



Department of
**Energy and Economic
Diversification**

Electricity Industry (Alternative Electricity Services) Regulations 2026

Final changes made after consultation

On 4 August 2026, the Governor of Western Australia approved the Electricity Industry (Alternative Electricity Services) Regulations 2026 (the AES Regulations) in Executive Council.

This document summarises the final changes made following consultation by the Department of Energy and Economic Diversification (DEED) in early 2026 on the draft AES Regulations¹.

DEED received 24 submissions, including two that were confidential. The public submissions are available on the [DEED website](#).

Regulation	Nature of the change	Reason for the change
OPS AES		
OPS definition (Reg 4)	OPS AES definition amended to clarify that the OPS arrangement sets out the consumption or use of electricity <u>directly</u> from the OPS system.	Regulation amended to clarify the distinction between an OPS service and circumstances where a system is located on a property but is not used for personal consumption, instead forming part of a single-property or multi-property network generation portfolio.
OPS conditions of registration (Reg 7)	Introduction of a condition of registration that the OPS provider must provide the service in accordance with an OPS agreement with the customer.	The provision was moved from the Code to the AES Regulations to align with legislative drafting conventions.
OPS transitional provisions (Reg 9)	A transitional provision was added for existing OPS providers to allow continuation of operation while undergoing the Economic Regulation Authority's (Authority) public interest assessment.	The transitional provision ensures current OPS AES providers can continue to operate while the Authority assesses their application (during a period of up to 90 days), if they apply for registration during February 2027. New providers or those that apply after 1 March 2027 will not be able to trade until the Authority has approved their registration.
SPN AES		
Single property definition (Reg 3)	Definition amended to accurately capture a single parcel of land subdivided by a strata scheme or community title scheme.	The exposure draft definition incorrectly applied part (a) to strata and community title schemes. This has been rectified in the final regulations.
SPN - excluded activities	Exclusion for supply to five or less persons clarified and aligned with original intention to apply where the	The amendment was required to clarify that the exclusion only applies where the individual supplier or if the supplier is a body corporate, a

¹ DEED consulted on the consultation draft of the Electricity Industry (Alternative Electricity Services) Regulations 2026 between 13 January and 27 February 2026.

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(Reg 10(3)(a) and (b))	supplier is a person (or director of a body corporate) who ordinarily resides on the same single property on which the SPN is located.	director of the body corporate, also resides at the SPN. For example, in situations like granny flats, dual key arrangements or farms.
SPN - excluded activities (Reg 10(3)(e))	New exclusion for supply to one consumer of electricity if the SPN is not specified on a registration and is not a private network that supplies a nested network.	This exclusion will apply to landlords who retain the master meter account and supply electricity to their tenants. The activity is not in scope for regulation under the AES framework as SPN AES.
SPN - excluded activities (Reg 10(3)(f))	New exclusion for self-managed residential strata titled schemes of 10 or less lots. The exclusion only applies if the strata scheme is the supplier and does not apply if a professional services operator provides SPN AES at the single property.	The change is a response to stakeholder feedback that the level of risks associated with the supply of electricity with small self managed strata is low and that the burden of complying with AES obligations would outweigh the benefits.
SPN - excluded activities (Reg 10(3)(h))	New exclusion for non-residential vessels moored at single properties that are not ports.	The activity is not in scope for regulation under the AES framework as SPN AES.
SPN - excluded activities (Reg 10(3)(i))	Amendment to clarify the application of the exclusion for electric vehicle charging. The exclusion is intended for public EV charging on a user-pays basis but not EV charging as part of an SPN agreement.	Public EV charging within the SPN (for instance, if a public EV charging station is installed at the bottom of an apartment block) is not intended to be captured. However, SPN providers that supply electricity for electric vehicles under a SPN agreement will need to comply with relevant obligations under the AES Code.
Conditions of registration (Reg 15)	Conditions of registration amended to require the service to be provided in accordance with a SPN agreement for the customer and that SPN provider must not unreasonably prevent, withhold or obstruct the supply of electricity within the SPN to the customer. This provision is consistent with the Voluntary Embedded Networks Code of Practice.	The proposed Code provisions were moved to the AES Regulations to align with legislative drafting conventions.
Inconsistent contractual terms are of no effect (Reg 17)	Clarification of application of this regulation. A term of a contract or agreement (including existing or SPN agreements formed from 1 July 2027) is also of no effect if the term is not consistent with, or does not comply with, a provision of the AES Code that applies to an SPN AES.	Terms are of no effect if they are not consistent with or don't comply with both the terms or conditions of registration for SPN AES or a provision of the AES Code for SPN AES.
Transitional provisions (Reg 18)	New provision provides for a six-month grace period for compliance with Part 4, Division 5, Subdivision 1 of the AES Code (SPN) to allow time for system upgrades.	Mandatory registration has been delayed to 1 July 2027, giving additional time to SPN providers to prepare for Code obligations. During this time, regulation 17 is disapplied for Part 4, Division 5, Subdivision 1 of the AES Code (SPN).

Regulation	Nature of the change	Reason for the change
Transitional provisions (Reg 19)	New provision provides that a person providing SPN AES at the beginning of 1 July 2027 will be taken to be a registration holder for SPN AES until: (a) if the person makes application before 30 July 2027, the day of grant of registration or refusal; or (b) if the person fails to make an application before 30 July 2027, 30 July 2027. While taken to be registered, a person is also taken to be a member of the Electricity and Water Ombudsman Scheme.	This provision provides for transitional coverage for existing SPN providers only if application is made in July 2027. Those existing providers who fail to apply during July 2027 will not receive any transition benefit and will need to wait for processing of an SPN AES registration. Note that it is not anticipated that registrations for SPN AES will take more than five business days to process however, by making an application within July 2027 providers can avoid any potential breach of the AES Regulations for failure to hold a registration for SPN AES.
Fee methodology		
Annual fee calculation method (Reg 23)	The fee calculation method will be reviewed within three years from framework commencement, by 1 February 2030, instead of five years.	This is a response to stakeholder feedback and acknowledges that the proposed fee calculation method reflects current uncertainty around provider numbers.