

Electricity Industry Participation Code Amendment (Terms and Conditions for Access to Registry and WITS) 2019

Under section 38 of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendment to the Electricity Industry Participation Code 2010.

At Wellington on the 18th day of March 2019

Dr Thomas Brent Layton
Chair
Electricity Authority

Certified in order for signature:

Andrew Springett
Senior Legal Counsel
Electricity Authority

Nick Crang
Partner
Duncan Cotterill

15 March 2019

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Amendment

- 1 Title**
This is the Electricity Industry Participation Code Amendment (Terms and Conditions for Access to Registry and WITS) 2019.
- 2 Commencement**
This amendment comes into force on 18 April 2019.
- 3 Code amended**
This amendment amends the Electricity Industry Participation Code 2010.
- 4 Clause 11.28 amended (Access to registry)**
(1) In clause 11.28, replace subclause (1) with:

- "(1) A **participant** that requires access to the **registry** must apply to the **Authority** to have access to the **registry**."
- (2) In clause 11.28, after subclause (1), insert:
- "(1A) The **Authority** must specify and **publish** the terms and conditions that apply to **participants** that are granted access to the **registry**.
- "(1B) For the avoidance of doubt, the terms and conditions specified and **published** by the **Authority** for access to the **registry** as at 18 April 2019—
- "(a) are the terms and conditions for the purposes of subclause (1A); and
- "(b) apply to a **participant** that has access to the **registry** as at 18 April 2019."
- (3) In clause 11.28, replace subclause (2) with:
- "(2) If the **Authority** grants a **participant's** application,—
- "(a) the **registry manager** must provide the **participant** with access to the **registry** in accordance with the terms and conditions specified and **published** by the **Authority** under subclause (1A):
- "(b) the **participant** must comply with the terms and conditions specified and **published** by the **Authority** under subclause (1A), including any amendments under subclause (2A):
- "(c) the **Authority** may restrict or suspend a **participant's** access to the **registry** if the **participant** does not comply with those terms and conditions, even though such a restriction or suspension may affect a **participant's** ability to meet its obligations under this Code."
- (4) In clause 11.28, replace subclause (2A) with:
- "(2A) The **Authority** may, from time to time, specify and **publish** amendments to the terms and conditions under which the **Authority** grants access to the **registry**. Such amendments will apply—
- "(a) to those **participants** the **Authority** has already granted access to the **registry**;
and
- "(b) to future applications for access to the **registry**."
- (5) In clause 11.28, replace subclause (3) with:
- "(3) The **Authority** must consult with the **participants** referred to in subclause (2A)(a) on any proposed amendments to the terms and conditions specified and **published** by the **Authority** under subclause (1A)."

5 New clause 13.3D inserted (Access to WITS)

After clause 13.3C, insert:

"13.3D Access to WITS

- "(1) A **participant** that requires access to **WITS** must apply to the **Authority** to have access to **WITS**.
- "(2) The **Authority** must specify and **publish** the terms and conditions that apply to **participants** that are granted access to **WITS**.
- "(3) For the avoidance of doubt, the terms and conditions specified and **published** under subclause (2) apply to a **participant** that has access to **WITS** as at 18 April 2019.
- "(4) If the **Authority** grants a **participant's** application—
- "(a) the **WITS manager** must provide the **participant** with access to **WITS** in accordance with the terms and conditions specified and **published** by the **Authority** under subclause (2):

- "(b) the **participant** must comply with the terms and conditions specified and **published** by the **Authority** under subclause (2), including any amendments under subclause (5):
- "(c) the **Authority** may restrict or suspend a **participant's** access to **WITS** if the **participant** does not comply with those terms and conditions, even though such a restriction or suspension may affect a **participant's** ability to meet its obligations under this Code.
- "(5) The **Authority** may, from time to time, specify and **publish** amendments to the terms and conditions under which the **Authority** grants access to **WITS**. Such amendments will apply–
- "(a) to those **participants** the **Authority** has already granted access to **WITS**; and
- "(b) to future applications for access to **WITS**.
- "(6) The **Authority** must consult with the **participants** referred to in subclause (5)(a) on any proposed amendments to the terms and conditions specified and **published** by the **Authority** under subclause (2).
- "(7) The terms and conditions specified and **published** by the **Authority** under subclause (2), including any amendments specified under subclause (5), replace any agreements to access **WITS**, which the **participant** and the **WITS manager** had agreed prior to 18 April 2019."
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Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 (Code) comes into force on 18 April 2019.

The amendment makes changes to clause 11.28 of the Code to regulate access to the registry by requiring compliance with the terms and conditions specified and published by the Authority. The amendment also inserts new clause 13.3D into the Code, which sets out the requirements for accessing the wholesale information trading system by requiring compliance with the terms and conditions specified and published by the Authority.

Date of notification in the *Gazette*: 21 March 2019