

Terms of reference – Switch and Data Formats Group

1. Introduction

- 1.1. This document specifies the operational and governance matters for the Switch and Data Formats Group (SDFG).
- 1.2. The Electricity Industry Participation Code 2010 (Code) sets out the process where an installation control point (ICP) identifier is transferred from one trader to another trader. This process largely became effective in October 2002 and has had various modifications since that time.
- 1.3. The Electricity Authority Te Mana Hiko (the Authority) provides standardised information exchange formats to enable information to be exchanged reliably and at a low cost between:
 - (a) participants
 - (b) participants and consumers or third-party providers.
- 1.4. In some cases, the use of those formats is mandatory, eg, where there are interfaces with the registry and reconciliation manage. In others cases, the use of those formats is voluntary, eg, interfaces between participants.
- 1.5. Mandatory interfaces are specified under the Code. The details for mandatory interfaces are specified within market operation service provider functional specifications and specific Electricity Information Exchange Protocols (EIEPs).
- 1.6. Voluntary interfaces are contained in specific EIEPs. The use of some voluntary interfaces is enforced through contracts between retailers and distributors.

2. Purpose and scope of the SDFG

- 2.1. The purpose of the SDFG is to provide advice to the Authority on:
 - (a) new file formats, and changes to file formats, required for the exchange of information between:
 - (b) participants
 - (c) participants and market operation service providers
 - (d) participants and consumers
 - (e) participants and third-party providers
 - (f) types of new information items that could be included in file formats
 - (g) amendments that should be made to the switching process to ensure that it remains fit for purpose
 - (h) peripheral details that support participants exchanging information, or that support switching.
- 2.2. The SDFG should also promote awareness and use of the:
 - (a) file format change review protocols in the industry
 - (b) current switching protocols, and proposed amendments, within the industry.

- 2.3. The SDFG's objective is to review, develop and maintain:
- (a) the current switching processes and recommend a range of changes that could be made to improve the efficiency of the switching processes as the industry evolves
 - (b) the file exchange formats to improve the efficiency of information exchanges as the industry evolves
 - (c) the types of information that could be exchanged between participants to promote the efficiency of industry
 - (d) other industry operational processes, if requested by the Authority
 - (e) other peripheral matters that directly support switching processes or information exchanges between participants
- 2.4. If the SDFG identifies issues outside of its scope, it should refer these back to the Authority with a recommendation on further work required.
- 2.5. In performing its role, the SDFG should ensure its advice is consistent with the Authority's statutory objectives as set out in section 15 of the Electricity Industry Act 2010.

3. Appointment of members

- 3.1. The Authority will appoint members after calling for nominations and considering nominees against the relevant criteria.
- 3.2. The Authority will appoint ordinary members by written notice. The notice will state the date the appointment takes effect and state the term of the appointment.
- 3.3. The Authority will normally appoint between 9 and 13 members to the SDFG. The Authority will aim to appoint an equal number of industry representatives from retailers, distributors, MEPs, and any other industry group as the industry evolves or the processes being reviewed require as members, but may appoint more or less members from each participant type.

4. Membership criteria

- 4.1. The Authority will appoint members to the SDFG after considering nominees against an ability to contribute to a balance of knowledge and experience relevant to:
- (a) the switching process
 - (b) the reconciliation process
 - (c) the EIEIPs as they currently stand
 - (d) methods of communication between participants
 - (e) methods of communication between participants and service providers
 - (f) methods of communication between participants and consumers or third-party providers.

- 4.2. The Authority will also consider a nominee's ability to consider the long-term interests of consumers, provide impartial advice, and contribute effectively to the SDFG's tasks.

5. Term of appointment

- 5.1. The Authority will ordinarily appoint members of the SDFG for a period of two years.
- 5.2. Despite clause 5.1, the Authority may, at its discretion:
- (a) extend a member's term (with the member's agreement)
 - (b) appoint a member for a term of less than two years
- 5.3. Members may resign by written notice to the Authority, stating the date on which the resignation takes effect.
- 5.4. The Authority may, after consultation with the person concerned, end a person's membership of the SDFG by written notice to the person (with a copy to the SDFG), stating the date on which the membership ends.

6. Functions of the chair

- 6.1. The Authority will appoint a member of staff to be the chairperson of the SDFG.
- 6.2. The key functions of the SDFG chairperson include:
- (a) facilitating discussions between group members in a manner that will stimulate robust debate on issues and encourage effective contribution from members
 - (b) guiding relevant and effective discussions while also ensuring genuine disagreements and conflicts are aired and, if possible, resolved
 - (c) ensuring proper and correct minutes are kept of all proceedings at meetings of the SDFG
 - (d) ensuring the views of the SDFG are accurately represented in any papers or correspondence to the Authority, and approving and signing on behalf of the group any such communications.
- 6.3. When making representations to the Authority on any aspect of the SDFG's work and advice, the chair must take care to provide a balanced representation of the views held by the members of the group.
- 6.4. The Authority may appoint a member of the Authority's staff or a member of the SDFG to be a temporary deputy chair, who may exercise all the functions and powers of the chair in relation to a matter if the chair is unavailable.

7. Responsibilities of members

- 7.1. A key role of the SDFG members is to use their collective knowledge and experience when considering the matters before them. The SDFG's advice to the Authority must be independent, considered and supported by robust analysis. The advice must be of a high quality to enable the Authority to make well-informed decisions.

- 7.2. Accordingly, members must:
- (a) comply with the requirements set out in these terms of reference
 - (b) act in the interests of all stakeholders
 - (c) read all papers circulated to the SDFG, and actively contribute to the group's discussion
 - (d) inform the chairperson of any actual or potential conflicts of interest that may affect their ability to perform their functions as a member of the group
 - (e) carry out the tasks that are assigned to the group arising from the agenda for each meeting.
- 7.3. Members must remain mindful that:
- (a) they have been appointed for their knowledge and experience as well as their ability to participate constructively in meetings of the SDFG
 - (b) they have been appointed to act in their personal capacity and not as representatives of their organisations, and they are to provide independent advice as a group, even though they may not be independent persons
 - (c) an expected contribution of the SDFG is to reconcile divergent views and interests in the group, and among wider stakeholders, in ways that promote the Authority's statutory objectives, and in a manner that achieves wider stakeholder "buy-in". This requires serious intent by all members to understand alternative views and find workable solutions.
- 7.4. If a member has any significant concerns, including (for example) in relation to the operation of the SDFG, these are to be raised with the chairperson in the first instance.

8. The SDFG's authority

- 8.1. The Authority is responsible for ensuring the SDFG is resourced appropriately to perform its purpose as described in clause 2.6.
- 8.2. The SDFG does not have authority to commission analysis or to commit resources and expenditure. However, the SDFG may recommend to the Authority resources, external to the Authority, which the SDFG considers to be necessary to perform its function.
- 8.3. Ordinary members of the SDFG have no media relations role and may not speak on behalf of the Authority or the group in regard to matters on which the group has advised, or is advising, the Authority. The Authority is solely responsible for all media relations.

9. Interaction with the Authority

- 9.1. The chair is the Authority's representative to the SDFG.
- 9.2. The chair is accountable to the Authority for the successful and effective functioning of the SDFG.
- 9.3. Standard day-to-day interaction between the SDFG and the Authority will be via the chair unless the chair agrees otherwise.

- 9.4. If a member of the SDFG has any significant concerns, including (for example) in relation to the operation of the SDFG, these are to be raised with the chair in the first instance.

10. Procedure and administration

- 10.1. The SDFG may determine its own procedures, except as provided for in these terms of reference.
- 10.2. The business and activities of the SDFG must be as transparent as practicable.
- 10.3. The Authority will provide administrative and secretariat support to the SDFG.
- 10.4. The Authority, in its capacity as the secretariat, will:
- (a) schedule meetings of the SDFG
 - (b) set the agenda for each meeting
 - (c) give reasonable notice of meetings to each member, including details as to the time and venue of meetings
 - (d) distribute all meeting papers to members in advance of meetings, using reasonable endeavours to circulate papers at least 5 business days prior to meetings to enable members to properly consider the content of the papers
 - (e) publish non-confidential meeting papers on the Authority's website as soon as practicable after the papers have been distributed to members
 - (f) publish minutes of all meetings on the Authority's website as soon as practicable after their confirmation.
- 10.5. Consensus among SDFG members is the optimum result although the Authority recognises this may not always be possible. In such circumstances, the SDFG's advice must reflect the views raised by all members, and as such views must be reflected in the minutes of that particular SDFG meeting.
- 10.6. Any emails sent by a member of the SDFG about any substantive aspects of the group's business should be copied to:
- (a) all members of the SDFG and
 - (b) the Authority secretariat.

11. Provision of advice to the Authority

- 11.1. In formulating advice to the Authority, the SDFG must explain how any recommendations promote the Authority's statutory objectives.

12. Confidentiality

- 12.1. Unless there is a specific reason to the contrary, information (eg, reports) going to, or produced by, the SDFG or its members will be treated as non-confidential. This information is subject to the Official Information Act 1982. The Authority will only withhold information if it considers there are grounds for doing so under the Official Information Act.

- 12.2. If information shared at meetings is specifically identified as confidential, the published minutes will record that information as an oblique reference.
- 12.3. Non-confidential information (eg, reports) may be published on the Authority's website.

13. Methods of holding meetings

- 13.1. The SDFG will meet on an as-required basis and by any means that enables effective investigation of the matters included in the scope of the group. A significant amount of SDFG business is conducted via electronic means.
- 13.2. The chairperson may invite non-members to attend an SDFG meeting. In those circumstances, the invited party may participate in discussions at the discretion of the chairperson, but is not a member of the SDFG and does not form part of the quorum.

14. Quorum

- 14.1. A quorum for a meeting of the SDFG is a majority of its members, including the chair.
- 14.2. No business may be transacted at a meeting of the SDFG if a quorum is not present.

15. Attendance

- 15.1. Members are not entitled to send an alternate in their place if they cannot attend a meeting of the SDFG.
- 15.2. Any ordinary member of the SDFG who, without leave from the chair, misses two consecutive meetings of the SDFG is deemed to have resigned from the SDFG except where there are identified extenuating circumstances such as illness.
- 15.3. If the chair considers that a member's absence from two consecutive meetings is likely to disadvantage the SDFG, the Authority may appoint a new member to replace the absent member as though the absent member had resigned. Any such appointment must be carried out in accordance with clauses 3.1 and 3.2.
- 15.4. The chair may invite non-members (in addition to Authority representatives) to attend a meeting of the SDFG. The invited party may participate in discussions but is not a member of the SDFG, or part of the quorum.

16. Conflicts of interest

- 16.1. The Authority will require each member of the SDFG to comply with the conflict-of-interest disclosure rules in sections 62 to 72 of the Crown Entities Act 2004 as if the group were a statutory entity.
- 16.2. If a member of the SDFG is required to make a disclosure under these rules, the member must make the disclosure to the Authority as well as to the group.

17. Process for handling concerns about performance

- 17.1. Any person concerned about the performance of a member of the SDFG should discuss those concerns with the chair.
- 17.2. If the chair considers action is warranted, the chair must:
- (a) discuss the matter with the members concerned and give the member an opportunity to state their view
 - (b) if the discussion does not resolve the matter to the chair's satisfaction, provide written notice to the member state the concerns and the desired corrective action
 - (c) if the member is affiliated with an organisation, inform relevant people at the member's affiliated organisation of the matter, if appropriate, prior to sending the written notice
 - (d) if the member fails to address the concerns specified in the written notice, provide the member with an opportunity to discuss the matter further and, if appropriate, discuss the matter with the affiliated organisation
 - (e) if not satisfied after due consideration of the member's explanation, inform the member and the affiliated organisation, if appropriate, that the chair will recommend to the Authority's Chief Executive that the member's appointment be terminated.
- 17.3. Any discussions with a member's affiliated organisation under clause 17.2 must not compromise the ability of the member to act in their personal capacity in relation to the advice the member contributes to the SDFG. The sole purpose of these discussions is to inform the affiliated organisation of the situation and to gather information about extenuating circumstances the chair may need to take into account in their handling of the situation.
- 17.4. The Authority's Chief Executive, on receiving a recommendation under clause 17.2(e), must be confident the processes in clause 17.2 have been satisfactorily complied with. If appropriate, the Authority's Chief Executive may also discuss the matter with the Chief Executive of the member's affiliated organisation.
- 17.5. If the Authority's Chief Executive agrees with a recommendation made under clause 17.2(e), the Chief Executive may terminate the member's appointment to the SDFG.

Concerns about the performance of the chair or other Authority staff

- 17.6. Any person involved with the SDFG who is concerned about the performance of the chair or other Authority staff should discuss those concerns with the Authority's Chief Executive.
- 17.7. The Chief Executive will determine the appropriate actions to be taken in response to such concerns.

Concerns about the performance of other personnel

- 17.8. Any person involved in the SDFG who is concerned about the performance of a contractor or external consultant associated with the SDFG should discuss those concerns with the chair.
- 17.9. The chair, in consultation with the Authority's Chief Executive, will determine the appropriate actions to be taken in response to such concerns.