

Notice of Exemption for Mark James Binns Under Section 90(1)(b) of the Electricity Industry Act 2010

In accordance with section 90(1)(b) of the Electricity Industry Act 2010 (“Act”), the Electricity Authority (“Authority”) gives the following notice.

Notice

1. Exemption

Mark James Binns (“Mr Binns”) is exempted from compliance with section 73(1) of the Act, in relation to his appointment as a director of the Auckland International Airport Limited (“Auckland Airport”) board while he is also a director of the Mercury Energy Limited (“Mercury”) board.

2. Term

This exemption will expire on the date that the cross-directorship to which this exemption applies has ceased.

3. Conditions

This exemption is subject to the following conditions:

(1) While Mr Binns is a director of both Auckland Airport and Mercury:

- a. Mr Binns will not participate in any discussions or decision-making by Mercury and/or Auckland Airport regarding matters that:
 - i. relate to, or could affect or favour, the supply of electricity by Mercury on Auckland Airport’s electricity distribution network or the provision of electricity lines services by Auckland Airport to Mercury;
 - ii. involve selection of, and any negotiation with, any electricity retailer for the supply, or intended supply, of electricity to Auckland Airport;
 - iii. involve supply, or intended supply, of electricity by Mercury to any new or existing consumer on Auckland Airport’s electricity distribution network;
 - iv. disadvantage any other business selling or generating electricity on Auckland Airport’s electricity distribution network or the provision of electricity lines services by Auckland Airport to any other electricity generator or retailer;
- b. Mr Binns will not disclose the outcome of any discussions or decision-making by Auckland Airport to Mercury (and vice versa) on the matters referred to in paragraph (1)(a)

(2) Mr Binns will confirm to the Authority, in writing, that the cross-directorship to which this exemption applies has ceased within one calendar month of it ceasing to exist.

(3) This exemption is specific to the cross-involvements created through Mr Binns’ directorships in both the Auckland Airport board and the Mercury board. It does not extend to any other directorships, interest or future cross-involvement of Mr Binns.

4. Commencement

This exemption comes into force on the day after the date it is notified in the *New Zealand Gazette*.

Dated at Wellington this 29th day of August 2023.

For and on behalf of the Electricity Authority:
ANNA KOMINIK, Chair, Electricity Authority.