

Submission in response to the Utilities Commission of the Northern Territory's 2024 Electricity Industry Performance Code Review – Draft Decision paper

Submission date: Tuesday, 24 June 2025
Sent by email: <utilities.commission@nt.gov.au>
Attention: Adam Hadley, Assistant Director

Submission by:

Sally Wilson, PhD Candidate at the Australian National University's Crawford School of Public Policy

Brad Riley, Research Fellow at the Australian National University's Centre for Indigenous Policy Research

Michael Klerck, Adjunct Lecturer at the University of Newcastle

Vanessa Napaltjari Davis, Senior Aboriginal Researcher at Tangentyere Council Aboriginal Corporation

Dr Lily O'Neill, Senior Research Fellow at Melbourne Climate Futures & Onemda at the University of Melbourne

Background

This submission responds to the Utilities Commission's draft decision dated 13 May 2025 (**draft decision**) in relation to the 2024 review of the Northern Territory Electricity Industry Performance Code (**2024 review** and **EIP Code**, respectively).

This is our third contribution to the 2024 review process. In our initial submission dated 15 October 2024 (**initial submission**) we outlined our position on the importance of:

1. Introducing retail performance reporting requirements for licensed retailers operating in remote Indigenous communities – continuing submissions made in March 2023 to a previous EIP Code review; and
2. Updating existing retail performance reporting metrics in the EIP Code for better alignment with Territory-wide consumer protections and national reporting benchmarks.

In a supplementary submission dated 10 December 2024 (**supplementary submission**) we addressed:

3. How these reporting improvements are consistent with broader policy commitments made by the Northern Territory Government through the national First Nations Clean Energy Strategy (**FNCES**).

We acknowledge the Commission for considering the reporting-related issues raised in our submissions, for subsequently broadening the scope of its review and providing an additional opportunity for public consultation on these crucial matters.

In relation to the draft decision, we maintain that:

- Remote reporting is needed in the Northern Territory and is best implemented through amendments to the EIP Code, which provides the advantages of consistent reporting practices and independent regulatory oversight.
- Updated retail performance reporting metrics are needed to support the operation of Territory-wide consumer protections better aligned with national performance reporting standards.

In this response, we refer the Commission to our previous submissions and provide the following additional comments on the draft decision.

Remote reporting

In the draft decision, the Commission acknowledges that:

- There are persistent gaps in public reporting of retail performance energy data for remote communities across the Territory;
- Remote licensed retailer Power and Water Corporation (**PWC**) and its subsidiary Indigenous Essential Services (**IES**) do not currently publish or publicly report retail performance data for remote communities;
- PWC/IES has the capability to report retail performance data given the rollout of smart meter technologies which support the collection of this data across most of their licensed retail area.

However, the Commission has at this stage opted not to pursue relevant reforms through the EIP Code – instead recommending that remote reporting should be initiated and led by the Northern Territory Government.

Our view is that remote reporting represents a significant opportunity – it supports stated policy goals and is both technically viable and practically feasible in the Northern Territory context. We consequently encourage the Commission as electricity industry regulator to take the lead on implementing remote retail performance reporting through the EIP Code for the reasons outlined below.

1. Remote reporting is needed to support transparency around energy outcomes for residents of remote Indigenous communities in the Territory, including the 72 communities and 79 outstations within the PWC/IES licensed retail area.¹ The current lack of remote retail performance data presents a barrier to effectively monitoring progress against Closing the Gap (**CTG**) targets and may hinder the ability of First Nations organisations to support their communities across essential service delivery, health, social, and economic domains. As noted by the Productivity Commission’s CTG Information Repository: “Target 9B is not able to be reported against as there is no data source currently available which includes all required data elements.”² CTG Priority Reform 4 reinforces the need for shared access to data and information at a regional level to support First Nations communities and organisations to make informed decisions about CTG, community priorities and

¹ IES, Annual Report 2023-24, p. 4.

² Productivity Commission, available at: <https://www.pc.gov.au/closing-the-gap-data/dashboard/se/outcome-area9>.

development.³ Expanding access to remote retail performance data would help address the information gap and strengthen community-controlled efforts aligned with CTG objectives.

2. Reforms to remote reporting are consistent with the Northern Territory Government's endorsement of the First Nations Clean Energy Strategy (**FNCES**), as outlined in our supplementary submission. In its consultation response, the Territory Government emphasised the importance of aligning the FNCES with the National Agreement on Closing the Gap, particularly Target 9B and 15, through application of the four priority reforms.⁴ This position indicates a commitment to enhancing reporting to better understand electricity access and track progress towards CTG targets, consistent with the intent of the remote performance reporting reforms under consideration in the EIP Code review.
3. Remote retail performance falls within the scope of the Commission's powers and functions under the *Utilities Commission Act 2000* (NT) and the *Electricity Industry Reform Act 2000* (NT). The importance of public reporting through an independent body is reinforced by the monopoly supply arrangements governing provision of essential electricity services in remote communities across the Northern Territory. Comparable regulatory approaches have been adopted in Western Australia and South Australia, acknowledging the distinct circumstances of each jurisdiction. In Western Australia, the Economic Regulation Authority WA (**ERA WA**) has publicly reported remote retail performance data since smart meters with reporting capacity were introduced from around 2015.⁵ In South Australia, the Essential Services Commission of South Australia (**ESCOSA**) commenced public reporting of retail performance data for off-grid Aboriginal communities in 2023, following the rollout of household (prepaid) metering.⁶

The Commission currently undertakes a range of regulatory functions in relation to licensed retailers operating in remote communities. These functions include licensing, enforcement of the Electricity Pricing Orders (including the prepayment tariff), and monitoring and compliance activities. In this context, it is reasonable that the Commission's responsibilities extend to facilitating public reporting by licensed retailers operating in remote communities. This is both acknowledged in and consistent with the Commission's stated intention to "return to the issue if gaps in transparency persist".⁷

4. The Commission's existing regulatory mechanisms represent the most authoritative, efficient, reliable and transparent pathway for public reporting of remote retail performance indicators in the Northern Territory. While the draft decision notes the establishment of a Territory Government working group aimed at "improv[ing] the transparency and accountability of essential services in remote Aboriginal communities" it appears that retail performance reporting is not currently amongst the matters being considered, nor has it been addressed through a Territory

³ Australian Government, Closing the Gap – Priority Reforms, available at: <https://www.closingthegap.gov.au/national-agreement/priority-reforms>.

⁴ NTG, 2024, Northern Territory Government response to First Nations Clean Energy Strategy Consultation Paper, p. 6, available at the following [link](#).

⁵ ERA WA, available at: <https://www.erawa.com.au/energyreports>.

⁶ ESCOSA, available at: <https://www.escosa.sa.gov.au/industry/electricity/regulatory-performance/small-scale-networks>.

⁷ Draft decision, p. 43.

Government submission to the current EIP Code review process to date.⁸ The risk of duplication is minimal, as remote retail performance data is not currently reported through any publicly available source. In the circumstances, efficiency and transparency would be best supported by progressing remote reporting through the Commission’s established regulatory framework for the following reasons:

- a. **Consistency** – Requiring all licensed electricity retailers to report to a single regulatory body using standardised protocols would promote consistent reporting practices across the Territory.
- b. **Efficiency** – Utilising the Commission’s existing systems which were designed to support these functions, including the annual *Electricity Retail Review*, would enable timely implementation and transparent publication of remote performance data. While the Territory Government’s working group indicates progress, prompt action is required to address the reporting gaps identified by the Commission in its draft decision. Extending the EIP Code’s retail performance reporting requirements to licensed retailers operating in remote communities would support an efficient and transparent delivery of these reforms.
- c. **Data availability and robustness** – Centralised reporting through the Commission provides Territory-wide oversight and publication of performance outcomes. According to the Commission’s website, regular and comprehensive reporting supports transparency and improves planning, investment, and understanding of service quality and value.⁹
- d. **Reliability** – Incorporating remote reporting into the Commission’s annual *Electricity Retail Review* would provide ongoing, public access to consistent and comparable information, supporting communities, organisations, and other stakeholders through an independent and dependable source.

Any risk of duplication can be avoided by adopting a collaborative approach to implementation between the Commission, relevant departments, retailers and First Nations community organisations.

5. Remote reporting through the Commission reflects a commitment to transparency and ensures consistent retail performance data for all households across the Northern Territory. The draft decision acknowledges that “public reporting and transparency in relation to the performance of electricity services in communities, including retail service performance, is important” – emphasizing that remote Indigenous communities “like all others across the Territory, deserve visibility over service quality and system reliability, and clear information is essential to informed policymaking, accountability, and continuous improvement”.¹⁰

While the Northern Territory Government has begun annual reporting on the estimated “average electrical outage duration”¹¹ (minutes/year) across all remote communities in the PWC/IES footprint this limited information about outage duration alone does not capture the full picture of remote household energy access.

⁸ Draft decision, p. 43.

⁹ Utilities Commission, available at <https://utilicom.nt.gov.au/electricity/reporting>.

¹⁰ Draft decision, page 43.

¹¹ NTG, 2024-25 Budget Paper No. 3, Agency Budget Statements, p. 122 available at: https://budget.nt.gov.au/_data/assets/pdf_file/0005/1376393/2024-25-bp3-book.pdf.

Retail performance indicators used by the Commission – including frequency and duration of prepayment self-disconnections – are essential metrics for a more comprehensive understanding of First Nations electricity access in the context of the now ubiquitous use of prepayment.

6. The benefits of regulatory-led remote retail performance reporting are likely to exceed any associated costs. Smart meter technologies are installed in most remote households allowing PWC/IES to track key metrics. According to its website, PWC/IES conducts internal “daily reporting of prepayment meter systems, disconnections and reconnections”¹² to support its hardship program in the case of remote customers for whom prepayment is the default payment type. Extending these efforts to include annual performance reporting is expected to involve minimal additional costs, which are outweighed by the advantages of increased transparency, alignment with Closing the Gap and the First Nations Clean Energy Strategy and strengthened support for First Nations communities and their organisations.

Scope of performance reporting metrics

In the draft decision, the Commission acknowledges the limited scope of existing retail performance indicators but does not propose changes to reporting metrics under the EIP Code, citing potential costs and administrative burdens for licensed retailers identified during limited consultation.

We encourage the Commission to update its retail performance framework to include new indicators relating to family violence protections, hardship programs, life support customers and prepayment meter customers, as outlined in our initial submission. The rationale for this approach includes the following:

1. A broader set of performance indicators is needed to effectively monitor and understand energy outcomes for all households across the Territory, including First Nations households who prepay for essential electricity services.

While consumer protections exist under the Northern Territory Electricity Retail Supply Code (**ERS Code**) and the *Electricity Reform Act 2000* (NT) (**ER Act**) many are either not reported on, or existing performance metrics lack important detail. Improved transparency through enhanced reporting will help to ensure that the legislative framework is operating as intended by legislators.

The limited publicly available data that is available suggests households in the Northern Territory may not be benefiting fully from the consumer rights, protections and supports available to them. For example:

Hardship programs may not be reaching customers who are in need.

Jacana has indicated that 551 customers were enrolled in its hardship program at the end of March 2025.¹³ Currently, Jacana’s residential customer base includes 66,756 residential (post-payment) customers and 2,505 prepayment customers

¹² Power Water Corporation, available at <https://www.powerwater.com.au/customer-hardship-policy/home>.

¹³ Jacana Energy, NT Estimates Committee on 19 June 2025, p. 25, available at https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1530075/Uncorrected-Transcript-Estimates-Committee-Thursday-19-June-2025.pdf.

across the major networks of Darwin, Katherine, Tennant Creek and Alice Springs.¹⁴ Hardship protections apply to post-pay and prepayment households, yet it is unclear if available supports are reaching both cohorts based upon existing performance reporting metrics. Expanded performance reporting on hardship programs, including according to payment type, would begin to address this gap.

Energy concessions may not be reaching all eligible households, including remote First Nations households who use prepayment meters.

The Northern Territory Concessions Unit has indicated that only 57 households (0.83%) received an energy concession across the communities of Nhulunbuy, Galiwin'ku, Milingimbi, Ramingining, and Yirrkala during 2024-25, yet at least 95 households were eligible to receive the concession.¹⁵ This data indicates that energy concessions are not reaching all eligible households in the region. There is a risk that households in other communities across the Territory (both remote and urban) are also being overlooked. Performance reporting of customers receiving energy concessions by payment type would help community organisations and policymakers to identify unmet needs and improve access for eligible households.

2. Updating performance reporting in the Northern Territory would support alignment with national benchmarks. The Australian Energy Regulator's 2024 *Retail Performance Reporting Procedures and Guidelines* offer a model for monitoring of consumer energy outcomes without imposing undue cost burdens on retailers. These indicators prioritise areas affecting vulnerable consumers – an important consideration in the Northern Territory where many households, particularly First Nations households, experience energy vulnerability.

In addition, all state and territory energy ministers have endorsed the Better Energy Customer Experiences (**BECE**) framework, which seeks to promote equitable and consistent regulatory protections across jurisdictions.¹⁶ Aligning the Territory's performance reporting with these national standards would support this broader policy objective and help ensure households are not disadvantaged due to geography or circumstance.

3. Expanded performance reporting can be implemented in a way that delivers consumer benefit while minimising costs to retailers. While the Commission has indicated a willingness to consider expanded metrics in the future, a more effective, efficient approach would be to revise the reporting requirements as part of this review and implement changes incrementally. This would enable retailers to begin adapting their systems in a timely manner, while also providing meaningful improvements in transparency and consumer outcomes. Action now would enhance the Commission's regulatory role and build confidence in the transparency of performance reporting in the Territory. Prioritising consumer interests – particularly for vulnerable groups – provides a strong basis for proceeding, noting

¹⁴ As above, at p. 21.

¹⁵ Answer to Written Question from Member for Mulka, Mr Yingiya Guyula MLA dated 12 February 2025, available at https://parliament.nt.gov.au/_data/assets/pdf_file/0010/1489231/Answer-to-Written-Question-52.pdf.

¹⁶ Energy and Climate Change Ministerial Council, available at https://storage.googleapis.com/files-au-climate/climate-au/p/prj346205c597f1482d27aea/page/Better_Energy_Customer_Experiences_Consultation_Paper.pdf.

that licensed retailers may also benefit from improved operational efficiencies and risk management through improved reporting.

Thank you for considering these further comments on the draft decision. We welcome continued engagement with the Commission to support the development of a fair, transparent, and fit-for-purpose performance reporting framework for all electricity consumers in the Northern Territory.