

29 November 2016

Submissions
Electricity Authority
Level 7, ASB Bank Tower
2 Hunter Street
Wellington

By email: submissions@ea.govt.nz

Dear Electricity Authority,

Code Review Programme 2016

Thank you for the opportunity to make a submission on the Electricity Authority's (**Authority**) Code Review Programme 2016 consultation paper (**Code review**).

Contact is supportive of measures to simplify the language, processes, and understanding of the Electricity Industry Participation Code 2010 (**Code**). The Code review proposes a range of sensible changes to the Code, of which Contact is generally supportive.

Contact is concerned, however, about the proposal to:

- a) Remove the requirement for the Authority to act reasonably.¹
We appreciate the Authority will continue to operate under an implicit obligation to act reasonably as a matter of administrative law, yet we strongly encourage retention of these provisions to keep the Authority's obligations to act reasonably explicit. Removal of these obligations, as a matter of interpretation, may create uncertainty as to the scope of the Authority's statutory powers. As the industry enters a significant period of reform, we consider the timing of this proposed Code change as a potentially unnecessary source of anxiety. In this regard we also support Genesis Energy's submission on the Code review; and
- b) Require certification from director/s that certain matters are true.²
It is unclear what the rationale is for requiring director, rather than executive-level, certification. Requiring certification at a director-level reduces efficiency and can be unduly onerous in a large organisation. In either case, an individual must turn their mind to their own accountability for making sure that the information is accurate. Contact suggests executive-level certification is sufficient.

Should you wish to discuss any of the matters raised above please don't hesitate to contact me on 04 462 1130.

Yours sincerely



Catherine Thompson
General Counsel

¹ Reference number 2016-05: Removing reference to the Authority acting reasonably.

² Reference number 2016-03: Simplifying the requirements for certification and declaration.