

18 June 2025

Mr Lyndon Rowe  
Utilities Commissioner  
Utilities Commission of the Northern Territory  
By email: [utilitiescommission@nt.gov.au](mailto:utilitiescommission@nt.gov.au)

## **SUBMISSION TO THE DRAFT DECISION ON THE ELECTRICITY INDUSTRY PERFORMANCE CODE REVIEW**

Dear Commissioner

Energy Consumers Australia (ECA) appreciates the opportunity to provide a response to the NT Utilities Commission's draft decision paper on changes to the Electricity Industry Performance Code (Standards of Service and Guaranteed Service Levels) Review.

ECA is the national voice for household and small business energy consumers. We advocate for an energy transition that benefits all Australian, and work to see an energy system that is fair, affordable, reliable and meets everyone's needs.

Energy is an essential service, and integral to people's financial, physical and mental wellbeing. Affordable, reliable and safe electricity is fundamental to access a reasonable standard of living in Australia. ECA is therefore working to achieve an energy market in which all Australians are offered critical consumer protections to ensure their access to energy, regardless of where they live and how they are supplied.

We were therefore disappointed by the Commission's decision, which serves to perpetuate a system where significant numbers of NT energy consumers do not have access to critical consumer protections, and which makes invisible where and when those people are experiencing harm through energy hardship.

The Commission's decision particularly disadvantages people supplied through prepayment meters who face multiple challenges to securing access to affordable energy. In addition to the commitments made in the First Nations Clean Energy Strategy, the National Energy Equity Framework, signed off by all Australian Energy Ministers, underlined that:

Energy policy also significantly affects First Nations communities, many of whom face unequal access to reliable and affordable energy and are at the forefront of the effects of climate change. In remote and fringe off-grid areas, electricity supply is often unreliable and costly. Extreme climatic conditions increase energy demand, and thermally inefficient housing further compounds these challenges. Many First Nations households are excluded from clean energy subsidies and incentives, particularly renters and those in social or community owned housing. Research indicates that First Nations peoples are more likely to miss out on the consumer protections that Australians in other regions take for granted (p.5).<sup>1</sup>

The following outlines where we would ask the Commission to reconsider its decision in relation to the approval of exemptions from the Code, remote reporting requirements and the application of the Code across the Territory.

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<sup>1</sup> See <https://www.energy.gov.au/energy-and-climate-change-ministerial-council/working-groups/energy-transformation-enablers-working-group/national-energy-equity-framework>

## REPORTING REQUIREMENTS

With other consumer advocates, we were extremely disappointed at the Commission's decision to not align remote reporting requirements with the AER Guidelines.

Retail performance reporting is critical to effective regulation – even outside a competitive market, it alerts regulators and government to emerging problems around affordability and access to an essential service. It provides transparency about a retailer's policies and programs to support its customers, to ensure they're delivering, and actively addressing service shortfalls. It ensures that the experience of consumers who are *at greatest risk of harm* from loss of access to electricity is visible to decision-makers.

Research indicates that there is significant room for improvement by NT retailers. Financial Counselling Victoria surveyed financial counsellors across the country, funded through an ECA grant. Its recently published **Rank the Retailer**<sup>2</sup> report ranked Jacana Energy very poorly, second lowest overall, with 50% of survey respondents rating it overall as Very poor or Poor. Its hardship programs were particularly called out, with 80% of financial counsellors reporting that their clients found support for energy hardship hard to access and untimely.

Remote retail performance reporting is within the Commission's power, and aligns with its role and responsibilities to protect the long-term interests of consumers. Smart meter technologies enable comprehensive and cost effective reporting by retailers. It is in place already in other jurisdictions where communities are supplied through prepayment meters.

The Commission's decision has prioritised the interests of energy providers over the people they're supplying. We do not agree that the costs of implementing additional public reporting outweigh the benefits of making visible where people are facing barriers to access to energy. Not reporting publicly makes it harder for government, regulators and civil society to respond to those issues quickly, and diminishes incentives by retailers to continue to improve their service to their customers.

**Recommendation 1: That the Commission introduce remote retail reporting through the Code as an urgent priority.**

## APPLICATION OF THE CODE TERRITORY-WIDE

The Commission describes its purpose as “to protect the long-term interests of Territory consumers of services provided by regulated industries with respect to price, reliability and quality”<sup>3</sup>.

There is a strong and growing evidence base that a significant proportion of Territorians do not experience affordable or reliable access to electricity.

While we acknowledge that there is work underway within Government, we were disappointed that the Commission did not decide to take a more proactive position to address what are longstanding problems with barriers to accessing this essential service.

Its practical effect will be to perpetuate a system where significant numbers of NT energy consumers do not have access to critical consumer protections, and which makes invisible where those people are experiencing harm through energy hardship. Research has demonstrated that that harm is

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<sup>2</sup> See [https://fcvic.org.au/wp-content/uploads/2025\\_Rank-the-Energy-Retailer\\_Report.pdf](https://fcvic.org.au/wp-content/uploads/2025_Rank-the-Energy-Retailer_Report.pdf)

<sup>3</sup> See <https://utilicom.nt.gov.au/about>

material - when energy becomes unaffordable and thus inaccessible it becomes harder to keep homes thermally safe, as well as to store food and medicine correctly, creating increased vulnerability to poor health and wellbeing outcomes and resulting in direct consumer harm. This harm is disproportionately affecting Aboriginal and Torres Strait Islander communities.

The Commission's decision also places it out of step with other Australian regulators, who in the past few years have done substantive work with retailers to ensure that consumers who may be vulnerable to energy hardship or at risk of harm are provided with appropriate protections to maintain access to energy.

It also does not align with national energy policy that is actively considering where people are locked out consumer protections. The Better Energy Customer Experiences consultation process, initiated by Energy Ministers and led by the Commonwealth Department of Climate Change, Energy, the Environment and Water, noted that

In December 2024, Energy Ministers also welcomed the Commonwealth's release of its First Nations Clean Energy Strategy 2024-2030. Among other actions, this strategy will review regulatory protections, including considering extending regulatory protections for consumers outside of regulated energy markets and interrogating whether existing consumer protections adequately meet the needs of First Nations peoples.<sup>4</sup>

We therefore recommend the Commission revisit its decision to exclude communities, including those serviced by Indigenous Essential Services under contract with the Territory Government, and commit to a further review of the Code *in line with its purpose and mandate to serve the long-term interests of Territory consumers*.

We appreciate the Commission's willingness to make representations to the Territory Government, but recommend strong and defined commitments to addressing these known problems as a priority.

**Recommendation 2: That the Commission commit to a dedicated review of the Code to consider expanding its scope to include all Territory energy consumers.**

## EXEMPTIONS

The primary reason that governments codify roles and responsibilities relating to energy provision is to ensure consumers are provided safe and reliable access to what is an essential service.

Any request by a provider of an essential service to be exempted from those obligations should therefore be granted only in exceptional circumstances and for a limited time.

While we understand there may at times be sensitive or commercially confident information pertaining to a request for an exemption, the provider should always make clear where and what practical impact on households and small businesses will arise from an exemption.

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<sup>4</sup> See [https://storage.googleapis.com/files-au-climate/climate-au/p/prj346205c597f1482d27aea/page/Better\\_Energy\\_Customer\\_Experiences\\_Consultation\\_Paper.pdf](https://storage.googleapis.com/files-au-climate/climate-au/p/prj346205c597f1482d27aea/page/Better_Energy_Customer_Experiences_Consultation_Paper.pdf)

Where there is material impact – either through a lesser protection or reduced visibility of potential harm – ECA strongly recommends that the impact statement is publicly disclosed in a timely manner. We do not believe that the Commission's annual report is sufficient for public reporting.

**Recommendation 3: That the Commission**

- **Oblige any energy provider making a request for exemption through the Code to provide a statement detailing the potential impacts for small end-users;**
- **Publish that statement at the time the exemption is approved.**

ECA is keen to work with the Commission and the Northern Territory Government, and we will share this submission with the NT Energy Minister.

We are working with Original Power and Western Sydney University through a Collaboration Grant to investigate the experience of communities across Australia, aiming to identify practical and effective reforms that will deliver better outcomes for people supplied through prepayment metering arrangements. That research will shortly be finalised, and we intend to share it with Energy Ministers at the next meeting of the Energy and Climate Change Ministerial Council. We would welcome the opportunity to brief the Commission on that research, to inform its decision-making.

We would welcome the opportunity to talk through our submission with the Commission in more detail. The best first point of contact is Kerry Connors, GM Community, who can be reached by phone on 0407 848 572 or by email at [kerry.connors@energyconsumersaustralia.com.au](mailto:kerry.connors@energyconsumersaustralia.com.au).

Yours sincerely,



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