

Briefing to the Incoming Minister

Media and Communications

28 November 2023



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Introduction

Tēnā koe e te Minita hou o te Kōmihana Tauhokohoko – Greetings from the Commissioners and staff of the Commerce Commission.

Congratulations on your appointment as the Minister for Media and Communications.

As the independent regulator, we strive to use the full range of tools available to promote investment, innovation, competition and connectivity in the telecommunications and fibre sectors. This includes broad sector engagement and a proactive media strategy, alongside careful use of our statutory powers.

This briefing note introduces you to our organisation, our role within your Ministerial portfolio, and our relationship to other portfolios:

- **Section A** describes the Commission's role
- **Section B** provides an overview of the Telecommunications and Fibre sectors and outlines the key matters the Commission is working on for your awareness
- **Section C** introduces you to the key staff of the Commission.

We trust you find this information helpful and very much look forward to working with you.

Dr John Small
Chair

Tristan Gilbertson
Telecommunications Commissioner

Vanessa Horne
Chief Executive (Acting)

Section A – The Role of the Commerce Commission

Our overall role

1. We are New Zealand’s primary competition, fair trading, consumer credit and economic regulatory agency. Our vision is to make New Zealanders better off through markets that work well and by ensuring that consumers and businesses are confident market participants. Within this broader context we regulate the telecommunications and fibre sectors to promote competition and consumer interests.
2. Our vision is consistent with our statutory responsibilities which are focused on the long-term benefit of consumers. We focus on ensuring minimum standards are complied with and the interests of consumers are protected.
3. Factors that are critical to our ability to deliver include:
 - ensuring our independence and impartiality
 - maintaining an understanding and knowledge of the sectors we regulate
 - striking a balanced focus between stakeholder engagement, education and enforcement
 - retaining a big picture focus.
4. Our key responsibilities are set out in the legislation we implement. This is outlined below. The common thread through this legislation is a focus on the long-term interests of consumers, the promotion of competition where that is feasible and the regulation of commerce where it is not. This is why we maintain a focus on making New Zealanders better off across all our responsibilities.
5. How well markets function affects the affordability of goods and services, the incentives that businesses have to innovate and improve efficiency and the speed with which the economy recovers from external shocks. These issues all have a real impact on New Zealanders as consumers.
6. Effective competition creates incentives for businesses to innovate, improve efficiency and produce products and services that are attractive to consumers. Consumers contribute directly to competition when they buy things and are better off when they have confidence to participate in markets. They should have access to accurate, truthful information that helps them make informed purchasing choices and feel that the system is working to protect their interests.
7. Similarly, businesses need to be confident that the rules of trade are clear, that competitors are playing by them and that there is a reliable system for ensuring respect for the law. They also need to have confidence that the regulatory regimes we are responsible for are predictable, so that they can continue to invest and innovate.
8. We will work towards our vision by targeting four outcomes – Stewardship, Competitive markets, Fair trade and Essential services. These outcomes are described in our [Statement of Intent](#), which we published earlier this year.

Legislated responsibilities

9. The key laws we are responsible for implementing and enforcing are outlined below.

<p>Commerce Act 1986 (Parts 2, 3 and 5)</p> <p>Promotes competition by preventing anti-competitive behaviour and acquisitions that substantially lessen competition. It also provides for a clearance and authorisation regime for mergers and restrictive trade practices and enables the Commission to carry out competition (or market) studies</p>	<p>Fair Trading Act 1986</p> <p>Promotes fair trading by prohibiting false and misleading behaviour by traders and a range of other unfair business practices, it also requires that consumers are given specified information about certain products and promotes product safety.</p>	<p>Fuel Industry Act 2020</p> <p>Promotes competition in engine fuel markets for the long-term benefit of fuel users. It establishes rules governing wholesale contracts, an information disclosure regime and requirements for the display of price info at retail fuel sites.</p>
<p>Commerce Act 1986 (Part 4)</p> <p>Promotes the long-term benefit of consumers in certain monopoly infrastructure markets by promoting incentives for suppliers to innovate, invest, improve efficiency and provide services at a quality that reflects consumer demand, and by limiting excessive profits. It provides for information disclosure, and regulation of price and quality of some suppliers.</p>	<p>Retail Payment System Act 2022</p> <p>Promotes competition and efficiency in the retail payment system for the long-term benefit of merchants and consumers. It establishes a monitoring regime for the sector, puts in place an initial pricing standard to regulate the interchange fees of Visa and Mastercard networks and provides a range of other tools to regulate fees, prices and access to networks.</p>	<p>Grocery Industry Competition Act 2023</p> <p>Establishes a monitoring and reporting regime for the grocery sector, provides for the making and enforcement of a Grocery Supply Code to promote fair conduct between grocery retailers and suppliers and includes a range of default and backstop regulatory tools to promote the availability of reliable and cost-effective wholesale supplies of groceries.</p>
<p>Telecommunications Act 2001</p> <p>Regulates the supply of certain wholesale telecommunications services (including the price and quality of fibre networks) and the quality of retail services. It also empowers the Commission to regulate the withdrawal of copper services by Chorus and require providers to ensure vulnerable users can access the 111 emergency service.</p>	<p>Dairy Industry Restructuring Act 2001</p> <p>Subpart 5A provides for an annual review of the base milk price manual and calculation and a limited disclosure regime with the purpose of providing an incentive for Fonterra to operate efficiently while providing for contestability in the market for the purchase of milk from farmers</p>	<p>Credit Contracts and Consumer Finance Act 2003</p> <p>Protects the interests of consumers in relation to consumer credit contracts, consumer leases and buy-back transactions of land. It includes provisions relating to disclosure and unforeseen hardship and sets out rules about interest payments, credit fees, responsible lending and lender certification.</p>

Water Services Entities Act 2022	Water Services Economic Efficiency and Consumer Protection Act 2023*
Establishes water services entities (suppliers) and provides for initial economic regulation during the entity establishment period, including the provision for scrutiny of entity initial asset management and funding and pricing plans.	Promotes the long-term interests of consumers of water infrastructure services through economic regulation and a consumer protection regime. It provides for the disclosure of information, the regulation of service quality, and limits on prices charged by monopoly service providers. It also provides for the setting and enforcement of a service quality code to improve the quality of water services.

*We note that our work in relation to this legislation for water services will be subject to the Government's policy commitments for water.

Relationship to Ministerial portfolios

10. The Commission's Ministerial responsibilities are as follows:

- You, as the Minister for Media and Communications, are responsible for our activities under the Telecommunications Act 2001
- The Minister for Commerce and Consumer Affairs is responsible for our activities under the Commerce Act 1986, Fair Trading Act 1986, Credit Contracts and Consumer Finance Act 2003, Retail Payment System Act 2022, Grocery Industry Competition Act 2023, Water Services Entities Act 2023 and the Water Services Economic Efficiency and Consumer Protection Act 2023
- The Minister of Energy is responsible for our work under the Fuel Industry Act 2020 and has an on-going interest in our work with electricity and gas networks under Part 4 of the Commerce Act 1986
- The Minister of Agriculture is responsible for our role under the Dairy Industry Restructuring Act 2001
- The Minister of Finance has an interest in our work under the Credit Contracts and Consumer Finance Act 2003 through our membership of the Council of Financial Regulators, and our work under the Retail Payment System Act 2022
- The Minister for Infrastructure has an on-going interest in our work with infrastructure industries under Part 4 of the Commerce Act 1986, the Telecommunications Act 2001, and the Fuel Industry Act 2020
- The Minister of Transport has an on-going interest in our work with airports under Part 4 of the Commerce Act 1986, and in our work under the Fuel Industry Act 2020
- The Ministers of Health and Local Government have an on-going interest in our work under the Water Services Economic Efficiency and Consumer Protection Act 2023.

11. From time to time our work may intersect with Ministerial portfolios outside these on-going relationships, including when competition or consumer issues arise in particular sectors.

Our role in Telecommunications and Fibre

12. Telecommunications services support New Zealanders in all aspects of their lives and are more important than ever to social and economic wellbeing.
13. Our telecommunications work brings together the infrastructure, competition and consumer aspects of the Commission's work. Under the Telecommunications Act, we promote competition and influence the performance of monopoly network infrastructure. This includes promoting competition in retail service quality such as by ensuring that information is available in a way that informs consumer choice. In parallel, our role under the Fair Trading Act extends to advocacy and enforcement relating to trade practices of telecommunications providers.
14. Section B of this briefing summarises the work we have been doing to deliver on the objectives set out in the most recent amendments to the Telecommunications Act.

Section B – Sector Overview and Key Upcoming Matters

15. Outlined below are the key telecommunications-related matters the Commission will be working through in the next six months and beyond. More detail will be provided in upcoming briefings and meetings. Information on any other matters can be provided at your request.

Background

16. Our telecommunications work, overseen by the Telecommunications Commissioner, is focused on delivering four key objectives that underpin the 2018 amendments to the Telecommunications Act 2001:
- implementing a new regulatory regime for fibre services
 - smoothing the transition from copper to fibre and protecting the interests of consumers during this process
 - improving retail service quality for consumers
 - enhancing our monitoring and reporting of competition and compliance in the market.
17. The 2018 amendments were determined following many years of policy development and consultation.

Fibre Regime

18. We have developed a new regulatory regime for fibre that delivers the certainty, stability and predictability required for ongoing investment in this essential infrastructure.
19. The new regime went live on 1 January 2022 and includes two key means of promoting consumer interests over the long term. These are the specification of:
- maximum revenue and quality standards for Chorus (as the largest fibre provider) which constrain its ability to charge excessive prices and secure the quality that New Zealanders have come to expect from their fibre services
 - information disclosure requirements for Chorus and the other fibre providers that give the Commission and the public timely information to monitor outcomes, market performance, prices and quality for all fibre providers.
20. These measures have provided a smooth transition into the new regime and ensure that New Zealanders continue to enjoy some of the world's best fibre broadband services. Chorus and the other regulated fibre providers also have continued incentives to invest, innovate and compete for the long-term benefit of consumers.
21. The new regime has been well received by the industry and financial markets. International ratings agencies Standard & Poor's and Moody's have commented positively on the increased certainty the new regime provides to the market.
22. We are currently preparing to set Chorus' expenditure path for the second time since the regime commenced. The next price-quality path will apply for the period from 2025 to 2028. At the same time, we are reviewing the current state of competition in

fibre markets, and assessing whether regulation continues to be necessary and beneficial.

23. We continue to ensure that all the regulated fibre providers meet their ongoing information disclosure requirements.

Copper Transition

24. We have developed two codes to help protect the interests of consumers during the transition from copper to fibre services:
- The **111 Contact Code**, which went live in November 2020, is focused on vulnerable consumers with landline services who are at more risk of needing to call emergency services in a power cut. Retail service providers must give these consumers an alternative means of calling emergency services during a power cut at no cost to them. There are currently 573 vulnerable consumers who have been registered under the code. Mobile phones (79%) or battery back-ups or similar devices (21%) have been supplied to enable these consumers to make emergency calls during a power cut
 - The **Copper Withdrawal Code**, which went live in December 2020, sets out the minimum requirements Chorus must meet before it can withdraw copper services. Copper can only be withdrawn in areas where fibre is available, consumers must get at least six months' notice of any change, and Chorus must work proactively with consumers to ensure they understand the process and what replacement fibre services are available to them. The code covers around 250,000 copper lines in fibre areas that are eligible for withdrawal. According to the latest reported information, approximately 30,000 copper lines have been put into the withdrawal process and 16,000 copper lines have been withdrawn. The remaining copper services are expected to be withdrawn on a rolling basis over the next few years.
25. Our monitoring suggests that both codes are operating as intended with no serious issues being reported to either the Commission or the Telecommunications Dispute Resolution Scheme.¹
26. We are in the process of completing reviews of both codes by the end of this year to ensure they continue to meet their objectives and identify any opportunities for improvement. Our proposed amendments to the codes will be implemented next year.

Retail Service Quality

27. We are working to improve telecommunications retail service quality (**RSQ**) in response to persistently high levels of consumer complaints in this area.²

¹ Outside core code obligations, there is a degree of consumer misunderstanding in relation to wider copper withdrawal issues, which we have been working with industry and consumer groups to address, including through the production of fact sheets dealing with common questions and concerns.

² Parliament's most recent review of the regulatory regime found systemic problems in this area (which competition at the wholesale level by itself was not correcting) leading to the introduction of the Pt 7 (Retail Service Quality) provisions of the Act. These task the Commission with improving retail service quality to meet the demands of consumers.

28. We have addressed the following areas in our work to date:
- *Evidence Base for Action* – We consulted extensively to build up a detailed understanding of what RSQ issues matter to consumers and why. Following this we have initiated an ongoing consumer satisfaction survey to monitor RSQ and inform our work
 - *Effective Dispute Resolution Scheme* – We reviewed and then set out a detailed roadmap of changes to improve the effectiveness of the industry dispute resolution scheme for consumers
 - *Mobile Transparency* – We required the three mobile network operators to give their customers better information and tools to determine whether they are on the best plan relative to their usage and spend
 - *Broadband Marketing* – We issued guidelines to improve the marketing of broadband services to consumers including a requirement to use likely actual peak time speeds in advertising (rather than “up to” speeds or theoretical maximums) and provide an “exit right” for consumers to walk away without penalty if their service fails to deliver what was advertised.
29. This year, our focus has been on completing three major initiatives:³
- *Telecommunications Dispute Resolution Scheme Access*: Working within the current legislative settings to ensure as many consumers as possible have access to the independent and free industry dispute resolution scheme
 - *Customer Service*: Improving customer service by showing how different providers are performing and encouraging providers to compete against each other on their customer service levels
 - *Product Disclosure*: Improving product disclosure through a range of measures that will enable consumers to compare telecommunications products, plans and providers on a more like-for-like basis.
30. Next year, we plan to move on to look at billing, debt practices, affordability, switching, and contract issues experienced by consumers. We have laid the foundation for that work by beginning to collect evidence on these areas.
31. As we move forward, we will continue to:
- phase our work to ensure it is manageable for all stakeholders
 - tackle issues in the order in which they matter to most consumers
 - take a collaborative approach to problem solving with the industry and consumers
 - give the industry the opportunity to develop solutions, by way of industry codes through the Telecommunications Forum, where appropriate
 - keep the solutions we put in place under review to ensure they are improving outcomes for consumers.

Monitoring and Compliance

32. Expanding and enhancing our monitoring function is an ongoing priority for us. Effective monitoring:
- underpins our understanding of the market and ensures our actions are directed towards promoting competition and preventing harm to consumers
 - provides consumers with independent information that empowers them to make informed purchasing decisions and engage more confidently in the market.
33. Last year, we launched the next phase of our Measuring Broadband New Zealand programme which now includes new technologies and more providers, such as Starlink satellite broadband. Our quarterly reports help consumers to compare different providers, plans and technologies and encourage providers to compete on quality as well as price.⁴
34. This year, we released our revised Annual Telecommunications Monitoring Report, which provides a wider and deeper view of the competitive landscape, the development of competition, and the end-to-end performance of the telecommunications sector. We are preparing for next year's report by undertaking a rural connectivity study, which is our most granular data collection to date, and will offer the best view yet of the state of connectivity in areas without fibre.
35. The findings from the rural connectivity study will inform our 2025 statutory review of the copper regulations currently in place outside fibre areas.
36. Finally, we are also working to ensure effective monitoring, oversight and enforcement of obligations relating to:
- Copper Withdrawal Code
 - 111 Contact Code
 - Our Broadband Marketing Guidelines
 - Fibre ID regime.

Next Steps

37. We would welcome the opportunity to meet with you and discuss this briefing and any other matters you may wish to raise with us.
38. In the past we have found regular reporting and quarterly meetings to be a helpful way of maintaining open communication and keeping the Minister up-to-date with our work. Going forward, we would welcome the opportunity to meet with you, and propose that the Telecommunications Commissioner, and General Manager Market Regulation (introduced in Section C) would attend on a standing basis, supported by the Chair, Chief Executive and other Commissioners and Commission staff as needed.

⁴ The new programme not only reports on broadband speeds but performance of a number of common applications used by consumers (such as Netflix, different social media platforms, online gaming, video conferencing and You Tube) and topics of interest (such as the performance of different routers).

39. Your office staff are welcome to contact Simon Thomson or Lachlan Cartwright (contact details outlined in Appendix C) to organise a meeting.

Section C – Key staff



Chair – Dr John Small

Dr John Small was appointed Chair in December 2022 and has been a Commissioner since June 2020.

The Chair leads the Commission and acts as its principal spokesperson. He provides leadership to the other Members of the Commission and Commission staff, oversees the governance of the Commission, the performance of the Commission's functions, and leads engagement with Ministers and other key stakeholders.

John's term as Chair ends in June 2025.



Telecommunications Commissioner – Tristan Gilbertson

Tristan Gilbertson was appointed as Telecommunications Commissioner in 2020.

The Telecommunications Act 2001 establishes the position of Telecommunications Commissioner as a member of the Commission and sets out the Commissioner's functions.

The Telecommunications Commissioner has statutory decision-making responsibilities and participates fully in the governance and wider work of the Commission along with other

Commission members. He chairs the Commission's Telecommunications Division and Fibre Regulation Division and is a member of the Consumer Division, Groceries Division and Market Studies Division.

Tristan's term as Telecommunications Commissioner ends in June 2025.



Commission Chief Executive – Vanessa Horne

Vanessa Horne is the acting Chief Executive of the Commission until the end of January 2024, while Adrienne Meikle is on secondment to Toitū Te Whenua | Land Information NZ as Chief Executive. Vanessa's substantive role with the Commission is as General Manager Fair Trading.

The Chief Executive is appointed by the Board and manages the Commission on a day-to-day basis. She supports Members of the Commission to undertake their powers, duties and functions.

General Manager Market Regulation – Simon Thomson

The General Manager leads the Market Regulation branch, which is responsible for regulating sectors that are competitive. This includes the Telecommunications and Fibre sectors, as well Fuel and Dairy, and more recently the Retail Payments System and Groceries.

Appendix A – Commission Members and Associate Members

The Board

40. The Board is responsible for governing and exercising the Commission’s statutory powers, duties and functions. The Board’s actions must be consistent with the Commission’s governing legislation, Statement of Intent, and Statement of Performance Expectations.
41. The Governor-General, on the recommendation of the Minister of Commerce and Consumer Affairs, appoints Commission members for their knowledge of, and experience in, areas relevant to the Commission’s interests. The Telecommunications Commissioner is appointed on the recommendation of the Minister for Media and Communications.
42. The Board has a strong focus on:
- setting the strategic direction of the Commission
 - ensuring that the Commission achieves its objectives, as expressed in legislation and/or its Statement of Intent
 - managing any risks to the Crown.
43. The Board delegates the day-to-day management of the Commission to the Chief Executive. Our Chief Executive, with support of the senior leadership team, is the key point of accountability between the Board and the organisation.



Dr John Small
Chair

John is the Founding Director of economic consultancy firm, Covec, and was also the former Head of the University of Auckland’s Economics Department. He has an extensive experience undertaking complex competition analysis in a wide range of sectors, including energy, transport, agriculture, telecommunications, payment systems, and construction.

John was also previously a lay member of the High Court of New Zealand, frequently called as an expert witness before courts, tribunals and commissions.

Term began: 8 June 2020 (first appointed: 17 Dec 2018)

Term ends: 7 June 2025



Anne Callinan
Deputy Chair

Anne was appointed Deputy Chair in July 2023.

Anne is a commercial litigation lawyer with deep experience in competition and consumer law. Prior to joining the Commission she worked for Simpson Grierson – becoming a Partner in 1997 and finally the firm’s Chair in 2018.

She has a BA/LLB from the University of Auckland.

Term began: 10 July 2023

Term ends: 9 July 2028

**Tristan Gilbertson****Telecommunications Commissioner**

Tristan is a commercial lawyer with extensive international experience in telecommunications law and regulation. After an early career in private practice, Tristan was appointed Legal & Regulatory Director – Asia-Pacific at Vodafone Group Plc, where he was closely involved in the expansion and diversification of Vodafone’s business. He then joined Telecom New Zealand Ltd where he was Group General Counsel and played a leading role in the structural separation of Telecom and the re-set of the regulatory framework. Most recently, he was Group General

Counsel of Digicel Group Ltd, where he focused on transformation and change across Digicel’s 32 global markets.

Tristan holds a BA/LLB(Hons) from the University of Auckland and has completed the Executive Leadership Development Programme at the Wharton School of the University of Pennsylvania.

Term began: 8 June 2020

Term ends: 7 June 2025

**Pierre van Heerden****Grocery Commissioner**

Pierre van Heerden was appointed Grocery Commissioner in July 2023.

Most recently, he was the Chief Executive Officer of Mojo Coffee, General Manager Commercial Development of Zealandia, and Executive General Manager of Farrah’s Breads. Prior to this, he was Managing Director of Southern Sky Associates, a business consultancy. He has also been the Chief Executive Officer of Brancourts Dairy Group, Australia and Executive General

Manager of Sanitarium Health and Wellbeing New Zealand for 10 years, Managing Director of Dick Smith Foods in Australia, as well as having held various executive roles with Sanitarium in Australia.

Pierre has also held roles as Chair and Deputy Chair of the Food and Grocery Council of New Zealand, New Zealand Representative of APEC’s Policy Partnership on Food Security, a member of expert advisory groups – Front of Pack Labelling as well as Health Star Rating advisory groups (on behalf of the Minister of Food Safety), and industry advisor on the Food and Beverage Information project. He has also been Chair of Life Health Foods Limited and director of New Zealand Health Association Limited, SoSoy (Pty) Ltd and the International Health Food Association.

He is well educated with recent studies at both London Business School and INSEAD on a Prime Minister’s Business Scholarship. He holds various other qualifications including BBA, Hons BCom, Hons BCompt, MBL, is a qualified Chartered Accountant, FCPA, MInstD, and GAICD.

Term began: 13 July 2023

Term ends: 8 July 2028

**Dr Derek Johnston****Commissioner**

A commercial lawyer, Derek has extensive experience and knowledge of competition law coupled with significant mergers and transactional experience and familiarity with many of the regulated sectors. His past roles include being the independent Chair of NZX's Regulatory Governance Committee and the Chair of the NZ Markets Disciplinary Tribunal. For many years Derek was a corporate partner with Russell McVeagh and most recently has been practising as a barrister and arbitrator at Thorndon Chambers. In December 2022, Derek was appointed as an

Associate Member of the Australian Competition and Consumer Commission until October 2024.

Derek holds undergraduate and postgraduate degrees in law from the University of Auckland and a doctorate in law from the University of Toronto.

Term began: 1 November 2019

Term ends: 31 October 2024

**Vhari McWha****Commissioner**

Vhari is an experienced economist and has advised on public policy and regulation, including competition analysis and market design. She has a background in quantitative analysis, including cost benefit, modelling and forecasting work. Vhari has specific expertise in the energy sector. Prior to joining the Commission, Vhari was a Director at Sapere. Her earlier roles include Deputy Director at the economic consultancy NZIER and as the Regulatory Affairs Manager at Meridian Energy.

Vhari holds an MCom (Hons) in economics from the University of Canterbury.

Term began: 5 June 2023 (first appointed 14 September 2020)

Term ends: 2 June 2028

**Bryan Chapple****Commissioner**

Bryan is an experienced economist and senior public sector leader, with a deep understanding of the New Zealand economy and the role of regulation.

Prior to joining the Commission, he was Deputy Secretary (Growth and Macroeconomics) at the New Zealand Treasury. In that role, Bryan led the Treasury's work on micro and macro-economic policy, including the Treasury's work on regulatory strategy.

Term began: 5 June 2023 (first appointed 29 August 2022)

Term ends: 2 June 2028

Associate Commissioners

Alongside Commissioners, the Minister of Commerce and Consumer Affairs may also appoint Associate Commissioners to the Commission. Associate Commissioners are appointed for specific classes of matters and are deemed to members of the Commission only for the matters they are appointed for. Associate Commissioner are not members of the Commission's Board.



Joseph Liava'a

Associate Commissioner

Prior to joining the Commission, Joseph worked as the Community Liaison Manager for Nirvana Health Group.

Before that he was a consumer law advisor for the former Ministry of Consumer Affairs and also worked as a private secretary for the Minister. Joseph has also given consumer law training to budget advice services and community law centres. He has been involved with a variety of boards and panels, including Pacific Health and Welfare Inc, Vaiola Pacific Island Budgeting Service Trust (Mangere), Otara Health Charitable Trust, as well as the board of Consumer New Zealand.

Term began: 16 May 2022 (first appointed 8 April 2019)

Term ends: 7 June 2025



Nathan Strong

Associate Commissioner

Nathan is a qualified economist, with over 20 years of experience focusing on applied competition and regulatory economics, including at senior management levels in regulated companies. Prior to joining the Commission, he was the General Manager (Commercial) at Unison Networks having first been appointed to the executive team at Unison in 2010.

Nathan was also the Chair of the Electricity Networks Associations' Regulatory Working Group, a Member of the Electricity Authority's

Security and Reliability Council and has previously been a member of several Electricity Authority Advisory Groups

Term began: 29 August 2022

Term ends: 27 August 2027



Sue Begg

Associate Commissioner

Sue Begg was appointed as a Commissioner in June 2009, Deputy Chair in July 2010 and Associate Commissioner in July 2023.

Sue is an economist, whose previous roles include director of the consultancy company Impetus Group Limited, Vice-President and head of the economic advisory unit of the investment banking division of Credit Suisse First Boston NZ Limited (and its predecessor companies) and manager of the Macroeconomic Policy section at the Treasury.

Term began: 10 July 2023 (first appointed 17 June 2009)

Term ends: 31 December 2023

**Loretta Lovell****Associate Commissioner / Alternate Water Services Commissioner⁵**

Loretta Lovell is a Solicitor, Independent Environmental Commissioner and Professional Director.

For over 20 years Loretta has specialised in public, commercial, energy and resource management law, advising clients as they develop their resources and negotiate and progress large scale infrastructure projects. As an environmental commissioner and chairperson, she has considered and decided many complex plan

and consent applications often involving large scale infrastructure for telecommunications, electricity grid, lines and generation, and drinking, storm and wastewater.

Loretta is also a Board member of the Independent Crown Regulator Taumata Arowai which regulates water quality for New Zealand, providing a common conduit between the economic and quality regulators at governance level. She is also a Board member of The Charities Registration Board and until recently served on the board of the Energy Efficiency and Conservation Authority and the Environmental Legal Assistance Advisory Panel.

Term began: 31 May 2023

Term ends: 30 May 2028

**Rakihia Tau****Associate Commissioner**

Rakihia brings knowledge of industry, commerce and economics, and extensive experience working with Māori rights and commercial interests. His experience with Māori/Crown relationships dates back to Ngāi Tahu's original Treaty settlement negotiations, and he has an ongoing involvement in various Māori businesses and organisations at both executive and board level.

Rakihia's experience includes managing Ngāi Tahu Holdings' strategic policy, litigation, and external relations, as well as providing business advisory services, and having a range of governance roles.

Term began: 26 June 2023

Term ends: 23 June 2028

⁵ Loretta has been designated by the Commission Chair as the Alternate Water Services Commissioner under s.132 of the Water Services Economic Efficiency and Consumer Protection Act 2023 in the absence of an appointment of a Water Services Commissioner

Appendix B – Commission Senior Leadership Team



Vanessa Horne
Acting Chief Executive

Vanessa Horne is the acting Chief Executive of the Commission until the end of January 2024, while Adrienne Meikle is on secondment to Toitū Te Whenua | Land Information NZ as Chief Executive. Vanessa's substantive role with the Commission is as General Manager Fair Trading.

Vanessa joined the Commission in April 2021 from a role as Group Manager, Overseas Investment Office at Land Information New Zealand. Her regulatory and legal background spans several regulatory systems, including overseas investment, intellectual property, health and safety, emergency management, occupational regulation, rural broadband and energy safety.



Adrienne Meikle
Chief Executive (on secondment)

Adrienne is currently on secondment to Toitū Te Whenua | Land Information New Zealand where she is acting Chief Executive until the end of January 2024.

Adrienne joined the Commission in May 2018 from MBIE, where she was the Deputy Chief Executive, Corporate, Governance and Information group. Adrienne has held senior management roles in the Market Services and Dispute Resolution areas in MBIE, Acting Deputy Secretary, Tourism, Events and Consumer Affairs, Director of Legal in the Ministry of Economic Development, Chief Legal Adviser in the New Zealand Food Safety Authority and Parliamentary Counsel. She has also worked for the Department of Corrections and the Ministry of Education. She has a BA, LLB and LLM (Hons) degrees.



PJ Devonshire
Pou Ārahi

PJ is of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa descent and joined the Commission in August 2021. He has held roles as Pouārahi with the Ministry of Social Development and General Manager of his iwi Ngāti Kahungunu ki Wairarapa and represented his iwi on the National Iwi Chairs Forum. In 2021/22, he held dual Pouārahi roles with the Commerce Commission and the Office of the Privacy Commissioner. He is a Board Member of Ngāti Kahungunu ki Wairarapa Charitable Trust and is an honorary member of the Māori Women's Welfare League.



Andy Burgess
General Manager Infrastructure Regulation

Andy joined the Commission in December 2019 after a number of years in economic regulation in the UK and internationally.

Andy joined the Commission from Ofgem in the UK where he led part of the Energy System Transition team. He was also the UK representative on the Board of the European Energy Agency (ACER) and the Council of European Energy Regulators (CEER) and acted as the Vice-Chair of CEER's Distribution Systems Working Group.



Andrew Riseley
General Counsel

Andrew joined the Commission in January 2017 after 20 years in competition law and economic regulation across five jurisdictions, including Singapore, the UK and Australia.

Andrew has an MSc in Regulation from the London School of Economics and an LLB (Hons) and BEd (Hons) from Monash University.



Antonia Horrocks
General Manager, Competition

Antonia joined the Commission in August 2016 after four years at the UK Competition and Markets Authority. She has over two decades experience in competition enforcement, merger control and competition policy matters, having worked as an antitrust lawyer for international law firms prior to joining the regulators.

She started her career in New Zealand and has a BA (Hons) in English, an LLB (Hons) and a Postgraduate Diploma in EU Competition Law.



Douglas Rathbun
Chief Economist

Douglas joined the Commission in 2023 after working for regulators and leads the economics function. He has over 20 years of experience in government, including competition enforcement, policy, and legislative and judicial functions. His experience includes competition enforcement and policy in currently and formerly regulated industries. He also has industry experience in technology, including internet and payment platforms, in regions around the globe.

He has a PhD in Economics and a law degree (JD) from the University of Texas at Austin



Geoff Williamson
General Manager Organisation Performance

Geoff joined the Commission in July 2011 and was previously Director Corporate Services at the Tertiary Education Commission and Chief Financial Officer at the National Library of New Zealand and had roles at Deloitte.

Geoff is a chartered accountant with a BCA from Victoria University of Wellington and an Executive Master of Public Administration through the Australia and New Zealand School of Government.



Kirsten Mannix
Acting General Manager Fair Trading

Kirsten is acting General Manager of the Commission's Fair Trading Branch until the end of January 2024. In her substantive role, Kirsten is Fair Trading Investigations and Compliance Manager.

Kirsten joined the Commission in October 2012, after returning to Wellington from the UK where she worked in legal roles in-house at GlaxoSmithKline and Sainsbury's Supermarkets. She has a law degree and commerce degree from Canterbury University.



Louise Unger
General Manager Credit

Louise joined the Commission in April 2021 from international firm Lawyers On Demand, where she specialised in risk and compliance. She has expertise in providing legal, risk and compliance services to a range of Aotearoa New Zealand and international organisations, including banks and electricity companies. She led the Bank of New Zealand's Retail legal team, which included advising on the Credit Contracts and Consumer Finance Act. Louise has an LLB (Hons) and BCom from Canterbury University.



Raj Krishnan
General Manager Strategy, Governance and Engagement

Raj joined the Commission in 2021 from the Department of Internal Affairs where he held a number of leadership positions, including General Manager Policy and General Manager Regulatory Services. He brings extensive leadership experience in policy and regulation and a strong background in governance and stakeholder relations.

Raj has previously held roles with the Department of the Prime Minister and Cabinet, Department of Corrections and ACC.

He has a BA in Social Policy and Education and a Master of Public Policy from Victoria University of Wellington.



Simon Thomson
General Manager Market Regulation

Simon is the acting General Manager of the Commission's Market Regulation Branch until the end of August 2024.

Simon first joined the Commission in 2011 and has held a range of roles – including Head of Telecommunications, Manager of the Commission's Strategy, Policy and Performance function and the inaugural Implementation Director of Water, responsible for implementing the Commission's role in the Government's water

reforms. He has also spent time at the Commission for Communications Regulation in Ireland.

He has a MSc (Hons) in molecular biology from Victoria University of Wellington.

Appendix C – Key Contacts

Contact	Role and Details	Note
Dr John Small	Chair ██████████	Based in Auckland, but makes frequent trips to Wellington
Tristan Gilbertson	Telecommunications Commissioner ██████████	
Vanessa Horne	Acting Chief Executive ██████████	
Simon Thompson	General Manager Market Regulation ██████████	Simon leads the Market Regulation branch, which includes lead responsibility for the Telecommunications function.
Lachlan Cartwright	Head of Strategy, Policy and Performance ██████████	Lachlan leads the team responsible for engagement with MBIE and Ministers' offices
John McLaren	Head of Communications and Engagement ██████████	John leads the Commission's communications team