

## ***Electricity Reform Act 2000***

### **Section 87**

#### **Exemption document**

##### ***Recital***

- 1 Swiss Aluminium Australia Limited (formerly Swiss Aluminium Australia Pty Limited) (the Lessee) is the holder of Special Purposes Lease 214, granted pursuant to the *Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968* and the *Special Purposes Leases Ordinance 1953-1968*.
- 2 Special Purposes Lease 214 was granted to the Lessee for the purpose of establishing, maintaining and operating a township (Nhulunbuy) with ancillary facilities, amenities and services, including, among other things, electricity supply for residents of the town whether or not those residents are engaged in the operations of the Lessee.
- 3 Pursuant to a management agreement between the Lessee and RTA Gove Pty Limited (formerly Nabalco Pty Ltd and Alcan Gove Pty Limited), the Lessee appointed RTA Gove Pty Limited to manage, supervise, control and conduct on their behalf all operations including inter alia the construction of a port, town, roads, communications and other facilities.

##### ***Exemption***

- 1 Pursuant to section 14(2) of the *Electricity Reform Act 2000* ("the Act"), RTA Gove Pty Limited is exempt from the need to hold a licence under section 14(1) of the Act by virtue of section 87 of the Act and this exemption document, with respect to those operations in the electricity supply industry set out in Schedule 1.
- 2 In accordance with section 87(1) of the Act, this exemption is subject to the following conditions:
  - (a) the exempt party must from time to time provide the Commission, in a manner and form to be determined by the Commission, such information necessary to the performance of its functions under any applicable laws that the Commission may request;
  - (b) the exempt party comply with clause 10 (Life support equipment) of the Electricity Retail Supply Code (as amended from time to time) as if it were licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider and retailer;
  - (c) within three months of commencement of this amended exemption the exempt party comply with clause 11.4 and 11.5 (standard complaints and dispute resolution procedures, and complaints made to retailer or network provider for internal resolution) of the Electricity Retail Supply Code (as amended from time to time) as if it were

licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider and retailer;

- (d) the exempt party comply with clause 12 (hardship policy – standard meter customers) of the Electricity Retail Supply Code (as amended from time to time) as if it were licensed by the Utilities Commission under Part 3 of the Act to operate as a retailer and as if the retail licence was granted on the date of commencement of this amended exemption;
- (e) the exempt party comply with clause 14 (family violence policy) of the Electricity Retail Supply Code (as amended from time to time) as if it were licensed by the Utilities Commission under Part 3 of the Act to operate as a retailer and as if the retail licence was granted on the date of commencement of this amended exemption;
- (f) from 1 July 2024 the exempt party comply with clause 4 (Guaranteed Service Level Scheme) and, as they relate to the Guaranteed Service Level Scheme, clauses 5 (Reporting), 6 (Data Quality) and 7 (Data Segmentation) of the Electricity Industry Performance Code excluding the guaranteed service levels in Schedule 1 Table 1 and replaced by those guaranteed service levels in Schedule 2 of this Exemption document, as if the exempt party were licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider and retailer, and as if the exempt party provides network services and retail services to its electricity customers in the regulated network;
- (g) from 1 July 2024 the exempt party report the performance indicators of unadjusted and adjusted System Average Incident Duration Index (SAIDI) and System Average Incident Frequency Index (SAIFI) in accordance with clause 5 and Schedule 3 of the Electricity Industry Performance Code and, as they relate to performance indicators, clauses 6.1.1 (Data Quality, excluding audit requirements at 6.2 and 6.3) and 7 (Data Segmentation) of the Electricity Industry Performance Code, as if the exempt party were licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider, and as if the exempt party provides network services to its electricity customers in the regulated network; and
- (h) the exempt party must:
  - (a) within three months of the commencement of this amended exemption:
    - (i) prepare a *safety management and mitigation plan*, which must be consistent with and reflect good electricity industry practice in relation to the safety management of the electricity infrastructure owned or operated by the exempt party under this exemption;

- (ii) consult with NT WorkSafe and other relevant stakeholders on a draft of the plan; and
  - (iii) submit the plan to the Utilities Commission for approval;
- (b) annually review and, if necessary and subject to paragraph (d), update the plan to ensure that it is consistent with and reflects good electricity industry practice;
  - (c) comply with the plan as approved in accordance with this clause; and
  - (d) not amend the plan without the approval of the Utilities Commission.
- 3 Pursuant to section 87(2) of the Act, the exempt party is to be treated as an electricity entity for the purposes of sections 48 to 51 (Utilities Commission to investigate complaints) of the Act.
- 4 Under section 87(3) of the Act, this exemption document, with the approval of the Minister, may be varied or revoked by the Commission by notice in writing.
- 5 This exemption document will be reviewed at a maximum of every five years from the date of this exemption and continues until the date on which Special Purpose Lease 214 expires.

Date varied: 4 June 2024

THE COMMON SEAL OF )  
 UTILITIES COMMISSION is duly )  
 Affixed in the presence of: )

Kimberlee McKay  
 Signature of authorised person

DIRECTOR Utilities Commission  
 Office held

KIMBERLEE MCKAY  
 Name of authorised person (block letters)



Approved, in accordance with section 87 of the *Electricity Reform Act 2000*:

[Signature]

Hon Kate Worden  
 Minister for Renewables,  
 Energy and Essential Services

## Schedule 1

The operations in the electricity supply industry covered by this exemption are:

- Generation of electricity at Nhulunbuy.
- Operation of electricity network infrastructure owned and operated by the exempt party within the geographic area associated with the township of Nhulunbuy (including those surrounding areas within the limits of the network as existing on the date of issuance of this exemption).
- Sale of electricity to customers located within the geographic area associated with the township of Nhulunbuy (including those surrounding areas within the limits of the network as existing on the date of issuance of this exemption).

## Schedule 2

### RTA Gove Pty Ltd – Approved Guaranteed Service Levels

| <i>Performance indicators</i>   |   | Financial year |          |          |          |          |          |
|---|---|----------------|----------|----------|----------|----------|----------|
|   |   | 2023-24        | 2024-25  | 2025-26  | 2026-27  | 2027-28  | 2028-29  |
| <i>Duration of a single unplanned network interruption:</i>   |   |                |          |          |          |          |          |
| More than 12 <i>hours</i> and less than 20 <i>hours</i>   | per event                                 | \$99.50        | \$112.50 | \$116.00 | \$119.00 | \$121.50 | \$125.00 |
| More than 20 <i>hours</i>   | per event                                 | \$155.50       | \$175.50 | \$181.00 | \$185.50 | \$190.00 | \$195.00 |
| <i>Frequency of unplanned network interruptions:</i>  |   |                |          |          |          |          |          |
| More than 12 <i>unplanned network interruptions</i> in a <i>financial year</i>  | per <i>financial year</i>                 | \$99.50        | \$112.50 | \$116.00 | \$119.00 | \$121.50 | \$125.00 |
| <i>Cumulative duration of unplanned network interruptions:</i>  |   |                |          |          |          |          |          |
| More than 40 <i>hours</i> of <i>unplanned network interruptions</i> in a <i>financial year</i>  | per <i>financial year</i>                 | \$155.50       | \$175.50 | \$181.00 | \$185.50 | \$190.00 | \$195.00 |
| <i>Time for establishing a connection:</i>  |   |                |          |          |          |          |          |
| <i>Re-connection</i> of an existing <i>premises</i> – within one <i>business day</i> of receipt by the <i>network entity</i> of a valid request for <i>re-connection</i> from the <i>small customer</i>   | per day late, up to a maximum of \$300.00 | \$62.00        | \$70.00  | \$72.50  | \$74.00  | \$76.00  | \$78.00  |
| <i>New connection</i> of a <i>customer's premises</i> (excluding <i>connections</i> requiring network extension or augmentation) – within 5 <i>business days</i> of receipt by the <i>network entity</i> of a valid electrical certificate of compliance from the <i>small customer</i> , or as otherwise agreed with the <i>customer</i> | per day late, up to a maximum of \$300.00 | \$62.00        | \$70.00  | \$72.50  | \$74.00  | \$76.00  | \$78.00  |
| <i>Time for giving notice of planned interruption:</i>  |   |                |          |          |          |          |          |
| At least 2 <i>business days</i> ' notice prior to the commencement of the <i>day</i> upon which the <i>planned interruption</i> will occur  |   | \$62.00        | \$70.00  | \$72.50  | \$74.00  | \$76.00  | \$78.00  |

