



COVERSHEET

Minister	Hon Dr Megan Woods	Portfolio	Energy and Resources
Title of Cabinet paper	Fuel Industry Regulations 2021	Date to be published	23 July 2021

List of documents that have been proactively released		
Date	Title	Author
July 2021	Fuel Industry Regulations 2021	Office of the Minister of Energy and Resources
1 July 2021	Fuel Industry Regulations 2021 LEG-21-MIN-0097 Minute	Cabinet Office

Information redacted

YES / NO [select one]

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Cabinet Legislation Committee

Minute of Decision

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Fuel Industry Regulations 2021

Portfolio **Energy and Resources**

On 1 July 2021, the Cabinet Legislation Committee:

- 1 **noted** that in March 2021, the Cabinet Economic Development Committee (DEV) agreed to the development of regulations for the following parts of the Fuel Industry Act:
 - 1.1 terminal gate pricing;
 - 1.2 fixed wholesale contractual terms;
 - 1.3 consumer information requirements; and
 - 1.4 dispute resolution;

[DEV-21-MIN-0030]
- 2 **noted** that in March 2021, DEV also agreed to consult on a draft of the Fuel Industry Regulations with fuel industry participants the Minister of Energy and Resources considered likely to be significantly affected by the proposed regulations [DEV-21-MIN-0030];
- 3 **noted** that this targeted consultation took place from 26 May to 4 June;
- 4 **noted** that the Fuel Industry Regulations 2021 will give effect to the decision referred to in paragraph 1 above;
- 5 **noted** that DEV previously agreed that independent nominating authorities would be appointed by the Minister of Energy and Resources [DEV-21-MIN-0030];
- 6 **agreed** to rescind the decision referred to in paragraph 5;
- 7 **agreed** to appoint the following bodies as independent nominating authorities for the purposes of the Fuel Industry Act 2020:
 - 7.1 the Arbitrators and Mediators Institute of New Zealand;
 - 7.2 the Resolution Institute;
 - 7.3 Māori Allied Dispute Resolution Organisation;

- 8 **noted** that DEV previously agreed that a wholesale supplier should be able to refuse supply if there is an event outside the control of the wholesale supplier that makes it unreasonable for the wholesale supplier to be required to supply at that bulk storage facility. Examples include fuel contamination, industrial action, or force majeure grounds [DEV-21-MIN-0030];
- 9 **agreed** to rescind the decision referred to in paragraph eight;
- 10 **authorised** the submission to the Executive Council of the Fuel Industry Regulations 2021 [PCO 22824/5.0];
- 11 **noted** that the terminal gate pricing, fixed wholesale contractual terms and dispute resolution provisions will come into force on 11 August 2021;
- 12 **noted** that the consumer information requirements provisions will come into force on 11 February 2022;
- 13 **noted** that proposals for the information disclosure regulations are still under development and approval will be sought from Cabinet in the coming months to make these regulations, with a view to these coming into force on 11 February 2022.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins
Hon Andrew Little
Hon David Parker
Hon Megan Woods
Hon Jan Tinetti
Hon Ayesha Verrall

Officials present from:

Office of the Prime Minister
Officials Committee for LEG