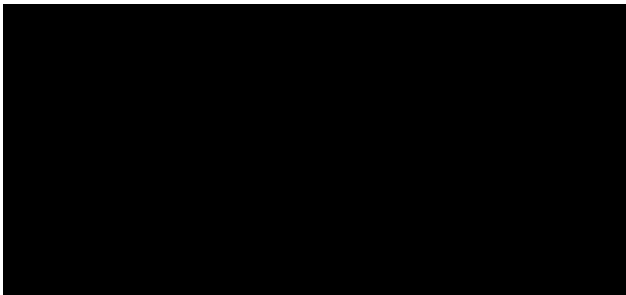


14 December 2023



### **Official Information Act #23.129 – Response**

1. We refer to your request received on 5 December 2023 that was partially transferred to the Commerce Commission (the Commission) by Te Whatu Ora, for information about medical laboratories in New Zealand. Specifically, you asked:
  - 1.1 Is there a limit to how many medical laboratories can be owned by a single private organisation in New Zealand?
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

3. The Commission is not aware of a law that places a limit on the number of medical laboratories that can be owned by a single private organisation in New Zealand. We can confirm that the [Commerce Act 1986](#), enforced by the Commission, does not impose such a limit.
4. Nonetheless, the Commerce Act prohibits any person from acquiring assets of a business or shares if that acquisition would have the effect or likely effect of substantially lessening competition in a market.
5. In determining whether an acquisition is likely to substantially lessen competition in any market, a relevant question will be whether the acquirer already owns other businesses that compete in the same market.

6. You may also find the Commission's Mergers and acquisitions Guidelines useful. Please see [https://comcom.govt.nz/\\_data/assets/pdf\\_file/0020/91019/Mergers-and-acquisitions-Guidelines-May-2022.pdf](https://comcom.govt.nz/_data/assets/pdf_file/0020/91019/Mergers-and-acquisitions-Guidelines-May-2022.pdf)

**Further information**

7. 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.
8. 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.
9. Please do not hesitate to contact us at [ويا@comcom.govt.nz](mailto:ويا@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator