

21 November 2018



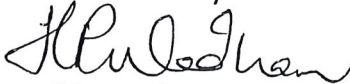
Official Information Act #18.109 – Means of Life

1. We refer to your request of 8 November 2018 where you asked the Commerce Commission (the Commission) for the criterion by which it ensures the security of access to “means of life”¹ for the New Zealand population through generational time, in the context of commerce.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. We have decided to decline your request under section 18(e) of the OIA, on the basis that the information you have requested does not exist. We do not hold information responsive to your request.
4. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
5. Please note the Commission may publish this response to your request on its website. Personal details will be redacted from the published response.
6. If you have any questions in regards to this request, please do not hesitate to contact us at oia@comcom.govt.nz

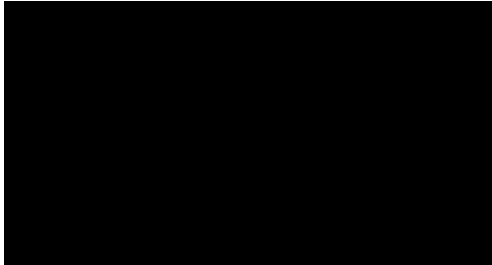
Yours sincerely



Hilda Wadham
Acting OIA Coordinator

¹ In your letter of 8 November 2018, you have defined this as “the production and distribution of goods and the protection of ecosystem services” (at paragraph 2).

28 November 2018



Official Information Act #18.109 – Means of Life (Follow-up response)

1. We refer to your follow-up request made on 22 November 2018 about the Commerce Commission's (the Commission) response to your Official Information Act 1982 request 18.109 Means of Life.
2. You have asked for confirmation that the Commission has no structural recognition of the Universal Human Life Needs/Necessities in its processes/functions/doctrine.

Our response

3. The Commission has no explicit structural recognition of the "Universal Human Life Needs/Necessities" (which you have defined as "clean air, fresh water etc.").
4. The Commission was established under the Commerce Act 1986 (the Act). The purpose of the Act is to promote competition in markets for the long-term benefit of consumers within New Zealand. The Act does not make direct reference to "Universal Human Life Needs/Necessities", however the Commission may recognise these types of considerations when assessing whether conduct under the Act will be likely to result in a benefit to the public.
5. For example, under section 67(3)(b) of the Act, the Commission must grant authorisation for a merger "if it is satisfied that the acquisition will result, or will be likely to result, in such a benefit to the public that it should be permitted". In the Commission's recent decision to decline authorisation for the NZME/Fairfax merger, the Commission took into account media plurality. In that decision, the Commission held:

*"Plurality of the news media is essential to the maintenance of a well-functioning democracy, and a healthy democracy depends on the availability and exchange of a divergence of views."*¹

¹ see [1729] of the Determination which can be found here: <https://comcom.govt.nz/case-register/case-register-entries/nzme-limited>

6. Please note the Commission may publish this response to your request on its website. Personal details will be redacted from the published response
7. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely

H. R. Wadham

Hilda Wadham
Acting OIA Coordinator

Released under the Official Information Act 1982