

# Briefing to the Incoming Minister

## Commerce and Consumer Affairs

February 2023



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## Introduction

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Ngā mihi ki a koe te minita hōu mō tē Komihana Tauhokoko. We look forward to working constructively with you in your new capacity as the responsible Minister for our entity and as the Minister of Commerce and Consumer Affairs. This briefing note introduces you to our organisation, our role within your Ministerial portfolio, and our relationship to other portfolios.

As an independent Crown entity, we act in a spirit of service to everyone in our communities and we do not take for granted the trust that New Zealanders place in us to protect and promote their interests.

In recent years, rapid growth in our regulatory responsibilities has coincided with increased expectations. The growth in our functions, powers and duties has seen us move from a small to a medium sized organisation in a relatively short period of time. We now have around 400 staff, up from 180 five years ago. We expect these numbers to continue to climb as we implement new responsibilities, including those in the groceries and water sectors.

This briefing sets the scene and provides the strategic context for our work, as well as some of the more immediate matters that we have been progressing. The briefing has three sections:

- **Section A** describes the Commission's role and strategy
- **Section B** outlines the key matters the Commission is working on for your awareness
- **Section C** introduces you to the key staff of the Commission.

We trust you find this information helpful and look forward to working with you.



Dr John Small  
Chair



Adrienne Meikle  
Chief Executive

## Section A – The Role of the Commission

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### Our role

1. The Commerce Commission is New Zealand's primary competition, fair trading, consumer credit and economic regulatory agency. We play a role in ensuring New Zealand's markets are competitive, consumers and businesses are informed and empowered, and their interests protected, and sectors with little or no competition are appropriately regulated.
2. Our vision is that New Zealanders are better off because markets work well, and consumers and businesses are confident market participants.
3. As an effective competition agency and regulator we also help to ensure:
  - consumers are protected, and clear and accurate information is provided to them
  - there is a level playing field for competitors – the rules are known and enforced
  - market power is not taken advantage of for an anti-competitive purpose
  - cartel behaviour is addressed
  - the level of competition in a market is not substantially lessened by mergers or agreements between businesses
  - poor, misleading or unbalanced information affecting competition in the market is addressed
  - regulated businesses face incentives to provide long-term benefits for consumers.
4. Competition is a key driver for delivering greater productivity and growth in the economy. It incentivises firms to innovate, and rewards efficiencies in business. Through regulation we seek to achieve comparable outcomes in markets with little or no competition.
5. Under the Crown Entities Act 2004, you are responsible for the Crown's interests in, and relationship with, the Commerce Commission as an independent Crown entity. The Ministry of Business, Innovation and Employment (MBIE) is responsible on your behalf for monitoring our performance and supporting you to ensure good governance in our organisation through effective succession planning and appointments for our Board.

## Legislated responsibilities

6. The key laws we are responsible for implementing and enforcing are outlined below.

The infographic is a grid of nine boxes, each representing a different piece of legislation. Each box contains an illustration at the top, the name of the act and its parts, and a brief description of its purpose. The acts are: Commerce Act 1986 (Parts 2, 3 and 5), Credit Contracts and Consumer Finance Act 2003, Fair Trading Act 1986, Commerce Act 1986 (Part 4), Telecommunications Act 2001, Fuel Industry Act 2020, Dairy Industry Restructuring Act 2001, Retail Payment System Act 2022, and the Commerce Commission New Zealand logo.

**Commerce Act 1986 (Parts 2, 3 and 5)**  
Prohibits anti-competitive behaviour and acquisitions that substantially lessen competition. It also provides for a clearance and authorisation regime for mergers and restrictive trade practices. Enables the Commission to carry out competition (or market) studies.

**Credit Contracts and Consumer Finance Act 2003**  
Protects the interests of consumers in relation to consumer credit contracts, consumer leases and buy-back transactions of land. It includes provisions relating to disclosure and unforeseen hardship and sets out rules about interest, payments, credit fees, responsible lending and lender certification.

**Fair Trading Act 1986**  
Prohibits false and misleading behaviour by traders and a range of other unfair business practices. It also requires that consumers are given specified information about certain products and promotes product safety.

**Commerce Act 1986 (Part 4)**  
Part 4 provides for the regulation of price and quality of goods and services in markets where there is little or no competition and little or no likelihood of a substantial increase in competition. Sectors that are currently subject to the provisions of Part 4 are electricity distribution and transmission, gas pipelines, and selected airport services.

**Telecommunications Act 2001**  
Regulates the supply of certain wholesale telecommunications services (including the price and quality of fibre networks) and the quality of retail services.

**Fuel Industry Act 2020**  
Promotes competition in engine fuel markets for the long-term benefit of fuel users. It establishes a wholesale pricing regime, rules governing wholesale contracts, an information disclosure regime and requirements for the display of price information at retail fuel sites.

**Dairy Industry Restructuring Act 2001**  
Promotes the efficient operation of dairy markets in New Zealand by regulating the activities of Fonterra to ensure New Zealand markets for dairy goods and services are contestable.

**Retail Payment System Act 2022**  
Promotes competition and efficiency in the retail payment system for the long-term benefit of merchants and consumers.

**COMMERCE COMMISSION NEW ZEALAND**  
Te Kaitiaki Takekōwhiri

7. In recent years, our regulatory responsibilities have grown as each piece of legislation that we are responsible for has either been amended or reviewed, and additional legislation has been introduced. For example:

- The introduction in October 2018 of a market studies function. A market study provides an in-depth assessment of the nature of competition in a market and is undertaken through a rigorous and consultative process. The market studies power enables us to consider where competition may not be working well in markets rather than considering whether particular conduct is prohibited. We have

established resourcing and staffing for the completion of market studies and we have completed three market studies to date into the fuel, retail grocery and residential building supplies sectors. Each of these studies has uncovered issues which we would not have been able to identify under our other powers. We provide significant support to policy makers responding to our market study recommendations after the conclusion of each market study

- Changes to the cartel provisions in Part 2 of the Commerce Act 1986 introduced a new criminal offence for cartel conduct in April 2021 which includes the potential for imprisonment of individuals. We carried out a successful marketing campaign to educate people about what constitutes cartel conduct and to explain how to report a cartel. We also delivered guidance about criminalisation of cartel conduct and updated our leniency programme. We worked closely with domestic and agencies overseas (particularly the United States Department of Justice and the Australian Competition and Consumer Commission) to ensure staff were trained to undertake criminal cartel investigations
- Changes to section 36 of the Commerce Act, which strengthen the prohibition on businesses taking advantage of market power, will take effect from April 2023. We have recently consulted on draft Guidelines which explain how the Commission will assess conduct under the amended section and we plan to publish the final version of these Guidelines shortly. Importantly, the law only applies to conduct carried out after April 2023 – the law does not apply retrospectively. Alongside this change a narrow exemption from the Commerce Act for certain intellectual property agreements will be repealed. We are also currently consulting on draft Guidelines on how competition rules can apply to use of intellectual property rights
- The Credit Contracts and Consumer Finance Act 2003 has been amended twice in the past nine years to address lending practices. The most recent changes, which have taken effect in stages since 2019, have involved the introduction of interest rate and cost of credit caps, strengthened requirements regarding assessments by lenders of the affordability and suitability of loans for borrowers, and new enforcement tools for the Commission. In addition, from October 2021 the Commission must certify that the directors and senior managers of lenders and mobile traders are fit and proper persons to hold their respective positions
- Changes have been made to the Fair Trading Act 1986 to prohibit unconscionable conduct and unfair business-to-business standard form contract terms. This brings with it the need for the Commission to have closer regard to the role of small business as consumers. In addition, a new regime for the regulation of country of origin labelling of single ingredient foods is now administered by the Commission
- Amendments made in 2018 to the Telecommunications Act 2001 required us to develop and administer a new regulatory regime for fibre broadband services, which is a large and complex workstream with extremely tight deadlines. We are also required to actively promote retail service quality improvements through guidelines and enforceable industry codes alongside increased monitoring obligations
- In 2020, the introduction of a new regulatory regime to promote competition in fuel markets under the Fuel Industry Act 2020 required us to stand-up a new regulatory function in this important sector. Our functions and powers relate to terminal gate

pricing, fair contracts for supply, and the provision of clear and transparent pricing information for consumers. The Fuel Industry Amendment Bill currently before Parliament will strengthen these provisions by introducing a regulatory backstop for wholesale fuel prices

- The Retail Payment System Act 2022 puts in place new regulatory responsibilities for the Commission in respect of the retail payment system (including credit and debit cards). The new regulatory regime requires reductions in interchange fees via an initial pricing standard which took effect in November 2022. It also enables direct intervention by the Commission using a broad suite of powers to regulate different participants, or classes of participants, in the retail payment system. This will ensure the regime is flexible and durable to oversee retail payments for the foreseeable future. The Act also introduces a disclosure and reporting requirement to enable the Commission to monitor the retail payments system
  - The Dairy Industry Restructuring (Fonterra Capital Restructuring) Amendment Act 2022 strengthens the Commerce Commission’s oversight of the base milk price-setting regime, amongst other changes. Some provisions of the Act came into force on 1 January 2023, with others on 1 June 2023.
8. There are also new regulatory responsibilities proposed for the Commerce Commission in relation to the grocery industry, three waters, and consumer data rights. These are discussed further below.

### Our strategy and vision

9. Our vision is that New Zealanders are better off. We believe New Zealanders are better off when markets work well and consumers and businesses are confident market participants. Our strategic framework brings together our vision, strategic objectives, strategies, and values.
10. These make up our current vision and strategy.



11. The two strategic objectives that underpin our vision reinforce each other. We believe the more confidence consumers and businesses have participating in markets, the better markets are likely to function, and well-functioning markets help consumers and businesses to confidently participate in markets.
12. To support our strategic objectives, we have three key strategies that drive our approach. Our strategies are to:
  - seize opportunities to have the greatest impact
  - protect, inform and empower consumers and businesses
  - be trusted, influential and high performing.
13. The first two determine what we are going to do and how we are going to do it. The third sets out how we must shape our organisation to deliver on the other strategies. We engage our strategies when selecting our priorities across each of our main areas of our work so they inform the work that we do to achieve our strategic objectives and our vision.
14. Our organisation's values form the foundation of our strategic framework. They guide the way we operate to implement our three strategies to achieve our strategic objectives.
15. Our current Strategy's end point was 2022 and given the changes to the Commission's operating environment with additional functions, duties and powers over the past two years, work is currently underway to refresh our strategic framework in preparation for a new Statement of Intent planned for publication in 2023.
16. Our new Statement of Intent will apply to the period 2023–2027 and will showcase what the Commission intends to do and the value it provides to New Zealanders over the next 4 years. In May, we will provide you with the draft Statement of Intent for feedback.
17. The Commission will use an Outcomes Framework that will describe what we are seeking to achieve and how we will achieve it over the period. It will identify our vision of what the Commission wants to achieve in the long term, supported by a series of outcomes that describe the goals for New Zealanders, and the difference the Commission intends to make through its impacts and measures of success.

#### *Rautaki Māori | Māori Strategy*

18. In 2022, the Commission expanded its strategic approach by developing its first Rautaki Māori mō Te Komihana Tauhokohoko (Rautaki Māori | Māori Strategy). The Rautaki Māori | Māori Strategy supports the Commission to build its capability in and knowledge of te ao Māori. This helps us to better support Māori interests and the Māori-Crown relationship. This new strategic approach will be described in the new Statement of Intent and will also feature in the Outcomes Framework.



### **Our contribution to New Zealanders**

19. Our strategies support our strategic objectives and drive our work programme across each of our main areas of work:
- Promoting competition in markets throughout the economy
  - Tackling harm to consumers, including from unfair trade practices and lending practices that breach consumer credit laws.
  - Influencing monopoly infrastructure performance for better essential services
  - Improving competition in other regulated markets.

### **Relationship to Ministerial portfolios**

20. We set out for your reference the Ministerial responsibilities and interests related to our work.
- You, as the Minister for Commerce and Consumer Affairs, are responsible for our activities under the Commerce Act 1986, Fair Trading Act 1986, Credit Contracts and Consumer Finance Act 2003, and Retail Payment System Act 2022
  - The Minister for the Digital Economy and Communications is responsible for our work under the Telecommunications Act 2001
  - The Minister of Energy and Resources is responsible for our work under the Fuel Industry Act 2020 and has an on-going interest in our work with electricity and gas networks under Part 4 of the Commerce Act 1986
  - The Minister of Agriculture is responsible for our role under the Dairy Industry Restructuring Act 2001
  - The Minister of Finance has an interest in our work under the Credit Contracts and Consumer Finance Act 2003 through our membership of the Council of Financial Regulators, and our work under the Retail Payment System Act 2022
  - The Minister for Infrastructure has an on-going interest in our work with infrastructure industries under Part 4 of the Commerce Act 1986, the Telecommunications Act 2001, and the Fuel Industry Act 2020
  - The Minister of Transport has an on-going interest in our work with airports under Part 4 of the Commerce Act 1986, and in our work under the Fuel Industry Act 2020
  - The Minister of Broadcasting and Media has an on-going in our specific responsibilities relating to broadcasting under the Telecommunications Act 2001.

21. From time to time our work may intersect with Ministerial portfolios outside of these ongoing relationships, including when competition or consumer issues arise in particular sectors. The following table outlines which Ministers are responsible or have an interest in the work we undertake.

Ministerial Portfolio ↓	Legislation									
	Commerce Act 1986 (Parts 2 & 3)	Commerce Act 1986 (Part 4)	Fair Trading Act 1986	Credit Contracts and Consumer Finance Act 2003	Telecom. Act 2001	Fuel Industry Act 2020	Dairy Industry Restructuring Act 2001	Retail Payment System Act 2022	Water Services Economic Efficiency and Consumer Protection Bill	Grocery Industry Competition Bill
Commerce & Consumer Affairs	Responsible	Responsible	Responsible	Responsible	Interest	Interest	Interest	Responsible	Responsible	Responsible
Digital Econ. & Communications					Responsible					
Energy & Resources		Interest				Responsible				
Agriculture							Responsible			
Finance				Interest				Interest		
Infrastructure		Interest			Interest	Interest			Interest	
Transport		Interest				Interest				
Broadcasting & Media					Interest					
Local Government									Interest	
Health									Interest	

### Commission growth

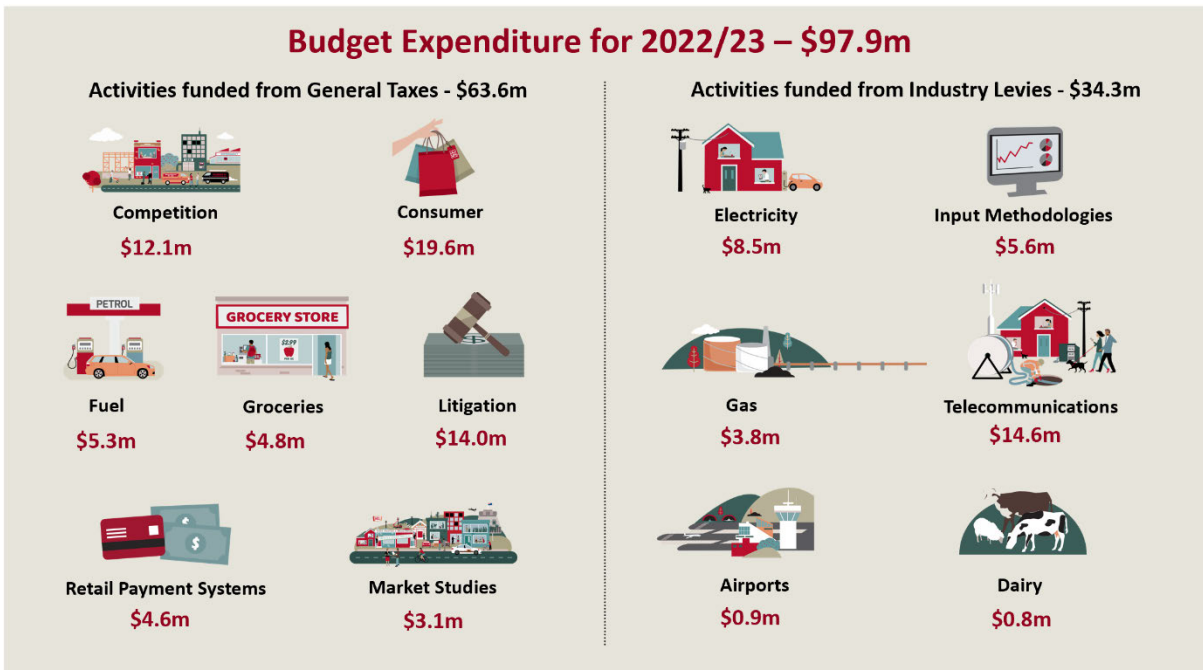
22. As our regulatory responsibilities and associated funding have increased, our organisation has grown from 180 staff six years ago to a headcount of around 400 staff in 2023. We expect further growth to enable us to implement new regulatory responsibilities relating to groceries and the economic regulation of water entities.
23. In 2021/22 we underwent an organisational redesign process to ensure we were fit for the future. Our redesign has created regulatory branches with end to end accountability for regulatory systems in the areas of competition, fair trading, consumer credit, infrastructure regulation and market regulation. The organisation is also supported by three strategic and enabling branches providing legal services, strategy, governance and engagement, and organisation performance. The final phase of this transformation programme will be completed in 2023.

**Financial Overview**

24. Most of our funding comes from Revenue from the Crown, provided to us from appropriations under Vote Business, Science and Innovation. Revenue from the Crown is sourced from both general taxes and industry levies. Other sources of revenue include interest on cash we hold, court cost awards from litigation, cost recoveries for our staff on external secondments, and application fees paid by businesses seeking clearances and other determinations.



25. Our budgeted expenditure for each output class in 2022/23 is shown below. Industry-funded activities are funded from levies charged to businesses in regulated industries.



26. In addition to the above funding and expenditure, we have received a further \$1.6 million from the Crown to fund transition work relating to Three Waters economic regulation for 2022/23, and \$2.4 million for 2023/24.

## Section B – Upcoming Matters for Your Awareness

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27. Outlined below are the key matters the Commission will be working through in the next six months and beyond. More detail will be provided in upcoming briefings and meetings. Information on any other matters can be provided at your request.

### Groceries

28. In March 2022, we completed our market study into the retail grocery sector, which concluded that competition in the retail grocery sector was not working well for consumers and made a range of recommendations to improve competition.
29. As a key part of the Government’s response to our market study, the Grocery Industry Competition Bill was introduced to Parliament in November 2022. Amongst other things, the Grocery Industry Competition Bill:
- provides for the appointment of a Grocery Commissioner to the Commission
  - establishes a comprehensive monitoring regime for the sector
  - puts in place default provisions governing the wholesale supply of groceries by the major grocery retailers and a range of backstop wholesale regulation tools.
  - provides for the introduction of a mandatory grocery supply code of conduct to regulate the conduct of the major grocery retailers towards their suppliers.
30. Establishment of the grocery function within the Commission is well advanced in anticipation of passage of the Grocery Industry Competition Bill. Overall, we consider that the Bill is in good shape, but we have submitted to the Select Committee and recommended a number of improvements.
31. We are also working with MBIE on other elements of the grocery regulatory regime including unit pricing and the substance of the grocery supply code of conduct. In addition, we are also implementing the law changes relating to grocery sector covenants that were put in place through the Commerce (Grocery Sector Covenants) Amendment Act 2022.
32. Budget sensitive and Active consideration
33. In addition to funding, a critical factor in the early success of the grocery regulatory regime will be the timely appointment of a Grocery Commissioner, as their strategic direction will be important in shaping the Commission’s regulatory strategy for the grocery regime.

### Water

34. As part of the Government’s Three Waters reforms, the Commission has been proposed as the independent economic and consumer protection regulator of the four new Water Service Entities (WSE).

35. Economic regulation of water infrastructure services will play a key role in ensuring transparency and driving efficiencies over time, as WSEs invest in the infrastructure required, while protecting consumer's interests. It is estimated that \$120-\$185 billion of water infrastructure investment is needed over the next 30 years to address historical underinvestment.
36. The Commission will also have a role reviewing WSE funding and pricing plans, as well as the consumer dispute resolution service, and monitoring compliance with consumer complaints processes.
37. There is provision in the related legislation for the appointment of a Water Services Commissioner to the Commission and an obligation on the Commission regarding Te Tiriti o Waitangi, Te Mana o te Wai, and Treaty settlements, as well as additional obligations in relation to climate change.
38. Currently the WSEs are planned to be established on 1 July 2024, which is when the new regulatory regime will commence. The WSE Act provides the Commission with transitional powers to allow for the early scrutiny of the initial asset management plans, and the initial funding and pricing plans being prepared as part of getting the new entities operational. As part of this process, we are participants on a Joint Agency Group (along with DIA, MBIE, Taumata Arowai and Treasury) involving the early scrutiny of plans being prepared for 'Entity A' (the northernmost WSE including Watercare). We are recruiting our implementation team, Budget sensitive and Active consideration
39. We have confirmed \$4 million from the Three Waters tagged operating contingency to fund initial work to support the transition period to economic regulation for the three waters sector (from now to July 2024.). Our focus in this period is on building our capability and understanding of the water sector, and the sector's understanding of economic regulation.
40. Cross-agency engagement is a key component of the transition period, and we are working closely with MBIE, DIA (including the National Transition Unit) and Taumata Arowai on relevant aspects of the reforms.

### Next Market Study

41. As noted in the previous section, to date we have completed market studies into the retail fuel, retail grocery and residential building supplies sectors. Since the publication of our residential building supplies market study in December 2022, we have been preparing for our next market study.
42. Active consideration

### Consumer Data Rights

43. Cabinet made decisions in July 2021 to implement a new legislative framework to introduce a consumer data right (CDR). This will allow consumers to securely share data that is held about them with trusted third parties, using standardised data formats and

interfaces. The banking sector has recently been identified as the first sector to be identified for the proposed regime, potentially followed by financial services, electricity, and insurance sectors.

44. In July 2022, Cabinet agreed that the Commission will enforce compliance with the Consumer Data Rights regime.
45. In general, the Commission is supportive of the intent of an economy-wide CDR regime to give consumers greater power over their data, enhancing competition and benefiting consumers in the long term. However, it is a significant undertaking for government and industry – akin to a large IT project. For such a regime to be successful, it needs a formal programme structure that has:
  - strong leadership
  - a high degree of collaboration and coordination across agencies, drawing on relevant IT, regulatory design and implementation expertise
  - a clear, sequenced programme of work where all the components of the scheme through to implementation (e.g. a ‘blueprint’) are considered in detail
  - adequate resourcing.
46. At this stage, we see there is a lot more policy, funding and design-thinking needed to ensure the design and delivery of a CDR will work across business sectors so that the future potential and benefits can be unlocked across and within sectors. Linkages to digital identity and ensuring data integrity and data security are vital to secure public and business confidence in such a regime.
47. We also see it as important to work with industry and the public to ensure the potential benefits are realised and learn from the experiences of other jurisdictions implementing similar regimes, particularly Australia.

### **Board appointments and the growth of the Commission**

48. Unlike many other Crown Entities, members of the Commission’s board are generally appointed as Commissioners on a full-time (or near-full-time) basis, and, through various subject-matter Divisions, are substantively involved in the Commission’s regulatory decision-making.
49. As noted previously, the Commission has experienced a rapid growth in its role and functions recently, and this has brought increased expectations and changes in demand on our organisation. It follows that these changes have had a substantial impact on the nature, scope, and complexity of the statutory decision-making roles of all Commissioners. There has been a corresponding impact on their roles as governors of the Commerce Commission as an independent Crown entity. The demands on the breadth, skillset, judgement, and expertise of individual Commissioners have therefore grown across both their governance and decision-making capacities.
50. Despite the Commission’s growth over the past five years the number of Members and Associate Members at the Commission (excluding the Chair, Deputy Chair, and Telecommunications Commissioner) has only increased by one since late 2019.

51. There is a current recruitment round for Commissioner roles, the Deputy Chair role and a Groceries Commissioner underway, which we are working with MBIE on. We will continue to work with MBIE and your office to ensure the optimum mix of Commissioners to undertake our roles and functions and would welcome a discussion with you on this process.
52. Beyond appointments, the growth in scope of our regulatory responsibilities is necessarily resulting in changes to the ways our board and Divisions operate and govern the Commission. We are currently considering internal reforms with the ultimate aim of delivering a more sustainable governance model for the Commission into the future. We are in discussions with MBIE as our monitoring agency about possible changes and will brief you on these matters once our direction is clearer.

### **Next steps**

53. We would welcome a chance to meet with you and discuss in more detail the matters raised above, as well as any matters you wished to raise with us.
54. The previous Minister met with Commission on a bi-monthly basis to keep the Minister informed on the work the Commission was doing. The Chair, Deputy Chair and Chief Executive (introduced in Section C) would attend these meetings, supported by other Commission staff as needed. The last update we provided to the previous Minister is included as Appendix D, for your information.
55. Your office staff are welcome to contact Raj Krishnan or Lachlan Cartwright (contact details outlined in Appendix C) to organise a meeting.

## Section C –Key staff

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### Chair – Dr John Small

Dr John Small was appointed Chair in December 2022 and has been a Commissioner since June 2020.

John is the Founding Director of economic consultancy firm, Covec, and was also the former Head of the University of Auckland's Economics Department. He has an extensive experience undertaking complex competition analysis in a wide range of sectors, including energy, transport, agriculture, telecommunications, payment systems, and construction. John was also previously a lay member of the High Court of New Zealand, frequently called as an expert witness before courts, tribunals and commissions.

John's term as Chair ends in June 2025.



### Deputy Chair – Sue Begg

Sue Begg was appointed as a Commissioner in June 2009 and Deputy Chair in July 2010. She was also appointed as an Associate Member of the Australian Competition and Consumer Commission from April 2016 to June 2019.

Sue is an economist, whose previous roles include director of the consultancy company Impetus Group Limited, Vice-President and head of the economic advisory unit of the investment banking division of Credit Suisse First Boston NZ Limited (and its predecessor companies) and manager of the Macroeconomic Policy section at the Treasury.

Sue's term as Deputy Chair expired in 2021 – she continues in office pursuant to provisions under the Crown Entities Act until a successor is appointed. MBIE are currently recruiting for a new Deputy Chair.



### Commission Chief Executive – Adrienne Meikle

Adrienne Meikle joined the Commission in May 2018, taking on the role of Chief Executive.

Before joining the Commission Adrienne held the positions of Deputy Chief Executive, Corporate, Governance and Information group, Acting Deputy Chief Executive, Market Services and General Manager, Resolution Services at the Ministry of Business, Innovation and Employment (MBIE). Adrienne has extensive experience across the public sector and prior to joining MBIE in 2012, held the roles of Acting Deputy Secretary, Tourism, Events and Consumer Affairs, Director of

Legal in the former Ministry of Economic Development, Chief Legal Advisor in the former New Zealand Food Safety Authority, and Parliamentary Counsel and Private Secretary in the Attorney General's office.



## Appendix A – Commission Board

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56. The Commission’s Board is responsible for governing the entity and exercising its statutory powers and functions. The Board’s actions must be consistent with the Crown entity’s objectives, functions, Statement of Intent, and Statement of Performance Expectations.
57. The Board has a strong focus on:
- clearly setting the direction of the Commission
  - ensuring that the Commission achieves its objectives, as expressed in legislation and/or the entity’s Statement of Intent
  - managing any risks to the Crown.
58. The Board is made up of Commission Members. It is supported by Associate Members that are appointed in relation to the exercise of specific powers and functions, but are not responsible for the governance of the Commission. Attachment A provides further information about the current six Members and four Associate Members of the Commission.
59. The Board delegates the day-to-day management of the Commission to the Chief Executive. Our Chief Executive, with support of the senior leadership team, is the key point of accountability between the Board and the organisation.

### Commission Members and Associate Members

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**Dr John Small**  
**Chair**

John is the Founding Director of economic consultancy firm, Covec, and was also the former Head of the University of Auckland's Economics Department. He has an extensive experience undertaking complex competition analysis in a wide range of sectors, including energy, transport, agriculture, telecommunications, payment systems, and construction.

John was also previously a lay member of the High Court of New Zealand, frequently called as an expert witness before courts, tribunals and commissions.

Term began: 8 June 2020 (first appointed: 17 Dec 2018)

Term ends: 7 June 2025

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**Sue Begg**  
**Deputy Chair**

Sue Begg was appointed as a Commissioner in June 2009 and Deputy Chair in July 2010.

Sue is an economist, whose previous roles include director of the consultancy company Impetus Group Limited, Vice-President and head of the economic advisory unit of the investment banking division of Credit Suisse First Boston NZ Limited (and its predecessor companies) and manager of the Macroeconomic Policy section at the Treasury.

Term began: 16 June 2019 (first appointed 17 June 2009)

Term ends: 15 June 2021<sup>1</sup>



**Elisabeth Welson**  
**Commissioner**

Before joining the Commission, she was a senior commercial partner at Simpson Grierson, where she co-led the competition and regulatory group and headed the energy, natural resources and utilities market group.

Elisabeth holds an LLB (Hons) from the University of Auckland and has practised as a Barrister and Solicitor in New Zealand as well as a Solicitor of the Supreme Court of Queensland and Solicitor of the Supreme Court of New South Wales.

Term began: 1 October 2018 (first appointed: 20 Sept 2012)

Term ends: 31 March 2022<sup>2</sup>

<sup>1</sup> Sue remains in office pursuant to section 32(3) of the Crown Entities Act 2004 pending the appointment of her successor.

<sup>2</sup> Elisabeth remains in office pursuant to section 32(3) of the Crown Entities Act 2004 pending the appointment of her successor.

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**Dr Derek Johnston**  
**Commissioner**



A commercial lawyer, Derek has extensive experience and knowledge of competition law coupled with significant mergers and transactional experience and familiarity with many of the regulated sectors. His past roles include being the independent Chair of NZX's Regulatory Governance Committee and the Chair of the NZ Markets Disciplinary Tribunal. For many years Derek was a corporate partner with Russell McVeagh and most recently has been practising as a barrister and arbitrator at Thorndon Chambers.

Derek holds undergraduate and postgraduate degrees in law from the University of Auckland and a doctorate in law from the University of Toronto.

Term began: 1 November 2019

Term ends: 31 October 2024

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**Tristan Gilbertson**  
**Telecommunications Commissioner**



Tristan is a corporate and commercial lawyer with extensive international experience in telecommunications law and regulation. After an early career in private practice, Tristan was appointed Legal & Regulatory Director – Asia-Pacific at Vodafone Group Plc, where he was closely involved in the expansion and diversification of Vodafone's business. He then joined Telecom New Zealand Ltd where he was Group General Counsel and played a leading role in the structural separation of Telecom and the re-set of the regulatory framework. Most recently, he was Group General Counsel of Digicel Group Ltd, where he focused on transformation and change across Digicel's 32 global markets.

Tristan holds a BA/LLB(Hons) from the University of Auckland and has completed the Executive Leadership Development Programme at the Wharton School of the University of Pennsylvania.

Term began: 8 June 2020

Term ends: 7 June 2025

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**Joseph Liava'a**  
**Associate Commissioner**

Prior to joining the Commission, Joseph worked as the Community Liaison Manager for Nirvana Health Group.

Before that he was a consumer law advisor for the former Ministry of Consumer Affairs and also worked as a private secretary for the Minister. Joseph has also given consumer law training to budget advice services and community law centres. He has been involved with a variety of boards and panels, including Pacific Health and Welfare Inc, Vaiola Pacific Island Budgeting Service Trust (Mangere), Otara Health Charitable Trust, as well as the board of Consumer New Zealand.

Term began: 16 May 2022 (first appointed 8 April 2019)

Term ends: 7 June 2025



**Vhari McWha**  
**Associate Commissioner**

Vhari is an experienced economist and has advised on public policy and regulation, including competition analysis and market design. She has a background in quantitative analysis, including cost benefit, modelling and forecasting work. Vhari has specific expertise in the energy sector.

Prior to joining the Commission, Vhari was a Director at Sapere. Her earlier roles include Deputy Director at the economic consultancy NZIER and Regulatory Affairs Manager at Meridian Energy.

Vhari holds an MCom (Hons) in economics from the University of Canterbury.

Term began: 14 September 2020

Term ends: 13 September 2025



**Nathan Strong**  
**Associate Commissioner**

Nathan is a qualified economist, with over 20 years of experience focusing on applied competition and regulatory economics, including at senior management levels in regulated companies. Prior to joining the Commission, he was the General Manager (Commercial) at Unison Networks having first been appointed to the executive team at Unison in 2010.

Nathan is also the Chair of the Electricity Networks Associations' Regulatory Working Group, a Member of the Electricity Authority's Security and Reliability Council and has previously been a member of several Electricity Authority Advisory Groups

Term began: 29 August 2022

Term ends: 27 August 2027





**Bryan Chapple**  
**Associate Commissioner**

Bryan is an experienced economist and senior public sector leader, with a deep understanding of the New Zealand economy and the role of regulation.

Prior to joining the Commission, he was Deputy Secretary (Growth and Macroeconomics) at the New Zealand Treasury. In that role, Bryan led the Treasury's work on micro and macro-economic policy, including the Treasury's work on regulatory strategy. Through his senior leadership roles, Bryan has experience in supporting organisations through change and in promoting high performance.

Term began: 29 August 2022

Term ends: 27 August 2027

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**Anna Rawlings**  
**Associate Commissioner**

Anna Rawlings was appointed as an Associate Commissioner in December 2022, following her time as Chair since June 2019. She was first appointed in 2014 for a five-year term as a Commissioner, before taking over as Chair in 2019.

She was previously a partner in the dispute resolution division of Minter Ellison Rudd Watts, where she specialised in contentious and non-contentious aspects of competition, regulatory and consumer law. Anna holds a BA/LLB (Hons) from the University of Auckland and an LLM from the University of Toronto, where her work focused on law and economics. Anna chairs the Commission's Commerce Act Division, Consumer Division, Fuel Division, and Market Studies Division.

Term began: 5 December 2022 (first appointed 9 June 2014)

Term ends: 4 December 2023

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## Appendix B – Commission Senior Leadership Team

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**Adrienne Meikle**  
*Chief Executive  
Officer*

Adrienne joined the Commission in May 2018 from MBIE, where she was the Deputy Chief Executive, Corporate, Governance and Information group. Adrienne has held senior management roles in the Market Services and Dispute Resolution areas in MBIE, Acting Deputy Secretary, Tourism, Events and Consumer Affairs, Director of Legal in the Ministry of Economic Development, Chief Legal Adviser in the New Zealand Food Safety Authority and Parliamentary Counsel. She has also worked for the Department of Corrections and the Ministry of Education. She has a BA, LLB and LLM (Hons) degrees.



**PJ Devonshire**  
*Pouārahi*

PJ is of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa descent and joined the Commission in August 2021. He has held roles as Pouārahi with the Ministry of Social Development and General Manager of his iwi Ngāti Kahungunu ki Wairarapa and represented his iwi on the National Iwi Chairs Forum. In 2021/22, he held dual Pouārahi roles with the Commerce Commission and the Office of the Privacy Commissioner. He is a Board Member of Ngāti Kahungunu ki Wairarapa Charitable Trust and is an honorary member of the Māori Women's Welfare League.



**Antonia Horrocks**  
*General Manager,  
Competition*

Antonia joined the Commission in August 2016 after four years at the UK Competition and Markets Authority, bringing experience as an anti-trust lawyer in the private and government sectors. She started her career in Aotearoa New Zealand and has a BA (Hons) in English, an LLB (Hons) and a Postgraduate Diploma in EU Competition Law.



**Nick Russ**  
*General Manager,  
Economic  
Regulation*

Nick joined the Commission in November 2010 and was General Manager Economic Regulation for the period 2016–2022. Before joining the Commission, Nick spent a number of years working for energy regulators in the UK (Ofgem) and Australia (Australian Energy Regulator). Nick has a degree in electrical engineering and is a chartered engineer.



**Louise Unger**  
*General Manager,  
Credit*

Louise joined the Commission in April 2021 from international firm Lawyers On Demand, where she specialised in risk and compliance. She has expertise in providing legal, risk and compliance services to a range of Aotearoa New Zealand and international organisations, including banks, telecommunications and electricity companies. She led the Bank of New Zealand's Retail legal team, which included advising on the Credit Contracts and Consumer Finance Act. Louise has an LLB (Hons) and BCom from Canterbury University.



**Vanessa Horne**  
*General Manager,  
Fair Trading*

Vanessa joined the Commission in April 2021 from a role as Group Manager, Overseas Investment Office at Land Information New Zealand. Her regulatory and legal background spans several regulatory systems, including overseas investment, intellectual property, health and safety, emergency management, occupational regulation, rural broadband and energy safety. Vanessa has a Master of Public Policy from Massey University and a law degree from Otago University.



**Geoff Williamson**  
*General Manager,  
Organisational  
Performance*

Geoff joined the Commission in July 2011 and was previously Director Corporate Services at the Tertiary Education Commission and Chief Financial Officer at the National Library of New Zealand and had roles at Deloitte. Geoff is a chartered accountant with a BCA from Victoria University of Wellington and an Executive Master of Public Administration through the Australia and New Zealand School of Government.



**Raj Krishnan**  
*General Manager,  
Strategy,  
Governance and  
Engagement*

Raj joined the Commission in 2021 from the Department of Internal Affairs where he held a number of leadership positions, including General Manager Policy and General Manager Regulatory Services. He brings extensive leadership experience in policy and regulation and a strong background in governance and stakeholder relations. Raj has previously held roles with the Department of the Prime Minister and Cabinet, Department of Corrections and the Accident Compensation Corporation. He has a BA in Social Policy and Education and a Master of Public Policy from Victoria University of Wellington.

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**Andrew Riseley**  
*General Manager,  
Legal Services*

Andrew joined the Commission in January 2017 after 20 years in competition law and economic regulation across five jurisdictions, including Singapore, the UK and Australia. Andrew has an MSc in Regulation from the London School of Economics and an LLB (Hons) and BEd (Hons) from Monash University.



**Andy Burgess**  
*General Manager,  
Infrastructure  
Regulation*

Andy joined the Commission in December 2019 after a number of years in economic regulation in the UK and internationally. Andy joined the Commission from Ofgem in the UK where he led part of the Energy System Transition team. He was also the UK representative on the Board of the European Energy Agency (ACER) and the Council of European Energy Regulators (CEER) and acted as the Vice-Chair of CEER's Distribution Systems Working Group.



## Appendix C – Key Contacts

Contact	Role and Details	Note
Dr John Small	Chair  Personal information [REDACTED]	Based in Marlborough, but makes frequent trips to Wellington
Adrienne Meikle	Chief Executive  Personal information [REDACTED]	
Raj Krishnan	General Manager Strategy, Governance and Engagement  Personal information [REDACTED]	Raj leads the Strategy, Governance and Engagement branch, which includes lead responsibility for engagement with MBIE and Ministers offices
Lachlan Cartwright	Acting Manager Strategy, Policy and Performance  Personal information [REDACTED]	Lachlan leads the team responsible for engagement with MBIE and Ministers offices
John McLaren	Manager Communications and Engagement  Personal information [REDACTED]	John leads the Commission's communications team

**Appendix D – Commission update to the Minister: December 2022**

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Confidential advice

