



Department of Energy, Mines,
Industry Regulation and Safety
Energy Policy WA

Extension of licence exemptions for electric vehicle charging station services - 2024 to 2027

Information Paper
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Working together for a **brighter** energy future.

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1. Overview

1.1 Introduction

The Electricity Industry Exemption Order 2005 (the Exemption Order) includes electricity retail and distribution licence exemptions for persons who operate or construct an electric vehicle (EV) charging station in Western Australia¹. In 2021 these exemptions were extended until 30 June 2024.

This Information Paper presents Energy Policy WA's proposal to grant a further three-year extension to the licence exemptions to 30 June 2027.

The EV market has started to rapidly grow over the past few years in Western Australia, with an increasing number of EVs being sold each year and the expansion of the public EV charging station network. Nonetheless, the Australian and Western Australian EV markets are still in their infancy and are positioned well behind global averages.

With EVs becoming more widely used globally and in Australia, consumer concerns about public charging have started to emerge. These concerns relate mainly to the charging stations:

- Reliability: that charging stations are in good working order and able to be used by drivers;
- Localisation: sufficient charging stations to support travel in an EV;
- Access: charging plug compatibility, level of queueing at a charging station, ability to be used by people living with a disability; and
- Experience: cost, payment method, comfort and safety at the charging location.

Energy Policy WA acknowledges the need to address these concerns to encourage EV uptake and improve the experience of EV users in Western Australia. A stepwise approach to regulatory development is reasonable, given the infancy of the local market, lack of significant reported issues at present, opportunities to learn what is best for Western Australia as our market matures and, where possible, to harmonise regulations with other States and Territories as they develop their own regulatory frameworks.

The Alternative Electricity Services (AES) registration framework is currently in development and is intended to offer fit-for-purpose protections to customers of emerging or atypical electricity business models and services in Western Australia. Once the framework is further progressed, Energy Policy WA will undertake work to determine whether the distribution and sale of electricity to charge the battery of EVs should be prescribed as an AES or whether another type of regulatory regime would be more appropriate. Energy Policy WA will also consider what types of obligations operators of EV charging stations should comply with at that time.

Extension of the existing licence exemptions will provide time to conduct thorough work on the matter, while giving regulatory certainty to the industry in the meantime.

The paper provides an overview of the EV industry and current regulatory arrangements in Western Australia. It also outlines customer protections that may be considered to apply to EV charging stations in the future.

¹ [Electricity Industry Exemption Order 2005 - \[00-ab0-00\].pdf \(legislation.wa.gov.au\)](#), clause 19.

1.2 Scope of the paper

The licence exemptions in clause 19 of the Exemption Order apply to the distribution of electricity via a distribution system that is used, or to be used, solely for the transportation of electricity for the purpose of charging a battery of an EV, and to the sale of electricity for the purpose of charging a battery of an EV. The exemptions may apply to:

- Charging stations located along the road in public places or commercial facilities open to the public or in car parks.
- Restricted access charging stations in workplaces, shared facilities in strata, guest access in accommodation or hospitality venues.
- Charging infrastructure located in private residential addresses, if that infrastructure is also accessible to members of the public (e.g. the Chargehound marketplace service by Parkhound, or WeVolt, that give access to a network of home EV chargers for other EV drivers to use).

EV chargers installed at a private residential address to be solely used by the resident do not need to be licensed or exempt from a licensing requirement.

Technical and safety matters related to the installation and operation of EV charging stations are governed by separate legislation and are therefore outside of the scope of this paper.

1.3 Next steps

The timeline below is subject to endorsement by the Minister for Energy and is therefore indicative only.

Table 1: Indicative timeline for implementation of the proposed extension of licence exemptions for EV charging station services

Activity	Indicative timing
Information Paper on extension of the licence exemptions	March 2024
Minister for Energy endorsement of extension of the licence exemptions	March 2024
Drafting of regulatory amendments to extend licence exemptions and consideration by Governor in Executive Council	March to April 2024
Extension of licence exemptions approved	May 2024
Commence further review and consultation on the regulation of EV charging station services	Mid-2024
Development and stakeholder consideration of potential AES Code for EV charging station services	2025

2. Market overview

In the recent years, the Commonwealth and State Governments have developed a series of initiatives to foster EV uptake as part of a broader ambition to reach greenhouse gas emission reduction targets.

In 2020, the Western Australian Government presented its State EV Strategy for Western Australia, followed in 2021 by the EV Action Plan². The State EV Strategy and the EV Action Plan

² [Electric Vehicle \(EV\) Strategy | Western Australian Government \(www.wa.gov.au\)](#) and [Electric Vehicle Action Plan: Preparing WA's electricity system for EVs \(www.wa.gov.au\)](#)

included investment programs to support EV adoption in Western Australia, as outlined in section 2.1 and 2.2.

In 2023, the Commonwealth Government released the first National EV Strategy³. As part of the Strategy, the Commonwealth Government is currently exploring creation of a fuel efficiency standard to increase the supply and uptake of EVs in Australia. The Strategy also looks to support optimal investment in, and deployment of, EV charging infrastructure, as well as other measures to make it easier and more affordable to drive an EV.

2.1 Electric vehicle uptake

While the transition to EVs has been gaining momentum in Australia, EVs still currently represent a limited proportion of new car sales and registered cars. The graphic below illustrates the recent rapid growth of EV uptake, from a very low base.

- According to the EV Council, as of the end of June 2023:
 - 46,624 EVs were sold in Australia in the year to date, a number three times higher than for the same period in 2022; and
 - 8.4 per cent of all new cars sold in Australia were EVs, compared to 3.81 per cent at the end of June 2022⁴. For comparison purposes, this ratio has reached 21 per cent of all cars sold in the European Union in 2022, 23 per cent in the United Kingdom and 88 per cent in Norway⁵.
- In Western Australia more specifically, there were 11,163 EVs registered at the end of June 2023, including 10,062 Battery Electric Vehicles (BEV), 1,085 Plug-in-Hybrid (PHEV), and the remaining 16 being Fuel Cell Electric Vehicles⁶.

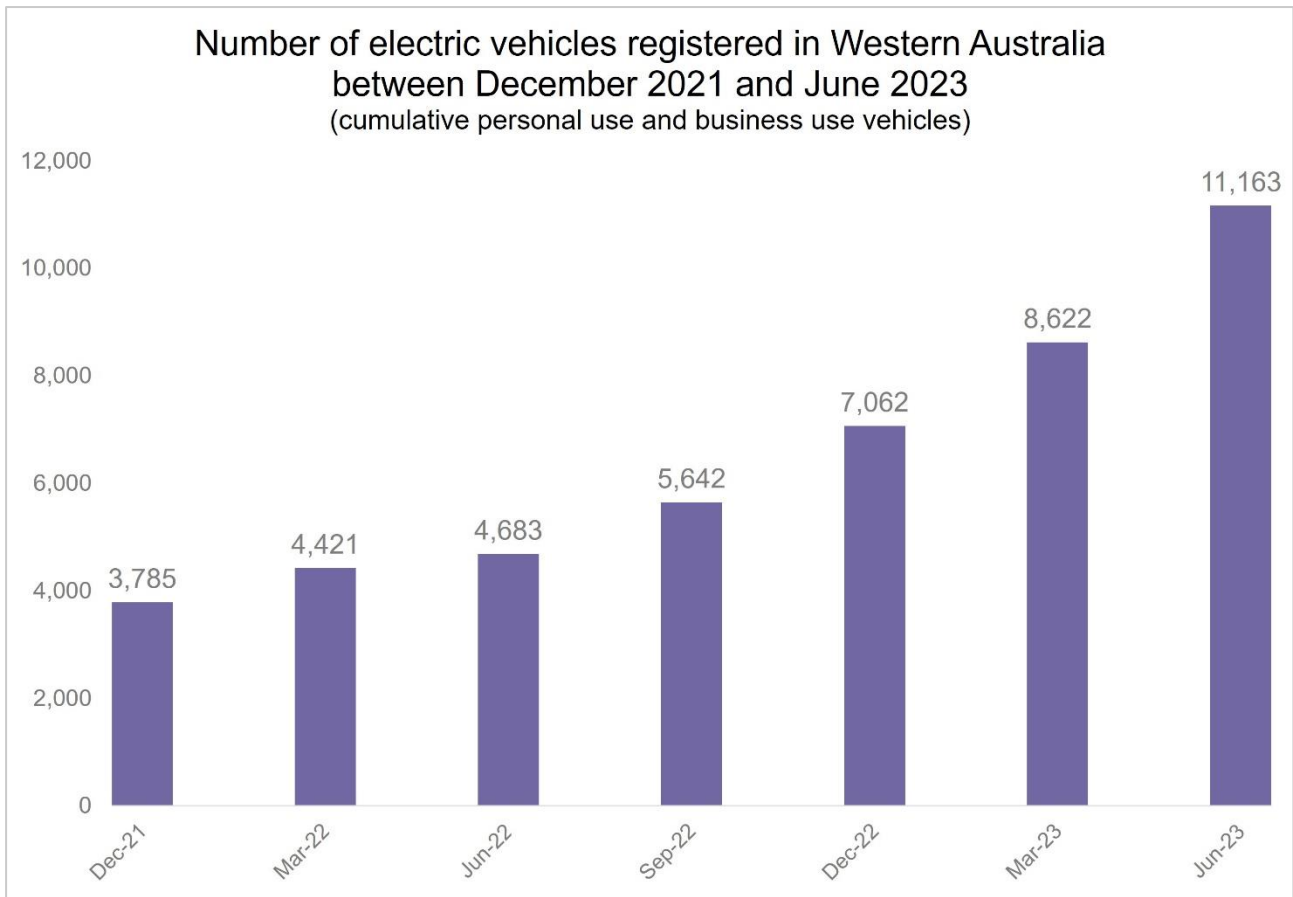
³ [The National Electric Vehicle Strategy - DCCEEW](#)

⁴ [State-of-EVs July-2023 .pdf \(electricvehiclecouncil.com.au\)](#)

⁵ [Global EV Data Explorer – Data Tools - IEA](#)

⁶ Department of Transport, WA Electric Vehicle Analysis Summary: 2023 Q2

Figure 1: Evolution of the number of EVs registered in Western Australia



Source: Department of Transport data

In May 2022, the Western Australian Government created the Zero Emission Vehicle Rebate⁷ to offer a \$3,500 payment for the purchase of up to 10,000 EVs priced below \$70,000. The rebate forms part of the Clean Energy Car Fund and the State EV Strategy.

In the 2023 Wholesale Electricity Market Electricity Statement of Opportunities⁸ the Australian Energy Market Operator (AEMO) has forecast a faster uptake of EVs in the South West Interconnected System (SWIS) compared to previous forecasts, due to “an increase in federal and state government policies supporting EV uptake, including EV sales targets, subsidies for EV purchases, and build-out of public fast-charger networks”. AEMO projects that by 2032-33, EVs will make up approximately 30 per cent of all new vehicle sales (of cars, commercial vehicles, buses and trucks), with over 750,000 registered EVs under its expected scenario.

⁷ [Zero Emission Vehicle \(ZEV\) Rebate \(transport.wa.gov.au\)](https://transport.wa.gov.au)

⁸ [AEMO | WEM Electricity Statement of Opportunities](#), section 2.3.1 p.31-34.

2.2 Development of Western Australian electric vehicle charging infrastructure

According to the EV Council, in 2022 there were 315 public charging locations in Western Australia, with:

- 276 regular destination charging infrastructure (up to 24 kW AC/DC);
- 32 fast charging (24 –99 kW DC); and
- 7 ultra-fast charging (100kW+ DC)⁹.

The current Western Australian charging infrastructure network includes the Royal Automobile Club of Western Australia (RAC)'s Electric Highway¹⁰ that features 16 locations with ultra-fast, fast and destination charging options in the South West region, between Perth to Augusta and Pemberton.

The Western Australian charging station network is set to continue to grow with government or private initiatives, such as:

- The WA EV Network¹¹ that will, once completed in 2024, include 98 EV charging stations across 49 locations from Eucla to Kununurra and be the longest charging network in Australia.
- The Charge up Workplace EV Charging Grants program¹² for local governments, not for profits and small to medium businesses to install charging infrastructure to be used by employees, fleet vehicles, visitors and the general public.
- The Australian Government and NRMA's national EV highway, which will include installation of fast and ultra-fast chargers at 29 Western Australian locations.
- Continued investment by private charge point providers such as Tesla and Evie Energy in fast and ultra-fast charging stations.

3. Regulatory framework

3.1 Western Australia

Electricity Industry Act

The *Electricity Industry Act 2004* (the Act) requires a person who constructs or operates an electricity distribution system, or sells electricity, to hold a distribution or retail licence respectively, or an exemption from the requirement to hold a licence.

In Western Australia, an EV charging station is considered to contain a distribution system, as well as having a retailing function for the sale of electricity. This means that a charging station operator must either hold a distribution licence or be exempt from the requirement to hold a licence, as well as holding a retail licence or exemption.

The Governor, by Order, may grant a licence exemption following a public interest test. The test considers matters such as the interests of customers and licensees, economic impacts and environmental considerations. The Governor may attach conditions to a licence exemption that a person must satisfy to remain exempt.

⁹ [AUSTRALIAN-ELECTRIC-VEHICLE-INDUSTRY-RECAP-2022.pdf \(electricvehiclecouncil.com.au\)](#)

¹⁰ [RAC Electric Highway | RAC WA](#)

¹¹ [WA EV Network | Australia's Longest EV Network Coming in 2024 \(synergy.net.au\)](#)

¹² [Charge Up Workplace EV Charging Grants \(www.wa.gov.au\)](#)

Electricity Industry Exemption Order

The Exemption Order provides exemptions from the requirement to be licensed for a range of activities. The Act does not establish a formal compliance or reporting framework for electricity licence exemptions.

Clause 19 of the Exemption Order provides an electricity distribution licence exemption for a person who constructs or operates a distribution system used to charge the battery of an EV, and a retail licence exemption for a person who sells electricity to charge an EV battery. The exemptions were implemented in 2012 and have been progressively extended. The exemptions will expire on 30 June 2024. The Exemption Order does not impose conditions on charging station operators, such as the requirement to provide certain consumer protections.

Energy Policy WA administers the licence exemption arrangements and provides advice to Government on proposed new licence exemptions or the renewal of existing exemptions.

Other regulatory requirements

EV charging stations are also subject to technical and safety requirements that sit outside the licensing and exemption framework.

A network operator, such as Western Power or Horizon Power, imposes obligations on charging station operators that connect to its electricity network. Owners or operators of embedded networks may impose their own technical requirements to EV charging stations located within their private network.

The Building and Energy Division of the Department of Energy, Mines, Industry Regulation and Safety oversees electrical safety requirements that are regulated under various instruments.

The Australian Consumer Law (ACL) also provides consumer protections in some circumstances, including protection against misleading or deceptive conduct, unconscionable conduct, and unfair practices.

Regulatory compliance

Over recent years the Minister for Energy has received occasional complaints about some public EV charging stations that were not in working order. The Department of Energy, Mines, Industry Regulation and Safety (and relevant predecessor agencies) has not directly received any other complaints about the regulation of EV charging stations since the licence exemptions commenced in 2012.

3.2 Regulatory framework in other parts of Australia

The Australian Energy Regulator (AER) defines an item of EV charging infrastructure, also referred to as an 'EV charge point', as "*equipment that connects an electric vehicle to a source of electricity so that it can recharge. This does not include chargers connected to a general power outlet.*"¹³

The National Energy Customer Framework (NECF) is a suite of legal instruments that regulate the sale and supply of electricity and gas to retail customers. The main NECF instruments are the National Energy Retail Law (NERL), National Energy Retail Rules and National Energy Retail Regulations.

The NERL states that any person who sells energy 'to a person for premises' is required to have a retailer authorisation or hold an exemption. Where an EV charging service provider sells electricity to an end use customer at their premises (household or business), then this will likely be captured under the NECF. However, the sale of electricity to a customer at a premises that the end use

¹³ [Electric Vehicle Charging | AER - Regulatory Sandbox \(energyinnovationtoolkit.gov.au\)](https://www.energyinnovationtoolkit.gov.au)

customer does not own or occupy, such as in a carpark or at a petrol station, is unlikely to be captured by the NECF.¹⁴

Under the National Electricity Law and Rules, most, if not all, EV charging stations would also either be outside the scope of the requirement to register as owning, operating or controlling an electricity distribution network, or they would fall within existing deemed exemptions.

In contrast to Western Australia, the AER considers that the supply of electricity from a charging facility to an EV is a service to the transport sector, and therefore not a regulated service¹⁵.

The NECF applies in the Australian Capital Territory, New South Wales, Queensland, Tasmania and South Australia. It only applies in a very limited manner in Victoria, which has its own state-specific licensing and exemption framework.

Separately to the NECF, jurisdictional regulatory requirements may also apply in relation to the selling of energy supplies:

Jurisdiction	Regulatory requirements
New South Wales, Australian Capital Territory, Tasmania and Queensland	There are no state-based retail electricity licensing obligations.
Victoria	The sale or supply of electricity from EV charging stations is now covered by deemed exemption categories in the General Exemption Order 2022. Exempt persons must each year provide the Essential Services Commission information on the number of customers to whom they have sold electricity and the number of electric vehicles charged. ¹⁶
South Australia (State licensing framework only applies to off-grid operations)	A fixed term exemption from the requirement to hold a retail and distribution licence applies to operators of EV charging stations. The exemption has been extended to 30 November 2024 during the time of the review of the South Australian electricity licensing framework ¹⁷ .
Northern Territory	The Utilities Commission has started a review of the licencing regime in 2022 that will consider the application of the regime to EV charging stations, among other issues. The Utilities Commission has recommended an exemption to hold a retail or network licence be granted to EV charging stations. The exemption may include conditions relating to the provision of information to the Commission on request and that an EV charging station must comply with relevant

¹⁴ Australian Energy Regulator, Retailer authorisation and exemption review Issues Paper, April 2022, p.21

¹⁵ Australian Energy Regulator, Guideline – Exemption from registration as network service provider, Version 6, March 2018, p. 52 <https://www.aer.gov.au/networks-pipelines/guidelines-schemes-models-reviews/network-service-provider-registration-exemption-guideline-march-2018>

¹⁶ [Information on electricity licence exemptions for sellers and suppliers | Essential Services Commission](#)

¹⁷ [Department announces upcoming release of a Position Paper and supports extension to current fixed-term exemptions | Review of SA Electricity Licensing Framework | YourSAy](#)

Jurisdiction	Regulatory requirements
	safety and technical requirements under the <i>Electrical Safety Act 2022</i> ¹⁸ .

Whether a distributor licence or exemption is also required from a jurisdictional regulator is likely to depend on the specific circumstances of the EV charging infrastructure. In states other than South Australia, there are no currently published guidance documents or existing exemptions that specifically apply to EV charging infrastructure¹⁹.

4. Future regulation of EV charging stations in Western Australia

The Distributed Energy Resources (DER) Roadmap²⁰, released in April 2020, is a five-year plan to guide DER integration in Western Australia, including EVs, and ensure the benefits of DER are shared across individual customers and the broader community.

The DER Roadmap outlines the opportunities presented by DER for the Western Australian electricity system and identifies urgent actions required to address the challenges DER may bring, including:

- Delivery of a register of DER data for the South West Interconnected System (the DER Register), with processes to support data collection and future Distribution System Operator functionality (Action 15). The DER Register aims to provide visibility of generation and storage assets to AEMO to manage the power system. The DER Register is now operational, and its architecture has been updated to accommodate public EV charger information.
- Planning to integrate EVs into the electricity grid, including for the deployment of charging points (household and fast charge) and trials to better understand the capabilities of vehicle-to-grid technology (Action 16). The EV Action Plan²¹ was released in August 2021 to reduce risks and optimise the impact on the power system from the inevitable growth in electric vehicles.
- The establishment of a regulatory framework for new energy service business models that provides appropriate protections for customers (actions 34 and 35). Energy Policy WA is currently progressing the AES registration framework²² to give effect to these actions. Under the framework, services can be prescribed as an AES by regulations, and providers of those services will need to register and comply with obligations contained in a single code of practice, the AES Code. The Code will be supported by provisions for compliance and enforcement, and a mechanism for resolving disputes between service providers and consumers.

Energy Policy WA will undertake work to consider whether EV charging stations should be prescribed as an AES, or whether this type of activity should be the subject of another type of regulation. Consultation will take place in the context of that review to determine the most suitable

¹⁸ [Review of the Northern Territory's Electricity Supply Licensing Regime](#)

¹⁹ [Electric Vehicle Charging | AER - Regulatory Sandbox \(energyinnovationtoolkit.gov.au\)](#)

²⁰ [Distributed Energy Resources Roadmap \(www.wa.gov.au\)](#)

²¹ [Electric Vehicle Action Plan: Preparing WA's electricity system for EVs \(www.wa.gov.au\)](#)

²² [Alternative Electricity Services \(www.wa.gov.au\)](#)

form of regulation for public EV charging stations, and what conditions and/or obligations should be applied to operators of EV charging stations. Energy Policy WA therefore proposes that the retail and distribution licence exemptions for EV charging stations continue while this work is progressed.

Energy Policy WA has started exploring some types of obligations that may be considered for the future regulation of customer protections for EV charging stations. The list below has been informed by:

- the Western Australian review of the regulatory framework for electricity retail licensing²³, which identified the need to introduce the AES framework to ensure adequate protections are available for consumers of alternative electricity business models and services;
- the EV Action Plan that provides a set of actions to ensure EVs contribute to a safe, reliable and efficient electricity system;
- the United Kingdom Government Response to the 2021 Consultation on the Consumer Experience at Public Chargepoints²⁴;
- the Energy and Climate Change Ministerial Council Decarbonisation Working Group’s agreed minimum operating standards for government-funded EV charging infrastructure²⁵;
- literature reviews conducted by the Behavioural Insight Team on behalf of the Commonwealth Department of Industry, Science and Resources in February 2022 and by ACIL Allen on behalf of the Energy Security Board in May 2023²⁶; and
- the European Automobile Manufacturers Association’s European’s EV Charging Infrastructure Masterplan Research Whitepaper in March 2022²⁷.

Table 2: Considerations for possible obligations for operators of public EV charging stations under the AES Code

Obligation objective	Outcome
Open Access	Customers have wider access to charging stations and can conveniently transact.
Price transparency	Customers are aware of prices before charging and receive notification of the total cost of a transaction after charging.
Reliable and up-to-date charging station information	Customers can see where stations are, what time they are open, how fast the charger is, whether a charger is operational and whether it is in use.
Privacy	Customers’ personal information is protected.
Visibility and control	Improved and effective network operation.

²³ [Electricity retail licensing and exemptions review \(www.wa.gov.au\)](http://www.wa.gov.au)

²⁴ [Consumer Experience at Public Chargepoints \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

²⁵ [Minimum Operating Standards for government-supported EV charging infrastructure \(dceew.gov.au\)](http://dceew.gov.au)

²⁶ [Report \(acilallen.com.au\)](http://acilallen.com.au)

²⁷ [Research-Whitepaper A-European-EV-Charging-Infrastructure-Masterplan.pdf \(acea.auto\)](http://acea.auto)

Obligation objective	Outcome
Consumer experience	Customers are aware how to make a complaint and raise a dispute.
Performance Standards	Customers can interact safely with charging stations. Customers should feel confident that the charging infrastructure in Australia is reliable to use and journeys can be confidently undertaken.

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