

RULINGS PANEL PROCEDURES 2017

SUMMARY OF THE PROCEDURES

Structure of these Procedures

1. The Rulings Panel Procedures (the Procedures) detail the procedures and jurisdiction for the disputes or appeals the Panel has jurisdiction to determine.
2. The Panel's jurisdiction and some of the procedures are prescribed by the:
 - (a) [Electricity Industry Act 2010](#) (the Act);
 - (b) [Electricity Industry \(Enforcement\) Regulations 2010](#) (the Regulations); and
 - (c) Electricity Industry Participation Code 2010 (the Code).
3. These prescribed aspects of the Procedures are indicated by an italicised reference to the Act, Regulations or Code in the Procedures.
4. The Procedures also include procedures determined by the Rulings Panel under [section 53\(2\)](#) of the Act. Procedures in this category may be varied by the Rulings Panel, subject to natural justice requirements (Procedures, clause 1.5).

Part 1 – General Provisions

5. Part 1 deals with matters such as:
 - (a) interpretation;
 - (b) commencement of proceedings;
 - (c) directions;
 - (d) composition of the Panel;
 - (e) hearings, the rights of parties at hearings;
 - (f) general powers of the Panel; and
 - (g) specific powers and duties of the Panel relating to evidence, confidential information, publication of information, draft decisions, seeking advice and reconsideration of matters.
6. Unless indicated otherwise, Part 1 applies to the performance of the Panel's functions under Parts 2 to 8 of the Procedures.

Part 2 – Complaints of breach of the Code (Regulations [30](#) and [31](#)).

7. Part 2 sets out procedures for receipt of a complaint of breach of the Code including procedures for:
 - (a) notifying a complaint of breach;
 - (b) determining whether a hearing will be held;
 - (c) information gathering; and
 - (d) the provision of evidence and submissions to the Panel.
8. Part 2 also sets out jurisdictional matters including the orders that may be made by the Panel if a breach of the Code is made out including directions and/or arrangements for the Panel's orders to be given effect to.

Part 3 – Information disclosure appeals, arising under Part 2 of the Code.

9. Part 3 sets out procedures for consideration of an appeal of a refusal by a participant to supply Code information another participant including procedures for:
 - (a) notifying an appeal;
 - (b) determining whether a hearing will be held;
 - (c) the provision of evidence and submissions to the Panel; and
 - (d) issuing decisions of the Panel.

Part 4 – Disputes about distributed generation, arising under Part 6 of the Code.

10. Part 4 sets out procedures for particular disputes between distributed generators and distributors under Part 6 of the Code. Part 2 procedures apply to the Panel's consideration of a complaint but may be modified by the Panel if necessary or desirable.
11. Part 4 also sets out jurisdictional matters including the Panel's obligation to apply the pricing principles set out in Schedule 6.4 of the Code and the orders that may be made by the Panel when a complaint is referred to it.

Part 5 – Appeals against System Operator decisions and Under-Frequency Event determinations, arising under Part 8 of the Code.

12. Part 5 sets out procedures for:the consideration of appeals against system operator decisions in relation to dispensation or equivalence arrangements and alternative ancillary service arrangements including procedures for:
 - (a) notifying and publicising the appeal;
 - (b) the joinder of parties affected by the appeal;
 - (c) setting a date for consideration of the appeal;
 - (d) determining whether a hearing will be held;
 - (e) providing notice to parties to the appeal of the date the Panel will consider the appeal and whether a hearing will be held;
 - (f) the provision and response to evidence and submissions;
 - (g) detailing who is entitled to be heard at the hearing; and
 - (h) ensuring the Panel issues a decision as soon as practicable.
13. Part 5 also sets out jurisdictional matters in respect of appeals against system operator decisions:
 - (a) the orders the Panel may make on appeal (approve system operator's decision or refer back for reconsideration);
 - (b) the status of the system operator's decision pending appeal; and
 - (c) that approval of a dispensation or equivalence arrangement creates no precedent for other dispensation or equivalence arrangements.
14. Part 5 sets out procedures for disputes regarding under-frequency event determinations including procedures for:
 - (a) commencement of a dispute; and
 - (b) the provision of information from the system operator.
15. Part 5 also sets out jurisdictional matters in respect of under-frequency event determinations:

- (a) who may dispute a system operation determination as to cause of an under-frequency event;
- (b) the orders the Panel may make (confirm, amend, substitute or refer determination back to the system operator); and
- (c) the Panel's obligation to provide the system operator with a copy of its decision as soon as is reasonably practicable.

Part 6 – Disputes occurring in the negotiation of Transmission Agreements, arising under Part 12 of the Code.

16. Part 6 sets out procedures for particular types of disputes arising from the negotiation of Transmission Agreements including procedures for:
- (a) notifying and publicising the dispute;
 - (b) the joinder of parties affected by the subject of the dispute;
 - (c) setting a date for consideration of the dispute;
 - (d) determining whether a hearing will be held;
 - (e) whether any hearing will be held in public or private;
 - (f) providing notice to parties to the dispute of the date the Panel will consider the appeal and whether a hearing will be held;
 - (g) the provision and response to evidence and submissions;
 - (h) ensuring the Panel issues a decision as soon as practicable.
17. Part 6 also sets out jurisdictional matters:
- (a) the types of disputes that may and may not be considered by the Panel;
 - (b) the Panel's discretion to decide whether or not to undertake determination of the dispute;
 - (c) matters the Panel must take into account when determining a dispute;
 - (d) the status of a default transmission agreement pending determination by the Panel.

Part 7 – Disputes regarding distributor use-of system agreements under Part 12A of the Code.

18. Part 7 sets out the powers of the Rulings Panel to make a determination of the terms of mediation for a dispute between a distributor and trader regarding the terms of a use-of-system agreement.

Part 8 – Invoice disputes arising under Part 14 of the Code.

19. Part 8 sets out procedures for disputes about decisions of the clearing manager about invoice disputes between payers or payees and the clearing manager, including procedures for:
- (a) notifying a dispute;
 - (b) setting a date for consideration of the dispute;
 - (c) determining whether a hearing will be held;
 - (d) whether any hearing will be in public or private; and
 - (e) the provision and response to evidence and submissions.
20. Part 8 also sets out jurisdictional matters:
- (a) the types of disputes about invoices that may be considered by the Panel;
 - (b) the clauses of the Code the Panel must take into account in making a decision on a dispute regarding invoices;

- (c) the Panel's obligation to notify parties of its decision; and
- (d) the Panel's obligation to use reasonable endeavours to determine an invoice dispute as soon as practicable.

Part 9 – Prudential requirements disputes arising under Part 14A of the Code.

21. Part 9 sets out the procedures for disputes regarding the clearing manager's imposition of prudential requirements on a participant under Part 14A of the Code, including procedures for:
- (a) notifying a dispute;
 - (b) setting a date for consideration of the dispute;
 - (c) the provision and response to evidence and submissions;
 - (d) determining whether a hearing will be held; and
 - (e) whether any hearing will be in public or private.
22. Part 9 also sets out jurisdictional matters:
- (a) the clauses of the Code the Panel must take into account in making a decision on a dispute regarding prudential requirements; and
 - (b) the Panel's obligation to use reasonable endeavours to determine a dispute regarding prudential requirements as soon as practicable.

Part 10 – Reconciliation and ancillary services disputes arising under Part 15 of the Code.

23. Part 10 sets out procedures for the determination of disputes in relation to the submission of information provided for the purpose of reconciliation and disputes in relation to the provision of ancillary services, including procedures for:
- (a) notifying the dispute;
 - (b) selection of a dispute resolution process;
 - (c) notifying the parties of the dispute resolution process and where and when it will take place.
24. Part 10 also sets out jurisdictional matters:
- (a) the types of disputes about reconciliation and ancillary services that may be considered by the Panel;
 - (b) the Panel's discretion to decide whether or not to undertake determination of the dispute;
 - (c) the Panel's obligation to complete the dispute resolution process as soon as practicable;
 - (d) the Panel's obligation to provide written notice of the decision as soon as is practicable;
 - (e) the Panel's power to do whatever is necessary and permitted by law to resolve the dispute;
 - (f) the Panel's power to meet with parties separately, jointly or both;
 - (g) the Panel's power to require parties to exchange submissions, documents and information.
 - (h) the orders the Panel may make;
 - (i) the right of appeal to the High Court;
 - (j) the obligation to report breaches of the Code (discovered during the resolution process) to the Authority;
 - (k) provisions as to costs; and
 - (l) a provision obliging parties to make payments agreed to during dispute.

RULINGS PANEL PROCEDURES 2017

Pursuant to the [Electricity Industry Act 2010](#), the Electricity Industry (Enforcement) Regulations 2010, and a resolution of the Rulings Panel, the procedures for matters before the Rulings Panel are set out below ("Procedures").

NOTE: These Procedures include procedural provisions prescribed by the [Electricity Industry Act 2010](#), the [Electricity Industry \(Enforcement\) Regulations 2010](#) and the [Electricity Industry Participation Code 2010](#). These prescribed provisions are indicated by a reference underneath the provision that notes the relevant provision of the Act, Regulations, or Code.

If any of the prescribed provisions are changed in the future, the Rulings Panel will similarly change these Procedures.

If there is no note under a provision of these Procedures, the provision has been prescribed by the Rulings Panel under [section 53\(2\) of the Act](#).

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Part 1
General Provisions

1.1 Title

- (1) These Procedures are the Rulings Panel Procedures 2017.

1.2 Commencement

- (1) These Procedures come into force on 1 September 2017
- (2) These Procedures replace the Electricity Rulings Panel Procedures 2011, which are revoked.

1.3 Application of this Part

- (1) Unless otherwise indicated, this Part applies to the performance of the Rulings Panel's functions set out in Parts 2 to 10 of these Procedures.

1.4 Interpretation

- (1) In these Procedures, unless the context otherwise requires,—

Act means the [Electricity Industry Act 2010](#)

Authority means the Electricity Authority established under [section 12 of the Act](#)

Code means the [Electricity Industry Participation Code 2010](#)

Regulations means the [Electricity Industry \(Enforcement\) Regulations 2010](#), and *regulation* means one of those regulations, unless otherwise stated

- (2) A term that—

- (a) is defined in the Code and used, but not defined, in these Procedures has the same meaning as in the Code:
- (b) is defined in the Regulations and used in these Procedures, but not defined in these Procedures or the Code, has the same meaning as in the Regulations:
- (c) is defined in the Act and used in these Procedures, but not defined in these Procedures or the Code or the Regulations, has the same meaning as in the Act:
- (d) is defined in the [Interpretation Act 1999](#) and used in these Procedures, but not defined in these Procedures or the Code or the Regulations or the Act, has the same meaning as in the [Interpretation Act 1999](#).

- (3) If there is a conflict between these Procedures and the Act, the Regulations, or the Code (as the case may be), the Act, Regulations, or the Code (as the case may be) prevails.

Commencement of matters before the Rulings Panel

1.5 Commencing matters before the Rulings Panel

- (1) A matter before the Rulings Panel shall be commenced by filing a Notice of Commencement and relevant documents with the Rulings Panel by email, at the email address published on the Rulings Panel pages of the Electricity Authority website.

- (2) There is no required format for a Notice of Commencement, but it shall contain the following information:
 - (a) the name of the Act, Regulation, Code or other legislative provision under which the matter is commenced;
 - (b) the names, addresses and contact person (if available) of all parties actually or reasonably expected to be involved in the resolution of the matter including parties that have been involved in any related proceedings under the Act, Regulations, Code or other legislative provision;
 - (c) an outline of the essential facts of the matter including a brief explanation of each party's role in the matter and any alleged breach of the Act, Regulations or Code;
 - (d) the relief sought from the Rulings Panel.
- (3) Where practicable, documents relevant to the matter shall be filed and served with the Notice of Commencement. If it is not practicable to file and serve relevant documents with the Notice of Commencement, this should be recorded in the Notice. If necessary, the Rulings Panel will issue directions regarding the management of relevant documentation.
- (4) The party commencing the matter shall serve a copy of the Notice of Commencement and any relevant documents filed with the Rulings Panel on the Electricity Authority and on the relevant parties identified in the Notice pursuant to 1.5(2)(ii) above, by email unless email service is impracticable, on the same day as the filing of the Notice.

Application of Procedures in particular cases

1.6 Rulings Panel may vary these Procedures

- (1) Subject to subclause (3) and the requirements of natural justice, the Rulings Panel may vary these Procedures (including by adding new procedural requirements) in respect of any particular case or class of cases.
- (2) The Rulings Panel must publicise any variation of these Procedures under subclause (1) and the reasons for the variation.
- (3) The Rulings Panel may not vary any provision of these Procedures that is a restatement of part of the Act, the Regulations, or the Code.

Directions and directions conferences

1.7 Procedural directions

- (1) The Rulings Panel may, at any time, give directions to the parties to a particular case as to the procedures to be followed in respect of the case.
- (2) A direction given under subclause (1) must not be inconsistent with these Procedures (or these Procedures as varied in accordance with clause 1.5 in respect of that case), or with the requirements of natural justice.
- (3) The Rulings Panel may vary a direction.
- (4) Subclauses (1) and (2) apply to a variation as if the variation was a direction.

1.8 Directions conferences

- (1) Subject to subclause (5), the Rulings Panel may, at any time, hold a directions conference of the parties to a particular case and such other persons as it thinks fit to determine variations of these Procedures to be made under clause 1.6 or directions to be given under clause 1.7.
- (2) A directions conference may address any matters that the Rulings Panel considers appropriate, including but not limited to the following (if applicable):
 - (a) the date, place, and time of the hearing;
 - (b) whether a statement of issues of fact and law is required;
 - (c) whether there is any reason to rebut the presumption of a public hearing;
 - (d) whether any confidentiality issues arise;
 - (e) whether the subject matter of the hearing is such that an urgent hearing is justified;
 - (f) the number of witnesses;
 - (g) the mode of giving evidence, including whether written submissions and evidence are to be provided in advance and, if so, a timetable for that, and whether such evidence is to be on oath, by way of brief or by affidavit;
 - (h) the mode of recording evidence and representations;
 - (i) whether further information is required from the investigator;
 - (j) engagement of industry experts by the Panel;
 - (k) whether documents additional to those included in the investigator's report are required, and, if so, who is to be responsible for the preparation of the documents; and
 - (l) any other matters including any matters submitted for consideration by a party that the Panel deems relevant.
- (3) The Rulings Panel must advise all parties and any other persons it thinks fit of the date, time, and location of a directions conference.
- (4) A directions conference may be held by meeting or by video or telephone conference, and the procedures for the conference will be determined by the Rulings Panel.
- (5) The Rulings Panel may not hold a directions conference in respect of a dispute to which Part 10 of these Procedures applies.

Hearings

1.9 Rulings Panel members

- (1) Every complaint, appeal, or dispute before the Rulings Panel must be dealt with by a panel of 3 members, one of whom must be the chairperson (except when the deputy chairperson acts on his or her behalf).

Note: See [section 53\(1\) of the Act](#)

1.10 Decision on whether hearing to be held

- (1) The Rulings Panel must hold a hearing into a complaint if, by the deadline for submissions—
 - (a) any party requests, in writing, a hearing into the complaint; or
 - (b) the Rulings Panel considers that a hearing should be held in order to give the Authority or an industry participant the opportunity to be heard.

Note: See [regulation 34\(1\)](#)

- (2) If a hearing is to be held, the Rulings Panel must set a date and time for the hearing that is as soon as practicable, and determine where the hearing will be held.

Note: See [regulation 34\(2\)](#)

- (3) This clause does not apply in respect of a dispute to which Part 10 of these Procedures applies.

1.11 Decisions without hearings

- (1) If a complaint is not set down for a hearing, the Rulings Panel must consider and decide the matter on the basis of the written submissions and evidence that it has received by the deadline for submissions.

Note: See [regulation 38\(1\)](#)

1.12 Hearing to be in public unless Rulings Panel otherwise directs

- (1) Hearings must be in public, unless the Rulings Panel directs otherwise.

Note: See [regulation 36\(1\)](#)

- (2) If the Rulings Panel considers that a hearing should be private it must notify all industry participants and the Authority of its decision and the grounds for that decision.

Note: See [regulation 36\(2\)](#)

- (3) If an industry participant or the Authority disagrees with the Rulings Panel's decision, it may make a written submission to the Rulings Panel setting out the reasons for its disagreement, within 5 working days after receiving the notification referred to in subclause (2).

Note: See [regulation 36\(3\)](#)

- (4) The Rulings Panel must consider the submission and then notify all industry participants and the Authority of its decision and the grounds for that decision.

Note: See [regulation 36\(4\)](#)

- (5) This clause does not apply in respect of a dispute to which Part 10 of these Procedures applies.

1.13 Rights of parties and Authority at hearings

- (1) At a hearing into a formal complaint, every party to the complaint—
 - (a) is entitled to be present at the hearing; and
 - (b) is entitled to be represented; and

- (c) must be given a reasonable opportunity to make written and oral representations; and
- (d) is entitled to call witnesses and to cross-examine any witness called against it; and
- (e) is entitled to make a plea to the Rulings Panel in mitigation of penalties; and
- (f) is entitled to have any other person present to give evidence.

Note: See [regulation 37](#)

- (2) Subclause (1) applies in respect of any person who is entitled to be heard at any hearing or any resolution of a dispute of the Rulings Panel under Parts 2 to 7 of these Procedures, except to the extent that the Rulings Panel directs otherwise.
- (3) Subclause (1) does not apply in respect of a dispute to which Part 10 applies.
- (4) Any party to a dispute under Part 10 may be represented before the Rulings Panel by legal counsel if it wishes.

Note: See [regulation 85](#)

1.14 Admissible evidence

- (1) Subject to subclause (3), the Rulings Panel may, in carrying out a resolution of a dispute under Part 10 of these Procedures, receive in evidence any statement, document, or information that would not be otherwise admissible as evidence that may, in its opinion, assist it to deal effectively with the matter.

Note: See [regulation 83](#)

- (2) Subject to subclause (3), when considering a complaint to which subclause (1) does not apply, whether at a hearing or otherwise, the Rulings Panel may receive in evidence any statement, document, or information that would not be otherwise admissible as evidence that may, in its opinion, assist it to deal effectively with the complaint.

Note: See [regulation 39](#)

- (3) An industry participant, or an officer or employee of the industry participant, is not excused from answering a question or giving any information or document on the ground that to do so may incriminate or tend to incriminate the industry participant or the officer or employee. However, a self-incriminating statement or document made or given by an officer or employee, or an industry participant that is an individual, is not admissible as evidence in any criminal or civil proceedings against that person.

Note: See [section 48\(3\) of the Act](#)

1.15 Rulings Panel may adjourn hearing or consideration of a matter

- (1) The Rulings Panel may, at any time, adjourn the hearing of a matter or, if there is no hearing, the consideration of the matter by the Rulings Panel.
- (2) The Rulings Panel must give notice of an adjournment under subclause (1) to all persons entitled to be heard at the hearing as it thinks fit.

1.16 Powers of Rulings Panel generally

- (1) The Rulings Panel may determine appeals against decisions made under the Code, and resolve disputes between industry participants that relate to the Code, that are of a kind that are identified in the Regulations or the Code.

Note: See [section 50\(4\) of the Act](#)

- (2) If the regulations or the Code prescribe practices and procedures in relation to any kind of such appeal or dispute, the Rulings Panel must apply those practices and procedures when dealing with the appeal or dispute.

Note: See [section 50\(5\) of the Act](#)

- (3) The Rulings Panel has all the powers necessary to perform its functions in accordance with this Act, the regulations, and the Code.

Note: See [section 53\(3\) of the Act](#)

- (4) The Rulings Panel may make any determination, order, or direction that it thinks fit, subject to any general provisions of the Regulations relating to appeals and disputes, and any specific provisions in the regulations or the Code relating to the appeal or dispute.
- (5) Other than in a matter to which Regulation 90 applies, the Rulings Panel may make an order as to costs against any party to a proceeding after any hearing conducted according to these procedures, and including where any hearing has been set down but the matter has settled prior to a hearing being conducted.

Note: See [section 61 of the Act](#)

Miscellaneous

1.17 Rulings Panel to keep information confidential

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

Note: See [regulation 116\(1\)](#)

- (2) A member of the Rulings Panel 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 102 and 103, which relate to the disclosure of member interests.

Note: See [regulation 116\(2\)](#)

1.18 Rulings Panel may prohibit publication of information

- (1) The Rulings Panel may prohibit the publication or communication of any information or document—
 - (a) that is, or is intended to be, supplied or given or tendered to, or obtained by, the Rulings Panel under the Regulations or the Code; or
 - (b) in connection with any notification, investigation, report, or procedure under Parts 2 or 3 of the Regulations.

Note: See [regulation 117\(1\)](#)

- (2) The Rulings Panel may make the prohibition only after it has had regard to the following factors:
 - (a) whether the information or document is confidential, commercially sensitive, or otherwise unsuited to publication or communication; and
 - (b) whether the publication or communication is required to enable the Rulings Panel to carry out its obligations under the Regulations or the Code; and
 - (c) whether the publication or communication is compelled by a law other than the Regulations or the Code; and
 - (d) the rules of natural justice.

Note: See [regulation 117\(2\)](#)

- (3) The Rulings Panel may make the prohibition—
 - (a) on the application of any participant or the Authority or on its own application; but
 - (b) only after notifying each industry participant that the Rulings Panel considers would be affected by the publication, communication, or prohibition; and
 - (c) only after having regard to any views that the industry participant may make known to the Rulings Panel within the time specified by the Panel.

Note: See [regulation 117\(3\)](#)

1.19 Draft decision by Rulings Panel

- (1) In any proceedings before it, the Rulings Panel may, if it thinks fit, prepare a draft decision, determination, order, penalty, or award, and give a copy of that draft to such persons as it thinks fit.
- (2) Any person to whom a copy of a draft decision, determination, order, penalty, or award is given under subclause (1) may comment in writing on the draft to the Rulings Panel within a period specified by the Rulings Panel for this purpose.
- (3) In any proceedings before it, the Rulings Panel may, if it thinks fit provide copies of any comments it receives to all other parties to the proceedings in issue, and the Rulings Panel may give a copy of any comments it receives on the draft decision, determination, order, penalty, or award to such other persons as it thinks fit.
- (4) The Rulings Panel may, if it thinks fit, give the parties and any persons to whom a copy of the comments is given under subclause (3) an opportunity to provide further comment on the draft decision. Further comments must be made within a period specified by the Rulings Panel for this purpose.

1.20 Rulings Panel may seek advice

- (1) In carrying out its functions, the Rulings Panel may employ or otherwise seek advice or assistance from any external auditor, technical expert, or other person that the Rulings Panel sees fit.

Note: See [regulation 41](#)

1.21 **Reconsideration of matters referred by the High Court**

- (1) If the High Court directs the Rulings Panel to consider any aspect of a Rulings Panel decision, the Rulings Panel must, in reconsidering the matter, have regard to the Court's reasons for giving the direction and the Court's directions.

Note: See [section 68\(3\) of the Act](#)

Part 2

Complaints of breach of the Code

2.1 Application of this Part

- (1) This Part applies to formal complaints of breaches of the Code laid under regulation 30 or 31.

2.2 Notification of complaint

- (1) On receiving a formal complaint, the Rulings Panel must give written notice of it to every party to the complaint.

Note: See [regulation 33\(1\)](#)

- (2) The notice must include —

- (a) the text of the formal complaint; and
- (b) a statement that any party may make written submissions to the Rulings Panel before the deadline for submissions, which must be at least 20 working days after the date of the notice; and
- (c) a statement that any party may request a hearing to consider the complaint, by notice in writing to the Rulings Panel received before the deadline for submissions; and
- (d) a statement that, if a hearing is not held, the complaint will be considered on the papers as soon as practicable after the deadline for submissions; and
- (e) a statement that if the Rulings Panel extends the deadline for submissions, it will notify all parties of the new deadline.

Note: See [regulations 33\(2\)](#)

- (3) The parties to a complaint considered by the Rulings Panel are—

- (a) the industry participant allegedly in breach; and
- (b) the complainant, being the industry participant that originally reported the breach; and
- (c) the Authority; and
- (d) any other industry participant that was a party to the investigation (as determined by regulation 18).

Note: See [regulation 32](#)

- (4) Regulation 17, which provides that affected parties may join as parties to an investigation, does not apply to complaints that relate to disputes under [Part 6 of the Code](#) referred to the Rulings Panel in accordance with Part 4 of these Procedures.

Note: See [clause 3\(2\) of Schedule 6.3 of the Code](#)

- (5) On receiving a formal complaint, the Rulings Panel must decide whether a hearing will be held in relation to the complaint, and whether the hearing is to be in public, in accordance with clauses 1.10 and 1.12.

Note: See regulations [34](#) and [36](#)

- (6) The Rulings Panel may, at any time, alter any decision made by it under subclause (1) or (2), and this clause applies to the altered decision to the same extent as if the altered decision were the original decision.

2.3 Notice of hearing and provision of materials

- (1) If a complaint is set down for a hearing, the Rulings Panel must give or send all parties to the complaint—
 - (a) a notice of the date and time when, and the place where, the hearing will be held; and
 - (b) a copy of all relevant material collected or prepared during the course of the investigation.

Note: See [regulation 35\(1\)](#)

- (2) The Rulings Panel must comply with subclause (1)—
 - (a) not less than 10 working days before the hearing; or
 - (b) if the Rulings Panel, in its discretion, decides that an urgent hearing is desirable, as soon as practicable.

Note: See [regulation 35\(2\)](#)

- (3) If a complaint is not set down for a hearing, subclauses (1) and (2) apply as if references in subclause (2) to a hearing were references to the date on which the Rulings Panel considers the complaint.

2.4 Hearings

- (1) Every party to the complaint is entitled to be present at the hearing of the complaint.

Note: See [regulation 37\(a\)](#)

- (2) Clauses 1.9 to 1.15 of these Procedures apply to hearings of formal complaints.

2.5 Submissions and evidence

- (1) Every party to the complaint is entitled to provide written submissions and evidence on the complaint, whether or not the complaint has been set down for a hearing.

Note: See [regulation 38\(2\)](#)

- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other parties to the complaint and the Rulings Panel by the date specified by the Rulings Panel, which must be no later than 5 working days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the formal complaint).
- (3) Any party to the complaint may respond to a submission or evidence provided under subclause (1) by giving written notice of its response to each of the other parties to the complaint and the Rulings Panel by the date specified by the Rulings Panel, which must be

no later than 2 working days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the complaint).

2.6 Rulings Panel may request further information

- (1) The Rulings Panel may request an investigator to obtain any further information that the Rulings Panel requests if the Rulings Panel considers that, in relation to any matter before it, the Rulings Panel does not have sufficient information for it to determine what remedial order to make under [section 54 of the Act](#).

Note: See [regulation 40\(1\)](#)

- (2) The Rulings Panel may make the request of its own initiative or following an application by any party to the complaint.

Note: See [regulation 40\(2\)](#)

- (3) Industry participants must provide any information reasonably requested by the Rulings Panel or the investigator under this clause, subject to subclause (4).

Note: See [regulation 40\(3\) and \(4\)](#)

- (4) An industry participant, or an officer or employee of the industry participant, is not excused from answering a question or giving any information or document on the ground that to do so may incriminate or tend to incriminate the industry participant or the officer or employee. However, a self-incriminating statement or document made or given by an officer or employee, or an industry participant that is an individual, is not admissible as evidence in any criminal or civil proceedings against that person.

Note: See [section 48 of the Act](#)

2.7 Timing of decision

- (1) The Rulings Panel must use reasonable endeavours to make its decision on a complaint under its consideration within 40 working days after the date on which it receives all written and oral submissions on the matter.

Note: See [regulation 43\(1\)](#)

2.8 Rulings Panel decisions

- (1) The Rulings Panel must give its decision, in writing and together with the reasons for the decision, to the parties to the complaint.

Note: See [regulation 43\(2\)](#)

- (2) The Rulings Panel must notify the decision to the Authority as soon as practicable after it has made a final decision.

- (3) The Authority must publicise the terms of every decision made by the Rulings Panel under this Part, together with the reasons for the Panel's decision, within 10 working days of receiving the decision from the Rulings Panel.

Note: See [regulation 44\(1\)](#)

- (4) However, the Authority must not publicise any part, or all, of any particular decision if the Rulings Panel advises the Authority that there are special circumstances that justify the non-publication.

Note: See [regulation 44\(2\)](#)

2.9 Orders

- (1) The Rulings Panel may make any order specified in [section 54\(1\) of the Act](#) in relation to a complaint or matter referred to it under clause 2.2.

Note: See [section 54 of the Act](#)

- (2) If the Rulings Panel is considering requiring an industry participant to pay a pecuniary penalty under [section 54\(1\)\(d\) of the Act](#), the Rulings Panel must consider the seriousness of the breach of the Code, having regard to the following:
 - (a) the severity of the breach:
 - (b) the impact of the breach on other industry 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 the Code by the industry participant:
 - (f) whether the industry participant disclosed the matter to the Authority:
 - (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.

Note: See [section 56 of the Act](#)

- (3) In making any decision under subclause (1), the Rulings Panel must take into account its own previous decisions in respect of any similar situations previously dealt with by the Authority or any predecessor of the Authority.

Note: See [section 54\(2\) of the Act](#)

- (4) The Rulings Panel may not require a grid owner to pay a civil pecuniary penalty for a breach of an obligation that relates to metering standards, or to the provision of metering information.

Note: See [regulation 51](#)

- (5) Regulations 51 to 75 which relate to limits on liability, apply only to decisions of the Rulings Panel made under [section 54 of the Act](#).

Note: See [regulation 50](#)

2.10 Rulings Panel may make a termination or suspension order

- (1) The Rulings Panel may make a suspension order or a termination order against an industry participant if—
 - (a) the industry participant has failed to comply with an order of the Rulings Panel, and the failure has seriously prejudiced the operational or financial security of the wholesale market or transmission system for electricity; or
 - (b) the Authority has suspended trading in a generator or purchaser under section 49 of the Act and applies to the Rulings Panel for a termination order.

Note: See [section 58 of the Act](#)

- (2) A suspension order suspends all or specified rights under the Code of the industry participant against whom it is made, subject to any conditions set out in the order, and for the period specified in the order.

Note: See [section 59\(1\) of the Act](#)

- (3) A termination order terminates all or specified rights under the Code of the industry participant against whom it is made.

Note: See [section 59\(2\) of the Act](#)

- (4) An industry participant commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000, if it fails to comply with—
 - (a) a suspension order or a termination order; or
 - (b) any direction or arrangement made by the Rulings Panel under the regulations in relation to a suspension order or a termination order.

Note: See [section 60 of the Act](#)

- (5) The Rulings Panel may, on review, exercise the Authority's powers to suspend a generator's or purchaser's rights to make bids or offers under the Code under [section 49\(3\) of the Act](#), and exercise the Authority's powers to order that any rights suspended be reinstated under [section 49\(5\)\(a\)](#).

Note: See [section 49\(5\)\(c\) of the Act](#)

2.11 Process requirements for termination and suspension orders

- (1) Before the Rulings Panel makes a termination order or a suspension order, or extends, suspends, or modifies a condition of a suspension order; or revokes a termination order or a suspension order, the Rulings Panel must—
 - (a) give notice to the industry participant to which the order relates, or may relate, in accordance with subclause (2); and
 - (b) publicise the proposed order or change in accordance with subclause (3).

Note: See [regulation 47\(1\) to \(3\)](#)

- (2) A notice given under subclause (1)(a) to the industry participant must—
 - (a) state the reasons for making the order or change; and
 - (b) state that the order or change will be made unless, by the date specified in the notice, the industry participant satisfies the Rulings Panel by notice in writing that the order or change should not be made.

Note: See [regulation 47\(4\)](#)

- (3) A notice that is publicised under subclause (1)(b) must specify—
 - (a) the name of the industry participant to which the order relates or may relate;
 - (b) the reasons for the order or change; and
 - (c) the date by which any submission must be delivered to the Rulings Panel, which must be not less than 20 working days after the date of the notice.

Note: See [regulation 47\(5\) and \(6\)](#)

- (4) However, the time limit specified in subclause (3)(c) does not apply if the Rulings Panel, in its discretion, decides that a suspension order may need to be made urgently.

Note: See [regulation 47\(7\)](#)

2.12 Rulings Panel to make directions or arrangements

- (1) If the Rulings Panel makes a termination order or suspension order under clause 2.10, it must give directions to, or make arrangements for, other industry participants (either generally or specifically) to give effect to its order.

Note: See [regulation 48\(1\)](#)

2.13 Submissions on orders

- (1) Any party to a complaint may make written submissions to the Rulings Panel on the subject of any order that the Rulings Panel may make in relation to that matter.

Note: See [regulation 42\(1\)](#)

- (2) A submission under subclause (1) must be made before any deadline for those submissions that is set by the Rulings Panel.

Note: See [regulation 42\(2\)](#)

- (3) The Rulings Panel may, if it thinks fit, hold a hearing in relation to any order, and any person who has made a submission on that order under subclause (1) must be given a reasonable opportunity to make oral representations at that hearing.

2.14 Decision of Rulings Panel on orders

- (1) The Rulings Panel must as soon as practicable give its decision on any order, in writing, to the parties to the complaint.

2.15 Orders generally

- (1) Every remedial, suspension, and termination order made by the Rulings Panel must be in writing, is subject to subpart 4 of [Part 2 of the Act](#) and the [Regulations](#), and may be amended or revoked at any time by the Rulings Panel.

Note: See [section 62 of the Act](#)

Part 3

Information disclosure appeals

3.1 Application of this Part

- (1) This Part applies to refusals by participants to supply Code information under [Part 2 of the Code](#).

3.2 Right of appeal

- (1) A requesting participant who is notified under [clause 2.14 of the Code](#) that another participant refuses to supply any Code information may appeal that refusal by notice of appeal to the Rulings Panel.

Note: See [clause 2.15 of the Code](#)

- (2) The notice under subclause (1) must specify the Code information requested and the reasons given by the refusing participant for refusing to supply the information (if any).
- (3) The requesting participant must, within 10 working days of being advised of the refusal, give a copy of the notice under subclause (1) to the refusing participant and the Authority.

3.3 Notification by Rulings Panel

- (1) On receiving a notice under clause 3.2, the Rulings Panel must—
 - (a) set a date for considering the appeal; and
 - (b) decide whether a hearing will be held in relation to the appeal, whether to make the hearing private, in accordance with clauses 1.9 and 1.11; and
 - (c) give to the requesting participant, the refusing participant, and the Authority at least 20 business days written notice of the place, date, and time at which the Rulings Panel will consider the appeal and, if a hearing is to be held, the place, date, and time of the hearing.
- (2) The Rulings Panel may at any time alter any decision made by it under subclause (1), and this clause applies to the altered decision to the same extent as if the altered decision were the original decision.

3.4 Submissions and evidence

- (1) Each of the persons referred to in clause 3.3(1)(c) is entitled to provide written submissions and evidence on the refusal.
- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other persons referred to in clause 3.3(1)(c) and the Rulings Panel no later than 5 working days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the appeal).

3.5 Responses to submissions

- (1) Any person referred to in clause 3.3(1)(c) may respond to a submission or evidence provided under clause 3.4 by giving written notice of its response to each of the other persons referred to in clause 3.3(1)(c) and the Rulings Panel no later than 2 working days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the appeal).

3.6 Hearings

- (1) Each of the persons referred to in clause 3.3(1)(c) is entitled to be heard at a hearing of an appeal.
- (2) Clauses 1.8 to 1.15 of these Procedures apply to information disclosure appeals under this Part.

3.7 Rulings Panel decisions

- (1) The Rulings Panel must decide whether the refusal by the participant to supply the Code information was consistent with clauses [2.6](#) and [2.7](#) of the Code.

- (2) The Rulings Panel must as soon as practicable give its decision, in writing and together with the reasons for the decision, to the persons referred to in clause 3.3(1)(c).

Part 4

Disputes under Part 6 of the Code

4.1 Application of this Part

- (1) Subject to subclauses (2) and (3), this Part applies to:
- (a) disputes between a distributed generator and a distributor arising from an allegation that a party has breached any of the regulated terms that apply under [clause 6.6\(2\) of the Code](#);
 - (b) an allegation that conditions that apply to the approved distributed generation specified by the distributor under [clause 18 of Schedule 6.1 of the Code](#) are not reasonably required;
 - (c) an allegation that a party has not attempted to negotiate a connection contract in good faith under [clause 6 or clause 21 of Schedule 6.1 of the Code](#);
 - (d) any other dispute between a distributor and a distributed generator about an alleged breach of any of the provisions of [Part 6 of the Code](#).

Note: See [clause 6.8\(1\) of the Code](#)

- (2) This Part does not apply to disputes between a distributed generator and a distributor—
- (a) arising from an allegation that a party has breached any of the terms of a connection contract outside the regulated terms; or
 - (b) arising from an allegation that a party has breached any of the extra terms referred to in [clause 6.7\(1\) of the Code](#); or
 - (c) that the distributed generator and the distributor have agreed should be determined by any other agreed method (for example, under any dispute resolution scheme under [section 95 of the Act](#)).

Note: See [clause 6.8\(2\) of the Code](#)

4.2 Complaint of disputes to be treated as complaints under Part 2 of these Procedures

- (1) If the parties to a dispute are unable to resolve the dispute, either party may complain in writing to the Authority.

Note: See [clause 2\(3\) of Schedule 6.3 of the Code](#)

- (2) A complaint made under subclause (1) must be treated as if it were notification given under the Regulations, and may be referred to the Rulings Panel as a formal complaint under regulation 30 or 31 as set out in Part 2 of these Procedures.

Note: See [clause 3\(1\) of Schedule 6.3 of the Code](#)

- (3) Subject to clauses 2.2(4) and 2.9(5), Part 2 of these Procedures applies to disputes to which this Part applies that are the subject of a complaint, in the same way as those provisions

apply to a notification of an alleged breach of the Code, and as if references to a participant in those provisions were references to a party under [Part 6 of the Code](#).

Note: See [clause 3\(3\)\(a\) and \(b\) of Schedule 6.3 of the Code](#)

- (4) The Rulings Panel may make any further modifications to the procedures in Part 2 that are necessary or desirable for the purpose of applying those procedures to the complaint.

Note: See [clause 3\(3\)\(c\) of Schedule 6.3 of the Code](#)

4.3 Application of pricing principles to disputes

- (1) The Authority and the Rulings Panel must apply the pricing principles set out in [Schedule 6.4 of the Code](#) to determine any connection charges payable.

Note: See [clause 4\(1\) of Schedule 6.3 of the Code](#)

- (2) Subclause (1) applies if—
 - (a) there is a dispute under [Part 6 of the Code](#); and
 - (b) in the opinion of the Authority or the Rulings Panel it is necessary or desirable to apply subclause (1) in order to resolve the dispute.

Note: See [clause 4\(2\) of Schedule 6.3 of the Code](#)

4.4 Orders the Rulings Panel can make

- (1) If a complaint is referred to it, the Rulings Panel may make any order, or take any action, that it is able to make or take in accordance with [section 54 of the Act](#).

Note: See [clause 5 of Schedule 6.3 of the Code](#)

Part 5

Appeals against system operator decisions in relation to dispensations, equivalence arrangements, or alternative ancillary service arrangements, and disputes regarding system operator under-frequency event determinations

5.1 Application of this Part

- (1) Clauses 5.2 to 5.12 of this Part apply to decisions of the system operator in relation to:
 - (a) an application for dispensation or equivalence arrangements;
 - (b) an alternative ancillary service arrangement.
- (2) Clause 5.13 of this Part applies to disputes regarding system operator under-frequency event determinations.

5.2 Right of appeal

- (1) A participant may appeal a decision to which clause 5.1(a) applies on the grounds that—
 - (a) the system operator made an error of fact or failed to take into account all relevant information or took into account irrelevant information and such error, failure or irrelevancy was material to the decision; or

- (b) the conditions imposed on the dispensation or equivalence arrangement are unjustifiably onerous, unnecessary or impose extra costs if appropriate alternatives exist.

Note: See [clause 8.36\(1\) and \(3\) of the Code](#)

- (2) An applicant may appeal any decision to which clause 5.1(b) applies.

Note: See [clause 8.53\(1\) of the Code](#)

- (3) A participant may appeal any decision to which clause 5.1(b) applies on the grounds that—
 - (a) the system operator made an error of fact or failed to take properly into account all relevant information or took into account irrelevant information and such error, failure or irrelevancy was material to the decision; or
 - (b) the conditions imposed on the alternative ancillary service arrangement are onerous, unnecessary or impose extra costs if appropriate alternatives exist.

Note: See [clauses 8.53\(2\) and \(4\) of the Code](#)

5.3 Notice of appeal

- (1) An appeal under clause 5.2 must be made to the Rulings Panel by giving written notice to the Authority specifying the grounds of appeal.
- (2) Each notice must be given within 10 business days after publication of the relevant decision in the system operator register under [clause 8 of schedule 8.1](#) or [clause 4 of schedule 8.2](#), as the case may be.

Note: See [clauses 8.36\(2\) and 8.53\(3\) of the Code](#)

5.4 Appeal must be publicised and affected parties may join as parties to appeal

- (1) As soon as practicable after receiving a notice under clause 5.3, the Authority must send a copy of the notice to the Rulings Panel and the system operator and publicise the appeal.
- (2) Within 10 business days after the Authority publicises the appeal under subclause (1), a participant may notify the Rulings Panel in writing that it considers that it is affected by the subject of the appeal and wishes to become a party to the appeal. The Rulings Panel may, if it thinks fit, permit that participant to become a party to the appeal.

5.5 Notification by Rulings Panel

- (1) On receiving a notice of appeal under clause 5.3, the Rulings Panel must—
 - (a) set a date for considering the appeal; and
 - (b) decide whether a hearing will be held and whether to make that hearing private, in accordance with clauses 1.10 and 1.12; and
 - (c) give to the appellant, the system operator, a participant that has become a party to the appeal under clause 3.4, and the Authority at least 20 business days written notice of the place, date, and time at which the Rulings Panel will consider the appeal, and whether a hearing will be held.
- (2) The Rulings Panel may, at any time, alter any decision made by it under subclause (1), and this clause applies to the altered decision to the same extent as if the altered decision were the original decision.

5.6 Submissions and evidence

- (1) Each of the persons referred to in clause 5.5(1)(c) is entitled to provide written submissions and evidence on an appeal.
- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other persons referred to in clause 5.5(1)(c) and the Rulings Panel no later than 5 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the appeal).

5.7 Responses to submissions

- (1) Any person referred to in clause 5.5(1)(c) may respond to a submission or evidence provided under clause 5.6 by giving written notice of its response to each of the other persons referred to in clause 5.5(1)(c) and the Rulings Panel no later than 2 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the appeal).

5.8 Hearings

- (1) Each of the persons referred to in clause 5.5(1)(c) is entitled to be heard at a hearing of an appeal.
- (2) Clauses 1.9 to 1.15 of these Procedures apply to appeal hearings under this Part.

5.9 Timing of decision

- (1) The Rulings Panel must use reasonable endeavours to make its final decision on an appeal as soon as practicable after the date that it has received all written and oral submissions on the matter.

5.10 Rulings Panel decisions

- (1) The Rulings Panel, in determining an appeal, must approve the decision of the system operator or direct the system operator to reconsider the decision in full or by reference to specified matters.

Note: See clauses [8.36\(4\)](#) and [8.53\(5\)](#) of the Code

5.11 Status of decisions pending an appeal

- (1) Pending the outcome of an appeal, the decision of the system operator in relation to the grant of a dispensation or approval of an equivalence arrangement or authorisation of an alternative ancillary service arrangement, as the case may be, remains valid and may be relied upon by the relevant asset owner.

Note: See [clauses 8.36\(5\)](#) and [8.53\(6\)](#) of the Code

5.12 No precedent

- (1) Equivalence arrangements and dispensations are specific to asset owners, and no approval of an equivalence arrangement or granting of a dispensation creates a precedent for the approval of other equivalence arrangements or dispensations.

Note: See [clause 8.37\(2\) of the Code](#)

5.13 Disputes regarding system operator determinations

- (1) The Authority or a participant who is substantially affected by a system operator determination as to whether an under-frequency event has been caused by a generator or grid owner may dispute the determination by referring the matter to the Rulings Panel.

Note: See [clause 8.62\(1\) of the Code](#)

- (2) A dispute is commenced by giving written notice to the Rulings Panel specifying the grounds of the dispute, which must be given within 10 business days after the determination is published.

Note: See [clauses 8.62\(2\) and \(3\) of the Code](#)

- (3) If a dispute is referred to the Rulings Panel, the system operator must provide the Rulings Panel with all information considered by the system operator in making the determination.

Note: See [clause 8.62\(6\) of the Code](#)

- (4) The Rulings Panel may confirm or amend the determination, substitute its own determination, or refer the decision back to the system operator with directions as to the particular matters that require reconsideration or amendment.

Note: See [clause 8.63\(1\) of the Code](#)

- (5) The Rulings Panel must give a copy of its decision to the system operator as soon as reasonably practicable.

Note: See [clause 8.63\(3\) of the Code](#)

Part 6

Disputes arising from the negotiation of transmission agreements

6.1 Disputes may be referred to Rulings Panel

- (1) Except as provided in subclause (2), if a dispute between Transpower and a designated transmission customer concerning any of the following is not resolved within a reasonable time, either party may refer the matter to the Rulings Panel for determination:
 - (a) the customer specific terms of a transmission agreement being negotiated between those parties:
 - (b) a requested variation of any of the terms of a default transmission agreement (other than a variation under [clause 12.12 of the Code](#)) that applies between Transpower and the designated transmission customer in accordance with [clauses 12.10 to 12.13](#) of the Code (including a requested variation from the services described in the default transmission agreement):
 - (c) the schedules proposed by Transpower under [clause 12.10\(b\)\(v\) to \(viii\) of the Code](#) for a default transmission agreement:
 - (d) any revision to Schedule 4 or Schedule 5 of a default transmission agreement proposed by Transpower under [clause 12.12 of the Code](#):
 - (e) the schedules proposed by Transpower under [clause 12.13\(l\)\(b\)\(v\) to \(viii\)](#) of the Code on the expiry or termination of a transmission agreement.

Note: See [clause 12.45 of the Code](#)

- (2) The Rulings Panel must not determine disputes relating to the interpretation or enforcement of a transmission agreement including a benchmark agreement.

Note: See [clause 12.47\(2\) of the Code](#)

- (3) A party may refer a dispute to the Rulings Panel under subclause (1) by giving a written notice to the Rulings Panel and the other party which specifies the dispute, the party's position in relation to the dispute, and its reasons for that position.

6.2 Dispute must be publicised and designated transmission customers may join as parties to a dispute

- (1) As soon as practicable after receiving a notice under clause 6.1(3), the Rulings Panel must request the Authority to publicise the dispute, unless the Rulings Panel has decided under clause 6.7 not to undertake the determination of the dispute.
- (2) Within 10 business days after the Authority publicises the dispute under subclause (1), any designated transmission customer may notify the Rulings Panel in writing that it considers that it is affected by the subject of the dispute and wishes to become a party to the dispute. The Rulings Panel may, if it thinks fit, permit the designated transmission customer to become a party to the dispute.

6.3 Notification by Rulings Panel

- (1) On receiving a notice under clause 6.1(3), the Rulings Panel must, unless it has decided under clause 6.7 not to undertake the determination of the dispute—
 - (a) set a date for considering the dispute; and
 - (b) decide whether a hearing will be held in relation to the dispute and whether to make that hearing private, in accordance with clauses 1.8 and 1.10; and
 - (c) give to each party to the dispute, including any designated transmission customer that has become a party to the dispute under clause 4.2, and the Authority at least 20 business days written notice of the place, date, and time at which the Rulings Panel will consider the dispute and, if a hearing is to be held, the place, date, and time of the hearing.
- (2) The Rulings Panel may at any time alter any decision made by it under subclause (1), and this clause applies to the altered decision to the same extent as if the altered decision were the original decision.

6.4 Submissions and evidence

- (1) Each of the persons referred to in clause 6.3(1)(c) is entitled to provide written submissions and evidence on the dispute.
- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other persons referred to in clause 6.3(1)(c) and the Rulings Panel no later than 5 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

6.5 Responses to submissions and evidence

- (1) Any person referred to in clause 6.3(1)(c) may respond to a submission or evidence provided under clause 6.4 by giving written notice of its response to each of the other persons referred to in clause 6.3(1)(c) and the Rulings Panel no later than 2 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

6.6 Hearings

- (1) Each of the persons referred to in clause 6.3(1)(c) is entitled to be heard at a hearing of the dispute.
- (2) Clauses 1.8 to 1.15 of these Procedures apply to dispute hearings under this Part.

6.7 Rulings Panel has discretion to determine dispute

- (1) The Rulings Panel may, in its discretion, decide whether or not to undertake the determination of a dispute referred to it under clause 6.1.

Note: See [clause 12.46\(1\) of the Code](#)

- (2) If the Rulings Panel decides not to undertake the determination of a dispute, the Rulings Panel must inform Transpower or the designated transmission customer—
 - (a) that the Rulings Panel intends to do no more in relation to the matter; and
 - (b) of the reasons for that intention.

Note: See [clause 12.46\(2\) of the Code](#)

6.8 Determinations by Rulings Panel

- (1) In determining a dispute referred to it under clause 6.1, the Rulings Panel must take into account—
 - (a) the principles for benchmark agreements in [clause 12.30 of the Code](#); and
 - (b) the desirability of consistent treatment of designated transmission customers except where special circumstances justify a departure; and
 - (c) the potential impact of a decision on the contents of other transmission agreements or existing agreements as described in clauses [12.49](#) and [12.50](#) of the Code.

Note: See [clause 12.47\(1\) of the Code](#)

6.9 Rulings Panel to give written notice of determinations

- (1) The Rulings Panel must give notice to the parties of its determination, as soon as reasonably practicable.

Note: See [clause 12.47\(3\) of the Code](#)

- (2) The Rulings Panel must give notice of its determination to any designated transmission customer that has become a party to the dispute under clause 6.2, as soon as reasonably practicable.

6.10 Status of default transmission agreement while Rulings Panel determining dispute

- (1) Nothing in this Part overrides the application of a benchmark agreement as a default transmission agreement under [clause 12.10 of the Code](#), pending a determination of the Rulings Panel.

Note: See [clause 12.48 of the Code](#)

Part 7

Disputes regarding distributor use-of-system agreements

7.1 Application of this Part

- (1) This Part applies to a dispute between a distributor and a trader regarding the terms of mediation for a failure to agree the terms of a use-of system agreement.

7.2 Disputes referred to the Rulings Panel

- (1) If a distributor or a trader considers that it is unlikely to agree the terms of use-of-system agreement with the other party, at the close of the 15th business day after the issue of a notice to the other party requiring the other party to undertake mediation, either party may refer a dispute regarding the following matters to the Rulings Panel for determination:
 - (a) the mediator:
 - (b) the date or dates for the mediation:
 - (c) the location of the mediation:
 - (d) the scope of the mediation:
 - (e) the allocation of the costs of the mediation.

Note: See [clause 12A.3\(6\) of the Code](#)

7.2 Rulings Panel determination

- (1) The Rulings Panel may make such determination as it thinks fit in respect of a dispute referred to it in accordance with [clause 12A.3\(6\) of the Code](#).

Note: See [clause 12A.3\(7\) of the Code](#)

- (2) The distributor and trader must carry out the mediation in accordance with any determination of the Rulings Panel.

Note: See [clause 12A.3\(8\) of the Code](#)

Part 8

Invoice disputes

8.1 Application of this Part

- (1) This Part applies to disputes between payers or payees and the clearing manager regarding decisions of the clearing manager made under clauses [14.2](#) to [14.28](#) of the Code.

8.2 Disputes referred to Rulings Panel

- (1) If a dispute between a payee or a payer and the clearing manager concerning an invoice issued under clauses [14.2](#) to [14.28](#) of the Code that does not relate to the submission of information provided for the purpose of reconciliation under the Code (which must be dealt with in accordance with Part 10 of these Procedures) is not resolved within 15 business days after the date on which the dispute was notified to the clearing manager, the disputing payee or payer or the clearing manager may refer the matter to the Rulings Panel for resolution.

Note: See [clause 14.27\(1\) of the Code](#)

8.3 Notification by Rulings Panel

- (1) On receiving a notice under clause 8.1, the Rulings Panel must—
 - (a) set a date for considering the dispute; and
 - (b) decide whether a hearing will be held in relation to the dispute and whether to make that hearing private, in accordance with clauses 1.10 and 1.12; and
 - (c) give to the participant, the Authority, and the clearing manager at least 20 business days written notice of the place, date, and time at which the Rulings Panel will consider the dispute and, if a hearing is to be held, the place, date, and time of the hearing.
- (2) The Rulings Panel may, at any time, alter any decision made by it under subclause (1), and this clause applies to the altered decision to the same extent as if the altered decision were the original decision.

8.4 Submissions and evidence

- (1) Each of the persons referred to in clause 8.3(1)(c) is entitled to provide written submissions and evidence on the dispute.
- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other persons referred to in clause 8.3(1)(c) and the Rulings Panel no later than 5 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

8.5 Responses to submissions and evidence

- (1) Any person referred to in clause 8.3(1)(c) may respond to a submission or evidence provided under clause 8.4 by giving written notice of its response to each of the other persons referred to in clause 8.3(1)(c) and the Rulings Panel no later than 2 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

8.6 Hearings

- (1) Each of the persons referred to in clause 8.3(1)(c) may be heard at a hearing of a dispute.
- (2) Clauses 1.9 to 1.15 of these Procedures apply to dispute hearings under this Part.

8.7 Rulings Panel to make decision

- (1) The Rulings Panel may make such determinations on a dispute referred to it under clause 8.2 as it thinks fit, and must give written notice of its determination to the parties to the dispute and affected participants.

Note: See [clause 14.27\(2\) and \(3\)](#)

- (2) The Rulings Panel must use reasonable endeavours to make a final determination on an invoice dispute as soon as is reasonably practicable.

Part 9

Prudential requirements disputes

9.1 Application of this Part

- (1) This Part applies if a participant disputes a decision of the clearing manager regarding the imposition of prudential requirements on a participant under [Part 14A of the Code](#).

9.2 Disputes referred to Rulings Panel

- (1) A participant that disputes a decision of the clearing manager under [Part 14A of the Code](#) may refer the dispute to the Rulings Panel.

Note: see [clause 14A.23\(1\) of the Code](#)

- (2) If a participant refers a dispute to the clearing manager in accordance with clause 9.2(1), the participant must comply with the decision of the clearing manager until such time as the Rulings Panel makes a decision on the dispute.

Note: see [clause 14A.23\(4\) of the Code](#)

9.3 Notification by Rulings Panel

- (1) On receiving a notice under clause 9.2(1), the Rulings Panel must—
 - (a) set a date for considering the dispute; and
 - (b) decide whether a hearing will be held in relation to the dispute and whether to make that hearing private, in accordance with clauses 1.8 and 1.10; and
 - (c) give to the participant, the Authority, and the clearing manager at least 20 business days written notice of the place, date, and time at which the Rulings Panel will consider the dispute and, if a hearing is to be held, the place, date, and time of the hearing.

9.4 Submissions and evidence

- (1) Each of the persons referred to in clause 9.3(1)(c) is entitled to provide written submissions and evidence on the dispute.
- (2) Any person who provides written submissions and evidence under subclause (1) must give copies of those submissions and evidence to each of the other persons referred to in clause 9.3(1)(c) and the Rulings Panel no later than 5 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

9.5 Responses to submissions and evidence

- (1) Any person referred to in clause 9.3(1)(c) may respond to a submission or evidence provided under clause 8.4 by giving written notice of its response to each of the other persons referred to in clause 9.3(1)(c) and the Rulings Panel no later than 2 business days before the date of the hearing (or, if there is no hearing, the date on which the Rulings Panel will consider the dispute).

9.6 Hearings

- (1) Each of the persons referred to in clause 9.3(1)(c) may be heard at a hearing of a dispute.
- (2) Clauses 1.9 to 1.15 of these Procedures apply to dispute hearings under this Part.

9.7 Rulings Panel to make decisions

- (1) If a participant refers a dispute to the Rulings Panel in accordance with clause 9.2(1), the Rulings Panel must, after hearing from the participant and the clearing manager, make a decision in accordance with [Part 14A of the Code](#).

Note: see [clause 14A.23\(3\) of the Code](#)

- (2) The Rulings Panel must use reasonable endeavours to make a final determination on a dispute regarding prudential requirements as soon as is reasonably practicable.

Part 10

Reconciliation and ancillary services disputes

10.1 Application of this Part

- (1) This Part applies to:
 - (a) a dispute in relation to the submission of information provided for the purposes of reconciliation under [Part 15 of the Code](#);
 - (b) a dispute in relation to a contract for the procurement of ancillary services (but not an appeal against a system operator decision in respect of an ancillary service).

Note: See [regulation 78](#) and [clause 15.29 of the Code](#)

10.2 Parties may apply to Rulings Panel to resolve dispute

- (1) The parties to a dispute to which this Part applies may, by agreement, apply to the Rulings Panel to determine a dispute for them.

Note: See [regulation 80\(1\)](#)

- (2) If a dispute relating to volume information is not resolved 15 business days after the date on which the dispute was notified to the reconciliation manager under [clause 15.29\(1\) of the Code](#), the disputing reconciliation participant or the reconciliation manager may refer the dispute to the Rulings Panel for resolution.

Note: See [clause 15.29\(9\) of the Code](#)

- (3) The application must be in writing, setting out the nature of the dispute, and be signed by all the parties to the dispute.

Note: See [regulation 80\(2\)](#)

- (4) The Rulings Panel may, in its discretion, decide whether or not to undertake the determination of the dispute.

Note: See [regulation 80\(3\)](#)

- (5) The Rulings Panel must give written notice to the parties of the decision as soon as practicable, and in the case of a dispute relating to volume information referred to the Rulings Panel in accordance with clause 10.2(2) above, to all affected participants.

Note: See [regulation 80\(4\)](#)

10.3 Selection of process

- (1) The parties to the dispute must agree to the form of dispute resolution to be utilised or, in the absence of agreement, the Rulings Panel must determine the form of dispute resolution.

Note: See [regulation 81](#)

10.4 Rulings Panel must notify when dispute resolution will take place

- (1) The Rulings Panel must notify the parties to the dispute of the dates, times, and places at which the dispute resolution process will take place, having regard to the urgency of the matter and the form of dispute resolution process selected under clause 8.3.

Note: See [regulation 82](#)

10.5 Rulings Panel may do what is necessary to resolve dispute

- (1) The Rulings Panel may do whatever is reasonably necessary and permitted by law to enable the fair, effective, and expeditious resolution of any matter before it.

Note: See [regulation 83\(3\)](#)

10.6 Meetings and documents

- (1) The Rulings Panel may meet separately or jointly, or both, with the parties to any dispute.

Note: See [regulation 84\(1\)](#)

- (2) The Rulings Panel may require parties to exchange submissions, documents, and information.

Note: See [regulation 84\(2\)](#)

10.7 Completion of process

- (1) The Rulings Panel must complete the dispute resolution process that it selects as soon as practicable.

Note: See [regulation 86](#)

10.8 Orders and appeals

- (1) The Rulings Panel may make any order in respect of a dispute that it considers is just and reasonable in the circumstances, including—
 - (a) an order that 1 or more parties to the dispute take any action, including the payment of money to any other party, or refrain from taking any action that the Rulings Panel prescribes; and
 - (b) assessing damages against any party and awarding compensation to be paid to any party; and
 - (c) making any other determination it thinks fit.

Note: See [regulation 87\(1\)](#)

- (2) An order made under subclause (1) may be appealed to the High Court under [section 67 of the Act](#).

Note: See [regulation 87\(2\)](#)

- (3) In relation to a dispute referred to the Rulings Panel under paragraph 10.2(2) above, if the Rulings Panel determines that the volume information is incorrect, the reconciliation manager must provide the corrected information to the clearing manager in accordance with [clause 15.29\(12\) of the Code](#).

Note: see [clause 15.29\(12\) and \(13\) of the Code](#)

10.9 Breaches to be referred to Authority

- (1) The Rulings Panel must report to the Authority if the Rulings Panel finds, during the course of any dispute resolution process, that there has been a breach of the Act or the Code.

Note: See [regulation 88](#)

10.10 Money payable under the Code

- (1) If the Rulings Panel finds, or the parties agree, during the course of any dispute resolution process, that money is due and payable under the Code, that finding or agreement creates an obligation to pay the amount agreed or determined.

Note: See [regulation 89\(1\)](#)

- (2) That amount is a debt due by the industry participant and is recoverable as such in court.

Note: See [regulation 89\(2\)](#)

10.11 Costs

- (1) Each party to a dispute is responsible for its own costs and legal expenses.

Note: See [regulation 90\(1\)](#)

- (2) The parties must share equally all other costs and expenses associated with the dispute resolution process, including the costs of the Rulings Panel, unless an allocation is made under subclause (3).

Note: See [regulation 90\(2\)](#)

- (3) The Rulings Panel may allocate the costs referred to in subclause (2) for payment by 1 or more parties as the Rulings Panel determines is just and reasonable.

Note: See [regulation 90\(3\)](#)

- (4) Before making an allocation of costs under subclause (3) the Rulings Panel may request written or oral submissions on the matter from such persons as it thinks fit.