



COVERSHEET

Minister	Hon Shane Jones	Portfolio	Energy
Title of Cabinet papers	Approval to consult on options to improve our diesel resilience, and Fuel Industry (Fuel Resilience) Amendment Regulations 2024.	Date to be published	12 November 2025

List of documents that have been proactively released

Date	Title	Author
September 2024	Approval to consult on options to improve our diesel resilience	Office of the Associate Minister for Energy
25 September 2024	Options for Improving New Zealand's Diesel Resilience: Release of Consultation Document ECO-24-MIN-0207	Cabinet Office
September 2024	Fuel Industry (Fuel Resilience) Amendment Regulations 2024.	Office of the Associate Minister for Energy
26 September 2024	Fuel Industry (Fuel Resilience) Amendment Regulations 2024 LEG-24-MIN-0200	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of legal professional privilege.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Fuel Industry (Fuel Resilience) Amendment Regulations 2024

Portfolio **Associate Energy**

On 26 September 2024, the Cabinet Legislation Committee:

- 1 **noted** that the Fuel Industry (Improving Fuel Resilience) Amendment Act 2023 (the Act) contains regulation-making powers to amend the minimum stockholding obligation settings and prescribe record-keeping and information disclosure requirements;
- 2 **noted** that in December 2023, the Minister for Energy and the Associate Minister for Energy consulted on an exposure draft of the Fuel Industry (Fuel Resilience) Amendment Regulations (the Regulations) with targeted stakeholders from the fuel industry and the aviation sector;
- 3 **noted** that in May 2024, the Cabinet Economic Policy Committee agreed that the Chief Executive of the Ministry for Business, Innovation and Employment (MBIE) have the power to appoint a compliance officer or an independent auditor, with costs recoverable from an obliged person if material issues are found, and to require certain information, similar to what is set out in sections 99E and 99F of the Crown Minerals Act 1991 [ECO-24-MIN-0093];
- 4 Legal professional privilege [REDACTED]
- 5 **agreed** to rescind the decision referred to in paragraph 3 above;
- 6 **agreed** that the Regulations enable the Chief Executive of MBIE to direct an obliged person to undertake an independent audit;
- 7 **noted** that the change proposed to in paragraph 6 will not have any material impacts on obliged persons or MBIE;
- 8 **noted** that Timaru Oil Services Limited (TOSL) owns and operates the 32 million litre fuel terminal in Timaru and can import fuel directly but currently orders fuel from other fuel importers;
- 9 **noted** that there is some uncertainty about whether TOSL is an obliged person with information disclosure obligations;
- 10 **noted** that because of the size of the Timaru terminal, it is necessary on fuel resilience grounds that certain information about the terminal and its fuel is disclosed to the government;

- 11 **agreed** that the following regulations will apply to the Timaru terminal and to TOSL, regardless of whether TOSL is an obliged person;
- 11.1 regulation 41(1)(a), (2), and (3), relating to monthly records of fuel stocks;
 - 11.2 regulation 42(a), but only in relation to information recorded and retained under regulation 41(1)(a)(i), (1)(a)(iii) to (vi), and (2), relating to monthly disclosure of fuel stocks;
 - 11.3 regulation 42(b), relating to daily drawings from the Timaru terminal;
 - 11.4 regulation 44, relating to annual disclosure of storage capacity;
 - 11.5 regulation 45, relating to annual disclosure about assurance from board of directors;
 - 11.6 regulation 46, excluding regulation 46(3)(g)(i), relating to audits;
- 12 **authorised** the submission to the Executive Council of the Fuel Industry (Fuel Resilience) Amendment Regulations 2024 [PCO 25543/5.0];
- 13 **noted** that the Fuel Industry (Fuel Resilience) Amendment Regulations 2024 will come into force on 1 January 2025.

Tom Kelly
Committee Secretary

Present:

Hon Simeon Brown (Chair)
Hon Shane Jones
Hon Brooke van Velden
Hon Paul Goldsmith
Hon Mark Mitchell
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Simon Watts
Hon Chris Penk
Hon Andrew Bayly
Hon Scott Simpson, MP
Todd Stephenson, MP

Officials present from:

Officials Committee for LEG
Prime Minister's Office