

Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

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Western Australia

LEGISLATIVE ASSEMBLY

Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

A Bill for

An Act to amend the *Electricity Industry Act 2004* in relation to the State electricity objective, distributed energy resources and the regulation of network access, distribution networks and power system security, and to make consequential amendments to other Acts.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Electricity Industry Amendment (Distributed Energy Resources) Act 2023*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

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Part 2 — Stage 1 amendments

Division 1 — *Electricity Industry Act 2004* amended

3. Act amended

This Division amends the *Electricity Industry Act 2004*.

4. Section 3 amended

(1) In section 3(1) insert in alphabetical order:

connected facility, in relation to a distribution system, means electricity infrastructure connected to the distribution system that manages or controls the flow of electricity to or from the distribution system;

Coordinator means the Coordinator of Energy referred to in the *Energy Coordination Act 1994* section 4;

electricity services means services that are necessary or incidental to the supply of electricity to consumers of electricity;

electricity system means the following —

- (a) distribution systems;
- (b) generating works;
- (c) stand-alone power systems;
- (d) storage works;
- (e) transmission systems;
- (f) wires, apparatus, equipment, plant or buildings that are incidental to the supply of electricity;

electricity system and market rules has the meaning given in section 123(1);

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embedded network —

- (a) means a distribution system that —
 - (i) supplies electricity to at least 1 customer who is not an entity in control of the distribution system or at least 1 premises that is not occupied by an entity in control of the distribution system; and
 - (ii) is supplied with electricity by another distribution system; and
 - (iii) is not part of a covered network;
- and
- (b) includes a distribution system referred to in paragraph (a) that is capable of operating without receiving a supply of electricity from another electricity network; but
- (c) does not include a distribution system of a class that is prescribed by the regulations not to be an embedded network;

quality, in relation to the supply of electricity, means the extent to which the supply of electricity complies with any technical requirements of —

- (a) the regulations; and
- (b) the electricity system and market rules; and
- (c) a standard made under section 39(2)(d);

reliability, in relation to the supply of electricity or the operation of an electricity system, means the ability of the electricity system to maintain or supply consistent delivery of electricity to customers;

security, in relation to the supply of electricity or the operation of an electricity system, includes the ability of the supply or electricity system to withstand

1 disruption or disturbance or changed circumstances of
2 supply or operation;

3 *State electricity objective* has the meaning given in
4 section 3A(1);
5

6 (2) In section 3(1) insert in alphabetical order:
7

8 *prescribed voltage* means the voltage prescribed by the
9 regulations for this definition;
10

11 (3) In section 3(1) in the definition of *distribution system* delete “of
12 less than 66 kV;” and insert:
13

14 that are less than the prescribed voltage;
15

16 (4) In section 3(1) in the definition of *transmission system* delete
17 “of 66 kV or higher.” and insert:
18

19 equal to or higher than the prescribed voltage.
20

21 **5. Section 3A inserted**

22 At the end of Part 1 insert:
23

24 **3A. State electricity objective**

25 (1) The *State electricity objective* is to promote efficient
26 investment in, and efficient operation and use of,
27 electricity services for the long-term interests of
28 consumers of electricity in relation to —

29 (a) the quality, safety, security and reliability of
30 supply of electricity; and

- 1 (b) the price of electricity; and
2 (c) the environment, including reducing
3 greenhouse gas emissions.
- 4 (2) The Minister, the Authority, the Coordinator and the
5 Board must have regard to the State electricity
6 objective in carrying out a function under this Act.
- 7 (3) For the purposes of subsection (2), the Minister, the
8 Authority, the Coordinator or the Board may give the
9 weight to any aspect of the State electricity objective
10 that the Minister, the Authority, the Coordinator or the
11 Board considers appropriate in all the circumstances.
12

13 **6. Section 11 amended**

14 After section 11(4)(a) insert:

- 15
16 (aa) the electricity system and market rules; or
17

18 **7. Section 39 amended**

19 In section 39(2)(d) delete “quality” and insert:

20
21 quality, security
22

23 **8. Section 39A amended**

24 (1) In section 39A(1) delete the definition of *relevant day* and
25 insert:

26
27 *relevant day* means the day referred to in
28 subsection (4);
29

1 (2) In section 39A(1) in the definition of *service standards* delete
2 “quality” and insert:

3

4 quality, security

5

6 (3) In section 39A(2) delete “Authority is to” and insert:

7

8 Coordinator must

9

10 (4) Delete section 39A(3).

11 (5) In section 39A(4) delete “Subsequent reviews are to” and insert:

12

13 Reviews must

14

15 (6) In section 39A(6) and (7) delete “Authority is to” and insert:

16

17 Coordinator must

18

19 (7) In section 39A(8) delete “Authority,” and insert:

20

21 Coordinator,

22

23 (8) In section 39A(10):

24 (a) delete “Authority is to —” and insert:

25

26 Coordinator must —

27

1 (b) in paragraph (a) delete “Authority” and insert:

2

3 Coordinator

4

5 (9) In section 39A(11):

6 (a) delete “is to” and insert:

7

8 must

9

10 (b) delete “subsequent”.

11 Note: The heading to amended section 39A is to read:

12 **Review of standards applying to Regional Power Corporation**

13 **9. Section 60 amended**

14 In section 60 delete the definition of *Coordinator*.

15 **10. Section 105 amended**

16 (1) In section 105(1):

17 (a) delete “also”;

18 (b) in paragraph (cb) delete “works; and” and insert:

19

20 works, including stand-alone power systems or storage

21 works that do not form part of a covered network; and

22

23 (c) after paragraph (cb) insert:

24

25 (cc) generally, the relationship between the Code
26 and the electricity system and market rules,
27 including things done under or governed by the
28 Code or the electricity system and market rules;
29 and

30

1 (2) In section 105(2) delete “in the *Gazette*” and insert:

2

3 in accordance with the *Interpretation Act 1984* section 41(1)(a)

4

5 **11. Section 115 amended**

6 In section 115(1)(a) delete “Code; or” and insert:

7

8 Code or the electricity system and market rules; or

9

10 **12. Section 119 amended**

11 Delete section 119(2) and insert:

12

13 (2) The objective of this Part (the *Pilbara electricity*
14 *objective*) is to meet the State electricity objective in
15 the Pilbara region.

16

17 **13. Section 120A amended**

18 Delete section 120A(2).

19 **14. Section 120B amended**

20 In section 120B:

21 (a) in paragraph (f) delete “the Code or” and insert:

22

23 the Code,

24

25 (b) in paragraph (f) after “Access Code” insert:

26

27 or the electricity system and market rules

28

1 (c) in paragraph (h) after “between the Code” insert:

2

3 or the electricity system and market rules

4

5 (d) in paragraph (h) delete “Code or” and insert:

6

7 Code, the electricity system and market rules or

8

9 **15. Section 120F amended**

10 In section 120F(1) after “the Code” insert:

11

12 or the electricity system and market rules

13

14 Note: The heading to amended section 120F is to read:

15 **Consequential amendments to the Code or electricity system and**
16 **market rules**

17 **16. Section 120K amended**

18 In section 120K(3):

19 (a) in paragraph (b) delete “paragraph (a).” and insert:

20

21 paragraph (a);

22

23 (b) after paragraph (b) insert:

24

25 (c) the regulation of the powers of the Regional
26 Power Corporation to provide stand-alone
27 power systems or storage works, including
28 stand-alone power systems or storage works
29 that do not form part of a covered Pilbara
30 network.

31

1 **17. Section 120W amended**

2 In section 120W(4)(a) after “security” insert:

3

4 and reliability

5

6 **18. Section 120ZG amended**

7 (1) In section 120ZG(2) delete “achieved.” and insert:

8

9 met.

10

11 (2) In section 120ZG(4):

12 (a) delete “achieved,” and insert:

13

14 met,

15

16 (b) delete “achieved.” and insert:

17

18 met.

19

20 **19. Section 120ZH amended**

21 In section 120ZH(1) delete “achieved” and insert:

22

23 met

24

1 **20. Part 9 heading replaced**

2 Delete the heading to Part 9 and insert:

3

4 **Part 9 — Electricity system and electricity**
5 **markets**

6 **Division 1 — Preliminary**

7

8 **21. Section 121 amended**

9 (1) In section 121(1) delete the definitions of:

10 ***market***

11 ***market rules***

12 (2) In section 121(1) insert in alphabetical order:

13

14 ***governance participant*** means a person —

15 (a) on whom functions are conferred under the
16 regulations or the electricity system and market
17 rules; or

18 (b) on whom functions relating to this Part are
19 conferred by another written law;

20 ***network service provider*** has the meaning given in
21 section 103;

22 ***participant*** means —

23 (a) a person who is registered in accordance with
24 the electricity system and market rules as
25 required under the regulations; or

26 (b) a governance participant;

1 ***wholesale electricity market*** means the wholesale
2 electricity market established by regulations made
3 under section 122.
4

5 (3) Delete section 121(2).

6 **22. Part 9 Division 2 heading inserted**

7 After section 121 insert:
8

9 **Division 2 — Wholesale electricity market and**
10 **electricity system and market rules**
11

12 **23. Section 122 amended**

13 (1) In section 122(1) delete “market (the ***market***)” and insert:
14

15 wholesale electricity market
16

17 (2) Delete section 122(2).

18 Note: The heading to amended section 122 is to read:

19 **Regulations to provide for a wholesale electricity market**

20 **24. Section 123 amended**

21 (1) In section 123(1) delete the passage that begins with “(the
22 ***market rules***)” and ends with “regulations.” and insert:
23

24 (the ***electricity system and market rules***).
25

1 (2) After section 123(1) insert:

2

3 (1A) The electricity system and market rules may provide
4 for —

5 (a) any matter relating to meeting the State
6 electricity objective; and

7 (b) any matter relating to an electricity system in
8 the State that is authorised under this Part to be
9 provided for in the electricity system and
10 market rules; and

11 (c) any matter relating to the wholesale electricity
12 market; and

13 (d) any matter relating to the operation of the South
14 West interconnected system; and

15 (e) any matter authorised under Part 8 or 8A to be
16 provided for in the electricity system and
17 market rules; and

18 (f) the registration of persons engaged in specified
19 activities for which registration is required
20 under the regulations made under
21 section 124(3); and

22 (g) technical requirements and standards in relation
23 to access to electricity systems; and

24 (h) any other matter that under this Act may be
25 provided for in the electricity system and
26 market rules.

27

28 (3) In section 123(2):

29 (a) after “The” insert:

30

31 electricity system and

32

- 1 (b) delete “not” (1st occurrence);
2 (c) delete “and section 42 of that Act does” and insert:
3
4 but sections 42 and 43(6) of that Act do
5
6 (4) Delete section 123(3).
7 (5) In section 123(4):
8 (a) in paragraph (a) delete “establishment of the initial” and
9 insert:
10
11 making of the electricity system and
12
13 (b) in paragraph (b) after “of the” insert:
14
15 electricity system and
16
17 (c) in paragraph (b) after “and the” insert:
18
19 electricity system and
20
21 (d) in paragraph (c) delete “initial” and insert:
22
23 electricity system and
24
25 (e) in paragraph (c) after “replacing, the” insert:
26
27 electricity system and
28

1 (6) After section 123(4) insert:

2

3 (5) The regulations, and the electricity system and market
4 rules may apply, adopt or incorporate, with or without
5 modification, material contained in any other document
6 or writing as in effect or existing —

7 (a) when the regulations, or rules or any
8 amendment of the regulations or rules comes
9 into operation; or

10 (b) at a specified prior time; or

11 (c) from time to time.

12

13 Note: The heading to amended section 123 is to read:

14 **Regulations to provide for electricity system and market rules**

15 **25. Section 124 amended**

16 (1) In section 124(1) delete the passage that begins with “for” and
17 ends with “122(2).” and insert:

18

19 in relation to the following —

20 (a) meeting the State electricity objective;

21 (b) the purpose set out in section 122(1);

22 (c) any matters that may be included in the
23 electricity system and market rules.

24

25 (2) In section 124(2):

26 (a) in paragraph (b) after “authorise the” insert:

27

28 electricity system and

29

- 1 (b) in paragraph (b) delete “Minister” and insert:
2
3 Minister, the Authority or the Coordinator
4
- 5 (c) in paragraph (c) before “market rules” insert:
6
7 electricity system and
8
- 9 (d) in paragraph (d) delete “participant referred to in
10 section 121(2)(b) or (c)” and insert:
11
12 governance participant
13
- 14 (e) in paragraph (d) after “functions of the” insert:
15
16 governance
17
- 18 (f) in paragraph (e) after “authorise the” insert:
19
20 electricity system and
21
- 22 (g) delete paragraphs (f) to (m);
23 (h) in paragraph (n) delete “participant referred to in
24 section 121(2)(b) or (c),” and insert:
25
26 governance participant,
27
- 28 (3) In section 124(3) after “with the” insert:
29
30 electricity system and
31

1 (4) Delete section 124(5) and (6) and insert:
2

3 (5) If there is an inconsistency between a provision of the
4 regulations and a provision of the electricity system
5 and market rules, the provision of the regulations
6 prevails.
7

8 **26. Part 9 Divisions 3 to 7 inserted**

9 After section 124 insert:
10

11 **Division 3 — Reliable supply and electricity systems**

12 **124A. Reliable supply and electricity systems**

13 Without limiting section 123 or 124, the electricity
14 system and market rules may provide for the
15 following —

- 16 (a) matters relating to any of the following —
17 (i) the reliability of electricity supply and
18 electricity systems;
19 (ii) the security of electricity supply and
20 electricity systems;
21 (iii) the quality of electricity supply;
22 (iv) the safe supply of electricity and the
23 safe operation of electricity systems;
24 (b) requirements and standards for the purposes of
25 paragraph (a);
26 (c) the obligations of holders of transmission
27 licences, distribution licences or integrated
28 regional licences or other persons to comply
29 with any requirements or standards referred to
30 in paragraph (b);

- 1 (d) the compensation payments to be made to
2 customers by the holder of a transmission
3 licence, distribution licence or integrated
4 regional licence or any other person for a
5 failure to comply with any obligations
6 prescribed under paragraph (c).

7 **124B. System voltage or frequency**

8 The regulations may impose, or authorise the
9 electricity system and market rules to impose, duties on
10 network operators (as defined in the *Electricity*
11 *Act 1945* section 5(1)) in relation to —

- 12 (a) the system voltage or frequency at which the
13 network operator supplies electricity to the
14 premises of a consumer at the point where the
15 electricity will pass beyond the service
16 apparatus of the network operator; and
17 (b) the maintenance of system voltage within
18 specified limits.

19 **124C. Directions to rectify non-compliance**

- 20 (1) The regulations may confer power on a network
21 service provider or another person —
22 (a) to direct a person who has failed to comply
23 with a specified requirement of this Act, the
24 regulations or the electricity system and market
25 rules to rectify the non-compliance to ensure
26 the safe supply of electricity or the safe
27 operation of the electricity system; and
28 (b) if a direction referred to in paragraph (a) is not
29 complied with —
30 (i) to take specified actions to rectify the
31 non-compliance; and

- 1 (ii) to recover the cost of taking a specified
2 action from the person to whom the
3 direction is given and to bring
4 proceedings for that purpose.
- 5 (2) The regulations may provide for —
- 6 (a) applications to be made to the State
7 Administrative Tribunal for review of any
8 decision to give a direction or to take an action
9 referred to in subsection (1); and
- 10 (b) the effect on a direction or action pending the
11 determination of an application referred to in
12 paragraph (a).
- 13 (3) A regulation under subsection (2)(b) may provide for
14 the stay of the operation of a decision to give a
15 direction or to take an action despite the *State*
16 *Administrative Tribunal Act 2004* section 25(1).

17 **Division 4 — Distribution systems and connected**
18 **facilities**

19 **124D. Terms used**

20 In this Division —

21 ***connected facility operator*** means a person or persons
22 responsible for —

- 23 (a) owning or operating a connected facility; or
24 (b) supplying electricity or electricity services
25 through a connected facility;

26 ***distribution system*** includes a stand-alone power
27 system;

28 ***distribution system market*** means a market for the
29 sale, trading or purchase of electricity and electricity
30 services principally generated or otherwise produced
31 and consumed on a distribution system;

1 *distribution system market operator*, in relation to a
2 distribution system market, means a person or body
3 designated under the electricity system and market
4 rules as the operator of the distribution system market;

5 *distribution system operator*, in relation to a
6 distribution system, means a person or body designated
7 under the electricity system and market rules as the
8 operator of the distribution system;

9 *network user* has the meaning in section 103.

10 **124E. Distribution system regulation**

11 The electricity system and market rules may provide
12 for any of the following in relation to distribution
13 systems (including embedded networks) or connected
14 facilities —

- 15 (a) the operation of distribution systems or
16 connected facilities;
- 17 (b) standards and technical requirements for
18 connected facilities;
- 19 (c) the designation of a person or body as a
20 distribution system operator in relation to a
21 distribution system and the functions and rights
22 of a distribution system operator;
- 23 (d) the identification of a connected facility
24 operator in relation to a connected facility and
25 the functions and rights of a connected facility
26 operator;
- 27 (e) the identification of a network user in relation
28 to a distribution system or connected facility
29 and the functions and rights of a network user;
- 30 (f) the extent and transparency of control that a
31 distribution system operator must establish and
32 maintain in relation to a distribution system or

- 1 confer on another person in relation to a
2 distribution system;
- 3 (g) the extent and transparency of control that a
4 connected facility operator must establish and
5 maintain in relation to a connected facility or
6 confer on another person in relation to a
7 connected facility;
- 8 (h) the creation, governance and operation of a
9 distribution system market;
- 10 (i) the designation of a person or body as the
11 operator of a distribution system market;
- 12 (j) the conferral of rights and functions on a person
13 or body (including a person holding office
14 under a written law or a body established under
15 a written law) in relation to the governance and
16 operation of a distribution system market;
- 17 (k) the regulation of the relationship between any
18 of the following —
- 19 (i) a distribution system operator and any
20 other distribution system operator;
- 21 (ii) a connected facility operator and any
22 other connected facility operator;
- 23 (iii) a distribution system operator and a
24 connected facility operator;
- 25 (iv) a distribution system operator and the
26 operator of the wholesale electricity
27 market;
- 28 (v) a connected facility operator and the
29 operator of the wholesale electricity
30 market;

- 1 (vi) a distribution system market and the
2 wholesale electricity market;
- 3 (vii) a distribution system market operator
4 and the operator of the wholesale
5 electricity market;
- 6 (viii) a distribution system market operator
7 and a distribution system operator;
- 8 (ix) a distribution system operator and any
9 other participant;
- 10 (x) a connected facility operator and any
11 other participant;
- 12 (xi) a distribution system market operator
13 and any other participant;
- 14 (xii) a distribution system operator and a
15 network user;
- 16 (xiii) a connected facility operator and a
17 network user.

18 **124F. Technical and other standards**

19 The electricity system and market rules may provide
20 for any of the following in relation to distribution
21 systems (including embedded networks) or connected
22 facilities —

- 23 (a) technical or other standards, including
24 standards relating to —
- 25 (i) the supply of electricity or electricity
26 services through the distribution system
27 or connected facility; and
- 28 (ii) the transfer of electricity into and out of
29 the distribution system or connected
30 facility;

- 1 (b) technical requirements, standards or other
2 requirements relating to the connection of
3 premises to a distribution system or connected
4 facility or a distribution system and connected
5 facility to each other, including requirements
6 and standards relating to —
7 (i) remote monitoring, data capture and
8 meter reading; and
9 (ii) remote disconnection and reconnection;
10 and
11 (iii) other aspects of remote control.

12 **Division 5 — Metering and data**

13 **124G. Metering**

14 The electricity system and market rules may provide
15 for any matter relating to the metering of the supply of
16 electricity, including —

- 17 (a) the provision, operation and maintenance of
18 metering equipment; and
19 (b) ownership of and access to metering data.

20 **124H. Electricity data and electricity data systems**

21 (1) In this section —

22 *electricity data* means information and documents
23 relating to any of the following —

- 24 (a) electricity services;
25 (b) network services;
26 (c) electricity generation;
27 (d) electricity consumption;
28 (e) suppliers of electricity, electricity services and
29 network services;

- 1 (f) consumers of electricity and electricity
2 services, in relation to that consumption;
- 3 ***electricity data service*** means a service relating to —
- 4 (a) the collection, distribution, storage and
5 processing of electricity data; or
- 6 (b) the operation of an electricity data system;
- 7 ***electricity data system*** means a system on which
8 electricity data is stored, distributed or processed.
- 9 (2) The electricity system and market rules may prescribe
10 requirements and standards relating to electricity data
11 systems and electricity data services and electricity
12 data collected, distributed, stored, processed or used in
13 connection with the operation of electricity data
14 systems and electricity data services, including
15 requirements and standards relating to —
- 16 (a) confidentiality; and
17 (b) the protection of personal information; and
18 (c) cyber security; and
19 (d) the data rights of consumers.
- 20 (3) The electricity system and market rules may authorise
21 or require the sharing of electricity data between
22 network service providers.

Division 6 — Enforcement

124I. Term used: contravene

- 24 In this Division —
- 25 ***contravene***, in relation to a provision of the electricity
26 system and market rules, includes —
- 27 (a) attempt to contravene the provision; or
28 (b) aid, abet, counsel or procure a person to
29 contravene the provision; or
30

- 1 (c) induce, or attempt to induce, a person, whether
2 by threats or promises or otherwise, to
3 contravene the provision; or
- 4 (d) being in any way, directly or indirectly,
5 knowingly concerned in, or party to, the
6 contravention by a person of the provision; or
- 7 (e) conspire with others to contravene the
8 provision.

9 **124J. Regulations as to enforcement of electricity system**
10 **and market rules**

- 11 (1) The regulations may provide for the enforcement of the
12 electricity system and market rules.
- 13 (2) Without limiting subsection (1), the regulations may —
- 14 (a) provide that a provision of the electricity
15 system and market rules specified in the
16 regulations, or of a class specified in the
17 regulations, is a civil penalty provision for the
18 purposes of the regulations; and
- 19 (b) prescribe, for a contravention of a civil penalty
20 provision, the following amounts that may, in
21 accordance with the regulations, be demanded
22 from or imposed on a person who contravenes
23 the provision —
- 24 (i) an amount not exceeding \$100 000;
- 25 (ii) in addition, a daily amount not
26 exceeding \$20 000 for each day or part
27 of a day during which the contravention
28 continues;
- 29 and
- 30 (c) provide for demands for the payment of
31 amounts referred to in paragraph (b) and the
32 enforcement of demands for their payment; and

- 1 (d) provide for —
- 2 (i) and regulate the taking of proceedings
- 3 in the Supreme Court or otherwise in
- 4 respect of alleged contraventions of
- 5 provisions of the electricity system and
- 6 market rules; and
- 7 (ii) the orders that can be made and other
- 8 sanctions that can be imposed in those
- 9 proceedings; and
- 10 (iii) the enforcement of those orders and
- 11 sanctions;
- 12 and
- 13 (e) provide for the manner in which amounts
- 14 received by way of civil penalties are to be
- 15 dealt with and applied; and
- 16 (f) provide for —
- 17 (i) and regulate the taking of proceedings
- 18 in the Supreme Court for an injunction
- 19 restraining engagement in conduct
- 20 contravening a provision of the
- 21 electricity system and market rules; and
- 22 (ii) the granting of an injunction (including
- 23 an interim injunction); and
- 24 (iii) the rescission or variation of an
- 25 injunction so granted;
- 26 and
- 27 (g) provide for and regulate the taking of
- 28 proceedings before the Supreme Court for a
- 29 declaration as to whether a provision of the
- 30 electricity system and market rules is being or
- 31 has been contravened and provide for the orders
- 32 that can be made in those proceedings; and

- 1 (h) provide for and regulate the taking of action for
2 the recovery of an amount of loss or damage
3 suffered because of conduct contravening a
4 provision of the electricity system and market
5 rules; and
- 6 (i) provide for and regulate the making of
7 applications for, and the issue of, warrants
8 relating to the investigation of alleged
9 contraventions of provisions of the electricity
10 system and market rules and for the powers
11 exercisable under warrants; and
- 12 (j) provide for any matter that is necessary or
13 convenient to be prescribed in relation to the
14 enforcement of the electricity system and
15 market rules.

16 **124K. Criminal proceedings do not lie**

- 17 (1) Criminal proceedings (including proceedings under
18 *The Criminal Code* section 177 or 178) do not lie
19 against a person by reason only that the person has
20 contravened a provision of the electricity system and
21 market rules.
- 22 (2) Nothing in subsection (1) affects section 115.

23 **Division 7 — Functions of Authority**

24 **124L. Functions of Authority**

25 The Authority is responsible for —

- 26 (a) monitoring, investigating and enforcing
27 compliance with the electricity system and
28 market rules; and

- 1 (b) carrying out any other function conferred on it
2 by the regulations or the electricity system and
3 market rules.
4

5 **27. Part 9 Division 8 heading inserted**

6 Before section 125 insert:
7

8 **Division 8 — Review of decisions**
9

10 **28. Section 125 amended**

11 (1) In section 125(1):

- 12 (a) delete “participant referred to in section 121(2)(b)
13 or (c)” and insert:

14
15 governance participant
16

17 (b) after “or the” insert:

18
19 electricity system and
20

21 (2) In section 125(3):

- 22 (a) after “decisions of” insert:

23
24 governance
25

26 (b) after “or the” insert:

27
28 electricity system and
29

1 **29. Part 9 Division 9 heading inserted**

2 After section 125 insert:

3

4 **Division 9 — Immunity**

5

6 **30. Section 126 amended**

7 (1) In section 126(1) delete the definitions of:

8 *market governance participant*

9 *system management participant*

10 (2) In section 126(1) in the definition of *officer*, of a body corporate
11 that is not a corporation, delete “(Commonwealth);” and insert:

12

13 (Commonwealth).

14

15 (3) After section 126(1) insert:

16

17 (1A) The following do not incur any civil monetary liability
18 for an act or omission done or made in good faith in the
19 performance, or purported performance, of a function
20 under this Part, the regulations or the electricity system
21 and market rules —

22 (a) the Minister;

23 (b) the Authority;

24 (c) the Coordinator.

- 1 (1B) The following persons do not incur any civil monetary
2 liability for an act or omission done or made in good
3 faith in the performance, or purported performance, of
4 a function under this Part, the regulations or the
5 electricity system and market rules —
- 6 (a) an officer or employee of the Department of the
7 public service principally assisting in the
8 administration of this Act;
- 9 (b) an officer or employee of the Authority;
- 10 (c) an officer or employee of the Coordinator.
- 11
- 12 (4) In section 126(2):
- 13 (a) delete “market” (1st and 2nd occurrences);
- 14 (b) after “or the” insert:
- 15
- 16 electricity system and
- 17
- 18 (5) In section 126(3):
- 19 (a) delete “done or made after the expiration of the period
20 of 12 months from the establishment of the initial
21 market rules” and insert:
- 22
- 23 mentioned in subsection (2)
- 24
- 25 (b) in paragraph (a) delete “subsection (2)” and insert:
- 26
- 27 that subsection
- 28

1 (6) Delete section 126(4) and insert:

2

3 (4) Nothing in subsection (2) or (3) limits the immunity
4 given by subsection (1A) or (1B).

5

6 Note: The heading to amended section 126 is to read:

7

Immunity of certain persons and bodies

8 **31. Part 9 Division 10 heading inserted**

9 After section 126 insert:

10

11 **Division 10 — Competition authorisation**

12

13 **32. Section 127 amended**

14 In section 127(2) after “to the” insert:

15

16 electricity system and

17

18 **33. Part 9 Division 11 heading inserted**

19 After section 127 insert:

20

21 **Division 11 — Review of wholesale electricity market**
22 **operation**

23

1 **34. Section 128 amended**

2 (1) Delete section 128(1) and insert:

3

4 (1) The Coordinator must review the operation of the
5 wholesale electricity market, and prepare a report
6 based on the review —

7 (a) as soon as practicable after the 3rd anniversary
8 of the day on which the *Electricity Industry*
9 *Amendment (Distributed Energy Resources)*
10 *Act 2023* section 3 comes into operation; and

11 (b) after that, at intervals of not more than 3 years.

12

13 (2) In section 128(2) delete “objectives set out in section 122(2)
14 have been or are being achieved.” and insert:

15

16 State electricity objective has been or is being met.

17

18 (3) Delete section 128(3) and (4) and insert:

19

20 (3) The Coordinator must give the Minister a written
21 report based on the review not later than 3 years and
22 6 months after —

23 (a) for the first review, the day on which the
24 *Electricity Industry Amendment (Distributed*
25 *Energy Resources) Act 2023* section 3 came
26 into operation; or

27 (b) for a subsequent review, the last preceding
28 report was laid before each House of
29 Parliament under subsection (5)(a).

1 (4) If the Coordinator considers that the State electricity
2 objective has not been and is not being met in whole or
3 in part, the report must set out recommendations as to
4 how the State electricity objective can be met.
5

6 (4) In section 128(5) delete “is to —” and insert:
7

8 must —
9

10 (5) In section 128(6):

11 (a) delete “Authority is to” and insert:
12

13 Coordinator must
14

15 (b) delete “Authority.” and insert:
16

17 Coordinator.
18

19 Note: The heading to amended section 128 is to read:

20 **Review of wholesale electricity market operation**

21 **35. Section 129 amended**

22 (1) In section 129(1):

23 (a) delete “Authority is to” and insert:
24

25 Coordinator must
26

27 (b) delete “objectives set out in section 122(2) have been or
28 are being achieved” and insert:
29

30 State electricity objective has been or is being met
31

- 1 (2) In section 129(2):
2 (a) delete “Authority is to cause” and insert:
3
4 Coordinator must ensure that
5
6 (b) delete “to be —” and insert:
7
8 is —
9
10 (c) in paragraph (b) delete “Authority.” and insert:
11
12 Coordinator.
13
14 (3) In section 129(3):
15 (a) delete “is to” and insert:
16
17 must
18
19 (b) in paragraph (a) delete “Authority; and” and insert:
20
21 Coordinator; and
22
23 (4) In section 129(4) delete “is not to” and insert:
24
25 must not
26

1 (5) In section 129(5) delete “Authority is to” and insert:

2

3 Coordinator must

4

5 **36. Section 129AA inserted**

6 At the end of Part 9 insert:

7

8 **129AA. Coordinator may appoint panels**

9 The regulations may confer power on the
10 Coordinator —

- 11 (a) to appoint panels of persons to provide advice
12 and assistance to the Coordinator in conducting
13 a review or implementing any
14 recommendations of a review; and
- 15 (b) to recover the costs of the appointment of a
16 panel by requiring the payment of fees,
17 determined in accordance with the regulations,
18 by participants and operators of covered
19 networks.
- 20

21 **37. Section 134 amended**

22 (1) In section 134(1) delete the definition of *market rules*.

23 (2) In section 134(2) after “or the” insert:

24

25 electricity system and

26

1 **38. Part 11 inserted**

2 After section 134 insert:

3

4 **Part 11 — Transitional provisions for *Electricity***
5 ***Industry Amendment (Distributed Energy***
6 ***Resources) Act 2023***

7 **135. Term used: relevant instrument**

8 In this Part —

9 ***relevant instrument*** means —

- 10 (a) the Code; or
- 11 (b) a technical code or technical rules approved by
- 12 the Authority under the Code or any other
- 13 instrument made under the Code; or
- 14 (c) the *Electricity Industry (Metering) Code 2012*
- 15 made under section 39(2a) or an instrument
- 16 made under that code; or
- 17 (d) the *Electricity Industry (Network Quality and*
- 18 *Reliability of Supply) Code 2005* made under
- 19 section 39(2a)(a) or an instrument made under
- 20 that code.

21 **136. Transitional regulations: general**

22 (1) In this section —

23 ***specified*** means specified or described in the

24 regulations;

25 ***transitional matter*** —

- 26 (a) means a matter or issue of a transitional nature
- 27 that arises as a result of any of the amendments
- 28 to this Act made by the *Electricity Industry*
- 29 *Amendment (Distributed Energy Resources)*
- 30 *Act 2023*, including a matter or issue that arises

- 1 as a result of the coming into operation of
2 different provisions of that Act at different
3 times; and
4 (b) includes a savings or application matter.
- 5 (2) If there is not sufficient provision in this Act for
6 dealing with a transitional matter, regulations may
7 prescribe all matters that are required, or are necessary
8 or convenient, to be prescribed for dealing with the
9 matter.
- 10 (3) If regulations made under subsection (2) provide that a
11 specified state of affairs is taken to have existed, or not
12 to have existed, on and from a day that is earlier than
13 the day on which the regulations are published in
14 accordance with the *Interpretation Act 1984*
15 section 41(1)(a) but not earlier than the day on which
16 the *Electricity Industry Amendment (Distributed*
17 *Energy Resources) Act 2023* section 38 comes into
18 operation, the regulations have effect according to their
19 terms.
- 20 (4) If regulations made under subsection (2) contain a
21 provision of a kind described in subsection (3), the
22 provision does not operate so as —
- 23 (a) to affect in a manner prejudicial to any person
24 (other than the State or an authority of the
25 State) the rights of that person existing before
26 the day of publication of those regulations; or
- 27 (b) to impose liabilities on any person (other than
28 the State or an authority of the State) in respect
29 of anything done or omitted to be done before
30 the day of publication of those regulations.

31 **137. Transitional provisions: power to make orders**

32 Without limiting section 136, the regulations may
33 authorise the Minister to determine by order published

1 in accordance with the *Interpretation Act 1984*
2 section 41(1)(a) how any matter in progress
3 immediately before a day specified in the order is to be
4 treated, after that day, for the purposes of the
5 provisions of the regulations or the electricity system
6 and market rules.

7 **138. Transitional provisions: relevant instruments**

8 (1) Without limiting section 136, the regulations may
9 provide, or authorise the electricity system and market
10 rules to provide, for the regulation of matters of a
11 savings, transitional or supplementary nature relating to
12 the transition of matters contained in a relevant
13 instrument to the electricity system and market rules.

14 (2) The regulations may provide, or authorise the
15 electricity system and market rules to provide, for the
16 continuation of the operation of a relevant instrument
17 after its revocation for the purpose of the transition of
18 any matter to the electricity system and market rules.

19 (3) The regulations may provide, or authorise the
20 electricity system and market rules to provide, how
21 anything done or in progress or required to be done
22 under a relevant instrument is to be treated on and after
23 a day specified in the electricity system and market
24 rules.

25 (4) The regulations may provide, or authorise the
26 electricity system and market rules to provide, that a
27 reference in any instrument to a relevant instrument is
28 to be treated on and after a day specified in the
29 electricity system and market rules as a reference to the
30 electricity system and market rules or specified
31 provisions of the electricity system and market rules.

- 1 **139. Powers of Minister: relevant instruments**
- 2 (1) The Minister may amend a relevant instrument to
- 3 facilitate, or as a consequence of, the transition of any
- 4 matter in any relevant instrument to the electricity
- 5 system and market rules.
- 6 (2) The Minister may amend the Code and any other
- 7 relevant instrument in relation to the application of the
- 8 State electricity objective to the Code or instrument.
- 9 (3) The Minister may amend the electricity system and
- 10 market rules to provide for the transition of any matter
- 11 in any relevant instrument to the electricity system and
- 12 market rules.
- 13 (4) A requirement under this Act or the regulations or a
- 14 relevant instrument for public consultation before
- 15 amending a relevant instrument or the electricity
- 16 system and market rules does not apply to an
- 17 amendment made under subsection (1), (2) or (3).
- 18 **140. Electricity system and market rules do not affect**
- 19 **existing agreements**
- 20 (1) The making or amendment of the electricity system
- 21 and market rules —
- 22 (a) does not affect the terms and conditions, or the
- 23 operation, of an agreement or arrangement in
- 24 operation under a relevant instrument
- 25 immediately before a day specified in the
- 26 electricity system and market rules for that
- 27 purpose; and
- 28 (b) does not afford a party to the agreement or
- 29 arrangement any ground or reason for not
- 30 complying with the agreement according to its
- 31 terms and conditions.

- 1 (2) Subsection (1)(a) or (b) does not apply to an agreement
2 or arrangement to the extent that the electricity system
3 and market rules or the agreement or arrangement or an
4 enactment provides otherwise.

5 **141. References to market rules and wholesale electricity**
6 **market objectives**

- 7 (1) A reference in any Act or instrument to the market
8 rules under this Act is taken on and after the day on
9 which the *Electricity Industry Amendment (Distributed*
10 *Energy Resources) Act 2023* section 24 comes into
11 operation to be a reference to the electricity system and
12 market rules.
- 13 (2) A reference in any Act or instrument to the objectives
14 of the wholesale electricity market under this Act is
15 taken on and after the day on which the *Electricity*
16 *Industry Amendment (Distributed Energy Resources)*
17 *Act 2023* section 23 comes into operation to be a
18 reference to the State electricity objective.

19 **142. Power to make electricity system and market rules**
20 **for matters that may be provided for in relevant**
21 **instruments**

- 22 (1) Until the day on which the *Electricity Industry*
23 *Amendment (Distributed Energy Resources) Act 2023*
24 Part 3 comes into operation, the electricity system and
25 market rules may make provision for any matter that
26 may be provided for in a relevant instrument.
- 27 (2) If there is an inconsistency between a provision of the
28 electricity system and market rules and a provision of a
29 relevant instrument, the provision of the electricity
30 system and market rules prevails.

1 (3) Until the day on which the *Electricity Industry*
2 *Amendment (Distributed Energy Resources) Act 2023*
3 Part 3 comes into operation, a reference in this Act or
4 an instrument under this Act to a relevant instrument
5 includes a reference to any provision included in the
6 electricity system and market rules in accordance with
7 subsection (1).

8 **143. References to Code and technical codes under Code**

9 (1) A reference in any Act or instrument to the Code is
10 taken on and after the day on which the *Electricity*
11 *Industry Amendment (Distributed Energy Resources)*
12 *Act 2023* Part 3 comes into operation to be a reference
13 to the electricity system and market rules.

14 (2) A reference in any Act or instrument to a technical
15 code approved by the Authority under the Code is
16 taken on and after day on which the *Electricity Industry*
17 *Amendment (Distributed Energy Resources) Act 2023*
18 Part 3 comes into operation to be a reference to a
19 technical standard or requirement provided for under
20 the electricity system and market rules under
21 section 123(1A)(g) of this Act.

22 **144. References to standards**

23 Until the day on which the *Electricity Industry*
24 *Amendment (Distributed Energy Resources) Act 2023*
25 Part 3 comes into operation —

- 26 (a) a reference in section 39A to RPC standards
27 includes a reference to requirements and
28 standards provided by the electricity system
29 and market rules for the purposes of
30 section 124A(a)(i) to (iii); and
31 (b) a reference in sections 129D and 129N to
32 service standards includes a reference to
33 requirements and standards provided by the

1 electricity system and market rules for the
2 purposes of section 124A(a)(i) to (iii).

3 **145. References to *Electricity Industry (Metering)***
4 ***Code 2012* made under section 39(2a)**

5 A reference in any Act or instrument to the *Electricity*
6 *Industry (Metering) Code 2012* made under
7 section 39(2a) is taken on and after the day on which
8 the *Electricity Industry Amendment (Distributed*
9 *Energy Resources) Act 2023* Part 3 comes into
10 operation to be a reference to the electricity system and
11 market rules made under section 124G.

12 **146. References to *Electricity Industry (Network Quality***
13 ***and Reliability of Supply) Code 2005* made under**
14 **section 39(2a)(a)**

15 A reference in any Act or instrument to the *Electricity*
16 *Industry (Network Quality and Reliability of Supply)*
17 *Code 2005* made under section 39(2a)(a) is taken on
18 and after the day on which the *Electricity Industry*
19 *Amendment (Distributed Energy Resources) Act 2023*
20 Part 3 comes into operation to be a reference to the
21 electricity system and market rules made for the
22 purposes of section 124A(a)(i) to (iii).
23

24 **39. Schedule 1 clause 1 amended**

25 In Schedule 1 clause 1(k) after “section 39)” insert:
26

27 or requirements or standards under specified electricity system and
28 market rules
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Division 2 — *Electricity Act 1945* amended

40. Act amended

This Division amends the *Electricity Act 1945*.

41. Section 25 amended

In section 25(1):

(a) in paragraph (c) delete ‘polarity; and’ and insert:

polarity.

(b) delete paragraph (d).

Division 3 — *Electricity Corporations Act 2005* amended

42. Act amended

This Division amends the *Electricity Corporations Act 2005*.

43. Section 3 amended

In section 3(1) insert in alphabetical order:

electricity system and market rules means the
electricity system and market rules as defined in the
Electricity Industry Act 2004 section 123(1);

44. Section 41 amended

Delete section 41(b), (ba) and (c) and insert:

(b) to do anything that it is authorised or required
to do by the *Electricity Industry Act 2004*, the
regulations under that Act, the Code made

- 1 under Part 8 of that Act and the electricity
2 system and market rules; and
3 (c) to provide stand-alone power systems (as
4 defined in the *Electricity Industry Act 2004*
5 section 3(1)) in accordance with the regulations
6 under Part 8 of that Act, the Code made under
7 that Part and the electricity system and market
8 rules; and
9

10 **45. Section 50 amended**

11 Delete section 50(c) and insert:

- 12
13 (ba) to do anything that it is authorised or required
14 to do by the *Electricity Industry Act 2004*, the
15 regulations under that Act, the electricity
16 system and market rules, the Code made under
17 Part 8 of that Act and the Pilbara Networks
18 Access Code and Pilbara networks rules made
19 under Part 8A of that Act; and
20 (bb) to provide stand-alone power systems (as
21 defined in the *Electricity Industry Act 2004*
22 section 3(1)) in accordance with the regulations
23 under Part 8 of that Act, the Code under that
24 Part and the electricity system and market rules;
25 and
26 (c) to provide stand-alone power systems (as
27 defined in the *Electricity Industry Act 2004*
28 section 3(1)) in accordance with the
29 regulations, the Pilbara Networks Access Code
30 and the Pilbara networks rules made under
31 Part 8A of that Act; and
32

Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

Part 2 Stage 1 amendments

Division 4 Electricity Transmission and Distribution Systems
(Access) Act 1994 amended

s. 46

1 **46. Section 54 amended**

2 In section 54(8) delete “8 or 8A.” and insert:

3

4 8, 8A or 9.

5

6 **47. Section 63 amended**

7 In section 63(4)(b) delete “section 124,” and insert:

8

9 Part 9,

10

11 **48. Section 111 amended**

12 In section 111 before “market rules” insert:

13

14 electricity system and

15

16 **Division 4 — *Electricity Transmission and Distribution Systems***
17 ***(Access) Act 1994* amended**

18 **49. Act amended**

19 This Division amends the *Electricity Transmission and*
20 *Distribution Systems (Access) Act 1994*.

21 **50. Section 95A amended**

22 Delete section 95A(2)(b)(ii) and insert:

23

24 (ii) the *Electricity Industry Act 2004* Part 8,
25 the Code established under that Part and
26 the electricity system and market rules
27 under that Act.

28

1 **Division 5 — *Energy Operators (Powers) Act 1979* amended**

2 **51. Act amended**

3 This Division amends the *Energy Operators (Powers) Act 1979*.

4 **52. Section 45 amended**

5 In section 45(4A), delete the definition of ***generating works*** and
6 insert:

7

8 ***generating works*** does not include a stand-alone power
9 system (as defined in the *Electricity Industry Act 2004*
10 section 3(1)) that is being constructed, installed,
11 operated or maintained —

12 (a) in accordance with the regulations and the Code
13 made under the *Electricity Industry Act 2004*
14 Part 8 and the electricity system and market
15 rules (as defined in the section 3(1) of that Act);
16 or

17 (b) by the Regional Power Corporation in
18 accordance with the regulations, the Pilbara
19 Networks Access Code and the Pilbara
20 networks rules made under the *Electricity*
21 *Industry Act 2004* Part 8A; or

22 (c) by the Regional Power Corporation in
23 accordance with its powers under the
24 *Electricity Corporations Act 2005* and the
25 regulations made under the *Electricity Industry*
26 *Act 2004* Part 8A.
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Part 3 — Stage 2 amendments

Division 1 — *Electricity Industry Act 2004* amended

53. Act amended

This Division amends the *Electricity Industry Act 2004*.

54. Section 3 amended

(1) In section 3(1) delete the definition of *Code*.

(2) In section 3(1) in the definition of *covered network*:

(a) in paragraph (a) delete “comes” and insert:

came

(b) after paragraph (a) insert:

(aa) that were covered by the Code under section 104 of the Act as in force immediately before the *Electricity Industry Amendment (Distributed Energy Resources) Act 2023* section 61 came into operation and that have not ceased to be a covered network; or

(c) in paragraph (b) delete “Code” and insert:

electricity system and market rules

- 1 (3) In section 3(1) in the definition of *quality*:
2 (a) in paragraph (b) delete “rules; and” and insert:
3
4 rules;
5
6 (b) delete paragraph (c).

7 **55. Section 11 amended**

8 Delete section 11(4)(b).

9 **56. Section 39 amended**

- 10 (1) Delete section 39(2)(a), (d) and (da).
11 (2) In section 39(2c) in the definition of *code matter* delete
12 paragraphs (a), (c) and (ca).

13 **57. Section 39A amended**

14 In section 39A(1) delete the definition of *RPC standards* and
15 insert:

- 16
17 ***RPC standards*** means requirements and standards in
18 the electricity system and market rules that —
19 (a) relate to the quality, security and reliability of
20 electricity systems made for the purposes of
21 section 124A(a)(i) to (iii); and
22 (b) are to be observed by the Regional Power
23 Corporation;
24

25 Note: The heading to amended section 39A is to read:

26 **Review of standards applying to Regional Power Corporation**

1 **58. Section 102 deleted**

2 Delete section 102.

3 **59. Section 103 amended**

4 In section 103 in the definition of *access agreement* delete
5 “Code” and insert:

6

7 electricity system and market rules

8

9 **60. Part 8 Division 2 heading replaced**

10 Delete the heading to Part 8 Division 2 and insert:

11

12 **Division 2 — Rules to regulate access to services of**
13 **network infrastructure facilities**

14

15 **61. Section 104 replaced**

16 Delete section 104 and insert:

17

18 **104. Electricity system and market rules to regulate**
19 **access to services of network infrastructure facilities**

20 The electricity system and market rules must include
21 provisions in relation to access to the services of
22 network infrastructure facilities.

23

1 **62. Section 104A amended**

2 (1) In section 104A(1):

3 (a) delete “Provision is to be made in the Code —” and
4 insert:

5

6 The electricity system and market rules must include
7 provisions —

8

9 (b) in paragraph (c) delete “for” and insert:

10

11 regulating

12

13 (2) In section 104A(3) delete “Code” and insert:

14

15 electricity system and market rules

16

17 (3) In section 104A(4) delete “Code,” and insert:

18

19 electricity system and market rules,

20

21 Note: The heading to amended section 104A is to read:

22

23

**Electricity system and market rules to provide for coverage of
networks**

24 **63. Section 104B amended**

25 In section 104B:

26 (a) delete “Provision is to be made in the Code” and insert:

27

28 The electricity system and market rules must include
29 provisions

30

- 1 (b) in paragraph (a) delete “out —” and insert:
2
3 out any of the following —
4
5 (c) in paragraph (a)(i) delete “services; and” and insert:
6
7 services;
8
9 (d) in paragraph (a)(ii) delete “conditions; and” and insert:
10
11 conditions;
12
13 (e) in paragraph (a)(iii) delete “Code;” and insert:
14
15 electricity system and market rules;
16
17 (f) delete paragraph (m);
18 (g) in paragraph (o) delete “Code;” and insert:
19
20 electricity system and market rules,
21

22 Note: The heading to amended section 104B is to read:

23 **Full regulation of access to services of covered networks**

24 **64. Section 105 amended**

- 25 (1) In section 105(1):
26 (a) delete “Code” (1st occurrence) and insert:
27
28 electricity system and market rules
29

- 1 (b) delete paragraphs (b) and (c) and insert:
2
3 (b) the conferral of functions on an arbitrator for
4 the purposes of the arbitration of disputes; and
5
6 (c) delete paragraph (cc).
- 7 (2) In section 105(2):
8 (a) delete “the commencement of this Part” and insert:
9
10 a day specified in the order
11
12 (b) delete “commencement,” and insert:
13
14 day,
15
16 (c) delete “Code.” and insert:
17
18 electricity system and market rules.
19

20 Note: The heading to amended section 105 is to read:
21 **Other matters for which electricity system and market rules may**
22 **make provision**

23 **65. Section 106 amended**

- 24 (1) In section 106(1):
25 (a) delete “making of the Code or the”;
26 (b) in paragraph (a) delete “the commencement of the Code
27 or”.

- 1 (2) In section 106(2):
2 (a) delete “Code” and insert:
3
4 electricity system and market rules
5
6 (b) delete “provides” and insert:
7
8 provide
9

10 Note: The heading to amended section 106 is to read:

11 **Approval of access arrangement does not affect existing**
12 **agreements**

13 **66. Sections 107 to 112 deleted**

14 Delete sections 107 to 112.

15 **67. Section 114 deleted**

16 Delete section 114.

17 **68. Section 115 amended**

18 In section 115(1)(a) delete “Code or”.

19 **69. Sections 116 to 118 deleted**

20 Delete sections 116 to 118.

21 **70. Section 120B amended**

22 In section 120B:

- 23 (a) in paragraph (f) delete “the Code,”;
24 (b) in paragraph (h) delete “the Code or”;
25 (c) in paragraph (h) delete “the Code,”.

1 **71. Section 120F amended**

2 In section 120F(1) delete “the Code or”.

3 Note: The heading to amended section 120F is to read:

4 **Consequential amendments to the electricity system and market**
5 **rules**

6 **72. Section 129D amended**

7 In section 129D(4) delete the definition of *service standards*
8 and insert:

9
10 *service standards* means requirements and standards
11 provided by the electricity system and market rules for
12 the purposes of section 124A(a)(i) to (iii).
13

14 **73. Section 129F amended**

15 In section 129F(2) and (3) delete “Code” and insert:

16

17 electricity system and market rules
18

19 **74. Section 129N amended**

20 In section 129N(5) delete the definition of *service standards*
21 and insert:

22

23 *service standards* means requirements and standards
24 provided by the electricity system and market rules for
25 the purposes of section 124A(a)(i) to (iii).
26

1 **75. Section 130 amended**

2 (1) In section 130(2):

3 (a) in paragraph (i) delete “Code” and insert:

4

5 electricity system and market rules

6

7 (b) in paragraph (j) delete “Code” (1st occurrence) and
8 insert:

9

10 electricity system and market rules

11

12 (2) In section 130(9) delete “Code” and insert:

13

14 electricity system and market rules

15

16 **Division 2 — *Electricity Corporations Act 2005* amended**

17 **76. Act amended**

18 This Division amends the *Electricity Corporations Act 2005*.

19 **77. Section 41 amended**

20 In section 41:

21 (a) in paragraph (b) delete “Act, the Code made under
22 Part 8 of that”;

23 (b) in paragraph (c) delete “Act, the Code made under that
24 Part” and insert:

25

26 Act

27

1 **78. Section 50 amended**

2 In section 50:

3 (a) in paragraph (ba) delete “rules, the Code made under
4 Part 8 of that Act” and insert:

5

6 rules

7

8 (b) in paragraph (bb) delete “Act, the Code under that Part”
9 and insert:

10

11 Act

12

13 **Division 3 — *Electricity Transmission and Distribution Systems***
14 ***(Access) Act 1994* amended**

15 **79. Act amended**

16 This Division amends the *Electricity Transmission and*
17 *Distribution Systems (Access) Act 1994*.

18 **80. Section 95A amended**

19 In section 95A(2)(b)(ii) delete “Part 8, the Code established
20 under that Part” and insert:

21

22 Part 8

23

24 **Division 4 — *Energy Operators (Powers) Act 1979* amended**

25 **81. Act amended**

26 This Division amends the *Energy Operators (Powers) Act 1979*.

1 **82. Section 45 amended**

2 In section 45(4A) in the definition of *generating works*
3 paragraph (a) delete “the Code made under the *Electricity*
4 *Industry Act 2004* Part 8 and”.

5 **Division 5 — Subsidiary legislation made under *Electricity***
6 ***Industry Act 2004* repealed**

7 **83. Particular Codes repealed**

8 The following are repealed —

- 9 (a) the *Electricity Industry (Metering) Code 2012*;
- 10 (b) the *Electricity Industry (Network Quality and Reliability*
11 *of Supply) Code 2005*;
- 12 (c) the Code in force under section 104 as in force
13 immediately before the *Electricity Industry Amendment*
14 *(Distributed Energy Resources) Act 2023* section 61
15 comes into operation.

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