

**Reprint
as at 1 November 2010**



**Electricity Governance
Amendment Regulations 2008**

(SR 2008/14)

Electricity Governance Amendment Regulations 2008: revoked, on 1 November 2010, pursuant to section 166 of the Electricity Industry Act 2010 (2010 No 116).

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 18th day of February 2008

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to subpart 2 of Part 14 of the Electricity Act 1992, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, and on the recom-

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Economic Development.

mentation of the Minister of Energy made in accordance with section 172E of that Act, makes the following regulations.

Contents

		Page
1	Title	4
2	Commencement	4
3	Principal regulations amended	4
4	Interpretation	5
5	Software specifications for service providers	5
6	Board must consult with participants	5
7	Participants must report quality and security breaches	5
8	Process for Rulings Panel to deal with complaint	5
9	Rulings Panel must conduct hearings	6
10	Regulation 100 revoked	6
11	Evidence not otherwise admissible	6
12	Rulings Panel may request further information	6
13	Offence to breach compliance orders	6
14	New regulation 109 substituted	6
	109 Civil pecuniary penalties	6
15	Liability of asset owners	7
16	New regulation 114A inserted	7
	114A Limit of liability of Transpower and designated transmission customers	7
17	Regulation 133 revoked	8
18	Application of Part	8
19	Rulings Panel not subject to strict evidentiary requirements	8
20	New regulations and headings substituted	8
	<i>Appointment of members of Rulings Panel</i>	
	162 Membership of Rulings Panel	8
	162A How members are appointed	8
	162B Characteristics of Rulings Panel	8
	162C Restrictions on persons who may be members	9
	163 Term of appointment	10
	164 Validity of acts	10
	<i>Resignation and removal of members</i>	
	164A Members ceasing to hold office	10
	164B Resignation	11
	164C Removal of members	11
	164D No compensation	11

	<i>Chairperson and Deputy Chairperson of Rulings Panel</i>	
165	Chairperson of Rulings Panel	11
165A	Appointment of deputy chairperson	11
165B	Term of appointment	12
165C	Resignation	12
165D	Removal	12
165E	Exercise of chairperson's functions, duties, and powers during vacancy	12
	<i>Remuneration and expenses of Rulings Panel members</i>	
168	Remuneration and expenses of Rulings Panel members	12
	<i>Disclosure of interests of members in matters of Rulings Panel</i>	
169	Meaning of interested	13
170	Obligation to disclose interest	13
170A	Method of disclosure of interest	13
170B	Consequences of interest	14
21	New regulations and headings substituted	14
	<i>Proceedings of Rulings Panel</i>	
171	Proceedings of Rulings Panel	14
171A	Procedure generally	14
171B	Dates, times, and places of meetings	15
171C	Requirements as to notice of meetings	15
171D	Methods of holding meetings	15
171E	Presiding at meetings	15
171F	Voting at meetings	16
171G	Unanimous written resolutions	16
	<i>Divisions of Rulings Panel</i>	
172	Rulings Panel may act by divisions	16
173	Membership, chairperson, meetings, and resolutions of division	17
174	Powers of division	17
	<i>Delegation</i>	
175	Ability to delegate	17
175A	Effect of delegation	18
	<i>Method of contracting</i>	
175B	Method of contracting	18

	175C	Attorneys	19
	175D	Presumptions and saving of certain transactions	19
		<i>Employees</i>	
	175E	Rulings Panel to be good employer	19
	175F	Employment of employees	20
	175G	Application of Acts to members and employees	21
		<i>Funding</i>	
	176	Funding of Rulings Panel	21
		<i>Powers</i>	
	177	Powers	21
		<i>Miscellaneous provisions</i>	
	178	Rulings Panel to keep information confidential	21
22		New regulation 180A inserted	22
	180A	Insurance	22
23		Rulings Panel reports quarterly on other matters	22
24		Board may exempt participant from application of rules generally	22
25		Variation or revocation of exemptions	22
26		Special provisions relating to Comalco agreements	22
27		Full right of appeal against Commission's or Rulings Panel's decisions	23

Regulations

1 Title

These regulations are the Electricity Governance Amendment Regulations 2008.

2 Commencement

- (1) Regulations 15 and 16 come into force on 1 April 2008.
- (2) Regulations 4(3) and 18 come into force on 1 May 2008.
- (3) The rest of these regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the Electricity Governance Regulations 2003.

4 Interpretation

- (1) Regulation 4(1) is amended by revoking the definition of **Board** and substituting the following definition:
“**Commission** means the Electricity Commission continued under subpart 1 of Part 15 of the Electricity Act 1992”.
- (2) The principal regulations are amended by omitting “Board” in each place where it appears and substituting in each case “Commission”.
- (3) The definition of **participant** in regulation 4(1) is amended by revoking paragraph (g).

5 Software specifications for service providers

Regulation 51 is amended by inserting the following subclause before subclause (1):

- “(1AA) This regulation, and regulations 52 and 53, apply only to software that the service provider agreement requires the service provider to use under the agreement.”

6 Board must consult with participants

Regulation 59(b) is amended by omitting “must,”.

7 Participants must report quality and security breaches

Regulation 63(1) is amended by omitting “Part C or Part G” and substituting “Part C, F, or G”.

8 Process for Rulings Panel to deal with complaint

Regulation 95 is amended by revoking subclause (1) and substituting the following subclause:

- “(1) On receiving a complaint under regulation 93(2) or 94(2), the Rulings Panel must—
- “(a) set a date for considering the formal complaint; and
 - “(b) give to the persons referred to in subclause (2) at least 20 working days written notice of the place, date, and time at which the Rulings Panel will consider the formal complaint.”

9 Rulings Panel must conduct hearings

Regulation 97 is amended by inserting the following subclause after subclause (2):

“(2A) Hearings must be held as soon as practicable.”

10 Regulation 100 revoked

Regulation 100 is revoked.

11 Evidence not otherwise admissible

Regulation 101(2) is amended by omitting “regulation 80” and substituting “section 172KC of the Act”.

12 Rulings Panel may request further information

(1) Regulation 103(1) is amended by omitting “regulation 107” and substituting “section 172KE of the Act”.

(2) Regulation 103(4) is amended by omitting “regulation 80” and substituting “section 172KC of the Act”.

13 Offence to breach compliance orders

Regulation 108 is amended by omitting “regulation 107(1)(h)” and substituting “section 172KE(1)(g) of the Act”.

14 New regulation 109 substituted

Regulation 109 is revoked and the following regulation substituted:

“109 Civil pecuniary penalties

“(1) This regulation applies if the Rulings Panel is considering requiring a participant to pay a civil pecuniary penalty under section 172KE(1)(e) of the Act.

“(2) The Rulings Panel must seek to order payment of a civil pecuniary penalty that is commensurate with the seriousness of the breach.

“(3) The Rulings Panel must have regard to the following matters:

“(a) the severity of the breach:

“(b) the impact of the breach on other participants:

“(c) the extent to which the breach was inadvertent, negligent, deliberate, or otherwise:

“(d) the circumstances in which the breach occurred:

- “(e) any previous breach of these regulations or the rules by the participant:
 - “(f) whether the participant disclosed the matter to the Commission:
 - “(g) the length of time the breach remained unresolved:
 - “(h) the participant’s actions on learning of the breach:
 - “(i) any benefit that the participant obtained, or expected to obtain, as a result of the breach:
 - “(j) any other matters that the Rulings Panel thinks fit.
- “(4) This regulation is subject to section 172KE(2) of the Act and to regulations 110 to 132 and the other provisions of this Part.”

15 Liability of asset owners

Regulation 114 is amended by adding the following subclause:

- “(3) In addition to the matters set out in subclause (2), if considering compensation for a breach of the outage protocol, the Rulings Panel must also take into account—
- “(a) the extent to which an order for compensation would encourage Transpower and designated transmission customers to take steps to manage efficiently the risks of outages; and
 - “(b) the extent to which Transpower has operated the grid in accordance with good electricity industry practice; and
 - “(c) the extent to which other participants have acted in accordance with good electricity industry practice.”

16 New regulation 114A inserted

The following regulation is inserted after regulation 114:

“114A Limit of liability of Transpower and designated transmission customers

Transpower or a designated transmission customer is not liable under this Part in respect of any breach of section VI or VII of Part F of the rules for a sum in excess of—

- “(a) \$2 million in respect of any 1 event or series of closely related events arising from the same cause or circumstance; or
- “(b) \$6 million in respect of all events occurring in any financial year.”

- 17 Regulation 133 revoked**
Regulation 133 is revoked.
- 18 Application of Part**
Regulation 147(a) is amended by omitting “rule 13, section VI, Part G” and substituting “rule 12 of Part J”.
- 19 Rulings Panel not subject to strict evidentiary requirements**
Regulation 152(2) is amended by omitting “regulation 80” and substituting “section 172KC of the Act”.
- 20 New regulations and headings substituted**
Regulations 162 to 170 and the heading above regulation 162 are revoked and the following regulations and headings substituted:
“Appointment of members of Rulings Panel
- “162 Membership of Rulings Panel**
The Commission must, by written notice, appoint no fewer than 5, and no more than 7, persons to be members of the Rulings Panel.
- “162A How members are appointed**
- “(1) The Commission may appoint a member by sending written notice to the member (with a copy to the Rulings Panel).
- “(2) The notice of appointment must be given only after the person to be appointed has—
- “(a) consented in writing to being a member; and
 - “(b) certified in writing that he or she is not disqualified from being a member under regulation 162C; and
 - “(c) disclosed to the Commission all interests that the person would, if he or she were a member, have to disclose at that time under regulations 170 to 170B.
- “162B Characteristics of Rulings Panel**
- “(1) The Rulings Panel—
- “(a) must be multi-disciplinary; and

- “(b) must have the requisite knowledge, skills, and experience to carry out the functions to be performed by the Rulings Panel; and
 - “(c) must act impartially in carrying out those functions.
- “(2) In making appointments, the Commission may only appoint a person who, in the Commission’s opinion, has appropriate skills and experience to assist the Rulings Panel to perform its functions.

“**162C Restrictions on persons who may be members**

No person may be appointed as a member of the Rulings Panel if that person—

- “(a) has a material financial interest in a participant; or
- “(b) is a director, officer, member, employee, or trustee of a participant; or
- “(c) is otherwise directly or indirectly materially interested in a participant; or
- “(d) is a member of the Commission; or
- “(e) is an undischarged bankrupt; or
- “(f) is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993; or
- “(g) is subject to a property order made under section 10, 11, 12, 30, or 31 of the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act; or
- “(h) has been convicted of an offence punishable by imprisonment for a term of 2 years or more or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon or served the sentence or otherwise suffered the penalty imposed on the person; or
- “(i) has failed to disclose all interests under regulation 162A(2)(c); or
- “(j) is not a natural person.

“163 Term of appointment

- “(1) A member of the Rulings Panel holds office for the term specified in his or her notice of appointment, which may be up to 5 years.
- “(2) A member—
- “(a) may be reappointed; and
 - “(b) continues in office despite the expiry of his or her term of office until—
 - “(i) the member is reappointed; or
 - “(ii) the member’s successor is appointed; or
 - “(iii) the Commission informs the member by written notice (with a copy to the Rulings Panel) that the member is not to be reappointed and no successor is to be appointed.
- “(3) The appointments are effective from the latest of—
- “(a) the date specified in the notice of appointment; or
 - “(b) the day that the appointee provides the Commission with written consent to the appointment and a written undertaking to be bound by these regulations and the rules.
- “(4) This regulation is subject to regulation 164A.

“164 Validity of acts

- “(1) No vacancy in, or failure to appoint a member of, the Rulings Panel affects the ability of the Rulings Panel to act.
- “(2) The acts of a person as a member are valid even if—
- “(a) the person’s appointment was defective; or
 - “(b) the person is not qualified for appointment.

*“Resignation and removal of members***“164A Members ceasing to hold office**

A member ceases to hold office if he or she—

- “(a) resigns in accordance with regulation 164B; or
- “(b) is removed from office in accordance with regulation 164C or any other enactment; or
- “(c) becomes disqualified from being a member under regulation 162C; or

“(d) otherwise ceases to hold office in accordance with any enactment.

“164B Resignation

- “(1) A member may resign from office by written notice to the Commission (with a copy to the Rulings Panel) signed by the member.
- “(2) The resignation is effective on receipt by the Commission of the notice, or at any later time specified in the notice.

“164C Removal of members

- “(1) The Commission must remove a member of the Rulings Panel in the event of that member’s serious misconduct, inability to perform the functions of the office, bankruptcy, or if the member becomes a person to whom regulation 162C applies.
- “(2) The Commission must state its reasons in any notice of removal.
- “(3) The Commission must fill the vacancy created by a removal as soon as possible.

“164D No compensation

A member of the Rulings Panel is not entitled to any compensation or other payment or benefit relating to his or her removal from office.

*“Chairperson and Deputy Chairperson of
Rulings Panel*

“165 Chairperson of Rulings Panel

- “(1) The Commission must appoint 1 member of the Rulings Panel to be the chairperson.
- “(2) That member holds office as chairperson for the term appointed by the Commission, which may be up to 5 years.

“165A Appointment of deputy chairperson

- “(1) The Commission may appoint another member as deputy chairperson of the Rulings Panel by written notice to the member (with a copy to the Rulings Panel).

- “(2) The notice of appointment must state the date on which the appointment takes effect.

“165B Term of appointment

The chairperson and the deputy chairperson each holds that office from the date stated in the notice of appointment until he or she—

- “(a) resigns from that office; or
“(b) is removed from it by the Commission; or
“(c) ceases to hold office as a member.

“165C Resignation

- “(1) A chairperson or deputy chairperson may, without resigning as a member, resign from that office by written notice to the Commission (with a copy to the Rulings Panel).
- “(2) The notice of resignation must state the date on which the resignation takes effect.

“165D Removal

- “(1) The Commission may remove a chairperson or deputy chairperson from that office by written notice to the person (with a copy to the Rulings Panel).
- “(2) The notice of removal must state the date on which the removal takes effect.

“165E Exercise of chairperson’s functions, duties, and powers during vacancy

If there is no chairperson or, for any reason, the chairperson is unable to perform his or her functions, duties, and powers as chairperson, the deputy chairperson has all the functions, duties, and powers of the chairperson.

“Remuneration and expenses of Rulings Panel members

“168 Remuneration and expenses of Rulings Panel members

- “(1) A member of the Rulings Panel is entitled to receive, from the funds of the Rulings Panel, remuneration and other benefits

for services as a member at a rate and of a kind determined by the Commission.

- “(2) A member is entitled to receive, from the funds of the Rulings Panel, reasonable and actual travelling and other expenses relating to the performance of his or her duties and responsibilities as a member.

*“Disclosure of interests of members in matters
of Rulings Panel*

“169 Meaning of interested

A member is interested in a transaction of, or other matter relating to, the Rulings Panel or any participant if, and only if, the member—

- “(a) is a party to, or will or may derive a material financial benefit from, the transaction or matter; or
- “(b) has a material financial interest in another party to the transaction or in a person to whom the matter relates; or
- “(c) is a director, officer, member, or trustee of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
- “(d) is the parent, child, spouse, civil union partner, or de facto partner of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
- “(e) is otherwise directly or indirectly materially interested in the transaction or matter.

“170 Obligation to disclose interest

A member who is interested in a transaction or proposed transaction of, or other matter relating to, the Rulings Panel or any participant must disclose the nature of the interest in accordance with regulation 170A as soon as practicable after the member becomes aware that he or she is interested.

“170A Method of disclosure of interest

- “(1) If regulation 170 applies, the member must disclose the details listed in subclause (2) in an interests register and to—

- “(a) the chairperson or, if there is no chairperson, the deputy chairperson; or
 - “(b) if the member concerned is the chairperson, or the positions of the chairperson and deputy chairperson are vacant, the Commission.
- “(2) The details are—
- “(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
 - “(b) the nature and extent of the interest (if the monetary value cannot be quantified).

“170B Consequences of interest

A member who is interested in a transaction or proposed transaction of, or other matter relating to, the Rulings Panel or any participant—

- “(a) must not vote or take part in any deliberation or decision of the Rulings Panel or any division of the Rulings Panel relating to the matter; and
- “(b) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the Rulings Panel or division of the Rulings Panel during which a deliberation or decision relating to the matter occurs or is made.”

21 New regulations and headings substituted

Regulations 171 to 178 and the headings above regulations 171 and 178 are revoked and the following regulations and headings substituted:

“Proceedings of Rulings Panel

“171 Proceedings of Rulings Panel

- “(1) A quorum for Rulings Panel meetings is 3 members of the Rulings Panel.
- “(2) No business may be transacted if a quorum is not present.
- “(3) The proceedings of the Rulings Panel must be in accordance with the principles of natural justice.

“171A Procedure generally

Except as otherwise provided in these regulations, the members may regulate their own procedure.

“171B Dates, times, and places of meetings

- “(1) The Rulings Panel must appoint the dates, times, and places of ordinary meetings of the Rulings Panel, and give notice of those meetings to each member not present when the appointment is made.
- “(2) The chairperson or any 2 members may call a special meeting of the Rulings Panel by giving at least 2 days’ notice of the special meeting, and of the business to be transacted at the meeting, to each member for the time being in New Zealand.
- “(3) No business other than that specified in a notice of special meeting may be transacted at a special meeting.
- “(4) Any irregularity regarding the notice of meeting, including the period for calling a meeting, is waived if all members attend the meeting without protest as to the irregularity or if all members agree to the waiver.

“171C Requirements as to notice of meetings

Notice of a meeting—

- “(a) must be written, and must state the date, time, and place of the meeting; and
- “(b) may be given by post, delivery, or electronic transmission; and
- “(c) must be sent to the member’s last known address in New Zealand.

“171D Methods of holding meetings

A meeting of the Rulings Panel may be held—

- “(a) by a number of the members who constitute a quorum, being assembled together at the date, time, and place appointed for the meeting; or
- “(b) by means of audio, audio and visual, or electronic communication by which all members participating and constituting a quorum can simultaneously communicate with each other throughout the meeting.

“171E Presiding at meetings

- “(1) At a meeting of the Rulings Panel, the following person presides:

- “(a) if there is a chairperson and he or she is present, the chairperson; or
 - “(b) if there is no chairperson or he or she is not present, the deputy chairperson; or
 - “(c) in any other case, a member chosen by the members present to be the chairperson of the meeting.
- “(2) The person who presides under subclause (1) may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

“171F Voting at meetings

- “(1) Each member has 1 vote.
- “(2) In addition to his or her general vote, the chairperson at a meeting has a casting vote.
- “(3) A resolution of the Rulings Panel is passed if it is agreed to by all members present without dissent or if a majority of the votes cast on it are in favour of it.
- “(4) A member present at a meeting of the Rulings Panel is presumed to have agreed to, and to have voted in favour of, a resolution of the Rulings Panel unless he or she expressly dissents from or votes against the resolution at the meeting.

“171G Unanimous written resolutions

- “(1) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic transmission) by all members is as valid and effectual as if it had been passed at a meeting of the Rulings Panel duly called and constituted.
- “(2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members.

“Divisions of Rulings Panel

“172 Rulings Panel may act by divisions

- “(1) The Rulings Panel or its chairperson may determine that the powers of the Rulings Panel in relation to any matter or class of matters may be exercised by separate divisions of the Rulings Panel.

“(2) The Rulings Panel or its chairperson may revoke or amend a determination made under subclause (1).

“(3) Every determination (or revocation or amendment of a determination) must be recorded in writing and signed by 3 members of the Rulings Panel or its chairperson.

“173 Membership, chairperson, meetings, and resolutions of division

“(1) Each division consists of the members of the Rulings Panel who are assigned to it for the time being by the Rulings Panel or its chairperson.

“(2) Each division must have at least 3 members.

“(3) If the members assigned to a division do not include the chairperson of the Rulings Panel, the Rulings Panel or its chairperson must nominate 1 of those members as chairperson of the division.

“(4) Regulations 169 to 170B and 171 to 171G apply to a meeting of the division as if it were a meeting of the entire Rulings Panel, except that the quorum for division meetings is 3 members of the division.

“174 Powers of division

“(1) For the purposes of determining any matter or class of matters specified in a determination under regulation 172,—

“(a) the Rulings Panel consists of the division of the Rulings Panel specified in the determination; and

“(b) the powers of that division are not affected by any changes in its membership.

“(2) A division of the Rulings Panel may exercise powers of the Rulings Panel even though another division of the Rulings Panel is exercising powers of the Rulings Panel at the same time on a different matter.

“Delegation

“175 Ability to delegate

The Rulings Panel may delegate any of the functions and powers of the Rulings Panel (other than those related to the functions referred to in regulation 161(a) to (d)), either

generally or specifically, to any of the following persons by resolution and written notice to the person or persons:

- “(a) a member of the Rulings Panel or of the Commission:
- “(b) an employee of the Rulings Panel or of the Commission:
- “(c) any other person or persons approved by the Rulings Panel:
- “(d) a subcommittee consisting of any member or members of the Rulings Panel.

“175A Effect of delegation

- “(1) If any functions or powers are delegated under regulation 175, the delegate—
 - “(a) may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Rulings Panel; and
 - “(b) may delegate the function or power only if approved by the Commission.
- “(2) A delegate who purports to perform a function or exercise a power under a delegation is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation.
- “(3) A delegation under regulation 175—
 - “(a) may be revoked at will by resolution of the Rulings Panel and written notice to the delegate; but
 - “(b) does not prevent the Rulings Panel from performing the function or exercising the power.

“Method of contracting

“175B Method of contracting

- “(1) A contract or other enforceable obligation may be entered into by the Rulings Panel as provided in subclauses (2) to (4).
- “(2) An obligation that, if entered into by an individual, is required to be by deed, may be entered into on behalf of the Rulings Panel in writing, signed under the name of the Rulings Panel by—
 - “(a) 2 or more of its members; or

- “(b) 1 or more attorneys appointed by the Rulings Panel in accordance with regulation 175C.
- “(3) An obligation that, if entered into by an individual, is required to be in writing, may be entered into on behalf of the Rulings Panel in writing by a person acting under the Rulings Panel’s express or implied authority.
- “(4) An obligation that, if entered into by an individual, is not required to be in writing, may be entered into on behalf of the Rulings Panel in writing or orally by a person acting under the Rulings Panel’s express or implied authority.
- “(5) This regulation applies to a contract or other obligation—
- “(a) whether or not that obligation was entered into in New Zealand; and
- “(b) whether or not the law governing that obligation is the law of New Zealand.

“175C Attorneys

- “(1) The Rulings Panel may, by an instrument in writing executed in accordance with regulation 175B(2), appoint a person as its attorney either generally or in relation to a specified matter.
- “(2) An act of the attorney in accordance with the instrument binds the Rulings Panel.

“175D Presumptions and saving of certain transactions

- “(1) The validity or enforceability of any deed, agreement, right, or obligation entered into, or incurred by, the Rulings Panel is not affected by a failure of the Rulings Panel to comply with any provision of these regulations.
- “(2) A person purporting to execute any documentation on behalf of the Rulings Panel under any authority is, in the absence of proof to the contrary, presumed to be acting in accordance with that authority.

“Employees

“175E Rulings Panel to be good employer

- “(1) The Rulings Panel must, if it employs employees,—
- “(a) operate a personnel policy that complies with the principle of being a good employer; and

- “(b) report on its compliance with that policy (including its equal employment opportunities programme) in its annual report.
- “(2) For the purposes of this regulation, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—
- “(a) good and safe working conditions; and
 - “(b) an equal employment opportunities programme; and
 - “(c) the impartial selection of suitably qualified persons for appointment; and
 - “(d) recognition of—
 - “(i) the aims and aspirations of Māori; and
 - “(ii) the employment requirements of Māori; and
 - “(iii) the need for involvement of Māori as employees of the Rulings Panel; and
 - “(e) opportunities for the enhancement of the abilities of individual employees; and
 - “(f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
 - “(g) recognition of the employment requirements of women; and
 - “(h) recognition of the employment requirements of persons with disabilities.
- “(3) For the purposes of this section, an **equal employment opportunities programme** means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons.

“**175F Employment of employees**

- “(1) If the Governor-General, by Order in Council, requires it, the Rulings Panel must not agree to the terms and conditions of employment, or an amendment to those terms and conditions, for an employee without—
- “(a) consulting the State Services Commissioner; and

- “(b) having regard to the recommendations that the Commissioner makes to the Rulings Panel within a reasonable time of being consulted.
- “(2) The Order in Council may relate to all employees or classes of employees.
- “(3) A failure to comply with this regulation does not invalidate the acts of an employee of the Rulings Panel.

“175G Application of Acts to members and employees

No person is, by reason only of that person’s appointment as a member of, or employment by, the Rulings Panel, deemed to be employed in the State services for the purposes of the State Sector Act 1988 or in the Government service for the purposes of the Government Superannuation Fund Act 1956.

“Funding

“176 Funding of Rulings Panel

- “(1) The Commission must fund the Rulings Panel.
- “(2) The Commission may recover the costs of that funding from industry participants via levy regulations made under the Act.

“Powers

“177 Powers

The Rulings Panel has all the powers necessary to enable it to perform its functions.

“Miscellaneous provisions

“178 Rulings Panel to keep information confidential

- “(1) The Rulings Panel must keep confidential all information provided or disclosed to it under these regulations or the rules except to the extent that disclosure—
 - “(a) is required to enable the Rulings Panel to carry out its obligations and duties under these regulations or the rules; or
 - “(b) is otherwise compelled by a law other than these regulations or the rules.

- “(2) A member who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of or act on that information, except—
- “(a) for the purposes of the Rulings Panel; or
 - “(b) as required or permitted by law; or
 - “(c) in complying with regulations 170 and 170A.”

22 New regulation 180A inserted

The following regulation is inserted after regulation 180:

“180A Insurance

The Rulings Panel may effect insurance cover for the Rulings Panel, and for a member and office holder of the Rulings Panel, in relation to the acts or omissions of the Rulings Panel, member, or office holder, except an act or omission that is—

- “(a) in bad faith;
- “(b) not in the performance or intended performance of the Rulings Panel’s functions, duties, or powers.

“Compare: 2004 No 115 s 123”

23 Rulings Panel reports quarterly on other matters

Regulation 182(c) is amended by omitting “Part C or Part G” and substituting “Part C, F, or G”.

24 Board may exempt participant from application of rules generally

Regulation 194(5)(d) is amended by inserting “confirm,” after “decides to”.

25 Variation or revocation of exemptions

Regulation 196(2) is amended by omitting “modification” and substituting “revocation”.

26 Special provisions relating to Comalco agreements

- (1) Regulation 199(1) and (2) are amended by omitting “Part C and Part G” and substituting in each case “Parts C, F, and G”.
- (2) Regulation 201 is amended by inserting the following subclause after subclause (1):

- “(1A) The Commission must publish, within 6 months after this sub-clause comes into force, a summary of the cumulative effect of the Comalco agreements that, in the Commission’s opinion, sufficiently describes how those agreements may affect each Comalco party’s ability to comply with Part F of the rules in certain circumstances, but for this subpart.”
- (3) Regulations 203(1), and (2), 204, 205, 206(a), and 207(1) are amended by omitting “Part C or Part G” in each place where it appears and substituting in each case “Parts C, F, or G”.

27 Full right of appeal against Commission’s or Rulings Panel’s decisions

- (1) The heading of regulation 208 is amended by omitting “Ruling” and substituting “Rulings”.
- (2) Regulation 208(1) is amended by omitting “decision of the Rulings Panel” and substituting “decision of the Commission or the Rulings Panel”.
- (3) Regulation 208(3) is amended by omitting “Part 9” and substituting “sections 172KH to 172KQ of the Act”.
- (4) Regulation 208(4) is amended by omitting “Regulations 189 to 193” and substituting “Sections 172KM to 172KQ of the Act”.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations make amendments to the Electricity Governance Regulations 2003.

The most important changes are consequential on the addition of Part F to the *Electricity Governance Rules* (the **rules**) made by the Minister of Energy in relation to transmission investment and pricing.

The following changes come into force on the 28th day after the date of the notification of the regulations in the *Gazette*:

- to extend the special provisions relating to the Comalco agreements, so that Part F of the rules will not apply to an act or omission of a Comalco party to the extent that the act or omission is necessary to perform an obligation, or to exercise a right or power, under a disclosed provision of a Comalco agreement. Those agreements are listed in the Schedule to the Electricity Governance Regulations 2003:
- to require a participant who believes, on reasonable grounds, that it or another participant has breached any rule relating to quality and security in Part F of the rules to notify the Commission as soon as practicable. Currently, regulation 63 requires participants to report breaches of rules relating to quality and security in Part C or G of the rules.

The following changes come into force on 1 April 2008:

- the specification of matters that the Rulings Panel must take into account if considering compensation for a breach of the outage protocol in the rules:
- the limitation on the liability of Transpower and its customers in relation to breaches of new sections VI and VII of Part F of the rules.

In addition, various changes of a tidy-up nature are made.

Section 172I(4) of the Electricity Act 1992 requires the Electricity Commission to make the *Electricity Governance Rules* (including Part F) available to the public by making copies of them available—

- for inspection, free of charge, at the principal office of the Commission (during ordinary office hours); and
- on the Internet in an electronic form that is publicly accessible (at all reasonable times); and
- for purchase at a reasonable price.

Contents

- 1 General
 - 2 About this eprint
 - 3 List of amendments incorporated in this eprint (most recent first)
-

Notes

1 *General*

This is an eprint of the Electricity Governance Amendment Regulations 2008. The eprint incorporates all the amendments to the regulations as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 *List of amendments incorporated in this eprint (most recent first)*

Electricity Industry Act 2010 (2010 No 116): section 166
