



Economic Regulation Authority

Decision on renewal of electricity retail licence application

Bluewaters Power 1 Pty Ltd

4 July 2025

Acknowledgement of Country

At the ERA we value our cultural diversity and respect the traditional custodians of the land and waters on which we live and work.

We acknowledge their continuing connection to culture and community, their traditions and stories. We commit to listening, continuously improving our performance and building a brighter future together.

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1. Decision

Pursuant to sections 9 and 19 of the *Electricity Industry Act 2004*, the Economic Regulation Authority (ERA) has renewed the electricity retail licence ERL12, held by Bluewaters Power 1 Pty Ltd, for a period of 12 months.

Subject to its terms and conditions, the licence authorises Bluewaters to sell electricity to large use customers in the South West Interconnected System.¹

The term of the renewed licence is 12 months from 14 August 2025.

In accordance with section 23(1) of the Electricity Act, the ERA will publish a notice of the licence renewal in the Government Gazette as soon as practicable.

¹ A large use customer consumes more than 160 megawatt hours of electricity per year.

2. Reasons

Bluewaters currently has insufficient certainty about coal supply in 2026-27 to justify renewing ERL12 for longer than 12-months.

2.1 Licence

Section 7(4) of the Electricity Act requires a person to hold an electricity retail licence to sell electricity to customers.

The ERA granted ERL12 on 14 August 2006 for a period of 15 years. In August 2021, the ERA renewed ERL12 for 12 months to give Bluewaters time to negotiate with its senior secured lenders to extend a loan that was past due for repayment.

In July 2022, the ERA renewed ERL12 for 36-months, rather than a longer period given the uncertainty about Bluewaters' coal supply and customer supply contracts.²

On 7 April 2025, Bluewaters applied to the ERA to renew ERL12.

2.2 Public consultation

On 19 May 2025, the ERA [invited](#) public submissions on the licence renewal application. No submissions were received during the 15 business-day consultation period.

2.3 Financial and technical assessment

Based on its licence compliance history and the information provided by Bluewaters on its resources to undertake the activities authorised by the licence, the ERA considers that Bluewaters has, and is likely to retain, the financial and technical resources to undertake the activities authorised by ERL12 for 12 months.

Bluewaters has confirmed that coal supply arrangements are secured from Griffin Coal through to the end of June 2026. There is a risk that a coal supply interruption will disrupt Bluewaters' operations in 2026-27. The 2025-26 State Budget outlines the State Government's financial support for the continued operation of Griffin Coal until 30 June 2026, under the Griffin Coal Financial Assistance Agreement.³

Excluding coal supply risk, Bluewaters has adequate profitability to support its operations and fulfill its financial obligations for the coming 12 months.

The ERA considered Bluewaters' licence compliance history and noted that it has demonstrated an acceptable level of compliance with its licence obligations.⁴

² Electricity licensing reports and decisions are available on the ERA's website ([online](#)).

³ Government of Western Australia, 2025-26 State Budget, Budget Paper 3, p104 ([online](#)).

⁴ Performance audit reports and post-audit implementation plans for electricity licensees are available on the ERA's website ([online](#)).

2.4 Licence duration

The ERA has decided to renew ERL12 for 12 months. The maximum period that an electricity retail licence can be renewed for is 15 years.

2.5 Assessment of public interest

The ERA is satisfied that renewing Bluewaters' electricity retail licence ERL12 will not be contrary to the public interest. In making this decision, the ERA has considered information provided by Bluewaters, its licence compliance history, and the matters set out in legislation (sections 2.5.1 and 2.5.2).

Renewing ERL12 for 12 months will enable Bluewaters to meet its contractual commitments to its remaining customer, Newmont Boddington Gold.

2.5.1 *Electricity Industry Act 2004*

Section 9 of the Electricity Act requires that the ERA must not renew a licence unless it is satisfied that it would not be contrary to the public interest to do so. Section 8(5) of the Electricity Act, provides that, without limiting the other matters that may be taken into account, matters that are to be taken into account to determine whether the exercise of the power would not be contrary to the public interest are:

- a. Environmental considerations.
- b. Social welfare and equity considerations, including community service obligations.
- c. Economic and regional development, including employment and investment growth.
- d. The interests of customers generally or of a class of customers.
- e. The interests of any licensee, or applicant for a licence, in respect of the area or areas to which the licence in respect of which the power exercised is exercised would apply.
- f. The importance of competition in electricity industry markets.
- g. The policy objectives of government in relation to the supply of electricity.

2.5.2 *Economic Regulation Authority Act 2003*

The ERA must also have regard to the matters set out in section 26(1) of the *Economic Regulation Authority Act 2003*:⁵

- a. The need to promote regulatory outcomes that are in the public interest.
- b. The long-term interests of consumers in relation to the price, quality and reliability of goods and services provided in relevant markets.
- c. The need to encourage investment in relevant markets.

⁵ The ERA has discretion to decide the weight it gives to each of the matters listed in section 26 of the ERA Act in making its decision.

- d. The legitimate business interests of investors and service providers in relevant markets
- e. The need to promote competitive and fair market conduct.
- f. The need to prevent abuse or monopoly or market power.
- g. The need to promote transparent decision-making processes that involve public consultation.