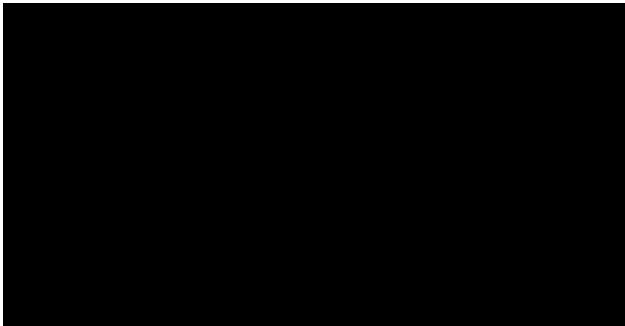


29 January 2024



Official Information Act #23.149 – Response

1. We refer to your request received on 15 January 2024 for information about the Commerce Commission’s (the Commission) school uniform guidelines. You have requested:
 - 1.1 “Does the ComCom or any other body monitor the recommendation that schools with uniforms regularly review their supplier arrangements to see whether schools/a sample of schools comply? Or do you wait for complaints about anticompetitive practice?”
 - 1.2 How many complaints have you had over the last 5 years about competition for school uniform market? Who (in general terms) made the complaint - school, member of the public, industry?
 - 1.3 What was the outcome of the ComCom's deliberations about those complaints?”
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. In response to your query at [1], we can advise that the Commission does not monitor the recommendation in the guidelines that schools regularly review their supplier arrangements. We are also not aware of any other body that does so.
4. Any complaints we receive alleging anti-competitive conduct in relation to the supply of school uniforms would be assessed according to the Commission’s screening and prioritisation process for complaints.

The Commission's complaint screening process

5. All complaints received by the Commission are logged in our complaints database and assessed by the Screening and Enquiries Team on the basis of the information available at that time. When conducting an initial assessment, the Screening and Enquiries Team considers:
 - 5.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 5.2 the Commission's Enforcement Response Guidelines;¹ and
 - 5.3 the Commission's strategic priorities and resourcing constraints.
6. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
7. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.²
8. This process enables us to identify complaints that best reflect our current enforcement priorities.³ The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Number of complaints

9. In response to your queries at [1.2] and [1.3], the Commission has received three complaints over the last five years⁴ about competition for the school uniform market. All three complaints were made by members of the public. We provide summaries and outcomes of the three complaints in **Appendix A** below.
10. The Commission has decided not to take any further action at this time in relation to the three complaints received about competition for the school uniform market. There are a number of reasons why the Commission may decide not to take any further action in relation to a complaint or enquiry.

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

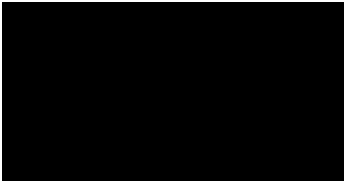
³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

⁴ 15 January 2019 to 15 January 2024.

Further information

11. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
12. Please do not hesitate to contact us at oiia@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

Appendix A			
Enquiry number	Date Received	Complaint	Outcome
ENQ0523193	21/02/2019	Complainant is concerned about the price of school uniforms. Complainant claims that there is only one trader who supplies the school uniform to the school.	No Further Action (NFA) ⁵
ENQ0549382	02/01/2021	Complainant is concerned about the price of school uniforms. Complainant believes that they are overpriced.	NFA
ENQ0552190 ⁶	12/03/2021	Complainant alleges the school runs a monopoly school uniform shop. Complainant thinks they should have the rights to choose where they purchase the school uniform from.	NFA

⁵ The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

⁶ Complainant subsequently requested to withdraw their complaint.