



**emsTradepoint submission to MBIE's  
Discussion document: Options for amending the  
Gas Act 1992**

12 June 2019

The following is emsTradepoint Limited's submission to MBIE's Discussion document: Options for amending the Gas Act 1992.

Emerging challenges for the Gas Act 1992	
Question one: What emerging technologies or alternative fuel sources are likely to be covered by the Act's definition of "Gas"?	The obvious emerging technology is hydrogen.
Question two: What aspect(s) of the Act could be a barrier to the uptake of emerging technologies or alternative fuels?	No comment.
Question three: What aspects should be amended or changed to facilitate the emergence of new technologies and alternative fuels?	No comment.
Question four: How will your business be impacted if changes to the Act are not made in the short- term (e.g. two to three years)?	No comment.
Question five: Does the Act cause any issues with complying with any requirements under other legislation?	No comment.
Question six: Are you or your organisation involved in the development or deployment of emerging technologies or alternative fuels?	No.
Question seven: Are you interested in being contacted as MBIE develops a longer-term programme of regulatory work around the development of emerging technologies and alternative fuels relating to the Act?	Yes.
Information disclosure	
Question eight: What concerns do you have about the flow and availability of information available to you or your organisation regarding situations that may affect the price and/or availability of gas supply?	<p>emsTradepoint raised concerns to the Gas Industry Company as part of their consultation on Information Disclosure. Our primary concerns relate to the asymmetry of outage information. In our view, timely outage information is essential to support a well-functioning gas market and the corollary is potential market detriment if information relevant to trading is not being disclosed.</p> <p>We believe the that wholesale electricity market provides an information disclosure model that could be applied to the gas market to reduce the asymmetry of information.</p>
Question nine: Do you support the inclusion of an additional regulation/rule making power in the Act to require	Yes, emsTradepoint supports the inclusion of an additional regulation/rule making power in the Act to require boarder

broader disclosure of information from the gas industry?	disclosure of information from the gas industry. We do not support a voluntary disclosure regime.
<b>Penalties under the Gas Act 1992</b>	
Question ten: What concerns do you have about the current penalty regime for gas governance arrangements provided for by the Act?	No comment.
Question eleven: Are there other factors, such as contractual arrangements between parties, that mitigate any concerns about the penalties regime?	No comment.
Question twelve: Aside from the penalties for breaching gas governance arrangements, are there any other penalties under the Act that you consider are not fit-for-purpose?	No comment.
Question thirteen: Do you consider it still appropriate for the Gas Rulings Panel to only have one member if the penalties are increased to higher levels?	No comment.
Question fourteen: Do you support the addition of daily or volumetric penalties to the Act to enhance the flexibility of penalties available? What would be an appropriate minimum or maximum rate, if any?	No comment.
Question fifteen: Are there circumstances where the Act should impose a criminal offence on either industry participants or on non-industry participants? What are these?	No comment.
Question sixteen: Do you support the addition of a civil pecuniary fine as an additional penalty to improve the effectiveness of the penalties regime? If not, why not?	No comment.
Question seventeen: What are your views on expanding the definition of industry-participant to include all large gas users (e.g. any user averaging over a certain level of consumption per day)? If so, what would be an appropriate threshold?	No comment.