

Supplementary submission in response to the Utilities Commission of the Northern Territory's Review of the Electricity Industry Performance Code – Consultation paper

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Additional submissions

We refer to our submission to the Utilities Commission of the Northern Territory's (UCNT) Review of the Electricity Industry Performance Code (EIP Code) – Consultation paper dated 15 October 2024.

Since making our submission, the Australian Government has released the First Nations Clean Energy Strategy (FNCES). This new national policy includes recommendations relevant to our submission and the UCNT's regulatory activities in relation to First Nations households.

Given the significance of the FNCES to the matters being considered in the EIP Code review, we are seeking to make supplementary submissions as set out below.

1. The FNCES was released by the Australian Government on 6 December 2024. It is a national strategy developed in consultation with First Nations to establish:
*the principles and actions required by all jurisdictions of Australian governments, industry and community to ensure that First Nations peoples' rights and interests are affirmed as an essential component of this [energy] transition.*¹

¹ Australian Government, 2024, First Nations Clean Energy Strategy, p. 7. Available online at: <https://www.energy.gov.au/sites/default/files/2024-12/First%20Nations%20Clean%20Energy%20Strategy.pdf>

2. Amongst the FNCES' key guiding principles is that "First Nations peoples maintain their right to live on their land, with access to reliable and affordable clean energy".²
3. The FNCES includes objectives and actions to achieve this goal. Objective 1.1 focuses on equitable energy access and consumer protections for remote First Nations communities currently outside the regulated energy markets and for First Nations households experiencing energy hardship.
4. For these households, the Australian Government recommends (amongst other things) the implementation and/or improvement of regulatory protections, including actions such as:
 - *Mandating the reporting of disconnection data from utility providers;*
 - *Aligning hardship and disconnection protections with those in the National Energy Customer Framework where appropriate and necessary;*
 - *Updating prepayment meter system to reflect technological improvements in systems since the code was introduced in 2005;*
 - *Prohibiting disconnections when temperatures rise above a certain threshold;*
 - *Entrenching protections for vulnerable groups e.g. people with medical conditions requiring a reliable source of electricity; and*
 - *Requiring utilities to offer payment plans for consumers who have fallen behind on their payments.*³
5. These policy recommendations align with our submissions in relation to remote Indigenous communities in the NT, where there are currently limited consumer protections and no public reporting of performance indicators for First Nations households' electricity services. They also align with our submissions relating to reporting for prepayment households in the NT more broadly.
6. We urge the UCNT to consider and apply the FNCES principles, objectives and actions in its EIP Code review and as part of the Commission's ongoing work in developing and strengthening consumer protections appropriate for the Northern Territory's small use electricity customers.
7. Immediate actions that the UCNT could take in the context of the EIP Code review include:
 - a. Mandating retail performance reporting requirements in the EIP Code to apply Territory-wide, including for remote Indigenous communities
 - b. Mandating the historical reporting of disconnections in remote Indigenous communities from the commencement of smart metering in those communities
 - c. Aligning retail performance reporting for prepayment and hardship customers with the AER (Retail Law) Performance Reporting Procedures and Guidelines.

² As above, p. 9.

³ As above, p. 25.

8. The UCNT can also commit to implementing the FNCES principles, objectives and actions in the development of consumer protections appropriate for the Northern Territory's small use electricity customers.

We thank the Commission for considering this supplementary submission, which is intended as an addendum to our original submission.