

Electricity Industry (Section 90 Exemption No. 007 (Douglas McKay)) 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. 007 (Douglas McKay)) 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

Douglas Alexander McKay (“Mr McKay”) is exempted from compliance with sections 75, 77–79 and 88 of the Act, in relation to his appointment as a director of Genesis Energy Limited (“Genesis”) while Mr McKay is also a director of Fletcher Building Limited (“Fletcher Building”).

3. Conditions

This exemption is subject to the following conditions:

(1) While Mr McKay is a director of both Fletcher Building and Genesis:

- a. Mr McKay must not participate in any discussions or decision making by Fletcher Building and/or Genesis regarding matters that relate to or could affect or favour the supply of electricity by Genesis (or disadvantage any other business selling electricity on Fletcher Building’s network other than Genesis) on Fletcher Building’s electricity distribution network or the provision of electricity lines services by Fletcher Building to Genesis 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 Genesis to any new, or existing consumer on Fletcher Building’s electricity distribution network.
- b. Mr McKay shall not disclose the outcomes of any discussions or decision making by Fletcher Building to Genesis (and vice versa) on those matters above.

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

4. Term

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

Dated at Wellington this 4th day of May 2021.

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