



# Rulings Panel Annual Report

2024/2025

# Annual Report - 1 July 2024 to 30 June 2025

Presented to the Electricity Authority pursuant to Regulation 115 of the Electricity Industry (Enforcement) Regulations 2010.

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## Introduction

The Rulings Panel is established under the Electricity Industry Act 2010. It has a role in the enforcement of the Electricity Industry Participation Code 2010 (the Code) by dealing with complaints about breaches of the Code, appeals against certain decisions made under the Code and resolving certain disputes relating to the Code.

One complaint decision was made, and one new complaint was filed with the Panel. No appeals were filed, and no disputes have been referred.

## Members

### Mel Orange - Chair



Mel Orange is a barrister and business consultant from Christchurch. He has worked in the energy and construction industries for 25 years, including being a past Board Member of MARIA. Mel is the Chair of the Building Practitioners Board and Deputy of the Electrical Workers Registration Board. Mel is appointed until 29 June 2028.

### Matthew Dunning KC – Deputy Chair



Matthew Dunning is a barrister and King's Counsel with over 40 years of experience in commercial litigation, particularly competition and regulatory issues. He has advised many local and international businesses and represented them before New Zealand courts and regulatory bodies, including in relation to the operation of the electricity market and challenges to regulatory decisions. Prior to becoming a barrister in 2003, he was a partner at Russell McVeagh in Wellington, then Auckland. Matthew has been appointed for a five-year term from 29 June 2023.

### Paul Webber



Paul Webber is an infrastructure specialist with a particular interest in pricing and economic regulation of utilities. He has more than 30 years of experience in the electricity industry in New Zealand, Australia, the Pacific, Asia and Africa. As a director of Wedgwood White Limited, he has provided pricing, economic regulation and investment analysis advice to utilities, governments and multilateral lending organisations over the last 23 years. Away from infrastructure, he is chair of Sailability Auckland and is involved in the governance of other organisations related to sailing for youth and the disabled. Paul has been appointed for a five-year term from 29 June 2023.

**Lee Wilson**

Lee Wilson is an electricity market specialist with over 35 years of experience with electricity companies and providing consulting services to the energy sector. He was a founding director of Concept Consulting Group and, during his 18 years of consulting, led a wide range of assignments for government agencies and energy companies, with a focus on energy policy and market design. Lee's senior executive roles include Establishment CEO for Genesis Energy, CEO for the Electricity Reform Transition Unit, Market Development Director at Contact Energy, and Corporate Development Manager at the Electricity Corporation of New Zealand. He was a member of the Electricity Price Review, which provided its recommendations to the Minister in May 2019. Lee is appointed until 29 June 2028.

**Dr Stephen Jay**

Stephen Jay is a chartered professional engineer with over 35 years of experience in the electricity sector covering generation, transmission, distribution and system operation. He has held consulting, operations, engineering, and senior executive roles, including with Transpower, Mitton ElectroNet, Meridian Energy, Parsons Brinckerhoff, British Energy and the Caribbean Utilities Company. Stephen was the former President of the Electricity Engineers' Association and has been involved in a wide variety of power sector projects and the development of market and governance rules. Stephen was appointed for a five-year term in June 2025.

## Summary of decisions made

One decision was made during the reporting period. In *Electricity Authority v Transpower* [2024] Rulings Panel Decision - C-2024-001, the Panel made a pecuniary penalty decision on the papers. In it, the Panel found that Transpower had breached Clause 8.14 of the Electricity Industry Participation Code 2010 by failing to comply with Clause 30.1B of the Policy Statement. The Panel ordered that Transpower pay a pecuniary penalty of \$65,000 and costs of \$3,820.00. The decision has been published on the Panel's website.

## Summary of matters before the Rulings Panel

On 4 June 2025, the Electricity Authority lodged a formal complaint with the Rulings Panel alleging Transpower had breached clause 12.113 of the industry Participation Code. The alleged breach relates to maintenance obligations of its assets.

## Summary of performance against budget

The Rulings Panel and the Electricity Authority set a budget prior to the commencement of each financial year.<sup>1</sup> The budget is based on anticipated expenses and is reviewed on a monthly basis. For the 2024-2025 financial year, a budget of \$182,000 was agreed. A lower-than-anticipated volume of matters resulted in an underspend.

<b>Actual 2023/24 \$000</b>	<b>Expenditure</b>	<b>Actual 2024/25 \$000</b>	<b>Budget 2024/25 \$000</b>
\$41	Rulings Panel Fees	\$49	
\$14	Expenses	\$8	
\$55	Total Expenditure	\$57	\$182

## Summary of performance against performance objectives

A summary of the Panel's performance against stated objectives is contained in Appendix 1.

## Performance objectives for the 2024 to 2025 financial year

The Ruling Panel's performance objectives are contained in Appendix 2.

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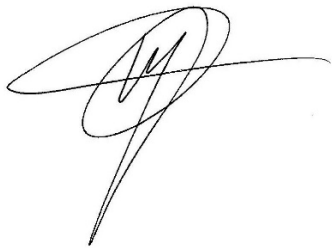
<sup>1</sup> Regulation 113 of the Electricity Industry (Enforcement) Regulations 2010

## Comments on the Act, regulations or Code changes

Section 54 allows the Panel to make recommendations for changes to the Act, Regulations or the Code.

Section 54(1)(i) of the Electricity Industry Act states that, on determining a complaint, the Rulings Panel may recommend to the Minister that a change should be made to the regulations or the Act. In *Electricity Authority v Transpower* [2024] Rulings Panel Decision - C-2024-001, the Panel restated its recommendation that Subpart 2 of the Electricity Industry (Enforcement) Regulations 2010, which provides for limitations of liability when the Panel makes a remedial order for a breach under section 54 of the Electricity Industry Act, be amended to reflect the increase in the maximum pecuniary penalty under section 54(1)(d) from \$200,000 to \$2 million.

Dated this 14<sup>th</sup> day of August 2025

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line and a vertical stroke.

M Orange  
Rulings Panel Chair

## Appendix 1 - Summary of performance against performance objectives

### Pursuant to Regulation 113 of the Electricity Industry (Enforcement) Regulations 2010

No.	Objective	Performance Measure	Target	Progress
1	Independence and Impartiality	<ul style="list-style-type: none"> <li>The Rulings Panel is independent and without the potential for bias, perceived or actual.</li> <li>Hearings are conducted in public, and decisions are published unless there is a good reason not to.</li> </ul>	<ul style="list-style-type: none"> <li>All conflicts of interest are disclosed.</li> <li>Interests register is maintained by Rulings Panel members.</li> <li>Open access to hearings is provided.</li> <li>Decisions are published in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>Met. No conflicts declared.</li> <li>Met. Register up to date.</li> <li>No hearings held.</li> <li>Met. One decision made. Issued within 21 days of final submissions.</li> </ul>
2	Fair treatment	<ul style="list-style-type: none"> <li>Each party is given the opportunity to put their case and be heard.</li> <li>Matters are determined impartially and according to the law.</li> <li>Rules of evidence are observed as modified by regulation 39.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements of the Electricity Act 2010 and the Electricity Industry (Enforcement) Regulations 2010 are observed.</li> <li>Rulings Panel Procedures are published, observed and regularly reviewed.</li> <li>Conduct hearings in a manner that establishes and maintains the independence and authority of the Rulings Panel and enables proper participation by all involved.</li> </ul>	<ul style="list-style-type: none"> <li>Met.</li> <li>Procedures published. Review of the procedures is ongoing.</li> <li>Met – one decision made on the papers</li> </ul>

No.	Objective	Performance Measure	Target	Progress
			<ul style="list-style-type: none"> <li>• Ensure that hearings and decisions address all relevant issues.</li> <li>• Rules of natural justice observed.</li> </ul>	<ul style="list-style-type: none"> <li>• Met.</li> <li>• Met</li> </ul>
3	Accessibility	<ul style="list-style-type: none"> <li>• Information about the existence of the Rulings Panel, its jurisdiction and what is involved for users is readily accessible.</li> <li>• Access to the Rulings Panel is available without undue administrative burden.</li> <li>• Costs to the user do not impose an undue barrier to access.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain an independent website.</li> <li>• Publish procedures, decisions and related materials.</li> <li>• Promote an understanding of the Rulings Panel's jurisdiction and functions.</li> <li>• No costs are imposed on filing matters with the Rulings Panel.</li> <li>• Rulings Panel costs are imposed on an equitable basis and in accordance with regulation 90.</li> <li>• Innovative and cost-effective means to hear matters are developed and implemented.</li> <li>• Rulings Panel maintains a sector profile through attendance at industry events and undertaking speaking opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Met</li> <li>• No new activity to promote the Panel.</li> <li>• Met</li> <li>• Met</li> <li>• Met</li> <li>• Attendance at Downstream</li> </ul>
4	Integrity	<ul style="list-style-type: none"> <li>• Respect for the law.</li> <li>• Ethical conduct, consideration for others and personal responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Respects and complies with the law.</li> <li>• Members maintain the independence, authority and reputation of the Rulings Panel.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Met</li> </ul>



No.	Objective	Performance Measure	Target	Progress
			<ul style="list-style-type: none"> <li>Members maintain personal independence and integrity.</li> <li>Members promote the highest standards of behaviour and abide by its Code of Conduct.</li> <li>Rulings Panel maintains a Transparency Register</li> </ul>	<ul style="list-style-type: none"> <li>Met</li> <li>Met</li> <li>Met</li> </ul>
5	Professionalism and Knowledge	<ul style="list-style-type: none"> <li>Rulings Panel Members are competent in the performance of their functions.</li> <li>Decide cases fairly and free from influence.</li> </ul>	<ul style="list-style-type: none"> <li>Rulings Panel Members have the knowledge and technical skills together with the communication and decision-making skills to make robust decisions.</li> <li>Possess a sound and detailed knowledge of the electricity industry legal framework and the Panel's jurisdiction.</li> <li>Possess a detailed knowledge of the Rulings Panel's procedures and apply those procedures appropriately.</li> <li>Specialist Members possess an in-depth and up-to-date expert knowledge.</li> <li>Rulings Panel engages experts as and when required to assist the Panel in its deliberations and</li> </ul>	<ul style="list-style-type: none"> <li>Met</li> <li>Met</li> <li>Met</li> <li>Met</li> <li>Not applicable</li> </ul>

No.	Objective	Performance Measure	Target	Progress
			<p>maintains a register of appropriate persons.</p> <ul style="list-style-type: none"> <li>• Rulings Panel membership of the Coalition of Australasian Tribunals (COAT).</li> <li>• Members undertake training and maintain awareness of sector matters.</li> <li>• Members meet as required to review cases, decisions, procedures and changes to jurisdiction or the Code that impact the Panel.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Met – COAT conference attendances and Downstream attendance</li> <li>• Members met to consider and decide the one matter that was put before it.</li> </ul>
5	Decision Making	<ul style="list-style-type: none"> <li>• Rulings Panel is decisive, confident, independent and impartial in its decision making</li> </ul>	<ul style="list-style-type: none"> <li>• Rulings Panel identifies and assimilates relevant facts and expert evidence and exercises sound judgment.</li> <li>• Uses a structured decision-making process to produce well-structured, concise and clear decisions and reasons for decisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Met</li> </ul>
5	Accountability	<ul style="list-style-type: none"> <li>• Rulings Panel meets its statutory objectives: <ul style="list-style-type: none"> <li>○ reasonable endeavours are used to decide matters within</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Performance results are regularly published through regulation 114 Quarterly Reports and monthly financial updates.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> </ul>

No.	Objective	Performance Measure	Target	Progress
		40 days of a hearing or receiving final submissions; <ul style="list-style-type: none"> <li>○ decisions published within 10 working days; and</li> <li>○ reporting completed in accordance with regulations 113 to 114.</li> </ul>	<ul style="list-style-type: none"> <li>• Improvement action is taken when objectives are not met.</li> <li>• Quarterly and annual reporting completed in a timely manner.</li> <li>• Annual meetings with the Electricity Authority Chair and Board.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Met</li> <li>• Met</li> </ul>
6	Efficiency	<ul style="list-style-type: none"> <li>• Active management of cases to promote the efficient determination of matters.</li> <li>• Decisions are made in a timely manner.</li> <li>• Ruling Panel costs proportionate to the matter being considered are incurred.</li> <li>• Innovative and flexible approaches are adopted.</li> </ul>	<ul style="list-style-type: none"> <li>• 90% of cases are decided within 40 days of a hearing or receiving final submissions.</li> <li>• Use of draft decisions, where appropriate.</li> <li>• Rulings Panel engages experts as and when required to assist the Panel in its deliberations and maintains a register of appropriate persons.</li> <li>• Use of external administrative bureau services if required.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> <li>• Not applicable</li> <li>• Not applicable</li> <li>• Not applicable</li> </ul>
7	Information Disclosure	<ul style="list-style-type: none"> <li>• Confidentiality of complaints under consideration is maintained.</li> <li>• Suppression orders are issued as appropriate for matters under consideration.</li> </ul>	<ul style="list-style-type: none"> <li>• Requirements of regulations 116 and 117 of the Electricity Industry (Enforcement) Regulations 2010 are observed.</li> </ul>	<ul style="list-style-type: none"> <li>• Met</li> </ul>

## Appendix 2 - Performance objectives for 2024 to 2025 financial year

### Pursuant to Regulation 113 of the Electricity Industry (Enforcement) Regulations 2010

No.	Objective	Performance Measure	Target
1	Independence and Impartiality	<ul style="list-style-type: none"> <li>The Rulings Panel is independent and without the potential for bias, perceived or actual.</li> <li>Hearings are conducted in public, and decisions are published unless there is a good reason not to.</li> </ul>	<ul style="list-style-type: none"> <li>All conflicts of interest are disclosed.</li> <li>Interests register is maintained by Rulings Panel members.</li> <li>Open access to hearings is provided.</li> <li>Decisions are published in a timely manner.</li> </ul>
2	Fair treatment	<ul style="list-style-type: none"> <li>Each party is given the opportunity to put their case and be heard.</li> <li>Matters are determined impartially and according to the law.</li> <li>Rules of evidence are observed as modified by regulation 39.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements of the Electricity Act 2010 and the Electricity Industry (Enforcement) Regulations 2010 are observed.</li> <li>Rulings Panel Procedures are published, observed and regularly reviewed.</li> <li>Conduct hearings in a manner that establishes and maintains the independence and authority of the Rulings Panel and enables proper participation by all involved.</li> <li>Ensure that hearings and decisions address all relevant issues.</li> <li>Rules of natural justice observed.</li> </ul>
3	Accessibility	<ul style="list-style-type: none"> <li>Information about the existence of the Rulings Panel, its jurisdiction and what is involved for users is readily accessible.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain an independent website.</li> <li>Publish procedures, decisions and related materials.</li> </ul>

No.	Objective	Performance Measure	Target
		<ul style="list-style-type: none"> <li>• Access to the Rulings Panel is available without undue administrative burden.</li> <li>• Costs to the user do not impose an undue barrier to access.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote an understanding of the Rulings Panel's jurisdiction and functions.</li> <li>• No costs are imposed on filing matters with the Rulings Panel.</li> <li>• Rulings Panel costs are imposed on an equitable basis and in accordance with regulation 90.</li> <li>• Innovative and cost-effective means to hear matters are developed and implemented.</li> <li>• Rulings Panel maintains a sector profile through attendance at industry events and undertaking speaking opportunities.</li> </ul>
4	Integrity	<ul style="list-style-type: none"> <li>• Respect for the law.</li> <li>• Ethical conduct, consideration for others and personal responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Respects and complies with the law.</li> <li>• Members maintain the independence, authority and reputation of the Rulings Panel.</li> <li>• Members maintain personal independence and integrity.</li> <li>• Members promote the highest standards of behaviour and abide by its Code of Conduct.</li> <li>• Rulings Panel maintains a Transparency Register</li> </ul>
5	Professionalism and Knowledge	<ul style="list-style-type: none"> <li>• Rulings Panel Members are competent in the performance of their functions.</li> <li>• Decide cases fairly and free from influence.</li> </ul>	<ul style="list-style-type: none"> <li>• Rulings Panel Members have the knowledge and technical skills together with the communication and decision-making skills to make robust decisions.</li> <li>• Possess a sound and detailed knowledge of the electricity industry legal framework and the Panel's jurisdiction.</li> </ul>

No.	Objective	Performance Measure	Target
			<ul style="list-style-type: none"> <li>• Possess a detailed knowledge of the Rulings Panel's procedures and apply those procedures appropriately.</li> <li>• Specialist Members possess an in-depth and up-to-date expert knowledge.</li> <li>• Rulings Panel engages experts as and when required to assist the Panel in its deliberations and maintains a register of appropriate persons.</li> <li>• Rulings Panel membership of the Coalition of Australasian Tribunals (COAT).</li> <li>• Members undertake training and maintain awareness of sector matters.</li> <li>• Members meet as required to review cases, decisions, procedures and changes to jurisdiction or the Code that impact the Panel.</li> </ul>
5	Decision Making	<ul style="list-style-type: none"> <li>• Rulings Panel is decisive, confident, independent and impartial in its decision making</li> </ul>	<ul style="list-style-type: none"> <li>• Rulings Panel identifies and assimilates relevant facts and expert evidence and exercises sound judgment.</li> <li>• Uses a structured decision-making process to produce well-structured, concise and clear decisions and reasons for decisions.</li> </ul>
5	Accountability	<ul style="list-style-type: none"> <li>• Rulings Panel meets its statutory objectives:               <ul style="list-style-type: none"> <li>○ reasonable endeavours are used to decide matters within 40 days of a hearing or receiving final submissions;</li> <li>○ decisions published within 10 working days; and</li> <li>○ reporting completed in accordance with regulations 113 to 114.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Performance results are regularly published through regulation 114 Quarterly Reports and monthly financial updates.</li> <li>• Improvement action is taken when objectives are not met.</li> <li>• Quarterly and annual reporting completed in a timely manner.</li> </ul>

No.	Objective	Performance Measure	Target
			<ul style="list-style-type: none"> <li>Annual meetings with the Electricity Authority Chair and Board.</li> </ul>
6	Efficiency	<ul style="list-style-type: none"> <li>Active management of cases to promote the efficient determination of matters.</li> <li>Decisions are made in a timely manner.</li> <li>Ruling Panel costs proportionate to the matter being considered are incurred.</li> <li>Innovative and flexible approaches are adopted.</li> </ul>	<ul style="list-style-type: none"> <li>90% of cases are decided within 40 days of a hearing or receiving final submissions.</li> <li>Use of draft decisions, where appropriate.</li> <li>Rulings Panel engages experts as and when required to assist the Panel in its deliberations and maintains a register of appropriate persons.</li> <li>Use of external administrative bureau services if required.</li> </ul>
7	Information Disclosure	<ul style="list-style-type: none"> <li>Confidentiality of complaints under consideration is maintained.</li> <li>Suppression orders are issued as appropriate for matters under consideration.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements of regulations 116 and 117 of the Electricity Industry (Enforcement) Regulations 2010 are observed.</li> </ul>