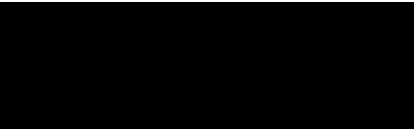


8 June 2021



By email only: 

Dear 

Official Information Act #20.220 - Statement of Performance Expectations

1. We refer to your Official Information Act 1982 (**OIA**) request received on 31 May 2021 for further information about the Commerce Commission's (**Commission**) Statement of Performance Expectations for 2020/2021:¹
 - 1.1 a copy of the Internal Process Quality Standards, referred to at page 9; and
 - 1.2 the conditions for use of the major litigation fund, referred to at page 10.

Our response

2. We have decided to grant paragraph [1.2] of your request. We will communicate our decision on paragraph [1.1] of your request as soon as reasonably practicable, and in any case not later than 29 June 2021.
3. The conditions for use for the major litigation fund, referred to at page 10 of the Statement of Performance Expectations for 2020/2021, are:
 - 3.1 *Access to the appropriation will be restricted to eligible cases, being cases:*
 - 3.1.1 *with total external costs estimated to be not less than \$200,000 (GST exclusive), with such costs:*
 - (a) *to exclude Commission overheads; or*
 - (b) *to be calculated as follows, as the case may be:*

¹ https://comcom.govt.nz/_data/assets/pdf_file/0015/222306/Statement-of-Performance-Expectations-2020-21.PDF

- (i) *from the time when the Commission instructs legal counsel with a view to possible litigation, until the completion of the case; or*
- (ii) *for the period from the decision of the initiating party to take legal process involving the Commission, until the completion of the case;*

3.1.2 *relating to any regulatory regime the Commission is responsible for enforcing; or*

3.1.3 *involving international, national, major network, or other major companies, or a major issue affecting a particular industry; or*

3.1.4 *requiring the use of:*

- (a) *senior external legal counsel;*
- (b) *consultants and expert witnesses (e.g. economic, accounting, engineering, scientific); or*

3.2 *where there is a risk of costs of the order of \$100,000 (GST exclusive), being awarded by the Courts for or against the Commission.*

- 4. Please note the Commission will be publishing this response to your request in the OIA register on our website.² Your personal details will be removed from the published response.
- 5. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

² <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>