

Electricity Industry (Alternative Electricity Services) Regulations 2025

DRAFT REGULATIONS FOR PUBLIC COMMENT

The Government proposes to make the *Electricity Industry (Alternative Electricity Services) Regulations 2025*.

These draft regulations have been prepared for public comment but it does not necessarily represent the Government's settled position.

All submissions must be forwarded to: epwa-aes@deed.wa.gov.au

For further information please see the Department of Energy and Economic Diversification website at www.wa.gov.au/DEED.

Electricity Industry (Alternative Electricity Services) Regulations 2025

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Electricity Industry (Alternative Electricity Services) Regulations 2025

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Electricity Industry (Alternative Electricity Services) Regulations 2025*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 (other than regulation 3) — on the day on which these regulations are published on the WA legislation website (**publication day**);
- (b) Parts 3 and 4 — on the day after publication day;
- (c) regulations 5 and 11 — on 1 January 2027;
- (d) the rest of the regulations — on 1 July 2026.

3. Terms used

In these regulations —

licensed network means a distribution system that is operated under the authority of a distribution licence or an integrated regional licence;

nested network has the meaning given in regulation 4(1);

on-site power supply system or **OPS system** has the meaning given in regulation 11(1);

OPS AES means an alternative electricity service prescribed by Part 2 Division 2;

parent meter means a meter that measures the flow of electricity —

- (a) for an SPN that is a private network — from a licensed network to the SPN; or
- (b) for an SPN that is a nested network — from a private network to the SPN;

private network has the meaning given in regulation 4(1);

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related body corporate has the meaning given in the Corporations Act 2001 (Cth) section 9;

single property means all adjoining land held by the same person, whether or not the land is —

- (a) separated by a road or railway; or
- (b) subdivided by a strata titles scheme (as defined in the *Strata Titles Act 1985* section 3(1)); or
- (c) subdivided by a community scheme (as defined in the *Community Titles Act 2018* section 3(1));

single property network (SPN) has the meaning given in regulation 4(2);

SPN AES means an alternative electricity service prescribed by Part 2 Division 1.

Part 2 — Alternative electricity services

Division 1 — Single property networks

4. Meaning of “single property network”

(1) In this regulation —

nested network means any part of a private network that is —

- (a) metered separately from the other parts of the private network; and
- (b) used to supply electricity, whether directly or indirectly, to more than 1 premises for the purposes of consumption;

private network means a distribution system (other than a licensed network) that is —

- (a) located on a single property; and
- (b) supplied with electricity directly by a licensed network.

(2) For the purposes of this Part, a ***single property network*** is each of the following —

- (a) a private network (excluding any part of the private network that forms part of a nested network);
- (b) a nested network.

5. Alternative electricity service (Act s. 59C(1) and (7))

(1) In this regulation —

State agency has the meaning given in the *Procurement Act 2020* section 5(1).

(2) Subject to subregulations (3) and (4), the supply of electricity within an SPN is an alternative electricity service.

(3) The supply of electricity within an SPN to the following is not an SPN AES —

- (a) the supplier of the electricity within the SPN and, if the supplier is a body corporate, any other person who is a related body corporate of the supplier;
- (b) if the supplier occupies a residence on the same single property on which the SPN is located — 5 or less consumers of the electricity, in addition to the supplier;
- (c) if the supplier is a State agency — 1 or more State agencies;

(d) any person as follows —

- (i) for the purpose of temporary accommodation, being accommodation occupied by the person for a total of no more than 3 months, either continuously or from time to time, in any 12-month period;
- (ii) incidentally with other goods or services sold or provided to the person, but only if the person is not charged separately for the supply of the electricity.

(4) The supply of electricity within an SPN for the purpose of charging electric vehicles is not an SPN AES if the SPN is not also used, or intended to be used, to provide an SPN AES.

6. Eligibility for registration (Act s. 59C(4))

(1) A person is eligible to be granted a registration to provide an SPN AES in relation to an SPN if —

- (a) the person (the *account holder*) purchases, or intends to purchase, electricity from a distribution system at a parent meter for the SPN; or
- (b) if the person is not the account holder — the person supplies electricity within the SPN.

(2) Despite subregulation (1), only 1 registration may be granted in relation to a particular SPN.

(3) Subregulation (2) does not prevent —

- (a) more than 1 registration being granted to a person in relation to a single property on which more than 1 SPN is located; or
- (b) a person from holding 1 registration in relation to more than 1 SPN.

7. Exemption from registration (Act s. 59D(2))

A person who supplies electricity within an SPN is exempt from the requirement to be registered to provide an SPN AES in relation to the SPN if another person already holds a registration in relation to the SPN.

**8. Exemptions for decisions about registrations for SPNs
(Act s. 59F(3) and 59L(2))**

- (1) The Authority is not required to comply with the following when exercising a power conferred by Part 3A Division 2 or 3 of the Act in relation to an SPN —
 - (a) section 59F(1) of the Act;
 - (b) the *Economic Regulation Authority Act 2003* section 26(1)(a).
- (2) An SPN AES is exempt from the requirements of section 59L(1) of the Act.

9. Terms and conditions of registration (Act s. 59O(5))

It is a condition of registration to provide an SPN AES that the registration holder —

- (a) must not supply electricity within an SPN unless the address of the SPN is specified on the register in relation to the registration; and
- (b) must take all reasonable steps to comply with, and to ensure compliance with, Part [TBA] of the AES code of practice in relation to each person provided with the SPN AES within the SPN, whether or not the SPN AES is provided to each person directly by the registration holder.

10. Register (Act s. 59V(5))

- (1) The register must include the address of each SPN in relation to which a registration is granted.
- (2) The address of an SPN must only be included on the register in relation to 1 registration.
- (3) Regulation 14 does not apply to the amendment of a registration only for the purpose of specifying the address of an SPN on the register in relation to a person's registration.

Division 2 — On-site power supply systems

11. Alternative electricity service (Act s. 59C(1))

- (1) In this regulation —

OPS system means a system that —

- (a) produces electricity; or
- (b) stores electricity; or

(c) produces and stores electricity.

(2) The facilitation or creation of a person's entitlement or right to consume or use some or all of the electricity from an OPS system by way of an arrangement is an alternative electricity service if —

- (a) the person does not own the OPS system; and
- (b) the OPS system is installed —
 - (i) on the land occupied by the person; or
 - (ii) on the same single property on which an SPN supplying electricity to the person is located;

and
- (c) the arrangement sets out the terms of the consumption or use of the electricity from the OPS system, which may include the following —
 - (i) an express or implied entitlement to consume or use the electricity;
 - (ii) the consumption or use of the electricity under a membership scheme on payment of a membership fee or regular subscriptions;
 - (iii) the purchase of the electricity on a cents per kilowatt hour basis;

and
- (d) the person is also supplied with electricity on the land by a retail licensee or the holder of a registration to provide an SPN AES.

(3) For the purposes of subregulation (2)(a), a person who owns an OPS system is taken not to own the OPS system if the person has entered into an operating lease arrangement for the OPS system, being any arrangement under which the person grants another person a right to control, use or operate the OPS system for a specified period.

12. Exemption from registration (Act s. 59D(2))

A person is exempt from the requirement to be registered for an OPS AES if the person —

- (a) supplies electricity to another person under a lease agreement; and
- (b) does not separately charge the other person for the consumption or use of the electricity.

13. Application of AES code of practice (Act s. 59O(1))

Part [TBA] of the AES code of practice applies to an OPS AES.

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Part 3 — Public consultation

14. Applications (Act s. 59L(1))

- (1) In this regulation —
application means an application for any of the following —
 - (a) the grant of a registration;
 - (b) the renewal of a registration;
 - (c) the amendment of a registration;
 - (d) the approval of the transfer of a registration.
- (2) The Authority must publish notice of an application on the Authority's website.
- (3) The notice must include the following —
 - (a) a statement that any person may, within the period specified by the Authority, make a submission to the Authority on the application;
 - (b) information on how to make a submission.
- (4) The notice may relate to more than 1 application.
- (5) The Authority —
 - (a) must, as far as is reasonably practicable, give a copy of the notice to each person the Authority considers has a material interest in the application; and
 - (b) must, before determining the application, consider submissions made in accordance with the notice; and
 - (c) may consider other submissions received.

15. AES code of practice (Act s. 59Z(1) and 59ZC)

- (1) In this regulation —
Department means the department of the Public Service principally assisting in the administration of the Act.
- (2) Notice of the following must be published on the Department's website —
 - (a) a proposal to issue, amend or repeal and replace the AES code of practice;
 - (b) the carrying out of a review of the AES code of practice.

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- (3) The notice must include the following —
 - (a) a statement that any person may, within the period specified by the Department, make a submission to the Department;
 - (b) information on how to make a submission.
- (4) The Department must, as far as is reasonably practicable, give a copy of the notice to each person the Department considers has an interest in the proposed amendment or review.
- (5) The Minister must consider submissions made in accordance with the notice.

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Part 4 — Miscellaneous

16. Use and disclosure of confidential information (Act s. 59ZH(3))

(1) In this regulation —

annual report means the annual report prepared under section 59ZE of the Act;

confidential information means information or a document identified as confidential or commercially sensitive by —

- (a) the Authority under subregulation (4)(a); or
- (b) the person who gives the information or document to the Authority.

(2) The Authority must not disclose confidential information to a person unless the Authority is of the opinion that —

- (a) the disclosure of the information would not cause detriment to any person; or
- (b) the public benefit in disclosing the information outweighs the detriment caused to a person by the disclosure of the information.

(3) Subregulation (2) does not prevent the Authority —

- (a) from disclosing information or the contents of a document to a staff member, the Coordinator or the Minister; or
- (b) from using information or a document for the purposes of civil or criminal proceedings.

(4) The Authority —

- (a) must identify information that the Authority considers is confidential information in the following —
 - (i) the Authority's annual report;
 - (ii) information disclosed to the Coordinator;and
- (b) must not publish confidential information.

17. Arrangements for registration

(1) If a person applies for a grant of registration before 1 October 2026 and the application is not determined by the Authority before 1 January 2027, the person is taken to be

registered during the period beginning on 1 January 2027 and ending on the day on which —

- (a) the registration is granted; or
- (b) if the application is refused — notice of the refusal is given to the applicant.

(2) The application is determined when the Authority makes a decision to grant, or to refuse to grant, the registration.

(3) While a person is taken to be registered under this regulation, the person is also taken to be a member of an approved scheme if the person supplies electricity to small use customers.

(4) On and from 1 January 2027, a provision of a contract to which a person who is provided with an alternative electricity service and a registration holder are parties, whether entered into before or after 1 January 2027, is of no effect if the provision is not consistent with, or does not comply with, a term or condition of the registration for the alternative electricity service provided under the contract.

(5) During the period beginning on 1 January 2027 and ending on 30 June 2027, a registration holder, including a person taken to be registered under this regulation, is taken to comply with the terms and conditions of the registration.

Clerk of the Executive Council