

Notice of the Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2023

1. Under section 38 of the Electricity Industry Act 2010 (“Act”) and the Legislation Act 2019, the Electricity Authority (“Authority”) gives notice of making the Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2023 (“amendment”).

2. The amendment is made urgently under section 40 of the Act.

3. The amendment comes into force on **31 August 2023**.

4. The amendment amends Part 1 and Part 6A of the Code to introduce a new dispensation scheme in relation to Part 6A of the Electricity Industry Participation Code 2010 (“Code”). The amendment enables the Authority to grant a dispensation in respect of a specified person from the obligation to comply with Part 6A of the Code in appropriate cases and subject to any conditions the Authority considers reasonably necessary.

5. Pursuant to section 40 of the Act, the Authority considers that it is necessary or desirable in the public interest that the amendment be made urgently because:

- a. The amendment would address an area of immediate uncertainty that has been identified following the Electricity Industry Amendment Act 2022 (“Amendment Act”) being passed which moved certain provisions from Part 3 of the Act to Part 6A of the Code and provided for those parts of the Code to apply to specified persons.
- b. The amendment would restore specified persons to the position they were in prior to the Amendment Act being passed when they could have sought an exemption from Part 3 of the Act under section 90 of the Act.
- c. The amendment would ensure a specified person can be treated in the same way as a person in a similar position who had earlier obtained an exemption under section 90 of the Act, as these existing exemptions continue to apply.
- d. There is a reasonable possibility that a specified person otherwise covered by Part 6A will soon approach the Authority seeking a form of exclusion from the application of that Part in respect of them.
- e. The amendment will enable the Authority to properly administer Part 6A of the Code without undue delay, providing certainty to those affected, and where the Authority will soon consult on a proposal to make this amendment a permanent Code amendment, pursuant to section 39 of the Act.

6. The amendment is secondary legislation for the purpose of the Legislation Act 2019 and is administered by the Authority.

7. A copy of the amendment and the Code is available on the Authority’s website at: <http://www.ea.govt.nz/code-and-compliance/the-code/>.

8. A copy of the amendment and the Code may also be inspected free of charge or purchased from the Electricity Authority, Level 7, Aon Centre, 1 Willis Street, Wellington.

Dated at Wellington this 16th day of August 2023.

ANNA HELEN KOMINIK, Chairperson, Electricity Authority.