

## 2014 EGCC consultation – preferred form for submissions

Your name/company name: James Kilty, Contact Energy

Questions for submitters	Yes/No	Comment
1. Do you agree that the EGCC indemnity dispute process should be mandatory for both parties if one party refers the indemnity dispute to the EGCC and it meets the criteria for the Commissioner to consider it?	NO	Ideally, we envisage that both parties would need to agree to refer the matter to EGCC for dispute resolution. As the EGCC would be able to make a binding settlement, both parties should be willing to resolve disputes through this channel. In the event that both parties do not agree to EGCC referral, this would leave the aggrieved party to consider the current alternative avenues available (e.g. Disputes Tribunal)
2. Do you agree that the existing financial limits for complaints should apply to Indemnity Disputes?	YES	We agree that consistency with the existing financial limits is a practical approach.
3. Do you agree with the Board's proposed levy system for indemnity disputes?	YES (subject to clarification)	The current proposed change document as drafted appears to state that each party to the dispute will be charged a levy consistent with the current Scheme. However, the consultation document also refers to costs and expenses being invoiced. Clarification in terms of which party pays, and the amount they pay would be of assistance
4. Do you agree that reporting of Indemnity Disputes to the responsible Minister should be limited to the number of cases considered?	YES	The maintenance of confidentiality in this respect is a prudent approach, which Contact supports.
5. Do you have any other comments or concerns about the proposed changes you would like the Board to consider?	YES	We note that the new legislation states that EGCC 'may' hear disputes; although it does not appear that it is obligated to do so. Contact's view is that it should only be used if both parties agree. In addition to the comments made with respect to Question 1, Contact is of the view that there is no consumer element that would favour the EGCC scheme being used as a mandatory resolution forum.