuing licence for the first time, otherwise, date to match version date).

Formatted: Font: (Default) Arial, 11 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Transmission Licence

1 Definitions and Interpretation

1.1 In this licence, the following definitions apply unless the context otherwise requires:

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

applicable legislation includes:

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

~~**approved scheme** means a scheme approved under section 92 of the *Act*.~~

asset management system means the measures that are to be taken by the licensee for the proper maintenance, expansion or reduction of the *distribution 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) *(a)* the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;~~

~~(b) *the Electricity Industry Customer Transfer Code 2004*;~~

~~(c) *the Electricity Networks Access Code 2004*;~~

~~(d) *the Electricity Industry Metering Code 2005*;~~

~~(e) *the Electricity Industry (Network Quality and Reliability of Supply) Code 2005*; and~~

~~(f) *a code prepared by the Authority or the Minister pursuant to section 39 of the Act.*~~

~~(b) *the Electricity Industry Customer Transfer Code 2004*;~~

~~(c) *the Electricity Networks Access Code 2004*;~~

~~(d) *the Electricity Industry Metering Code 2005*;~~

~~(e) *the Reliability and Quality of Supply Code 2005*; or~~

~~(f) *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.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Indent: Left: 1.5 cm, Hanging: 1.48 cm

Formatted: Font: 11 pt, Not Italic

Formatted: Font: 11 pt, Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Font: 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Indent: First line: 1.5 cm

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Indent: Left: 1.5 cm, Hanging: 1.48 cm

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Not Italic, Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Font: 11 pt

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

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

~~customer service charter~~ means the charter prepared by a retailer pursuant to Part 11 of the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.

~~distribution 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 less than 66kV.

~~electricity~~ has the meaning given to that term in section 3 of the Act includes electrical energy of any kind, however produced, stored, transported or consumed.

Formatted: Font: 11 pt

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
- (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.

~~generating works~~ means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of electricity.

individual performance standards mean any standards prescribed by the Authority for an individual licensee pursuant to clause 47-13 of the licence.

Formatted: Font: 11 pt

licence means:

- (a) this ~~licensee document (excluding the title page and the second page of this document)~~;
- (b) ~~any Schedules 4 to this document~~; and
- (c) any individual performance standards approved by the Authority pursuant to clause 47-13.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Indent: Left: 1.5 cm, Hanging: 1.48 cm

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

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

licensee means <<Name>>.

~~non-standard contract~~ has the meaning in section 54(3) of the Act.

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** has the meaning given to that term in section 3 of the Act, in relation to the distribution system includes:

Formatted: Font: Not Italic

Formatted: Font: 11 pt

(a) ~~to maintain the system; and~~

Formatted: Body Text, Body Text Char, Indent: First line: 0 cm

(b) ~~to make any modifications necessary or desirable for the operation of the system.~~

Formatted: Body Text, Body Text Char, Indent: Left: 0 cm, First line: 0 cm

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:

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

- (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 (Access Code Enforcement) Regulations 2005;~~
- (b) ~~Electricity Industry (Arbitrator and Board Funding) Regulations 2009;~~
- (c) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (d) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
- (e) ~~Electricity Industry (Independent Market Operator) Regulations 2004;~~
- (f) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (g) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (h) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (i) ~~Electricity Industry (Ombudsman Scheme) Regulations 2005;~~
- (j) ~~Electricity Industry (Tariff Equalisation) Regulations 2006;~~
- (k) ~~Electricity Industry (Wholesale Electricity Market) Regulations 2004; and~~
- (l) ~~any regulations in force from time to time made pursuant to the Act.~~

- (a) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (b) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
- (c) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (d) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (e) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (f) ~~Electricity Industry (Ombudsman) Regulations 2005; and~~
- (g) ~~any regulations in force from time to time made pursuant to the Act~~

related body corporate has the meaning given to that term in section 50 of the Corporations Act 2001 (Cwlth).

review guidelines means the guidelines for the review of customer service charters published on the *Authority's* website.

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

- (a) clause ~~47~~13.2;
- (b) clause ~~48~~14.2;
- (c) clause 14.4;

Formatted: Indent: Left: 1.5 cm, Hanging: 1.48 cm

Formatted: Indent: Left: 1.5 cm, Hanging: 1.48 cm

Formatted ... [2]

Formatted ... [3]

Formatted ... [1]

Formatted ... [4]

Formatted ... [5]

Formatted ... [6]

Formatted ... [7]

Formatted ... [8]

Formatted ... [9]

Formatted ... [10]

Formatted ... [11]

Formatted ... [12]

Formatted ... [13]

Formatted ... [14]

Formatted ... [15]

Formatted ... [16]

Formatted ... [17]

Formatted ... [18]

Formatted ... [19]

Formatted ... [20]

Formatted ... [21]

Formatted ... [22]

Formatted ... [23]

Formatted ... [24]

Formatted ... [25]

Formatted ... [26]

Formatted ... [27]

Formatted ... [28]

Formatted ... [29]

Formatted ... [30]

Formatted ... [31]

Formatted ... [32]

Formatted ... [33]

Formatted ... [34]

Formatted ... [35]

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

~~(d)(e) clause 19.4; or~~

Formatted: Font: 11 pt

~~(e) clause 2217.1;~~

Formatted: Font: 11 pt

~~(e) clause 20.5; or~~

~~(f) clause 20.7.~~

Formatted: Font: 11 pt

of this licence.

transmission system has the meaning given to that term in section 3 of the Act. ~~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.~~

Formatted: Font: 11 pt

1.2 A reference in this licence to any applicable legislation includes, unless the context otherwise requires, any statutory modification, amendment or re-enactment of that applicable legislation.

Formatted: Font: 11 pt

2 Grant of Licence

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

Formatted: Font: 11 pt

~~(a) construct and operate a new transmission system or operate an existing transmission system in accordance with the terms and conditions of this licence;~~

Formatted: Font: 11 pt

~~(b) supply electricity from:~~

Formatted: List Number 1, Indent: Left: 0 cm, Hanging: 1.5 cm

~~(i) generating works;~~

Formatted: Font: 11 pt, Italic

~~(ii) transmission system; or~~

Formatted: Font: 11 pt

~~(iii) another distribution system;~~

~~to:~~

~~(i) a customer on behalf of a retailer; or~~

~~(ii) another distribution system;~~

~~(c) provide connection services to:~~

~~(i) generating works;~~

~~(ii) transmission system;~~

~~(iii) another distribution system; or~~

~~(iv) customers on behalf of a retailer;~~

~~in accordance with the terms and conditions of this licence;~~

Comment [LC1]: See distribution

3 Term

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

Formatted: Font: 11 pt

(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

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

(c) the *expiry date*.

4 Fees

4.1 The licensee must pay the applicable fees in accordance with ~~the Regulations~~ any applicable legislation.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

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, the Electricity Industry Metering Code 2005, the Reliability and Quality of Supply Code 2005 and the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

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.

Formatted: Font: 11 pt

7 Cancellation of Licence

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

Formatted: Font: 11 pt

8 Surrender of Licence

8.1 The licensee may only surrender the *licence* pursuant to this clause 8.

8.2 If the licensee intends to surrender the *licence* the licensee must, by notice in writing to the Authority:

- (a) set out the date that the licensee wishes the surrender of the *licence* to be effective - such date to be no less than 6 months from the date of the notice; and
- (b) set out the reasons why it wishes to surrender the *licence*.

Formatted: Indent: Left: 1.35 cm

Formatted: Indent: Left: 1.35 cm, Hanging: 1.42 cm

8.3 Upon receipt of the notice from the licensee pursuant to clause 8.2, the Authority will publish the notice.

Formatted: Font: Italic

Formatted: Font: Italic

8.4 Notwithstanding clause 8.2, the surrender of the *licence* will only take effect on the later of the day that:

Formatted: Font: Italic

- (a) the Authority publishes a notice of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the Authority; and

Formatted: Indent: Left: 1.35 cm

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

~~(b) the licensee hands back the licence to the Authority.~~

Formatted: Indent: Left: 1.36 cm, Hanging: 1.42 cm, Space After: 6 pt

~~8.5 The licensee will not be entitled to a refund of any fees by the Authority. 8.1 The licensee may surrender the licence at any time by written notice to the Authority.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~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.~~

9 Renewal of Licence

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

Formatted: Font: 11 pt

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.~~

Formatted: Font: 11 pt

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.~~

Formatted: Font: 11 pt

~~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 a fee for amendments an associated application fee or licence fee for the purpose of under clause 11.1.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

12 Customer Service Charter

~~12.1 The licensee must prepare a customer service charter if it supplies electricity to small use customers.~~

~~12.2 The licensee must, unless otherwise notified in writing by the Authority, review the customer service charter at least once every 36 months from the grant of the licence and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~12.3 The licensee may, at any time, review the customer service charter and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~12.4 Any review of the customer service charter must have regard to the review guidelines.~~

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

~~12.5~~ When the *licensee* has reviewed the *customer service charter* pursuant to clauses 12.2 or 12.3 of this *licence*, the *Authority* will examine:

- ~~(a)~~ the review pursuant to clauses 12.2 or 12.3 of this *licence*; and
- ~~(b)~~ the *customer service charter*,

and publish the review and the *Authority's* assessment of the review on the *Authority's* website within a reasonable time of receiving the review.

~~13~~ Amending the Customer Service Charter

~~13.1~~ The *licensee* may amend the *customer service charter* at any time by submitting to the *Authority*:

- ~~(a)~~ an amendment to the *customer service charter*, or
- ~~(b)~~ a substituted *customer service charter*.

~~13.2~~ The *Authority* may examine the amendment and publish the *Authority's* assessment of the amendment on the *Authority's* website within a reasonable time of receiving the amendment.

~~14~~ Approved Scheme

~~14.1~~ The *licensee* must not supply electricity to small use customers unless the *licensee* is:

- ~~(a)~~ a member of an *approved scheme*; and
- ~~(b)~~ bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

~~15~~ Expansion or Reduction of Transmission Systems

~~15.1~~ The *licensee* may expand or reduce the *transmission systems* if the relevant expansion or reduction is provided for in the *asset management system*.

~~15.2~~ 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 19.2 of this *licence*.

~~15.3~~ The *licensee* must not expand the *transmission systems* outside the *licence area*.

~~15.4~~ The *licensee* must pay any applicable fees in accordance with the *Regulations*.

~~4612~~ Accounting Records

~~4612.1~~ The *licensee* and any *related body corporate* must maintain accounting records that comply with the *Australian Auditing and Assurance Standards Board*

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

~~Australian Accounting Standards Board Standards~~ or equivalent International Accounting Standards.

Formatted: Font: 11 pt

4713 Individual Performance Standards

~~4713.1~~ Performance standards are contained in *applicable legislation*.

Formatted: Font: 11 pt

~~4713.2~~ The *Authority* may prescribe *individual performance standards* ~~in relation applying to the licensee of its~~ *in respect of the licensee's* obligations under this *licence* or the *applicable legislation*.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

~~4713.3~~ Before approving any *individual performance standards* under this clause, the *Authority* will:

Formatted: Font: 11 pt

Formatted: Font: 11 pt

- (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.

~~4713.4~~ Once approved by the *Authority*, the *individual performance standards* are included as additional terms and conditions to this *licence*.

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

4814 Performance Audit

~~4814.1~~ 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.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~4814.2~~ The *licensee* must comply, and must require the *licensee's* auditor to comply, with the *Authority's* standard audit guidelines.

Formatted: Font: 11 pt

~~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.~~

Formatted: Font: 11 pt

~~184.3~~ The *licensee* may seek a review of any of the requirements of the *Authority's* standard audit guidelines in accordance with clause ~~2419.1~~.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~4814.4~~ *The performance audit must be conducted by an independent auditor approved by the Authority. If the licensee fails to nominate an auditor within one month of the date that the performance audit was due, or the auditor nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent auditor to conduct the performance audit. The independent auditor may be nominated by the licensee but must be approved by the Authority prior to the audit pursuant to clause 18.1. 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.*

Formatted: Font: 11 pt

Formatted: Font: 11 pt

19 Asset Management System

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

- ~~19.1 The licensee must provide for, and notify the Authority of, an asset management system in relation to the distribution system within 2 business days from the commencement date or from the completion of construction of the distribution system, whichever is later.~~
- ~~19.2 The licensee must notify the Authority of any material change to the asset management system within 10 business days of such change.~~
- ~~19.3 The licensee must, unless otherwise notified in writing by the Authority, provide the Authority with a report as to the effectiveness of the asset management system within 24 months after the commencement date and every 24 months thereafter.~~
- ~~19.4 The licensee must comply, and must require the licensee's expert to comply, with 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.~~
- ~~19.5 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 24.1.~~
- ~~19.6 The independent expert may be nominated by the licensee but must be approved by the Authority prior to the review pursuant to clause 19.3. 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.~~

Formatted: Font: 11 pt

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

2015 Reporting a Change in Circumstances

2015.1 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 of such external administration occurring; or
- (b) if the licensee:
 - (i) experiences a significant change in the licensee’s corporate, financial or technical circumstances upon which this licence was granted; and
 - (ii) which the change may materially affect the licensee’s ability to meet-perform its obligations under this licence,
 within 10 business days of the change occurring; or
- (c) if the details of the:
 - (i) licensee’s name;
 - (ii) licensee’s ABN;
 - (iii) licensee’s address;
 - (iv) the description of the transmission system; or
 - (v) the length of the transmission system,
 as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.

2416 Provision of Information

2416.1 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.

2217 Publishing Information

2217.1 The Authority may direct the licensee to publish any information within a specified timeframe any information it considers relevant in connection with the licensee or the performance by the licensee of its obligations under this licence.

2217.2 Subject to clause 2217.3, the licensee must publish the information referred to in clause 2217.1.

2217.3 If the licensee considers that the information is confidential it must:

- (a) immediately notify the Authority; and
- (b) seek a review of the Authority’s decision in accordance with clause 19.1.24.1.

2217.4 Once it has reviewed the decision, the Authority will direct the licensee in accordance with the review to:

- Formatted ... [36]
- Formatted ... [37]
- Formatted ... [38]
- Formatted ... [39]
- Formatted ... [40]
- Formatted ... [41]
- Formatted: Bullets and Numbered Lists ... [42]
- Formatted ... [43]
- Formatted ... [44]
- Formatted ... [45]
- Formatted ... [46]
- Formatted ... [47]
- Formatted ... [48]
- Formatted ... [49]
- Formatted ... [50]
- Formatted ... [51]
- Formatted ... [52]
- Formatted ... [53]
- Formatted ... [54]
- Formatted: Bullets and Numbered Lists ... [55]
- Formatted ... [56]
- Formatted ... [57]
- Formatted ... [58]
- Formatted ... [59]
- Formatted ... [60]
- Formatted ... [61]
- Formatted ... [62]
- Formatted ... [63]
- Formatted ... [64]
- Formatted ... [65]
- Formatted ... [66]
- Formatted ... [67]
- Formatted ... [68]
- Formatted ... [69]
- Formatted ... [70]
- Formatted ... [71]
- Formatted ... [72]
- Formatted ... [73]
- Formatted ... [74]
- Formatted ... [75]
- Formatted ... [76]
- Formatted ... [77]
- Formatted ... [78]
- Formatted ... [79]
- Formatted ... [80]
- Formatted ... [81]

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

- (a) *publish* the information;
- (b) *publish* the information with the confidential information removed or modified; or
- (c) not *publish* the information.

2318 Notices

2318.1 Unless otherwise specified, all *notices* must be in writing.

Formatted: Font: 11 pt

2318.2 A *notice* will be regarded as having been sent and received:

Formatted: Font: 11 pt

- (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*.

Formatted: Font: 11 pt

2419 Review of the Authority's Decisions

2419.1 The *licensee* may seek a review of a *reviewable decision* by the *Authority* pursuant to this *licence* in accordance with the following procedure:

Formatted: Font: 11 pt

Formatted: Font: 11 pt

- (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*.

2419.2 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*.

Formatted: Font: 11 pt

20 Asset Management System

20.1 The licensee must provide for an asset management system in respect of the licensee's assets.

20.2 The licensee must notify the Authority of the details of the asset management system within 2 business days from the later of:

- (a) the commencement date; and
- (b) the completion of construction of the transmission system.

Formatted: List Number 2, Indent: Left: 1.48 cm, Hanging: 1.51 cm

20.3 The licensee must notify the Authority of any substantial change to the asset management system within 10 business days of such change.

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

- 20.4 The licensee must provide the Authority with a report by an independent expert, acceptable to the Authority, as to the effectiveness of the asset management system not less than once in every period of 24 months calculated from the commencement date (or any longer period that the Authority allows by notice in writing).
- 20.5 The licensee must comply, and must require the licensee's expert to comply, with the Authority's standard audit guidelines.
- 20.6 The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines dealing with the asset management system in accordance with clause 19.1.
- 20.7 The review of the asset management system must be conducted by an independent expert approved by the Authority. If the licensee fails to nominate an independent expert within one month of the date that the review of the asset management system was due, or the independent expert nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent expert to conduct the review of the asset management system.

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

Schedule 1 – ~~Licensee~~ Licence Details

~~1~~ 1 ~~Name and Address of Licensee~~

~~<<Name-ABN/CBN>>
<<Address>>~~

~~21~~ 21 ~~Operating (Licence) Area~~

~~The *Licence area* is the area within the <<Location>> of Western Australia as set out in Plan No. ERA-EL-X.~~

Formatted: Font: 11 pt

Formatted: Indent: Left: 0 cm

~~3~~ 3 ~~Generation System~~

~~Description and installed capacity~~

Formatted: Heading 1 Char,hx Char,h1 Char

~~4~~ 4 ~~Transmission System~~

~~The length of the transmission system is approximately X.~~

~~5~~ 5 ~~Distribution System~~

~~The length of the distribution system is approximately X.~~

Formatted: Heading 1 Char,hx Char,h1 Char

~~62~~ 62 ~~Commencement Date~~

~~<insert date>
<<Date>>.~~

Formatted: Font: (Default) Arial, 11 pt

Formatted: Indent: Left: 0 cm

~~73~~ 73 ~~Expiry Date~~

~~<insert date>
<<Date>>~~

Formatted: Font: (Default) Arial, 11 pt

Formatted: Indent: Left: 0 cm

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Schedule 2 – Additional Licence Clauses

Formatted: Font: (Default) Arial

[Insert any deviations from the standard template]

Formatted: Font: (Default) Arial, 11 pt

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

Amendment Record Sheet:

Amendment Date	Description of Amendment

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

Page 6: [1] Formatted	Author	7/07/2010 11:48:00 AM
Indent: Left: 1.5 cm, Hanging: 1.48 cm		
Page 6: [2] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [3] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [4] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [5] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [6] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [7] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [8] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [9] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [10] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [11] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [12] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [13] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [14] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [15] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [16] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [17] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [18] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [19] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [20] Formatted	Author	7/07/2010 11:48:00 AM
Font: (Default) Arial, Do not check spelling or grammar		
Page 6: [21] Formatted	Author	7/07/2010 11:48:00 AM
Do not check spelling or grammar		
Page 6: [22] Formatted	Author	7/07/2010 11:48:00 AM

Do not check spelling or grammar

Page 6: [23] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [24] Formatted Author 7/07/2010 11:48:00 AM

Do not check spelling or grammar

Page 6: [25] Formatted Author 7/07/2010 11:49:00 AM

Do not check spelling or grammar

Page 6: [26] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [27] Formatted Author 7/07/2010 11:48:00 AM

Do not check spelling or grammar

Page 6: [28] Formatted Author 7/07/2010 11:49:00 AM

Do not check spelling or grammar

Page 6: [29] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [30] Formatted Author 7/07/2010 11:48:00 AM

Do not check spelling or grammar

Page 6: [31] Formatted Author 7/07/2010 11:49:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [32] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [33] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 6: [34] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [35] Formatted Author 7/07/2010 11:48:00 AM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 13: [36] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [37] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [38] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [39] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [40] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [41] Formatted Author 8/06/2010 1:14:00 PM

List Number 3, Indent: Left: 0 cm, First line: 0 cm

Page 13: [42] Change Author 8/06/2010 1:14:00 PM

Formatted Bullets and Numbering

Page 13: [43] Formatted Author 8/06/2010 12:26:00 PM

Font: 11 pt

Page 13: [44] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [45] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [46] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [47] Formatted	Author	8/06/2010 1:14:00 PM
Font: 11 pt, Not Italic		
Page 13: [48] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [49] Formatted	Author	8/06/2010 1:15:00 PM
List Number 3, Indent: Left: 3.5 cm, First line: 0 cm		
Page 13: [50] Formatted	Author	8/06/2010 1:14:00 PM
Font: 11 pt, Not Italic		
Page 13: [51] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [52] Formatted	Author	8/07/2010 11:56:00 AM
Indent: Left: 1.48 cm, Hanging: 1.51 cm, No bullets or numbering		
Page 13: [53] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [54] Formatted	Author	8/07/2010 11:56:00 AM
Outline numbered + Level: 4 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Tab after: 4.5 cm + Indent at: 4.5 cm		
Page 13: [55] Change	Author	8/07/2010 11:56:00 AM
Formatted Bullets and Numbering		
Page 13: [56] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt, Not Italic		
Page 13: [57] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [58] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt, Not Italic		
Page 13: [59] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [60] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt, Not Italic		
Page 13: [61] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [62] Formatted	Author	8/07/2010 11:57:00 AM
Font: Italic		
Page 13: [63] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [64] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		

Page 13: [65] Formatted	Author	8/07/2010 11:56:00 AM
Font: (Default) Arial, 11 pt		
Page 13: [66] Formatted	Author	8/07/2010 11:57:00 AM
Indent: Left: 3 cm		
Page 13: [67] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [68] Formatted	Author	8/06/2010 1:15:00 PM
List Number 3, Indent: Left: 3.5 cm, First line: 0 cm		
Page 13: [69] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [70] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [71] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [72] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [73] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [74] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [75] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [76] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [77] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [78] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [79] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [80] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		
Page 13: [81] Formatted	Author	8/06/2010 12:26:00 PM
Font: 11 pt		

Appendix 9 New Electricity Distribution Licence Template

Economic Regulation Authority

 WESTERN AUSTRALIA

Level 6, Governor Stirling Tower
197 St Georges Terrace
Perth Western Australia 6000

GPO Box 8469
Perth Business Centre
Western Australia 6849

Telephone 61 8 9213 1900
Facsimile 61 8 9213 1999
Website www.era.wa.gov.au

Distribution Licence

Electricity Industry Act 2004 (WA)

Distribution Licence

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

Dated this x day of <<Month>> 200920xx.

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

Economic Regulation Authority

WESTERN AUSTRALIA

~~Distribution Licence~~

~~*Electricity Industry Act 2004 (WA)*~~

~~LICENCE EDLX~~

~~<<Name-ABN/CBN>>~~

~~-(Licensee)~~

~~<<Address>> Electricity Industry Act 2004 (WA)~~

Distribution Licence

Licensee Name: _____ <Licensee name and ABN>

Licensee Address: _____ <Licensee address>

Description of distribution system: _____ <description>

Length of distribution system: _____ <length>

Licence area: _____ <brief description of area>

Commencement date: _____ <Commencement date>

Version Number: _____ <X>

Version Date: _____ <Version Date>

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

Dated this <Date> day <Month> <Year> (date to match date of grant if issuing licence for the first time, otherwise, date to match version date).

Formatted: Left

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Distribution Licence

1 Definitions and Interpretation

1.1 In this *licence*, the following definitions apply unless the context otherwise requires:

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

applicable legislation includes:

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

approved scheme means a scheme approved under section 92 of the *Act*.

asset management system means the measures that are to be taken by the licensee for the proper maintenance, expansion or reduction of the *distribution 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 *Code of Conduct for the Supply of Electricity to Small Use Customers*;~~
 - (b) ~~the *Electricity Industry Customer Transfer Code 2004*;~~
 - (c) ~~the *Electricity Networks Access Code 2004*;~~
 - (d) ~~the *Electricity Industry Metering Code 2005*;~~
 - (e) ~~the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*; and~~
 - (f) ~~a code prepared by the Authority or the Minister pursuant to section 39 of the *Act*.~~
- (a) ~~the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;~~
 - (b) ~~the *Electricity Industry Customer Transfer Code 2004*;~~
 - (c) ~~the *Electricity Networks Access Code 2004*;~~
 - (d) ~~the *Electricity Industry Metering Code 2005*;~~
 - (e) ~~the *Reliability and Quality of Supply Code 2005*; or~~
 - (f) ~~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.

Formatted: Font: 11 pt

Formatted: Font: (Default) Arial, 11 pt, Italic

Formatted: Indent: Left: 1.48 cm, Hanging: 1.51 cm, No bullets or numbering

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt, Not Italic

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

customer has the meaning given to that term in section 3 of the Act means a person to whom electricity is sold for the purpose of consumption.

Formatted: Font: 11 pt

customer service charter means the charter prepared by a retailer pursuant to Part 11 of the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.

distribution system has the meaning given to that term in section 3 of the Act 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 less than 66kV.

Formatted: Font: 11 pt

electricity has the meaning given to that term in section 3 of the Act.

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

Formatted: Font: 11 pt

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
- (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.

generating works means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of electricity.

individual performance standards mean any standards prescribed by the Authority for an individual licensee pursuant to clause 47-13 of the licence.

Formatted: Font: 11 pt

licence means:

- (a) this licence document (excluding the title page and the second page of this document);
- (b) any Schedules to this document Schedule 1; and
- (c) any individual performance standards approved by the Authority pursuant to clause 4713.

Formatted: Indent: Left: 1.5 cm, First line: 0 cm

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

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

licensee means <<Name>>.

non-standard contract has the meaning in section 54(3) of the Act.

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** has the meaning given to that term in section 3 of the Act, in relation to the distribution system includes:

Formatted: Font: Not Italic

Formatted: Font: 11 pt

(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.

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

performance criteria means:

- (a) ~~(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*.

Formatted: Font: 11 pt
Formatted: Indent: First line: 1.48 cm

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.

Formatted: Indent: First line: 1.48 cm

Regulations means:

- (a) ~~Electricity Industry (Access Code Enforcement) Regulations 2005;~~
- (b) ~~Electricity Industry (Arbitrator and Board Funding) Regulations 2009;~~
- (c) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (d) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
- (e) ~~Electricity Industry (Independent Market Operator) Regulations 2004;~~
- (f) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (g) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (h) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (i) ~~Electricity Industry (Ombudsman Scheme) Regulations 2005;~~
- (j) ~~Electricity Industry (Tariff Equalisation) Regulations 2006;~~
- (k) ~~Electricity Industry (Wholesale Electricity Market) Regulations 2004; and~~
- (l) ~~any regulations in force from time to time made pursuant to the Act;~~
~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (b) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
- (c) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (d) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (e) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (f) ~~Electricity Industry (Ombudsman) Regulations 2005; and~~
- (g) ~~any regulations in force from time to time made pursuant to the Act.~~

Formatted: Indent: First line: 1.48 cm
Formatted ... [1]
Formatted: Indent: Left: 1.48 cm, Hanging: 1.51 cm
Formatted ... [2]
Formatted ... [3]
Formatted ... [4]
Formatted ... [5]
Formatted ... [6]
Formatted ... [7]
Formatted ... [8]
Formatted ... [9]
Formatted ... [10]
Formatted ... [11]
Formatted: Indent: Left: 1.48 cm, Hanging: 1.51 cm
Formatted ... [12]
Formatted ... [13]
Formatted ... [14]
Formatted ... [15]
Formatted ... [16]
Formatted ... [17]
Formatted ... [18]
Formatted: Font: 11 pt

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

~~**review guidelines** means the guidelines for the review of customer service charters published on the *Authority's* website.~~

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

- (a) clause 13.2;
- (b) clause 14.2;
- (c) clause 14.4;
- (d) clause 17.1;
- (e) clause 20.5; or

Licensee	<<Name>>	Version
Licence	EDLX	Version Date <<Date>>

- (f) ~~clause 20.7,~~
- ~~(a) clause 17.2;~~
- ~~(b) clause 18.2;~~
- ~~(e) clause 19.4; or~~
- ~~(d) clause 22.1,~~

of this *licence*.

small use customer has the same meaning as the meaning given to “customer” in section 47 of the Act.

supply has the meaning given to that term in section 3 of the Act.

~~*transmission 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 66kV or higher.~~

1.2 A reference in this licence to any applicable legislation includes, unless the context otherwise requires, any statutory modification, amendment or re-enactment of that applicable legislation.

2 Grant of Licence

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

- ~~(a) *construct and operate a new distribution system or operate an existing distribution system in accordance with the terms and conditions of this licence;*~~
 - ~~(b) *supply electricity from:*~~
 - ~~(i) *generating works;*~~
 - ~~(ii) *transmission system; or*~~
 - ~~(iii) *another distribution system;*~~
 - ~~to:~~
 - ~~(i) *a customer on behalf of a retailer; or*~~
 - ~~(ii) *another distribution system;*~~
 - ~~(c) *provide connection services to:*~~
 - ~~(i) *generating works;*~~
 - ~~(ii) *transmission system;*~~
 - ~~(iii) *another distribution system; or*~~
 - ~~(iv) *customers on behalf of a retailer;*~~
- ~~in accordance with the terms and conditions of this *licence*.~~

3 Term

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: List Number 1, Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Italic

Formatted: Font: 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: 11 pt

- 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*.

Formatted: Font: 11 pt

4 Fees

- 4.1 The *licensee* must pay the applicable fees in accordance with ~~the any applicable legislation, Regulations.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: Italic

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

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, the Electricity Industry Metering Code 2005, the Reliability and Quality of Supply Code 2005 and the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

- 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*.

Formatted: Font: 11 pt

7 Cancellation of Licence

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

Formatted: Font: 11 pt

8 Surrender of Licence

- 8.1 ~~The licensee may only surrender the licence pursuant to this clause 8.~~
- 8.2 ~~If the licensee intends to surrender the licence the licensee must, by notice in writing to the Authority:~~
 - ~~(a) set out the date that the licensee wishes the surrender of the licence to be effective - such date to be no less than 6 months from the date of the notice; and~~
 - ~~(b) set out the reasons why it wishes to surrender the licence.~~
- 8.3 ~~Upon receipt of the notice from the licensee pursuant to clause 8.2, the Authority will publish the notice.~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Licensee <<Name>>	Version
License EDLX	Version Date <<Date>>

~~8.4 Notwithstanding clause 8.2, the surrender of the *licence* will only take effect on the later of the day that:~~

- ~~(a) the *Authority* publishes a notice of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the *Authority*; and~~
- ~~(b) the *licensee* hands back the *licence* to the *Authority*.~~

~~8.5 The *licensee* will not be entitled to a refund of any fees by the *Authority*. 8-1
The *licensee* may surrender the *licence* at any time by written notice to the *Authority*.~~

Formatted: Font: 11 pt

~~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*.~~

9 Renewal of Licence

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

Formatted: Font: 11 pt

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.~~

Formatted: Font: 11 pt

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.~~

Formatted: Font: 11 pt

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 a fee an associated application fee or licence fee for amendments for the purpose of under clause 11.1.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Comment [LC1]: See retail.

MK – agree.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~12 Customer Service Charter~~

~~12.1 The *licensee* must prepare a customer service charter if it supplies electricity to small use customers.~~

~~12.2 The *licensee* must, unless otherwise notified in writing by the *Authority*, review the customer service charter at least once every 36 months from~~

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

~~the grant of the licence and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~12.3 The licensee may, at any time, review the customer service charter and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~12.4 Any review of the customer service charter must have regard to the review guidelines.~~

~~12.5 When the licensee has reviewed the customer service charter pursuant to clauses 12.2 or 12.3 of this licence, the Authority will examine:~~

~~(a) the review pursuant to clauses 12.2 or 12.3 of this licence; and~~

~~(b) the customer service charter;~~

~~and publish the review and the Authority's assessment of the review on the Authority's website within a reasonable time of receiving the review.~~

~~13 Amending the Customer Service Charter~~

~~13.1 The licensee may amend the customer service charter at any time by submitting to the Authority:~~

~~(a) an amendment to the customer service charter; or~~

~~(b) a substituted customer service charter.~~

~~13.2 The Authority may examine the amendment and publish the Authority's assessment of the amendment on the Authority's website within a reasonable time of receiving the amendment.~~

~~14 Approved Scheme~~

~~14.1 The licensee must not supply electricity to small use customers unless the licensee is:~~

~~(a) a member of an approved scheme; and~~

~~(b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the approved scheme.~~

~~15 Expansion or Reduction of Distribution Systems~~

~~15.1 The licensee may expand or reduce the distribution systems if the relevant expansion or reduction is provided for in the asset management system.~~

~~15.2 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 19.2 of this licence.~~

~~15.3 The licensee must not expand the distribution systems outside the licence area.~~

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Formatted: Font: 11 pt

~~15.4 The licensee must pay any applicable fees in accordance with the Regulations.~~

162 Accounting Records

~~1612.1 The licensee and any related body corporate must maintain accounting records that comply with the Australian Auditing and Assurance Standards Board Australian Accounting Standards Board Standards or equivalent International Accounting Standards.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

1713 Individual Performance Standards

~~1713.1 Performance standards are contained in applicable legislation.~~

Formatted: Font: 11 pt

~~1713.2 The Authority may prescribe individual performance standards applying in relation to the licensee in respect of the licensee's obligations under this licence or the applicable legislation.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~1713.3 Before approving any individual performance standards under this clause, the Authority will:~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

(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.

~~1713.4 Once approved by the Authority, the individual performance standards are included as additional terms and conditions to this licence.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

1814 Performance Audit

~~1814.1 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.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~1814.2 The licensee must comply, and must require the licensee's auditor to comply, with the Authority's standard audit guidelines,~~

Formatted: Font: 11 pt

~~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.~~

Formatted: Font: 11 pt

Comment [LC2]: See retail.

~~1814.3 The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines in accordance with clause 2419.1.~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

~~1814.4 The performance audit must be conducted by an independent auditor approved by the Authority. If the licensee fails to nominate an auditor within one month of the date that the performance audit was due, or the auditor nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent auditor to conduct the performance audit. The independent auditor may be nominated by the licensee but must be approved by the Authority prior to the audit pursuant to clause 18.1. Should the Authority reject the licensee's nomination of an independent auditor twice or, in the event~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

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.

19 Asset Management System

- 19.1 The licensee must provide for, and notify the Authority of, an asset management system in relation to the distribution system notify the Authority of the details of the asset management system within 2 business days from the commencement date or from the completion of construction of the distribution system, whichever is later.
- 19.2 The licensee must notify the Authority of any material substantial change to the asset management system within 10 business days of such change.
- 19.3 The licensee must, unless otherwise notified in writing by the Authority, provide the Authority with a report as to the effectiveness of the asset management system within 24 months after the commencement date and every 24 months thereafter.
- 19.4 The licensee must comply, and must require the licensee's expert to comply, with the Authority's standard audit 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.
- 19.5 The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines dealing with the asset management system in accordance with clause 24.1.
- 19.6 The independent expert may be nominated by the licensee but must be approved by the Authority prior to the review pursuant to clause 19.3. 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.

- Formatted: Font: 11 pt
- Formatted: Font: 11 pt, Italic
- Formatted: Font: 11 pt
- Formatted: Font: 11 pt, Italic
- Formatted: Font: 11 pt
- Formatted: Font: 11 pt, Italic
- Formatted: Font: 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

2015 Reporting a Change in Circumstances

2015.1 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 of such external administration occurring; ~~or~~
- (b) if the licensee:
 - (i) experiences a significant change in the licensee’s corporate, financial or technical circumstances upon which this licence was granted; ~~and~~
 - (ii) the change which may materially affect the licensee’s ability to meet-perform its obligations under this licence;
 within 10 business days of the change occurring; ~~or~~
- (c) if the details of the:
 - (i) licensee’s name;
 - (ii) licensee’s ABN;
 - (iii) licensee’s address;
 - (iv) the description of the distribution system; ~~or~~
 - (v) the length of the distribution system;
 as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: List Number 3, Indent: Left: 0 cm, First line: 0 cm

Formatted: Bullets and Numbering

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Italic

Formatted: Font: 11 pt

Formatted: List Number 3, Indent: Left: 3.5 cm, First line: 0 cm

Formatted: Font: 11 pt, Not Italic

Formatted: Font: 11 pt

Formatted: Bullets and Numbering

Formatted: List Number 3, Indent: Left: 2.96 cm, First line: 0 cm

Formatted: Font: 11 pt

2116 Provision of Information

2116.1 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.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

2217 Publishing Information

2217.1 The Authority may direct the licensee to publish any information within a specified timeframe, any information it considers relevant in connection with the licensee or the performance by the licensee of its obligations under this licence.

2217.2 Subject to clause 2217.3, the licensee must publish the information referred to in clause 2217.1.

2217.3 If the licensee considers that the information is confidential it must:

- (a) immediately notify the Authority; and
- (b) seek a review of the Authority’s decision in accordance with clause 19.1.24.1.

~~19.1.24.1.~~

2217.4 Once it has reviewed the decision, the Authority will direct the licensee in accordance with the review to:

- (a) publish the information;

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

- (b) *publish* the information with the confidential information removed or modified; or
- (c) not *publish* the information.

2318 Notices

2318.1 Unless otherwise specified, all *notices* must be in writing.

Formatted: Font: 11 pt

2318.2 A *notice* will be regarded as having been sent and received:

Formatted: Font: 11 pt

- (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*.

Formatted: Font: 11 pt

2419 Review of the Authority's Decisions

2419.1 The *licensee* may seek a review of a *reviewable decision* by the *Authority* pursuant to this *licence* in accordance with the following procedure:

Formatted: Font: 11 pt

- (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*.

Formatted: Font: 11 pt

2419.2 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*.

Formatted: Font: 11 pt

20 Asset Management System

20.1 The *licensee* must provide for an *asset management system* in respect of the *licensee's assets*.

20.2 The *licensee* must notify the *Authority* of the details of the *asset management system* within 2 *business days* from the later of:

- (a) the *commencement date*; and
- (b) the completion of construction of the *distribution system*.

Formatted: Indent: First line: 0 cm

20.3 The *licensee* must notify the *Authority* of any substantial change to the *asset management system* within 10 *business days* of such change.

20.4 The *licensee* must provide the *Authority* with a report by an independent expert, acceptable to the *Authority*, as to the effectiveness of the *asset management*

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

system not less than once in every period of 24 months calculated from the commencement date (or any longer period that the Authority allows by notice in writing).

20.5 *The licensee must comply, and must require the licensee's expert to comply, with the Authority's standard audit guidelines.*

20.6 *The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines dealing with the asset management system in accordance with clause 19.1.*

20.7 *The review of the asset management system must be conducted by an independent expert approved by the Authority. If the licensee fails to nominate an independent expert within one month of the date that the review of the asset management system was due, or the independent expert nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent expert to conduct the review of the asset management system.*

21 Approved Scheme

21.1 *The licensee must not supply electricity to small use customers unless the licensee is:*

(a) *a member of an approved scheme; and*

(b) *bound by, and compliant with, any decision or direction of the electricity ombudsman under the approved scheme.*

Formatted: Font: Italic

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Schedule 1 – ~~Licensee~~ Licence Details

1 ~~Name and Address of Licensee~~

~~<<Name ABN/CBN>>~~

~~<<Address>>~~

Formatted: Heading 1 Char,hx Char,h1 Char

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm

Comment [LC3]: See retail

21 ~~Operating (Licence) Area~~

The *Licence area* is the area within the <<Location>> of Western Australia as set out in Plan No. ERA-EL-X.

Formatted: Font: 11 pt

Formatted: Indent: Left: 0 cm

3 ~~Distribution System~~

~~The length of the distribution system is approximately X.~~

Formatted: Font: 11 pt

42 ~~Commencement Date~~

~~<insert date>~~

~~<<Date>>~~

Formatted: Font: 11 pt

53 ~~Expiry Date~~

~~<insert date>~~

~~<<Date>>~~

Formatted: Font: 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Schedule 2 – Additional Licence Clauses

Formatted: Font: (Default) Arial

Insert any deviations from the standard template

Formatted: Font: (Default) Arial, 11 pt

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Amendment Record Sheet:

Amendment Date	Description of Amendment

Licensee <<Name>>	Version
Licence EDLX	Version Date <<Date>>

Page 6: [1] Formatted	Author	6/07/2010 3:39:00 PM
Font: (Default) Arial		
Page 6: [1] Formatted	Author	6/07/2010 3:39:00 PM
Font: (Default) Arial		
Page 6: [2] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [2] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [2] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [3] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [3] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [3] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [4] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [4] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [4] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [5] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [5] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [5] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [6] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [6] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [6] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [7] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [7] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [7] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [8] Formatted	Author	6/07/2010 3:39:00 PM
Do not check spelling or grammar		
Page 6: [8] Formatted	Author	6/07/2010 3:39:00 PM

Do not check spelling or grammar

Page 6: [8] Formatted Author 6/07/2010 3:39:00 PM

Do not check spelling or grammar

Page 6: [9] Formatted Author 6/07/2010 3:39:00 PM

Do not check spelling or grammar

Page 6: [9] Formatted Author 6/07/2010 3:39:00 PM

Do not check spelling or grammar

Page 6: [9] Formatted Author 6/07/2010 3:39:00 PM

Do not check spelling or grammar

Page 6: [10] Formatted Author 6/07/2010 3:40:00 PM

Do not check spelling or grammar

Page 6: [10] Formatted Author 6/07/2010 3:40:00 PM

Do not check spelling or grammar

Page 6: [10] Formatted Author 6/07/2010 3:40:00 PM

Do not check spelling or grammar

Page 6: [11] Formatted Author 6/07/2010 3:40:00 PM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [11] Formatted Author 6/07/2010 3:40:00 PM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [11] Formatted Author 6/07/2010 3:40:00 PM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [11] Formatted Author 6/07/2010 3:40:00 PM

Font: (Default) Arial, Do not check spelling or grammar

Page 6: [12] Formatted Author 6/07/2010 3:37:00 PM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 6: [12] Formatted Author 6/07/2010 3:37:00 PM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 6: [12] Formatted Author 6/07/2010 3:37:00 PM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 6: [12] Formatted Author 6/07/2010 3:37:00 PM

Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Page 6: [13] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic

Page 6: [13] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic

Page 6: [14] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [14] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [15] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [15] Formatted Author 6/07/2010 3:37:00 PM

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [16] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [16] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [17] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic

Page 6: [17] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic

Page 6: [18] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic, Do not check spelling or grammar

Page 6: [18] Formatted **Author** **6/07/2010 3:37:00 PM**

Font: 11 pt, Not Italic, Do not check spelling or grammar

Appendix 10 New Electricity Retail Licence Template

Economic Regulation Authority

 WESTERN AUSTRALIA

Level 6, Governor Stirling Tower
197 St Georges Terrace
Perth Western Australia 6000

Telephone 61 8 9213 1900
Facsimile 61 8 9213 1999
Website www.era.wa.gov.au

GPO Box 8469
Perth Business Centre
Western Australia 6849

Comment [LC1]: Apply new ERA branding

Retail Licence

Electricity Industry Act 2004 (WA)

Retail Licence

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

Dated this X day <Month> 20<e>-<xx>.

~~Signed by Lyndon Rowe~~

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

~~Member; or~~

~~the Chairman of the Economic Regulation Authority~~

Economic Regulation Authority

WESTERN AUSTRALIA

Electricity Industry Act 2004 (WA)

Retail Licence

Licensee Name: _____ <Licensee name and ABN>

Licensee Address: _____ <Licensee address>

Licence area: _____ <brief description of area>

Commencement date: _____ <Commencement date>

Version Number: _____ <X>

Version Date: _____ <Version Date>

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

Dated this <Date> day <Month> <Year> (date to match date of grant if issuing licence for the first time, otherwise, date to match version date).

Formatted: Left

~~**Retail Licence**~~

~~**Electricity Industry Act 2004 (WA)**~~

LICENCE ERL<No.>

<Name>

<ABN>

(Licensee)

<Address>

Formatted: Left

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Retail Licence

1 Definitions and Interpretation

1.1 In this ~~licence~~, the following definitions apply unless the context otherwise requires:

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

applicable legislation includes:

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

approved scheme means a scheme approved under section 92 of the *Act*.

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 Code of Conduct for the Supply of Electricity to Small Use Customers;~~

(b) ~~the Electricity Industry Customer Transfer Code 2004;~~

(c) ~~the Electricity Networks Access Code 2004;~~

(d) ~~the Electricity Industry Metering Code 2005;~~

(e) ~~the Electricity Industry (Network Quality and Reliability of Supply) Code 2005; and~~

(f) ~~a code prepared by the Authority or the Minister pursuant to section 39 of the Act, the Code of Conduct for the Supply of Electricity to Small Use Customers 2004;~~

~~the Electricity Industry Customer Transfer Code 2004;~~

~~the Electricity Networks Access Code 2004;~~

~~the Electricity Industry Metering Code 2005;~~

~~the Reliability and Quality of Supply Code 2005; or~~

~~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 ~~has the meaning given to that term in section 3 of the Act means a person to whom electricity is sold for the purpose of consumption.~~

customer service charter ~~means the charter prepared by a retailer pursuant to Part 11 of the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

Formatted: List Number 1, Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: Italic

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: Not Bold, Not Italic

Formatted: Indent: Left: 2.04 cm, Hanging: 0.93 cm, Space Before: 0 pt

Formatted: Indent: Left: 2.04 cm, Hanging: 0.93 cm, Space After: 6 pt

Formatted: Indent: Left: 2 cm, Hanging: 0.96 cm

Formatted: Font: Italic

Comment [LC2]: Delete definition as CSC no longer required.

Licensee	<Name> <ABN >	Version	<No.>
Licence	ERL<No.>	Version Date	<Date>

electricity ~~has the meaning given to that term in section 3 of the Act includes electrical energy of any kind, however produced, stored, transported or consumed.~~

Formatted: Font: Not Bold

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
- (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*.

electricity marketing agent ~~has the meaning given to that term in section 78 of the Act has the meaning in the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

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 ~~2413~~ of the *licence*.

Comment [LC3]: Update after new draft.

licence means:

- (a) this ~~licence document (excluding the title page and the second page of this document);~~
- (b) ~~any Schedules to this document 4;~~ and
- (c) any *individual performance standards* approved by the *Authority* pursuant to clause ~~2413~~.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

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

licensee means the <Name> <ABN>.

non-standard contract has the meaning ~~given to that term~~ in section ~~54(3)47~~ of the *Act*.

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*.

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.

Formatted: Font: (Default) Arial, Not Italic

Formatted: Font: (Default) Arial

Formatted: Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.04 cm + Tab after: 3.04 cm + Indent at: 3.04 cm

Formatted: Bullets and Numbering

Regulations means:

- (a) ~~Electricity Industry (Access Code Enforcement) Regulations 2005;~~
- (b) ~~Electricity Industry (Arbitrator and Board Funding) Regulations 2009;~~

Licensee	<Name> <ABN >	Version	<No.>
Licence	ERL<No.>	Version Date	<Date>

- (c) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (d) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
- (e) ~~Electricity Industry (Independent Market Operator) Regulations 2004;~~
- (f) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (g) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (h) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (i) ~~Electricity Industry (Ombudsman Scheme) Regulations 2005;~~
- (j) ~~Electricity Industry (Tariff Equalisation) Regulations 2006;~~
- (k) ~~Electricity Industry (Wholesale Electricity Market) Regulations 2004; and~~
- (a) ~~any regulations in force from time to time made pursuant to the Act~~
~~Electricity Industry (Code of Conduct) Regulations 2005;~~
- (b) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
- (c) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
- (d) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
- (e) ~~Electricity Industry (Ombudsman) Regulations 2005; and~~
- (f)(l) ~~any regulations in force from time to time made pursuant to the Act.~~

related body corporate has the meaning given to that term in section 50 of the Corporations Act 2001 (Cwlth).

~~**review guidelines** means the guidelines for the review of customer service charters published on the Authority's website.~~

reviewable decision means a decision by the Authority pursuant to:

- (a) ~~clause 13.2;~~
- (b) ~~clause 14.2;~~
- (c) ~~clause 14.4; or~~
- (d) ~~clause 17.1,~~
 - (a) ~~clause 13.2, 13.3;~~
 - (b) ~~clause 21.2;~~
 - (c) ~~clause 22.2; or~~
 - (d) ~~clause 25.1,~~

of this licence.

~~**small use customer** has the same meaning as the meaning given to "customer" in section 47 of the Act means a customer who consumes not more than 160MWh of electricity per annum.~~

~~**South West Interconnected System** has the meaning given to that term in section 3 of the Act 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:~~

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Indent: Left: 2 cm, Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.04 cm + Tab after: 3.04 cm + Indent at: 3.04 cm

Formatted: Font: Arial, 11 pt

Formatted: Font: Arial, Italic

Formatted: Font: Arial, 11 pt

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic

Licensee	<Name> <ABN >	Version	<No.>
Licence	ERL<No.>	Version Date	<Date>

- ~~(i) one or more of the electricity generation plants at Kwinana, Muja, Collie and Pinjar; or~~
- ~~(ii) any prescribed electricity generation plant.~~

~~**standard form contract** has the meaning given to that term in section 47 of the Act means a standard form contract submitted by the licensee in accordance with section 49 or section 50 of the Act and approved by the Authority pursuant to section 54 of the Act.~~

~~**supplier of last resort** has the meaning given to that term in Part 5 section 69(1) of the Act.~~

~~**supply** has the meaning given to that term in section 3 of the Act means to sell electricity.~~

~~1.2 A reference in this licence to any applicable legislation includes, unless the context otherwise requires, any statutory modification, amendment or re-enactment of that applicable legislation.~~

Formatted: List Number 1, Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: Not Italic

2 Grant of Licence

2.1 The licensee is granted a licence for the licence area to supply electricity to customers 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 8 of this licence;
- (b) the surrender of the licence pursuant to clause 9 of this licence; or
- (c) the expiry date.

4 Fees

4.1 The licensee must pay the applicable fees in accordance with ~~the any applicable legislation. Regulations legislation~~

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

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, the Reliability and Quality of Supply Code 2005, the Electricity Industry Metering Code 2005 and the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

~~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~~

Licensee	<Name> <ABN >	Version	<No.>
Licence	ERL<No.>	Version Date	<Date>

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

~~6 Marketers~~

~~6.1 The licensee must ensure that an electricity marketing agent of the licensee complies with the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

~~6.2 The licensee must report a breach by the electricity marketing agent of the applicable conditions of the Code of Conduct for the Supply of Electricity to Small Use Customers 2004 to the Authority within 3 business days of becoming aware of the breach.~~

~~76 Transfer of Licence~~

~~76.1 This licence may be transferred only in accordance with the Act.~~

~~87 Cancellation of Licence~~

~~87.1 This licence may be cancelled only in accordance with the Act.~~

~~98 Surrender of Licence~~

~~8.1 The licensee may only surrender the licence pursuant to this clause 8.~~

~~8.2 If the licensee intends to surrender the licence the licensee must, by notice in writing to the Authority:~~

~~(a) set out the date that the licensee wishes the surrender of the licence to be effective - such date to be no less than 6 months from the date of the notice; and~~

~~(b) set out the reasons why it wishes to surrender the licence.~~

~~8.3 Upon receipt of the notice from the licensee pursuant to clause 8.2, the Authority will publish the notice.~~

~~8.4 Notwithstanding clause 8.2, the surrender of the licence will only take effect on the later of the day that:~~

~~(a) the Authority publishes a notice of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the Authority; and~~

~~(b) the licensee hands back the licence to the Authority.~~

~~8.5 The licensee will not be entitled to a refund of any fees by the Authority.~~

~~9.1 The licensee may surrender the licence at any time by written notice to the Authority.~~

~~9.2 The surrender of the licence will take effect on the day that the Authority publishes a notice of the surrender in the Gazette.~~

- Formatted: Font: Italic
- Formatted: Font: Italic
- Formatted: Font: Italic
- Formatted: Font: Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

~~9.3 The licensee will not be entitled to a refund of any fees by the Authority.~~

Formatted: Font: 12 pt, Bold, Not Italic

~~409~~ **Renewal of Licence**

Formatted: Font: 12 pt, Bold

~~409.1~~ This *licence* may be renewed only in accordance with the *Act*.

Formatted: Font: 12 pt, Bold, Not Italic

~~4410~~ **Amendment of Licence on Application of the Licensee**

Formatted: Font: 12 pt, Bold

~~4410.1~~ The *licensee* may apply to the *Authority* to amend the *licence* in accordance with the *Act*.

~~4211~~ **Amendment of the Licence by the Authority**

~~4211.1~~ Subject to any *applicable legislation*, the *Authority* may amend the *licence* at any time in accordance with this clause.

~~4211.2~~ Before amending the *licence* under clause ~~4211.1~~, 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.

~~4211.3~~ This clause also applies to the substitution of the existing *licence*.

~~4211.4~~ For avoidance of doubt, the *licensee* will not have to pay ~~an associated application- a fee or licence fee for the purpose of~~ amendments under clause ~~121-4~~.

~~13~~ **Customer Contracts**

~~13.1~~ Subject to the *Regulations*, the *licensee* must not supply *electricity* to a *small use customer* otherwise than under:

- (a) ~~a standard form contract; or~~
- (b) ~~a non-standard contract.~~

Formatted: Bullets and Numbering

~~13.2~~ The *licensee* must, if directed by the *Authority*, review the *standard form contract* and submit to the *Authority* the results of that review within the time specified by the *Authority*.

~~13.3~~ The *licensee* must comply with any direction given by the *Authority* in relation to the scope, process or methodology of the review referred to in clause ~~13.2~~.

~~14~~ **Amending the Standard Form Contract**

~~14.1~~ The *licensee* may only amend the *standard form contract* with the *Authority's* approval.

~~14.2~~ The *licensee* may amend the *standard form contract* at any time by submitting to the *Authority*:

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

~~(a) a proposed amendment to the standard form contract, or~~

~~(b) a proposed substituted standard form contract.~~

~~14.3 The Authority may:~~

~~(c) approve the amendment to the standard form contract or substituted standard form contract, or~~

~~(d) specify the amendments the licensee must make to the amended or substituted standard form contract before the Authority will amend the standard form contract,~~

~~and notify the licensee of its decision within a reasonable time.~~

~~14.4 The Authority may, at any time, by notice in writing, direct the licensee to amend the standard form contract by specifying:~~

~~(e) the amendments to be made to the standard form contract, and~~

~~(f) the latest date at which the amendments will come into force.~~

~~15 Customer Service Charter~~

~~15.1 The licensee must prepare a customer service charter if it supplies electricity to small use customers.~~

~~15.2 The licensee must, unless otherwise notified in writing by the Authority, review the customer service charter at least once every 36 months from the grant of the licence and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~15.3 The licensee may, at any time, review the customer service charter and submit to the Authority the results of that review within 5 business days after it is completed.~~

~~15.4 Any review of the customer service charter must have regard to the review guidelines.~~

~~15.5 When the licensee has reviewed the customer service charter pursuant to clauses 15.2 or 15.3 of this licence, the Authority will examine:~~

~~(a) the review pursuant to clauses 15.2 or 15.3 of this licence; and~~

~~(b) the customer service charter,~~

~~and publish the review and the Authority's assessment of the review on the Authority's website within a reasonable time of receiving the review.~~

~~16 Amending the Customer Service Charter~~

~~16.1 The licensee may amend the customer service charter at any time by submitting to the Authority:~~

~~(a) an amendment to the customer service charter; or~~

Licensee	<Name>	Version	<No.>
	<ABN >		
Licence	ERL<No.>	Version Date	<Date>

Formatted: Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Space Before: 12 pt, No bullets or numbering

Formatted: Heading 1 Char,hx Char,h1 Char, Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char

Formatted: Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Space Before: 12 pt, No bullets or numbering

~~(b) a substituted customer service charter.~~

~~16.2 The Authority may examine the amendment and publish the Authority's assessment of the amendment on the Authority's website within a reasonable time of receiving the amendment.~~

~~17 Supplier of Last Resort~~

~~17.1 If the licensee is designated a supplier of last resort under the Act, the licensee must perform the functions of the supplier of last resort.~~

~~18 Directions by the Authority~~

~~18.1 The licensee must comply with any direction given by the Authority pursuant to section 53 of the Act.~~

~~19 Approved Scheme~~

~~19.1 The licensee must not supply electricity to small use customers unless the licensee is:~~

- ~~(a) a member of an approved scheme; and~~
- ~~(b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the approved scheme.~~

~~2012 Accounting Records~~

~~2012.1 The licensee and any related body corporate must maintain accounting records that comply with the Australian Accounting Auditing and Assurance Standards Board Standards or equivalent International Accounting Standards.~~

~~2413 Individual Performance Standards~~

~~2413.1 Performance standards are contained in applicable legislation.~~

~~2413.2 The Authority may prescribe individual performance standards in relation applying to the licensee in respect of the licensee's of its obligations under this licence or the applicable legislation.~~

~~2413.3 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.~~

~~2413.4 Once approved by the Authority, the individual performance standards are included as additional terms and conditions to this licence.~~

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Formatted: Heading 1 Char,hx Char,h1 Char, Space Before: 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: Not Italic

Formatted: Font: Italic

2214 Performance Audit

2214.1 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.

2214.2 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.~~

2214.3 The licensee may seek a review of any of the requirements of the Authority’s standard audit guidelines in accordance with clause 2719.1.

~~22.4 The independent auditor may be nominated by the licensee but must be approved by the Authority prior to the audit pursuant to clause 22.1. 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. 14.4 The performance audit must be conducted by an independent auditor approved by the Authority. If the licensee fails to nominate an auditor within one month of the date that the performance audit was due, or the auditor nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent auditor to conduct the performance audit.~~

2315 Reporting a Change in Circumstances

2315.1 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 of such external administration occurring; ~~or~~

(b) if the licensee:

(i) experiences a significant change in the licensee’s corporate, financial or technical circumstances upon which this licence was granted; ~~and~~

(ii) the change which may materially affect the licensee’s ability to perform ~~meet~~ its obligations under this licence.

~~within 10 business days of the change occurring; or~~

(c) if the details of the:

(i) licensee’s name;

(ii) licensee’s ABN; or

(iii) licensee’s address,

~~(b) as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.~~

2416 Provision of Information

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Comment [LC4]: PR has recommended this change.

MK – agree. The deleted text concerns the content of the guidelines.

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: Not Italic

Formatted: Font: (Default) Arial, 11 pt

Formatted: List Number 3

Formatted: Bullets and Numbering

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt, Not Italic

Formatted: Font: (Default) Arial, 11 pt

Formatted: List Number 3, Indent: Left: 3.5 cm

Formatted: Font: (Default) Arial, 11 pt

Formatted: Outline numbered + Level: 4 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Tab after: 4.5 cm + Indent at: 4.5 cm

Formatted: Bullets and Numbering

Formatted: List Number 3, Indent: Left: 2.96 cm

Formatted: Font: (Default) Arial, 11 pt

2416.1 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*.

2517 Publishing Information

2517.1 The *Authority* may direct the *licensee* to ~~publish any information~~, within a specified timeframe, any information it considers relevant in connection with the *licensee* or the performance by the *licensee* of its obligations under this *licence*.

2517.2 Subject to clause **2517.3**, the *licensee* must *publish* the information referred to in clause **2517.1**.

2517.3 If the *licensee* considers that the information is confidential it must:

- (a) immediately notify the *Authority*; and
- (b) seek a review of the *Authority's* decision in accordance with clause **2719.1**.

2517.4 Once it has reviewed the decision, the *Authority* will direct the *licensee* in accordance with the review to:

- (a) *publish* the information; ~~or~~
- (b) *publish* the information with the confidential information removed or modified; or
- (c) not *publish* the information.

Formatted: Font: (Default) Arial

2618 Notices

2618.1 Unless otherwise specified, all *notices* must be in writing.

2618.2 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*.

2719 Review of the Authority's Decisions

2719.1 The *licensee* may seek a review of a *reviewable decision* by the *Authority* pursuant to this *licence* in accordance with the following procedure:

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

- (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*.

2719.2 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*.

20 NOT USED

21 Approved Scheme

21.1 The licensee must not supply electricity to small use customers unless the licensee is:

- (a) a member of an approved scheme; and
- (b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the approved scheme.

Formatted: Bullets and Numbering

22 Marketers

22.1 The licensee must ensure that an electricity marketing agent of the licensee complies with the Code of Conduct for the Supply of Electricity to Small Use Customers.

Formatted: Font: Italic

22.2 The licensee must report a breach by the electricity marketing agent of the applicable conditions of the Code of Conduct for the Supply of Electricity to Small Use Customers to the Authority within 3 business days of becoming aware of the breach.

Formatted: Font: Italic

23 Customer Contracts

23.1 Subject to the Regulations, the licensee must not supply electricity to a small use customer otherwise than under:

Formatted: Font: Italic

- (a) a standard form contract, or
- (b) a non-standard contract that complies with the Act.

Formatted: Bullets and Numbering

Formatted: Font: Italic

23.2 The licensee must, if directed by the Authority, review the standard form contract and submit to the Authority the results of that review within the time specified by the Authority.

23.3 The licensee must comply with any direction given by the Authority in relation to the scope, process or methodology of the review referred to in clause 23.2.

24 Amending the Standard Form Contract

24.1 The licensee may only amend the standard form contract with the Authority's approval.

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

24.2 The licensee may amend the *standard form contract* at any time by submitting to the *Authority*:

- (a) a proposed amendment to the *standard form contract*, or
- (b) a proposed substituted *standard form contract*.

Formatted: Bullets and Numbering

24.3 The *Authority* may:

- (a) approve the amendment to the *standard form contract* or substituted *standard form contract*, or
- (b) specify the amendments the licensee must make to the amended or substituted *standard form contract* before the *Authority* will amend the *standard form contract*,

Formatted: Font: (Default) Arial, 11 pt

Formatted: Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.04 cm + Tab after: 3.04 cm + Indent at: 3.04 cm

Formatted: Bullets and Numbering

and notify the licensee of its decision within a reasonable time.

24.4 The *Authority* may, at any time, by notice in writing, direct the licensee to amend the *standard form contract* by specifying:

- (a) the amendments to be made to the *standard form contract*, and
- (b) the latest date at which the amendments will come into force.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.04 cm + Tab after: 3.04 cm + Indent at: 3.04 cm

Formatted: Bullets and Numbering

25 Directions by the Authority

25.1 The licensee must comply with any direction given by the *Authority* pursuant to section 53 of the *Act*.

26 Supplier of Last Resort

26.1 If the licensee is designated a *supplier of last resort* under the *Act*, the licensee must perform the functions of the *supplier of last resort*.

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Schedule 1 – ~~Licensee~~ Licence Details

~~1~~ 1 Name and Address of Licensee

~~21~~ 21 Operating ~~(Licence)~~ Area

The *Licence area* is the area within the <<Location>> of Western Australia as set out in Plan No. ERA-EL-X.

Formatted: Left

~~32~~ 32 Commencement Date

<insert date>

~~43~~ 43 Expiry Date

<insert date>

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Schedule 2 – Additional Licence Clauses

Formatted: Font: (Default) Arial

Insert any deviations from the standard template

Formatted: Font: (Default) Arial, 11 pt

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Amendment Record Sheet:

Amendment Date	Description of amendment

Licensee <Name> <ABN >	Version <No.>
Licence ERL<No.>	Version Date <Date>

Appendix 11 New Electricity Integrated Regional Licence Template

Economic Regulation Authority

 WESTERN AUSTRALIA

Level 6, Governor Stirling Tower
197 St Georges Terrace
Perth Western Australia 6000

GPO Box 8469
Perth Business Centre
Western Australia 6849

Telephone 61 8 9213 1900
Facsimile 61 8 9213 1999
Website www.era.wa.gov.au

Integrated Regional Licence

Electricity Industry Act 2004 (WA)

Integrated Regional Licence

The Economic Regulation Authority (Authority), established under the Economic Regulation Authority Act 2003 hereby grants a integrated regional licence to <<Licensee Name>> ('Licensee') subject to, and in accordance with, the terms set out in this licence (and amended on <<Date>>).

Dated this x day of <<Month>> 200X20xx.

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

Economic Regulation Authority

WESTERN AUSTRALIA

~~Integrated Regional Licence~~

~~Electricity Industry Act 2004 (WA)~~

~~LICENCE EIRLX~~

~~<<Licensee Name ABN/ACN>>
(Licensee)~~

~~<<Address>>~~

Electricity Industry Act 2004 (WA)

Integrated Regional Licence

Licensee Name: <Licensee name and ABN>
Licensee Address: <Licensee address>
Description of generating works: <description>
Nameplate capacity of generating works: <capacity>
Description of distribution system: <description>
Length of distribution system: <length>
Description of transmission system: <description>
Length of transmission system: <length>
Licence area: <brief description of area>
Commencement date: <Commencement date>
Version Number: <X>
Version Date: <Version Date>

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Signed by a delegate:
Member; or
the Chairman of the Economic Regulation Authority

Dated this <Date> day <Month> <Year> (date to match date of grant if issuing licence for

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

the first time, otherwise, date to match version date).

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Integrated Regional Licence

1 Definitions and Interpretation

1.1 In this licence, the following definitions apply unless the context otherwise requires:

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

applicable legislation includes:

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

~~**approved scheme** means a scheme approved under section 92 of the *Act*.~~

~~**asset management system** means the measures that are to be taken by the licensee for the proper maintenance, expansion or reduction of the distribution 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 *Code of Conduct for the Supply of Electricity to Small Use Customers 2004*;
 - ~~(b) the *Electricity Industry Customer Transfer Code 2004*;~~
 - ~~(c) the *Electricity Networks Access Code 2004*;~~
 - ~~(d) the *Electricity Industry Metering Code 2005*;~~
 - ~~(e) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*; and~~
 - ~~(f) a code prepared by the Authority or the Minister pursuant to section 39 of the *Act*.~~
- ~~the *Electricity Industry Customer Transfer Code 2004*;~~
- ~~(c) the *Electricity Networks Access Code 2004*;~~
 - ~~(d) the *Electricity Industry Metering Code 2005*;~~
 - ~~(e) the *Reliability and Quality of Supply Code 2005*; or~~
 - ~~(f) 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** has the meaning given to that term in section 3 of the *Act* means a person to whom electricity is sold for the purpose of consumption.~~

Comment [LC1]: See other proposed amendments to definitions in other licences.

Formatted: Font: 12 pt

Formatted: Default Paragraph Font, Font: (Default) Arial, Bold

Formatted: Space Before: 12 pt

Formatted: Font: 12 pt

Formatted: Space Before: 6 pt

Formatted: Font: Not Italic

Formatted: Indent: Left: 2.04 cm, Hanging: 0.93 cm, Space Before: 6 pt, After: 0 pt

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Not Italic, Do not check spelling or grammar

Formatted: Font: (Default) Arial, 11 pt, Do not check spelling or grammar

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

~~**customer service charter** means the charter prepared by a retailer pursuant to Part 11 of the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

~~**distribution system** has the meaning given to that term in section 3 of the Act, 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 less than 66kV.~~

~~**electricity** has the meaning given to that term in section 3 of the Act, 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
- (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.

~~**generating works** has the meaning given to that term in section 3 of the Act, means the apparatus, equipment, plant or buildings used, or to be used, for, or in connection with, the generation of electricity.~~

individual performance standards mean any standards prescribed by the *Authority* for an individual *licensee* pursuant to clause 47-13 of the *licence*.

licence means:

- (a) this ~~licensed document (excluding the title page and the second page of this document)~~;
- (b) ~~any Schedules to this document~~ Schedule 4; and
- (c) any *individual performance standards* approved by the *Authority* pursuant to clause 47-13.

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

licensee means <<Licensee Name>>.

~~**non-standard contract** has the meaning in section 54(3) of the Act.~~

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** ~~has the meaning given to that term in section 3 of the Act, in relation to the distribution 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*.

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Formatted: Font: Arial, 11 pt

Formatted: Font: Bold, Italic

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 (Access Code Enforcement) Regulations 2005;~~
 - (b) ~~Electricity Industry (Arbitrator and Board Funding) Regulations 2009;~~
 - (c) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
 - (d) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
 - (e) ~~Electricity Industry (Independent Market Operator) Regulations 2004;~~
 - (f) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
 - (g) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
 - (h) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
 - (i) ~~Electricity Industry (Ombudsman Scheme) Regulations 2005;~~
 - (j) ~~Electricity Industry (Tariff Equalisation) Regulations 2006;~~
 - (k) ~~Electricity Industry (Wholesale Electricity Market) Regulations 2004; and~~
 - (l) ~~any regulations in force from time to time made pursuant to the Act.~~
- (a) ~~Electricity Industry (Code of Conduct) Regulations 2005;~~
 - (b) ~~Electricity Industry (Customer Contracts) Regulations 2005;~~
 - (c) ~~Electricity Industry (Licence Conditions) Regulations 2005;~~
 - (d) ~~Electricity Industry (Licensing Fees) Regulations 2005;~~
 - (e) ~~Electricity Industry (Obligation to Connect) Regulations 2005;~~
 - (f) ~~Electricity Industry (Ombudsman) Regulations 2005; and~~
 - (g) ~~any regulations in force from time to time made pursuant to the Act.~~

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

~~**review guidelines** means the guidelines for the review of customer service charters published on the *Authority's* website.~~

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

- (a) clause ~~47~~13.2;
- (b) clause ~~48~~14.2;

Formatted: Font: (Default) Arial

Formatted: Indent: Left: 2.04 cm, Hanging: 0.93 cm, Space Before: 6 pt, After: 0 pt

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial

Field Code Changed

Formatted: Font: (Default) Arial, 11 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

- ~~(i) generating works;~~
 - ~~(ii) distribution systems; or~~
 - ~~(iii) another transmission system;~~
- ~~to:~~
- ~~(i) a customer on behalf of a retailer; or~~
 - ~~(ii) another transmission system;~~
 - ~~(h) provide connection services to:~~
- ~~(i) generating works;~~
 - ~~(ii) distribution systems;~~
 - ~~(iii) another transmission system; or~~
 - ~~(iv) customers on behalf of a retailer;~~
- ~~in accordance with the terms and conditions of this licence.~~

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: Not Italic, Check spelling and grammar

Formatted: Font: (Default) Arial, 11 pt

Formatted: List Number 1, Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: 12 pt

Formatted: Space Before: 12 pt

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.

Formatted: Font: 12 pt

Formatted: Space Before: 12 pt

4 Fees

- 4.1 The licensee must pay the applicable fees in accordance with ~~the any Regulations applicable legislation.~~

Formatted: Font: 12 pt

Formatted: Space Before: 12 pt

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, the Electricity Industry Metering Code 2005, the Reliability and Quality of Supply Code 2005 and the Code of Conduct for the Supply of Electricity to Small Use Customers 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.~~

Formatted: Font: 12 pt

6 Marketers

- 6.1 ~~The licensee must ensure that an electricity marketing agent of the licensee complies with the Code of Conduct for the Supply of Electricity to Small Use Customers 2004.~~

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

- 4211.1 Subject to any *applicable legislation*, the *Authority* may amend the *licence* at any time in accordance with this clause.
- 4211.2 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.
- 4211.3 This clause also applies to the substitution of the existing *licence*.
- 4211.4 For avoidance of doubt, the *licensee* will not have to pay a fee for amendments under an associated application fee or licence fee for the purpose of clause 121.4.

~~13 Customer Contracts~~

- ~~13.1 Subject to the *Regulations*, the *licensee* must not supply *electricity* to a *small use customer* otherwise than under:

 - ~~(a) a *standard form contract*; or~~
 - ~~(b) a *non-standard contract*.~~~~
- ~~13.2 The *licensee* must, if directed by the *Authority*, review the *standard form contract* and submit to the *Authority* the results of that review within the time specified by the *Authority*.~~
- ~~13.3 The *licensee* must comply with any direction given by the *Authority* in relation to the scope, process or methodology of the review referred to in clause 13.2.~~

Formatted: Font: 12 pt
Formatted: Space Before: 12 pt

~~14 Amending the Standard Form Contract~~

- ~~14.1 The *licensee* may only amend the *standard form contract* with the *Authority's* approval.~~
- ~~14.2 The *licensee* may amend the *standard form contract* at any time by submitting to the *Authority*:

 - ~~(a) a proposed amendment to the *standard form contract*; or~~
 - ~~(b) a proposed substituted *standard form contract*.~~~~
- ~~14.3 The *Authority* may:

 - ~~(a) approve the amendment to the *standard form contract* or substituted *standard form contract*; or~~
 - ~~(b) specify the amendments the *licensee* must make to the amended or substituted *standard form contract* before the *Authority* will amend the *standard form contract*,~~
 and notify the *licensee* of its decision within a reasonable time.~~
- ~~14.4 The *Authority* may, at any time, by *notice* in writing, direct the *licensee* to amend the *standard form contract* by specifying:

 - ~~(a) the amendments to be made to the *standard form contract*; and~~
 - ~~(b) the latest date at which the amendments will come into force.~~~~

Formatted: Font: 12 pt
Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

~~15 Amending the Customer Service Charter~~

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

~~15.1 The licensee may amend the customer service charter at any time by submitting to the Authority:~~

~~(a) an amendment to the customer service charter; or~~

~~(b) a substituted customer service charter.~~

~~15.2 The Authority may examine the amendment and publish the Authority's assessment of the amendment on the Authority's website within a reasonable time of receiving the amendment.~~

~~**16 Supplier of Last Resort**~~

~~16.1 If the licensee is designated a supplier of last resort under the Act, the licensee must perform the functions of the supplier of last resort.~~

~~**17 Directions by the Authority**~~

~~17.1 The licensee must comply with any direction given by the Authority pursuant to section 53 of the Act.~~

~~**18 Approved Scheme**~~

~~18.1 The licensee must not supply electricity to small use customers unless the licensee is:~~

~~(a) a member of an approved scheme; and~~

~~(b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the approved scheme.~~

~~**19 Expansion or Reduction of Generating Works, Distribution Systems and Transmission Systems**~~

~~19.1 The licensee may expand or reduce the generating works, distribution systems and transmission systems if the relevant expansion or reduction is provided for in the asset management system.~~

~~19.2 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 24.2 of this licence.~~

~~19.3 The licensee must not expand the generating works, distribution systems or transmission systems outside the licence area.~~

~~19.4 The licensee must pay any applicable fees in accordance with the Regulations.~~

~~**2012 Accounting Records**~~

~~2012.1 The licensee and any related body corporate must maintain accounting records that comply with the Australian Auditing and Assurance Standards Board Australian Accounting Standards Board Standards or equivalent International Accounting Standards.~~

~~**2413 Individual Performance Standards**~~

~~2413.1 Performance standards are contained in applicable legislation.~~

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt, Bold

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: (Default) Arial, 12 pt, Bold

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Heading 1 Char,hx Char,h1 Char, Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: (Default) Arial, 12 pt, Bold

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: 12 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

~~2413.2~~ The Authority may prescribe individual performance standards ~~applying to the in relation to the licensee in respect of the licensee's of its~~ obligations under this licence or the applicable legislation.

~~2413.3~~ 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.

~~4813.4~~ Once approved by the Authority, the individual performance standards are included as additional terms and conditions to this licence.

~~1914~~ **Performance Audit**

~~4914.1~~ 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.

~~4914.2~~ 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.~~

~~4914.3~~ The licensee may seek a review of any of the requirements of the Authority's standard audit guidelines in accordance with clause ~~2419.1~~.

~~4914.4~~ ~~The performance audit must be conducted by an independent auditor approved by the Authority. If the licensee fails to nominate an auditor within one month of the date that the performance audit was due, or the auditor nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent auditor to conduct the performance audit. The independent auditor may be nominated by the licensee but must be approved by the Authority prior to the audit pursuant to clause 18.1. 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.~~

~~20~~ **Asset Management System**

~~20.1~~ ~~The licensee must provide for, and notify the Authority of, an asset management system in relation to the distribution system within 2 business days from the commencement date or from the completion of construction of the distribution system, whichever is later.~~

~~20.2~~ ~~The licensee must notify the Authority of any material change to the asset management system within 10 business days of such change.~~

~~20.3~~ ~~The licensee must, unless otherwise notified in writing by the Authority, provide the Authority with a report as to the effectiveness of the asset management~~

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt

Formatted: Indent: Left: 3.52 cm, Hanging: 0.98 cm

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

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

~~20.4 The licensee must comply, and must require the licensee's expert to comply, with 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.~~

~~20.5 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 24.1.~~

~~20.6 The independent expert may be nominated by the licensee but must be approved by the Authority prior to the review pursuant to clause 19.3. 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.~~

2415 Reporting a Change in Circumstances

2415.1 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 of such external administration occurring;~~

~~(b) if the licensee:~~

~~(i) experiences a change in the licensee's corporate, financial or technical circumstances upon which this licence was granted; and~~

~~(ii) the change may materially affect the licensee's ability to perform its obligations under this licence, within 10 business days of the change occurring.~~

~~(c) if the details of the:~~

~~(i) licensee's name;~~

~~(ii) licensee's ABN; or~~

~~(iii) licensee's address,~~

~~as set out in page 2 of this document are incorrect, within 2 business days of such details being incorrect.~~

~~(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.~~

2216 Provision of Information

- Formatted: Font: 12 pt
- Formatted: Font: 12 pt
- Formatted: Font: 12 pt
- Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt
- Formatted: Indent: Hanging: 0.95 cm
- Formatted: Bullets and Numbering
- Formatted: Indent: Hanging: 0.95 cm
- Formatted: Bullets and Numbering
- Formatted: Indent: First line: 0 cm
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt, Bold, Not Italic
- Formatted: Font: 12 pt, Bold
- Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt
- Formatted: Font: 12 pt, Bold
- Formatted: Font: 12 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

2216.1 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*.

2317. Publishing Information

2317.1 The *Authority* may direct the *licensee* to *publish* ~~any information~~ within a specified timeframe, ~~any information~~ it considers relevant in connection with the *licensee* or the performance by the *licensee* of its obligations under this *licence*.

2317.2 Subject to clause **2217.3**, the *licensee* must *publish* the information referred to in clause **2217.1**.

2317.3 If the *licensee* considers that the information is confidential it must:

- (a) immediately notify the *Authority*; and
- (b) seek a review of the *Authority*'s decision in accordance with clause **2419.1**.

2317.4 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.

2418. Notices

2418.1 Unless otherwise specified, all *notices* must be in writing.

2418.2 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*.

2519. Review of the Authority's Decisions

2519.1 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*.

Formatted: Font: 12 pt
 Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt
 Formatted: Font: 12 pt

Formatted: Indent: Left: 2 cm, Hanging: 0.98 cm

Formatted: Font: 12 pt
 Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt
 Formatted: Font: 12 pt

Formatted: Font: 12 pt
 Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 12 pt
 Formatted: Font: 12 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

2519.2 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.

[clause 20 applies to a IRL that authorises generating works, distribution system and/or transmission system]

20 Asset Management System

- 20.1 The licensee must provide for an asset management system in respect of the licensee’s assets.
- 20.2 The licensee must notify the Authority of the details of the asset management system within 2 business days from the later of:
 - (a) the commencement date; and
 - (b) the completion of construction of the licensee’s assets.
- 20.3 The licensee must notify the Authority of any substantial change to the asset management system within 10 business days of such change.
- 20.4 The licensee must provide the Authority with a report by an independent expert, acceptable to the Authority, as to the effectiveness of the asset management system not less than once in every period of 24 months calculated from the commencement date (or any longer period that the Authority allows by notice in writing).
- 20.5 The licensee must comply, and must require the licensee’s expert to comply, with the Authority’s standard audit guidelines.
- 20.6 The licensee may seek a review of any of the requirements of the Authority’s standard audit guidelines dealing with the asset management system in accordance with clause 19.1.
- 20.7 The review of the asset management system must be conducted by an independent expert approved by the Authority. If the licensee fails to nominate an independent expert within one month of the date that the review of the asset management system was due, or the independent expert nominated by the licensee is rejected on two successive occasions by the Authority, the Authority may choose an independent expert to conduct the review of the asset management system.
- 20.8 In this clause:

- (a) **asset management system** means the measures that are to be taken by the licensee for the proper maintenance, expansion or reduction of the licensee’s assets.
- (b) **licensee’s assets** means the licensee’s distribution system, transmission system or generating works (as the case may be).

[clause 21 applies to a IRL that authorises retail and/or distribution]

21 Approved Scheme

- 21.1 The licensee must not supply electricity to small use customers unless the licensee is:
 - (a) a member of an approved scheme; and

Formatted: Left, Indent: Left: 0 cm, Hanging: 1.5 cm, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Left, Space After: 6 pt

Formatted: Font: Italic

Formatted: Space Before: 0 pt, After: 6 pt

Formatted: List Number 2, Indent: Left: 2.04 cm, Hanging: 0.95 cm

Formatted: Indent: Left: 2.03 cm, Hanging: 0.95 cm

Formatted: Font: Italic

Formatted: Indent: Left: 2.03 cm, Hanging: 0.95 cm

Formatted: Font: Bold, Italic

Formatted: Font: Italic

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

(b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

21.2 In this clause:

(a) *approved scheme* means a scheme approved under section 92 of the Act.

(b) *small use customer* has the same meaning as the meaning given to “customer” in section 47 of the Act.

[clause 22 applies to a IRL that authorises retail]

22 Marketers

22.1 The licensee must ensure that an *electricity marketing agent of the licensee* complies with the *Code of Conduct for the Supply of Electricity to Small Use Customers*.

22.2 The licensee must report a breach by the *electricity marketing agent of the applicable conditions of the Code of Conduct for the Supply of Electricity to Small Use Customers* to the Authority within 3 business days of becoming aware of the breach.

22.3 In this clause, *electricity marketing agent* has the meaning given to that term in section 78 of the Act.

[clause 23 applies to a IRL that authorises retail]

23 Customer Contracts

23.1 Subject to the Regulations, the licensee must not *supply electricity to a small use customer* otherwise than under:

- (a) a *standard form contract*, or
- (b) a *non-standard contract* that complies with the Act.

23.2 The licensee must, if directed by the Authority, review the *standard form contract* and submit to the Authority the results of that review within the time specified by the Authority.

23.3 The licensee must comply with any direction given by the Authority in relation to the scope, process or methodology of the review referred to in clause 23.2.

23.4 In this clause:

- (a) *non-standard contract* has the meaning given to that term in section 47 of the Act.
- (b) *standard form contract* has the meaning given to that term in section 47 of the Act.

[clause 24 applies to a IRL that authorises retail]

24 Amending the Standard Form Contract

24.1 The licensee may only amend the *standard form contract* with the Authority’s approval.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Space Before: 6 pt, After: 0 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Bullets and Numbering

Comment [LC2]: See comment on retail licence

Formatted: Space Before: 6 pt, After: 0 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: List Number 1, Indent: Left: 2 cm, Hanging: 0.96 cm, Space Before: 6 pt, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2 cm + Tab after: 2.64 cm + Indent at: 2.64 cm, Tab stops: 2.96 cm, List tab + Not at 2.64 cm

Formatted: Bullets and Numbering

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt, Italic, Do not check spelling or grammar, Highlight

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

24.2 The licensee may amend the *standard form contract* at any time by submitting to the *Authority*:

- (a) a proposed amendment to the *standard form contract*, or
- (b) a proposed substituted *standard form contract*.

24.3 The *Authority* may:

- (a) approve the amendment to the *standard form contract* or substituted *standard form contract*, or
- (b) specify the amendments the *licensee* must make to the amended or substituted *standard form contract* before the *Authority* will amend the *standard form contract*.

and notify the *licensee* of its decision within a reasonable time.

24.4 The *Authority* may, at any time, by *notice* in writing, direct the *licensee* to amend the *standard form contract* by specifying:

- (a) the amendments to be made to the *standard form contract*, and
- (b) the latest date at which the amendments will come into force.

24.5 In this clause, ***standard form contract*** has the meaning given to that term in section 47 of the *Act*.

[clause 25 applies to a IRL that authorises retail]

25 Directions by the Authority

25.1 The *licensee* must comply with any direction given by the *Authority* pursuant to section 53 of the *Act*.

Formatted: Space Before: 6 pt

Formatted: Indent: Left: 2 cm, Hanging: 0.98 cm

Formatted: Indent: Left: 1.48 cm

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: Not Italic

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space Before: 0 pt, After: 18 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Schedule 1 – ~~Licensee Licence~~ Details

1 ~~Name and Address of Licensee~~

~~<<Name ABN/CBN>>
<<Address>>~~

21 ~~Activities authorised by this licence (clause 2)~~

~~In accordance with clause 2, the licensee is authorised by this licence to:~~

- ~~• supply electricity to customers otherwise than through the South West Interconnected System;~~
- ~~• construct and operate generating works or operate existing generating works;~~
- ~~• construct and operate a new distribution system or operate an existing distribution system;~~
- ~~• construct and operate a new transmission system or operate an existing transmission system.~~

~~[delete which is not applicable]~~

2 ~~Operating (Licence) Area~~

~~The Licence area is the area within the <<Location>> of Western Australia as set out in Plan No. ERA-EL-X.~~

3 ~~Generation System~~

~~Description and installed capacity~~

4 ~~Transmission System~~

~~The length of the transmission system is approximately X.~~

5 ~~Distribution System~~

~~The length of the distribution system is approximately X~~

63 ~~Commencement Date~~

~~<insert date>~~

~~<<Date>>~~

Formatted: Font: 20 pt

Formatted: Font: 20 pt

Formatted: Font: Not Bold

Formatted: Font: Not Bold, Italic

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Italic

Formatted: Font: Not Bold

Formatted: Indent: Left: 1.48 cm, Space Before: 6 pt

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1.48 cm, Hanging: 0.74 cm, Bulleted + Level: 1 + Aligned at: 2.67 cm + Tab after: 3.31 cm + Indent at: 3.31 cm, Tab stops: Not at 3.31 cm

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Highlight

Formatted: Font: Bold, Italic

Formatted: Indent: Left: 1.48 cm, First line: 0 cm

Formatted: Indent: Left: 0 cm

Formatted: Indent: First line: 1.5 cm

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

74 Expiry Date

<insert date>

—————<<Date>>.

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Schedule 2 – Additional Licence Clauses

Formatted: Font: (Default) Arial

Insert any deviations from the standard template

Formatted: Font: (Default) Arial, 11 pt

Licensee	<<Name>>	Version	<<No.>>
Licence	EIRLX	Version Date	<<Date>>

Amendment Record Sheet:

Amendment Date	Description of Amendment

Licensee <<Name>>	Version <<No.>>
Licence EIRLX	Version Date <<Date>>

Page 8: [1] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [2] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [3] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [4] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [5] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [6] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [7] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 8: [8] Formatted	Author	6/07/2010 4:07:00 PM
Font: Not Italic, Check spelling and grammar		
Page 10: [9] Formatted	Author	8/07/2010 1:12:00 PM
Font: 12 pt, Bold, Not Italic		
Page 10: [10] Formatted	Author	8/07/2010 1:12:00 PM
Font: 12 pt, Bold, Not Italic		
Page 10: [11] Formatted	Author	8/07/2010 1:12:00 PM
Font: 12 pt, Bold, Not Italic		
Page 10: [12] Formatted	Author	8/07/2010 1:12:00 PM
Font: 12 pt, Bold, Not Italic		
Page 10: [13] Formatted	Author	8/07/2010 1:12:00 PM
Font: 12 pt, Bold, Not Italic		