

2024/25 Enforcement and compliance priority areas



Context

The Commission has responsibilities, right across the New Zealand economy, for promoting competition, fair trading, and consumer protection, including through driving compliance with lawful obligations.

This document sets out where we will prioritise our efforts for 2024/25 in relation to compliance and enforcement.

We have enduring priorities, which are core to meeting our responsibilities, and each year we will set annual priorities that reflect where we will focus our resources and direct our litigation fund.

Where we think that the law has been breached, or is likely to have been breached, we have discretion over taking enforcement action (including court action) and compliance actions (such as issuing a formal warning). We may also opt to take an educative approach, engaging with traders, to raise standards of compliance.

Whether or not we ultimately take enforcement action in any case, is guided by our Enforcement Criteria (find our [Enforcement Response Guidelines](#) on comcom.govt.nz), under which we weigh up the extent of the detriment to competition or consumers, the seriousness of the conduct, and the public interest.

These priorities do not impose a limit on our investigations or enforcement work. They are indicative of where we are most likely to focus our resources. Outside of these priorities there will be urgent or emerging issues that require enforcement attention.

These priorities are based on a wide range of factors, including the concerns we hear from the public and consumer representatives, market intelligence, current events impacting the economy, and trends emerging from our investigative work.

Enduring Priorities

We have long-term enduring priorities, which are always core to meeting our responsibilities as a competition, fair trading, and consumer protection regulator.



Cartels: We will prioritise cartel conduct causing detriment in New Zealand. Cartel conduct can comprise price fixing, bid rigging, market allocation by customer or geographic area or output restriction between competitors.



Anti-competitive conduct: We will prioritise enforcement action for misuse of market power or anti-competitive agreements that cause significant harm to competition. We will also act where we see an appropriate opportunity to test areas of the Commerce Act where judicial guidance would be valuable.



Actions that support our market and economic regulation functions: The Commission has specific market and economic regulation responsibilities in relation to the grocery, fuel, and telecommunications industries and for retail payment systems, as well as electricity, gas, airports, dairy, and fibre. We will prioritise action which supports our broader market and economic regulation roles.



Product Safety: We will prioritise product safety issues (that are within our regime) which have the potential to cause serious harm to consumers, particularly children.



Vulnerable Consumers: We will prioritise enforcement action to protect vulnerable groups of consumers in New Zealand.

Specific Priorities for 2024/25

Our specific priorities for enforcement and compliance for 2024/25 are:



Cartels: We will prioritise cartel conduct which impacts the competitive process for the procurement of public services and infrastructure contracts. We will take action in this area; protecting the integrity of processes concerning the expenditure of public funds is essential.



Non-compete agreements: We will prioritise action where we consider that non-compete agreements are unlawfully impacting on competition.



Illegal on-line sales conduct: Buying products on-line is increasingly a way of life for Kiwi consumers. We will prioritise taking action to protect consumers from illegal on-line sales practices, such as fake reviews, misleading scarcity claims, misleading social proof sales tactics, drip pricing and subscription traps.



Breaches in the Grocery Sector: Groceries are a critical purchase for all New Zealanders. Consumers should be able to rely on supermarket prices and price promotions being accurate. We will take action where we consider sales practices are illegal. We will also focus on compliance by retailers, wholesalers, and suppliers with codes and other obligations.



Breaches in the Telecommunications Sector: Telecommunications services are essential to Kiwi consumers and we will take action where we see false, misleading or deceptive marketing, sales or billing practices. We will also focus on compliance by providers with codes and other obligations.



Motor Vehicle Finance: For many Kiwis the purchase of a car is one of the biggest financial commitments they will make. We will take action where we consider that motor vehicle finance lenders have not met their obligations under the Credit Contracts and Consumer Finance Act, including the rules that require responsible lending practices. We are particularly focussed on where motor vehicle lenders are providing credit to vulnerable consumers.



Unconscionable Conduct: We will act when we see businesses behaving unconscionably. Unconscionable conduct is behaviour that substantially departs from expected standards of business conduct and is so harsh that it goes against good conscience. This is conduct of a type that should rarely occur but if it does we will act to avoid continuing harm to consumers or businesses.