

28 September 2018



Official Information Act #18.076 NZME/Stuff

1. We refer to your request of 25 September 2018 for an account of the legal costs associated with the Stuff NZME merger, broken down by each stage of the legal process.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

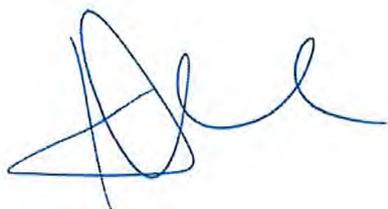
3. We set out below the external legal costs the Commission has incurred to date in considering NZME Limited and Fairfax New Zealand Limited's application for approval to merge their New Zealand operations and responding to the NZME Limited/Fairfax Media Limited/Stuff Limited appeal proceedings in the High Court and the Court of Appeal.

Phase	External legal costs incurred by the Commission
Determination phase – From the filing of the application for authorisation to date of Determination (2 May 2017)	\$82,731
Appeal to the High Court – From May 2017 until January 2018	\$886,323
Appeal to the Court of Appeal – From February 2018 to 26 September 2018 ¹	\$496,789
Total:	\$1,465,843

¹ Costs to date – further external legal costs may be incurred. NZME Limited/Fairfax Media Limited/Stuff Limited has until 24 October 2018 to seek leave from the Supreme Court to bring a final appeal.

4. Please note that while the total cost figure is accurate, the allocation of costs between the three phases is an approximation only. First, due to billing and invoicing cycles there may be some costs that appear in one phase but are in fact costs relating to an earlier stage of the legal process. Second, in practice there is a degree of overlap between the phases of the proceedings.²
5. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
6. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
7. If you have any questions in regards to this request, please do not hesitate to contact us at ويا@comcom.govt.nz

Yours sincerely



Katie Rusbatch
Head of Competition
Competition and Consumer Branch

² For example, the Commission incurred external legal costs when calculating the Commission's costs claim against the defendants for the High Court proceeding. This would have occurred during the Court of Appeal phase of the proceeding.