

Rulebook Drafting Manual

Document information

Version control panel

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Glossary of abbreviations and terms

Act	Electricity Act 1992
Commission	Electricity Commission
manual	this Rulebook Drafting Manual
Minister	Minister of Energy and Resources
new rules	rules drafted under this manual and includes any proposed amendment to the Rules
Rules	Electricity Governance Rules 2003

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Introduction

Purpose

- 1 This manual is written for drafters adding new rules to the Rules and amending existing rules. It will also assist others involved in the drafting process.
- 2 The purpose of this manual is to ensure that all new rules added to the Rules—
 - 2.1 give effect to the policy;
 - 2.2 are based on sound legal principles;
 - 2.3 are consistent with the existing law (not just existing rules);
 - 2.4 are concise, clear and unambiguously drafted;
 - 2.5 have an intelligible structure;
 - 2.6 avoid unnecessary compliance costs;
 - 2.7 limit the scope for avoidance;
 - 2.8 are timely; and
 - 2.9 stand the test of time, without the need for frequent amendment.
- 3 From the other side of the coin, the Rules should not—
 - 3.1 frustrate users with technicalities;
 - 3.2 have unintended consequences;
 - 3.3 be easily circumvented;
 - 3.4 be open to misuse;
 - 3.5 be unnecessary; or
 - 3.6 conflict with, or cast doubt on, existing law.
- 4 The Rules are delegated legislation under the Act with the force of law. Accordingly, stringent standards must be met before new rules can be recommended to the Minister for approval. By following this manual, drafters will ensure that their new rules meet these standards.

Overview

- 5 Part A (Planning) is divided into three sections. The first is a list of questions to make sure that you understand the objective of the new rule. The second is a list of questions to discuss with Legal. The third helps you set up a logical structure for your new rule.
- 6 Part B (Drafting Style) is designed to assist drafters to produce unambiguous and precise rules. It is divided into techniques for drafting headings, sentences, words, definitions, punctuation, tables and formulas.
- 7 Part C (Formatting) sets out the formatting style, developed by the Commission for drafting the Rules, to apply to new rules.
- 8 Part D (Checking) contains a list of questions to ask when you, and your peer reviewer, are checking your new rule.

Part A Planning

Objective of the new rule

- 1 There is no chance of producing a new rule that is readily understandable by a reader, unless you fully understand the objective of the new rule. Thorough planning and organisation of material, before starting to draft new rules, is critical to well-structured rules.
- 2 If you do not get the objective and other key issues right at first, and have to change any of these matters during rule drafting, you may have to choose between starting again (and losing time) or ending up with a poorly drafted rule.
- 3 Answer the following questions to ensure that you fully understand the objective of the new rule and other key matters:
 - 3.1 What is the objective of the new rule?
 - 3.2 Are the important policy issues agreed?
 - 3.3 To whom must it apply?
 - 3.4 How will it be administered and enforced?
 - 3.5 Are any exceptions or qualifications required?
 - 3.6 Any transitional requirements?
- 4 The answers to these questions can be used for your discussion with Legal, and can later be used as a benchmark when checking the more detailed parts of the new rule.

Consult with Legal

- 5 The Commission's Legal team is the custodian of the Rules so you must consult with Legal before drafting any new rules. Consult with Legal to determine the following matters:
 - 5.1 whether existing rules should be amended or what needs to change; and
 - 5.2 what will not be included in the new rule (minor matters may not need to be included in the new rule because they can be dealt with administratively or in guidelines); and
 - 5.3 whether there are any unnecessary compliance costs; and
 - 5.4 whether there are any transitional arrangements required; and

- 5.5 whether the new rule is on a topic authorised under the Act (refer to section 172D of the Act for a list of topics upon which rules are permitted); and
- 5.6 whether the proposal is based on sound legal principles and is consistent with the existing law (not just existing rules); and
- 5.7 whether there are any other relevant legal issues (which may include the matters in the matters in paragraph 3 above).

Structure

- 6 By setting up a structure that the reader can easily follow, both across the Rules and within a part or section, your new rule is easier to understand.

7 Framework

- 7.1 It is important to decide the overall framework of the new rule and the order of its contents, before getting into detail. Decide—
 - 7.1.1 what needs to be included in the main body of the Rules, and what could be included in a schedule (procedural or administrative provisions should be removed to a schedule if possible, to give prominence to the general themes); and
 - 7.1.2 whether the new rule could be added to an existing part or section of the Rules, or whether a new part or a new section should be added; and
 - 7.1.3 whether it would be useful to use a table, flow diagram, formula or example to help the reader understand the new rule.

8 Order

- 8.1 List the material, including any headings and proposed contents of the main components, in the order most likely to make sense to the reader. Put the key point in the rule first, then less important points, then exceptions.
- 8.2 There should be only 1 coherent idea per rule. Each part of the rule should relate to the main idea.
- 8.3 Do not split the rule into more than 4 levels (the 'rule of 4'). This means that you may draft to the rule, subclause, paragraph and subparagraph level, but if you have got to the subsubparagraph level, try re-structuring the rule.
- 8.4 Keep to the main themes or ideas of each component. If you begin drafting before structuring the new rule, you risk getting unduly distracted by thinking about drafting points instead of concentrating on what the new rule is meant to do.

- 8.5 It may be useful to order the new rule by preparing an outline, as shown in the example below. This format is a suggestion only. You may not need to use all 4 levels or you might want to try different ways of recording the new rule (eg tables and diagrams) to achieve the best structure.

Example

- | | | | |
|-------------------------------------|----------|---|--|
| <input checked="" type="checkbox"/> | 1 | Main topic | |
| | 1.1 | Statement of, or first idea about, the topic. | |
| | 1.2 | Second idea about the topic— | |
| | 1.2.1 | first element within the second idea: | |
| | 1.2.2 | second element within the second idea— | |
| | 1.2.2.1 | first element within second element of second idea. | |

- 8.6 Check that you have arranged the rule in a logical order, eg, you have—
- 8.6.1 put substantive matters before administrative and procedural matters:
 - 8.6.2 arranged material chronologically or by reference to probability, ie, most likely to least likely:
 - 8.6.3 ensured the order is consistent with other similar rules:
 - 8.6.4 grouped rules together if they have common subject matter.

Part B Drafting Style

Precision and simplicity

- 1 As delegated legislation, the Rules include more detail and technical matters than primary legislation.¹ The majority of people reading the Rules are industry participants who look to the Rules to define their legal obligations when running their business. The Rules must be drafted very precisely to have the right effect.
- 2 On the other hand, the Rules should not be unnecessarily complex. If new rules are drafted clearly, they are easy to understand. You avoid later disagreements as to their meaning (and the attendant delays and costs) and limit the scope for avoidance.
- 3 You have to strike a balance between precision and simplicity. If you use the various techniques of simple drafting set out in this part, you can reduce complexity to the minimum that is forced on you by the subject-matter.

Headings

4 Rule headings

- 4.1 Rule headings must—
 - 4.1.1 indicate the theme or subject matter of the following rule; and
 - 4.1.2 be designed with a view to their inclusion in the table of contents (the table of contents lists all rule headings, and acts like a summary or map of the Rules); and
 - 4.1.3 be brief: they should not just replicate the entire contents of the rule, and should not take more than one line of text; and
 - 4.1.4 omit all definite and indefinite articles (eg, “the” and “a”); and
 - 4.1.5 not have initial capitals, except for—
 - 4.1.5.1 the first word in the heading; and
 - 4.1.5.2 proper nouns; and

¹ This is because the politicised Parliamentary process surrounding the passage of primary legislation is the appropriate forum for the principle and policy of a legislative scheme to be debated and resolved, leaving the ‘detail’ for delegated legislation such as the Rules.

- 4.1.5.3 words that are defined in Part A of the Rules with initial capitals.
- 4.2 See part C, Formatting, for how headings and cross-headings are formatted.
- 4.3 Normally, only the first level of rules have headings.

Example	
<input checked="" type="checkbox"/>	<p>5.6.7 Transpower to manage grid</p> <p>5.6.7.1 Transpower will manage the grid by...</p>
<input checked="" type="checkbox"/>	<p>5 Definition of outage</p> <p>5.1 An outage exists whenever...</p>

- 4.4 However, if a rule is broken into many subclauses, and each subclause is substantial, the subclause could have headings too. This should be rare. Consider whether the rule could be split into several separate rules, rather than using many subclauses and paragraphs.

5 Cross-headings

- 5.1 Cross-headings can be used to separate different rules into distinct groups. They are intended to make it easier for the reader to navigate through the Rules. A cross-heading—
- 5.1.1 is not numbered; and
- 5.1.2 has initial capitals (except for ‘small’ words, eg, “for”, “of”, “in”, “the”); and
- 5.1.3 includes definite and indefinite articles, ie, “the” and “a”.
- 5.2 See part C, Formatting, for how headings and cross-headings are formatted.

Sentences

6 Well constructed sentences

- 6.1 Construct your sentences simply and logically. Some ways of doing this are—
- 6.1.1 Get to the main point (from the reader’s point of view) early.

- 6.1.2 Put the main clause before conditional clauses where the main clause is simple and the conditional clauses are long or numerous. This way, the reader knows the main point before ploughing through a list of conditions in a 'sandwich' construction, where the topic is found in the middle or end of the rule.

Example

- 4 If a **participant** has—
- 4.1 **published a notice**; and
 - 4.2 danced a jig; and
 - 4.3 completed its Christmas shopping,
- it may close down business for three weeks.
- 4 A **participant** may close down business for three weeks if it has—
- 4.1 **published a notice**; and
 - 4.2 danced a jig; and
 - 4.3 completed its Christmas shopping.

- 6.1.3 Two separate lists within a single rule or 'club sandwiches' must definitely be avoided.

Example

- 4 If a **participant** has—
- 4.1 published a **notice**; and
 - 4.2 danced a jig; and
 - 4.3 completed its Christmas shopping,
- it may close down business for three weeks from:
- 4.4 the first day of the month; or
 - 4.5 the end of the following week if authorised by the **Board**,
- during which time all the **participant's** employees will be paid double salary.

6.1.4 Make sure the verbs of most sentences—

6.1.4.1 prohibit something (must not/may not); or

6.1.4.2 require something (must do); or

6.1.4.3 enable something (may do); or

6.1.4.4 declare something (this is).

6.1.5 Write verbs in the present tense where possible.

Example

- A **participant** who was authorised to read **meters** when this rule came into force will be deemed from 1 July 2009 to be authorised to read **half-hour meters**.
- A **participant** who is authorised to read **meters** when this rule comes into force is authorised from 1 July 2009 to read **half-hour meters**.

6.1.6 Put adverbial phrases (phrases which describe or modify a verb) after verbs when there is no ambiguity.

Example

- The **system operator** may, within 30 days after receiving the application, grant the **dispensation**.
- The **system operator** may grant the **dispensation** within 30 days after receiving the application.

6.1.7 Keep the subject close to the verb and keep modifiers close to the verbs they modify.

6.1.8 Use positive statements, unless a negative statement is the only way of expressing the concept.

Example

- The **market administrator** must not give its approval if a **participant** has not applied using form A6.
- The **market administrator** must only give its approval if a **participant** has applied using form A6.

6.1.9 Avoid double and triple negatives.

6.1.10 Use the active voice rather than the passive voice unless necessary to convey meaning. The active voice identifies, in a direct way, who is doing what.

Example

- Up to 9 **participants** may be approved by the **market administrator** to be members of the advisory committee.
- The **market administrator** may approve up to 9 **participants** to be members of the advisory committee.

6.1.11 Avoid excessive cross-references. Cross-references should be used only to avoid ambiguity. Assume that the 'narrative style' applies, ie, if a person or thing is mentioned in a rule, readers will assume that a later reference to the same thing is a reference to the one mentioned before.

Example

- 4.1 A **designated transmission customer** may apply to the **Board** for approval to hold a public conference to discuss the **grid**.
- 4.2 An application made under subclause 4.1 must be in writing.
- 4.3 The **Board** will only grant approval under subclause 4.1 if no other public conferences have been held in the month in which the application made under subclause 4.1 was made.
- 4.1 A **designated transmission customer** may apply to the **Board** for approval to hold a public conference to discuss the **grid**.
- 4.2 An application must be in writing.
- 4.3 The **Board** will only grant approval if no other public conferences have been held in the month in which the application is made.

6.1.12 Do not mix conditions and exceptions, or “if” and “unless”, in the same sentence.

6.1.13 When using “except” and “unless”, make sure that the rules provide for the consequences whether or not the event occurs.

Example

- 4.1 A **grid owner** must not deliver **metering information** to the **clearing manager** unless the **market administrator** has authorised the **grid owner** to do so.
- 4.1 A **grid owner** must not deliver **metering information** to the **clearing manager** unless the **market administrator** has authorised the **grid owner** to do so.
- 4.2 If the **market administrator** has not authorised delivery of the **metering information**, the **grid owner** must deliver the **metering information** to the nearest supermarket.

- 6.1.14 Do not use provisos (statements beginning with “provided that”). Put the content of the proviso into a separate subclause, or at the end of the rule, separated by words such as “but not if” or “unless”.

Example

- 4.1 A **meter owner** must not read **meters**, provided that this subclause does not apply to any **meter owner** who also owns rubber soled shoes.
- 4.1 A **meter owner** must not read **meters** unless the **meter owner** also owns rubber soled shoes.
- 4.1 A **meter owner** must not read **meters**.
- 4.2 Subclause 4.1 does not apply to a **meter owner** who owns rubber soled shoes.

- 6.1.15 Avoid slabs of unbroken text. The ‘rule of 4’ also means that the text at each level (ie, each rule, subclause, paragraph and subparagraph) should be no more than 4 lines long. If the text is longer than that, try to split it up.

- 6.1.16 Separate lists of alternative or cumulative items (which may be exceptions or conditions) from the main structure of the rule, using the following style:

- 6.1.16.1 if the list is cumulative (ie, a list of conditions that all must be met) use “; and” at the end of each item in the list:
- 6.1.16.2 if the list is alternative (ie, a list of different qualifications, where one or more is sufficient), use “; or” at the end of each item in the list:
- 6.1.16.3 if the list is not strictly cumulative or alternative, (ie, if the introductory text before the list is “one or more of the following” or “any of the following”), use “:” at the end of each item in the list:
- 6.1.16.4 if the meaning requires it, use “; but” at the end of an item in the list:
- 6.1.16.5 the last item ends with a full stop, unless it is part of a larger list in which case it ends with whatever end punctuation is correct for the larger list:

- 6.1.16.6 never use both “and” and “or” in the same list, and never use “and/or” at the end of a list, as this can be ambiguous. Think about what you actually mean, and set it out fully. Some suggestions are set out in Appendix 1, under “and/or”.

7 Short sentences

- 7.1 A long sentence forces the reader to hold a number of ideas in suspense. The more suspended ideas there are in a sentence, the more difficult it is to see its structure and the more difficult it is to understand.
- 7.2 Here are some ways of keeping sentences short. However, use your discretion when considering these suggestions. Avoid excessive shortness if adding some words or phrases would make sentences easier to understand.
- 7.2.1 Eliminate unnecessary words. Some phrases that are traditionally used can be shortened by eliminating redundant words or can be replaced with single words or shorter phrases, as shown in Table 1.

Table 1: Eliminate unnecessary words

Avoid	Use instead	Avoid	Use instead
adequate number of	enough	as to whether	whether
at the place where	where	by means of	by
by reason of	because	during the course of	during
for the duration of	during/while	for the reason that	because
if there are any conditions that do not comply	if any conditions do not comply	in lieu of	instead of
in relation to/in respect of	for/to/about/concerning	in the event that	if
is able to	can	is applicable	applies
is allowed to/is permitted to	may	meets the requirements of	complies with
otherwise than	except	pursuant to	under/in accordance with
take such steps as are appropriate	take appropriate steps	use one’s best endeavours	do one’s best

Avoid	Use instead	Avoid	Use instead
with the permission of the Board	with the Board's permission		

7.2.2 Do not make verbs into nouns (nominalisations). Using the verb form results in fewer words and the words are usually shorter, as demonstrated in Table 2.

Table 2: Nominalisations

Nominalisation	Verb replacement
to conduct a hearing	to hear
to conduct an investigation	to investigate
to effect/make delivery	to deliver
to ensure compliance	to comply
to give consideration	to consider
to make an application	to apply
to make a discovery	to discover
to undertake consultation	to consult

7.2.3 Do not spell out the section and part when referring to another rule within the same section and part of the Rules. For example, if the following rules appeared in section III of part H of the Rules:

Example

The **market administrator** must **publish** a **notice** under rule 3 of section III of part H.

The **market administrator** must **publish** a **notice** under rule 3.

7.2.4 However, when referring to a rule in a different section or part of the Rules, the rule reference should be set out in full. So if the following rules appeared in another section of part H, or in another part of the Rules:

Example

- The **market administrator** must **publish** a **notice** under rule 3.
- The **market administrator** must **publish** a **notice** under rule 3 of section III of part H.

7.2.5 Note that the terminology for referring to other rules is as follows:

7.2.5.1 rule 1:

7.2.5.2 subclause 1.1:

7.2.5.3 paragraph 1.1.1:

7.2.5.4 subparagraph 1.1.1.1:

7.2.5.5 subsubparagraph 1.1.1.1(a).

7.2.6 While rules should not be drafted to the subsubparagraph level, new rules may have to refer to existing subsubparagraphs in the Rules.

7.2.7 Use definitions. You can use definitions not only to give precision to a term or phrase but also to shorten your text. If you need to use a phrase of 2 or more words many times, consider giving it a short label and defining it (see “Definitions” from paragraph 11 onwards).

7.2.8 Avoid noun strings, eg, “instantaneous reserve level monitoring factors”. Use a short generic word to cover the noun string, and define it separately if necessary.

Words

8 Short words

8.1 Short words make sentences easier to understand. Here are some tips to help you choose short words.

8.1.1 Use short and familiar words unless they do not accurately express the intended meaning. Table 3 sets out some longer words that can be replaced with plainer equivalents.

Table 3: Keep it simple

Avoid	Use instead	Avoid	Use instead
assist	help	initiate/commence	begin/start
attempt	try	location	place
balance	rest	obtain	get
by reason of	because	permit	let/allow
cease	stop	prior	earlier
confer	give	prior to	before
data	information	purchase	buy
effected	made/done	quantum	amount
endeavour	try	request	ask
expiration/termination	end	retain	keep
facilitate	help	subsequent	later
forthwith	immediately	subsequent to	after
furnish	give/state/show	substitute(d)	replace(ment)
grant	give	sufficient	enough
in accordance with	under	utilise	use

8.1.2 Do not use archaic words. A number of words and phrases traditionally associated with legal writing are archaic and should never be used in drafting rules. Some archaic words are listed in Table 4.

Table 4: Archaic words

Archaic words			
abovementioned	hereto	aforementioned	hitherto
aforesaid	said	beforementioned	save that
foregoing	thereafter	hereafter	thereby
hereby	therefrom	herein	therewith

Archaic words			
hereinafter	whatever	hereinbefore	whatsoever
heresoever	whomsoever		

- 8.1.3 Use acronyms. Acronyms can be used either for brevity or because the acronym is a commonly used term. Clearly define all acronyms, even familiar ones.

Example

- ICP** means a **point of connection** on a **local network** or **embedded network**, having the attributes set out in rule 1 of schedule E1
- CFCs** means chlorofluorocarbons

- 8.1.4 Use “%”, not “per cent”.
- 8.1.5 Write all numbers, including 1-10, in numerals.
- 8.1.6 When referring to a specific date, do not use the endings –st, nd, rd, th.

Example

- This rule ceases to apply on 31st December 2011.
- This rule ceases to apply on 31 December 2011.

9 Commonly mistaken words

- 9.1 Appendix 1 sets out is a list of commonly mistaken words, either because they have a particular meaning to be careful about, or because they may be ambiguous, in which case a clearer alternative is provided.

10 Grammar

- 10.1 Make sure your words are grammatically correct, by following the tips below.
- 10.1.1 Avoid demonstrative adjectives.

Example

- 'that Committee' or 'that **notice**'
- 'the Committee' or 'the **notice**'

- 10.1.2 Match the verb with the closest noun to the verb in sentences that combine singular and plural forms of a noun. Do not repeat the verb for each noun.

Example

- If a **customer**, or **customers**, intends to submit information...
- If a **customer**, or **customers**, intend or intends to submit information...
- If a **customer**, or **customers**, intend to submit information...

- 10.1.3 Treat bodies corporate as singular nouns.

Example

- If **Transpower** enter into an agreement, they must...
- If **Transpower** enters into an agreement, it must...

- 10.1.4 Treat group nouns as singular nouns.

Example

- If the **Board** determine, under subclause 6.5, that...
- If the **Board** determines, under subclause 6.5, that...

- 10.1.5 Use words and forms consistently throughout the Rules unless you intend an alternative meaning. Otherwise, this creates ambiguity. For

example, if the Board gives a participant “approval”, the Rules should not later refer to the Board having given “authority” or “power”.

- 10.1.6 Use gender-neutral words. In particular, avoid gender-specific pronouns, gender-specific job titles, and compound words containing “man”. However, gender-neutral words can sometimes lead to cumbersome expressions such as “he or she”, “him or her”, or “his or her”. Try to avoid these expressions by—

- 10.1.6.1 repeating the noun; or

Example

- In carrying out the functions of an **auditor**, he or she must...
- In carrying out the functions of an **auditor**, the **auditor** must...

- 10.1.6.2 omitting the pronoun; or

Example

- No **auditor** may audit a **retailer** unless he or she is authorised to do so by the **market administrator**.
- No **auditor** may audit a **retailer** unless authorised to do so by the **market administrator**.

- 10.1.6.3 converting the noun into a verb.

Example

- Every **auditor** who has in his or her possession confidential information about a **retailer**...
- Every **auditor** who possesses confidential information about a **retailer**...

Definitions

11 Do I need to define it?

- 11.1 Define a word or expression only if the definition will assist readers.
- 11.2 Only define terms that are used frequently. If a term is used frequently, but only in one rule, place the definition in the rule, generally at the end.
- 11.3 Do not define terms that are already defined in the Interpretation Act 1999 (eg, month, working day) unless you want it to have a different meaning.
- 11.4 Under section 34 of the Interpretation Act 1999, a word that is used in the Rules, but which is not defined in the Rules, will have the same meaning as it has in the Electricity Act.
- 11.5 There is no need to state that a definition applies to grammatical variations and cognate expressions of the term defined. Section 32 of the Interpretation Act 1999 states: “Parts of speech and grammatical forms of a word that is defined in an enactment have corresponding meanings in the same enactment”.

12 How should I define it?

- 12.1 A definition should not include substantive obligations.
- 12.2 A definition should define one word or expression only.
- 12.3 A definition must be—
 - 12.3.1 intuitive (it should of itself convey some indication of its meaning); and

Example

financial year means a period of 30 minutes ending on each hour or thirty minutes past each hour on any trading day
 - 12.3.2 accurate (the meaning that it conveys of itself should not be misleading).

Example

meter means any mechanism for measuring quantities of **electricity**, and also includes the **HVDC** link, a **GXP**, or **shunt asset**

- 12.3.3 In other words, a definition should not stipulate an outrageous or extravagant meaning. A term manufactured for the purposes of a definition should be as descriptive and helpful to readers as possible.
- 12.4 A definition should, if possible, be complete in itself. It should not cross-refer to other definitions or make excessive reference to other legislation.
- 12.5 Defined terms do not use definite or indefinite articles.

Example

the asset means

asset means

- 12.6 List the defined term in part A of the Rules—
- 12.6.1 in alphabetical order (see paragraph 13 below); and
- 12.6.2 in bold; and
- 12.6.3 without quote marks; and
- 12.6.4 with initial lower case letters, unless the term is to be used with initial capital letters throughout the Rules; and
- 12.6.5 with no punctuation at the end of the definition.
- 12.7 Defined terms are shown in bold wherever they are used in the Rules, as applied in the examples in this manual. If a defined term is not shown in bold, the definition does not apply.

13 Alphabetical order

- 13.1 The rules for placing items into alphabetical order are—
- 13.1.1 word by word, then letter by letter within the word; and
- 13.1.2 hyphenated words are treated as 2 separate words; and
- 13.1.3 figures appear in numerical order and come before “a”.

Example of alphabetical order

- 1999 financial year
- 2000 financial year
- Act
- control
- control room
- control system
- controller
- grid
- grid owner
- state insurance
- state-owned
- state sector
- state services
- statistics

Punctuation**14 Main principles**

- 14.1 There are four main rules for using punctuation—
 - 14.1.1 punctuate sparingly and with purpose:
 - 14.1.2 punctuate for structure and not for sound:
 - 14.1.3 use conventional punctuation:
 - 14.1.4 punctuate consistently.

15 Specific issues

- 15.1 Appendix 2 lists commonly used punctuation, with an explanation of the applicable rules and examples of correct or incorrect usage.

Tables

- 16 If a rule is becoming overloaded or repetitive because it has too many essentially similar statements, consider replacing it with a table. Tables can present information in a more accessible form.
- 17 Tables need to be introduced with a narrative statement, explaining how the components set out in the table are linked together. The table setting out those components can come directly under the explanation or elsewhere, eg, in a schedule.

Formulas

- 18 A formula may be useful to convey complex mathematical concepts.
- 19 If possible, express the variables of the formula in words rather than symbols or abbreviations.

Example


 x
 y

where:

x means the **loss factor**; and

y means the **final price**.



loss factor

final price

- 20 If it is not possible to express the variables in the formula using words, try to make sure that the symbols or abbreviations use the initial letters of the variables. However, if the formula is too complicated for this, use algebraic symbols.

Example

- 2.1 Costs are calculated for a **trading period** in accordance with the following formula:

$$a = (b \times c) + \frac{d}{e}$$

where—

- a is the cost per **trading period** allocated to a generator for the North Island or to the **HVDC** for the South Island
- b is the **event charge** payable by the **causer** of an **under-frequency event**:
- c is the number of **trading periods** during with the **under-frequency event** continued:
- d is the lesser of—
 - (i) the amount of **electricity** injected (expressed in **MWh**) by the **generating unit**; or
 - (ii) the amount of **electricity** injected (expressed in **MWh**) by the **generating unit**; or
 - (iii) 10,000 **MWh**:
- e is the quantity of any **instantaneous reserve** provided under an **ancillary service agreement** authorised by the **system operator**.

Part C Formatting

- 1 Text is harder to understand if it is hard to read. Follow this formatting guide, developed by the Commission, when drafting Rules.
- 2 Note that every change to the Rules, even minor typographical ones, needs to be approved by the Minister. For this reason, use your discretion as to whether it is appropriate to apply the style set out in this part.
- 3 For example, it may be appropriate to apply this style when re-drafting a large section of the Rules. However, if you are only re-drafting a rule or part of a rule, it may be appropriate to follow the existing format, even if it is inconsistent with this prescribed style.

Font

- 4 The Rules must be in 11 point Arial font.

Headings

- 5 Rule headings must be in bold, including the rule number.

Cross headings

- 6 A cross heading—
 - 6.1 is not numbered; and
 - 6.2 is in italics; and
 - 6.3 is centred on the page; and
 - 6.4 has initial capitals (except for 'small' words, eg "for", "of", "in", "the").

Rule numbering

- 7 Do not use automatic formatting, because this risks making amendments to the entirety of the Rules. As noted in paragraph 2, the Minister must approve every change to the Rules, even minor typographical ones.
- 8 If a rule or subparagraph has a heading, then the number must be in bold. If there is no heading, the number must not be in bold.
- 9 Do not end any numbering with a full stop.

- 10 All items in a list must be numbered, so that they can be referred to easily. Bullet points must never be used, otherwise you have to refer to “the sixth bullet point from the bottom of the list”.
- 11 If inserting a new rule between consecutively numbered rules, a letter suffix is added to the rule number as in the following examples:
- | | | |
|------|---|-----------|
| 11.1 | adding a rule between rules 4 and 5: | 4A |
| 11.2 | adding a rule between rules 4A and 5: | 4B |
| 11.3 | adding 2 rules between rules 4 and 4A: | 4AA & 4AB |
| 11.4 | adding 2 rules between rules 4B and 4C: | 4BA & 4BB |
| 11.5 | adding a rule before rule 1: | A1 |
| 11.6 | adding a rule before rule A1: | ZA1 |
| 11.7 | adding a rule before ZA1: | ZZA1. |
- 12 If revoking a rule and substituting a new rule, the numbering of the old rule should not be re-used unless the subject matter of the new rule corresponds to that of the old rule. Similarly, if inserting a new rule where a rule has previously been revoked, the numbering of the revoked rule should not be reused for the new rule, unless the subject matter of the new rule corresponds to that of the revoked rule.

Paragraph alignment

- 13 Paragraphs should be aligned so that—
- 13.1 the text of a heading or rule is left-aligned one tab (not using the space bar) out from the number; and

Example

6 Board to approve alternatives

6 Board to approve alternatives

- 13.2 the numbering for the text of a rule is left-aligned with the rule heading, not with the rule number; and

Example **1 Board to approve alternatives**

1.1 The **Board** will approve alternatives in the following circumstances:

13.3 the number of a subparagraph is left-aligned with the text of the prior level of text.

Example **6 Board to approve alternatives**

6.1 The **Board** will approve alternatives in the following circumstances:

6.1.1 when a **distributor** applies for approval on the **prescribed form**; or

6.1.2 when **Transpower** determines relevant.

Part D Checking

- 1 The accuracy required for drafting rules is very high.
- 2 Here are some suggestions for checking the new rule—
 - 2.1 Leave a day or two between drafts.
 - 2.2 Run the new rule through the spelling and grammar checker on your computer.
 - 2.3 Check the new rule against the answers to the list of questions at paragraph 3 of part A to check that the new rule delivers what was intended.
 - 2.4 Test the new rule by running some examples through it. If including a formula in the Rules, run some real figures through it:
 - 2.5 Read the new rule out loud.
 - 2.6 Double check the definitions. Do they correctly apply in all circumstances in which they have been used?
 - 2.7 Make sure all cross-referencing is correct. Does the new rule make correct cross-references to other rules? Will any existing cross-references in the Rules need to be changed as a result of the new rule?
 - 2.8 Ask someone to peer review the new rule for you, to ensure it delivers the intended policy and complies with this manual. Provide a copy of the answers to the questions in paragraph 3 of part A, if necessary.

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Appendix 1 Commonly mistaken words

Words(s)	Explanation of ambiguity or meaning	Example
<p>“All”, “each”, “every”</p>	<p>These words are often used where they would be better omitted or replaced by “a”, “an”, or “the”.</p> <p>The use of “all”, “each” and “every” should be restricted to contexts where their core meaning is intended. “All” may be appropriate if the emphasis is on the collective, and “each” or “every” if the emphasis is on the individual.</p>	<p><input checked="" type="checkbox"/> All reconciliation participants must be certified for 3 years.</p> <p><input checked="" type="checkbox"/> A reconciliation participant must be certified for 3 years.</p>
<p>“And”, “or”, “and/or”</p>	<p>“And” is used to connote togetherness (conjunction); “or” means that you can take your pick (disjunction). However, take care because the courts have interpreted both these words in both the conjunctive and disjunctive sense.</p> <p>It is sometimes necessary to use extra words to make the meaning clear, as shown in the examples provided.</p> <p>And/or should never be used (refer to paragraph 6.1.16.6).</p>	<p><input checked="" type="checkbox"/> Either A or B or both.</p> <p><input checked="" type="checkbox"/> Either A or B but not both.</p> <p><input checked="" type="checkbox"/> Any one of the following: A; or B; or C.</p> <p><input checked="" type="checkbox"/> Any one or more of the following:</p> <p>A:</p> <p>B:</p> <p>C.</p> <p><input checked="" type="checkbox"/> All of the following but not individually:</p> <p>A; and</p> <p>B; and</p> <p>C.</p>

Words(s)	Explanation of ambiguity or meaning	Example
<p>“Any”</p>	<p>“Any” can be ambiguous, so use “an” or “a” instead. In the incorrect example provided, it is not clear whether the Board must consult with all representative organisations or just 1 representative organisation.</p>	<p><input checked="" type="checkbox"/> The Board must consult with any organisation that appears to the Minister to represent a substantial number of participants.</p> <p><input checked="" type="checkbox"/> The Board must consult with all organisations that appear to the Minister to represent a substantial number of participants.</p>
<p>“Before”, “between”, “after”, or “from”</p>	<p>Take great care with these ‘timing’ terms, because of the application of the interpretative rules set out in section 35 of the Interpretation Act 1999. These rules provide—</p> <p>(a) a period of time described as beginning at, on, or with a specified day, act, or event includes that day or the day of the act or event; and</p> <p>(b) a period of time described as beginning from or after a specified day, act, or event does not include that day or the day of the act or event; and</p> <p>(c) a period of time described as ending by, on, at, or with, or as continuing to or until, a specified day, act, or event includes that day or the day of the act or event; and</p> <p>(d) a period of time described as ending before a specified day, act, or event does not include that day or the day of the act or event; and</p> <p>(e) a reference to a number of days between 2 events does not include the days on which the events happened.</p> <p>It is often best to be more specific in describing the period concerned.</p>	<p><input checked="" type="checkbox"/> The consumption period will commence on the date specified by the system operator, and will cease at the close of the last day of the year.</p>

Words(s)	Explanation of ambiguity or meaning	Example
<p>“Recognise and provide for”, “take into account” or “have regard to”</p>	<p>Legislation often lists factors that a decision-maker must “recognise and provide for”, “take into account”, or “have regard to”, when making a decision. These phrases are not synonymous, but have slightly different meanings.</p> <p>Provisions that require decision-makers to “recognise and provide for” a matter are the most strongly worded of the three phrases. They require the decision-maker to think about and recognise a certain matter, and to be able to show that the matter is actually provided for.</p> <p>If the decision-maker is required to “take into account” the appropriate matters, those matters must necessarily have affected the decision-maker’s decision.</p> <p>“Have regard to” indicates that such matters must be given material consideration but not necessarily followed.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> When preparing a draft policy statement, the system operator, must recognise and provide for the policies and means by which it will address any conflict of interest that arises in the performance of its obligations under the rules. <input checked="" type="checkbox"/> The determination must take into account factors such as the relative size, duty, age and technological status of the relevant network and the applicable law. <input checked="" type="checkbox"/> The Board will have regard to the following:
<p>“Must” or “may”</p>	<p>“May” is discretionary, ie, the power, permission, or benefit is given to someone who “may”, but need not, exercise that power, permission, or benefit. Use “must” where a duty is imposed that must be performed.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> A generator may decide to cease generation at any time, without giving notice to the system operator.
<p>“Must” or “shall”</p>	<p>“Shall” is traditionally used for the imperative. However, the word is ambiguous, as it can also be used to make a statement about the future.</p> <p>Either use the present tense (first correct example), or use “must”, when imposing an obligation (second correct example).</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> A distributor shall be entitled to enter a consumer’s property without notice. <input checked="" type="checkbox"/> A distributor is entitled to enter a consumer’s property without notice. <input checked="" type="checkbox"/> A distributor shall enter a consumer’s property when the property is on fire. <input checked="" type="checkbox"/> A distributor must enter a consumer’s property when the property is on fire.

Words(s)	Explanation of ambiguity or meaning	Example
<p>“Notwithstanding” and “subject to”</p>	<p>If one rule is or may be inconsistent with another, “notwithstanding” and “subject to” have often been used to clarify which rule prevails. However, avoid these expressions wherever possible because they are unnecessarily elaborate and may be ambiguous. If one rule is to override another rule, this can be achieved through the ways in the examples provided.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> This rule applies despite anything in paragraph 6.4.1. <input checked="" type="checkbox"/> Despite the provisions of paragraph 6.4.1... <input checked="" type="checkbox"/> Except as provided in subclause 5.2... <input checked="" type="checkbox"/> Payment must be made within 21 days, except in the circumstances described in subclause 5.2.
<p>“Practicable” or “practical”</p>	<p>“Practicable” relates to something which is possible in practice. “Practical” states what actually happens.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> A designated transmission customer must notify Transpower as soon it is practicable to do so. <input checked="" type="checkbox"/> The practical effect of the distributor’s notice is that...
<p>“Where” or “if”</p>	<p>“Where” refers to a place. “If” introduces a conditional clause.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> A grid owner must install a meter where a line from a direct consumer joins the grid. <input checked="" type="checkbox"/> A generator must revise its offer if the market administrator has issued a notice under subclause 5.6.

Words(s)	Explanation of ambiguity or meaning	Example
<p>“Whether”</p>	<p>“Whether” expresses a choice between two alternatives. Either specify the alternatives, or replace one of the alternatives with “or not”.</p> <p>If you specify the alternatives, do not repeat “whether” before the second alternative, unless it aids clarity, and do not include “or not”.</p>	<p><input checked="" type="checkbox"/> Whether we succeed or fail...</p> <p><input checked="" type="checkbox"/> Whether or not we succeed...</p> <p><input type="checkbox"/> Whether we succeed or whether we fail...</p> <p><input type="checkbox"/> Whether or not we succeed or fail...</p>

Appendix 2 Punctuation: specific issues

Punctuation	Rule(s)	Explanation/example
Abbreviations	Full stops are generally not used.	<input checked="" type="checkbox"/> a.m. p.m. e.g. i.e. etc. <input checked="" type="checkbox"/> am pm eg ie etc
	Use a comma before and after “etc”, “eg”, or “ie” where they appear in text.	<input checked="" type="checkbox"/> The grid owner must provide the metering information , ie, for that trading period , to each relevant participant .
	A comma is not used after “etc”, “eg”, or “ie” except in a heading.	<input checked="" type="checkbox"/> 1 Grid owner to provide metering information, etc 1.1 The grid owner must provide...
Apostrophes ‘	Do not use apostrophes to indicate the omission of letters or numbers because this is too casual to be used in the Rules.	<input checked="" type="checkbox"/> isn’t, can’t, ’06
	Use apostrophes to indicate possession. If the noun does not end in an “s”, put the apostrophe between the noun and the “s”.	<input checked="" type="checkbox"/> The retailer must seek the Boards’ approval if... <input checked="" type="checkbox"/> The retailer must seek the Boards approval if... <input checked="" type="checkbox"/> The retailer must seek the Board’s approval if...

Punctuation	Rule(s)	Explanation/example
	<p>If the noun is plural or ends in an “s”, put the apostrophe after the “s”.</p>	<p><input checked="" type="checkbox"/> The Board must give notice to the meter owners’ agents...(if there are two or more meter owners)</p> <p><input checked="" type="checkbox"/> The business’ audit must be conducted (singular noun ends in “s”)</p>
<p>Brackets ()</p>	<p>Round brackets (parentheses) are an aside or explanation that can be omitted without affecting the meaning of what is being said. Square brackets should not be used in the Rules because they contain insertions.</p>	
<p>Colon :</p>	<p>Use a colon to introduce a series of paragraphs or subparagraphs after the word “following”.</p>	<p><input checked="" type="checkbox"/> This rule applies to the following participants:</p>
	<p>Use a colon at the end of a paragraph or subparagraph if “; and” or “; or” are not used.</p>	<p><input checked="" type="checkbox"/> 1.1 the retailer for trading periods 1–5: 1.2 the distributor for trading periods 6–15: 1.3 the grid owner for trading periods 16–28: 1.4 the system operator for trading periods 29–48.</p>
<p>Comma</p>	<p>Use commas when listing a series of three or more terms with a single conjunction (eg “and” or “or”) after each term except the last term.</p>	<p><input checked="" type="checkbox"/> The reconciliation manager must send the report to each retailer, distributor, and auditor.</p>

Punctuation	Rule(s)	Explanation/example
<p>’</p>	<p>Commas can be used in pairs (parenthetical commas), unless the parenthetical expression starts or ends a sentence. Parenthetical commas function like parentheses in that they separate off text that is not essential to the main structure and sense of the sentence, but not in such a definite way as parentheses.</p> <p>Parenthetical commas can also be used to express alternatives or to merge two similar sentences into 1 sentence. Parenthetical commas should be used in such a way that the sentence still makes sense and is grammatical if the parenthetical expression is omitted.</p> <p>However, excessive use of parenthetical commas detracts from clarity. Restructure sentences that have several parenthetical commas or are heavily punctuated with commas.</p>	<p><input checked="" type="checkbox"/> The Board must, and the clearing manager may notify the distributor...</p> <p><input checked="" type="checkbox"/> The Board must, and the clearing manager may, notify the distributor...</p>
<p>Em dash</p> <p>—</p>	<p>Use long dash (em dash) before paragraphs or subparagraphs if the word “following” is not used. To insert an em dash, press “Ctrl”, “Alt” and the “-” key at the top right hand side of the number pad on the keyboard.</p>	<p><input checked="" type="checkbox"/> 3.2 The grid owner must—</p> <p>3.2.1 provide the information; and</p>

Punctuation	Rule(s)	Explanation/example
En dash -	<p>Use short dash (en dash) to link spans of figures, and dates.</p> <p>To insert an en dash, press “Ctrl” and the “-” key at the top right hand side of the number pad on the keyboard.</p> <p>There are no spaces between words and dashes. Do not use a hyphen in place of an em dash or an en dash.</p>	<input checked="" type="checkbox"/> Rules 3–6 of part D.
Hyphen -	<p>Use hyphens if there may be ambiguity with a word that begins with “re”.</p>	<input checked="" type="checkbox"/> resent (ie, feel bitterness at) <input checked="" type="checkbox"/> re-sent (ie, sent again) <input checked="" type="checkbox"/> resign (ie, voluntarily leave a job) <input checked="" type="checkbox"/> re-sign (ie, sign again)

Punctuation	Rule(s)	Explanation/example
	<p>Be guided by common usage when deciding whether to use a hyphen to create a compound word or compound adjective.</p> <p>Whichever form you choose, use that form consistently. Do not alternate between different approaches.</p>	<p>Compound adjectives combine two words forming an adjective before a noun.</p> <p><input checked="" type="checkbox"/> third-party revenue</p> <p>A compound word is a word that comprises 2 or more words, each of which can function as a separate word.</p> <p>Compound words can be expressed as one word; or</p> <p><input checked="" type="checkbox"/> motorcycle</p> <p>two words linked by a hyphen; or</p> <p><input checked="" type="checkbox"/> decision-making</p> <p>or two separate words with a space between and no hyphen.</p> <p><input checked="" type="checkbox"/> winding up</p>
	<p>If the two components of a compound word, or adding a prefix to a word, results in a repeated vowel, either hyphenate or use two separate words.</p>	<p>A prefix cannot stand along in its own right, for example, ante-, anti-, bi-, co-, pre-, re-, semi-.</p> <p><input checked="" type="checkbox"/> co-operate; co-ordinate; re-enact</p>

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