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10 September 2026

Justine Cannon
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Energy Branch
Ministry of Business, Innovation, and Employment

via e-mail: justine.cannon@mbie.govt.nz

Dear Justine

Consultation on interim gas market transparency regulations

This letter provides feedback on the '*Interim gas market transparency regulations*' as set out in an e-mail dated 4 September 2026.

Please read this letter in conjunction with our earlier submission on the '*Regulatory proposals for improving gas market transparency*' dated 27 August 2026[1] and our submission dated 7 November 2025 on the first round of consultation on these proposals.[2] These earlier submissions provide more detail on many of the points made in this correspondence.

We have consistently raised concerns about the nature of the consultation in relation to the package of gas market transparency proposals that do not need to be repeated here. Suffice to say, we are further frustrated that this consultation has been communicated via a short (around 600 words) e-mail with no supporting information or evidence, much less a discussion document, and only four working days has been given to provide feedback on what are significant and highly risky proposals.

Summary

We welcome and support the decision to focus on collecting specified gas supply contract information rather than the agreements themselves.

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1 See https://www.energyresources.org.nz/dmsdocument/390.

2 See https://www.energyresources.org.nz/dmsdocument/366.

We are pleased that you have heard and responded to our collective concerns about what would have been an unheralded market intervention to look through a private business to its commercial arrangements.

The contractual information requirements are now very similar to what we suggested in our draft template.[3] We still, however, want to ensure that the proposed regulations are workable and do not impose undue costs, regulatory burdens or significant commercial risks that would outweigh the public benefit from the collection of the information by government.

Our outstanding concerns relate mostly to the pricing requirements, confidentiality and timeframes for providing updated information and ensuring that it is collected in a practical and standardised way. We will reiterate the crucial nature of having access to the exposure drafts of the regulations.

Recommendations

We **recommend**:

1) *the targeted collection of specified gas supply contract information*, rather than the agreements themselves, and consider that *this approach should be adopted also for the enduring transparency settings*;

2) the *forms (templates/tables) for collecting this information to be standardised* for ease of use and to reduce the administrative burden, minimise scope for interpretation or error and ensure comparability and consistency across respondents;

3) *volumes, contract duration and other non-pricing elements of contracts* be relevant indicators of future gas availability and could form part of reporting, but some may need to be better defined and further clarified;

4) any fixed prices should only be collected as ranges, if at all, as the relevance of pricing information is still unclear. Variable prices are more problematic and will require a different approach. Given the commercially sensitive nature of this information, it should be subject to higher standards of confidentiality;

5) *MBIE demonstrates* that systems are in place to ensure that *gas contract information is held confidentially, access is strictly controlled and that none is released publicly*, including under an OIA request;

And, as we previously **recommended** in relation to the enduring settings:

6) *appropriate information barriers and protections against competitive use* should be clearly established before compulsory disclosure begins;

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3 See our email dated 20 August 2026 titled 'Gas transparency regulations - Upstream Draft Template'.

7) the *purpose(s) for which the information is being collected need to be made explicit, clear and set out in detail*, and there must be assurances that it will *only be used for those specific purpose(s)*;

8) there needs to be *evaluation of the interim measures and further work with the sector to refine the proposals for long terms settings*. In particular, it is critical that we have *access to an exposure draft of the regulations* to ensure workability and check technical elements.

Information relating to gas supply agreements

We are pleased that MBIE has been responsive to industry feedback and revised the approach to focus on the collection of only relevant gas supply contract information and not the contracts themselves.

How that information is provided to MBIE should be as simple as possible, utilising existing data sets and be standardised across respondents. This should help to ensure that subjective interpretation and errors are reduced, and data is comparable between respondents. A standard template/table where respondents can enter pre-defined values or one-word (e.g., Yes/No) answers would satisfy these requirements.

We generally support most of the proposed disclosure of non-price contractual information relating to gas supply arrangements including:

a contracted gas volumes;

b delivery periods;

c contract duration;

d rights to terminate, renew or extend agreements; and

e other key non-price provisions that affect the availability and certainty of gas supply.

We agree that this information can be relevant to understanding future gas availability and potential supply risks and appears broadly aligned with the objectives articulated in the consultation materials.

In relation to volume data, some of the requests require further definition based on whether gas is firm, as available, or interruptible. The volume data could be split out into those categories. Gas volumes may also be variable, for example from depletion contracts where the nomination is linked to actual production on a day rather than a fixed volume. We therefore suggest another category for such contracts where volume is a max/min range.

We suggest excluding 'rights to additional supply' as we do not consider that it will be possible to provide information that is useful or meaningful. This information is notional and could include undeveloped resources or additional gas on a given day.

We also support the exclusion of spot market transactions from the proposed requirements.

Pricing information

We remain concerned about the proposal to require disclosure of gas pricing information, including agreed prices and pricing methodologies.

While MBIE has outlined a broad rationale for collecting price information, we remain unclear how disclosure of commercially sensitive pricing information is necessary to achieve the stated objectives of:

a understanding future gas availability;

b monitoring potential supply risks; and

c assessing whether contracted gas volumes are likely to be sufficient to meet demand.

In our view, the revised proposal provides MBIE with extensive visibility of gas supply arrangements through the proposed volume, term and contractual disclosures. It is not clear that disclosure of pricing information is required *in addition* to support the Government's oversight and monitoring functions.

There is sufficient information about pricing already available in the market. The generators disclose their run-cost for thermal plant to Transpower, so it is published by the electricity market. It is also addressed in their market reports for Contact and Genesis. The retailers report to MBIE on their customer pricing by market segment – 'Residential', 'Commercial', 'Industrial' and 'Wholesale', and in turn MBIE publishes the price information to the public.

We therefore encourage MBIE to reconsider the inclusion of pricing information, or alternatively provide greater clarity regarding:

a the specific policy purpose that pricing information serves;

b why that purpose cannot be achieved through non-price disclosures; and

c how the benefits of collecting pricing information outweigh the confidentiality concerns associated with its disclosure.

Confidentiality and information governance

Though our concerns are reduced somewhat by not having to provide full contracts, the information being sought remains highly commercially sensitive, particularly in relation to pricing.

As we noted in our earlier submission, we are not confident that MBIE has the protocols and systems in place to adequately protect this highly commercially sensitive information. It could be vulnerable to cyber-attacks and other possible data-breaches but could also be inadvertently shared internally or released publicly, including under the Official Information Act 1982. These concerns about confidentiality go beyond inadvertent disclosure. We have legitimate concerns around how highly commercially sensitive pricing, volume and contractual information could be accessed or used by other parts of government.

The purpose(s) for which the information is being collected need to be made explicit, clear and set out in detail. The information collected must only be used for the specific purpose(s) for which it was collected. The sector seeks written assurances in this regard given the magnitude and nature of this government intervention.

Our expectation is that it will never be used to support future policy proposals such as market allocation measures or competition regulation. [4]

Clear and robust governance arrangements are vital for the access and use of the information provided.

To conclude:

a access to disclosed information must be restricted to a limited group of authorised officials within MBIE;

b the information can solely be used for the purposes specified in the regulations;

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[4] Our concern regarding its use for new and novel uses appears justified in light of the Minister for Resources recent public comments about natural gas reallocation (ref: https://www.energynews.co.nz/news/natural-gas/856934/govt-needs-more-say-gas-allocation-jones?utm_source=newsletter&utm_medium=email&utm_campaign=energy-news-newsletter

c appropriate protections must be maintained against wider disclosure; and

d industry participants need confidence that commercially sensitive information will be handled appropriately and not subject to regulatory change in future that could alter that.

We welcome greater transparency regarding the governance arrangements that will apply to collected information, including:

a which teams or roles within MBIE will have access to the information;

b the processes that will govern access and use;

c how confidentiality will be maintained over time; and

d how MBIE intends to manage requests for access to the information.

Providing greater clarity in these areas would help build confidence in the regime and support ongoing cooperation from market participants.

Demand forecasting

We are generally supportive of MBIE's objective of improving visibility of future gas demand and potential supply-demand imbalances. We understand the proposal is intended to capture gas demand from participants in their capacity as gas end-users, rather than in their capacity as gas wholesalers or retailers. Clarifying this point in the regulations or supporting guidance would be helpful.

We also encourage MBIE to ensure that the forecasting requirements are practical and proportionate. Forecasts are inherently uncertain and may be influenced by a range of factors outside a participant's direct control.

We suggest that:

a the forecasting methodology be kept as simple as possible (and tested with the sector before implementation);

b reporting requirements avoid unnecessary administrative burden;

c forecast obligations focus on information that participants can reasonably be expected to hold; and

d the regime recognises that forecasts are estimates rather than commitments.

A practical and proportionate approach will support the quality of the information provided while minimising compliance costs.

We suspect, however, that respondents will find that this information is difficult to provide and/or will not be meaningful or useful, at least for electricity generators. For example, forecast demand will depend on electricity demand, which will depend on the weather, as well as prices. Moreover, the key points should already have been captured in the data above, so it is probably not necessary to provide it again.

Timing of disclosures

We note that relevant gas users will be required to provide all the information when the regulations come into force and for the next six months (the expected duration of the interim arrangements) but will only be given ten working days to provide information on 'new' agreements or variations to existing agreements.

The initial provision of information is reasonable, but ten working days to notify of variations may not be, particularly if new agreements are very complex and the information provided will require review and approvals.

We consider that 20 working days would be more appropriate for new agreements at least.

Though it is not entirely clear from the e-mail, there does seem to be a 'materiality' threshold for variations, in that they only need to be notified if they "may change the information required" (i.e., not all variations will be relevant).

As the regulations are developed, it would be helpful for MBIE to provide clarity around:

a what constitutes a relevant variation that triggers a disclosure obligation; and

b whether any de minimis threshold or materiality test is intended to apply.

Clear guidance in these areas would help ensure the requirements operate consistently across participants.

Suggestions for further refinement of these proposals

The development and implementation of the interim regulations on gas contract information provides a unique opportunity to stress test aspects of the proposed enduring settings.

We recommend that a thorough review and evaluation is done of the operation of the interim regulations to assess how effective and useful they have been as well as the costs they have imposed and any risks that have emerged. The review should cover how well the objectives were met during the interim period including what:

a analysis was done and what the information was used for;

b insights were gained from this analysis;

c policy advice it directly contributed to;

d government decisions directly influenced by it; and

e demonstrable benefits market participants gained from it.

If it is apparent from this review that the expected benefits to government and market participants did not materialise, or the costs and risks were too high, we recommend the enduring proposals be reconsidered.

Next steps

We would be happy to provide further feedback to MBIE to help refine the proposals and provide clear guidance on ambiguous elements, including helping to develop a draft reporting template. We suggest that MBIE prepare a first draft and socialise this with industry.

We require access to the exposure drafts of the regulations, as mentioned several times.

We all had the unfortunate experience of what can go wrong when significant legislative or regulatory changes are drafted by officials in isolation of consultation with industry during the passage of the amended CMA and also of the Fuel Industry Act information disclosure regulations, and do not want to see this repeated.

We would welcome the opportunity to work further with officials on these proposals and the details of how they will be operationalised.

Yours sincerely

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Chief Executive

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