

7 July 2021

[REDACTED]  
[REDACTED]  
[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

#### **Official Information Act #20.226 - Bunnings (NZ) Limited costs**

1. We refer to your request received on 9 June 2021 for the breakdown of the following costs incurred by the Commerce Commission (**Commission**) in the Bunnings (NZ) Limited court case,<sup>1</sup> broken down by Court (how much relates to the District Court and how much for the previous High Court, Court of Appeal hearings):
  - 1.1 internal Commission hours;
  - 1.2 amounts paid in external legal fees and which law firms this was paid to;
  - 1.3 amount paid to individual barristers including but not limited to John Dixon QC, Ian Brockie [sp], Jack Hodder QC; and
  - 1.4 other costs/disbursements.
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).
3. On 11 June 2021, we referred you to OIA 19.192 published in the OIA register on our website containing the figures to 25 June 2020.<sup>2</sup>

#### **Our response**

4. We have decided to grant your request. The Commission is not able to provide a breakdown of costs by Court as requested. The High Court and Court of Appeal

<sup>1</sup> <https://comcom.govt.nz/case-register/case-register-entries/bunnings-nz-limited>

<sup>2</sup> OIA 19.192 Bunnings legal fees: [https://comcom.govt.nz/\\_data/assets/pdf\\_file/0022/221485/OIA-19.192-Bunnings-Legal-Fees-Response-Letter-16-July-2020.PDF](https://comcom.govt.nz/_data/assets/pdf_file/0022/221485/OIA-19.192-Bunnings-Legal-Fees-Response-Letter-16-July-2020.PDF)

hearings related to pre-trial applications (largely relating to the evidence to be presented at trial), and the work on them was done in conjunction with preparation for the District Court hearing of the charges.

5. We also note that Jack Hodder QC was instructed by Bunnings, not the Commission, on this matter.
6. The updated figures, as at 11 June 2021, are below:

<b>Litigation Costs (2015/2016 to 2020/2021)</b>	
Internal Commission hours <sup>3</sup>	2,208
Kayes Fletcher Walker	\$ 51,631.00
Brookie Law <sup>4</sup>	\$ 594,921.00
John Dixon QC	\$ 835,800.00
Other costs / disbursements <sup>5</sup>	\$ 87,310.00

7. Please note the Commission will be publishing this response to your request in the OIA register on our website.<sup>6</sup> Your personal details will be removed from the published response.
8. Please do not hesitate to contact us at [oia@comcom.govt.nz](mailto:oia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely



Alexandra Murray

OIA Coordinator

<sup>3</sup> We do not hold information about the dollar value of staff time charged to the matter. While we record the time spent on a matter, our system does not assign a dollar value to that time.

<sup>4</sup> Includes costs of Ian Brookie and other junior barristers assisting with the prosecution.

<sup>5</sup> Include costs associated with witness travel, expert witnesses and forensic analysis.

<sup>6</sup> <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>