

NORTHERN TERRITORY OF AUSTRALIA

ELECTRICITY LEGISLATION AMENDMENT REGULATIONS 2024

Subordinate Legislation No. 13 of 2024

Table of provisions

Part 1	Preliminary matters	
1	Title.....	2
2	Commencement	2
Part 2	Amendment of Electricity Reform (Administration) Regulations 2000	
3	Regulations amended.....	2
4	Regulation 2 amended (Definitions)	2
5	Regulation 3 repealed (Single site).....	3
6	Regulation 3F amended (Exemption for system controller to operate wholesale market)	3
7	Regulation 5 repealed (Licence conditions – licence authorising selling of electricity).....	4
8	Part 3 heading replaced	4
9	Regulations 6 to 12A repealed	4
10	Part 4A replaced.....	4
	Part 4A Electricity pricing orders	
16	Prescribed class of customers	
	Part 4B Retail supply of electricity	
17	Matters for inclusion in Retail Code	
18	Retailer of last resort arrangements	
19	Terms and conditions of retailer of last resort deemed contracts	
20	Notification requirements	
21	Cost recovery	
21A	Information requirements	
11	Schedule 1 repealed.....	9
12	Regulations further amended	9
Part 3	Amendment of National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016	
13	Regulations amended.....	9

14	Regulation 10 amended (Local event).....	10
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Part 4 Repeal

15	Repeal of Regulations	10
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**Schedule Electricity Reform (Administration)
 Regulations 2000 further amended**



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 13 of 2024

Electricity Legislation Amendment Regulations 2024

I, Hugh Crosby Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Electricity Reform Act 2000* and the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015*.

Responsible Minister:

K. J. WORDEN
Minister for Renewables and Energy

H. C. HEGGIE
Administrator

Date of making: 27 June 2024

Part 1 Preliminary matters

1 Title

These Regulations may be cited as the *Electricity Legislation Amendment Regulations 2024*.

2 Commencement

These Regulations commence on the commencement of section 9 of the *Electricity Legislation Amendment Act 2023*.

Part 2 Amendment of Electricity Reform (Administration) Regulations 2000

3 Regulations amended

This Part amends the *Electricity Reform (Administration) Regulations 2000*.

4 Regulation 2 amended (Definitions)

(1) Regulation 2

omit

, unless the contrary intention appears

(2) Regulation 2, definitions ***future consumption period***, ***relevant entity***, ***single site***, ***site*** and ***supply point***

omit

(3) Regulation 2

insert

connection point, see Chapter 10 of the *National Electricity (NT) Rules*.

meter, see Chapter 10 of the *National Electricity (NT) Rules*.

relevant entity means the electricity entity selling electricity to a customer under an electricity supply contract.

single site means:

- (a) a site; or

-
- (b) premises or a lot of land or adjoining premises or lots of land:
- (i) that are owned or occupied by a single customer; and
 - (ii) that are supplied through more than one connection point, whether or not the electricity passes through facilities owned or occupied by any other person after leaving that point and before it is supplied; and
 - (iii) in respect of which the customer elects to have treated as a single site.

site means the metered connection point through which a customer has or seeks electricity supply under an electricity supply contract.

- (4) Regulation 2, definition ***estimated consumption***

omit

consumption period, means the electricity the relevant entity selling electricity to a non-contestable

insert

one-year period, means the electricity the relevant entity selling electricity to a

5 Regulation 3 repealed (Single site)

Regulation 3

repeal

6 Regulation 3F amended (Exemption for system controller to operate wholesale market)

- (1) Regulation 3F, before "The"

insert

(1)

- (2) Regulation 3F, at the end

insert

- (2) Despite subregulation (1), the system controller for the Darwin-Katherine power system must comply with the provisions of the Retail Code expressed to be applicable to it in respect of its role operating a wholesale market.

7 Regulation 5 repealed (Licence conditions – licence authorising selling of electricity)

Regulation 5

repeal

8 Part 3 heading replaced

Part 3, heading

omit, insert

Part 3 Customers**9 Regulations 6 to 12A repealed**

Regulations 6 to 12A

repeal

10 Part 4A replaced

Part 4A

repeal, insert

Part 4A Electricity pricing orders**16 Prescribed class of customers**

- (1) This regulation prescribes classes of customers for section 44(1) of the Act.
- (2) A customer whose annual consumption level, measured in accordance with either of the following, is less than 750 megawatt hours per annum is a customer of a prescribed class:
 - (a) the customer's actual total consumption at a single site during any consumption period;
 - (b) in the case of a customer who scales down or expands its operations or energy consumption at a single site – the customer's estimated consumption for the subsequent year at the site, taking the following into account:
 - (i) past electricity consumption;
 - (ii) the electricity consumption level of plant and equipment to be powered at the site;

- (iii) the operations for which electricity is required to be supplied at the site;
- (iv) any other relevant factor.

Examples for subregulation (1)(b)

1 *Addition of a new building.*

2 *Retirement of plant or installation of new, more efficient plant.*

3 *Installation of solar panels.*

- (3) A customer who was a contestable customer prescribed by regulation 13A(d), as in force immediately before the commencement of this regulation, is a customer of a prescribed class.

Part 4B Retail supply of electricity

17 Matters for inclusion in Retail Code

For section 44B(2) of the Act, the following matters are prescribed:

- (a) credit support arrangements;
- (b) billing;
- (c) metering;
- (d) service order arrangements;
- (e) the needs of the following types of retail customers:
 - (i) customers requiring life support equipment;
 - (ii) residential customers affected by family violence;
 - (iii) residential customers experiencing payment difficulties due to hardship;
- (f) a requirement for an electricity retailer or a network provider to inform customers of the contact details of a relevant complaints handling body;
- (g) the transfer of customers between electricity retailers;
- (h) dispute resolution between:
 - (i) electricity entities; and

- (ii) electricity entities and customers.

Note for paragraph (d)

A service order arrangement is a business-to-business service, such as a request for customer disconnection, customer reconnection, special meter read or installation of a new meter.

18 Retailer of last resort arrangements

- (1) Subregulations (2) to (7) apply if:
 - (a) the Utilities Commission appoints the retailer of last resort under section 44D(1) of the Act to sell electricity to customers of the failed retailer; and
 - (b) the transfer date has occurred.
- (2) Any complaint or dispute between the failed retailer and the customer (whether the complaint or dispute arose before, on or after the transfer date) may be dealt with between the failed retailer and the customer as if the RoLR transfer event and the transfer of the customer had not occurred.
- (3) The failed retailer or its insolvency official must take steps to cancel, with effect commencing on the transfer date, any direct debit authorisations (including any Centrepay deductions) that are in place for the customer.

Note for subregulation (3)

Cancellation of a direct debit authorisation does not affect the customer's obligation to pay for any electricity consumed before the transfer date.

- (4) If the customer has paid amounts to the failed retailer in advance towards the customer's electricity bill, the failed retailer or its insolvency official must:
 - (a) apply those amounts to the payment of the customer's account, but only insofar as that payment is for electricity consumed before the transfer date; and
 - (b) pay the balance to the customer.
- (5) If the customer has paid the failed retailer in whole or in part for a service order under the Retail Code and the order has not been completed before the transfer date:
 - (a) the retailer of last resort must:
 - (i) place the order with the network provider; or

- (ii) if the order has already been placed – take steps to ensure its completion; and
 - (b) the customer is not liable to pay for the order except to the extent that the customer had not already paid on or before the transfer date.
- (6) If a payment plan is in force between the customer and the failed retailer, the failed retailer or its insolvency official or assignee must continue to comply with that plan to the extent that it provides for the payment by instalments of any arrears that are outstanding on the transfer date.
- (7) If the customer is on a prepayment meter, a payment equal to the value of any credit remaining in the prepayment meter account immediately before the transfer date must be made by the failed retailer or its insolvency official to the customer, without any deduction.

19 Terms and conditions of retailer of last resort deemed contracts

- (1) For section 44F(c) of the Act:
- (a) the retailer of last resort must submit its proposed terms and conditions (the **deemed contracts**) of the contracts taken, under section 44F(a) of the Act, to be in place to the Utilities Commission for approval in accordance with the timing set out in the Retail Code; and
 - (b) the Utilities Commission may approve or refuse to approve those terms and conditions.
- (2) If the retailer of last resort does not submit proposed terms and conditions in accordance with subregulation (1) or the Utilities Commission refuses to approve submitted terms and conditions, the Utilities Commission must determine the terms and conditions that apply to the deemed contracts.
- (3) In this regulation:
- terms and conditions** do not include tariffs.

20 Notification requirements

The retailer of last resort or, if the Utilities Commission determines the terms and conditions under regulation 19, the Utilities Commission, must give notice of the approved terms and conditions in the *Gazette*.

21 Cost recovery

For section 44G(4) of the Act, the retailer of last resort must pay the following costs incurred by an insolvency official of a failed retailer in accordance with the scheme established under section 44G(1) of the Act:

- (a) an amount sufficient to indemnify the insolvency official for the official's reasonable costs of complying with applicable requirements of the retailer of last resort arrangements if a RoLR transfer event occurs;
- (b) if a dispute about costs arises – the amount that would be payable if the insolvency official had been a liquidator under the *Corporations Act 2001* (Cth).

21A Information requirements

(1) For section 44H(1) of the Act, the following information in respect of each of the failed retailer's customers is prescribed:

- (a) name and contact details, including billing address;
- (b) supply addresses for the electricity supply;
- (c) meter identifiers;
- (d) the network tariff code or codes of the distributor;
- (e) details of the customer's actual consumption of energy in one or more specified periods;
- (f) identification of whether the customer is a hardship customer;
- (g) details of any premises that is registered as having life support equipment;
- (h) identification of whether the customer is in receipt of a tariff payment, credit or other benefit under a feed-in arrangement;
- (i) any customer classification details;
- (j) details of any pension, health or social security payment, rebate, benefit or concession to which the customer is entitled;
- (k) any direct debit arrangements or Centrepay arrangements between the customer and the failed retailer.

(2) For subregulation (1), the information may include the following:

- (a) both historic and current information;

- (b) information that is or may be derived from other information in the possession or control of the failed retailer.
- (3) For section 44H(2) of the Act, the requirements in relation to the information that may be required and specified by written notice are the following:
- (a) the information must be provided by the date specified in the notice;
 - (b) the information must be provided if an event specified in the notice occurs or a state of affairs specified in the notice exists;
 - (c) the information must be provided in accordance with any document, code, standard, rule, specification or method formulated, issued or published as determined by the Utilities Commission, whether:
 - (i) wholly or partially, or as amended by the notice; or
 - (ii) formulated, issued or published at the time the notice is served or at any time before the notice is served; or
 - (iii) in force as at a particular date or as amended from time to time;
 - (d) the information must be verified by statutory declaration by a person authorised by the failed retailer.

11 Schedule 1 repealed

Schedule 1

repeal

12 Regulations further amended

The Schedule has effect.

Part 3 Amendment of National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016

13 Regulations amended

This Part amends the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016*.

14 Regulation 10 amended (Local event)

Regulation 10(1)

omit, insert

- (1) For clause 6.6.1(a1)(1AA) of the National Electricity (NT) Rules, a local event is either of the following:
 - (a) the failure of a *retailer* during a *regulatory control period*, to pay a *Distribution Network Service Provider* an amount to which the provider is entitled for the provision of *direct control services*, if:
 - (i) an insolvency official has been appointed in respect of that retailer; and
 - (ii) the provider is not entitled to payment of that amount in full under the terms of any local support in respect of that retailer;
 - (b) a circumstance in which the Power and Water Corporation is required to pay any amount under a cost recovery scheme determined by the Utilities Commission under section 44G of the *Electricity Reform Act 2000*.

Part 4 Repeal**15 Repeal of Regulations**

These Regulations are repealed on the day after they commence.

**Schedule Electricity Reform (Administration)
Regulations 2000 further amended**

regulation 12

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 3D, after "6(c)"		of the Act
regulation 13	contestable customer cannot	customer must not
regulation 15(6)(a)	non-contestable consumer	customer
