

**NORTHERN TERRITORY OF AUSTRALIA**

**ELECTRICITY REFORM ACT 2000**

As in force at 1 July 2024

**Table of provisions**

<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	1
2	Commencement .....	1
3	Objects .....	1
4	Interpretation .....	2
5	Crown to be bound .....	7
<b>Part 2</b>	<b>Administration</b>	
<b>Division 1</b>	<b>Utilities Commission</b>	
6	Functions of Utilities Commission .....	7
<b>Part 3</b>	<b>Electricity supply industry</b>	
<b>Division 1</b>	<b>Declaration as regulated industry</b>	
13	Declaration as regulated industry .....	8
<b>Division 2</b>	<b>Licences in electricity supply industry</b>	
14	Requirement for licence .....	8
15	Application for licence .....	9
16	Consideration of application .....	9
17	Licences may be held jointly .....	10
18	Term of licence .....	11
19	Licence fees and returns .....	11
20	Authority conferred by licence – general .....	12
21	Authority conferred by licence authorising generation of electricity .....	12
22	Authority conferred by licence authorising operation of electricity network .....	13
23	Authority conferred by licence authorising selling of electricity .....	13
24	Licence conditions – general .....	13
25	Licence conditions – licence authorising generation of electricity .....	14
26	Licence conditions – licence authorising operation of an electricity network .....	15
27	Limitation on obligation to connect and distribute .....	17
28	Licence conditions – licence authorising selling of electricity .....	18

30	Licence conditions – licence authorising system control .....	19
31	Offence to contravene licence conditions .....	19
32	Variation of licence .....	20
33	Transfer of licence .....	20
34	Notice of licence decisions .....	21
35	Surrender of licence .....	21
36	Suspension or cancellation of licence.....	21
37	Register of licences .....	22
37A	Licence not personal property .....	22

## **Division 2A      Technical codes**

37B	System Control Technical Code .....	22
37C	Minister may direct system controller .....	23
37D	Distribution of System Control Technical Code .....	23
37E	Publication of System Control Technical Code.....	23
37F	Network Technical Code.....	24
37G	Minister may direct network provider .....	24
37H	Distribution of Network Technical Code.....	24
37J	Publication of Network Technical Code .....	25
37K	Sections repealed.....	25

## **Division 3      System controller**

38	Functions and powers of system controller.....	26
39	Remuneration of system controller .....	27
40	Obligation to preserve confidentiality.....	27

## **Division 4      Utilities Commission's powers to take over operations**

41	Power to take over operations .....	28
42	Appointment of operator .....	28

## **Division 5      Price regulation**

43	Price regulation by determination of Utilities Commission .....	29
44	Electricity pricing order by Minister .....	29

## **Division 5A      Retail supply of electricity**

44A	Definition.....	32
44B	Making and application of Retail Code .....	32
44C	Matters to be regarded in making or administering Retail Code ....	33
44D	Appointment of retailer of last resort as replacement retailer.....	33
44E	Effect of appointment of retailer of last resort on existing contracts and other rights and liabilities.....	34
44F	Contractual arrangements for sale of electricity to transferred customers .....	35

---

44G	Cost recovery .....	35
44H	Information requirements.....	36
44J	Vesting of rights and other matters.....	37
44K	<i>Corporations Act 2001</i> (Cth) displacement.....	37

## **Division 6      System capacity monitoring and planning**

45	Utilities Commission to monitor and advise on system capacity....	37
----	---	----

## **Division 7      Protection of property in infrastructure**

46	Electricity infrastructure does not merge with land .....	38
47	Prevention of dismantling of electricity infrastructure in execution of judgment .....	39

## **Division 8      Utilities Commission to investigate complaints**

48	Grounds for complaint .....	39
49	Persons who may make complaint .....	39
50	Utilities Commission to investigate complaint.....	40
51	Procedures for investigation .....	40

## **Part 4            Electricity entities' powers and duties**

### **Division 1      Electricity officers**

52	Appointment of electricity officers .....	41
53	Conditions of appointment.....	41
54	Electricity officer's identity card.....	41
55	Production of identity card .....	41

### **Division 2      Powers and duties relating to infrastructure**

56	Entry on land to conduct surveys, etc.....	42
57	Power to carry out work on public land.....	42
58	Entry under easements for purposes related to infrastructure .....	44
59	Easements and access to infrastructure for data transmission and telecommunications .....	44

### **Division 3      Powers relating to installations**

60	Entry to inspect, etc., electrical installations .....	45
61	Entry to read meters, etc. ....	46
62	Entry to disconnect supply.....	46
63	Disconnection of supply if entry refused .....	46

---

<b>Division 5</b>	<b>Powers and duties related to electricity supply and systems</b>	
65	Electricity entity may cut off electricity supply to avert danger .....	47
66	Emergency legislation not affected .....	47
67	Power to disconnect electrical supply .....	47
68	Disconnection of cathodic protection system.....	48
69	Offences .....	48
<b>Part 6</b>	<b>Enforcement</b>	
<b>Division 1</b>	<b>Appointment of authorised officers</b>	
72	Appointment of authorised officers .....	49
73	Conditions of appointment.....	49
74	Authorised officer's identity card.....	49
75	Production of identity card .....	50
<b>Division 2</b>	<b>Authorised officers' powers</b>	
76	Power of entry .....	50
77	General investigative powers of authorised officers .....	50
81	Power to require information.....	51
<b>Division 3</b>	<b>Auditors</b>	
81A	Appointment of auditors.....	52
<b>Part 7</b>	<b>Reviews and appeals</b>	
83	Review of decisions.....	52
84	Appeal .....	53
85	Minister's power to intervene .....	54
<b>Part 8</b>	<b>Miscellaneous</b>	
86	Reticulation of electricity to electricity supply distribution extension area .....	54
87	Power of exemption.....	55
87A	Utilities Commission may grant exemption from requirement to hold network provider licence .....	56
88	Register of exemptions.....	56
89	Obligation to comply with conditions of exemption .....	56
90	Persons other than electricity entities who must comply with system controller .....	56
91	Fixing standard terms and conditions for customers .....	57
93	Delegation by Minister .....	57
94	Application and issue of warrant.....	58
95	Urgent situations.....	58

---

100	Impersonation of officials, etc. ....	59
101	Obstruction .....	59
102	False or misleading information.....	60
103	Statutory declarations .....	60
104	General defence .....	60
105	Criminal liability of executive officer of body corporate .....	60
106	Continuing offence.....	62
107	Electricity entities not liable in certain circumstances .....	62
108	Protection from liability .....	63
109	Evidence.....	63
110	Service.....	64
111	Regulations.....	64

**Part 9                    Repeals and transitional matters for  
Electricity Reform Act 2000**

112	Repeal .....	67
113	Transitional.....	67

**Part 10                  Transitional matters for National Electricity  
(Northern Territory) (National Uniform  
Legislation) Act 2015**

114	Definitions.....	67
115	Continuation of network technical codes .....	68
116	References to transferred provisions.....	68

**Part 11                  Transitional matters for Statute Law  
Amendment (Directors' Liability) Act 2015**

117	Offences – before and after commencement.....	68
-----	---	----

**Part 12                  Transitional matters for Electricity Reform  
Legislation Amendment Act 2021**

118	Continuation of technical codes.....	69
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**Part 13                  Transitional matters for Electricity  
Legislation Amendment Act 2023**

119	Definition.....	69
120	Superseded references .....	70
121	Saving of electricity pricing orders .....	70
122	Saving of Retail Code.....	70

**Schedule 1            Acts repealed**

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2024

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## ELECTRICITY REFORM ACT 2000

**An Act to regulate the electricity supply industry, to make provision for technical standards for electrical installations and for other purposes**

### **Part 1            Preliminary**

#### **1            Short title**

This Act may be cited as the *Electricity Reform Act 2000*.

#### **2            Commencement**

The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

#### **3            Objects**

The objects of this Act are:

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

## 4 Interpretation

(1) In this Act:

**AER** means the Australian Energy Regulator established by section 44AE of the *Competition and Consumer Act 2010* (Cth).

**authorised officer** means a person appointed under Part 6 as an authorised officer.

**condition** includes a limitation or restriction.

**connection agreement** means a contract or agreement between a network provider and a network user who:

- (a) is connected to the network provider's network; or
- (b) receives network services from the network provider.

**consumer protection framework**, for Part 3, Division 5A, see section 44A.

**contravention** includes a failure to comply.

**customer** means a person who receives, or wants to receive, a supply of electricity for final consumption and includes:

- (a) the occupier for the time being of a place to which electricity is supplied;
- (b) where the context requires – a person seeking an electricity supply; and
- (c) a person of a class declared by the Regulations to be customers.

**dedicated connection asset**, see Chapter 10 of the National Electricity (NT) Rules (as in force from time to time).

**designated network asset**, see Chapter 10 of the National Electricity (NT) Rules, as in force from time to time.

**disconnect**, an electricity supply, includes a procedure to interrupt or discontinue the electricity supply to a customer.



**electrical installation** means a set of wires and associated fittings, equipment and accessories installed in a place for conveying, controlling, measuring or using electricity that is, or is to be, or has been, supplied for consumption in the place, but does not include:

- (a) electricity infrastructure owned or operated by an electricity entity; or
- (b) any wires, fittings, equipment or accessories connected to and beyond an electrical outlet at which fixed wiring terminates (other than a electrical outlet used to connect sections of fixed wiring).

**electricity entity** means a person licensed under Part 3 to carry on operations in the electricity supply industry and includes a person who has been licensed to carry on operations in the electricity supply industry under that Part whose licence has been suspended or cancelled or has expired.

**electricity infrastructure** means:

- (a) electricity generating plant;
- (b) powerlines;
- (c) substations for converting, transforming or controlling electricity;
- (d) equipment for metering, monitoring or controlling electricity; and
- (e) any wires, equipment or other things (including tunnels and cavities) used for, or in connection with, the generation, transmission, distribution or supply of electricity.

**electricity network** means the assets that together are operated by the network provider for the purposes of transporting electricity from generators of electricity to a transfer point with another network or to consumers of electricity.

**electricity officer** means a person appointed under Part 4 as an electricity officer.

**electricity pricing order**, see section 44(1).

**electricity retailer** means an electricity entity that holds a licence under Part 3 authorising the retail selling of electricity.

**electricity supply industry** means the industry involved in the generation, supply and sale of electricity or other operations of a kind prescribed by the Regulations.

**failed retailer** means an electricity retailer in respect of which the Utilities Commission has determined under section 44D to appoint the retailer of last resort to sell electricity to that retailer's customers.

**generation**, of electricity, means the operation of any kind of electricity generating plant and all incidental and related operations, but does not include anything declared by Regulations not to be generation of electricity.

**insolvency event**, in relation to an electricity retailer, means any of the following:

- (a) an insolvency official is appointed in respect of the electricity retailer or any property of the electricity retailer;
- (b) an order is made by a court of competent jurisdiction for the winding up or dissolution of the electricity retailer;
- (c) a resolution is passed for the winding up or dissolution of the electricity retailer, in accordance with the *Bankruptcy Act 1996* (Cth) or *Corporations Act 2001* (Cth).

**insolvency official** means a receiver, a receiver and manager, an administrator, a provisional liquidator, a liquidator, a trustee in bankruptcy or a person having a similar function.

**land** includes:

- (a) an estate or interest in land (including an easement); or
- (b) a right or power over or in respect of land.

**National Electricity (NT) Law**, see section 3(1) of the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015*.

**National Electricity (NT) Rules**, see section 3(1) of the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015*.

**National Electricity Rules** means the National Electricity Rules as defined in section 2(1) of the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* (SA).

**network provider** means a person licensed under Part 3 to operate an electricity network.

**network services** means the services provided to network users by a network provider.

**Network Technical Code** means a network technical code, and any associated network planning criteria, made under section 37F.

**network user** means a person who has been granted access to the electricity network by the network provider in order to transport electrical energy to or from a particular point.

**occupier**, of land or a place, means a person who has or is entitled to possession or control of the land or place.

**operations** include activities.

**Power and Water Corporation** means the Power and Water Corporation established under the *Power and Water Corporation Act 1987*.

**powerline** means:

- (a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures, conduits and equipment; and
- (b) associated equipment for the transmission or distribution of electricity,

but does not include a telecommunications cable or associated equipment.

**power system** means a system for generating and supplying electricity and includes a part of the system.

**related body corporate** means:

- (a) in respect of the Power and Water Corporation – a business division that would be a subsidiary within the meaning of the *Corporations Act 2001* (Cth) if the Power and Water Corporation were a body corporate to which the *Corporations Act 2001* (Cth) applies; or
- (b) in respect of another body corporate – a body corporate that is related to the first-mentioned body by virtue of section 50 of the *Corporations Act 2001* (Cth).

**residential customer** means a customer who purchases or wishes to purchase electricity for domestic purposes for use at residential premises.

**Retail Code** means the Code made by the Utilities Commission under section 44B.

**retailer of last resort** means the RetailCorp as defined in section 3 of the *Power Retail Corporation Act 2014*.

**retailer of last resort arrangements** means arrangements to plan for and respond to circumstances in which an electricity retailer ceases to be authorised, or is otherwise ineligible, to sell electricity.

**RoLR transfer event**, in relation to an electricity retailer, means any of the following:

- (a) the electricity retailer's licence under Part 3 is cancelled;
- (b) the electricity retailer fails to meet a requirement under the Retail Code to provide credit support in respect of a payment to:
  - (i) the Power and Water Corporation; or
  - (ii) an entity that provides electricity generation;
- (c) an insolvency event occurs in relation to the electricity retailer;
- (d) any other event prescribed by regulation that occurs in relation to the electricity retailer.

**selling**, of electricity, means trading in electricity (including the selling of electricity to customers) but does not include an activity prescribed by the Regulations not to be selling of electricity.

**supply**, of electricity, means physically conveying electricity to a customer by transmission or distribution.

**System Control Technical Code** means a system control technical code made under section 37B.

**system controller** means a person licensed under Part 3 to exercise system control over a power system.

**telecommunications** means transmitting telephonic, radio, computer, television or other signals.

**transfer date**, in relation to the customers of a failed retailer, means the day determined by the Utilities Commission under section 44D(2).

**Utilities Commission** means the Utilities Commission established by the *Utilities Commission Act 2000*.

*Note for subsection (1)*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

- (2) A reference in this Act to a powerline, network, infrastructure or other property of an entity includes a reference to a powerline, network, infrastructure or other property that is not owned by the entity but is operated by the entity.

## **5 Crown to be bound**

- (1) This Act binds the Crown.
- (2) Nothing in this Act renders the Crown in any of its capacities liable to be prosecuted for an offence.
- (3) Subsection (2) does not apply to an authority of the Territory granted a licence under this Act.
- (4) For the purposes of this section, a reference to the Crown extends:
- (a) not only to the Crown in right of this Territory but also (so far as the legislative power of the Territory permits) to the Crown in any other capacity; and
  - (b) to an instrumentality of the Crown, and to an officer or employee of the Crown and any contractor or other person who carries out functions on behalf of the Crown.

## **Part 2 Administration**

### **Division 1 Utilities Commission**

#### **6 Functions of Utilities Commission**

The Utilities Commission has (in addition to the Utilities Commission's functions under the *Utilities Commission Act 2000*):

- (a) the licensing, price regulation and other functions and powers conferred by this Act;

- (b) the function of providing advice to the Minister on the operation of this Act; and
- (c) any other functions and powers conferred by the Regulations.

## **Part 3 Electricity supply industry**

### **Division 1 Declaration as regulated industry**

#### **13 Declaration as regulated industry**

The electricity supply industry is declared to be a regulated industry for the purposes of the *Utilities Commission Act 2000*.

### **Division 2 Licences in electricity supply industry**

#### **14 Requirement for licence**

- (1) A person must not carry on operations in the electricity supply industry for which a licence is required unless the person holds a licence under this Part authorising the relevant operations.

Maximum penalty: 2 500 penalty units.

- (2) Subsection (1) does not apply to a person, or to a person carrying on an operation, exempted under section 87.
- (3) The operations in the electricity supply industry for which a licence is required are:
  - (a) generation of electricity;
  - (b) owning or operating an electricity network or a dedicated connection asset;
  - (c) selling electricity;
  - (d) system control over a power system; or
  - (e) other operations for which a licence is required by the Regulations.

*Note for subsection (3)*

*Transitional provisions relating to dedicated connection assets in existence or proposed to be constructed at the time that subsection (3)(b) was amended by the National Electricity (Northern Territory) (National Uniform Legislation) Consequential Amendment Regulations 2019 are included in Part 4, Division 4 of the National Electricity (Northern Territory) (National Uniform Legislation) Act 2015.*

## **15 Application for licence**

- (1) An application for a licence is to:
  - (a) be made to the Utilities Commission in a form approved by the Utilities Commission; and
  - (b) contain the information specified in the form.
- (2) The applicant must pay to the Utilities Commission an application fee fixed by the Minister of an amount that the Minister considers appropriate to meet the reasonable costs of determining the application.
- (3) The Utilities Commission may, as the Utilities Commission considers appropriate, accept a single application from an applicant in respect of different operations of the applicant or operations of the applicant at different locations or may require separate applications.
- (4) An applicant must give the Utilities Commission further relevant information that is requested by the Utilities Commission.

## **16 Consideration of application**

- (1) The Utilities Commission must consider an application for a licence and may grant or refuse to grant the licence.
- (2) The Utilities Commission must have regard to the general factors specified in section 6(2) of the *Utilities Commission Act 2000* and, subject to this section, may only issue a licence if satisfied that:
  - (a) the applicant is a suitable person to hold the licence;
  - (b) in the case of a licence authorising the generation of electricity – the generating plant (or proposed generating plant) will have the necessary characteristics to generate electricity of the appropriate quality for the relevant electricity network;
  - (c) in the case of a licence authorising the operation of an electricity network – the network has (or the proposed network will have) the necessary characteristics for transmitting or distributing electricity reliably and safely;
  - (d) in the case of a licence authorising selling of electricity – the applicant will be able to meet reasonably foreseeable obligations for the sale of electricity;

- (e) in the case of a licence authorising system control over a power system – the applicant will be able to adequately exercise system control functions;
  - (f) in the case of a licence authorising other operations in the electricity supply industry for which a licence is required under the Regulations – the applicant meets any special requirements imposed by the Regulations for the holding of the licence; and
  - (g) in the case of a licence of any class – the grant of the licence would be consistent with criteria (if any) prescribed by the Regulations for a licence of the relevant class.
- (3) In deciding whether an applicant is a suitable person to hold a licence, the Utilities Commission may consider:
- (a) the applicant's previous commercial and other dealings and the standard of honesty and integrity shown in those dealings;
  - (b) the financial, technical and human resources available to the applicant;
  - (c) the officers and, if applicable, major shareholders of the applicant and their previous commercial and other dealings and the standard of honesty and integrity shown in those dealings (including breaches of statutory and other legal obligations); and
  - (d) other matters prescribed by the Regulations.
- (4) If:
- (a) a person carries on or proposes to carry on operations for which a licence is required as agent of another person;
  - (b) the agent makes application for the licence on the agent's own behalf and on behalf of the principal; and
  - (c) the Utilities Commission is satisfied that the criteria for granting the licence are met in relation to the agent,

the Utilities Commission may dispense with the requirement that it be satisfied that the criteria are met in relation to the principal and grant the licence to the agent and the principal to be held by them jointly.

## **17 Licences may be held jointly**

- (1) A licence may be held jointly by 2 or more persons.



- (2) If a licence is held jointly by 2 or more persons, those persons are jointly and severally liable to meet requirements imposed under this Act, the licence or the *Utilities Commission Act 2000*.

## **18 Term of licence**

A licence may be granted for an indefinite period or for a term specified in the licence.

## **19 Licence fees and returns**

- (1) A person is not entitled to be granted a licence unless the person first pays to the Utilities Commission the annual licence fee, or the first instalment of the annual licence fee, as the case may require.
- (2) The holder of a licence granted for 2 years or more must:
- (a) in each year lodge with the Utilities Commission before the date prescribed for that purpose an annual return containing the information required by the Utilities Commission by condition of the licence or by written notice; and
  - (b) in each year (other than a year in which the licence is due to expire) pay to the Utilities Commission before the date prescribed for that purpose the annual licence fee, or the first instalment of the annual licence fee, as the case may require.
- (3) The annual licence fee for a licence is the fee fixed from time to time by the Minister in respect of the licence as an amount that the Minister considers to be a reasonable contribution towards administrative costs.
- (4) An annual licence fee may, if the Utilities Commission determines, be paid in instalments at intervals fixed by the Utilities Commission.
- (5) If the holder of a licence fails to lodge the annual return or pay the annual licence fee (or an instalment of the annual licence fee) in accordance with this section, the Utilities Commission may, by written notice, require the holder to make good the default and, in addition, to pay to the Utilities Commission the amount prescribed as a penalty (which is a civil penalty) for default.
- (6) An annual licence fee (including any instalment of an annual licence fee or any penalty for default) payable under this section is recoverable as a debt due to the Territory.

(7) In this section:

**administrative costs** means:

- (a) the costs of administration of this Act; and
- (b) other costs prescribed by the Regulations.

**holder**, of a licence, includes the holder of a licence that has been suspended.

## **20 Authority conferred by licence – general**

- (1) A licence authorises the electricity entity named in the licence to carry on operations in the electricity supply industry in accordance with the terms and conditions of the licence.
- (2) The operations authorised by a licence need not be all of the same character or at the same location but may consist of a combination of different operations or operations at different locations.

## **21 Authority conferred by licence authorising generation of electricity**

- (1) A licence authorising the generation of electricity authorises the electricity entity:
  - (a) to generate electricity for sale; and
  - (b) to sell electricity:
    - (i) if stated in the licence or otherwise authorised under this Act – to electricity entities holding licences authorising them to generate or sell electricity; or
    - (ii) as stated in the licence or otherwise authorised under this Act.
- (2) However, the licence does not relieve the electricity entity or anyone else from complying with laws applying to the developing, building, operating or maintaining of generating plant.
- (3) The licence does not authorise the electricity entity to have access to an electricity network other than in accordance with a connection agreement with the electricity entity licensed to operate the electricity network.

**22 Authority conferred by licence authorising operation of electricity network**

- (1) A licence authorising the operation of an electricity network authorises the electricity entity:
  - (a) to operate the electricity network in the geographical area stated in the licence; and
  - (ab) to operate any dedicated connection asset specified in the licence; and
  - (b) if stated in the licence – to connect the electricity network to another electricity network stated in the licence.
- (2) However, the licence does not relieve the electricity entity or anyone else from complying with laws applying to developing, building, operating or maintaining an electricity network.

**23 Authority conferred by licence authorising selling of electricity**

- (1) A licence authorising the selling of electricity authorises the electricity entity to do the following under the terms of the licence:
  - (a) to trade in electricity;
  - (b) subject to subsection (2), to retail electricity to customers.
- (2) A licence authorising the selling of electricity does not authorise an electricity entity that is an electricity retailer to sell electricity to retail customers after the transfer date if a RoLR transfer event has occurred in relation to the electricity retailer.
- (3) A licence authorising the selling of electricity does not authorise an electricity entity to have access to an electricity network other than in accordance with a connection agreement with the electricity entity licensed to operate the electricity network.

**24 Licence conditions – general**

- (1) The Utilities Commission must, on granting a licence, make the licence subject to conditions determined by the Utilities Commission:
  - (a) requiring compliance with applicable codes or rules (with modifications or exemptions determined by the Utilities Commission) made under the *Utilities Commission Act 2000* as in force from time to time;

- (b) requiring compliance with protocols, standards and codes applying to the electricity entity under the Regulations;
  - (c) relating to the electricity entity's financial or other capacity to continue operations under the licence;
  - (d) requiring the electricity entity to have all or part of the operations authorised by the licence audited and to report the results of the audit to the Utilities Commission;
  - (e) requiring the electricity entity to notify the Utilities Commission about changes to officers and, if applicable, major shareholders of the entity; and
  - (f) requiring the electricity entity to comply with the requirements of any scheme approved and funded by the Minister for the performance of community service obligations by electricity entities.
- (2) The Utilities Commission must, on granting a licence, make the licence subject to further conditions that the Utilities Commission is required by the Regulations to impose on granting the licence.
- (3) The Utilities Commission must, on granting a licence, make the licence subject to further conditions:
- (a) if 2 or more people are granted a single licence in partnership or as an unincorporated joint venture – relating to the carrying on of those activities in that manner; and
  - (b) requiring the electricity entity to develop and comply with customer related standards and procedures.
- (4) The Utilities Commission may, on granting a licence, make the licence subject to further conditions that are considered appropriate by the Utilities Commission.
- (5) The Utilities Commission must provide to the Minister any information that the Minister requires in connection with the performance of community service obligations relating to the generation, supply or sale of electricity.

## **25 Licence conditions – licence authorising generation of electricity**

- (1) The Utilities Commission may, on granting a licence authorising the generation of electricity, make the licence subject to conditions determined by the Utilities Commission:
- (a) requiring compliance with directions of the system controller;

- (b) requiring the electricity entity to provide electricity of a quality suitable for the electricity network stated in the licence;
  - (c) requiring the electricity entity not to do anything affecting the compatibility of the entity's electricity generating plant with any electricity network so as to prejudice public safety or the security of supply; and
  - (d) requiring the electricity entity:
    - (i) to grant to each electricity entity holding a licence authorising the operation of an electricity network rights to use or have access to the electricity entity's electricity generating plant that are necessary for the purpose of ensuring the proper integrated operation of the power system and the proper carrying on of the operations authorised by the entity's licence; and
    - (ii) in the absence of agreement as to the terms on which those rights are to be granted – to comply with any determination of the Utilities Commission as to those terms.
- (2) This section does not limit the matters that may be dealt with by terms or conditions of a licence authorising the generation of electricity.

**26 Licence conditions – licence authorising operation of an electricity network**

- (1) The Utilities Commission may, on granting a licence authorising the operation of an electricity network, make the licence subject to any of the following conditions determined by the Utilities Commission:
- (a) requiring compliance with directions of the system controller;
  - (b) requiring the electricity entity not to do anything affecting the compatibility of the entity's electricity network with any electricity generating plant or other electricity network so as to prejudice public safety or the security of supply;
  - (c) requiring compliance with Chapter 5 of the National Electricity Rules, section 38 and specified provisions of the regulations;
  - (d) requiring the electricity entity not to buy or sell electricity directly or indirectly except if it is:
    - (i) necessary to operate the entity's electricity network or for a purpose associated with planning, designing, constructing, maintaining or operating the network; or

- (ii) for the electricity entity's administrative purposes; or
    - (iii) for a purpose specified in the conditions;
  - (e) requiring the electricity entity to operate, maintain (including repair and replace if necessary) and protect its electricity network;
  - (f) requiring the electricity entity to operate the electricity network in coordination with other electricity networks to which it is connected directly or indirectly;
  - (g) requiring the electricity entity to maintain specified accounting records and to prepare accounts according to specified principles;
  - (h) if the electricity entity is a related body corporate in relation to an electricity entity granted a licence authorising the generation or selling of electricity – requiring the business of operating the electricity network authorised by the licence to be kept separate from any other business of the electricity entity or any other person in the manner and to the extent specified in the conditions;
  - (j) requiring the electricity entity:
    - (i) to grant to each electricity entity holding a licence authorising the generation of electricity rights to use or have physical access to the entity's electricity network that are necessary for the purpose of ensuring the proper integrated operation of the power system and the proper carrying on of the operations authorised by the entity's licence; and
    - (ii) in the absence of agreement as to the terms on which those rights are to be granted – to comply with any determination of the Utilities Commission as to those terms;
  - (k) requiring a specified process to be followed to resolve disputes between the electricity entity and customers as to the transmission and distribution of electricity;
  - (m) requiring the electricity entity to be responsible for network control of its electricity network.
- (2) A condition of an electricity entity's licence imposed under subsection (1) is not to be taken to require the granting to other electricity entities of rights to use or have access to the entity's electricity network for the support or use of electricity infrastructure

of the other entities other than in accordance with a connection agreement.

- (3) This section does not limit the matters that may be dealt with by terms or conditions of a licence authorising the operation of an electricity network.

## **27 Limitation on obligation to connect and distribute**

- (1) Despite anything in this Act, an electricity entity does not have an obligation to connect or supply electricity to a customer's electrical installation or premises, and is not in breach of a connection agreement to do so, if:

- (a) the connection or supply is, or needs to be, interrupted:
- (i) in an emergency; or
  - (ii) for work that needs to be performed without delay to prevent an emergency happening; or
  - (iii) by circumstances beyond the electricity entity's control; or
  - (iv) for work – if it is reasonable to do the work when it is required to be done and reasonable notice is given to the customer and supply is restored as soon as practicable; or
- (b) the connection or distribution would breach technical requirements under this Act or the *Electrical Safety Act 2022*; or
- (c) the connection or distribution would unreasonably interfere with the connection or distribution of electricity by the electricity entity to other customers, except where the customer pays an amount to the entity for works necessary to prevent the connection or distribution from unreasonably interfering with the connection or distribution of electricity by the entity to other customers and the entity has given the customer an opportunity to pay the amount; or
- (d) a network provider is entitled, under its connection agreements with network users or under the Regulations, to disconnect supply to the customer; or
- (e) after disconnecting supply to something that was unsafe – the thing is still unsafe; or

- (f) the connection or distribution is likely to create an electrical risk under the *Electrical Safety Act 2022*; or
  - (g) this Act otherwise authorises refusal to connect or distribute (or reconnect or redistribute); or
  - (h) the Regulations provide that the obligation to connect or distribute (or reconnect or redistribute) does not apply.
- (2) An electricity entity operating an electricity network is entitled to disconnect and refuse to connect or reconnect supply of electricity to electrical installations or premises of a customer:
- (a) if the customer fails to pay an amount owing to the electricity entity retailing electricity to the customer or breaches the customer's agreement with that electricity entity and the electricity entity requests the electricity entity operating the electricity network to disconnect or refuse to connect or reconnect the customer; or
  - (b) if an electricity entity retailing electricity to the customer fails to pay an amount owing to the electricity entity operating the electricity network or breaches its connection agreement with the electricity entity operating the electricity network.

## **28 Licence conditions – licence authorising selling of electricity**

- (1) The Utilities Commission may, on granting a licence authorising the selling of electricity, make the licence subject to conditions determined by the Utilities Commission as follows:
- (a) if the licence authorises the selling of electricity to customers and the electricity entity is a related body corporate in relation to an electricity entity that holds a licence authorising the generation of electricity – requiring the business of selling of electricity authorised by the licence to be kept separate from the other business in the manner and to the extent specified in the conditions;
  - (b) requiring the electricity entity to take reasonable steps to ensure it has in place at all times arrangements to supply electricity to customers.
- (2) This section does not limit the matters that may be dealt with by terms or conditions of a licence authorising the selling of electricity.



### **30 Licence conditions – licence authorising system control**

- (1) The Utilities Commission may, on granting a licence authorising system control over a power system, make the licence subject to conditions determined by the Utilities Commission:
  - (a) if the electricity entity is a related body corporate in relation to an electricity entity granted a licence authorising the generation of electricity – requiring the business of system control authorised by the licence to be kept separate from the business of generating electricity to the extent specified in the conditions;
  - (b) requiring the electricity entity to maintain specified accounting records and to prepare accounts according to specified principles;
  - (c) requiring the functions and powers of the system controller to be exercised in the best interests of all parties operating in the power system; and
  - (d) requiring the system controller to consult with all electricity entities involved in the operation of the power system when establishing and varying the operating protocols and arrangements for dispatch and system security.
- (2) This section does not limit the matters that may be dealt with by terms or conditions of a licence authorising system control over a power system.

### **31 Offence to contravene licence conditions**

- (1) An electricity entity must not contravene a condition of its licence.  
  
Maximum penalty: 2 500 penalty units.
- (2) If an electricity entity profits from contravention of a condition of its licence, the Utilities Commission may recover an amount equal to the profit from the entity:
  - (a) on application to a court on it finding the entity guilty of an offence against this section; or
  - (b) by action in a court of competent jurisdiction.

### **32 Variation of licence**

- (1) The Utilities Commission may vary the terms or conditions of an electricity entity's licence as the Utilities Commission considers appropriate (but not so as to remove a condition that the Utilities Commission is required by this Act to impose on the licence).
- (2) A variation may only be made:
  - (a) on application by the electricity entity or with the electricity entity's agreement; or
  - (b) after giving the electricity entity reasonable notice of the proposed variation and allowing the entity a reasonable opportunity to make representations about the proposed variation.
- (3) A variation may only be made if the Utilities Commission considers it necessary to further the objects of this Act.
- (4) A variation cannot override the procedure for amending a code that applies to the licence as a condition of the licence.

### **33 Transfer of licence**

- (1) A licence may only be transferred with the Utilities Commission's agreement.
- (2) The Utilities Commission may impose conditions on the transfer of a licence, or vary the terms and conditions of the licence on its transfer.
- (3) The Utilities Commission must not agree to the transfer of a licence if the transferee would not be entitled to be granted the licence.
- (4) An application for agreement to the transfer of a licence is to:
  - (a) be made by the transferor with the consent of the transferee to the Utilities Commission in a form approved by the Utilities Commission; and
  - (b) contain the information specified in the form.
- (5) The applicant must pay to the Utilities Commission an application fee fixed by the Minister of an amount that the Minister considers appropriate to meet the reasonable costs of determining the application.
- (6) The applicant must give the Utilities Commission further relevant information requested by the Utilities Commission.

**34 Notice of licence decisions**

- (1) The Utilities Commission must give an applicant for a licence, or for agreement to the transfer of a licence, written notice of the Utilities Commission's decision on the application.
- (2) The Utilities Commission must give an electricity entity written notice of any decision by the Utilities Commission affecting the terms or conditions of its licence.

**35 Surrender of licence**

- (1) An electricity entity may surrender its licence by written notice given to the Utilities Commission.
- (2) The notice must be given to the Utilities Commission at least 6 months before the surrender is to take effect or, if the licence requires a longer period of notice, as required by the licence.
- (3) The Utilities Commission may, by agreement with the electricity entity, shorten the required period of notice.

**36 Suspension or cancellation of licence**

- (1) The Utilities Commission may suspend or cancel a licence with effect from a specified date if satisfied that:
  - (a) the electricity entity obtained its licence improperly; or
  - (b) the electricity entity has been guilty of a material contravention of a condition of its licence or any other requirement imposed by or under this Act or any other Act in connection with the operations authorised by its licence; or
  - (c) the electricity entity has ceased to carry on operations authorised by its licence; or
  - (d) there has been any act or default or change of circumstances such that the electricity entity would no longer be entitled to be granted its licence; or
  - (e) in respect of an electricity entity that is an electricity retailer – an insolvency event has occurred.
- (2) The suspension of a licence may be for a specified period, or until the fulfilment of specified conditions, or until further order of the Utilities Commission.

- (3) Before the Utilities Commission acts under this section, the Utilities Commission must:
  - (a) notify the electricity entity in writing of the proposed action specifying the reasons for the proposed action; and
  - (b) allow the electricity entity at least 14 days within which to make submissions to the Utilities Commission in relation to the proposed action.

### **37 Register of licences**

- (1) The Utilities Commission must keep a register of the licences granted to electricity entities under this Act.
- (2) The register is to include:
  - (a) the terms and conditions of each licence; and
  - (b) other information required by the Regulations.
- (3) A person may, without paying a fee, inspect the register.

### **37A Licence not personal property**

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence is not personal property for that Act.

*Note for section 37A*

*A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).*

## **Division 2A Technical codes**

### **37B System Control Technical Code**

- (1) The following persons may make or amend a System Control Technical Code for a power system:
  - (a) the system controller;
  - (b) the Minister;
  - (c) any other person prescribed by regulation.
- (2) A System Control Technical Code, or an amendment to a System Control Technical Code, made by the system controller under subsection (1)(a) must be approved by the Utilities Commission.

- (3) Notice of the making of a System Control Technical Code, or an amendment to a System Control Technical Code, made by the Minister under subsection (1)(b) must be published in the *Gazette*.
- (4) A person prescribed by regulation who makes or amends a System Control Technical Code under subsection 1(c) must comply with any requirements prescribed by regulation.

**37C        Minister may direct system controller**

The Minister may direct the system controller to do either of the following:

- (a) prepare a System Control Technical Code or an amendment to a System Control Technical Code;
- (b) provide advice to the Minister in relation to a System Control Technical Code.

**37D        Distribution of System Control Technical Code**

As soon as practicable after a System Control Technical Code is made or amended, a copy of the Code or amendment to the Code must be given to the following persons:

- (a) the Utilities Commission;
- (b) the AER;
- (c) if the Code is made or amended by a person other than the system controller – the system controller;
- (d) if the Code is made or amended by a person other than the Minister – the Minister;
- (e) if the Code is made or amended by a person other than a person prescribed by regulation – any other person prescribed by regulation.

**37E        Publication of System Control Technical Code**

The system controller must:

- (a) publish a System Control Technical Code, as in force from time to time, on the system controller's website; and
- (b) make copies of the Code, as in force from time to time, available to the public for inspection.

### **37F Network Technical Code**

- (1) The following people may make or amend a Network Technical Code for an electricity network:
  - (a) the network provider;
  - (b) the Minister;
  - (c) any other person prescribed by regulation.
- (2) A Network Technical Code, or an amendment to a Network Technical Code, made by the network provider under subsection (1)(a) must be approved by the Utilities Commission.
- (3) Notice of the making of a Network Technical Code, or an amendment to a Network Technical Code, made by the Minister under subsection (1)(b) must be published in the *Gazette*.
- (4) A person prescribed by regulation who makes or amends a Network Technical Code under subsection 1(c) must comply with any requirements prescribed by regulation.

### **37G Minister may direct network provider**

The Minister may direct the network provider to do either of the following:

- (a) prepare a Network Technical Code or an amendment to a Network Technical Code;
- (b) provide advice to the Minister in relation to a Network Technical Code.

### **37H Distribution of Network Technical Code**

As soon as practicable after a Network Technical Code is made or amended, a copy of the Code or amendment to the Code must be given to:

- (a) the Utilities Commission;
- (b) the AER;
- (c) if the Code is made or amended by a person other than the network provider – the network provider;
- (d) if the Code is made or amended by a person other than the Minister – the Minister;

- (e) if the Code is made or amended by a person other than a person prescribed by regulation – any other person prescribed by regulation.

### **37J Publication of Network Technical Code**

The network provider must:

- (a) publish a Network Technical Code, as in force from time to time, on the network provider's website; and
- (b) make copies of the Code, as in force from time to time, available to the public for inspection.

### **37K Sections repealed**

- (1) Five years after the commencement of this Division, the following sections are repealed:
  - (a) section 37B(1)(b) and (3);
  - (b) section 37C;
  - (c) section 37D(d);
  - (d) section 37F(1)(b) and (3);
  - (e) section 37G;
  - (f) section 37H(d).
- (2) Five years after the commencement of this Division, the following regulations of the *Electricity Reform (Administration) Regulations 2000* are repealed:
  - (a) regulation 5A(3A);
  - (b) regulation 25(7).
- (3) Any System Control Technical Code or Network Technical Code made or amended by the Minister that is in force immediately before the repeal of the provisions mentioned in subsections (1) and (2) remains in force after the repeal of those provisions.
- (4) Nothing in this section prevents a system controller or a person prescribed by regulation from amending under section 37B a System Control Technical Code that was previously made or amended by the Minister.

- (5) Nothing in this section prevents a network provider or a person prescribed by regulation from amending under section 37F a Network Technical Code that was previously made or amended by the Minister.

### **Division 3            System controller**

#### **38            Functions and powers of system controller**

- (1) A system controller for a power system has the function of monitoring and controlling the operation of the power system with a view to ensuring that the system operates reliably, safely and securely .
- (1A) The function mention in subsection (1) must be carried out in accordance with any System Control Technical Code in force under this Act.
- (2) A system controller for a power system has, in carrying out the system controller's functions under this Act:
- (a) power to issue directions to electricity entities that are engaged in the operation of the power system, or contribute electricity to, or take electricity from, the power system; and
  - (b) the other powers conferred by the Regulations.
- (3) Without limiting subsection (2)(a), the directions may include directions:
- (a) to switch off or re-route a generator;
  - (b) to call equipment into service;
  - (c) to take equipment out of service;
  - (d) to commence operation or maintain, increase or reduce active or reactive power output;
  - (e) to shut down or vary operation; and
  - (f) to shed or restore customer loads.
- (4) If an electricity entity refuses or fails to comply with a direction of a system controller, the system controller may:
- (a) authorise a person to take the action required by the direction or to cause the action to be taken; and



- (b) give the electricity entity any directions the system controller considers necessary to facilitate the taking of the action.
- (5) Costs and expenses incurred in taking action or causing action to be taken under subsection (4) are recoverable from the electricity entity by the system controller as a debt in a court of competent jurisdiction.

### **39 Remuneration of system controller**

- (1) A system controller is entitled to impose and recover charges relating to the operations of system control.
- (2) The schedule of charges to be applied for the purpose of subsection (1) is to be approved by the Utilities Commission.

### **40 Obligation to preserve confidentiality**

- (1) A system controller must preserve the confidentiality of information that:
  - (a) could affect the competitive position of an electricity entity or other person; or
  - (b) is commercially sensitive for some other reason.
- (2) Information referred to in subsection (1) may be disclosed if:
  - (a) the disclosure is made to another person who is also performing a function under this Act; or
  - (ab) the disclosure is made to the AER under the National Electricity (NT) Law; or
  - (b) the disclosure is made with the consent of the person who gave the information or to whom the information relates; or
  - (c) the disclosure is authorised or required under any Act or law; or
  - (d) the disclosure is authorised or required by a court or tribunal constituted by law; or
  - (e) the disclosure is authorised by regulations.
- (3) If a person when giving information to the system controller claims that the information is information referred to in subsection (1), the system controller must, before disclosing the information, give the person written notice of the proposed disclosure and the reasons for the disclosure.

## **Division 4      Utilities Commission's powers to take over operations**

### **41      Power to take over operations**

- (1) The Utilities Commission may request the Minister to make a determination under this section authorising it to take over all or part of an electricity entity's operations if:
  - (a) the electricity entity contravenes a condition of its licence; or
  - (b) the electricity entity's licence expires, is suspended or is cancelled; or
  - (c) the electricity entity commits an offence against the *Electrical Safety Act 2022*.
- (2) Before requesting a determination, the Utilities Commission must give the electricity entity a reasonable opportunity to show cause why the action should not be taken.
- (3) The Minister may make a determination under this section if satisfied that it is necessary to ensure an adequate, reliable and secure generation, supply or sale of electricity to customers.
- (4) A determination under this section:
  - (a) authorises the Utilities Commission to take over the electricity entity's operations or a specified part of the electricity entity's operations; and
  - (b) may contain ancillary directions, including directions about how the costs of carrying on the operations and revenue generated from the operations are to be dealt with.
- (5) A direction under subsection (4)(b) operates despite any rights inconsistent with it.

### **42      Appointment of operator**

- (1) When a determination is made under this Part, the Utilities Commission must appoint a suitable person (who may, but need not, be an electricity entity) to take over and carry on the relevant operations on terms and conditions agreed with the Utilities Commission.
- (2) A person appointed to take over an electricity entity's operations is referred to in this section as the operator.

- (3) The electricity entity must facilitate the take over of the relevant operations by the operator.
- (4) The operator may have access to the electricity infrastructure and other property of the electricity entity for the purposes of carrying on the relevant operations.
- (5) The operator in carrying out the relevant operations must comply with this Act (including the conditions of the licence) and any other Act as applying to the electricity entity as if the operator were the electricity entity.
- (6) A person must not obstruct the operator's access to property or the exercise by the operator of the operator's responsibilities under this Part.

Maximum penalty: 2 500 penalty units.

- (7) A person must comply with reasonable directions given by the operator in the exercise of the operator's responsibilities under this Part.

Maximum penalty: 2 500 penalty units.

## **Division 5 Price regulation**

### **43 Price regulation by determination of Utilities Commission**

The Utilities Commission may make a determination regulating prices and conditions relating to prices for:

- (a) subject to an electricity pricing order – the sale and supply of electricity to customers of a prescribed class; and
- (c) other goods and services in the electricity supply industry (other than network services provided to customers or to electricity entities) specified by the Minister by *Gazette* notice.

### **44 Electricity pricing order by Minister**

- (1) The Minister may issue an order (an ***electricity pricing order***) regulating prices for the sale of electricity to customers of a class prescribed by regulation.
- (2) An electricity pricing order may regulate prices in any manner the Minister considers appropriate including:
  - (a) fixing a price or the rate of increase or decrease in a price;

- (b) fixing a maximum price or maximum rate of increase or minimum rate of decrease in a maximum price;
  - (c) fixing an average price for specified goods or services or an average rate of increase or decrease in an average price;
  - (d) specifying an amount determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factor;
  - (e) specifying an amount determined by reference to quantity, location, period or other specified factor relevant to the sale of specified goods or services;
  - (f) specifying pricing policies or principles; and
  - (g) fixing a maximum revenue, or maximum rate of increase or minimum rate of decrease in maximum revenue, in relation to specified goods or services.
- (3) An electricity pricing order may provide that a calculation is to be performed, or a matter is to be determined, by the Utilities Commission in a manner specified by the order.
- (3A) An electricity pricing order may:
- (a) determine specific prices for the purposes of retailer of last resort arrangements; or
  - (b) require a retailer of last resort to submit its proposed tariffs to the Utilities Commission for approval in accordance with a calculation or manner of determination specified in accordance with subsection (3).
- (4) An electricity pricing order may also regulate the terms and conditions (including the conditions relating to performance standards) on which the relevant electricity, goods and services are to be provided.
- (5) A determination of the Utilities Commission for the purposes of an electricity pricing order will not, except as provided in the order, be taken to be a determination for the purposes of the *Utilities Commission Act 2000*.
- (6) An electricity pricing order may require an electricity entity to provide information to the Utilities Commission, other electricity entities, customers or others, or generally publish information, relating to prices or other matters.

- (7) An electricity pricing order:
- (a) takes effect on a date specified in the order; and
  - (b) remains in force for not longer than the prescribed period.
- (7A) The date specified, under subsection (7)(a), in an electricity pricing order may be a date earlier than the date the order is made if the order has the effect of regulating prices in a manner that does not increase a price from the order previously in force.
- (8) Notice of the making of an electricity pricing order must be published:
- (a) in the *Gazette*; and
  - (b) in a newspaper circulating generally in the Territory.
- (9) The notice must include a brief description of the nature and effect of the electricity pricing order and state how a copy of the order may be inspected or purchased.
- (10) The Minister must:
- (a) send a copy of an electricity pricing order to each electricity entity to which the order applies; and
  - (b) ensure that copies of the order are available for inspection and purchase by members of the public.
- (11) An electricity entity must comply with an electricity pricing order or part of an electricity pricing order that applies to the entity.
- (12) The Utilities Commission must:
- (a) perform any functions that an electricity pricing order contemplates will be performed by the Utilities Commission for the purposes of the order; and
  - (b) enforce an electricity pricing order under section 23 of the *Utilities Commission Act 2000* in the same way as if it were a determination of the Utilities Commission under that Act.
- (13) The Utilities Commission's powers under this Division and the *Utilities Commission Act* are restricted to the extent specified in an electricity pricing order.
- (14) In this section:
- prescribed period** means 5 years or, in respect of the first electricity pricing order issued, 3 years.

**price** includes a price range.

## **Division 5A Retail supply of electricity**

### **44A Definition**

In this Division:

**consumer protection framework** means the framework referred to in section 44B(3).

### **44B Making and application of Retail Code**

- (1) The Utilities Commission may make a code relating to:
  - (a) arrangements to support the operation of retail competition in the electricity supply industry; and
  - (b) arrangements between electricity entities and customers.

*Note for subsection (1)*

*See section 24 of the Utilities Commission Act 2000.*

- (2) Without limiting subsection (1), the code may make provision for any of the following:
  - (a) retailer of last resort arrangements;
  - (b) a consumer protection framework;
  - (c) any other matter prescribed by regulation.
- (3) For subsection (2)(b), if the code includes a consumer protection framework, it must include measures to regulate electricity entities that own or operate an electricity network or sell electricity, to protect the interests of customers, including in relation to the following:
  - (a) continuity of supply;
  - (b) the needs of particular types of retail customers;
  - (c) disputes.

*Note for subsection (3)*

*See section 4(1), definition **electricity entity**, which includes a person whose licence has been suspended or cancelled or has expired.*

- (4) An electricity entity must, as a condition of its licence, comply with the code.

- (5) The code may contain provisions that apply to a former electricity retailer whose licence under this Part has been suspended or cancelled or has expired.
- (6) A former electricity retailer must comply with any provision of the code that applies under subsection (5), despite its licence under this Part being suspended or cancelled or expiring.

#### **44C Matters to be regarded in making or administering Retail Code**

In making, varying or revoking the Retail Code, or in performing functions under the Retail Code that relate to the protection of residential customers or the continuity of supply, the Utilities Commission must have regard to the following matters:

- (a) that the supply of electricity is an essential service for residential customers, so that if an electricity retailer fails, the following principles apply:
  - (i) safeguards should be put in place to protect continuity of supply;
  - (ii) customers affected by the failure require adequate information;
  - (iii) other measures should be put in place to mitigate the impact of the failure on customers and electricity entities as far as possible;
  - (iv) any other principles prescribed by regulation;
- (b) that disconnection of the premises of a residential customer facing financial hardship or domestic or family violence should be a last resort option;
- (c) that complaints handling and dispute resolution mechanisms should be readily accessible to residential customers;
- (d) any other matters prescribed by regulation.

#### **44D Appointment of retailer of last resort as replacement retailer**

- (1) If a RoLR transfer event occurs in relation to an electricity retailer, the Utilities Commission may appoint the retailer of last resort to sell electricity to customers of the failed retailer.

- (2) If the Utilities Commission makes an appointment under subsection (1) it must:
  - (a) determine the day on which customers of the failed retailer are to transfer to the retailer of last resort in accordance with the Retail Code; and
  - (b) give notice of the appointment to the failed retailer and the retailer of last resort; and
  - (c) publish notice of the appointment on its website.
- (3) Subject to subsection (4), the day determined under subsection (2) may be a day that is earlier than the day on which the determination is made, but must not be earlier than the day on which the RoLR transfer event occurred.
- (4) If the RoLR transfer event is the cancellation of a licence, the day determined under subsection (2) must be the day on which the cancellation took effect.

**44E Effect of appointment of retailer of last resort on existing contracts and other rights and liabilities**

- (1) Each person who was a customer of a failed retailer immediately before the transfer date:
  - (a) ceases to be a customer of the failed retailer on that date; and
  - (b) becomes a customer of the retailer of last resort immediately after so ceasing to be a customer of the failed retailer.
- (2) Commencing on the transfer date, the retailer of last resort assumes the functions and powers of the failed retailer:
  - (a) under this Act; and
  - (b) under the failed retailer's licence; and
  - (c) under the Retail Code; and
  - (d) in accordance with any matters prescribed by regulation.
- (3) The retailer of last resort assumes no financial or other liabilities of the failed retailer that arise before the transfer date.
- (4) The contract for the sale of electricity between a failed retailer and each person who was a customer of the failed retailer immediately before the transfer date is terminated on the transfer date.



- (5) Termination of a contract under this section does not affect any rights or obligations that have already accrued under the contract, but no early termination charge is payable to the failed retailer if a contract is terminated under this section.

**44F Contractual arrangements for sale of electricity to transferred customers**

For a person who becomes a customer of the retailer of last resort under this Division:

- (a) a contract for the sale of electricity is taken to be in place between the retailer of last resort and the customer, with effect on and from the transfer date; and
- (b) the tariffs payable under the contract are the prices approved by or under an electricity pricing order; and
- (c) other terms and conditions of the contract are the terms and conditions approved by the Utilities Commission in accordance with the regulations (if any).

**44G Cost recovery**

- (1) The Utilities Commission may determine a scheme for the recovery of costs incurred by the retailer of last resort arising from its appointment under section 44D.
- (2) A cost recovery scheme determined under subsection (1):
  - (a) may require the network provider to reimburse the costs of the retailer of last resort; and
  - (b) must only allow recovery of costs to the extent they are not otherwise recovered through tariffs and charges the retailer of last resort receives from supplying electricity to transferred customers.

*Note for subsection (2)*

*See also Chapter 6 of the National Electricity (NT) Rules.*

- (3) The retailer of last resort cannot recover costs incurred in relation to its appointment under section 44D except in accordance with the scheme determined under subsection (1).

- (4) The regulations may require the retailer of last resort to pay the costs incurred by an insolvency official of a failed retailer in complying with its obligations under this Division, including to pay for any compensation required by a regulation prescribed under section 44J.
- (5) An amount paid in accordance with a requirement of the regulations may be recoverable under the scheme determined under subsection (1).

#### **44H Information requirements**

- (1) If the Utilities Commission makes an appointment under section 44D(1), the failed retailer or its insolvency official must, if directed by the Utilities Commission, provide the information prescribed by regulation to the retailer of last resort.
- (2) The Utilities Commission may direct an electricity retailer or the insolvency official of a failed retailer to give the Utilities Commission any information reasonably required and specified by written notice, in accordance with any requirements prescribed by regulation, if any of the following apply to the retailer:
  - (a) the Utilities Commission has given the electricity retailer a notice under section 36(3)(a);
  - (b) the Utilities Commission has reason to believe that there is a risk of a RoLR transfer event occurring in relation to the electricity retailer;
  - (c) a RoLR transfer event has occurred in relation to the electricity retailer, whether or not the Utilities Commission has made an appointment under section 44D(1);
  - (d) the electricity retailer's licence has been suspended.
- (3) An electricity retailer or its insolvency official that is given a direction under subsection (2) must comply with the direction.
- (4) The Utilities Commission may disclose information received under subsection (2) to the retailer of last resort.
- (5) Information prescribed by regulation under subsection (1) or (2) may include confidential or personal information, but must not include information protected by client legal privilege or the privilege against self-incrimination.

- (6) Disclosure and use of personal information under this section is authorised for the purposes of the *Information Act 2002* and the *Privacy Act 1988* (Cth).

#### **44J Vesting of rights and other matters**

The regulations may provide for any of the following in connection with an appointment under section 44D(1):

- (a) for the purpose of continuity of electricity supply for customers:
- (i) the vesting of assets, rights and interests of a failed retailer in a person; and
  - (ii) the conferral of powers and duties;
- (b) the discharge or assignment of liabilities;
- (c) the disposal of property;
- (d) any other matter that is necessary or convenient to deal with the consequences of the appointment or the matters referred to in paragraphs (a) to (c), including the payment of compensation for or in relation to those matters.

#### **44K Corporations Act 2001 (Cth) displacement**

This Division and any regulation made under this Division is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the *Corporations Act 2001* (Cth) in relation to the provisions of Chapters 2D and 5 of that Act.

*Note for section 44K*

*Section 5G of the Corporations Act 2001 (Cth) provides that if a State or Territory law declares a provision of a State or Territory law to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State or Territory provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.*

### **Division 6 System capacity monitoring and planning**

#### **45 Utilities Commission to monitor and advise on system capacity**

- (1) The Utilities Commission must:
- (a) develop forecasts of overall electricity load and generating capacity in consultation with participants in the electricity supply industry and report the forecasts to the Minister and electricity entities;

- (b) review and report to the Minister on the performance of the Territory's power system;
  - (c) advise the Minister on matters relating to the future capacity and reliability of the Territory's power system relative to forecast load;
  - (d) advise the Minister, either on its own initiative or at the request of the Minister, on other electricity supply industry and market policy matters; and
  - (e) submit to the Minister, and publish, an annual review of the prospective trends in the capacity and reliability of the Territory's power system relative to projected load growth.
- (2) Electricity entities operating in the Territory's power system are to provide information and technical assistance that the Utilities Commission reasonably requires to perform its responsibilities under this section.
- (3) In addition to subsection (2), the Utilities Commission may require a network user or customer to provide information to the Utilities Commission to enable it to perform its responsibilities under this section.
- (4) A network user or customer who is required to provide information under subsection (3) must provide the information as and when required by the Utilities Commission.

Maximum penalty: 500 penalty units.

- (5) For the purposes of this section, ***Territory's power system*** means the power systems specified by the Minister for the purposes of this section.

## **Division 7      Protection of property in infrastructure**

### **46      Electricity infrastructure does not merge with land**

- (1) An agreement between an electricity entity and the owner of land relating to the construction or installation of electricity infrastructure on the land is to be taken to include agreement that ownership of the electricity infrastructure is not affected by its affixation or annexation to the land.
- (2) Electricity infrastructure referred to in subsection (1) may be dealt with and disposed of as personal property.
- (3) Subsection (1) is subject to any agreement in writing to the contrary.

**47 Prevention of dismantling of electricity infrastructure in execution of judgment**

- (1) Electricity infrastructure owned or operated by an electricity entity cannot be dismantled in execution of a judgment.
- (2) This section does not prevent the sale of an electricity generating plant or an electricity network as a going concern in execution of a judgment.

**Division 8 Utilities Commission to investigate complaints**

**48 Grounds for complaint**

- (1) A person may make a complaint under this Division to the Utilities Commission against an electricity entity on the grounds that:
  - (a) the electricity entity is engaging in conduct that is contrary to one (or more) of its licence conditions; or
  - (b) the electricity entity is engaging in conduct that is contrary to the objects of this Act or the *Utilities Commission Act 2000*.
- (2) A complaint is to:
  - (a) be in writing;
  - (b) contain details of the grounds of the complaint; and
  - (c) include sufficient details to show:
    - (i) how the complainant is, or may be, adversely affected by the alleged conduct or noncompliance; and
    - (ii) how the complainant has made a genuine, but unsuccessful, attempt to resolve the subject matter of the complaint with the electricity entity.

**49 Persons who may make complaint**

- (1) Subject to subsection (2), a complaint may be made to the Utilities Commission only by a person who:
  - (a) is, or may be, adversely affected by the conduct or noncompliance alleged by the person; and
  - (b) is a customer or an electricity entity.

- (2) A complaint may be made by a person who is not a customer if the Utilities Commission is satisfied that the person is authorised to act on behalf of a customer who is, or may be, adversely affected by the alleged conduct or noncompliance of the electricity entity.

#### **50 Utilities Commission to investigate complaint**

- (1) The Utilities Commission must investigate a complaint received by it unless the Utilities Commission reasonably believes that:
- (a) the complainant is not, or is unlikely to be, adversely affected by the conduct or noncompliance alleged in the complaint;
  - (b) the complainant has not shown he or she has made a genuine attempt to resolve the subject matter of the complaint with the electricity entity; or
  - (c) the complaint is frivolous or vexatious.
- (2) If the Utilities Commission decides not to investigate a complaint, the Utilities Commission must, within 14 days after making the decision, give to the complainant a written notice stating its decision and the reason for its decision.

#### **51 Procedures for investigation**

- (1) The Utilities Commission must report the results of an investigation to the Minister.
- (2) The Utilities Commission must, in a report:
- (a) state whether the complaint has been substantiated;
  - (b) state its reasons for the decision;
  - (c) if the complaint has been substantiated and involves conduct contrary to the electricity entity's licence conditions – include the action it is, or proposes, to take to deal with the entity's conduct; and
  - (d) if the complaint has been substantiated and involves conduct contrary to the objects of this Act or the *Utilities Commission Act 2000* – include its recommendations on how the electricity entity's noncompliance can be overcome.

## **Part 4 Electricity entities' powers and duties**

### **Division 1 Electricity officers**

#### **52 Appointment of electricity officers**

- (1) An electricity entity may, subject to conditions determined by the Minister, appoint a person to be an electricity officer for the entity.
- (2) An electricity officer may only exercise powers under this Act subject to the conditions of appointment and any directions given to the electricity officer by the entity.

#### **53 Conditions of appointment**

- (1) An electricity officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
- (2) An electricity officer may be removed from office by the electricity entity.

#### **54 Electricity officer's identity card**

- (1) An electricity entity must give each electricity officer for the entity an identity card.
- (2) The identity card is to be in a form approved by the Minister and is to:
  - (a) contain a photograph of the electricity officer taken for the purpose;
  - (b) be signed by the electricity officer; and
  - (c) identify the electricity officer as an electricity officer for the electricity entity.
- (3) A person must, within 2 days after ceasing to be an electricity officer, return the identity card to the electricity entity.

Maximum penalty: 10 penalty units.

#### **55 Production of identity card**

An electricity officer must, before exercising a power in relation to another person, produce the officer's identity card for inspection by the other person.

## **Division 2 Powers and duties relating to infrastructure**

### **56 Entry on land to conduct surveys, etc.**

- (1) An electricity entity may, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct surveys or assess the suitability of the land for the construction or installation of electricity infrastructure.
- (2) The Minister may authorise an electricity entity to enter and remain on land under this section on conditions the Minister considers appropriate.
- (3) If an electricity entity enters land under the authorisation of the Minister, the electricity entity:
  - (a) must give reasonable notice of the proposed entry on land under this section to the occupier;
  - (b) must minimise the impact of work carried out by the electricity entity on activities of others on the land; and
  - (c) must comply with the conditions of the authorisation.

### **57 Power to carry out work on public land**

- (1) Subject to this section and the *Planning Act 1999*, an electricity entity may:
  - (a) install electricity infrastructure on public land;
  - (b) operate, maintain, repair, alter, add to, remove or replace electricity infrastructure on public land; or
  - (c) carry out other work on public land relating to the generation and supply of electricity.
- (2) Without limiting subsection (1), the electricity entity may:
  - (a) erect powerlines on public land; and
  - (b) excavate public land and install underground cables.
- (3) Subject to this section, an electricity entity must:
  - (a) give the authority responsible for managing public land not less than 7 days' notice of the entity's intention to carry out work on the land; and
  - (b) secure the authority's agreement to the carrying out of the work.



- (4) An agreement under this section may contain conditions the authority responsible for managing the land considers appropriate in the public interest.
- (5) If a dispute arises between an electricity entity and an authority about whether work should be permitted under this section or about the conditions on which work should be permitted, either party to the dispute may refer the dispute to the Minister.
- (6) Subsection (5) does not apply to a dispute if the authority responsible for managing the public land is a Minister or a person or body to whom directions may be given by a Minister in relation to the matter in dispute.
- (7) If a dispute is referred to the Minister under this section, the Minister must:
  - (a) allow the parties to the dispute the opportunity to make representations to the Minister on the questions at issue in the dispute; and
  - (b) make a reasonable attempt to get the parties to agree to settlement of the dispute on agreed terms.
- (8) If the Minister cannot get the parties to agree, the Minister may make:
  - (a) an order that the work is or is not permitted on the land; or
  - (b) if the Minister orders that the work is permitted – an order fixing the conditions on which the work is permitted.
- (9) An electricity entity must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.
- (10) An electricity entity may only act under this section in relation to public land in a way that interferes with the continued enjoyment or exercise of rights deriving from native title in the land by agreement with the Minister (on behalf of the Territory) and the native title holders in the land.
- (11) This section does not derogate from the obligation to comply with the provisions of any other Act.
- (12) In this section:

**native title** and **native title holder** have the same meaning as in section 223 and 224 (respectively) of the *Native Title Act 1993* of the Commonwealth.

**public land** means land owned by the Territory or an instrumentality or agent of the Territory or by a local government council and includes public land that is subject to native title.

## **58 Entry under easements for purposes related to infrastructure**

- (1) Subject to this section, if an electricity officer seeks to enter land pursuant to rights conferred on an electricity entity by a statutory or other easement relating to electricity infrastructure situated on the land, the officer must give reasonable written notice to the occupier of the land stating the reason and the date and time of the proposed entry.
- (2) If the proposed entry is refused or obstructed, an electricity officer may obtain a warrant under Part 8 to enter the land.
- (3) In an emergency, an electricity officer may exercise a power of entry referred to in this section:
  - (a) at any time and without prior notice if it is not practicable to give such notice; and
  - (b) if necessary in the circumstances, by the use of reasonable force.
- (4) An electricity officer may not enter a place under a warrant or by force in an emergency unless accompanied by a member of the Police Force.
- (5) An electricity entity must make good any damage caused by the exercise of powers under a warrant or by force in an emergency as soon as practicable or pay reasonable compensation for the damage.

## **59 Easements and access to infrastructure for data transmission and telecommunications**

- (1) If electricity infrastructure owned or operated by an electricity entity is situated on land that does not belong to the entity, any powers or rights that the entity has under this Act or pursuant to a statutory or other easement for the purposes of installing, operating and carrying out work relating to electricity infrastructure on that land will be taken also to be exercisable for the purposes of:
  - (a) installing telecommunications cables or equipment by attaching it to or incorporating it in the electricity infrastructure on the land;
  - (b) operating and carrying out work relating to telecommunications cables or equipment so installed; and

- (c) operating the electricity infrastructure on the land for telecommunications.
- (2) Powers and rights conferred on an electricity entity under subsection (1) will also, with the consent of the electricity entity, be exercisable by another body in the same manner and subject to the same conditions as would apply if the other body were the electricity entity and persons appointed by the other body subject to conditions determined by the Minister were electricity officers.
- (3) This section has effect despite the *Law of Property Act 2000* or any other law.

### **Division 3 Powers relating to installations**

#### **60 Entry to inspect, etc., electrical installations**

- (1) An electricity officer for an electricity entity may, at any reasonable time, enter and remain in a place to which electricity is, is to be, or has been, supplied by the entity:
  - (a) to inspect electrical installations in the place to ensure that it is safe to connect or reconnect electricity supply;
  - (b) to take action to prevent or minimise an electrical hazard; or
  - (c) to investigate suspected theft of electricity.
- (2) In an emergency, an electricity officer may exercise a power of entry under this section at any time and, if necessary in the circumstances, by the use of reasonable force.
- (3) When an electricity officer enters a place under this section, the electricity officer:
  - (a) may be accompanied by such assistants as the electricity officer considers necessary or appropriate; and
  - (b) may take any vehicles or equipment the electricity officer considers necessary or appropriate for the functions the electricity officer is to carry out in the place.
- (4) An electricity officer may not enter a place by force in an emergency unless accompanied by a member of the Police Force.

**61 Entry to read meters, etc.**

An electricity officer for an electricity entity may, at any reasonable time, enter and remain in a place to which electricity is, or is to be, sold or supplied by the entity:

- (a) to read, or check the accuracy of, a meter for recording consumption of electricity; or
- (b) to examine the electrical installations in the place to determine load classification and the appropriate price for the sale of electricity; or
- (c) to install, repair or replace meters, control apparatus and other electrical installations in the place.

**62 Entry to disconnect supply**

If an electricity officer has proper authority to disconnect an electricity supply to a place, the electricity officer may, at any reasonable time, enter and remain in the place to disconnect the electricity supply to the place.

**63 Disconnection of supply if entry refused**

- (1) If an electricity officer seeks to enter a place under this Division and entry is refused or obstructed, the electricity entity may, by written notice to the occupier of the place, ask for consent to entry by an electricity officer.
- (2) The notice must state the reason and the date and time of the proposed entry.
- (3) If entry is again refused or obstructed, the electricity entity may:
  - (a) if it is possible to do so – disconnect the electricity supply to the place without entering the place; or
  - (b) if not – obtain a warrant under Part 8 to enter the place for the purpose of disconnecting the electricity supply, enter the place under the warrant and disconnect the electricity supply.
- (4) An electricity officer may not enter a place under a warrant unless accompanied by a member of the Police Force.
- (5) An electricity entity must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.

- (6) The electricity entity must restore the electricity supply disconnected under this section if:
- (a) the occupier:
    - (i) consents to the proposed entry; and
    - (ii) pays outstanding fees and accounts;
  - (b) it is safe to restore the electricity supply disconnected under this section; and
  - (c) there is no other lawful ground for refusing to restore the electricity supply disconnected under this section.

## **Division 5 Powers and duties related to electricity supply and systems**

### **65 Electricity entity may cut off electricity supply to avert danger**

An electricity entity may, without incurring any liability, cut off the supply of electricity to any region, area, land or place if it is, in the entity's opinion, necessary to do so to avert danger to person or property.

### **66 Emergency legislation not affected**

Nothing in this Act affects the exercise of any power, or the obligation of an electricity entity to comply with any direction, order or requirement, under the *Emergency Management Act 2013* or the *Essential Goods and Services Act 1981*.

### **67 Power to disconnect electrical supply**

- (1) An electricity officer may disconnect the electricity supply to an electrical installation or a place if:
- (a) the electrical installation is connected to an electricity network in contravention of the *Electrical Safety Act 2022*; or
  - (b) the electrical installation does not comply with this Act; or
  - (c) electricity is being supplied to, or consumed at, the place contrary to this Act.
- (2) For subsection (1)(a), a person may rely on a certificate of compliance issued under section 41 of the *Electrical Safety Act 2022*.

- (3) The electricity officer must give written notice to the person in charge of the electrical installation or place:
  - (a) informing the person that the electricity supply was disconnected under this section; and
  - (b) directing that the electricity supply must not be reconnected except in accordance with the *Electrical Safety Act 2022*.

## **68 Disconnection of cathodic protection system**

- (1) An electricity officer who finds that a cathodic protection system does not comply with, or is being operated contrary to, the *Electrical Safety Act 2022* may:
  - (a) take reasonable action to disconnect the system to make it inoperable; or
  - (b) give a written direction to the person in charge of the system, or the place in which the system is situated, to take reasonable action to disconnect the system to make it inoperable.
- (2) If the electricity officer takes action under subsection (1)(a), the electricity officer must give written notice to the person in charge of the cathodic protection system:
  - (a) informing the person that the electricity supply was disconnected under this section; and
  - (b) directing that the electricity supply must not be reconnected except in accordance with the *Electrical Safety Act 2022*.

## **69 Offences**

- (1) A person must not reconnect electricity supply disconnected under section 67 or 68, or have it reconnected, except in accordance with the *Electrical Safety Act 2022*.

Maximum penalty: 500 penalty units.

- (2) A person to whom a direction is given under section 68(1)(b) must comply with the direction.

Maximum penalty: 500 penalty units.

## **Part 6            Enforcement**

### **Division 1        Appointment of authorised officers**

#### **72            Appointment of authorised officers**

- (1) The Minister may appoint suitable persons as authorised officers.
- (2) An authorised officer may (but need not) be an employee within the meaning of the *Public Sector Employment and Management Act 1993*.
- (3) An authorised officer's function is to assist the Utilities Commission.
- (4) An authorised officer is subject to control and direction by the Utilities Commission.

#### **73            Conditions of appointment**

- (1) An authorised officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
- (2) An authorised officer holds office on the conditions stated in the instrument of appointment.
- (3) An authorised officer may resign by written notice given to the Minister.
- (4) An authorised officer may be removed from office by the Minister.

#### **74            Authorised officer's identity card**

- (1) The Minister must give each authorised officer an identity card.
- (2) The identity card must:
  - (a) contain a photograph of the authorised officer taken for the purpose; and
  - (b) be signed by the authorised officer.
- (3) A person must, within 2 days after ceasing to be an authorised officer, return the identity card to the Minister.

Maximum penalty:        10 penalty units.

**75            Production of identity card**

An authorised officer must, before exercising a power in relation to another person, produce the officer's identity card for inspection by the other person.

**Division 2            Authorised officers' powers**

**76            Power of entry**

- (1) An authorised officer may, as reasonably required for the purposes of the enforcement of this Act, enter and remain in any place.
- (2) When an authorised officer enters a place under this section, the authorised officer:
  - (a) may be accompanied by such assistants as the authorised officer considers necessary or appropriate; and
  - (b) may take any vehicles or equipment the authorised officer considers necessary or appropriate for the functions the authorised officer is to carry out in the place.
- (3) An authorised officer may use reasonable force to enter a place under this Part if:
  - (a) the entry is authorised under a warrant under Part 8; or
  - (b) the entry is necessary in an emergency.
- (4) When entering a place under a warrant or by force in an emergency, an authorised officer may be accompanied by a member of the Police Force.

**77            General investigative powers of authorised officers**

- (1) An authorised officer who enters a place under this Part may exercise any one or more of the following powers:
  - (a) investigate whether the provisions of this Act are being or have been complied with;
  - (b) examine and test electricity infrastructure in the place to find out whether the infrastructure complies with the requirements of this Act;
  - (d) investigate a suspected interference with electrical infrastructure or an electrical installation;
  - (e) investigate a suspected theft or diversion of electricity;



- (f) search for, examine and copy or take an extract from a document or record of any kind as reasonably required for the purposes of the enforcement of this Act;
  - (g) take photographs or make films or other records of activities in the place and electrical infrastructure, installations or equipment in the place;
  - (h) take possession of any object that may be evidence of an offence against this Act.
- (2) If an authorised officer takes possession of an object that may be evidence of an offence:
- (a) the authorised officer must give the occupier of the place a receipt for the object; and
  - (b) the object must be returned to its owner:
    - (i) if proceedings for an offence are not commenced within 6 months after the authorised officer takes possession of the object – at the end of that period; or
    - (ii) if proceedings are commenced within that period – on completion of the proceedings, unless the court, on application by the Utilities Commission, orders confiscation of the object.
- (3) A court may order the confiscation of an object of which an authorised officer has taken possession under subsection (1) if of the opinion that the object has been used for the purpose of committing an offence or there is some other proper reason for ordering its confiscation.
- (4) The Utilities Commission may dispose of an object if the Court orders its confiscation.

## **81            Power to require information**

- (1) An authorised officer may require a person to provide information in the person's possession relevant to the enforcement of this Act.
- (2) An authorised officer may require a person to produce documents in the person's possession that may be relevant to the enforcement of this Act for inspection by the authorised officer.
- (3) A person must not, without reasonable excuse, fail to comply with a requirement under this section.

Maximum penalty:        200 penalty units.

- (4) A person is not required to give information or produce a document under this section if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

### **Division 3      Auditors**

#### **81A      Appointment of auditors**

- (1) The Utilities Commission may appoint suitable persons as auditors to audit the operations of electricity entities.
- (2) A person appointed to be an auditor may be a public sector employee.
- (3) An auditor is subject to control and direction by the Utilities Commission.

## **Part 7              Reviews and appeals**

### **83              Review of decisions**

- (1) An application may be made to the Utilities Commission:
  - (a) by an applicant for the grant or variation of the conditions of a licence under Part 3, or for agreement to the transfer of such a licence, for review of the decision of the Utilities Commission to refuse the application; or
  - (b) by an electricity entity for review of a decision of the Utilities Commission under Part 3 to suspend or cancel the entity's licence or to vary the conditions of the entity's licence; or
  - (c) by a person subject to a direction given by an authorised officer for review of the decision to give the direction; or
  - (d) by a person affected by the disconnection of an electricity supply, other than for a safety reason, for review of the decision to disconnect the supply.
- (2) An application for review is to:
  - (a) be in writing;
  - (b) set out the decision to which the application relates;
  - (c) set out in detail the grounds on which the applicant seeks review and the decision sought on the review;

- (d) be accompanied by any information that the applicant considers should be taken into account by the Utilities Commission on the review; and
- (e) be lodged with the Utilities Commission:
  - (i) in the case of a decision relating to a licence or application for a licence – within 14 days after written notice of the decision is given to the electricity entity or applicant; or
  - (ii) in the case of a decision to cancel or suspend a licence or to vary the conditions of a licence – within 14 days after the decision is given; or
  - (iii) in the case of a decision to give a direction – within 14 days after the direction is given; or
  - (iv) in the case of a decision to disconnect an electricity supply or cathodic protection system, other than for a safety reason – within 14 days after notice of the disconnection is given or, if notice is not given, within 14 days after the supply or system is disconnected.
- (3) The Utilities Commission may stay the operation of the decision to which the application relates.
- (4) A review must be decided within 4 weeks of the application being lodged with the Utilities Commission.
- (5) If a review is not decided within that period, the Utilities Commission is to be taken to have confirmed the decision.
- (6) After considering the application, the Utilities Commission may confirm, amend or substitute the decision.
- (7) The Utilities Commission must give the applicant written notice of the Utilities Commission's decision, and the reasons for the decision, on the review.

## **84 Appeal**

- (1) An applicant for review who is dissatisfied with a decision of the Utilities Commission on the review under this Part may appeal against the decision to the Supreme Court.
- (2) An appeal may only be made on the grounds that:
  - (a) there has been bias; or

- (b) the facts on which the decision is based have been misinterpreted in a material respect.
- (3) An appeal must be made within 14 days after receipt of the written notice of the decision appealed against or, if the Utilities Commission failed to make a decision on the review within the allowed period, within 14 days after the end of that period.
- (4) The Utilities Commission or the Supreme Court may stay the operation of:
  - (a) the Utilities Commission's decision that is the subject of the appeal; or
  - (b) the original decision that was the subject of the review, as the case may require.
- (5) On an appeal, the Supreme Court may:
  - (a) confirm the decision under appeal; or
  - (b) return the matter to the original decision maker with directions the Court considers appropriate.

#### **85 Minister's power to intervene**

The Minister may intervene, personally or by counsel or other representative, in a review or appeal under this Part for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.

## **Part 8 Miscellaneous**

#### **86 Reticulation of electricity to electricity supply distribution extension area**

- (1) The Minister may, by notice in the *Gazette*, declare an area to be an electricity supply distribution extension area.
- (2) If the Minister declares an area to be an electricity supply distribution extension area, the owner of each parcel of land within the area is liable to pay to the electricity entity licensed to sell electricity in the area a financial contribution towards the cost of extension of electricity supply in the area.
- (3) The liability under subsection (2) exists despite that an owner does not elect to have electricity supplied by the electricity entity for consumption on the land.

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- (4) An owner and electricity entity referred to in subsection (2) may enter into an agreement relating to the conditions on or subject to which electricity will be supplied by the electricity entity for consumption on the land.
  - (5) The balance from time to time outstanding of an amount referred to in subsection (2) is an overriding statutory charge, within the meaning of the *Land Title Act 2000*, on the parcel of land.
  - (6) The owner of a parcel of land who is liable as referred to in subsection (2) must not transfer the land to another person unless he or she has first paid to the electricity entity the amount of the liability outstanding at the date of the transfer and, for the purposes of calculating the liability, any amount payable in accordance with subsection (2) becomes due and payable in full immediately before the proposed transfer despite that, but for this subsection, it would not become due and payable until a later date.
  - (7) The financial contribution referred to in subsection (2) is the amount approved by the Utilities Commission as the owner's reasonable share of the capital contribution required of the electricity entity by the electricity entity licensed to operate the electricity network in the area.
  - (9) In this section, **parcel of land** means the whole of the land the subject of a separate certificate as to title registered under the *Land Title Act 2000*.

## **87 Power of exemption**

- (1) The Utilities Commission may, with the approval of the Minister, grant an exemption from Part 3, or specified provisions of Part 3, on terms and conditions the Utilities Commission considers appropriate.
- (2) If the Utilities Commission exempts a person from the requirement to hold a licence under Part 3, the Utilities Commission may (without limiting subsection (1)) by conditions of the exemption require that the person is to be treated as an electricity entity for the purposes of specified provisions of this Act.
- (3) Except as otherwise provided in the exemption, an exemption under subsection (1) may be varied or revoked by the Utilities Commission by notice in writing.
- (6) This section does not apply in relation to dedicated connection assets.

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**87A Utilities Commission may grant exemption from requirement to hold network provider licence**

- (1) The Utilities Commission may exempt a person from the requirement to hold a licence under Part 3 to own or operate a designated network asset if the person is only to own or operate network assets that are designated network assets.
- (2) If the Utilities Commission grants an exemption under subsection (1), the exempted person is taken to be subject to the condition that the person must comply with clauses 5.2A.6(c), 5.2A.7 and 5.2A.8 and rule 5.5 of the National Electricity (NT) Rules.

**88 Register of exemptions**

- (1) The Utilities Commission must keep a register of exemptions granted by it under this Act.
- (3) A register kept under this section must include the terms and conditions of each exemption recorded in it.
- (4) A person may, without paying a fee, inspect a register kept under this section.

**89 Obligation to comply with conditions of exemption**

- (1) A person in whose favour an exemption is given must comply with the conditions of the exemption.

Maximum penalty: 2 500 penalty units.

- (2) If a person in whose favour an exemption is given profits from contravention of a condition of the exemption, the Utilities Commission may recover an amount equal to the profit from the person:
  - (a) on application to a court on it finding the person guilty of an offence against this section; or
  - (b) by action in a court of competent jurisdiction.

**90 Persons other than electricity entities who must comply with system controller**

- (1) A person who is not an electricity entity and who enters into a connection agreement with a network provider must comply with the directions of the system controller.

Maximum penalty: 100 penalty units.

- (2) If a person referred to in subsection (1) profits from contravention of a direction given under that subsection, the Utilities Commission may recover an amount equal to the profit from the person:
  - (a) on application to a court on it finding the person guilty of an offence against this section; or
  - (b) by action in a court of competent jurisdiction.

### **91 Fixing standard terms and conditions for customers**

- (1) If an electricity entity sells electricity to customers of a prescribed class under a licence authorising the selling of electricity, the electricity entity must from time to time fix standard terms and conditions governing the sale of electricity (including the service of making connections to the electricity network) by the entity to non-contestable customers or customers of a prescribed class.
- (2) The standard terms and conditions fixed under subsection (1):
  - (a) are to be published in the *Gazette*;
  - (b) come into force on the day specified by the electricity entity in the notice (being a day not earlier than the day on which the notice is published in the *Gazette*); and
  - (c) are contractually binding on the electricity entity and each customer in the class of customers to whom the terms and conditions are expressed to apply (except as modified or excluded by express agreement between the entity and a customer).
- (3) The electricity entity must prepare a summary of the standard terms and conditions in a form approved by the Utilities Commission.
- (4) The electricity entity must distribute a copy of the summary to each of its customers.

### **93 Delegation by Minister**

- (1) The Minister may delegate to a person or body of persons any of his or her powers and functions under this Act (other than this power of delegation).
- (2) A delegation under this section:
  - (a) is to be in writing; and
  - (b) may to a person from time to time holding, acting in or performing the duties of an office, designation or position.

- (3) A power or function delegated under this section, when exercised or performed by the delegate, is to be taken to have been exercised or performed by the Minister.
- (4) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

#### **94 Application and issue of warrant**

- (1) An authorised officer or electricity officer may apply to a Local Court Judge for a warrant to enter a place specified in the application.
- (2) The Judge may issue a warrant if satisfied that there are reasonable grounds for issuing the warrant.
- (3) A warrant authorises the authorised officer or electricity officer with any assistance and by any force reasonably necessary:
  - (a) to enter the place specified in the warrant; and
  - (b) to do anything authorised by this Act,at any time, or within any period, specified in the warrant.
- (4) An electricity officer must be accompanied by a member of the Police Force when entering a place under a warrant.
- (5) A warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.

#### **95 Urgent situations**

- (1) An authorised officer or electricity officer may apply to a Local Court Judge for a warrant by telephone, facsimile or other prescribed means if the officer considers the urgency of the situation requires it.
- (2) The Judge may complete and sign the warrant in the same terms as for a warrant applied for in person if satisfied that there are reasonable grounds for issuing the warrant urgently.
- (3) The Judge must:
  - (a) tell the officer:
    - (i) the terms of the warrant;
    - (ii) the date on which and the time at which, the warrant was signed; and



- (iii) the date on which, and the time at which, the warrant ceases to have effect; and
- (b) record on the warrant the reasons for granting the warrant.
- (4) The officer must:
  - (a) complete a form of warrant in the same terms as the warrant signed by the Judge;
  - (b) write on the form:
    - (i) the name of the Judge; and
    - (ii) the date on which, and the time at which, the warrant was signed; and
  - (c) send the Judge the completed form of warrant not later than the day after the warrant is executed or ceases to have effect.
- (5) On receiving the form of warrant, the Judge must attach it to the warrant the Judge signed.
- (6) A form of warrant completed by an authorised officer or electricity officer under subsection (4) has the same force as a warrant signed by the Judge under subsection (2).

**100 Impersonation of officials, etc.**

A person must not impersonate an authorised officer, an electricity officer or anyone else with powers under this Act.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

**101 Obstruction**

- (1) A person must not, without reasonable excuse, obstruct an authorised officer, an electricity officer or anyone else engaged in the administration of this Act or the exercise of powers under this Act.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

- (2) A person must not use abusive or intimidatory language to, or engage in offensive or intimidatory behaviour towards, an authorised officer, an electricity officer, or anyone else engaged in the administration of this Act or the exercise of powers under this Act.

Maximum penalty: 50 penalty units.

### **102 False or misleading information**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished under this Act.

Maximum penalty: If the person made the statement knowing that it was false or misleading – 200 penalty units or imprisonment for 2 years.

In any other case – 50 penalty units.

### **103 Statutory declarations**

If a person is required by or under this Act to furnish information to the Utilities Commission, the Utilities Commission may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Utilities Commission.

### **104 General defence**

- (1) It is a defence to a charge of an offence against this Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (2) It is a defence to a charge of an offence against this Act if the defendant proves that the act or omission constituting the offence was reasonably necessary in the circumstances in order to avert, eliminate or minimise danger to person or property.

### **105 Criminal liability of executive officer of body corporate**

- (1) An executive officer of a body corporate commits an offence if:
- (a) the body corporate commits an offence by contravening a declared provision (a **relevant offence**) and the officer knew, or could reasonably have been expected to have known, that the contravention would happen; and

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- (b) the officer was in a position to influence the conduct of the body corporate in relation to the contravention; and
  - (c) the officer failed to take reasonable steps to prevent the contravention.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) In deciding whether the executive officer took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the officer took directed towards ensuring the following (to the extent the action is relevant to the contravention):

- (i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;
- (ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);
- (iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;

(b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.

(3) Subsection (2) does not limit the matters the court may consider.

(4) This section does not affect the liability of the body corporate.

(5) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the relevant offence.

(6) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.

(7) In this section:

**declared provision** means:

- (a) section 14(1), 31(1), 42(6) or (7), 67(1), 68(1), 69, 70(4), 71(1), 78(3), 79(3), 80(4), 81(3), 89(1) or 90(1); or
- (b) a provision of the Regulations prescribed by regulation.

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**executive officer**, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

### **106 Continuing offence**

- (1) A person found guilty of an offence against a provision of this Act in respect of a continuing act or omission:
  - (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-fifth of the penalty prescribed for that offence; and
  - (b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-fifth of the penalty prescribed for the offence.
- (2) If an offence consists of an omission to do something that is required to be done, the omission will be taken to continue for as long as the thing required to be done remains undone after the end of the period for compliance with the requirement.

### **107 Electricity entities not liable in certain circumstances**

- (1) An electricity entity, or an officer or employee of the electricity entity, is not liable for damages or any penalty arising out of a partial or total failure to supply electricity to a customer unless the failure is due to an act or omission done or made by the electricity entity or the officer or employee in bad faith or through negligence.
- (2) An electricity entity, or an officer or employee of the electricity entity, is not liable for damages or any penalty for supplying to a customer electricity by an irregular or fluctuating voltage or because of a frequency deviation unless the irregular or fluctuating voltage or the frequency deviation is due to an act or omission done or made by the electricity entity or the officer or employee in bad faith or through negligence.
- (3) An electricity entity may enter into an agreement with a person varying or excluding the operation of this section and this section, to the extent of the agreement, does not apply.

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**108 Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function in the administration or enforcement of this Act.
- (2) Subsection (1) does not affect any liability the Territory or the Utilities Commission would, apart from that subsection, have for the act or omission.
- (3) A person referred to in subsection (1) includes the following:
  - (a) a system controller;
  - (b) a person referred to in section 38(4) when exercising a power or performing a function under section 38;
  - (c) an employee or contractor of the retailer of last resort when performing functions or exercising powers under Part 3, Division 5.
- (4) In this section:

**exercise** of a power includes the purported exercise of the power.

**performance** of a function includes the purported performance of the function.

**109 Evidence**

- (1) If, in any legal proceedings, a person is alleged to have held a specified appointment under this Act at a specified time, the allegation is taken to have been proved in the absence of proof to the contrary.
- (2) In any legal proceedings, an apparently genuine document purporting to be a certificate of the Utilities Commission certifying:
  - (a) that a person was or was not the holder of a licence at a specified date or as to the particulars or conditions of a licence; or
  - (b) as to the giving and contents of an order, direction, delegation, exemption, approval or authorisation by the Utilities Commission,

constitutes proof of the matters so certified in the absence of proof to the contrary.

- (5) In any legal proceedings, an apparently genuine document purporting to be a certificate of an authorised officer certifying as to the giving and contents of a direction by the officer under this Act, constitutes proof of the matters so certified in the absence of proof to the contrary.
- (6) If, in any legal proceedings, a person is alleged to have acted without proper authority or a specified approval required under this Act, the absence of such authority or approval will be presumed in the absence of proof that such authority or approval in fact existed or had been given.

### **110 Service**

- (1) A notice or other document required or authorised to be given to or served on a person under this Act may be given or served:
  - (a) by delivering it personally to the person or an agent of the person; or
  - (b) by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
  - (c) by posting it to the person or agent of the person at the person's or agent's last known place of residence or business.
- (2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given to or served on a person may, if the person is a body corporate, be given to or served on the person in accordance with section 109X of the *Corporations Act 2001* (Cth).
- (3) If a notice or other document is required or authorised to be given to or served on the holder of a licence under this Act and the licence is held by 2 or more persons, it is sufficient for the purposes of this Act if the notice or other document is given to or served on any one of those persons.

### **111 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) Without limiting subsection (1), the Regulations may deal with the following matters:
- (a) the generation, transmission, distribution, sale and supply of electricity;
  - (b) the construction, installation and positioning of electricity infrastructure and electrical installations;
  - (c) technical and operational requirements and standards and monitoring and enforcing compliance with the prescribed requirements and standards;
  - (d) system control and electricity market operations;
  - (da) the making or amending of any technical code established under this Act, including the following:
    - (i) consultation before a technical code is made or amended;
    - (ii) the matters that must, or may, be included in, or covered by, a technical code;
    - (iii) the effect or operation of a technical code in specified circumstances;
    - (iv) the publication of a technical code, and the provision of a technical code to other parties;
  - (db) matters to be included in a consumer protection framework;
  - (dc) the operation of the retailer of last resort provisions of the Retail Code, including the following:
    - (i) notifications to customers and other affected persons in relation to a failed retailer and the transfer of the customers to the retailer of last resort;
    - (ii) the duration and termination of any arrangements for the supply of electricity under the retailer of last resort arrangements;
    - (iii) other rights, powers and duties of the Utilities Commission, a failed retailer, the retailer of last resort, customers or other persons or entities involved in or affected by the retailer of last resort arrangements;

- (e) the exemption (conditionally or unconditionally) of persons or operations from the application of this Act or specified provisions of this Act;
- (f) fees to be paid in respect of any matter under this Act and the recovery, refund, waiver or reduction of those fees;
- (g) provide for the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act or regulations made under this Act and for the service of a notice relating to payment of the amount on a person alleged to have committed the offence and the particulars to be included in that notice; and
- (h) penalties not exceeding 100 penalty units for offences against the Regulations.

*Note for subsection (2)(da)*

*Transitional provisions consequent on the repeal of the Electricity Networks (Third Party Access) Act 2000, and relating to network technical codes, are included in Part 4, Division 4 of the National Electricity (Northern Territory) (National Uniform Legislation) Act 2015.*

- (3) If the Regulations grant an exemption from the requirement to hold a licence under Part 3, the Regulations may require a person exempted from the requirement to be treated as an electricity entity for the purposes of specified provisions of this Act.
- (4) The Regulations may provide that any act or thing, or kind of act or thing, of or relating to an electricity entity or a related body corporate of an electricity entity is authorised for a particular period for the purposes of Part IV of the *Competition and Consumer Act 2010* (Cth).
- (6) The Regulations may:
  - (a) be of general application or limited in application according to the persons, areas, times or circumstances to which they are expressed to apply;
  - (b) provide that a matter or thing in respect of which regulations may be made is to be determined, regulated or prohibited according to the discretion of the Minister or the Utilities Commission; and
  - (c) refer to or incorporate, wholly or partially and with or without modification, any standard or other document prepared or published by a body referred to in the Regulations, as is in force from time to time or as in force at a particular time.



## **Part 9 Repeals and transitional matters for Electricity Reform Act 2000**

### **112 Repeal**

The Acts listed in Schedule 1 are repealed.

### **113 Transitional**

- (1) In this section, **repealed Act** means the Acts repealed by section 112.
- (2) If immediately before the commencement of this section a person held a licence granted under the repealed Act, the Utilities Commission must on that commencement grant the person a licence under Part 3 to carry on operations in the electricity supply industry that the person was permitted to carry on under the licence granted under the repealed Act.
- (3) A licence granted in accordance with subsection (2):
  - (a) is subject to the same terms and conditions that applied to the licence granted under the repealed Act; and
  - (b) remains in force for the remainder of the period for which it was granted under the repealed Act.
- (4) Despite the repeal of the repealed Act, the *Electricity By-laws 1981* continue in force as if section 112 had not commenced.
- (5) In this Act, a reference to the Regulations includes the *Electricity By-laws 1981* referred to in subsection (4).
- (6) Subsection (4) ceases to apply 6 months after the commencement of this section.

## **Part 10 Transitional matters for National Electricity (Northern Territory) (National Uniform Legislation) Act 2015**

### **114 Definitions**

In this Part:

**2015 Act** means Part 5 of the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015*.

**115 Continuation of network technical codes**

- (1) On 1 July 2015, an existing technical code for a network becomes a Network Technical Code in force under section 66A for that network.
- (2) In this section:

**existing technical code** means a network technical code and network planning criteria that are in force under clause 9 of the Network Access Code immediately before 1 July 2015.

**116 References to transferred provisions**

- (1) A reference in an existing document to clause 9(2) to (6) of the Network Access Code includes a reference to section 66A, unless the context otherwise requires.
- (2) A reference in an existing document to a provision of Chapter 3 (other than clauses 24, 25, 31 and 34) or Chapter 9 of the Network Access Code includes a reference to the corresponding provision of any regulations made under section 111(2)(d), unless the context otherwise requires.
- (3) In this section:

**existing document** means an Act or other document that was made before 1 July 2015.

**Part 11 Transitional matters for Statute Law Amendment (Directors' Liability) Act 2015****117 Offences – before and after commencement**

- (1) Section 105, as inserted by the *Statute Law Amendment (Directors' Liability) Act 2015*, (the **new section**) applies in relation to a relevant offence committed by a body corporate after the commencement of Part 2, Division 7 of that Act (the **commencement**) only if:
  - (a) all the conduct constituting the relevant offence occurred after the commencement; and
  - (b) all the conduct of the executive officer constituting the offence against the new section occurred after the commencement.

- (2) Section 105, as in force before the commencement:
- (a) continues to apply in relation to offences committed by a body corporate before the commencement; and
  - (b) applies in relation to relevant offences committed by a body corporate after the commencement to which, as a result of subsection (1), the new section does not apply.

## **Part 12                    Transitional matters for Electricity Reform Legislation Amendment Act 2021**

### **118                    Continuation of technical codes**

- (1) A System Control Technical Code in force immediately before the commencement:
- (a) remains in force after the commencement; and
  - (b) is taken to be a Code made under section 37B.
- (2) A Network Technical Code in force immediately before the commencement:
- (a) remains in force after the commencement; and
  - (b) is taken to be a Code made under section 37F.
- (3) In this section:

***commencement*** means the commencement of Part 2 of the *Electricity Reform Legislation Amendment Act 2021*.

## **Part 13                    Transitional matters for Electricity Legislation Amendment Act 2023**

### **119                    Definition**

In this Act:

***amending Act*** means the *Electricity Legislation Amendment Act 2023*.

**120 Superseded references**

From the commencement of section 4 of the amending Act, in any code, licence, instrument, contract or document of any other kind:

- (a) a reference to a contestable customer or a non-contestable customer is taken to be a reference to a customer; and
- (b) a reference to an access agreement is taken to be a reference to a connection agreement.

**121 Saving of electricity pricing orders**

An electricity pricing order made under section 44 that is in force immediately before the commencement of section 8 of the amending Act:

- (a) continues in force according to its terms after the commencement of section 8 of the amending Act; and
- (b) is taken to have been made under section 44 as in force after that commencement.

**122 Saving of Retail Code**

- (1) The Retail Code made under regulation 2A of the *Utilities Commission Regulations 2001* as in force immediately before the commencement of section 24 of the amending Act continues in force after the commencement of section 44B of this Act and is taken to have been authorised under that section.
- (2) From the commencement of section 44B, a reference to regulation 2A of the *Utilities Commission Regulations 2001* in any code, licence, instrument, contract or document of any other kind is taken to be a reference to section 44B.

**Schedule 1 Acts repealed**

section 112

<i>Electricity Commission Ordinance 1978</i>	No. 27, 1978
<i>Electricity Commission Act 1979</i>	No. 79, 1979
<i>Electricity Commission Act (No. 2) 1979</i>	No. 101, 1979
<i>Electricity Commission Act (No. 3) 1979</i>	No. 120, 1979
<i>Electricity Commission Amendment Act 1980</i>	No. 13, 1981
<i>Electricity Commission Amendment Act 1981</i>	No. 77, 1981
<i>Electricity Commission Amendment Act 1982</i>	No. 6, 1982
<i>Electricity Commission Amendment Act 1985</i>	No. 17, 1985
<i>Electricity Commission Amendment Act (No. 2) 1985</i>	No. 42, 1985
<i>Electricity Commission Amendment Act 1986</i>	No. 30, 1986
<i>Electricity Commission Amendment Act (No. 2) 1986</i>	No. 73, 1986
<i>Electricity Commission Amendment Act 1987</i>	No. 21, 1987
<i>Electricity Amendment Act 1988</i>	No. 37, 1988
<i>Electricity Amendment Act 1993</i>	No. 33, 1993
<i>Electricity Amendment Act 1999</i>	No. 41, 1999

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Electricity Reform Act 2000 (Act No. 10, 2000)***

Assent date	21 March 2000
Commenced	1 April 2000 ( <i>Gaz</i> S14, 31 March 2000)

***Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)***

Assent date	12 September 2000
Commenced	1 December 2000 (s 2, s 2 <i>Land Title Act 2000</i> (Act No. 2, 2000) and <i>Gaz</i> G38, 27 September 2000, p 2)

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and <i>Cth Gaz</i> S285, 13 July 2001)

***Electricity Reform Amendment Act 2001 (Act No. 34, 2001)***

Assent date	19 July 2001
Commenced	19 July 2001

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

***Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)***

Assent date	9 September 2010
Commenced	ss 58 to 60: 30 January 2012 ( <i>Gaz</i> , S2, 24 January 2012); rem: 25 November 2011 ( <i>Gaz</i> , S68, 25 November 2011)

***Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)***

Assent date	18 November 2010
Commenced	1 February 2011 ( <i>Gaz</i> S6, 1 February 2011)

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**Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010 (Act No. 41, 2010)**

Assent date 8 December 2010  
Commenced 1 January 2011 (*Gaz* S71, 20 December 2010)

**Emergency Management Act 2013 (Act No. 27, 2013)**

Assent date 8 November 2013  
Commenced 27 November 2013 (*Gaz* S63, 27 November 2013)

**Local Government Amendment Act 2014 (Act No. 19, 2014)**

Assent date 2 June 2014  
Commenced s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014, (s 2)

**National Electricity (Northern Territory) (National Uniform Legislation) Act 2015 (Act No. 16, 2015)**

Assent date 22 May 2015  
Commenced pt 2 and pt 4, div 2: 1 July 2016;  
pt 4 divs 3 and 4: 1 July 2019; pt 5: 1 July 2015;  
rem: 22 May 2015 (s 2)

**Statute Law Amendment (Directors' Liability) Act 2015 (Act No. 26, 2015)**

Assent date 18 September 2015  
Commenced 14 October 2015 (*Gaz* G41, 14 October 2015, p 3)

**Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)**

Assent date 6 April 2016  
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

**National Electricity (Northern Territory) (National Uniform Legislation) Consequential Amendment Regulations 2019 (SL No. 16, 2019)**

Notified 1 July 2019  
Commenced 1 July 2019 (r 2)

**Utilities Legislation Amendment Act 2020 (Act No. 16, 2020)**

Assent date 24 April 2020  
Commenced 25 April 2020 (s 2)

**Electricity Reform Legislation Amendment Act 2021 (Act No. 23, 2021)**

Assent date 18 November 2021  
Commenced 19 November 2021 (s 2)

**Electrical Safety Act 2022 (Act No. 3, 2022)**

Assent date 14 April 2022  
Commenced 1 July 2024 (s 2(2))

**Electricity Legislation Amendment Act 2023 (Act No. 26, 2023)**

Assent date 1 November 2023  
Commenced pts 2 and 4: 1 July 2024 (s 2(2) and *Gaz* S54, 26 June 2024);  
rem: 31 October 2023 (s 2(1))

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 6, 13, 16, 17, 23, 24, 27, 32, 38, 40, 42, 44, 48, 51, 57, 59, 66, 66A, 72, 86 and 113.

### 4 LIST OF AMENDMENTS

lt	amd No. 3, 2022, s 268
s 3	amd No. 3, 2022, s 269
s 4	amd No. 17, 2001, s 21; No. 44, 2005, s 35; No. 16, 2015, s 46; SL No. 16, 2019, r 4; No. 23, 2021, s 4; No. 3, 2022, s 270; No. 26, 2023, s 4
pt 2	
div 2 hdg	rep No. 3, 2022, s 271
ss 7 – 9	rep No. 3, 2022, s 271
s 10	amd No. 38, 2010, s 4 rep No. 3, 2022, s 271
ss 11 – 12	rep No. 3, 2022, s 271
s 14	amd No. 38, 2010, s 4; SL No. 16, 2019, r 5
s 19	amd No. 34, 2001, s 2; No. 38, 2010, s 4; No. 16, 2015, s 47
s 21	amd No. 26, 2023, s 15
s 22	amd SL No. 16, 2019, r 6
s 23	sub No. 26, 2023, s 5
s 26	amd No. 26, 2023, s 15
s 27	amd No. 16, 2015, s 48; No. 3, 2022, s 272; No. 26, 2023, s 15
s 28	sub No. 26, 2023, s 6
s 29	amd No. 16, 2015, s 49 rep No. 26, 2023, s 6
s 31	amd No. 38, 2010, s 4
s 32	amd No. 26, 2023, s 15
s 36	amd No. 26, 2023, s 7
s 37A	ins No. 30, 2010, s 33
pt 3	
div 2A hdg	ins No. 23, 2021, s 5
ss 37B – 37K	ins No. 23, 2021, s 5
s 38	amd No. 16, 2015, s 50; No. 23, 2021, s 6
s 40	amd No. 16, 2015, s 51; No. 26, 2023, s 15
s 42	amd No. 38, 2010, s 4; No. 16, 2015, s 52
s 41	sub No. 3, 2022, s 273
s 42	amd No. 26, 2023, s 15
s 43	amd No. 16, 2015, s 53; No. 26, 2023, s 15
s 45	amd No. 38, 2010, s 4
s 44	amd No. 16, 2020, s 4; No. 26, 2023, s 8
pt 3	
div 5A	ins No. 26, 2023, s 9
ss 44A – 44K	ins No. 26, 2023, s 9
s 49	amd No. 26, 2023, s 15
s 54	amd No. 38, 2010, s 4
s 57	amd No. 19, 2014, s 26
s 59	amd No. 45, 2000, s 11
s 60	amd No. 3, 2022, s 274
s 63	amd No. 3, 2022, s 275
pt 4	
div 4 hdg	rep No. 3, 2022, s 276
s 64	rep No. 3, 2022, s 276



pt 4	
div 5 hdg	amd No. 3, 2022, s 277
s 66	amd No. 27, 2013, s 128
pt 4	
div 6 hdg	ins No. 16, 2015, s 54
	rep SL No. 16, 2019, r 7
s 66A	ins No. 16, 2015, s 54
	rep SL No. 16, 2019, r 7
pt 5 hdg	rep No. 3, 2022, s 278
ss 67 – 69	amd No. 38, 2010, s 4
	sub No. 3, 2022, s 278
ss 70 – 71	amd No. 38, 2010, s 4
	rep No. 3, 2022, s 278
s 72	amd No. 16, 2015, s 55; No. 3, 2022, s 279
s 74	amd No. 38, 2010, s 4
s 77	amd No. 3, 2022, s 280
ss 78 – 80	amd No. 38, 2010, s 4
	rep No. 3, 2022, s 281
s 81	amd No. 38, 2010, s 4
pt 6	
div 3 hdg	ins No. 3, 2022, s 282
s 81A	ins No. 3, 2022, s 282
s 82	rep No. 3, 2022, s 283
s 83	amd No. 3, 2022, s 284
s 84	amd No. 3, 2022, s 285
s 86	amd No. 45, 2000, s 11; No. 26, 2023, s 15
s 87	amd SL No. 16, 2019, r 8; No. 3, 2022, s 286
s 87A	ins SL No. 16, 2019, r 9
	sub No. 26, 2023, s 10
s 88	amd No. 3, 2022, s 287
s 89	amd No. 38, 2010, s 4
s 90	amd No. 38, 2010, s 4; No. 26, 2023, s 15
s 91	amd No. 26, 2023, s 15
s 92	amd No. 3, 2022, s 288
	rep No. 26, 2023, s 11
ss 94 – 95	amd No. 8, 2016, s 45
ss 96 – 99	amd No. 38, 2010, s 4
	rep No. 3, 2022, s 289
ss 100 – 102	amd No. 38, 2010, s 4
s 103	amd No. 3, 2022, s 290
s 105	sub No. 26, 2015, s 20
	amd No. 3, 2022, s 291
s 108	amd No. 34, 2001, s 3
	sub No. 26, 2023, s 12
s 109	amd No. 3, 2022, s 292; No. 26, 2023, s 15
s 110	amd No. 17, 2001, s 21; No. 26, 2023, s 15
s 111	amd No. 41, 2010, s 30; No. 16, 2015, s 56; SL No. 16, 2019, r 10; No. 23, 2021, s 7; No. 3, 2022, s 293; No. 26, 2023, s 13
pt 9 hdg	ins No. 26, 2015, s 22
s 112	amd No. 16, 2015, s 57
pt 9 hdg	ins No. 16, 2015, s 58
	rep No. 26, 2015, s 21
pt 10 hdg	ins No. 26, 2015, s 21
ss 114 – 116	ins No. 16, 2015, s 58
pt 11 hdg	ins No. 26, 2015, s 23
s 117	ins No. 26, 2015, s 23
pt 12 hdg	ins No. 23, 2021, s 8
s 118	ins No. 23, 2021, s 8

## ENDNOTES

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pt 13 hdg      ins No. 26, 2023, s 14  
ss 119 – 122   ins No. 26, 2023, s 14  
sch hdg        amd No. 16, 2015, s 59  
sch 2          ins No. 16, 2015, s 60  
                  rep SL No. 16, 2019, r 11