

9 December 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

**Official Information Act #20.116 - The Yeatmans Group**

1. We refer to your request received on 25 November 2020 for the following information about Mr Benjamin Yeatman (also known as Mr Benjamin Hannsen) in relation to a complaint to the Commerce Commission (**Commission**) provided to you by Mr Paul Clark (and referred to in a Stuff article dated 29 November 2020):<sup>1</sup>
  - 1.1 whether the Commission was aware of Mr Yeatman's background;
  - 1.2 did the Commission have contact with any other government agencies about Mr Yeatman; and
  - 1.3 was there sufficient sharing of information between government agencies and the public in this case so that unsuspecting business people could be made aware of Mr Yeatman's background?
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).
3. On 26 November 2020, our Communications team advised you that the Commission has received two complaints about Mr Yeatman in relation to the same issue. We confirm both complaints are from Mr Clark.
4. We advised you that we did not investigate Mr Clark's complaints because they relate to contractual issues outside of the Commission's remit and are better suited for private action.

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<sup>1</sup> Grocer claims 'narcissistic' double bankrupt Ben Yeatman cut off his water and electricity, leaving him on verge of bankruptcy: <https://www.stuff.co.nz/business/300167502/grocer-claims-narcissistic-double-bankrupt-ben-yeatman-cut-off-his-water-and-electricity-leaving-him-on-verge-of-bankruptcy>

## Our response

5. We have decided to grant your request.

## The Commission's complaints screening process

6. To provide context to how Mr Clark's complaints were assessed, we have outlined the Commission's complaint screening process below.
7. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
8. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information available at the time.
9. When conducting this initial assessment, the Enquiries Team considers:
  - 9.1 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);
  - 9.2 the Commission's Enforcement Response Guidelines,<sup>2</sup> and;
  - 9.3 the Commission's strategic priorities and resourcing constraints.
10. 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.
11. If a complaint is deemed to meet certain criteria, it is reviewed by a panel of managers and subject matter experts from within the Competition Branch. The screening panel decides which complaints are to be prioritised for further consideration by the branch.
12. This process enables us to identify complaints that best reflect our current enforcement priorities.<sup>3</sup> 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.

## Mr Clark's complaints

13. Mr Clark's complaints were assessed by the Enquiries Team and the decision made not to take further action on the basis they relate to contractual issues outside the Commission's remit and are better suited for private action.

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<sup>2</sup> Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

<sup>3</sup> For further information, see: <https://comcom.govt.nz/about-us/our-priorities>

14. The Commission does not hold any other documents or information responsive to your request:
  - 14.1 in response to paragraph [1.1] of your request, the Commission was not made aware of or conduct enquiries into Mr Yeatman's background; and
  - 14.2 in response to paragraph [1.2] of your request, the Commission did not have contact with any other government agencies about Mr Yeatman; and
  - 14.3 in response to paragraph [1.3] of your request, the Commission is not required to form an opinion in order to answer a request for information.<sup>4</sup>
15. Please note the Commission will be publishing this response to your request in the OIA register on our website.<sup>5</sup> Your personal details will be redacted from the published response.
16. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely

*Mary Sheppard*  
OIA Coordinator

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<sup>4</sup> Office of the Ombudsman, OIA for Ministers and agencies, at page 6.

<sup>5</sup> <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>