



# ANNUAL REPORT

2023-24

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This Annual Report is submitted to the Treasurer, the Hon. Bill Yan MLA, in accordance with section 35 of the *Utilities Commission Act 2000*.

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## Abbreviations and acronyms

Commission	Utilities Commission of the Northern Territory
CPI	consumer price index
DPO	Darwin Port Operations Pty Ltd
EDL	EDL NGD (NT) Pty Ltd
Eni	Eni Australia Limited
IES	Indigenous Essential Services Pty Ltd
Jacana Energy	Power Retail Corporation, a government owned corporation established in accordance with the <i>Government Owned Corporations Act 2001</i> and trading as Jacana Energy
MW	Megawatts
MWh	megawatt hours
NEL	National Electricity Law
NER	National Electricity Rules
NTEOR	Northern Territory Electricity Outlook Report
NTPSPR	Northern Territory Power System Performance Review
Ports Regulations	Ports Management Regulations 2015
PV	Photovoltaic
PWC	Power and Water Corporation, a government owned corporation established in accordance with the <i>Government Owned Corporations Act 2001</i>
regulated power systems	refers to the Darwin-Katherine, Alice Springs and Tennant Creek power systems
RTA Gove	RTA Gove Pty Ltd (previously Alcan Gove Pty Ltd)
Territory Generation	Power Generation Corporation, a government owned corporation established in accordance with the <i>Government Owned Corporations Act 2001</i> and trading as Territory Generation



The Honourable Bill Yan MLA  
Treasurer  
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Dear Treasurer

In accordance with section 35 of the *Utilities Commission Act 2000*, I am pleased to present the Utilities Commission of the Northern Territory's Annual Report for the year ending 30 June 2024.

The report covers:

- the administration of the Act during the 2023-24 year
- the activities of the Utilities Commission under the *Electricity Reform Act 2000*, *Water Supply and Sewerage Services Act 2000*, and the *Ports Management Act 2015* during the year.

The Utilities Commission notes the Act provides that a copy of this report is to be tabled in the Legislative Assembly within six sitting days of receipt.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lyndon Rowe".

Lyndon Rowe  
Utilities Commissioner

25 September 2024

## Commissioner's overview

I am pleased to present the Utilities Commission of the Northern Territory's Annual Report for the year ending 30 June 2024, which records the key achievements and activities of the Commission during 2023-24.

The Commission was kept busy during 2023-24 with a varied work program spanning all industries regulated by the Commission. Importantly, the Commission met all its legislative obligations and delivered on all its published priority actions for the year.

The Commission's review of the Territory's electricity supply regime took centre stage in 2023-24, with the Commission publishing its final decisions on stages 1 and 2 of the review, which focused on the scope and design of the Territory's electricity supply licensing regime and the form and content of licences, respectively. The Commission's final decisions cover matters such as new technologies like virtual power systems and electric vehicle recharging, principles to guide decision-making on licence exemptions and a new set of standard licence conditions. The operation of the licensing regime had not been subject to a major review since its establishment in 2000 and the completion of these stages mark a significant step forward for the Commission in modernising and improving the approach to electricity supply industry regulation in the Territory.

The Commission also made notable progress in its review of the Compliance Framework and Reporting Guidelines. The Commission consulted on proposed changes to the guidelines to improve both accessibility and accountability for licensed entities and to make it more straightforward for licensed entities to identify and meet compliance obligations. The review was completed in July 2024.

In 2023-24, the Commission reviewed the licence exemption held by RTA Gove Pty Ltd in relation to electricity supply operations in Nhulunbuy. The Commission undertook stakeholder engagement, including meeting with stakeholders in-person in Nhulunbuy. The Commission published its final decision and the varied licence exemption in June which, among other things, improved customer protections and increased reporting requirements. The Commission will continue to keep an eye on the experience of electricity supply customers in Nhulunbuy through its compliance monitoring and annual performance reporting activities.

The Commission invested in these important reviews to ensure its approach to the electricity supply industry is risk-based, transparent and adaptive to changes in the industry.

Through its various reports on the electricity supply industry, the Commission continued to highlight existing and emerging challenges in the Territory, particularly with regards to power system and retail performance. The Commission's electricity demand and supply forecasts indicate that, without timely solutions to address the expected retirement of significant generation capacity in the Darwin-Katherine power system, customer demand may not be met within four years. Similarly, the Alice Springs power system also faces challenges in maintaining a reliable and secure power system over the next decade.

The Commission is encouraged by the Territory Government's progress and its recognition of the challenges, however remains concerned that there is insufficient time to commit to and deliver appropriate solutions. The Commission has an important role as an independent statutory body in providing advice and assistance to government, and will continue to do its utmost to communicate the urgency of moving from planning to committed and delivered

investment decisions – the next twelve months will be critical in ensuring the reliable supply of electricity in the Territory.

The Commission's 2023 review of the port access and pricing regime was another integral component of the Commission's work program in 2023-24. As required by legislation, the Commission reviews the port access and pricing regime (currently only applicable to the Port of Darwin) every five years to determine whether there is a need to amend the regulatory framework. Through its review, the Commission identified that a number of findings from its 2018 review have not been actioned and recommended these and other changes be implemented to ensure the access and pricing regime is effective and fit for purpose. Changes to the regime are, however, a decision for government, and to this end the Commission will continue to work with, and provide advice to government as appropriate.

In terms of the water supply and sewerage services industries, the Commission has a relatively limited role. In 2023-24, the Commission reviewed asset management plans and provided advice to licensed entities on various draft codes. The Commission's work on the Compliance Framework and Reporting Guidelines will also impact the compliance obligations applicable to water supply and sewerage services licensees.

In the year ahead the Commission will continue to focus on reviewing regulatory instruments, including through planned reviews of the Electricity Retail Supply Code and the Electricity Industry Performance Code. The Commission also aims to complete the decision-making process in relation to the Northern Territory Electricity System and Market Operator's regulatory proposal in relation to charges for 2025-26 and 2026-27.

Stakeholder feedback is an important input to the Commission and ultimately to the Commission in achieving its goals and primary objective. I would like to thank the Commission's various stakeholders for their engagement and contribution during 2023-24 and look forward to working with stakeholders into the future.

I again express my appreciation to the Associate Commissioner, Richard Owens. Richard's expertise, guidance and strong support is greatly appreciated by myself and the Commission staff. Richard and I are very well supported by a small team of dedicated professionals in the Commission office ably led by Director Kimberlee McKay – Kim and her team are to be commended for their hard work, dedication and expertise. Finally, I also thank the Under Treasurer and Deputy Under Treasurer (Finance and Corporate) for their continued administrative support provided to the Commission.



Lyndon Rowe  
Utilities Commissioner





# ABOUT THE UTILITIES COMMISSION



The Utilities Commission (Commission) is a statutory authority established under the *Utilities Commission Act 2000*. It is the independent economic regulator for the Northern Territory, constituted by the Utilities Commissioner and Associate Commissioner.

The object of the *Utilities Commission Act 2000* is to create an economic regulatory framework for regulated industries that promotes and safeguards competition and fair and efficient market conduct or, in the absence of a competitive market, promotes the simulation of competitive market conduct and prevention of misuse of monopoly power.

## Primary objective

The Commission considers its primary objective is to protect the long-term interests of Territory consumers of services provided by regulated industries with respect to price, reliability and quality.

## Powers and functions

The *Utilities Commission Act 2000* (section 6(1)) defines a general set of functions for the Commission, however its specific roles in regulated industries are defined in industry-specific legislation.

The Commission's key regulatory functions are to:

- regulate prices and access
- perform licensing functions across the electricity supply, water supply and sewerage services industries
- develop, monitor and enforce compliance with and promote improvement in standards and conditions of service and supply
- make, monitor the operation of and review from time to time codes and rules relating to the conduct or operations of a regulated industry or licensed entities
- investigate and help resolve complaints relating to the conduct or operations of licensed entities
- assist consumers and others with information
- provide advice to the minister on any matters referred by the minister.

In performing its functions, the *Utilities Commission Act 2000* requires the Commission have regard to the need to:

- promote competitive and fair market conduct
- prevent misuse of monopoly or market power
- facilitate entry into relevant markets
- promote economic efficiency
- ensure consumers benefit from competition and efficiency
- protect the interests of consumers with respect to reliability and quality of services and supply in regulated industries
- facilitate maintenance of the financial viability of regulated industries
- ensure an appropriate rate of return on regulated infrastructure assets.

The Commission must also consider any relevant objectives in industry-specific legislation.

## Regulated industry legislation overview

The *Utilities Commission Act 2000* establishes the Commission's objectives, functions and powers.

### Electricity supply industry

In accordance with the *Electricity Reform Act 2000*, the Commission administers a licensing regime and industry codes for industry participants, regulates a pricing order made by the government, prepares annual reviews of the Territory's power system and the electricity supply industry, and deals with complaints relating to the conduct or operations of licensed entities.

The Commission also has some responsibilities under the National Electricity Rules (NER), as amended for the Territory's circumstances.

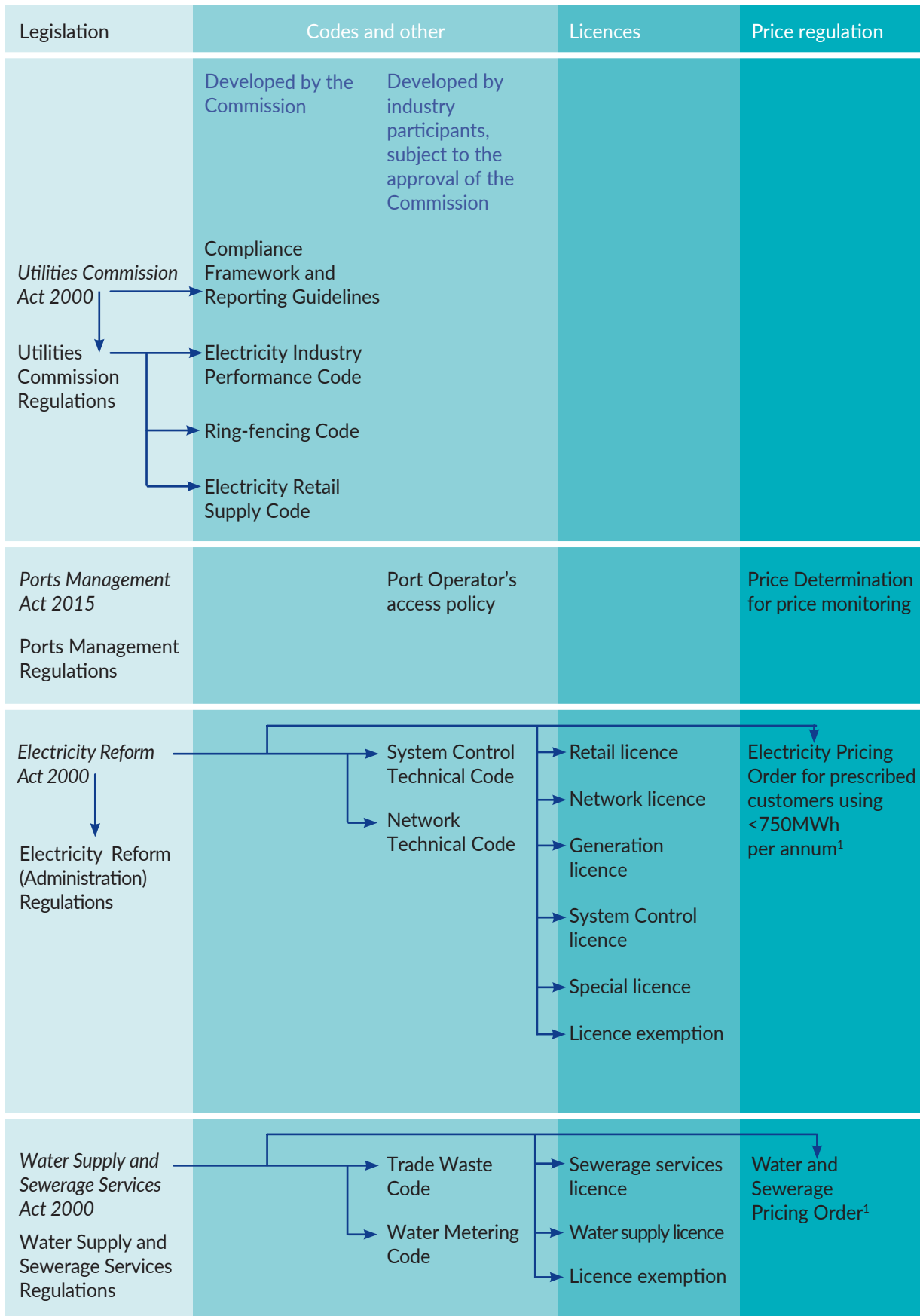
### Ports industry

In accordance with the *Ports Management Act 2015*, the Commission administers a pricing and access regime for prescribed services provided by a private port operator at a designated port (currently only the Port of Darwin).

### Water supply and sewerage services industry

In accordance with the *Water Supply and Sewerage Services Act 2000*, the Commission administers a licensing regime and industry codes for industry participants, regulates a pricing order made by the government and deals with complaints from industry participants.

Figure 1: Legislative framework administered by the Commission during 2023-24



<sup>1</sup> The minister issues pricing orders. The Commission is responsible for compliance, monitoring, enforcement and investigation of complaints from customers in relation to pricing orders.

# The Commission

## Commissioners

Mr Lyndon Rowe was appointed Utilities Commissioner (part-time) from 1 January 2019 for five years and was extended a further five years from 1 January 2024. He previously served as an Associate Commissioner (appointed on 6 April 2018). Mr Rowe is currently a Director of Perth Airport Pty Ltd and associated companies. From 2014 to 2017, he was the full-time Chair of the Electricity Generation and Retail Corporation of Western Australia (trading as Synergy). For the previous 10 years, Mr Rowe was the inaugural Executive Chair of the Economic Regulation Authority of Western Australia. He is a Fellow of the Australian Institute of Company Directors and holds an economics degree from the University of Adelaide.

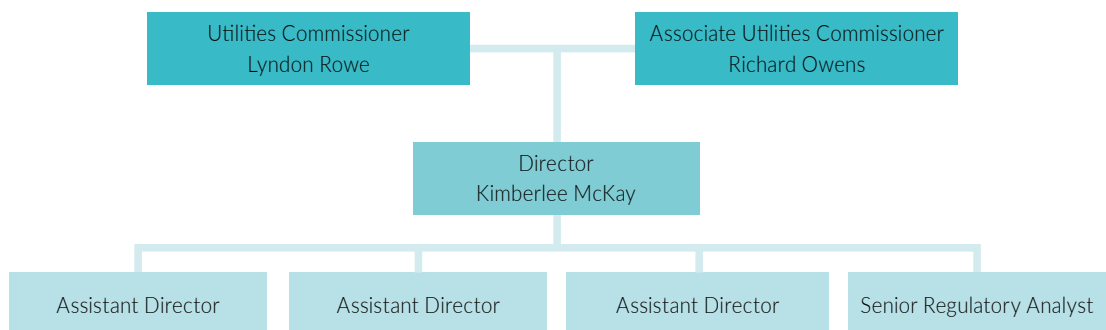
Mr Richard Owens was appointed as Associate Utilities Commissioner (part-time) on 6 April 2018. He is also a director at farrierswier consulting where he advises governments, regulators and businesses on energy and infrastructure regulation and policy. He was a member of the Consumer Panel for the Integrated System Plan from 2020 to 2022, Executive General Manager at the Australian Energy Market Commission from 2011 to 2020, and a member of the taskforce for the Finkel Review into the future security of the national electricity market during 2016-17. He previously worked as a lawyer in major law firms and government specialising in utility regulation, competition and consumer law. He has a Bachelor of Laws (Hons) and a Master of Laws, and is a graduate of the University of California, Berkeley Executive Leadership Program. Mr Owens is a fellow of the Australian Institute of Energy and a graduate member of the Australian Institute of Company Directors.

## Commission staff

Section 13 of the *Utilities Commission Act 2000* provides for the staff of the Commission to comprise Territory public servants assigned to assist the Commission.

At 30 June 2024, the Commission was supported by five staff seconded from the Department of Treasury and Finance and located in Darwin.

Figure 2: Organisational chart at 30 June 2024



## Commission meetings and decisions

The commissioners and Commission staff meet regularly to consider and discuss Commission tasks, obligations and issues. During 2023-24, the Commission formally met seven times by videoconference, twice in person and once through a combination of videoconference and in person.

In addition to meetings, the Commission considered various issues and made 17 associated out-of-session decisions.

Appendix A sets out the Commission meetings, dates and attendance, and major decisions made during 2023-24.

## Engagement with stakeholders

The commissioners and Commission staff seek to engage with stakeholders regularly, genuinely and transparently, including meeting face to face or by videoconference as necessary, to build and maintain strong relationships, build an understanding of economic and regulatory issues, including those of the Territory's regulated industries, and enable the Commission to make the best, most informed decisions.

The commissioners and Commission staff met regularly with stakeholders throughout 2023-24, including in person in Darwin and Nhulunbuy. Stakeholders with whom the commissioners met included licensees, members of the public, representative bodies, relevant ministers and government department staff.

## Commission funding

The Commission is funded directly from consolidated revenue through the Department of Treasury and Finance. Appendix B provides a summary of the Commission's financial outcomes in 2023-24. Total direct expenditure for 2023-24 was \$1.32 million.

The Commission charges licence application fees and annual licence fees, which are receipted directly into consolidated revenue. Fees are fixed for each type of licence by the minister and is an amount the minister considers to be a reasonable contribution towards administrative costs of the Commission. Total licence fee revenue for 2023-24 was \$0.54 million, which relates primarily to electricity supply industry licences.

The Commission engages consultants and legal advisers for expert advice (see Appendix C for additional detail). Total expenditure on advice was \$0.3 million in 2023-24.



# PERFORMANCE SUMMARY

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This chapter details the key highlights for the Commission in undertaking its functions in 2023-24 and its key priorities for 2024-25.

## Highlights for 2023-24

### Review of the Northern Territory electricity supply licensing regime

Consistent with its 2023-24 priorities, the Commission finalised the first stage of its review of the electricity licensing regime, which focuses on the coverage, relevance and flexibility (scope and design) of the Territory's electricity supply licensing regime. The Commission published a final decision on 21 August 2023 that covers the following matters:

- recommended licensing requirements for energy storage systems, virtual power plants, electric vehicle recharging and other alternative supply models
- principles to further guide the Commission's decision-making on exemptions from the requirement to hold a licence
- recommended changes to clarify and extend the standing exemption for small-scale renewable energy operations.

The Commission also progressed stage 2 of the review relating to the form and content of licences, with the release of a consultation paper on 10 July 2023 seeking submissions from stakeholders on a proposed set of standard conditions for electricity supply licences.

On 25 January 2024, the Commission released its decision paper for stage 2 of the licensing review, which outlines the Commission's decisions on a new set of standard conditions for retail, generation and network licences. The new standard conditions are to be applied to existing licences and new licences going forward. At 30 June 2024, the Commission was implementing the decision.

### Review of the Compliance Framework and Reporting Guidelines

Consistent with its 2023-24 priorities, the Commission commenced a review of the Compliance Framework and Reporting Guidelines, which outline the Commission's approach and expectations regarding compliance and enforcement. The review aims to ensure the Compliance Framework and Reporting Guidelines are current, relevant and reflect a targeted, risk-based approach to compliance and enforcement.

On 25 March 2024, the Commission published and sought stakeholder submissions on a consultation paper and draft version 2 of the Compliance Framework and Reporting Guidelines. The proposed amendments impact requirements associated with establishing a compliance process, reporting on material breaches, undertaking compliance audits and submitting an annual compliance report and declaration.

Six stakeholder submissions were received in response to the consultation paper. At 30 June 2024, the Commission was still considering stakeholder feedback.

### Power system reporting

To meet its legislated reporting requirements to the minister and inform government, licence holders and stakeholders, during 2023-24 the Commission published:

- the 2022-23 Northern Territory Electricity Retail Review, which focuses on retail performance and quality of service provided to residential and small business electricity customers

- 2022-23 Northern Territory Power System Performance Review (NTPSPR), which focuses on the generation and network performance of the Darwin-Katherine, Alice Springs and Tennant Creek power systems (the regulated power systems)
- 2023 Northern Territory Electricity Outlook Report (NTEOR), which focuses on the system demand and supply reliability outlook for the regulated power systems.

Consistent with its commitment to continually refine and improve the usefulness of its annual reporting to the minister, electricity entities and other stakeholders, the Commission undertook a post-project review of the reports, associated data collection and analysis processes. The Commission also reviewed a number of audit reports associated with data collection under the Electricity Industry Performance Code.

## RTA Gove Pty Ltd review of licence exemption and performance reporting

RTA Gove Pty Ltd (RTA Gove, previously Alcan Gove Pty Ltd) holds an exemption from the requirement to hold a licence to operate in the electricity supply industry in Nhulunbuy, granted under section 87 of the *Electricity Reform Act 2000*. The exemption conditions include requiring the exemption be reviewed at regular intervals.

On 26 September 2023, the Commission formally commenced the review with the release of a consultation paper. On 5 March 2024, the Commission published its draft decision for stakeholder consultation. Throughout the review, the Commission received five submissions from four stakeholders. The Commission also met with stakeholders in-person in Nhulunbuy.

Following consideration of stakeholder submissions, the Commission made its final decision and varied the licence exemption, with the minister's approval, on 4 June 2024. The licence exemption was varied to, among other things, improve customer protections and increase reporting requirements.

The Commission also published its third Township of Nhulunbuy Guaranteed Service Level Performance Report in December 2023, which provides an assessment of RTA Gove's guaranteed service level performance in relation to the operation of the electricity network in the township of Nhulunbuy. Guaranteed service levels provide for payments to eligible customers when performance does not meet the defined standard of service.

RTA Gove reported it met all of its guaranteed service levels in 2022-23 and was not required to make payment to any customers. However, the report notes that when compared with other Territory networks, performance in Nhulunbuy was poor during 2022-23.

## Progress reports – Alice Springs system black incident recommendations implementation

As part of the government's response to the Commission's independent investigation into the 13 October 2019 Alice Springs system black, a former Treasurer requested the Commission to monitor and report progress on the implementation of recommended actions and other major incident reports, with progress reports to be published every six months for a period of two years. As some actions remained outstanding, the Commission agreed to continue to report progress until all Alice Springs system black recommended actions were complete.

The Commission published its eighth and ninth six-monthly progress reports during 2023-24, on 21 August 2023 and 20 February 2024, respectively.

## 2023 Review of the Port Access and Pricing Regime

The Commission is required under the *Ports Management Act 2015* to periodically review the Territory's port access and pricing regime to assess whether it remains fit for purpose. The Commission commenced a second review of the port access and pricing regime with the release of an issues paper in November 2022. In simplified terms, the purpose of the review is to consider whether there is a need to make changes to the regulatory framework relating to oversight of access and pricing.

Throughout the review, the Commission consulted with Darwin Port Operations Pty Ltd (DPO), port users and other stakeholders, including by seeking submissions on an issues paper and draft report. The final report was provided to the minister in November 2023 and published on the Commission's website in March 2024. The Commission's recommendations are non-binding and any changes to the regime are a decision for the Territory Government.

## Price monitoring – Port of Darwin

One of the Commission's roles is to regulate standard charges for prescribed services for the Port of Darwin. Consistent with the regulatory framework and the Commission's price determination, the Commission uses the national consumer price index (CPI) to monitor and report on pricing for prescribed services at the Port of Darwin.

On 1 July 2023, DPO increased its tariffs for prescribed services, except for port induction fees. Charges for pilotage increased by 5% and charges for other prescribed services increased by 6.7%. These increases were lower than the national CPI for the 12 months to March quarter 2023, which was 7%. The Commission advised stakeholders of the tariff changes by publishing the details on its website and direct correspondence as appropriate.

In October 2023, the Commission published its 2023 Ports Annual Price Monitoring Report. The report provides a summary to port users, industry and stakeholders of standard charges for prescribed services at the Port of Darwin, over an eight-year period. Further, it provides a summary of the revenue received for prescribed services by the private port operator. The report notes the annual increases in DPO's charges for prescribed services were within a band similar to the change in national CPI.

## Water supply and sewerage services

Although the Commission's authority in relation to regulating water supply and sewerage services is limited, it continued to monitor compliance with licence obligations and the pricing order, and provided advice and assistance to customers regarding the Territory's regulatory framework.

## Compliance

The Commission has a targeted, risk-based approach to compliance and enforcement whereby it seeks to effectively monitor and report on regulated entities' compliance, and focus enforcement action where the risks and potential impacts are greatest.

As a condition of licence, licensees are required to maintain and report on their compliance framework. Annual compliance reports relating to electricity supply, water supply and sewerage services are due annually, as set out in the Commission's Compliance Framework and Reporting Guidelines.

In the interests of transparency and consistent with the practices of other jurisdictions, the Commission publishes a summary of the compliance reports received, a description of the breaches reported by each licensee and remedial action proposed or taken by the licensee in order to resolve the breach, and the enforcement action taken by the Commission, if any.

The Commission's Annual Compliance Monitoring Report relating to 21 licences on issue during the 2022-23 reporting period was published on 14 December 2023.

During 2023-24, the Commission also required or requested (as appropriate) a number of licensees to undertake audits of their compliance with various regulatory obligations, including but not limited to the Water Metering Code, Electricity Industry Performance Code, the Electricity Retail Supply Code, and the Compliance Framework and Reporting Guidelines. The Commission is actively monitoring relevant licensees' implementation of audit recommendations.

In relation to compliance with the ports access and pricing regime, on 20 October 2023 the Commission delivered to the minister its annual report on material instances of non-compliance with the private port operator's access policy and the Commission's price determination as required by the *Ports Management Act 2015*.

## Complaints

The Commission has a role to investigate and help resolve complaints relating to the conduct or operations of licensed entities.

The Commission did not undertake any formal complaint investigations during 2023-24. However, the Commission did seek information from relevant licensees on an ad hoc basis to assist in addressing various queries and concerns from members of the public.

## General advice and information

Throughout 2023-24, the Commission published general information, consultation papers and decision advice on its website, and through email and e-newsletter updates. In addition, the Commission regularly provided advice and guidance to stakeholders on matters relevant to the Commission's work when contacted through its public communication channels.

The Commission also continued to actively engage in providing advice to government in relation to its various Territory electricity market reform initiatives.

## Strategic plan and priorities

In June 2021, the Commission published its 2022–2024 Strategic Plan, which sets out the Commission's organisational goals and planned actions to achieve these goals over the 2021-22 to 2023-24 financial years. The Commission also publishes its annual priorities to, among other things, ensure the Commission is accountable for achieving its goals.

The Commission reviewed its strategy during 2023-24 and in June 2024 approved and published its strategic plan for the next three years, from 2024-25 to 2026-27, along with its 2024-25 priorities. The new Strategic Plan includes the following goals:

- targeted, risk-based approach to compliance and enforcement
- consultative and transparent decision-making
- add value
- be a capable and experienced regulator that values its people.

## Completed 2023-24 priorities

The Commission delivered all 2023-24 priorities published in its 2022-23 Annual Report. However, full implementation of the Commission's decision for stage 1 of the electricity licensing regime review requires the approval of the minister and or government action, which was outstanding at 30 June 2024.

## 2024-25 priorities

The Commission published its 2024-25 priorities on 19 June 2024. The Commission's 2024-25 priorities are to:

- monitor licensees' compliance with regulatory obligations including ensuring internal and independent audits of compliance, as appropriate
- publish an annual report of electricity supply, water supply and sewerage services licensees' compliance with obligations
- complete the review of the Commission's Compliance Framework and Reporting Guidelines including the Commission's statement of approach on compliance
- publish annual reports on power system and retail performance, and assess the demand and supply outlook
- vary electricity supply industry licences consistent with the Commission's stage 2 electricity licensing regime review final decisions
- complete the decision-making process in relation to the Northern Territory Electricity System and Market Operator's proposed system control and market operator charges for 2025-26 and 2026-27
- review and vary the Electricity Retail Supply Code in relation to the Retailer of Last Resort scheme to align with changes to the *Electricity Reform Act 2000*
- commence a review of the Electricity Industry Performance Code
- review Power and Water Corporation's (PWC) asset management plans in relation to its water supply and sewerage services infrastructure
- publish an annual price monitoring report for the Port of Darwin
- issue a new price determination for the Port of Darwin
- deliver the Commission's annual report to the minister regarding any material instances of non-compliance with the private port operator's access policy and determinations made by the Commission
- continue to provide advice to the Territory government as appropriate, including the Territory electricity market reforms and planned Darwin ship lift access and pricing regulatory regime
- meet regularly with stakeholders, including site visits where possible
- identify and have staff participate in relevant professional development.



# ELECTRICITY SUPPLY INDUSTRY



## Responsibilities under the *Electricity Reform Act 2000*

The electricity supply industry in the Territory is regulated by the *Electricity Reform Act 2000*, *Utilities Commission Act 2000* and associated legislation, and the National Electricity Law (NEL) and NER. This statutory framework was introduced in 2000, with parts of the NER, as modified, being progressively applied from 1 July 2016.

The *Electricity Reform Act 2000* is the primary electricity supply legislation relevant to the Commission. Accordingly, the Commission is responsible for certain regulatory functions in the electricity supply industry. Its activities relate mainly to licensing, codes and guidelines, price regulation, reporting, general compliance monitoring, complaints investigation and providing advice in relation to the Territory's electricity supply industry.

The Australian Energy Regulator is the regulator for third-party access and network pricing under the NEL and NER as applied in the Territory.

The objects of the *Electricity Reform Act 2000* are to:

- promote efficiency and competition in the electricity supply industry
- promote the efficient generation, transmission, distribution and selling of electricity
- establish and enforce proper standards of reliability and quality in the electricity supply industry
- establish and enforce proper technical standards for electrical installations
- facilitate the maintenance of a financially viable electricity supply industry
- protect the interests of consumers of electricity.

The *Electricity Reform Act 2000* and the Administrative Arrangements Order (at 30 June 2024) allocate ministerial responsibility for the *Electricity Reform Act 2000* as follows:

- the Treasurer is responsible for price regulation and setting licence fees
- the Minister for Renewables and Energy is responsible for economic regulation and utilities market regulation
- the Minister for Essential Services is responsible for supply and service provision under licence
- the Attorney-General is responsible for safety regulation.

## Licensing

The Commission is responsible for administering the licensing of the electricity supply industry in the Territory.

Under the *Electricity Reform Act 2000*, the following operations must be licensed:

- generation of electricity
- owning or operating an electricity network or a dedicated connection asset
- selling electricity
- system control over a power system
- other operations for which a licence is required by the Regulations.

The Commission has established licences, subcategories of licences and combined licences to suit particular circumstances. Table 1 sets out the licence types currently on issue for participation in the electricity supply industry.

Table 1: Types of licences currently issued

Licence type	Description
Standard generation licence	Authorises the electricity entity to generate electricity for sale to electricity entities holding generation or retail licences (or as otherwise stated in the licence).
Retail licence	Authorises the electricity entity to trade in electricity (where 'trade' means the buying and selling of electricity other than to final consumers) and retail electricity to customers (where 'retail' means the selling of electricity to specified groups of final consumers).
Network licence	Authorises the electricity entity to operate the electricity network in the geographical area stated in the licence.  If stated in the licence, it allows entities to connect the electricity network to another electricity network.
System control licence	Authorises the electricity entity to monitor, plan and control the operation of the power system with a view to ensuring the system operates safely and securely. It provides the authority to issue directions to other licensed electricity entities.  The Electricity Reform (Administration) Regulations prescribe operating a wholesale market as an operation for which a licence is required. The regulations also stipulate that an entity licensed for system control is also licensed to operate a wholesale market in relation to that power system.  A system control licence is only issued where the power system is of sufficient size and complexity to warrant monitoring and control 'at arm's length'. In isolated communities with a single generator of electricity, management of system loads and frequency control is undertaken by the generator. Coordination of generation with third-party interconnected networks would be a matter for normal commercial contractual arrangements.  In relation to the Interim Northern Territory Electricity Market, which operates in the Darwin-Katherine system only, the system control licensee is the market operator.
Special generation licence – independent power producer	Authorises the electricity entity to generate electricity for sale to electricity entities holding a standard generation licence (or as otherwise stated in the licence).  This licence is a 'cut down' version of a generation licence for those entities that do not wish to participate fully in the electricity supply market and instead generate electricity under contract for another generator. It was developed to accommodate legacy arrangements. The Commission does not expect to issue this type of licence for new operations.
Special licence – isolated system operations	Authorises the electricity entity to generate electricity at specified electricity generating plants. It also allows entities to sell electricity to other generators or a retailer.  Entities can also sell electricity to customers but only in respect to electrical installations or premises situated within specified locations.  Finally, it allows entities to own and operate an electricity network within specified geographic areas and connect that network to another specified electricity network.  This licence is for a combination of generation, network and retail for entities operating in remote locations, for example, where a mining company supplies electricity to a nearby town that predominantly houses workers associated with the mine. It was developed to accommodate legacy arrangements. The Commission does not expect to issue this type of licence for new operations.

## New and varied licences during 2023-24

The Commission did not receive any complete applications for new or varied licences during 2023-24.

## Suspended and surrendered licences during 2023-24

On 23 January 2023 the Commission suspended QEnergy Limited's retail licence, which allowed it to trade in electricity and retail electricity to customers in Darwin, Katherine, Alice Springs and Tennant Creek.

QEnergy Limited subsequently submitted a notice to the Commission on 19 July 2023 to surrender its retail licence. The Commission accepted the surrender of the licence effective 24 July 2023.

## Current standard generation licences

At 30 June 2024, there were 11 standard generation licences in the Territory.

The standard generation licensees were:

- Assure Energy Asset Pty Ltd, as trustee for the Assure Energy Asset Trust, for a 10 megawatt (MW) solar photovoltaic (PV) power station and 3.02 MW battery energy storage system at Robertson Barracks, and a 3.2 MW solar PV power station and 0.98 MW battery energy storage system at RAAF Base Darwin
- BSF Co Pty Ltd, as trustee for the BSF Unit Trust, for a 10 MW solar PV power station at Batchelor
- Darwin International Airport Pty Limited for a 7.75 MW AC solar PV plant and 3.3 MW AC back-up diesel generating plant at Darwin International Airport
- Eni Australia Limited (Eni) (agent) and Eni New Energy Batchelor Pty Ltd (principal) for a 10 MW AC solar PV plant at Batchelor
- Eni (agent) and Eni New Energy Katherine Pty Ltd (principal) for a 25 MW AC solar PV plant and 5.7 MW battery energy storage system at Katherine
- Eni (agent) and Eni New Energy Manton Dam Pty Ltd (principal) for a 10 MW AC solar PV plant at Manton Dam
- EDL Jabiru Pty Ltd for a 4.5 MW diesel generating plant, a 3.845 MW AC solar PV plant and 4.95 MW AC battery energy storage system at the Jabiru power station
- EDL NGD (NT) Pty Ltd (EDL) for the Pine Creek power station
- HCPS Co Pty Ltd as trustee for the HCPS Unit Trust, for a 15 MW gas-fired power station (Hudson Creek power station) at Wishart, Darwin
- Power Generation Corporation (trading as Territory Generation), which owns and operates various power stations including Channel Island, Weddell, Katherine, Tennant Creek, Ron Goodin, Owen Springs, Yulara and Kings Canyon power stations
- PWC, which owns and operates power stations at Berrimah (decommissioned), in Aboriginal communities under the Indigenous Essential Services Pty Ltd (IES) program and minor commercial power stations (Elliott, Daly Waters, Ti Tree, Timber Creek and Borroloola).

### Current retail licences

At 30 June 2024, there were seven electricity retailers licensed in the Territory. The retail licensees were:

- Department of Defence to sell electricity generated from behind the meter at RAAF Base Darwin and Robertson Barracks to electricity entities holding a retail licence
- EDL for Darwin, Katherine, Alice Springs and Tennant Creek (townships and surrounding rural areas)
- Next Business Energy Pty Ltd for Darwin, Katherine, Alice Springs and Tennant Creek (townships and surrounding rural areas)
- Power Retail Corporation (trading as Jacana Energy) for the townships and surrounding areas of Darwin, Katherine, Tennant Creek and Alice Springs, as well as Daly Waters, Borroloola, Timber Creek, Elliott, Newcastle Waters, Yulara, Ti Tree and Kings Canyon
- PWC for Jabiru, Nhulunbuy, Alyangula, McArthur River Mine and Aboriginal communities under the IES program
- Rimfire Energy Pty Ltd for Darwin, Katherine, Alice Springs and Tennant Creek (townships and surrounding rural areas)
- Territory Generation for the supply of electricity at the Joint Defence Facility Pine Gap.

### Current network and system control licences

PWC holds a network licence to own and or operate an electricity network in designated regulated and non-regulated electricity networks. It also holds a system control licence for the Darwin-Katherine, Tennant Creek and Alice Springs power systems.

### Current special licences

As of 30 June 2024, there were five special independent power producer licences held by:

- EDL for generating plants at the McArthur River Mine site and electricity sales to McArthur River Mining Pty Ltd
- Energy Resources of Australia Ltd for the generating plant at the Ranger uranium mine site and electricity sales to persons specified in schedule 2(b) of the licence
- LMS Energy Pty Ltd for generation at the Shoal Bay renewable energy facility (1.1 MW landfill gas-fuelled renewable energy facility)
- TKLN Solar Pty Ltd for various remote solar PV systems at Ti Tree, Kalkarindji and Alpururulam
- Uterne Power Plant Pty Ltd for generation via a single-axis tracking solar PV system at Alice Springs.

There was one special isolated system operations licence at 30 June 2024, which is held by Groote Eylandt Mining Company Pty Ltd for electricity generation, electricity sales and owning and operating a network at Alyangula.

## Review of the Northern Territory electricity supply licensing regime

During 2023-24, the Commission progressed a review of the Territory's electricity supply licensing regime, noting the regime has not been subject to major review since its establishment in 2000 and the industry, market and regulatory environment has evolved during this time. This evolution includes an increased demand for renewable energy that has resulted in the rapid growth of alternative electricity supply arrangements not contemplated at the time the licensing regime was established.

The Commission's review will ultimately examine all aspects of the regime, with the first stage focused on the scope and design of the Territory's licensing regime, and the second on the form and content of licences.

The first stage of the review commenced on 8 April 2022 with the release of an issues paper seeking input from stakeholders on the scope and design of the Territory's licensing regime. Following consultation and a review of the submissions received, the Commission published its draft decision on 20 April 2023 for consultation. Seven submissions from a broad range of stakeholders were received on the draft decision.

On 21 August 2023, following consideration of stakeholder feedback, the Commission released its stage 1 review final decision. The final decision outlines the Commission's intended changes to the scope and design of the licensing regime, or recommended changes for the minister's approval where relevant. It also communicates the Commission's reasoning for the changes. Among other matters, the Commission's final decision covers:

- recommended licensing requirements for energy storage systems, virtual power systems, electric vehicle recharging and other alternative supply models
- principles to further guide the Commission's decision-making on exemptions from the requirement to hold a licence
- recommended changes to clarify and extend the standing exemption for small scale renewable energy operations.

Stage 2 of the review formally commenced on 10 July 2023 with the release of a consultation paper seeking submissions from stakeholders on a proposed set of standard conditions for electricity supply licences. Four submissions were received from electricity supply licensees on the consultation paper.

On 25 January 2024, the Commission released its stage 2 decision paper, which outlines the Commission's decisions on a new set of standard conditions for retail, generation and network licences.

The new set of standard conditions for electricity supply licences address inconsistencies, outdated references, duplication and other issues with the conditions in existing licences. The new standard conditions are to be applied to both existing and new licences going forward, except where an applicant or existing licence has demonstrated that the standard conditions are not appropriate for its electricity operations. At 30 June 2024, the Commission was implementing the decision through preparing proposed licence variations for consultation with the relevant licensees.

## Exemptions from licensing

The Electricity Reform (Administration) Regulations 2000 provide an exemption from the requirement to be licensed for some activities. Licences are not currently required for:

- own-use generation and low volume sales of electricity
- on-supply of electricity, as long as the on-supplier complies with certain conditions.

The Commission may, under section 87 of the *Electricity Reform Act 2000* and with the approval of the minister, grant an exemption from the requirement to be licensed.

### New exemptions

During 2023-24, the Commission issued no new exemptions from the requirement to be licensed under section 87 of the *Electricity Reform Act 2000*.

### Variation to RTA Gove's licence exemption

RTA Gove holds an exemption from the requirement to hold a licence to operate in the electricity supply industry in Nhulunbuy, granted under section 87 of the *Electricity Reform Act 2000*. The exemption conditions include a requirement that the exemption be reviewed at regular intervals.

On 26 September 2023, the Commission formally commenced the required review with the release of a consultation paper. The Commission sought stakeholder views concerning the appropriateness of the exemption terms and conditions for the circumstances at Nhulunbuy, and whether alternative or additional conditions were needed. On 5 March 2024, the Commission published its draft decision for stakeholder consultation. Throughout the review, the Commission received five submissions from four stakeholders. The Commission also met with stakeholders in-person in Nhulunbuy.

Following consideration of stakeholder submissions, the Commission made its final decision and varied the licence exemption, with the minister's approval, on 4 June 2024. The licence exemption was varied to, among other things:

- improve clarity and accord for recent amendments to the Electricity Retail Supply Code in relation to life support equipment customer protection obligations
- make it explicit that RTA Gove must comply with guaranteed service level-related reporting requirements in the Electricity Industry Performance Code
- remove the guaranteed service level related to keeping appointments within 30 minutes, consistent with the Electricity Industry Performance Code
- require RTA Gove to comply with clauses of the Electricity Retail Supply Code relating to standard complaints and dispute resolution procedures, customer complaints, customer hardship policies for residential customers and family violence policies
- require RTA Gove to report certain network performance indicators in the Electricity Industry Performance Code
- require RTA Gove to have an approved safety management and mitigation plan.

## Current exemptions

At 30 June 2024, there were three section 87 *Electricity Reform Act 2000* exemptions:

- an exemption from the requirement to hold a network licence to own or operate its electricity network at RAAF Base Darwin and Robertson Barracks, issued to the Department of Defence
- an exemption from the requirement to hold a licence regarding its electricity operations in the township of Nhulunbuy and at the mine, issued to RTA Gove
- the Small Scale Renewable Energy Operations exemption – a class exemption issued for the generation of electricity by small-scale solar PV systems and the sale of any residual electricity exported to the distribution network.

## Codes and guidelines

### 2024 Review of the Compliance Framework and Reporting Guidelines

The Compliance Framework and Reporting Guidelines are made under section 7 of the *Utilities Commission Act 2000* and apply to holders of electricity supply, water supply and sewerage services licences issued by the Commission. The guidelines commenced in 2015 and outline the Commission's approach and expectations regarding compliance and enforcement, including through requiring the establishment of a compliance process, reporting on material breaches, undertaking compliance audits and submitting an annual compliance report and declaration.

In 2023, the Commission initiated a review to ensure the Compliance Framework and Reporting Guidelines are current, relevant and reflect a targeted, risk-based approach to compliance and enforcement. Initially, the Commission conducted an informal survey to seek licensee views on the guidelines.

On 25 March 2024, the Commission published and sought stakeholder submissions on a consultation paper and draft version 2 of the Compliance Framework and Reporting Guidelines. Some key amendments proposed in the consultation paper included:

- setting clear and defined timeframes for the reporting of material breaches and differentiating between formal notification and informal notification
- redefining 'material breach' to focus on whether the breach had or may have a serious consequence on a customer or regulated entity
- requiring licensed entities to submit a proposed scope and auditor to the Commission for approval when conducting an independent audit
- requiring a licensed entity to provide a response to an independent audit
- allowing an additional month for licensed entities to submit the annual compliance report and amend some associated information requirements to be more specific.

Six stakeholder submissions were received in response to the consultation paper. At 30 June 2024, the Commission was still considering stakeholder feedback, with a decision expected in early 2024-25.

## Price regulation

The Commission regulates certain prices in the monopoly sectors of the Territory's electricity supply industry and other relevant prices, in accordance with industry legislation.

### Electricity pricing orders

Retail electricity prices charged to residential and commercial customers (those consuming less than 750 megawatt hours (MWh) of electricity per annum) are regulated by the Territory Government through a pricing order made by the Treasurer under section 44 of the *Electricity Reform Act 2000*.

On 15 June 2023, the Treasurer issued an Electricity Pricing Order to regulate associated prices to take effect from 1 July 2023 to 30 June 2024.

The Commission is required to enforce compliance with the pricing order as if the order were a determination of the Commission under the *Utilities Commission Act 2000*. At 30 June 2024, the Commission was not aware of any material breaches of the pricing order during 2023-24.

### System control and market operator charges

On 30 April 2019, the Commission published its final decision in relation to the system control charge to be applied for the 2019-20 to 2023-24 regulatory period. The charge consists of a system control component and a market operator component, with the market operator component only to be paid by customers supplied by the Darwin-Katherine power system. The regulatory period in relation to this decision ends on 30 June 2024.

On 29 September 2023, PWC submitted to the Commission its 2024-25 Annual Pricing Proposal for system control and market operator charges, which provides for interim charges for one year from 1 July 2024. The proposal escalates the approved charges for 2023-24 to account for inflation. The Commission approved PWC's proposed charges on 2 November 2023. The charges approved for 2024-25 are the maximum PWC is able to charge for services provided by the power system controller with respect to the regulated electricity networks.

In late December 2023, PWC submitted an initial full pricing proposal for the period 2024-25 to 2026-27. The regulatory proposal presents a more complex approach to the calculation of required revenue relative to the approach taken previously. Accordingly, the Commission released a consultation paper on 4 June 2024, which sought feedback on the economic regulatory framework for determining system control and market operator charges. The consultation paper was open for consultation at 30 June 2024.

## Power system reporting

The Commission's position is that regular and comprehensive reporting on the electricity supply industry assists greater understanding and transparency of issues, and improves planning, investment, understanding of value for money (price compared to level of service) and general performance by holding electricity businesses accountable for their performance and impacts on customers.

The *Electricity Reform Act 2000* (section 45) requires the Commission to report to the minister and electricity entities on various matters in relation to the Territory's power system. Further, the Commission must advise the minister, either on its own initiative or at the request of the minister, on other electricity supply industry and market policy matters.

To meet its legislated reporting requirements, the Commission publishes three reports annually:

- Northern Territory Electricity Retail Review
- Northern Territory Power System Performance Review
- Northern Territory Electricity Outlook Report.

Each of these reports is discussed below, including a summary of key findings reported in 2023-24.

### 2022-23 Northern Territory Electricity Retail Review

The 2022-23 Northern Territory Electricity Retail Review was published on 7 May 2024. It focuses on retail market conditions and the experience of residential and small business electricity customers, defined as consuming less than 160 MWh per annum by the Electricity Industry Performance Code. The Northern Territory Electricity Retail Review focuses solely on Territory retail performance.

The 2022-23 review found, among other things:

- continued limited retail competition in the Territory in 2022-23, particularly for residential and small business customers, with only two retailers active in the Territory's regulated power systems
- the Territory Government's community service obligation payment to electricity retailers continues to lack transparency for customers and industry, and may be a barrier to competition. In 2022-23, the average subsidy was more than \$1,100 per customer
- a small increase in the percentage of customers making complaints to retailers and an increase in approaches to the Ombudsman NT, with the majority of customer issues being raised with Ombudsman NT in relation to billing
- the percentage of residential customer's with energy bill debt and the average amount of residential customer energy bill debt continued to rise in 2022-23
- the percentage of residential customers disconnected for non-payment increased in 2022-23, albeit from a low base
- the percentage of residential customers on a payment plan or in a hardship program decreased in 2022-23, an outcome of concern given the upward trend in the percentage of residential customers with debt and the average debt amount

- the frequency of self-disconnection events for prepayment meter customers increased during 2022-23, while the duration of self-disconnection events for prepayment meter customers decreased
- the percentage of small business customers with energy bill debt increased during 2022-23, however the associated average energy bill debt decreased while the percentage of small business customers disconnected for non-payment remained stable
- the Territory Government passed the *Electricity Legislation Amendment Act 2023* in October 2023, which strengthened protections recently established by the Commission in the Electricity Retail Supply Code, including for customers experiencing hardship or family violence, or requiring life support equipment.

The Commission works with retailers to identify potential improvements in performance reporting through reviews of the Electricity Industry Performance Code and requirement for retailers to undertake independent data quality audits every three years. The most recent audits were undertaken in 2023-24.

### 2022-23 Northern Territory Power System Performance Review

The 2022-23 NTPSPR was published on 21 May 2024 and assesses the 2022-23 generation and network performance in the regulated power systems. In its assessment, the Commission focuses on the standards of service and outcomes of licensee performance as experienced by customers.

The review found that on average across the Territory, overall power system performance is improving over the long term. Nevertheless, performance deteriorated slightly in 2022-23 and still lags behind the National Electricity Market benchmark in terms of the frequency and duration of interruptions. The following is a summary of the review findings:

- the Darwin region experienced a slight deterioration in performance in 2022-23 in both frequency and duration of interruptions, however performance has improved over the long term and most interruptions were network-related issues
- the Alice Springs region had the highest level of performance among the regions in 2022-23, which is encouraging given the widespread and prolonged outages experienced in 2017 and 2019. Network-related issues were the main cause of interruptions
- customers in the Katherine and Tennant Creek regions receive a lower standard of service compared with Darwin and Alice Springs, however the frequency and duration of interruptions in these regions improved in 2022-23
- customers in the Katherine region experience more frequent and longer interruptions, mainly due to network-related issues
- customers in the Tennant Creek region experience more frequent interruptions, driven by both network and generation-related issues
- three previous NTPSPR recommendations, namely increasing thorough investigation of single unit trips, greater focus on the recovery phase in incident reporting and investigation of alternatives to the Weddell power station constraint, have been completed.

## 2023 Northern Territory Electricity Outlook Report

The 2023 NTEOR was published on 25 June 2024 and focuses on the system demand and supply reliability outlook for regulated power systems.

The report presents electricity consumption, maximum and minimum demand, and generation adequacy forecasts for the Territory's regulated power systems over the 10-year outlook period from 2023-24 to 2032-33. Consistent with the previous NTEOR, it focuses on a single business-as-usual scenario, which forecasts and considers consumer demand over the outlook period against the current operating state of the power system, including committed new investments and scheduled decommissioning.

As with previous years, developments not yet considered committed based on the Commission's threshold were excluded to highlight the challenges and emerging risks to the Territory's power systems in the absence of appropriate, committed, funded and timely delivered solutions. The following is a summary of issues discussed in the 2023 NTEOR:

- without timely solutions to address the expected retirement of 185 MW of generation capacity at the Channel Island Power Station, representing 35% of existing and committed summer capacity in the Darwin-Katherine region, customer demand in Darwin and Katherine may not be met by 2027-28, including when accounting for the potential to relax reserves and reschedule maintenance
- the Alice Springs power system faces challenges in maintaining reliability and security over the outlook period due to assumed high outage rates at the Owen Springs power station and expected retirement of the Ron Goodin power station by the end of 2025
- the Tennant Creek power system is forecast to have substantial surplus capacity over the outlook period, with no material challenges anticipated in meeting customer demand, however falling minimum demand due to expected growth in distributed PV may cause system security implications
- electricity consumption in Darwin-Katherine and Tennant Creek is forecast to stay relatively flat over the outlook period as increases in residential and commercial rooftop solar PV systems are projected to offset consumption from increases in electric vehicles and batteries, as well as population growth
- electricity consumption in Alice Springs is forecast to increase between 2023-24 and 2025-26 due to connection of a large industrial load
- significant new investment is essential to successfully transition to greater renewable generation, however opportunities exist to reduce or mitigate some costly capital investment through effective government policy and incentive mechanisms that encourage efficient electricity use and supply
- long lead times required to source and deliver new generation or storage assets, and commission and test new equipment underscores the need for prompt and decisive action.

## Township of Nhulunbuy Guaranteed Service Level Performance Report

The Commission published its third Township of Nhulunbuy Guaranteed Service Level Performance Report in December 2023, which provides an assessment of Alcan Gove's guaranteed service level performance in relation to the operation of the electricity network in the township of Nhulunbuy. Guaranteed service levels provide for payments to eligible customers when performance does not meet the defined standard of service.

Alcan Gove reported that it met all of its guaranteed service levels in 2022-23 and was not required to make payments to customers. Notably, guaranteed service levels exclude planned interruptions, which require at least two business days' notice prior to commencement.

The most impacted customers in 2022-23 experienced eight outages and 16 hours without power, which is an improvement from 13 unplanned outages and 22 hours without power for the most impacted customers in 2021-22. While improved, the report notes, when compared with other Territory networks, performance in Nhulunbuy was poor during 2022-23.

## Compliance

### Life support equipment customer protections

The Electricity Retail Supply Code includes prescriptive obligations to protect customers requiring life support equipment at their premises in Darwin-Katherine, Alice Springs and Tennant Creek, and provides a flexible approach for a retailer and network provider to protect life support equipment customers who reside outside major centres. Under the code, a relevant retailer and network provider must provide to the Commission within a specified period, proposed life support equipment procedures for each geographical area it provides services to outside the regulated networks of Darwin-Katherine, Alice Springs and Tennant Creek. The procedures must seek to deliver similar outcomes as for customers in the regulated networks.

During 2023-24, the Commission considered and approved two updated life support equipment procedures. The updated procedures followed PWC's review of life support internal audit, which found inconsistencies and areas for improvement. The Commission is monitoring PWC's implementation of the audit recommendations.

### Ring-fencing procedures

Where electricity entities operate both natural monopoly and competitive businesses, the role of ring-fencing is to prevent them from using their position in the regulated sectors to give themselves an advantage in the competitive sectors. This is achieved by separating the regulated business activities, costs and revenues from those related to providing services in the competitive sectors.

The Northern Territory Electricity Ring-fencing Code requires PWC to submit to the Commission for approval draft, information, accounting and cost allocation procedures. No new or amended procedures in relation to ring-fencing were submitted to the Commission for approval during 2023-24.

### System Control incident reporting

Under the System Control Technical Code, the system controller is required to report power system incidents that occur within the parameters of the code to the Commission. The Commission's view is this incident reporting is vital to ensure System Control is identifying and addressing problems with relevant system participants as appropriate, and learning lessons from this to, among other things, ensure ongoing reliability and quality of electricity services and supply.

Further to this, in the Commission's Independent Investigation of Alice Springs System Black Incident on 13 October 2019, the Commission made a recommendation regarding placing a focus on determining if the recommendations of the independent investigation report and other major event (incident) reports have been tracked and implemented, which the Territory Government accepted.

The Commission continued to actively monitor and engage with System Control in relation to its incident reporting during 2023-24. It noted in the progress report on implementing recommendations from the independent investigation of the Alice Springs system black incident on 13 October 2019 (published 20 February 2024), that System Control continued to actively track, implement and close out recommendations from incident reports. Further, the Commission continues to monitor System Control's compliance with System Control Technical Code incident reporting obligations.

In 2022-23, PWC proposed amendments to the System Control Technical Code to change the classification of reportable incidents and requirements relating to investigation and reporting. Following public consultation, the Commission approved the proposed amendments and published an associated summary of its decision on 5 July 2023.

### Safety management and mitigation plans

All generation and network licences issued by the Commission require the relevant licensee to have an approved safety management and mitigation plan, and annually review and update it to ensure it is consistent with and reflects good electricity industry practice. The main purpose of a safety management and mitigation plan is to ensure appropriate oversight of safety around electricity infrastructure to protect employees, contractors and the public.

During 2023-24, the Commission considered and approved five new or updated safety management and mitigation plans.

Although the Commission considers and approves electricity network and generation licensees' plans under the current regulatory framework, it does so in consultation with the Electricity Safety Regulator, NT WorkSafe. The Commission makes it clear to all parties that its approval does not detract from the relevant board's responsibility in ensuring safety, including public safety, as it relates to licensed operators. From 1 July 2024, when the *Electrical Safety Act 2022* commenced, NT WorkSafe is responsible for approving safety management and mitigation plans. However, the Commission will retain responsibility for approving RTA Gove's safety management and mitigation plan under the terms of its licence exemption.

### Compliance audits

One of the Commission's priorities is to monitor licensees' compliance with regulatory obligations, including ensuring regular internal audits and requiring independent audits of compliance as appropriate.

During 2023-24, the Commission required or requested (as appropriate) a number of electricity supply industry licensees undertake audits of compliance with various regulatory obligations including but not limited to the Electricity Industry Performance Code, the Electricity Retail Supply Code and the Compliance Framework and Reporting Guidelines. The licensees were required or requested to submit their respective audit scope (or scopes) to the Commission for approval, along with the final reports and management responses to the findings following completion of the audits.

The Commission is actively monitoring relevant licensees' implementation of audit recommendations.

## Assessment of network outage event

The Electricity Industry Performance Code includes requirements for network performance reporting and guaranteed service levels. If a network entity does not meet the guaranteed service levels approved by the Commission it must pay affected customers an associated guaranteed service level payment. Clause 5.4 of the Electricity Industry Performance Code provides for exclusion of certain network outages from these obligations.

PWC proposed to exclude a network outage event that occurred in the Alice Springs region on 30 November 2023 from network performance reporting and guaranteed service level payments under clause 5.4 of the Electricity Industry Performance Code. The event was a severe storm that pushed trees and debris onto power lines causing significant damage to electricity distribution infrastructure across the Alice Springs region and resulted in prolonged network outages for customers connected to the Alice Springs network.

On 18 March 2024, the Commission published an assessment that verified the network event in the Alice Springs region was a statistical outlier and outside the control of PWC. The event was able to be excluded from PWC's network performance reporting and guaranteed service payments.

## Complaint investigation

Under section 48 of the *Electricity Reform Act 2000*, the Commission must investigate complaints against any electricity entity made on the grounds the entity is engaging in conduct contrary to its licence conditions or the objects of the *Electricity Reform Act 2000* or the *Utilities Commission Act 2000*.

The Commission is exempt from investigating a complaint if it believes the complainant is not or is unlikely to be adversely affected by the alleged complaint, the complainant has not shown a genuine attempt to resolve the complaint with the electricity entity, or the complaint is frivolous or vexatious.

During 2023-24, no complaints were made to the Commission that required investigation under the legislation. However, Commission staff regularly assists members of the public with concerns raised in relation to electricity supply.

## Advice to the minister

The Commission provides independent advice to the minister on matters such as utility pricing, access to infrastructure, service quality and security of supply.

Advice to the minister can be provided:

- when the minister refers a matter to the Commission for inquiry under Part 7 of the *Utilities Commission Act 2000*, which is a public inquiry, and the Commission's final report must be tabled in the Legislative Assembly
- when the minister requests advice from the Commission in accordance with section 6(1)(g) of the *Utilities Commission Act 2000*, which may include a requirement in the terms of reference that the report setting out the Commission's findings and recommendations remains confidential to government.

The Commission is also empowered to provide advice to the minister on electricity supply industry and market policy matters, either on its own initiative or at the request of the minister, in accordance with section 45(1)(d) of the *Electricity Reform Act 2000*.

During 2023-24, no advice was requested from the Commission in relation to electricity supply. However, the Commission informally provided advice and feedback to government on various electricity supply matters, including in relation to the government's Territory electricity market reforms.

### **Progress reports – Alice Springs system black incident recommendations implementation**

As part of the Territory Government's response to the Commission's Independent Investigation of Alice Springs System Black Incident on 13 October 2019, a former Treasurer requested the Commission to monitor and report progress on implementing the recommended actions and other major incident reports. The first report on progress was to be published by the end of February 2020 and further reports every six months for a period of two years.

As work was still outstanding in March 2021, the Commission agreed to continue to report progress until all Alice Springs system black recommended actions were completed.

The Commission published its eighth and ninth six-monthly reports during 2023-24, on 21 August 2023 and 20 February 2024, respectively. The 23 February 2023 progress report advised that one recommended action, in relation to PWC undertaking a review of and improving the under frequency load shedding scheme in Alice Springs, remains incomplete. However, the report observed that notable progress had been made on the recommendation.



# PORT ACCESS AND PRICE REGULATION

4

## Responsibilities under the *Ports Management Act 2015*

The *Ports Management Act 2015* and Ports Management Regulations 2015 (Ports Regulations) provide for the control, management and operation of ports, and related purposes. The Minister for Infrastructure, Planning and Logistics is responsible for the *Ports Management Act 2015* and Ports Regulations.

The Commission is the regulator for Part 11 of the *Ports Management Act 2015* and Part 3 of the Ports Regulations, which establish the ports access and pricing regime for Territory ports. The access regime is the negotiate-arbitrate type, while the pricing regime is based on price monitoring.

The object of Part 11 and associated Ports Regulations is to promote the economically efficient operation and use of, and investment in major port facilities in the Territory by which services are provided, to promote effective competition in upstream and downstream markets.

Under the *Ports Management Act 2015*, a private port operator is taken to be a licensed entity for the purpose of the *Utilities Commission Act 2000*, as it applies to the regime.

The Commission regulates access to and pricing of prescribed services provided by a private port operator of a designated port, that is, DPO for the Port of Darwin.

The port services regulated by the Commission, as prescribed by Regulation 12, are:

- providing or allowing for access for vessels to the designated port
- providing facilities for loading or unloading vessels at the designated port
- providing berths for vessels at the designated port
- providing or facilitating the provision of pilotage services in a pilotage area within the designated port
- allowing entry of persons and vehicles to any land on which port facilities of the designated port are located.

As required by the regulatory regime, the Commission has issued a price determination and reporting guidelines, and has approved DPO's access policy for the Port of Darwin.

The Commission's role in port regulation was established with the intention of being a light-handed regulatory regime, with the threat of stronger regulation if justified.

## Review of the regime

The Commission is required to review the port access and pricing regime, in accordance with section 123 of the *Ports Management Act 2015*, three years from the appointment of a private operator and in each successive five-year period thereafter. The first review was provided to the minister in November 2018.

The purpose of the review is to determine whether there is a need for:

- ongoing regulatory oversight of access to and pricing of prescribed services provided by the private port operator
- a change to the form of regulatory oversight of access and if so how
- a change to the form of regulatory oversight of prices and if so how
- amendments to Part 11 of the *Ports Management Act 2015* or the Ports Regulations and if so the nature of those amendments.

The Commission commenced the 2023 Review of the Port Access and Pricing Regime in November 2022, with the release of an issues paper. On 8 May 2023, the Commission published a draft report. Throughout the review, the Commission consulted with DPO, port users and other stakeholders, including by seeking submissions on both the issues paper and draft report. The Commission received eight submissions from five stakeholders and these informed the Commission's final report.

The final report was provided to the minister in November 2023 and published on the Commission's website in March 2024, after it had been tabled in the Legislative Assembly. In simplified terms, the final report recommends:

- continuing regulatory oversight of access to and pricing of prescribed services
- continuing the current form of regulatory oversight for access to prescribed services
- amending the relevant legislation and regulations to improve the negotiate/arbitrate framework
- continuing the current form of regulatory oversight for pricing of prescribed services, with changes regarding the provision of financial accounts and the timeframe a price determination can be in effect
- amending the legislation and or regulations to ensure all prescribed services, whether provided under a lease or not, are subject to the regulatory regime
- amending the regime to prevent an access policy permitting carve-outs from certain obligations under the legislation
- amending the regime to give the Commission oversight of the classification of prescribed services, and require a port operator to publish indicative terms and, where feasible, indicative charges for certain prescribed services
- amending the regime to give the Commission power to initiate an independent audit of compliance
- amending the regime, including relevant legislation and regulations, to improve the approach to compliance and enforcement
- amending the regime to include a process for the relevant operator or provider to report on performance against approved measures of service and associated targets
- amending the relevant legislation to improve the access policy approval process.

The Commission's recommendations are non-binding and any changes to the regime are a decision for the Territory Government.

## Port access policy

Under Part 11 Division 2 of the *Ports Management Act 2015*, the Commission has the function of approving an access policy from a private port operator for prescribed services at a designated port. The private port operator is required by legislation to comply with its access policy.

The access policy provides a framework for port users requesting access to prescribed services, the approach to be taken by the private port operator in determining access and the terms on which access will be provided at the Port of Darwin. The Commission must approve a draft access policy if it meets the requirements of the *Ports Management Act 2015*, Ports Regulations and any matters specified by the minister by Gazette notice.

On 12 October 2023, DPO submitted a new draft access policy to the Commission for approval that took into account requirements under the *Competition and Consumer Act 2010*. As required by legislation, DPO consulted with port users after preparing the draft access policy and received no submissions.

The Commission approved DPO's new access policy and published an associated statement of reasons on 2 November 2023.

## Price monitoring

The Ports Regulations require the Commission to use price monitoring as the form of price regulation for prescribed services. Price regulation only applies to standard charges for prescribed services.

Under the regime, DPO sets the prices for standard charges for prescribed services but must provide 20 days' notice to the Commission if it intends to introduce, change or remove a charge. DPO is also required to publish the changes and new charges on its website 10 days before they take effect. Consistent with its price determination, the Commission uses the national CPI to monitor and report on pricing for prescribed services at the Port of Darwin.

On 30 May 2023, DPO advised the Commission it would be increasing its standard charges for prescribed services from 1 July 2023, with the exception of port induction fees, which would remain the same. Charges for pilotage increased by 5% and charges for other prescribed services increased by 6.7%. These increases were lower than the national CPI for the 12 months to March quarter 2023, which was 7%. The Commission advised stakeholders of the tariff changes through publishing the details on its website and direct correspondence as appropriate.

In October 2023, the Commission published its 2023 Ports Price Monitoring Report. The report provides a summary to port users, industry and stakeholders of standard charges for prescribed services at the Port of Darwin, over an eight-year period. Further, it provides a summary of the revenue received by the private port operator for prescribed services.

In reviewing the standard charges for prescribed services at the Port of Darwin for the last eight years, the Commission found the annual increases in DPO's charges for prescribed services moved within a band similar to the change in national CPI. Since commencing as the private port operator for the Port of Darwin, DPO has met its reporting and publication requirements for pricing, in accordance with the price determination in all seven years.

## Annual report to the minister

The Commission monitors the private port operator's compliance with the access and pricing regime, and is required to report to the minister by 1 December each year about any reports received from the private port operator on material instances of non-compliance with the access policy and any instances of non-compliance with a determination made by the Commission.

The Commission reported to the minister on 20 October 2023, advising it was not aware of any material breaches by DPO in 2022-23. The report was deemed tabled in the Legislative Assembly on 12 March 2024, as required by the *Ports Management Act 2015*, and subsequently published on the Commission's website.





# WATER SUPPLY AND SEWERAGE SERVICES

5

# Responsibilities under the *Water Supply and Sewerage Services Act 2000*

The Commission is responsible for certain regulatory functions in the water supply and sewerage services industries. Its activities relate mainly to licensing, price regulation and compliance monitoring.

The *Water Supply and Sewerage Services Act 2000* regulates the Territory's water supply and sewerage services industries to:

- promote the safe and efficient provision of water supply and sewerage services
- establish and enforce standards of service in water supply and sewerage services
- facilitate the provision of financially viable water supply and sewerage services
- protect the interests of customers.

The *Water Supply and Sewerage Services Act 2000* and Administrative Arrangements Order allocate ministerial responsibility for the *Water Supply and Sewerage Services Act 2000* as:

- the Minister for Health is responsible for provisions in relation to the quality of drinking water (section 46), compliance with the minimum water quality standards (section 49(3)) and minimum water quality monitoring program (section 50(2))
- the Treasurer is responsible for provisions including declaration of water supply and sewerage services licence areas (sections 8 and 9), setting licence application and annual fees (sections 15(2) and 19(3)), approving varied terms or conditions of a licence (section 20(1)), approving the Commission to grant an exemption (section 26(1)), appointing an authorised officer (section 35(1)), approving conditions under a licence (section 42(1) and (3)), specifying minimum standards that a licensee must meet in providing water supply or sewerage services to customers (section 45(1)), issuing a pricing order to regulate the prices for the sale of water supply and sewerage services (section 60(1) and (7)), and restricting the consumption of water or use of sewerage services (section 80)
- the Minister for Essential Services is responsible for making a determination in relation to the Commission taking over operations (section 32(1) and (5)), approving a code for connections, upgrading connections and increased loads on a licensee's infrastructure (section 52(2)), appointing a services officer and associated identity card form (sections 55(1) and 57(2)), declaring a water supply or sewerage services extension area (section 61(1)), and dealing with a dispute between a licensee and agency in relation to carrying out work on public land (section 63(5), (6) and (7)).

## Licensing

The Commission issues licences to persons wishing to carry on operations in the Territory's water supply and sewerage services industries under a sole supplier model.

Specific geographical areas may be declared by the minister, by way of a notice in the Northern Territory Government Gazette, to be a water supply or sewerage services licence area pursuant to sections 8 and 9 of the *Water Supply and Sewerage Services Act 2000*.

A licence is required to provide water supply and sewerage services within an area gazetted under the *Water Supply and Sewerage Services Act 2000*.

For each water supply or sewerage service within a licence area, the Commission may only grant a single licence for each of the relevant services provided. The Commission is not empowered to issue licences to provide services that take place outside a water supply or sewerage services licence area.

The Commission must make a water supply or sewerage services licence subject to conditions approved by the minister.

At 30 June 2024, PWC held two licences under Part 2 of the *Water Supply and Sewerage Services Act 2000* for:

- water supply
- sewerage services.

A general exemption from the need to hold a licence is also in effect for entities on-supplying water services within prescribed licence areas. This is conditional on the person having been granted approval of the licensee of the water supply licence area to perform on-supply operations in the water supply licence area.

During 2023-24 there were no applications for water supply or sewerage services licences or exemptions, and no variations applied for or made to the terms and conditions of existing licences.

## Price regulation

Water supply and sewerage services prices paid by customers, whether residential or commercial, are regulated by the Territory Government through a pricing order made by the Treasurer under section 60 of the *Water Supply and Sewerage Services Act 2000*.

On 15 June 2023, the Treasurer issued a pricing order to regulate water supply and sewerage services to take effect from 1 July 2023 to 30 June 2024.

The Commission is required to enforce compliance with pricing orders as if the orders were a determination of the Commission under the *Utilities Commission Act 2000*. At 30 June 2024, the Commission was not aware of any material breaches of the pricing order during 2023-24.

## Asset management plans

PWC is required to maintain and implement asset management plans for its water supply and sewerage services infrastructure, and each year submit an updated copy of the plan to the Commission. The Commission is not required to approve the plans, but as stated at section 48(2) of the *Water Supply and Sewerage Services Act 2000* and clause 12.1 of PWC's water supply and sewerage services licences, the purpose of the plans is to ensure optimal arrangements for creating, repairing and replacing the licensee's water supply and sewerage services infrastructure.

On 27 October 2023, PWC submitted to the Commission its water and sewerage asset management plans for the major and minor centres as required. The Commission reviewed and noted PWC's asset management plans.

## Service performance

The Commission has no role in developing service standards in the water supply and sewerage services industries.

Minimum standards that a licensee must meet in providing water supply or sewerage services to customers may be set by the Treasurer in accordance with section 45 of the *Water Supply and Sewerage Services Act 2000*.

As of 30 June 2024, no service standards have been set by the Treasurer and subsequently no service standard monitoring functions have been assigned to the Commission.

## Advice to the minister

During 2023-24, the Commission received one request from the minister for advice in relation to water supply and sewerage services.

## Code and guidelines

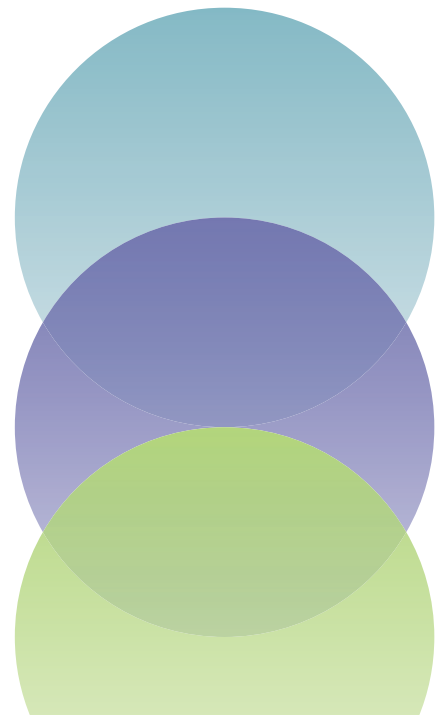
The *Water Supply and Sewerage Services Act 2000* requires the Commission to make water supply and sewerage services licences subject to conditions requiring licensees to develop and publish codes required by the Act (section 42(1)(e)). Accordingly, clause 9.1(e) of the water supply and sewerage services licences states that licensees must develop and comply with obligations under the codes specified in the *Water Supply and Sewerage Services Act 2000*, for the areas of metering, connections and trade waste.

Under the *Water Supply and Sewerage Services Act 2000*, the Commission has a role in approving the codes developed for the areas of metering and trade waste. The Commission did not approve any new codes developed by licensees during 2023-24. However, the Commission provided advice to licensed entities on various draft codes and the approval process.

In 2023-24, the Commission completed a review of its Compliance Framework and Reporting Guidelines, which applies to Water Supply and Sewerage Services licensees. The Commission's review is discussed in more detail in Chapter 3 *Electricity supply industry*.



# APPENDICES



## Appendix A: Utilities Commission meetings and major decisions

Table A1: Commission meetings

Commission meeting	Location	Lyndon Rowe	Richard Owens
5 July 2023	Videoconference and in person	Present	Present
17 August 2023	Videoconference	Present	Present
19 September 2023	Videoconference	Present	Present
20 October 2023	Videoconference	Present	Present
2 November 2023	Videoconference	Present	Present
6 December 2023	In person	Present	Present
22 January 2024	Videoconference	Present	Present
14 March 2024	Videoconference	Present	Present
2 May 2024	Videoconference	Present	Present
12 June 2024	In person	Present	Present

Table A2: Major decisions

Date	Agenda item	Item	Industry
5 July 2023	2.1	Approved the Review of the Northern Territory Electricity Supply Licensing Regime (stage 2) – Consultation Paper, including publication	Electricity
	2.2	Approved Rimfire Energy's proposed scope to undertake an audit of compliance with the Electricity Industry Performance Code	Electricity
	2.3	Approved Territory Generation's proposed scope to undertake an audit of compliance with the Electricity Industry Performance Code	Electricity
	2.5	Approved PWC's proposed amendments to the System Control Technical Code	Electricity
17 Aug 2023	2.1	Approved the Review of the Northern Territory Electricity Supply Licensing Regime (stage 1) – Final Decision, including publication	Electricity
	2.3	Approved Jacana Energy's proposed scope to undertake an audit of compliance with the Electricity Industry Performance Code	Electricity
	2.4	Approved the eighth Progress Report: Implementation of Recommendations – Alice Springs System Black Incident on 13 October 2019	Electricity
19 Sept 2023	2.1	Approved DIA's proposed safety management and mitigation plan	Electricity
	2.2	Approved the 2023 Review of Alcan Gove Pty Ltd Exemption Document – Consultation Paper, including publication	Electricity
	2.3	Approved the 2022-23 Annual Report, including publication	All
9 Oct 2023	OOS no. 2	Approved EDL's proposed scope to undertake an audit of compliance with the Electricity Industry Performance Code	Electricity
20 Oct 2023	2.1	Approved the Annual Report on Material Instances of Non-compliance with the Port Access Policy and Price Determination for 2022-23, including publication	Ports
	2.2	Approved the 2023 Ports Price Monitoring Report, including publication	Ports
	2.3	Approved the 2023 Review of the Port Access and Pricing Regime – Final Report, including publication	Ports
2 Nov 2023	2.1	Approved Assure Energy Asset Pty Ltd's updated safety management and mitigation plan	Electricity
	2.2	Approved Rimfire Energy's hardship and family violence policies	Electricity
	2.3	Approved DPO's updated Access Policy	Ports
	2.4	Approved the 2024-25 System Control and Market Operator charges	Electricity
	2.5	Approved PWC's updated life support equipment procedure	Electricity
	2.7	Approved Eni's updated safety management and mitigation plan	Electricity
21 Nov 2023	OOS no. 3	Approved PWC's proposed scope to undertake an audit of compliance with the Electricity Industry Performance Code	Electricity
6 Dec 2023	2.2	Approved PWC's updated safety management and mitigation plan	Electricity
	2.3	Approved Territory Generation's updated safety management and mitigation plan	Electricity
	2.6	Approved the Township of Nhulunbuy Guaranteed Service Level Performance Report 2022-23, including publication	Electricity

*continued*

Date	Agenda item	Item	Industry
13 Dec 2023	OOS no. 4	Approved the Annual Compliance Monitoring Report for 2022-23, including publication	Electricity, water and sewerage
21 Dec 2023	OOS no. 5	Approved the methodology and assumptions for the 2023 NTEOR	Electricity
22 Jan 2024	2.1	Approved the Review of the Northern Territory Electricity Supply Licensing Regime (stage 2) – Decision Paper, including publication	Electricity
19 Feb 2024	OOS no. 6	Approved the ninth Progress Report: Implementation of Recommendations – Alice Springs System Black Incident on 13 October 2019	Electricity
1 March 2024	OOS no. 8	Approved the 2023 Review of RTA Gove Pty Ltd Exemption Document – Draft Decision, including publication	Electricity
14 March 2024	2.1	Approved the draft version 2 of the Compliance Framework and Reporting Guidelines and associated consultation materials, including publication	Electricity, water and sewerage
	2.3	Approved PWC's hardship policy and family violence policy	Electricity
	2.4	Approved the Assessment of Network Outage Event on 30 November 2023 – PWC, including publication	Electricity
2 May 2024	2.1	Approved Jacana Energy's hardship and family violence policies	Electricity
	2.3	Approved the 2023 Review of RTA Gove Pty Ltd Exemption Document – Final Decision, including publication	Electricity
	2.5	Approved the 2022-23 Northern Territory Electricity Retail Review, including publication	Electricity
10 May 2024	OOS no. 10	Approved the 2022-23 NTPSPR, including publication	Electricity
2 June 2024	OOS no. 13	Approved the Review of NTESMO 2024–2027 System Control and Market Operator Charges Regulatory Proposal – Consultation Paper, including publication	Electricity
12 June 2024	2.1	Approved the 2025-2027 Utilities Commission Strategic Plan	All
	2.3	Approved PWC's updated life support equipment procedure	Electricity
	2.4	Approved publication of the statement regarding Port of Darwin changes to standard charges for prescribed services	Ports
22 June 2024	OOS no. 15	Approved the 2023 NTEOR, including publication	Electricity
25 June 2024	OOS no. 16	Approved the Electricity Industry Performance Code – Direction June 2024 (intermittent generation and battery reporting)	Electricity

OOS: out of session

## Appendix B: Expenditure and receipts

The Commission is established as a separate administrative unit within the Department of Treasury and Finance. The Commission does not separately compile its own financial statements but its activities are included in the consolidated financial statements provided in the Department of Treasury and Finance's Annual Report.

This appendix publishes the Commission's expenditures funded directly from consolidated revenue, through the Department of Treasury and Finance, as well as the associated receipts.

Table B1: Expenses by category of cost

	2023-24	2022-23
	\$000	\$000
<b>EMPLOYEE EXPENSES</b>	<b>823</b>	<b>773</b>
<b>GENERAL EXPENSES</b>	<b>495</b>	<b>486</b>
Regulatory/Commission expenses	146	149
Expert advice (including legal)	296	293
Office expenses and administration	43	39
Recruitment and training	10	5
<b>TOTAL EXPENSES</b>	<b>1 318</b>	<b>1 259</b>

Table B2: Licence fees and charges

	2023-24	2022-23
	\$000	\$000
<b>FEES AND CHARGES</b>		
Licence application fees	0	1
Electricity licence fees	494	477
Water and sewerage licence fees	50	50
<b>TOTAL REVENUE</b>	<b>544</b>	<b>528</b>

Notes: Section 19 of the *Utilities Commission Act 2000* provides that, unless otherwise directed by the minister, fees and other monies received by the Commission are paid into the Consolidated Revenue Account. No such direction has been issued.

The licence fee schedule applicable for the 2023-24 period was approved by the minister on 1 July 2013.

## Appendix C: Advisers to the Utilities Commission

In 2023-24, the Commission used the services of various consultants. Total fees paid to consultants or on legal advice was \$0.296 million, compared with \$0.293 million in the previous year.

The Commission engaged the following consultants in 2023-24:

- Australian Energy Market Operator to assist the Commission in undertaking modelling for the 2023 NTEOR
- Cambridge Economic Policy Associates to assist the Commission with the 2024–2027 System Control and Market Operator Charges Review
- Allens and Seaton Legal to provide legal advice on various regulatory issues in the ports and electricity supply industries.

## Appendix D: Publications and reports

Table D1: During 2023-24, the Commission published the following reports and documents

Date released	Publication
July 2023	Decision Summary – Approval of System Control Technical Code amendments Review of the Northern Territory Electricity Supply Licensing Regime (stage 2) – Consultation Paper
August 2023	Progress Report: Implementation of Recommendations – Alice Springs System Black Incident on 13 October 2019 (8 <sup>th</sup> report) Review of the Northern Territory Electricity Supply Licensing Regime (stage 1) – Final Decision
September 2023	Utilities Commission 2023 stakeholder survey results Annual Report 2022-23 Exemptions granted under section 87 of the <i>Electricity Reform Act 2000</i> – information sheet 2023 Review of Alcan Gove Pty Ltd Exemption Document – Consultation Paper
October 2023	2023 Ports Price Monitoring Report
November 2023	Statement of Reasons – Approval of the 2023 Access Policy of Darwin Port Operations Pty Ltd for the Port of Darwin Approval of 2024-25 Annual Pricing Proposal for System Control and Market Operator Charges
December 2023	Township of Nhulunbuy Guaranteed Service Level Performance Report 2022-23 Annual Compliance Monitoring Report 2022-23
January 2024	Review of the Northern Territory Electricity Supply Licensing Regime (stage 2) – Decision Paper
February 2024	Progress Report: Implementation of Recommendations – Alice Springs System Black Incident on 13 October 2019 (9 <sup>th</sup> report)
March 2024	2023 Review of RTA Gove Pty Ltd Exemption Document – Draft Decision 2022-23 Annual Report to the Minister on Material Instances of Non-compliance 2023 Review of the Port Access and Pricing Regime – Final Report Assessment of Network Outage Event on 30 November 2023 – Power and Water Corporation 2024 Review of the Compliance Framework and Reporting Guidelines – Consultation Paper
May 2024	2022-23 Northern Territory Electricity Retail Review 2022-23 Northern Territory Power System Performance Review
June 2024	2023 Review of RTA Gove Pty Ltd Exemption Document – Final Decision Review of NTESMO 2024–2027 System Control and Market Operator Charges Regulatory Proposal – Consultation Paper Utilities Commission 2024-25 Priorities Utilities Commission Strategic Plan 2025–2027 2023 Northern Territory Electricity Outlook Report Electricity Industry Performance Code – Direction June 2024 (intermittent generation and battery reporting)

These publications can be viewed on the Utilities Commission's website: [utilicom.nt.gov.au](https://utilicom.nt.gov.au).

