

**Electricity Industry Participation Code Amendment  
(Definition of Disclosure Information (No. 2)) 2021**

Under section 38 of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendment to the Electricity Industry Participation Code 2010.

At Wellington on the 01 day of November 2021

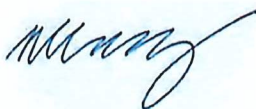


Dr Nicola Crauford  
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27 October 2021

27 October 2021

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**Amendment**

- 1 Title**  
This is the Electricity Industry Participation Code Amendment (Definition of Disclosure Information (No. 2)) 2021.
- 2 Commencement and expiry**  
This amendment comes into force on 15 December 2021.
- 3 Code amended**  
This amendment amends the Electricity Industry Participation Code 2010.

**4 Clause 1.1(1) amended (Definition of disclosure information)**

In clause 1.1(1), in the definition of “disclosure information” at paragraph (c), replace “is likely to” with “will, or is likely to,”.

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**Explanatory Note**

*This note is not part of the amendment, but is intended to indicate its general effect.*

This amendment to the Electricity Industry Participation Code 2010 (Code) comes into force 15 December 2021.

The amendment makes a change to Part 1 of the Code to amend paragraph (c) of the definition of “disclosure information” by replacing the words “is likely to” with the words “will, or is likely to,”. This amendment follows the urgent amendment made by the Electricity Industry Participation Code Amendment (Definition of Disclosure Information) 2021, which replaced the word “will” in the definition of “disclosure information” with “is likely to” and was due to expire on 6 January 2022. This amendment will apply permanently.

The effect of this amendment is to lower the threshold for determining whether information is disclosure information for the purposes of the wholesale electricity market disclosure provisions in clause 13.2A of the Code from the threshold applied by the Electricity Rulings Panel in its decision *Haast Energy Trading Ltd v Genesis Energy Ltd* under the definition of “disclosure information” that applied prior to the urgent amendment.