

12 January 2024

To: The Commerce Commission

Complaint around a breach in the Commerce Act which prohibits anti-competitive mergers and behaviour.

Re: The sale of PBT Express Freight Network to NZ Post

To the Commerce Commission,

On the 1st of November 2023, I was made aware of the sale and purchase agreement between PBT's courier services and the NZ Post.

My name is [REDACTED], a local [REDACTED] resident and business owner/director. I am writing to you out of concern around this sale.

I am particularly concerned that NZ Post are buying the low-price competition to remove them from the New Zealand market. This is detrimental to both business and commerce, but also the consumer. This sale will drive courier rates up across the board as it is removing one of the bigger couriers that offer economic and affordable courier solutions. The outcome of the sale will be much higher prices for courier services to consumers and businesses.

As the commerce commission, you are responsible for the enforcement of the Commerce Act which prohibits anti-competitive behaviour.

I believe this sale/merger is contrary to Part 2 Section 27 (1) – (4), as the sale/merger WILL substantially lessen competition of courier services in the New Zealand market.

Our local business relies heavily on PBT's courier service, which is significantly cheaper than the courier services currently offered by NZ Post. NZ Post is a State Owned Enterprise (SOE) with the NZ Government as the 100% shareholder. In accordance with Section 6 of the Commerce Act, the Act is applied to every body corporate that is an instrument of the Crown in respect of the Government of New Zealand engaged in Trade. Therefore, NZ Post is not exempt from the Commerce Act.

I also think that this is a matter of public interest, as the result of this sale will substantially affect the prices of goods and services delivered in the New Zealand Market. This would affect a significant proportion of the population.

I am struggling to see how this sale could be approved and in accordance with the Commerce Act. The New Zealand Government, can't allow the New Zealand Government to contradict the very legislation that it enforces.

The Commerce Commission should refuse the sale of PBT to NZ Post. I would like to be informed of the outcome as soon as it is available (with appeal rights and the process outlined).

If you need anything else, please do not hesitate to contact me. My details are below.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]