

Appendix A: Format for Submissions

To assist the Gas Industry Co in the orderly and efficient consideration of stakeholders' responses, a suggested format for submissions has been prepared. This is drawn from the questions posed throughout the body of this consultation document.

Respondents are also free to include other material in their responses.

Recommended Format for Submissions

QUESTION	COMMENT
<i>Q 1: Do you agree that these are the likely needs of the gas industry for a compliance and enforcement regime for switching and registry?</i>	In general yes
<i>Q 2: Are there other needs for compliance and dispute resolution in the gas industry that would support a different outcome to the preferred model in any area, or support the other alternatives?</i>	<p>The GIC may from time to time be required to investigate matters raised by the Minister on behalf of customers. In fact the GIC has already consulted with the Industry on some consumer issues such as disconnection charges.</p> <p>Consumer issues are therefore likely to lead the GIC into contractual arrangements between in the main, Network and GMS operators on one side and Retailers on the other side.</p> <p>Wanganui Gas Ltd (WGL) appreciates that the GIC would prefer to stay out of contractual matters but we cannot see how this is possible with regards to certain Consumer issues and we do not see where the current proposals intend to deal with these types of issues.</p>
<i>Q 3: Do you think it is important to have a compliance regime which is scalable?</i>	Yes

QUESTION	COMMENT
Q 4: <i>Is this an appropriate objective for the proposed compliance regulations?</i>	In general yes
Q 5: <i>Are these assessment criteria appropriate for evaluating a suitable compliance and enforcement regime for the gas industry?</i>	In general yes
Q 6: <i>Do you agree with our assessment of the options for decision maker?</i>	In general yes
Q 7: <i>Do you agree with our assessment of the options for monitoring and reporting of breaches</i>	In general yes
Q 8: <i>Do you agree with our assessment of the options for administration and receipt of breach notices?</i>	In general yes

QUESTION	COMMENT
<p>Q 9: <i>Do you agree with our assessment of the options for investigation of breaches, if so do you consider that the Gas Industry Co should have the option to have the investigative function in house rather than contracted out?</i></p>	<p>Yes</p>
<p>Q 10: <i>Do you agree with our assessment of the options for early resolution and/or settlement</i></p>	<p>Yes and No. WGL believes that the economic efficiency may be enhanced with a two stage early resolution and settlement process whereby the parties involved should they agree be given the first opportunity to resolve any breaches them selves. The matter could then be submitted to the independent investigator if the parties cannot agree on an outcome.</p>
<p>Q 11: <i>Do you agree with our assessment of the options for enforcement?</i></p>	<p>Yes, an independent third party should be the prosecutor rather than an effected party.</p>
<p>Q 12: <i>Do you consider that these are appropriate functions for a Rulings Panel?</i></p>	<p>In general yes</p>
<p>Q 13: <i>Do you consider that the Rulings Panel should have only a single member? If not, how many members should there be, and how should a quorum be defined?</i></p>	<p>Given the lack of information about possible disputes and/or breaches it is very difficult to comment on this issue.</p>

QUESTION	COMMENT
<p><i>Q 14: Do you agree that the Gas Industry Co should appoint the member of the Rulings Panel and be able to remove them on the listed grounds?</i></p>	<p>For appointments only so long as the GIC consults with the Gas Industry to ensure that there are no potential conflicts of interest.</p> <p>Yes with regards to remove under specified grounds.</p>
<p><i>Q 15: Do you agree with a term of appointment of three to five years with a right of renewal?</i></p>	<p>Like question 13 given the lack of information on potential cases it is difficult to comment on this issue, however WGL believe that an initial three year term makes sense and this can be reviewed over the initial 3 year period.</p>
<p><i>Q 16: Do you concur with this limit on the liability of the Rulings Panel member and insurance arrangements?</i></p>	<p>As a general rule, yes</p>
<p><i>Q 17: Should the Rulings Panel have discretionary power to require a participant who has breached a rule, or unsuccessfully brought an action, to pay the Rulings Panel's costs in some circumstances?</i></p>	<p>As a general rule, yes</p>
<p><i>Q 18: Do you agree with the mandatory payment of Rulings Panels in contractual dispute resolution, are there other cases where this should be the case?</i></p>	<p>Yes</p>

QUESTION	COMMENT
Q 19: <i>Do you agree with this reporting requirement?</i>	As a general rule, yes
Q 20: <i>Do you agree the procedures of the Rulings Panel being contained in rules or that the Rulings Panel should be able to regulate its own procedures?</i>	As a general rule, yes there has to be some controls on these
Q 21: <i>Do you agree with these procedural requirements?</i>	As a general rule, yes
Q 22: <i>Do you agree with the concept that the Rulings Panel can call on up to two suitably qualified industry experts to assist in hearing complex disputes?</i>	Yes however the Gas Industry is relatively small and it is possible that a pool of “Industry Experts” with no conflict of interest may be very small.
Q 23: <i>Do you agree with the list of factors for determining penalties in para 11.32, or are there others which should be included?</i>	Yes
Q 24: <i>Do you agree with the proposal to enable the appointment of an investigator with the powers outlined in the Act?</i>	In general yes

QUESTION	COMMENT
<p><i>Q 25: Do you agree with the proposal to enable the appointment of an investigator with the functions outlined above?</i></p>	<p>In general yes</p>
<p><i>Q 26: Are the proposed procedures for the investigator appropriate?</i></p>	<p>In general yes, however again the industry is relatively small and the GIC must ensure that investigators have no conflicts of interest.</p>
<p><i>Q 27: Do you agree with the proposed appointment process?</i></p>	<p>In general yes</p>
<p><i>Q 28: Do you agree that the rulings Panel should have the discretion to award the cost of the investigative process on the grounds specified, or any other grounds?</i></p>	<p>In general yes however it is difficult to comment without any experience on where and on what type of issues this discretionary power would be applied.</p>
<p><i>Q 29: Do you agree with the reporting requirements?</i></p>	<p>Yes</p>
<p><i>Q 30: Do you agree that this proposal provides for an appropriate level of involvement for the Gas Industry Co?</i></p>	<p>Yes, however in addition to the responsibility for setting the performance measures the GIC should also be responsible for managing any non compliance with the performance measures that the GIC sets.</p>

QUESTION	COMMENT
<i>Q 31: Do you agree with the proposed administrative processes, or are there others which should be included?</i>	In general yes however it is difficult to identify other processes at this time.
<i>Q 32: Do you consider that the Gas Industry Co should have the reporting requirements outlined in this section, or any others?</i>	Yes