Economic Regulation Authority

Electricity Distribution Licence

TEC Desert Pty Ltd & TEC Desert No. 2 Pty Ltd (t/a Southern Cross Energy Partnership)

EDL3, Version 12, 19 October 2026

D318422

Licence history

Version No.	Version date	Details
1	30 June 2006	Licence granted
2	4 December 2006	Replaced the distribution maps ERA-EL-109/1-A and ERA-EL-109-2(A) with ERA-EL-109(B).
3	29 January 2009	Change to customer definition.
4	13 January 2011	Electricity Licence Review 2010 amendment by substitution.
5	1 January 2013	New clause 29 following the approval of amendments to the *Code of Conduct for the Supply of Electricity to Small Use Customers.* Minor amendments to better implement the 2010 Electricity Licence Review incl. marking clauses 23-28 as 'Not Used' to maintain numbering consistency between all electricity licences.
6	1 July 2015	Electricity Licence Review 2015 amendment by substitution.
7	5 September 2016	Minor amendment to include clause 1 of Schedule 2 in accordance with the Electricity Licence Review 2015.
8	1 July 2018	Electricity Licence Review 2018 amendment by substitution.
9	14 September 2019	Minor amendment to remove two overhead distribution lines located near Agnew and Lawlers, from the operating area.
10	3 August 2021	Amendment of electricity licence area: Midwest-Goldfield, ERA-EL-109(D) new point of supply north east of Mt Keith.
11	7 November 2023	Amendment of electricity licence area: Midwest-Goldfield, ERA-EL-109(E) extension of distribution line for the Mount Keith West Network Upgrade Project.
12	19 October 2026	Amendment of electricity licence area: Midwest-Goldfield, ERA-EL-109(F) acquisition of approximately 16.5km of existing 33kV distribution line, construction of new 132/33kV substation to connect existing 132 kV transmission network to the newly acquired distribution line. New point of supply to support the Mount Marion Power Supply Project.

Electricity Industry Act 2004 (WA)

Licensee Name:	TEC Desert Pty Ltd & TEC Desert No. 2 Pty Ltd (t/a Southern Cross Energy Partnership)
	ABN 79 271 003 656
Licence Area:	The area set out in the plan referred to in clause 2.5.
Licence Number:	EDL3
Commencement Date:	30 June 2006
Version Number:	12
Version Date:	19 October 2026
Expiry Date:	29 June 2036

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1. DEFINITIONS AND INTERPRETATIONS

1.1 Definitions

1.1.1 In this *licence*, the following definitions apply unless the context otherwise requires:

Act means the *Electricity Industry Act 2004* (WA).

applicable legislation means:

(a) the *Act*; and

(b) the *Regulations* and the *Codes*.

approved scheme means a scheme approved under section 92 of the *Act.*

asset management system means the measures that are to be taken by the *licensee* for the proper maintenance, expansion or reduction of the *licensee's assets*.

business day means a day which is not a Saturday, Sunday or a Public Holiday in Western Australia.

Code means:

(a) the *Code of Conduct for the Supply of Electricity to Small Use Customers 2022*;

(b) the *Electricity Industry (Customer Transfer) Code 2016*;

(c) the *Electricity Industry (Metering) Code 2012*; and

(d) the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

commencement date means the date the *licence* was first granted by the *ERA* being the date specified in clause 2.2.

connection point has the meaning given to that term in regulation 35 of the *Electricity Industry (Customer Contracts) Regulations 2005*.

customer has the meaning given to that term in section 3 of the *Act*.

default supplier has the meaning given to that term in regulation 35 of the *Electricity Industry (Customer Contracts) Regulations 2005.*

distribution system has the meaning given to that term in section 3 of the *Act*.

electricity has the meaning given to that term in section 3 of the *Act*.

electronic means means:

(a) the internet;

(b) email, being:

(i) in relation to the *ERA*, the *ERA's* email address as notified to the *licensee*; and

(ii) in relation to the *licensee*, the email address specified in the *licence* application or other such email address as notified in writing to the *ERA*; or

(iii) any other similar means,

but does not include facsimile or telephone.

ERA means the Economic Regulation Authority.

expiry date means the date specified in clause 2.3**.**

individual performance standards mean any standards prescribed by the *ERA* for an individual *licensee* pursuant to clause 5.2 of the *licence*.

interruption means the temporary unavailability of supply from the *distribution system* to a *customer* but does not include disconnection.

licence means:

(a) this document (excluding the title page and the second page of this document);

(b) any Schedules to this document; and

(c) any individual *performance standards* approved by the *ERA* pursuant to clause 5.2.

licence area is the area stated in clause 2.5 of this *licence.*

licensee means TEC Desert Pty Ltd & TEC Desert No. 2 Pty Ltd (t/a Southern Cross Energy Partnership), ABN 79 271 003 656.

licensee's assets means the *licensee*'s *distribution system*, transmission system or generating works (as the case may be).

notice means a written notice, agreement, consent, direction, representation, advice, statement or other communication required or given pursuant to, or in connection with, this *licence*.

operate has the meaning given to that term in section 3 of the *Act*.

performance audit means an audit of the effectiveness of measures taken by the *licensee* to meet the *performance criteria* in this *licence*.

performance criteria means:

(a) the terms and conditions of the *licence*; and

(b) any other relevant matter in connection with the *applicable legislation* that the *ERA* determines should form part of the *performance audit*.

priority restoration register means a register, process or document that determines the order of restoration of power in the event of an unplanned *interruption*.

publish in relation to a report or information means either:

(a) posting the report or information on the *licensee's* website; or

(b) sending the report or information to the *ERA* to be published on the *ERA's* website.

Regulations means:

(a) *Economic Regulation Authority (Licensing Funding) Regulations 2014;*

(b) *Electricity Industry (Code of Conduct) Regulations 2005;*

(c) *Electricity Industry (Customer Contracts) Regulations 2005;*

(d) *Electricity Industry (Licence Conditions) Regulations 2005;*

(e) *Electricity Industry (Obligation to Connect) Regulations 2005;* and

(f) *Electricity Industry (Ombudsman Scheme) Regulations 2005.*

related body corporate has the meaning given to that term in section 50 of the *Corporations Act 2001 (Cwth)*.

reviewable decision means a decision by the *ERA* pursuant to:

(a) clause 3.8.3;

(b) clause 5.1.5;

(c) clause 5.1.7;

(d) clause 5.2.2;

(e) clause 5.3.2; or

(f) clause 5.3.4.

of this *licence*.

small use customer has the same meaning as the meaning given to 'customer' in section 47 of the *Act*.

supply has the meaning given to that term in section 3 of the *Act*.

version date means the date on which the *licence* was last amended pursuant to clause 3.1 or clause 3.2.

1.2 Interpretation

1.2.1 A reference in this *licence* to any *applicable legislation* includes, unless the context otherwise requires, any statutory modification, amendment, replacement or re-enactment of that *applicable legislation*.

2. LICENCE AUTHORISATION

2.1 Activities authorised under this licence

2.1.1 The *licensee* is granted a *licence* for the *licence area* to construct and *operate* a new *distribution system* or *operate* an existing *distribution system* in accordance with the terms and conditions of this *licence*.

2.2 Commencement date

2.2.1 30 June 2006

2.3 Expiry date

2.3.1 29 June 2036

2.4 Term
[Section 15 of the Act]

2.4.1 This *licence* commences on the *commencement date* and continues until the earlier

2.4.2 of:

(a) the cancellation of the *licence* pursuant to clause 3.5 of this *licence*;

(b) the surrender of the *licence* pursuant to clause 3.6 of this *licence*; or

(c) the expiry date.

2.5 Licence area

2.5.1 The *licence area* is set out in plan(s):

ERA-EL-109(F)

2.5.2 The *licence area* plan(s) is provided in Schedule 2.

3. LICENCE ADMINISTRATION

3.1 Amendment of licence by the licensee
[Section 21 of the Act]

3.1.1 The *licensee* may apply to the *ERA* to amend the *licence* in accordance with the Act.

3.2 Amendment of licence by the ERA
[Section 22 of the Act]

3.2.1 Subject to any *applicable legislation*, the *ERA* may amend the *licence* at any time in accordance with this clause.

3.2.2 Before amending the *licence* under clause 3.2.1, the *ERA* must:

(a) provide the *licensee* with written *notice* of the proposed amendments under consideration by the *ERA*;

(b) allow 15 *business days* for the *licensee* to make submissions on the proposed amendments; and

(c) take into consideration those submissions.

3.2.3 This clause also applies to the substitution of the existing *licence*.

3.2.4 For avoidance of doubt, the *licensee* will not have to pay a fee for amendments under clause 3.2.1.

3.3 Transfer of licence
[Section 18 of the Act]

3.3.1 This *licence* may be transferred only in accordance with the *Act.*

3.4 Renewal of licence
[Section 16 of the Act]

3.4.1 This *licence* may be renewed only in accordance with the *Act*.

3.5 Cancellation of licence
[Section 35 of the Act]

3.5.1 This *licence* may be cancelled only in accordance with the *Act*.

3.6 Surrender of licence
[Schedule 1 of the Act]

3.6.1 The *licensee* may only surrender the *licence* pursuant to this clause 3.6.

3.6.2 If the *licensee* intends to surrender the *licence* the *licensee* must, by *notice* in writing to the *ERA*:

(a) set out the date that the *licensee* wishes the surrender of the *licence* to be effective; and

(b) set out the reasons why the *licensee* wishes to surrender the *licence*, including the reasons why it would not be contrary to the public interest for the surrender of the *licence* to be effective on the date set out in the *notice*.

3.6.3 Upon receipt of the *notice* from the *licensee* pursuant to clause 3.6.2, the *ERA* will publish the *notice*.

3.6.4 Notwithstanding clause 3.6.2, the surrender of the *licence* will only take effect on the later of the day that:

(a) the *ERA* publishes a *notice* of the surrender in the Western Australian Government Gazette, such date to be at the discretion of the *ERA*; and

(b) the *licensee* hands back the *licence* to the *ERA*.

3.6.5 The *licensee* will not be entitled to a refund of any fees by the *ERA*.

3.7 Notices

3.7.1 Unless otherwise specified, all *notices* must be in writing.

3.7.2 A *notice* will be regarded as having been sent and received:

(a) when delivered in person to the addressee; or

(b) three *business days* after the date of posting if the *notice* is posted in Western Australia; or

(c) five *business days* after the date of posting if the *notice* is posted outside Western Australia; or

(d) if sent by facsimile when, according to the sender's transmission report, the *notice* has been successfully received by the addressee; or

(e) if sent by *electronic means* when, according to the sender's electronic record, the *notice* has been successfully sent to the addressee.

3.8 Publishing information

3.8.1 The *ERA* may direct the *licensee* to *publish*, within a specified timeframe, any information it considers relevant in connection with the *licensee* or the performance by the *licensee* of its obligations under this *licence*.

3.8.2 Subject to clause 3.8.3, the *licensee* must *publish* the information referred to in clause 3.8.1.

3.8.3 If the *licensee* considers that the information is confidential it must:

(a) immediately notify the *ERA*; and

(b) seek a review of the *ERA's* decision in accordance with clause 3.9.

3.8.4 Once it has reviewed the decision, the *ERA* will direct the *licensee* in accordance with the review to:

(a) *publish* the information;

(b) *publish* the information with the confidential information removed or modified; or

(c) not *publish* the information.

3.9 Review of the ERA's decisions

3.9.1 The *licensee* may seek a review of a *reviewable decision* by the *ERA* pursuant to this *licence* in accordance with the following procedure:

(a) the *licensee* shall make a submission on the subject of the *reviewable decision* within 10 *business days* (or other period as approved by the *ERA*) of the decision; and

(b) the *ERA* will consider the submission and provide the *licensee* with a written response within 20 *business days*.

3.9.2 For avoidance of doubt, this clause does not apply to a decision of the *ERA* pursuant to the *Act*, nor does it restrict the *licensee's* right to have a decision of the *ERA* reviewed in accordance with the *Act*.

4. GENERAL LICENCE OBLIGATIONS

4.1 Compliance with applicable legislation

4.1.1 Subject to any modifications or exemptions granted pursuant to the *Act*, the *licensee* must comply with any *applicable legislation*.

4.2 Fees

4.2.1 The *licensee* must pay the applicable fees and charges in accordance with the *Regulations*.

4.3 Accounting records
[Schedule 1 of the Act]

(i) The *licensee* and any *related body corporate* must maintain accounting records that comply with standards issued by the Australian Accounting Standards Board or equivalent International Accounting Standards.

4.4 Reporting a change in circumstances

4.4.1 The *licensee* must report to the *ERA*:

(a) if the *licensee* is under external administration as defined by the *Corporations Act 2001 (Cwth)* within 2 *business days* of such external administration occurring; or

(b) if the *licensee*:

(i) experiences a change in the *licensee's* corporate, financial or technical circumstances upon which this *licence* was granted; and

(ii) the change may materially affect the *licensee's* ability to perform its obligations under this *licence*,

within 10 *business days* of the change occurring; or

(c) if the:

(i) *licensee's* name;

(ii) *licensee's* ABN; or

(iii) *licensee's* address,

changes, within 10 *business days* of the change occurring.

4.5 Provision of information
[Schedule 1 of the Act]

4.5.1 The *licensee* must provide to the *ERA,* in the manner and form described by the *ERA,* specified information on any matter relevant to the operation or enforcement of the *licence*, the operation of the licensing scheme provided for in Part 2 of the *Act*, or the performance of the *ERA's* functions under that Part.

5. AUDITS AND PERFORMANCE REPORTING OBLIGATIONS

5.1 Asset management system
[Section 14 of the Act]

5.1.1 The *licensee* must provide for an *asset management system* in respect of the *licensee's assets*.

5.1.2 The *licensee* must notify the *ERA* of the details of the *asset management system* within five *business days* from the later of:

(a) the *commencement date*; and

(b) the completion of construction of the *licensee's* assets.

5.1.3 The *licensee* must notify the *ERA* of any substantial change to the *asset management system* within ten *business days* of such change.

5.1.4 The *licensee* must provide the *ERA* with a report by an independent expert, acceptable to the *ERA*, as to the effectiveness of the *asset management system* not less than once in every period of 24 months calculated from the *commencement date (*or any longer period that the *ERA* allows by *notice* in writing).

5.1.5 The *licensee* must comply, and must require the *licensee's* expert to comply, with the *ERA's* standard audit guidelines.

5.1.6 The *licensee* may seek a review of any of the requirements of the *ERA*'s standard audit guidelines dealing with the *asset management system* in accordance with clause 3.9.

5.1.7 The review of the *asset management system* must be conducted by an independent expert approved by the *ERA*. If the *licensee* fails to nominate an independent expert within one month of the date that the review of the *asset management system* was due, or the independent expert nominated by the *licensee* is rejected on two successive occasions by the *ERA*, the *ERA* may choose an independent expert to conduct the review of the *asset management system*.

5.2 Individual performance standards

5.2.1 Performance standards are contained in *applicable legislation*.

5.2.2 The *ERA* may prescribe *individual performance standards* applying to the *licensee* in respect of the *licensee's* obligations under this *licence* or the *applicable legislation*.

5.2.3 Before approving any *individual performance standards* under this clause, the *ERA* will:

(a) provide the *licensee* with a copy of the proposed *individual performance standards*;

(b) allow 15 *business days* for the *licensee* to make submissions on the proposed *individual performance standards*; and

(c) take into consideration those submissions.

5.2.4 Once approved by the *ERA*, the *individual performance standards* are included as additional *terms and conditions* to this *licence*.

5.3 Performance audit
[Section 13 of the Act]

5.3.1 The *licensee* must, unless otherwise notified in writing by the *ERA*, provide the *ERA* with a *performance audit* within 24 months after the *commencement date*, and every 24 months thereafter.

5.3.2 The *licensee* must comply, and must require the *licensee's* auditor to comply, with the *ERA's* standard audit guidelines.

5.3.3 The *licensee* may seek a review of any of the requirements of the *ERA*'s standard audit guidelines in accordance with clause 3.9.

5.3.4 The *performance audit* must be conducted by an independent auditor approved by the *ERA*. If the *licensee* fails to nominate an auditor within one month of the date that the *performance audit* was due, or the auditor nominated by the *licensee* is rejected on two successive occasions by the *ERA*, the *ERA* may choose an independent auditor to conduct the *performance audit*.

6. CUSTOMERS

6.1 Approved Scheme [Section 101 of the Act]

6.1.1 The *licensee* must not *supply electricity to small use customers* unless the *licensee* is:

(a) a member of an *approved scheme*; and

(b) bound by, and compliant with, any decision or direction of the electricity ombudsman under the *approved scheme*.

6.2 Determination of Default Supplier

6.2.1 The *licensee* must determine, from time to time, the *default supplier* for each *connection point* that connects to a *distribution system* operated by the *licensee.*

6.3 Marketers

Not Used

6.4 Customer Contracts [Section 54 of the Act]

Not Used

6.5 Amending the Standard Form Contract [Section 52 of the Act]

Not Used

6.6 Directions by the ERA to amend Standard Form Contract [Section 53 of the Act]

Not Used

6.7 Supplier of Last Resort [Section 76 of the Act]

Not Used

6.8 Notification of Default Supply

Not Used

6.9 Priority Restoration Register

6.9.1 The *licensee* must create and maintain a *priority restoration register*.

6.9.2 The *priority restoration register* must relate to all *customers* of the *licensee* including but not limited to *small use customers*.

6.9.3 The *priority restoration register* must comply with any criteria determined by the Minister.

Schedule 1 – Additional Licence Clauses

1. Compliance with the Electricity Industry (Customer Transfer) Code 2016

1.1 Despite clause 4.1 of the *licence*, the *licensee* is not required to comply with the *Electricity Industry (Customer Transfer) Code 2016* as long as there is only one retailer selling *electricity* transported through the *distribution system* covered by this *licence*.

1.2 The *licensee* must notify the *ERA* within 10 *business days* of the *licensee* becoming aware that there is more than one retailer selling *electricity* transported through the *distribution system* covered by this *licence*.

2. Compliance with the requirement to maintain a Priority Restoration Register

2.1 Despite clause 6.9 of the *licence*, the *licensee* is not required to maintain a *priority restoration register* where the *distribution system* covered by this *licence* transports *electricity* to one *customer* only.

2.2 The *licensee* must notify the *ERA* within 10 *business days* of the *licensee* becoming aware that the *distribution system* covered by this *licence* transports *electricity* to more than one *customer*.

Schedule 2 – Licence Area Plan