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Jorgensen, Lynley

From: Groves, Michelle
Sent: Wednesday, 2 November 2016 10:00 AM
To: Jorgensen, Lynley
Subject: FW: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

Cheers
Michelle

From: Groves, Michelle
Sent: Tuesday, 7 April 2015 9:47 PM
To: Conboy, Paula
Subject: RE: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

Thanks. I will go back to Powerlink tomorrow and Hugh. I will email them separately and offer to talk with them if they like.

cheers

Michelle

From: Conboy, Paula
Sent: Tuesday, 7 April 2015 9:45 PM
To: Groves, Michelle
Subject: RE: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

Agreed. Please proceed on your recommended approach.

I have friends in the industry that I see socially (well I did in Ontario) and I managed it. It's always open to come one to challenge me but thankfully it never did. And I was the adjudicator.

As you have said and Cristina points out it doesn't appear as though Powerlink have been able to substantiate any concerns.

Sincerely,

Paula

Sent with Good (www.good.com)

-----Original Message-----

From: Groves, Michelle
Sent: Tuesday, April 07, 2015 09:39 PM AUS Eastern Standard Time
To: Conboy, Paula

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Subject: FW: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

I have amalgamated Jim and Cristina's response into the one email for your consideration.

cheers

Michelle

From: Cifuentes, Cristina

Sent: Wednesday, 1 April 2015 2:55 PM

To: Groves, Michelle; Conboy, Paula; Cox, James

Subject: RE: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

Seems a very thorough approach to the issue and well-reasoned suggestion. There has been good and transparent communication and discussion of issues and agreement that there is no actual conflict of interest. If Powerlink have not been able to substantiate concerns about a potential perception conflict of interest then it would be difficult for us to argue there is one

I'm happy to accept Michelle's proposed approach.

Cristina Cifuentes

Commissioner | ACCC

Australian Competition and Consumer Commission

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From: Cox, James

Sent: Wednesday, 1 April 2015 2:51 PM

To: Groves, Michelle; Conboy, Paula; Cifuentes, Cristina

Subject: RE: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink. [SEC=UNCLASSIFIED]

Hi Michelle

I would prefer us not to ask Hugh to stand down from the Powerlink CCP sub panel:

- There is no conflict of interest;
- Hugh means well but isn't always careful about how he expresses his thoughts. Sometimes I think the businesses are too quick to take offence and should make allowances;
- We don't want to give the impression that that the businesses have a significant amount of influence over the composition of the relevant CCP panel.

I agree that we should send an email to Powerlink advising them of our decision. We should also advise Hugh.

Regards

Jim

James Cox

Board Member, Australian Energy Regulator

Level 20, 175 Pitt Street, Sydney NSW 2000

T: 02 9230 9152

From: Groves, Michelle

Sent: Wednesday, 1 April 2015 2:27 PM

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To: Conboy, Paula; Cifuentes, Cristina; Cox, James

Subject: Hugh Grant and issues of conflict of interest with respect of him being part of the CCP for Powerlink.
[SEC=UNCLASSIFIED]

Importance: High

Hello all

As you are aware, Merryn York, CEO of Powerlink, raised with Paula a concern about Hugh Grant being a CCP member for their next reset. She raised two issues – (1) Hugh worked for Powerlink previously and (2) she understood from others that Hugh may have formed a view about Powerlink based on his previous experience.

Staff raised the general concern of Powerlink – ie a potential/perceived conflict for Hugh – with Hugh, with a view to him possibly stepping down from the Powerlink reset.

Hugh discussed this with the rest of his sub-panel (and the broader CCP) and they raised concerns about the appropriateness of asking Hugh to step down on the basis of the information we had – they challenged whether there was an actual conflict or whether the perception was legitimate.

I then spoke to Merryn, requesting further information from Powerlink on the specifics of her concerns and asked that she put those details in writing (at least an email).

Later, Merryn and Hugh had a conversation about Powerlink's concerns. Following that conversation I received advice from them, that the two areas of potential concern were (1) Hugh continues to have a couple of friends who work at Powerlink and who he irregularly engages with socially and (2) his previous experience from working within Powerlink may not give him the best information on how they operate now – his perceptions may be outdated.

Hugh worked for Powerlink 7 years ago and left on amicable terms. I consider his work for them is sufficiently in the past to not pose an actual or a reasonable perception of conflict. Further, I don't consider him having casual friends who still work there a sufficient reason either – he has disclosed that and in our sector it is not unusual to have friends in many parts of the industry – it is something we all manage all the time.

I also don't consider the fact that he has previous experience of Powerlink to be a conflict or reasonable perception of conflict. He will be required to engage with the current material provided by Powerlink and bring his judgment and expertise to bear in respect of that material. We have no evidence that he will be unable to do that – I asked Merryn for any advice/evidence she had that would suggest that Hugh could not engage with the current way Powerlink operates appropriately. She has not provided anything further.

Hugh would like to continue but will not make a fuss if we ask him to step aside – he wants this settled. He has told me that he will accept whatever decision we make and do his best to convince his CCP colleagues that the decision is the right one.

I do consider that the networks should make a more substantive (and transparent) case if they want to raise an issue of conflict – it is not an insignificant thing. I don't consider that Powerlink has done that and I don't consider that they could claim a reasonable perception of conflict based on the issues they have identified and agreed with Hugh (as set out above). They and Hugh have agreed there is no actual conflict.

I recommend that we advise Powerlink (I would send an email) that we have considered what they have said and we do not consider that we should ask Hugh to step aside.

I would appreciate your thoughts, asap, as we need to get this settled.

Thanks

Michelle

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