

13 June 2024



Official Information Act #23.258 – Information about enquiries and prosecutions

1. We refer to your request received by the Commerce Commission (the Commission) on 15 May 2024 for:
 - 1.1 The number of enquiries referred or reported to the Commerce Commission from 2013 and every year up to and including 2023;
 - 1.2 The amount in dollars alleged to have been the subject of the offences (if possible)
 - 1.3 Of those enquiries, how many resulted in a prosecution, year by year?
 - 1.4 How many enquiries resulted in no prosecution?
 - 1.5 How many enquiries remain unsolved/ active.
 - 1.6 How many enquiries were referred to the Commerce Commission by the Police in 2019, 2020, 2021, 2022 and 2023?
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. Our response to your request is set out below.

Number of enquiries

4. In response to the request at paragraph 1.1, the below table sets out the number of enquiries received by the Commission in the ten calendar years up to 2023:

Year	Number of enquiries
2013	4,651
2014	5,755
2015	6,738
2016	6,813
2017	7,955
2018	8,428
2019	9,208
2020	10,548
2021	8,831
2022	9,500
2023	12,484

Amount of dollars subject of offences

5. The Commission does not collect the type of data requested in paragraph 1.2 in relation to enquiries. We are therefore declining this part of your request under section 18(g)(i) of the OIA as the information requested is not held by the Commission and we have no grounds for believing that the information is held by another department.

Enquiries that result in prosecution

6. The Commission does not collate the information as requested in paragraph 1.3 and 1.4. Enquiries may inform an investigation, which in turn may lead to a prosecution but there is no direct linkage between the number of complaints we receive and a resulting prosecution. We will investigate trader conduct generally, rather than in response to a specific enquiry, therefore we do not collect data showing the correlation between enquiry and prosecution.
7. This part of your request is declined under section 18(g)(i) of the OIA as the information requested is not held by the Commission and we have no grounds for believing that the information is held by another department.

Enquiries unsolved/active

8. In response to the request at paragraph 1.5, the Commission assesses enquiries received for any potential breaches of the Acts that the Commission enforces. The Commission aims to assess enquiries received promptly. Every enquiry is triaged within the first two days of arrival, which enables us to prioritise enquiries due to factors such as significant harm.
9. After triage, enquiries that are waiting to be assessed or are going through the assessment process are typically handled within 1-4 weeks.
10. The number of enquiries that are yet to be assessed is usually between 600 and 700. This can be higher or lower at any one time due to various factors including public holidays or media interest.

11. We also have a number of Fair Trading matters that have been assessed and are currently in a pipeline of work and waiting further assessment, which have not yet been closed.
12. Please note that the following table presents a snapshot as of 11 June 2024 and projects can relate to more than one enquiry.

Category	Total (as of 11 June 2024)
Further assessment required	6
Information Passed to Trader	55
Investigation	52
Total	113

13. As of 13 June 2024, we have 14 matters currently before the courts that involve alleged breaches of the Fair Trading Act.

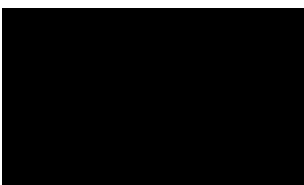
Referred by police

14. The data we have provided in response to the request at paragraph 1.6 is collated from requests referred to us directly from Police and is as follows:

Year	Referred by police
2019	3
2020	6
2021	1
2022	0
2023	1

15. 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.
16. 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.
17. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator