

Electricity Industry (Section 90 Exemption No. 008 (Robert McDonald)) Exemption Notice 2021

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

Notice

1. Title and Commencement

(1) This notice is the Electricity Industry (Section 90 Exemption No. 008 (Robert McDonald)) Exemption Notice 2021.

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

2. Exemption

Robert Stuart McDonald ("Mr McDonald") is exempted from compliance with sections 75, 77–79 and 88 of the Act, in relation to his appointment as a director of Contact Energy Limited ("Contact") while Mr McDonald is also a director of Fletcher Building Limited ("Fletcher Building").

3. Conditions

This exemption is subject to the following conditions:

(1) While Mr McDonald is a director of both Fletcher Building and Contact:

- a. Mr McDonald must not participate in any discussions or decision making by Fletcher Building and/or Contact regarding matters that relate to or could affect or favour the supply of electricity by Contact (or disadvantage any other business selling electricity on Fletcher Building's network other than Contact) on Fletcher Building's electricity distribution network or the provision of electricity lines services by Fletcher Building to Contact, including:
 - i. the selection of, and any negotiation with, any electricity retailer for the supply, or intended supply, of electricity to Fletcher Building; and
 - ii. the supply, or intended supply, of electricity by Contact to any new, or existing consumer on Fletcher Building's electricity distribution network.
- b. Mr McDonald shall not disclose the outcomes of any discussions or decision making by Fletcher Building to Contact (and vice versa) on those matters above.

(2) Mr McDonald 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 McDonald's directorships in both Fletcher Building and Contact. It does not extend to any other directorships, interest or future cross-involvement of Mr McDonald.

4. Term

This exemption expires on the date on which Mr McDonald ceases to be a director of both Contact and Fletcher Building.

Dated at Wellington this 4th day of May 2021.

For and on behalf of the Electricity Authority:
DR NICOLA CRAUFORD, Chairperson.