



## **NETWORK LICENCE**

Issued to

**POWER AND WATER CORPORATION**

Date of Issue

31 March 2000

As varied on

15 May 2020

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## Contents

1	Definitions and Interpretation	2
2	Grant of licence	2
3	Term	2
4	Annual return	2
5	Suspension of licence	2
6	Variation of licence	3
7	Transfer of licence	3
8	Licence fee and other charges	3
9	Capacity to operate	3
10	Compliance with regulatory instruments	3
11	Compliance process and compliance reporting	4
12	Changes in offices or major shareholders	6
13	Community service obligations	6
14	Compatibility	6
15	Restrictions on trading	6
16	Operation and maintenance	6
17	Coordination	6
18	Right of use	7
19	Dispute resolution procedures	7
20	Network control	7
21	Disconnection	7
22	Consultation	7
23	Provision of information to the Utilities Commission/System Controller	7
24	Operator	7
25	Safety management and mitigation plan	8
26	Coordination Agreement	8
27	Provision of customer data	8
	<b>Schedule 1</b>	<b>10</b>
	<b>Schedule 2</b>	<b>13</b>
	<b>Schedule 3</b>	<b>14</b>

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## Network Licence

### Licensee: Power and Water Corporation

#### 1 Definitions and Interpretation

1.1 In this licence a word or phrase in italics:

- (a) has the meaning given to it in Part 1 of Schedule 1; or
- (b) if the word or phrase is not defined in Part 1 of Schedule 1, then it has the meaning given to it in the *Electricity Reform Act*.

1.2 This licence must be interpreted in accordance with the rules set out in Part 2 of Schedule 1.

#### 2 Grant of licence

Under Part 3 of the *Electricity Reform Act*, the *Utilities Commission* grants the licensee a licence to:

- (a) own and operate an *electricity network* within the geographic area specified in Schedule 2 (as such *electricity network* is extended or augmented from time to time within that geographic area); and
- (b) connect the *electricity network* referred to in paragraph (a) to another *electricity network*,

in accordance with the terms and conditions of this licence.

#### 3 Term

This licence commences on the date it is issued and continues until the earlier of:

- (a) when it is surrendered by the licensee under section 35 of the *Electricity Reform Act*; or
- (b) when it is cancelled by the *Utilities Commission* under section 36 of the *Electricity Reform Act*.

#### 4 Annual return

The licensee must lodge an annual return containing such information as is required from time to time by the *Utilities Commission* by written notice.

#### 5 Suspension of licence

This licence may be suspended under section 36 of the *Electricity Reform Act*.

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**6 Variation of licence**

This licence may only be varied in accordance with section 32 of the *Electricity Reform Act*.

**7 Transfer of licence**

This licence may only be transferred in accordance with section 33 of the *Electricity Reform Act*.

**8 Licence fee and other charges**

8.1 The licensee must pay an annual licence fee or instalment of the annual licence fee, as the case may be, to the *Utilities Commission* as determined by the *Minister* under section 19 of the *Electricity Reform Act*.

8.2 The licensee must pay the *System Controller* any charges relating to the operations of system control in accordance with the *Regulations*.

**9 Capacity to operate**

9.1 The licensee must, from time to time, provide the *Utilities Commission* with details of the licensee's financial, technical and other capacity to continue operations under this licence, if requested to do so by the *Utilities Commission*.

9.2 The licensee must provide any information requested by the *Utilities Commission* under clause 9.1 of this licence:

- (a) in a manner and form determined by the *Utilities Commission*; and
- (b) within 20 *business days* of the request.

**10 Compliance with regulatory instruments**

10.1 The licensee must:

- (a) comply with all applicable provisions of the *System Control Technical Code* and the *Network Technical Code*;
- (b) comply with all applicable provisions of a *code* or *rule* made under the *Utilities Commission Act* from time to time;
- (c) comply with any applicable protocol, standard and *code* applying to the licensee under the *Regulations*; and
- (d) comply with all applicable laws including the *National Electricity (NT) Rules*, the *Regulations*, the *Pricing Order* and any technical or safety requirements or standards contained in *Regulations* made under the *Electricity Reform Act*.

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## 11 Compliance process and compliance reporting

11.1 The licensee is to establish and maintain a compliance process.

- (a) A licensee must establish, document, maintain and comply with appropriate auditable internal policies, procedures and systems (“compliance process”) for ensuring that it complies with its obligations under this licence, and all applicable laws, *codes*, *rules* or standards.
- (b) The compliance process must include policies, procedures and systems for:
  - (i) training of employees about the obligations of the licensee under this licence;
  - (ii) regular internal audit by the licensee of its compliance with its obligations under this licence;
  - (iii) regular reporting to, and consideration by, the Board of the licensee concerning compliance with the obligations of the licensee under this licence;
  - (iv) dealing with any complaints made by a *customer* or other third party to the licensee in connection with non-compliance by the licensee with its obligations under this licence; and
  - (v) detecting and reporting to the *Utilities Commission* any material breach of the compliance procedures.
- (c) The *Utilities Commission* may (after giving reasonable notice to the licensee) require the licensee to demonstrate to the *Utilities Commission’s* satisfaction that:
  - (i) the licensee’s compliance procedures are adequate; and/or
  - (ii) the licensee is complying with its compliance procedures.
- (d) Any notification made by the *Utilities Commission* to the licensee concerning the *Utilities Commission’s* opinion of the adequacy of the compliance process of the licensee will not affect the licensee’s obligations under this licence.

11.2 Compliance reports

- (a) A licensee must provide a report to the *Utilities Commission*, at reasonable intervals determined by the *Utilities Commission*, describing the measures taken by the licensee to ensure compliance with its obligations (a compliance report).
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- (b) The compliance report, and the *Utilities Commission's* assessment of compliance, may be made publicly available by the *Utilities Commission*.

### 11.3 External audit

- (a) The *Utilities Commission* may, upon reasonable notice to a licensee, require the licensee to appoint an independent auditor to undertake an audit of the licensee's compliance with any of its obligations under this licence.
- (b) The standards or requirements to apply to an audit under clause 11.3 will be determined by the *Utilities Commission* in consultation with the licensee. The auditor will report in accordance with those standards or requirements.
- (c) The auditor will provide a copy of the auditor's report to the licensee and the *Utilities Commission* as soon as reasonably possible after it has been completed.
- (d) The licensee will be responsible to pay the costs of undertaking the audit.

### 11.4 Appointment of external auditor by *Utilities Commission*

- (a) The *Utilities Commission* may, upon reasonable notice to a licensee, appoint an independent auditor to undertake an audit of the licensee's compliance with any of its obligations under this licence.
- (b) In the event that the *Utilities Commission* appoints an independent auditor,
  - (i) the *Utilities Commission* will nominate the standards and requirements, and the auditor will report in accordance with those standards or requirements; and
  - (ii) the licensee must cooperate with any reasonable requests made by the independent auditor in undertaking the audit.
- (c) The *Utilities Commission* will provide a copy of the auditor's report to the licensee as soon as reasonably possible after it has been completed.
- (d) The licensee will be responsible to pay the costs of undertaking the audit.

### 11.5 Notification of breaches to the *Utilities Commission*

A licensee must report any material breach of its obligations under this licence to the *Utilities Commission* as soon as reasonably possible after becoming aware that the breach has occurred, and must advise of the remedial action that is being undertaken to rectify the breach.

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**12 Changes in offices or major shareholders**

The licensee must notify the *Utilities Commission* of any change to any *officer* and, if applicable, any *major shareholder* of the licensee, within 20 *business days* after the change.

**13 Community service obligations**

The licensee must comply with the requirements of any scheme approved and funded by the *Minister* for the performance of community service obligations by electricity entities.

**14 Compatibility**

The licensee must not do anything to its *electricity network* affecting the compatibility of its *electricity network* with any other *electricity network* or electricity generating plant so as to prejudice public safety or the security of supply.

**15 Restrictions on trading**

The licensee must not buy or sell electricity directly or indirectly in connection with conducting operations authorised by this licence, except if it is necessary:

- (a) to operate the *electricity network*; or
- (b) for a purpose associated with planning, designing, constructing, maintaining or operating the *electricity network*; or
- (c) for the licensee's administrative purposes.

**16 Operation and maintenance**

The licensee must:

- (a) operate, maintain (including repair and replace if necessary) and protect its regulated *electricity network* in accordance with the *National Electricity (NT) Rules* and the *Network Technical Code*; and
- (b) operate, maintain (including repair and replace if necessary) and protect its non-regulated *electricity network* so as not to prejudice public safety or, subject to any arrangements that the licensee has with its customers in relation to the supply of electricity and to the extent reasonably possible under funding arrangements entered into between the licensee and the Northern Territory of Australia, security of supply.

**17 Coordination**

The licensee must operate its *electricity network* in coordination with other *electricity networks* to which it is connected directly or indirectly.

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**18 Right of use**

In relation to its *regulated electricity networks* only, the licensee must:

- (a) in accordance with the *National Electricity (NT) Rules*, grant each *electricity entity* holding a *generation licence* rights to use or have access to those parts of the licensee's *electricity network* that are interconnected to or interface with the *electricity entity's* assets for the purposes of ensuring the proper integrated operation of the *power system* and the proper conduct of the operations authorised by the *electricity entity's* licence; and
- (b) in the absence of agreement as the terms on which such rights are granted, comply with any determination by the *Utilities Commission* as to those terms.

**19 Dispute resolution procedures**

Within 3 months of issue of this licence, the licensee must establish and comply with procedures to do with *customer* consultation, enquiries or disputes on terms approved by the *Utilities Commission*.

**20 Network control**

Subject to section 38 of the *Electricity Reform Act*, the licensee must be responsible for network control of its *electricity network*.

**21 Disconnection**

The licensee must not disconnect or discontinue supply of electricity, or take any action which may lead to the disconnection or discontinuance of supply of electricity to a *customer*, except in accordance with section 27(2) of the *Electricity Reform Act* and the disconnection procedures prescribed in the *System Control Technical Code*, where it applies, or otherwise in accordance with the *customer's* contract.

**22 Consultation**

The licensee must participate, to the extent specified by the *Utilities Commission*, in the development, issue and review of any regulatory instruments.

**23 Provision of information to the Utilities Commission/System Controller**

The licensee must, from time to time, provide the *Utilities Commission* or the *System Controller*, in a manner and form to be determined by the *Utilities Commission* or the *System Controller*, such information as the *Utilities Commission* or the *System Controller* may request.

**24 Operator**

If an operator is appointed to the licensee's business under section 41 of the *Electricity Reform Act*, the operator must exercise its functions and powers in such a manner as may be specified by the *Utilities Commission* in the instrument of appointment.



## 25 Safety management and mitigation plan

The licensee must:

- (a) By 27 April 2012:
  - (i) prepare a *safety management and mitigation plan*, which must be consistent with and reflect good electricity industry practice in relation to the safety management of the electricity infrastructure owned or operated by the licensee under this licence; and
  - (ii) submit the initial plan to the *Utilities Commission* for approval;
- (b) annually review and, if necessary, update the plan to ensure that it is consistent with and reflects good electricity industry practice;
- (c) comply with the plan as approved in accordance with this clause;
- (d) not amend the plan without the approval of the *Utilities Commission* or the regulator specified in the *Electricity Reform Act* and the *Electricity Reform (Safety and Technical) Regulations* as having the authority to approve the licensee's safety management and mitigation plan from time to time.

## 26 Coordination Agreement

In relation to its regulated *electricity networks* only, the licensee must enter into, and comply with, an agreement, on terms approved by the *Utilities Commission*, with *each electricity entity* holding a *retail licence* or *generation licence* which provides services to the licensee's *customers* as to the coordination of the provision of services to those *customers*, including arrangements whereby the *retailer* has responsibility for taking up any *customer* complaints about the quality of services being supplied with the licensee.

## 27 Provision of customer data

- 27.1 In relation to its regulated *electricity networks* only, on the request of a *customer*, the licensee must provide the *customer* or any person nominated by the customer in writing, with data relating to the *customer's* historical energy consumption within 3 *business days* of the request.
- 27.2 The licensee may charge a fee for the provision of this data, as published by the licensee, which must be reasonable.

Date: 15 May 2020

**THE COMMON SEAL** of **UTILITIES COMMISSION** is duly affixed in the presence of: )  
)  
)

Kimberlee McKay  
Signature of authorised person

Director Utilities Commission  
Office held

Kimberlee McKay  
Name of authorised person (block letters)



## Schedule 1

### Part 1 - Definitions

In this licence:

“*business day*” means any day that is not a Saturday, a Sunday or a public holiday in the Northern Territory of Australia as declared under the *Public Holidays Act 1981* (NT)

“*code*” means any code made by the *Utilities Commission* under section 24 of the *Utilities Commission Act*

“*customer*” has the meaning given to that term under the *Electricity Reform Act*

“*electricity entity*” means a person licensed under Part 3 of the *Electricity Reform Act* to carry on operations in the electricity supply industry

“*electricity network*” has the meaning given to that term under the *Electricity Reform Act*

“*Electricity Reform Act*” means the *Electricity Reform Act 2000* (NT)

“*financial year*” means a period of 12 months ending at the end on 30 June

“*generation licence*” means a licence to generate electricity granted under Part 3 of the *Electricity Reform Act*

“*major shareholder*” means an entity, as defined in section 9 of the *Corporations Act 2001* (Cth), which has a beneficial interest in more than 50% of the shares in the licensee or exercises control over the licensee within the meaning of section 50AA of the *Corporations Act 2001* (Cth)

“*Minister*” means the Minister of the Crown who is responsible for the administration of the *Electricity Reform Act*

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

“*network licence*” means a licence to operate or own an *electricity network*

“*Network Technical Code*” means the technical code prepared by the network provider under the *Electricity Reform (Administration) Regulations 2000* (NT)

“*officer*” means a director, secretary or executive manager responsible for carrying out day to day licensed operations

“*power system*” means the system for generating, transmitting, distributing and supplying electricity and includes a part of the system

“*Pricing Order*” means the pricing order issued by the Minister and any pricing determination made by the *Utilities Commission* under the *Electricity Reform Act*

“*Regulations*” means the regulations made under the *Electricity Reform Act*

“*retail area*” means the geographical area or areas specified in Schedule 2 of this licence

“*retailer*” means a holder of a retail licence under Part 3 of the *Electricity Reform Act*

“*retail licence*” means a licence to sell electricity granted under Part 3 of the *Electricity Reform Act*

“*Ring-fencing Code*” means the code dealing with ring-fencing issues established by the *Utilities Commission* under the *Utilities Commission Act*

“*safety management and mitigation plan*” means a plan detailing the licensee’s policies, procedures, systems and strategies that ensure the safety of the public, employees and contractors around electricity infrastructure

“*rule*” means any rule made by the *Utilities Commission* under section 24 of the *Utilities Commission Act*

“*System Controller*” means a person licensed under Part 3 of the *Electricity Reform Act* to exercise system control over the *power system*

“*System Control Technical Code*” means the code of that name made by the *System Controller* and approved by the *Utilities Commission* under section 38(1) of the *Electricity Reform Act*

“*Utilities Commission*” means the *Utilities Commission* established under the *Utilities Commission Act*

“*Utilities Commission Act*” means the *Utilities Commission Act 2000 (NT)*

## **Part 2 - Interpretation**

In this licence, unless the contrary intention appears:

1. headings are inserted for convenience and do not affect the interpretation of this licence
  2. the singular includes the plural and vice versa
  3. words importing a gender include any gender
  4. the word "person" includes a firm, a body corporate, a partnership, joint venture, an unincorporated body or association, trust or any governmental agency
  5. a reference to a condition, clause or Schedule is to a condition, clause or Schedule of this licence
  6. a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement
  7. a reference to this licence or another document includes any variation or replacement of any of them
  8. a reference to a statute, regulation, proclamation, order in council, ordinance, by-laws, code, law or similar instrument includes all statutes, regulations, proclamations, orders in council, ordinances, by-laws, codes, laws and similar instruments under it and consolidations, amendments, re-enactments or replacements of any of them
  9. a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns
  10. the verb "include" (in all its parts, tenses and variants) is not used as, nor is it to be interpreted as, a word of limitation
  11. if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
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## Schedule 2

### Regulated Electricity Networks

The regulated electricity network(s) currently prescribed as being subject to regulation under the *National Electricity (Northern Territory)(National Uniform Legislation) Act 2015* and covered by the licence are those owned and/or operated by the Licensee within the geographic areas associated with the following cities and townships (and surrounding areas):

- Darwin (city, suburbs and surrounding rural areas)
- Katherine (township and surrounding rural areas)
- Darwin-Katherine Transmission Line (132kV) which extends from the network 132kV bus at Channel Island Power Station to a 132/22kV substation adjacent to the Katherine Power Station, with a 132/22kV substation at Manton and a 132/66kV substation at Pine Creek
- Tennant Creek (township and surrounding rural areas)
- Alice Springs (township and surrounding rural areas)

### Non-regulated Electricity Networks

The non-regulated electricity network(s) covered by the licence are those owned and/or operated by the Licensee within the geographic areas associated with the following cities and townships (and surrounding areas):

- Daly River
- Jabiru
- Borroloola
- Timber Creek
- Daly Waters
- Elliott
- Newcastle Waters
- Yulara
- Ti Tree
- Kings Canyon
- Nhulunbuy – surrounding rural areas only
- Groote Eylandt – Angurugu and Umbakumba only
- Indigenous communities under the Indigenous Essential Services program

## Schedule 3

### Variations to the licence

Date	Reason for variation
5 February 2002	Amendment to Schedule 2: Addition of DKTL.
11 June 2002	<p>Amendments made to the body of the licence for consistency and clarity.</p> <p>Insert clause 29.2.</p> <p>Delete clauses 14, 16, 27.</p> <p>Amendment to Schedule 2: clarification of Nhulunbuy and Groote Eylandt.</p> <p>Insert Schedule 3.</p>
29 August 2008	<p>Amendments to the body of the licence to clarify the different licensing requirements applying to regulated networks as compared to non-regulated networks (insert clause 9.1A, delete clause 23, and amendment to clauses 11, 18, 20, 29, 30).</p> <p>Amendments to Schedule 1: addition of definitions for regulated electricity networks and non-regulated electricity networks.</p> <p>Amendments to Schedule 2: identification of geographic areas as regulated/non-regulated electricity networks and addition of indigenous communities under the Indigenous Essential Services program.</p>
28 February 2011	<p>Replacement of clauses 9 (Compliance with Regulatory Instruments) and 11 (Audit of Operations and Compliance) with the new requirement for a compliance process.</p> <p>Deletion of obsolete due dates in clause 24 (Coordination agreement).</p>
28 October 2011	<p>Addition of clause 24 (Safety Management and Mitigation Plan).</p> <p>Definition of Safety Management and Mitigation Plan added in Schedule 1, Part 1.</p>
3 April 2015	Insertion of clause 10 (Compliance with regulatory instruments) for consistency and avoidance of doubt across all licences.
15 May 2020	<p>Clause 3(c) has been removed so that the licence has been granted indefinitely, which is consistent with all other licences granted by the Commission.</p> <p>Clause 10.1(a) has been amended to remove the reference to 'Network Access Code' as it is now obsolete following changes to the Territory's connection</p>

	<p>framework under the National Electricity Rules modified for the Territory's circumstances (NER NT). Clause 10.1(d) has been amended to include reference to the '<i>National Electricity (NT) Rules</i>'.</p> <p>Clauses 16(a) and 18(a) have been amended to remove references to the 'Network Access Code', replaced with '<i>National Electricity (NT) Rules</i>'.</p> <p>Schedule 1, Part 1 (Definitions) updated to reflect these changes.</p> <p>Clause 26.2 has been removed as it is no longer considered necessary following the adoption of the NER NT and the recent update to the Electricity Retail Supply Code (clause 4).</p> <p>Clause 27.1 amended to be consistent with clause 6.2.3 of the Electricity Retail Supply Code - version 3.</p> <p>Definition of 'business day' amended to be consistent with the same definition in the Electricity Retail Supply Code – version 3.</p> <p>Clause 27.2 amended to be consistent with clause 6.2.6 of the Electricity Retail Supply Code – version 3.</p> <p>Schedule 2 has been amended to remove the reference to the '<i>Electricity Networks (Third Party Access) Act</i>' which is now obsolete and replaced with the '<i>National Electricity (Northern Territory) (National Uniform Legislation) Act 2015</i>'.</p> <p>Cover page updated to include the Commission's new logo, minor formatting such as removing excess spaces, full stops and semi-colons, consistent capitalisation and correction of typographical errors.</p>
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