



Christmas Island Utilities and Services (Electricity Supply and Services Fees) Determination 2016

made under paragraph 7(2)(a) of the

Christmas Island Utilities and Services Ordinance 2016

Compilation No. 6

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About this compilation

This compilation

This is a compilation of the *Christmas Island Utilities and Services (Electricity Supply and Services Fees) Determination 2016* that shows the text of the law as amended and in force on 1 September 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Christmas Island Utilities and Services (Electricity Supply and Services Fees) Determination 2016*.

3 Authority

This instrument is made under paragraph 7(2)(a) of the *Christmas Island Utilities and Services Ordinance 2016*.

4 Definitions

In this instrument:

category, of premises: see section 5.

consumer means a person to whom electricity is supplied at premises under the *Christmas Island Utilities and Services Ordinance 2016*.

daily dependent child rebate amount, for a person, means:

- (a) if the person has one dependent child—83.38 cents; or
- (b) if the person has more than one dependent child—83.38 cents for the first child plus 21.85 cents for each additional child.

dependent child, of a person, has the same meaning as in the *Social Security Act 1991*.

eligible person means a person who holds:

- (a) a health care card, pensioner concession card or seniors health card under the *Social Security Act 1991*; or
- (b) a card known as the Repatriation Health Card—For All Conditions, that evidences the person's eligibility, under the *Veterans' Entitlements Act 1986* or the *Military Rehabilitation and Compensation Act 2004*, to be provided with treatment for all injuries or diseases; or
- (c) a Seniors Card issued by the Government of Western Australia.

life support equipment means equipment covered by the Life Support Equipment Energy Subsidy Scheme administered by the Government of Western Australia.

premises has the same meaning as in the *Energy Operators (Powers) Act 1979* (WA), as in force on 3 October 2016.

unit means a kilowatt hour.

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5 Categories of premises

Premises mentioned in column 2 of an item of the following table are in the category of premises mentioned in column 1 of the item.

Categories of premises		
Item	Column 1 Category	Column 2 Premises
1	Residential A2	Premises (for example, houses, flats and apartments) occupied as private dwellings and used solely for residential purposes, other than premises mentioned in item 3
2	Community service C2	Premises occupied by an organisation that: (a) is a voluntary, non-profit making organisation; and (b) is endorsed as exempt from income tax under section 50-105 of the <i>Income Tax Assessment Act 1997</i> ; and (c) provides a public service that is available to any member of the public without discrimination; and (d) is not a Commonwealth, State or local government department, instrumentality or agency; and (e) does not receive the major part of its funding from a body mentioned in paragraph (d)
3	Charitable residential D2	Premises used wholly by a charitable or benevolent organisation and solely for providing residential accommodation other than for commercial gain
4	Business/residential K2	Premises used partly for business purposes and partly for residential purposes, if the circuit wiring for business and residential use is not separate
5	Business and local government L2	Premises: (a) used for industrial or commercial purposes; or (b) used for business purposes, other than as mentioned in item 4; or (c) occupied by a local government department, instrumentality or agency
7	Government (other than local government) N2	Premises occupied by a Commonwealth or State government department, instrumentality or agency

Part 2—Fees

6 Fees

Determination of fees that may be charged for the supply of electricity and related services

- (1) This instrument determines fees that may be charged for:
 - (a) the supply of electricity to consumers at premises; and
 - (b) the supply of services related to the supply of electricity to consumers at premises.
- (2) The fees determined by this instrument apply from and including 1 September 2022.
- (3) The fees that may be charged are the following:
 - (a) fixed fees for the supply of electricity as set out in Schedule 1;
 - (b) consumption fees for the supply of electricity as set out in Schedule 2;
 - (c) fixed fees for the supply of services related to the supply of electricity as set out in Schedule 3.

Method of charging fees—notice to consumer

- (4) If the Administrator charges a fee for the supply of electricity to a consumer at premises, or for the supply of a service related to the supply of electricity to a consumer at premises, mentioned in this instrument, the Administrator must do so by sending a written notice to the consumer.
- (5) The notice must specify:
 - (a) the amount of the fee payable; and
 - (b) the day by which the fee must be paid.
- (6) The day specified in the notice must be at least 12 business days after the day the notice is sent to the consumer.

Liability to pay fee and payment of fee

- (7) If the Administrator sends the notice under subsection (4) to the consumer:
 - (a) the consumer is liable to pay the fee specified in the notice; and
 - (b) the fee is payable to the Administrator on behalf of the Commonwealth.

7 Rebates and exemptions for eligible persons

Rebate—fixed fees

- (1) Despite paragraph 6(3)(a), if:

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- (a) electricity is supplied to a consumer at premises in the category Residential A2; and
 - (b) the consumer is an eligible person; and
 - (c) the premises are the consumer's principal place of residence;
- the consumer is entitled to a rebate equal to the fixed fee set out in Schedule 1 for the supply of electricity to the consumer at the premises.

Rebate—consumption fees

- (2) Despite paragraph 6(3)(b), if a consumer entitled to a rebate under subsection (1) has one or more dependent children, the consumer is entitled to a rebate in respect of the consumption fee set out in Schedule 2 for the supply of electricity to the consumer at the premises in accordance with subsections (3) and (4).
- (3) The amount of the rebate under subsection (2) for a period is worked out by multiplying the number of days in the period by the daily dependent child rebate amount for the person.
- (4) However, an entitlement to a rebate under subsection (2) for a period is limited to the amount of the consumption fee for the period.

Exemption—account establishment fee

- (5) Despite paragraph 6(3)(c) and subsection 6(7), a consumer entitled to a rebate under subsection (1) is not required to pay the fee mentioned in item 1 of the table in clause 1 Schedule 3.

8 Payment of fees

Subject to section 10, a fee that applies to a consumer in accordance with this instrument is due for payment on or before the day specified in a notice sent to the consumer under subsection 6(4).

9 When a fee is not paid

- (1) This section applies if:
 - (a) a consumer has not paid a fee for the supply of electricity to the consumer at premises, or for the supply of services related to the supply of electricity to the consumer at premises, in accordance with a notice sent to the consumer under subsection 6(4); and
 - (b) at least 5 business days have elapsed after the day specified in the notice as the day by which the fee must be paid; and
 - (c) a special payment arrangement under section 10 is not in force between the Administrator and the consumer in relation to the fee; and
 - (d) the Administrator is not aware that a person residing at the premises is dependent on life support equipment.

- (2) The Administrator must send a written notice (the ***reminder notice***) to the consumer in relation to the fee.
- (3) The reminder notice must state that the fee has not been paid and that special payment arrangements can be made under section 10 if the consumer is experiencing difficulties in paying the fee.
- (4) If the fee is not paid within 10 business days of the date of the reminder notice, the Administrator may send the consumer a written warning (the ***disconnection warning***).
- (5) The disconnection warning must state that action may be taken to disconnect the supply of electricity to the premises unless the following are paid within the period specified in the disconnection warning:
 - (a) the fee;
 - (b) if the Administrator charges a fee for the disconnection warning—that fee.
- (6) The period specified in the disconnection warning must not be less than 5 business days.
- (7) If the consumer does not pay the fee within the period specified in the disconnection warning, the Administrator may disconnect the supply of electricity to the premises until:
 - (a) the consumer has paid:
 - (i) the fee; and
 - (ii) if the Administrator charges a fee for the disconnection warning—that fee; and
 - (iii) if the Administrator charges a fee for reconnecting the supply of electricity to the premises after the disconnection—that fee; or
 - (b) a special payment arrangement under section 10 is in force between the Administrator and the consumer in relation to the fee.

10 Special payment arrangements

- (1) The Administrator may agree, in writing, to a special payment arrangement with a consumer if:
 - (a) the consumer is experiencing difficulties in paying a fee mentioned in this instrument; and
 - (b) the consumer notifies the Administrator of the difficulties.
- (2) If a special payment arrangement under this section is in force between the Administrator and the consumer in relation to a fee, the fee is due for payment in accordance with the arrangement.

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11 Notice to Administrator of residents dependent on life support equipment

If a person residing at premises is dependent on life support equipment, the consumer to whom electricity is supplied at the premises must give the Administrator written notice of this.

Schedule 1—Fixed fees for the supply of electricity

Note: See paragraph 6(3)(a).

1 Fixed fees for the supply of electricity

The fixed fee for the supply of electricity to a consumer at premises in a category mentioned in column 1 of an item of the following table is the fee mentioned in column 2 of the item.

Fixed fees for the supply of electricity		
Item	Column 1 Category of premises	Column 2 Fixed fee (cents per day)
1	Residential A2	97.9727
2	Community service C2	94.5364
3	Charitable residential D2	93.2455
4	Business/residential K2	172.8818
5	Business and local government L2	174.9000
6	Government (other than local government) N2	599.3545

Note: For rebates for eligible persons, see section 7.

Schedule 2—Consumption fees for the supply of electricity

Note: See paragraph 6(3)(b).

1 Consumption fees for the supply of electricity

The consumption fee for the supply of electricity to a consumer at premises in a category mentioned in column 1 of an item of the following table is the fee mentioned in column 2 of the item.

Consumption fees for the supply of electricity		
Item	Column 1 Category of premises	Column 2 Consumption fee
1	Residential A2	27.3277 cents per unit consumed
2	Community service C2	For each day, the sum of the following: (a) for the first 20 units consumed—22.0874 cents per unit; (b) for the next 1,630 units consumed—23.5657 cents per unit; (c) for each subsequent unit consumed—22.4783 cents per unit
3	Charitable residential D2	23.6914 cents per unit consumed
4	Business/residential K2	For each day, the sum of the following: (a) for the first 20 units consumed—28.5486 cents per unit; (b) for the next 1,630 units consumed—26.9034 cents per unit; (c) for each subsequent unit consumed—30.3325 cents per unit
5	Business and local government L2	For each day, the sum of the following: (a) for the first 1,650 units consumed—27.2174 cents per unit; (b) for each subsequent unit consumed—30.6866 cents per unit
6	Government (other than local government) N2	51.5449 cents per unit consumed

Note: For rebates for eligible persons, see section 7.

Schedule 3—Fixed fees for the supply of services related to the supply of electricity

Note: See paragraph 6(3)(c).

1 Fixed fees for the supply of services related to the supply of electricity

The fixed fee for the supply of a service mentioned in column 1 of an item of the following table is the fee mentioned in column 2 of the item.

Fixed fees for services related to the supply of electricity		
Item	Column 1 Service	Column 2 Fee (\$)
1	Account establishment	22.20
2	Installation of a 3 phase residential meter (new installation or replacement of a single phase meter)	845.45
3	Reconnection following disconnection of supply for non-payment of fees or any other lawful reason	31.08
4	Connection of temporary supply:	
	(a) single phase;	845.45
	(b) 3 phase	845.45
5	Meter testing:	
	(a) if paragraph (b) does not apply (standard);	228.66
	(b) for a consumer entitled to a rebate under subsection 7(1)	142.82
6	Special meter reading requested by consumer	31.08
7	Disconnection warning	5.90

Note: For exemptions for eligible persons, see section 7.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s)
C[x] = Compilation No. x	/sub-subparagraph(s)
Ch = Chapter(s)	pres = present
def = definition(s)	prev = previous
Dict = Dictionary	(prev...) = previously
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)/rule(s)
ed = editorial change	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <i>Legislation Act 2003</i>	s = section(s)/subsection(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rules
No. = Number(s)	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Determination 2016	30 Sept 2016 (F2016L01573)	3 Oct 2016 (s 2(1) item 1)	
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2017 Measures No. 1) Determination 2017	12 Sept 2017 (F2017L01159)	13 Sept 2017 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2018 Measures No. 1) Determination 2018	5 Dec 2018 (F2018L01665)	10 Dec 2018 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2019 Measures No. 1) Determination 2019	30 Oct 2019 (F2019L01381)	1 Nov 2019 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2020 Measures No. 1) Determination 2020	8 Oct 2020 (F2020L01288)	1 Nov 2020 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2021 Measures No. 1) Determination 2021	15 Dec 2021 (F2021L01786)	1 Jan 2022 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2022 Measures No. 1) Determination 2022	16 Feb 2022 (F2022L00139)	1 Jan 2022 (s 2(1) item 1)	—
Christmas Island Utilities and Services (Electricity Supply and Services Fees) Amendment (2022 Measures No. 2) Determination 2022	1 Sept 2022 (F2022L01149)	1 Sept 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2017L01159; F2018L01665; F2019L01381; F2022L00139; F2022L01149
s 5	am F2019L01381
Part 2	
s 6	am F2017L01159; F2018L01665; F2019L01381; F2020L01288; F2021L01786; F2022L01149
Schedule 1	
Schedule 1	am F2017L01159; F2018L01665; F2019L01381; F2020L01288; F2021L01786; F2022L01149
Schedule 2	
Schedule 2	am F2017L01159; F2018L01665; F2019L01381; F2020L01288; F2021L01786; F2022L01149
Schedule 3	
Schedule 3	am F2017L01159; F2018L01665; F2019L01381; F2020L01288; F2021L01786; F2022L01149