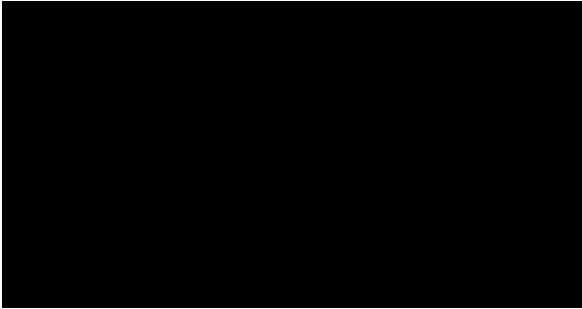


31 March 2023



#### **Official Information Act #22.147 - Response**

1. You have submitted two requests on 28 March 2023 and 29 March 2023 for information about the Commerce Commission (Commission) and Senate Communications Limited (SenateSHJ). To ensure that we can share information with you in a timely manner, we are responding to your first request now. The second request will follow at a later point due to the collation required.
2. This letter responds to your first request received on 28 March 2023. The scope of your request is:
  - 2.1 What relationship, arrangements and contracts does the Commission have with SenateSHJ and how long have these been in place?
    - 2.1.1 For the above arrangements that have been in place until recent years, when did they cease?
  - 2.2 What does SenateSHJ do for the Commission?
  - 2.3 Is it true that the Commission contracted out its communications/and or corporate affairs functions to SenateSHJ? If so, why was this done, for how long and at what expense?
  - 2.4 Do SenateSHJ staff work, (or have they worked), in the physical offices of the Commission?
    - 2.4.1 What roles do SenateSHJ staff have working for the Commission and how many SenateSHJ staff are working there?

- 2.5 Do these roles extend to work on sensitive competition issues including fuel markets, supermarkets and telecommunications?
- 2.5.1 If so, what work has SenateSHJ done for the Commission in those sectors?
- 2.6 What conflict of interest provisions are in place for SenateSHJ's work with the Commission?
- 2.7 What is the ongoing role that SenateSHJ has working for the Commission?
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### Our response

4. The 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. Transparent and effective communications and stakeholder engagement is an integral part of our regulatory responsibilities.
5. The Commission's communications and engagement function is responsible for managing and delivering all of the Commission's external communications and supporting the Commission's engagement across various sectors and communities. This includes responding to media queries in a timely manner, disclosure around mergers and acquisitions, delivery of our market studies, publication of reports, and announcements around our investigations and enforcement.
6. Across the Commission, we utilise consultants and contractors with specialised skills or expertise to work on specific projects that fall outside the specialisations or expertise of our current permanent employees. Contractors are also used when there is a peak in the volume of work, or where there is a need to backfill while permanent staff are recruited.
7. The Commission is committed to public transparency, and every year we provide information on how we work with contractors and external consultants. You can read more in our 2021/22 Annual Review responses to written questions [here](#) (page 51). There is also a breakdown on the use of external consultants and contractors in Attachment B of the same document (page 114).
8. The Commission has used a number of agencies in various ways to support our communications and engagement function including communications support, advertising, and stakeholder engagement.
9. You have specifically asked about the Commission's use of SenateSHJ. The Commission has engaged with SenateSHJ on an as-needed basis to support our communications and engagement activities, including developing communications

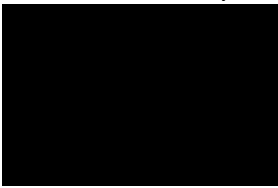
materials and resources, undertaking stakeholder surveys, communications strategy and media training.

10. We have used SenateSHJ's services across a range of areas at the Commission. You can find further information about our engagement with SenateSHJ in a previous OIA published [here](#) (page 4).
11. In response to your specific questions:
  - 11.1 In response to questions 2.1 and 2.1.1, our relationship with SenateSHJ is on an as needed basis. We have no current contract or arrangement in place with SenateSHJ.
  - 11.2 In response to question 2.2, the most recent support the Commission received from SenateSHJ was the provision of media training in December 2022.
  - 11.3 In response to question 2.3, the communications and engagement function is an in-house function and has not been contracted out to SenateSHJ.
  - 11.4 In response to questions 2.4 and 2.4.1, no SenateSHJ staff currently work at the Commission or in the Commission's offices. However, SenateSHJ staff have previously worked in the physical offices of the Commission in completing contractual requirements, including when needed to fill short-term resourcing gaps.
  - 11.5 In response to questions 2.5 and 2.5.1, the Commission has acquired support from SenateSHJ when specialised skills or expertise fall outside the specialisations or expertise of our current permanent employees, or where there has been a peak in the volume of work or where there is a need to backfill while permanent staff are recruited. Some of the projects that SenateSHJ has supported the Commission on have included our regulatory responsibilities in relation to the fuel, grocery and telecommunications markets.
  - 11.6 In response to question 2.6, the standard conflict of interest and confidentiality provisions are contained in the All-of-Government Consultancy Services Order terms and conditions (Attachment A).
  - 11.7 In response to question 2.7, SenateSHJ are on the All-of-Government panel of suppliers and the Commission contracts for services when we require additional capability or capacity.

### **Further information**

12. Please note the Commission will be publishing this response to your request in the OIA register on our website.<sup>1</sup> Your personal details will be redacted from the published response.
13. The response to your second request submitted on 29 March 2023 will follow at a later point due to the collation required.
14. Please do not hesitate to contact us at [ويا@comcom.govt.nz](mailto:ويا@comcom.govt.nz) if you have any questions about this request.

Yours sincerely



OIA and Information Coordinator

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<sup>1</sup> <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>

Released Under Official Information Act 1982