

Landgate Submission – Alternative Electricity Services Code of Practice (On-site Power Supply Providers)

The Western Australian Land Information Authority, trading as Landgate, administers the *Strata Titles Act 1985* (STA) and the *Community Titles Act 2018* (CTA).

Landgate has reviewed the draft Code of Practice from the perspective of these Acts and feedback received from stakeholders in the strata industry.

From the perspective of a strata company, overall the Code of Practice strikes a balance of fairness and accountability between the customer and the On-site Power Supply (OPS) Provider. Landgate has not identified any significant issue with the Code of Practice (the Code) as it concerns OPS providers and strata companies which would prevent or hinder participation.

Strata Titles Act 1985 Section 64

Section 64 of the *Strata Titles Act 1985* provides that where a strata company enters into a contract with a person who owns and operates utility infrastructure, an easement will exist in relation to the common property affected by the contract. The contract must specify the common property over which there is an easement and specify the infrastructure to which the easement applies.

The Code of Practice does not contradict Section 64, but there may be merit in citing Section 64 in guidance materials to ensure visibility of the creation of the easement for both the customer and the provider.

Price Disclosure

The disclosure statement featured at Clause 7 outlines several details which must be provided by the OPS Provider to the customer, including the estimated costs over the first 12 months of an OPS contract (Clause 7(3)(f)(i)). These details offer transparency to the customer, but the Code lacks sufficient remedies for customers if prices change significantly after contracts begin.

While Clause 8(1)(e) requires OPS contracts to outline providers' rights to alter pricing and explain when changes may occur, and Clause 11 sets notification procedures, these provisions do not address substantial post-contract price increases.

Landgate has received reports of pre-contract strata fee disclosures being much lower than actual levies. To improve accountability, a mechanism could be considered by EPWA to ensure significant or recurring price variations from the disclosed price are brought to the attention of the Western Australia Energy and Water Ombudsman to deter underestimation.

Meter Testing and Reading

Clauses 16 to 18 concern meter testing and reading. The provisions in these clauses are fair to both the consumer and the provider. For instance, the customer may request a test or reading of an OPS meter for instance, but if there was no fault the provider may require the customer to pay a reasonable charge.

Clause 17 could potentially be clarified in the event that there *is* a fault or the meter is not operating as intended and whether the provider may still charge for the test, depending on the policy setting sought by EPWA.

Residential Customer Definition

The code defines a residential customer as a customer who consumes electricity solely for domestic use (Clause 3; residential customer). Additionally, a hardship customer can only be a residential customer (Clause 27). This distinction may have implications for mixed-use strata. Mixed use strata schemes would see a mix of electricity use for residential and commercial purposes. For instance, the provision to offer a customer time to pay the amount in an instance of bill undercharging equal to the period during which the undercharging occurred is only accessible to a residential customer (Clause 25(4)).

However, it is noted that a request for a payment plan may be considered from a non-residential customer (Section 29), minimising the mechanisms aren't available to non-residential customers. Landgate considers this a practical policy but worth noting in case of future drafting changes which may have implications for mixed-use strata.

Thank you for the opportunity to provide feedback on the Alternative Electricity Services Prescribing Regulations.