

The Treasury

Statutes Repeal Bill Consultation Submissions Information Release

Release Document

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[1] 9(2)(a) - to protect the privacy of natural persons, including deceased people

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In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

From: Joy Stevens (ETNZ) <joy@etnz.org.nz>
Sent: Tuesday, 24 November 2015 2:28 p.m.
To: Regulation [TSY]
Subject: Submission on Statutes Repeal Bill
Attachments: Submission on Statutes Repeal Bill.pdf

Categories:

Please see submission on above attached.
Joy

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24 November 2015

Regulatory Quality Team, The Treasury
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Via: regulation@treasury.govt.nz

Submission: Statutes Repeal Bill

Energy Trusts of NZ (ETNZ) represents the energy trust owners of electricity distribution businesses. We support the objectives of the Bill, and recommend the following addition:

The Electricity Amendment Act 2001 (the legislation that, amongst other things, established the Electricity Governance Board that initiated the Electricity Commission, since superseded by the Electricity Authority) is a particularly confusing anachronism as clauses that have since been transferred to the Electricity Act 2010 still also appear as un-repealed clauses in the 2001 Amendment Act: see www.legislation.govt.nz/act/public/2001/0040/latest/whole.html

For example - from the Amendment Act's Contents page:

- [172A Outline of subpart Regulations—Low fixed charge tariff option for domestic consumers](#)
- [172B Low fixed charge tariff option for domestic consumers Regulations—Code on access for beneficiaries of community and customer trusts](#)
- [172C Regulations for code on access for beneficiaries of customer and community trusts](#)

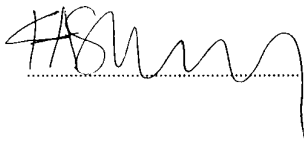
Details of the various redundant clauses in the Electricity Amendment Act 2001 are set out in the appendix to this submission.

While there are governance concerns involved, this is primarily an issue applying to operational activities. In particular, representations to financiers must necessarily provide clear information on the fundamental legislation applying to EDBs. Also, having identical clauses in two separate Acts raises the possibility of confusion if - for example - one piece of legislation is amended or repealed without this being mirrored in the other, while the retention of obsolete

clauses in legislation that is relevant to a broad range of interests, including electricity consumers, reduces transparency.

ETNZ is concerned that the existence of this duplicated legislation may lead interested parties to develop positions based on the wider context of the 2001 Amendment Act in particular, rather than in the context of the 2010 Act and the Electricity Governance Rules.

Accordingly, we recommend that the redundant clauses be formally repealed.

A handwritten signature in black ink, appearing to read 'K. Sherry', written over a horizontal dotted line.

Karen Sherry
Chair, ETNZ

Appendix

The Electricity Act 1992 (as currently amended - see <http://prd-lgnz-nlb.prd.pco.net.nz/act/public/1992/0122/latest/whole.html>) shows that clauses that look like those from the 2001 Amendment Act have been repealed - see below. But the 2001 Amendment Act remains current and does not indicate that these clauses have been repealed, contrast the clause on the Low Fixed Charge Tariff in the 2001 Act at <http://www.legislation.govt.nz/act/public/2001/0040/latest/whole.html#DLM97458> with the following from the Electricity Act 1992 as it appears in the statute books:

172A

Outline of subpart

[Repealed] Section 172A: repealed, on 1 November 2010, by [section 164\(5\)](#) of the Electricity Industry Act 2010 (2010 No 116).

Regulations—Low fixed charge tariff option for domestic consumers

[Repealed]

Heading: repealed, on 1 November 2010, by [section 164\(5\)](#) of the Electricity Industry Act 2010 (2010 No 116).

172B

Low fixed charge tariff option for domestic consumers

[Repealed] Section 172B: repealed, on 1 November 2010, by [section 164\(5\)](#) of the Electricity Industry Act 2010 (2010 No 116).

Regulations—Code on access for beneficiaries of community and customer trusts

[Repealed]

Heading: repealed, on 1 November 2010, by [section 164\(5\)](#) of the Electricity Industry Act 2010 (2010 No 116).

172C

Regulations for code on access for beneficiaries of customer and community trusts

[Repealed] Section 172C: repealed, on 1 November 2010, by [section 164\(5\)](#) of the Electricity Industry Act 2010 (2010 No 116).