



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI



# Briefing for the Incoming Minister of Commerce and Consumer Affairs

**1 February 2023**

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## Introduction

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1. This briefing provides you with information about the Commerce and Consumer Affairs (CCA) portfolio. It provides an overview of:
  - The policy and operational functions and entities which fall within the portfolio
  - Key trends and issues
  - Current work-programme priorities
  - Funding for the portfolio
  - Key Ministry of Business, Innovation and Employment (MBIE) contacts.
2. The annexes provide further information on:
  - Legislation under the portfolio
  - Portfolio linkages
  - Crown entities and other statutory bodies
  - Key deliverables to the end of the term
  - MBIE
3. We look forward to discussing the content of this briefing with you and supporting you to implement your priorities for the portfolio.

## 1. About the portfolio

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4. The CCA portfolio is a key contributor to New Zealand's economy and wellbeing. It encompasses the policy and regulatory settings that shape the environment within which consumers and businesses interact and markets operate. This section provides an overview of the policy and operational functions that fall within the CCA portfolio, and the Crown entities and statutory bodies you are responsible for.

### Policy functions

5. As CCA Minister you have policy responsibility for the following seven regulatory systems, each seeking to achieve and promote specific outcomes:
  - **Competition:** focuses on the protection and promotion of competition, or outcomes consistent with competition, to give New Zealand businesses an incentive to increase their efficiency and innovate, and in turn improve productivity and consumer wellbeing. It includes generic competition settings, as well as sector specific regulation and market studies.
  - **Consumer and commercial:** focusses on the interactions that businesses and consumers have before, during, and after the sale of a good or service. It establishes consumer protections and sets out business obligations. It also provides protections and remedies under private sales, business-to-business transactions, and auctions.
  - **Financial markets:** focuses on the functioning of financial markets to promote fair treatment, and confident and informed participation of businesses, investors and consumers in New Zealand's financial markets.
  - **Corporate governance:** focuses on the 'lifecycle' (creation, operation and dissolution) of companies and other types of legal entities. The system underpins other crucial parts of the New Zealand business environment and regulatory systems, and contributes to business, investor and public confidence.
  - **Intellectual property:** focuses on supporting the endeavours of intellectual property owners, innovators and creators by providing incentives for innovation and investment in high quality products and services and more creative expression to bring tangible societal and economic returns to New Zealand.
  - **Trade and Regulatory Co-operation:** focuses on the regulation of aspects of New Zealand's trade, setting out the rules in the key areas of tariffs, trade remedies, and restriction of trade in dangerous and hazardous goods. These are critical to growing markets and promoting competition, while ensuring our regulatory systems continue to achieve their public policy objectives.
  - **Standards and conformance:** focuses on implementing and verifying adherence with domestic, joint (Australia and New Zealand) and international standards, measurements and technical regulations in order to make international trade simpler. It provides for the protection of the health, safety and wellbeing of individuals and consumers, facilitation of international trade, and promoting business and industry development and innovation.

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6. Your trade and standards and conformance responsibilities have a strong international focus and often involve working across portfolios with the Minister of Foreign Affairs, Minister for Trade and Export Growth, and Minister for Customs on matters such as tariffs, trade remedies, international trade negotiations, responsible business conduct, and participation in international fora such as the World Trade Organisation (WTO), Asia-Pacific Economic Cooperation (APEC), and the Organisation for Economic Cooperation and Development (OECD).
7. You are also responsible for the promotion of international regulatory coherence, including international regulatory cooperation and good regulatory practice. These responsibilities focus on compliance with international instruments, engagement with international institutions and ensuring that New Zealand regulatory agencies consider international issues in the design and implementation of domestic regulatory measures.
8. You also have a role bringing a commerce and consumer perspective to initiatives led by other portfolios (e.g., resource management reform, consumer advocacy in the electricity sector, waste minimisation and right to repair, public interest journalism, and free trade agreements (FTAs)).
9. Annex One provides a further detailed overview of key legislative instruments within your portfolio, and Annex Two provides a high-level overview of the linkages to other portfolios.

### Operational functions

10. You are responsible for several of MBIE's operational functions:
  - **Consumer Services:** has three main functions that sit within the CCA portfolio:
    - **Consumer Protection** responsible for consumer information and programmes around consumer rights, including in relation to the Consumer Guarantees Act 1993; coordinating consumer efforts across government and non-governmental organisations (NGOs); running the biennial Consumer Survey into what New Zealanders know about consumer laws and the issues they may have in understanding and managing and resolving consumer issues.
    - **Product Safety** responsible for notifying consumer product recalls, advising on interventions to improve the safety of products in particular to children (e.g., corded window coverings), and working across agencies on product safety risks.
    - **Hosts the Secretariat to support the Consumer Advocacy Council** set up to be the trusted, credible, authoritative advocate for small electricity consumers and operates independently of the industry, regulators and government.
  - **Companies Office:** responsible for the registration of many types of entities, including companies, incorporated societies and limited partnerships, and for the enforcement of some elements of the legislation that those entities operate under. It also operates registers for some regulated occupations, such as auditors and financial service providers, and some registers outside of your portfolio including charitable trusts, retirement villages and the New Zealand Business Number.

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- **Insolvency and Trustee Service (Official Assignee's Office):**<sup>1</sup> responsible for administering all personal insolvencies (i.e., bankruptcies, no asset procedures and summary instalment orders) and some liquidations under the Companies Act 1993. The Official Assignee is also responsible, through the Criminal Proceeds Management Unit, for the custody and control of forfeited or retained criminal proceeds.
- **Intellectual Property Office of New Zealand (or IPONZ):** responsible for granting, administering, enforcing, and promoting through education intellectual property rights including patents, trade marks, designs, plant variety rights and geographical indications.
- **Trading Standards:** responsible for fuel quality monitoring (automotive and marine) and the accuracy of measurements (weights and measures) used for trade.
- **Occupational Regulation:** responsible for the auctioneers and motor vehicle traders registers.
- **Standards New Zealand:** responsible for managing the development of New Zealand standards (including joint standards with Australia), the adoption and modification of international standards and enabling New Zealanders to access standards. Standards are agreed specifications for products, processes, performance or services, and can cover all sectors and performance areas (e.g., quality assurance, health and safety, consumer protection, international trade and market access, occupational requirements, climate change, and digital economy).
- **Trade Remedies:** responsible for investigating claims by New Zealand industry that goods being imported into New Zealand are being dumped (sold in New Zealand at a lower price than in their home market) or subsidised, and for investigating whether surges in imports are causing injury to New Zealand industry (safeguard investigations). New Zealand's trade remedies investigations are undertaken in accordance with our obligations as a party to the relevant WTO Agreements and obligations under our FTAs. You have Ministerial responsibility for determining whether to impose duties on dumped or subsidised imports and the rates of duty to apply, which we will advise you on. Your determinations can be made at various stages of an investigation.
- **New Zealand Claims Resolution Service (NZCRS):** responsible for providing advice, support, and dispute resolution services to homeowners with a Toka Tū Ake EQC and/or private insurance claim against a residential property that has been damaged by any natural hazard event. This new standing national mechanism is based on and will replace the successful delivery models of the Greater Christchurch Claims Resolution Service (GCCRS) and the Residential Advisory Service (RAS), supporting homeowners to achieve timely, fair and enduring resolution of their residential insurance claims. NZCRS is due to launch in mid-Feb (exact date TBC).

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<sup>1</sup> The Official Assignee is appointed under the Public Service Act 2020 to administer the Insolvency Act 2006, the insolvency provisions of the Companies Act 1993 and the Criminal Proceeds (Recovery) Act 2009.

## Crown entities and other statutory bodies

11. You also have Ministerial responsibilities over the functioning and governance of six Crown entities, the largest being the:
  - **Commerce Commission:** established under the Commerce Act 1986, it is responsible for promoting competition and protecting consumers by enforcing competition and consumer law and regulating specific markets in which competition does not exist or is significantly impaired.
  - **Financial Markets Authority:** established under the Financial Markets Authority Act 2011, it is the main statutory regulator for the financial advice and investment industry and discharges statutory functions under a range of financial markets legislation.
12. You also have Ministerial responsibilities for 18 statutory bodies, such as the Banking Ombudsman.
13. These responsibilities can include setting expectations, monitoring performance and making appointments.
14. Annex Three provides you with further details of the Crown entities and statutory bodies you are the responsible Minister for. An overview of the funding allocated is provided further below in this document.

## Regulatory Stewardship

15. The quality of our regulatory systems has a major impact on the lives, work and businesses of New Zealanders. In recent years there has been increasing recognition of the importance of good regulatory stewardship, including through the Public Service Act 2020, which makes legislative and regulatory stewardship a principle of public service and a responsibility of departmental chief executives. MBIE is responsible for the regulatory stewardship of the seven regulatory systems that fall within the CCA portfolio. The regulatory stewardship role includes responsibilities for:
  - monitoring, review and reporting on regulatory systems
  - robust analysis and implementation support for any changes, and
  - good regulatory practice.
16. MBIE undertakes a programme of assessment of our regulatory systems based on regulation best practice principles and any past regulatory failures if relevant. These assessments provide an insight into how well a regulatory system is working at a particular point in time within the existing policy and institutional framework. From time to time these assessments of the regulatory systems under the CCA portfolio may identify that legislative or regulatory changes are required, and we would provide you with advice about this. These assessments can be an important driver of work programmes across the portfolio.

## 2. Recent focus areas and issues

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17. This section provides an overview of the recent focus areas, and some of the key issues affecting the CAA portfolio.

### Recent focus areas

18. Over the past few years the CCA portfolio has been characterised by a focus on competition, consumer outcomes, and corporate accountability. These trends are consistent with experiences in other jurisdictions and are likely to continue.

### Continued focus on competition

19. Effective competition gives businesses an incentive to increase their efficiency and innovate. It can lead to improvements in productivity and benefits to consumers such as better-quality products and services and lower prices. New Zealand's small and geographically distant economy poses some challenges. Many of our domestic markets are concentrated with only a few firms providing goods or services. Import competition, while an important driver of competitive outcomes, has some limitations (e.g., costs of distance) and little to no competitive impact in non-tradable sectors (e.g., supermarkets and electricity generation).
20. The Commerce Act 1986 sets the generic legislative framework for competition. Sector specific regulation is applied where there is little or no competition or to promote competition in markets where it is significantly impaired. Currently, it is applied to aeronautical services at the three main airports (Auckland, Wellington, and Christchurch), dairy (in particular Fonterra), fuel, telecommunications, the retail payment system, gas pipelines and electricity transmission and distribution businesses. Sector specific regulation is also being developed as part of the Three Waters reforms and the Government's response to the Commerce Commission's market study into the grocery sector.
21. Consistent with experiences in other jurisdictions, in 2018 the Commerce Commission gained the ability to undertake market studies to determine whether there are any factors that may be impeding competition. Market studies can be initiated by the responsible Minister or the Commerce Commission.
22. To date, Market Studies have been initiated by the Minister. The first market study into the retail fuel sector was completed in December 2019 and the Fuel Industry Act was passed in 2020. The second market study in the grocery sector was completed in March 2022 and the Grocery Industry Competition Bill is currently before Select Committee. The third market study into residential building supplies was completed in December 2022 and we are preparing a Government response. Confidential Advice
23. Free and Frank

Free and Frank

### **Increasing focus on consumer outcomes and financial wellbeing**

24. Internationally and in New Zealand increasing attention is given to addressing potential power imbalances between consumers and businesses and requiring specific consumer outcomes. This increasing focus is reflected in the significant regulatory reform programme progressed in recent years under the CCA portfolio.
25. In consumer regulation the traditional focus has been on assisting consumers to make informed decisions (e.g., via generic disclosure obligations setting out the information businesses are required to disclose to consumers). Increasingly it is also on ensuring specific consumer outcomes (e.g., via consumer lending regulation setting requirements on lenders to be responsible and ensure that products and services are suitable and cause no hardship).
26. Similarly in financial markets regulation, the traditional focus has been on product disclosure to facilitate fair, transparent and efficient capital markets. Increasingly the focus is also on consumers' confidence and participation in financial markets (e.g., by regulating industry conduct and power imbalance between institutions and consumers).

27. Free and Frank

### **Increasing focus on corporate accountability**

28. Internationally and in New Zealand there has also been a marked increase in recent years in external reporting required of corporate entities (e.g., reporting on impacts of their activities, key risks).
29. For example, governments globally have identified that increased transparency in beneficial ownership (i.e., knowing who the natural persons are that control an entity) is a key tool to counter financial crime and protect legitimate business.
30. Beneficial ownership information in New Zealand is currently not easily accessible. Following a 2021 report from the Financial Action Task Force (FATF)<sup>2</sup> in December 2021, Cabinet agreed that:
  - disclosure requirements for companies and limited partnerships should include information about their beneficial owners; and
  - directors / general partners and beneficial owners should be required to apply for a unique identifier, and to prove their identity during the application process.
31. Officials are now working on preparing an exposure draft of the legislation.
32. Another recent example is the new Climate-Related Disclosures Legislation passed in 2021, which will require climate statements to be filed by climate reporting entities from 2024.

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<sup>2</sup> An inter-governmental body that sets standards for combatting money laundering, terrorist financing and other related threats to the integrity of the financial system.

33. Free and Frank

## **Key issues affecting the portfolio**

34. The current global and domestic context is characterised by ongoing technological change, an increasing focus on climate change mitigation and adaptation and resilience to global shocks, and a changing global context. These issues are increasingly affecting the work undertaken under the CCA portfolio.

### **Ongoing technological change**

35. Technological advancements, in particular digitalisation, are continuously challenging and changing business models. Consumers and businesses are increasingly interacting on digital platforms (such as Trade Me and Amazon) and there is an increased use of data algorithms and machine learning (such as Google and Meta/Facebook). Consumers are also increasingly interacting with digital financial products and services, including investing platforms and crypto-assets.
36. Going further, digitalisation will continue to drive innovative product and service offerings. A key challenge will continue to be to protect consumer interests and data (such as in relation to online scams), enforcing consumer law across jurisdictions and ensuring fit-for-purpose competition law and enforcement.
37. A key example of relevant work under the CCA portfolio is the development of a consumer data right (CDR) legislative framework. A CDR is a mechanism that would require data holders, such as banks or electricity retailers, to share consumer data with third parties (such as a fintech) with consumers' consent. It could improve consumer outcomes by giving consumers access to a wider range of products and services that better meet their needs, facilitate competition and provide benefits for the wider economy, while maintaining privacy safeguards.
38. Digitalisation is also aiding consumer access to, and consumption of, creative works (e.g., artistic works, music, television, films and books), causing issues for copyright owners and content distributors. There is an increasing focus overseas on the role digital platforms should play in addressing online piracy, the availability of enforcement tools (e.g., website blocking orders) and remuneration for creators and performers by streaming services providers. New Zealand's copy right law is lagging behind overseas developments in this area, and a review in the medium-term would be desirable.

### **Climate change adaptation and mitigation and other global shocks**

39. Over the past few years there has been an increasing focus both internationally and domestically on climate change mitigation and adaptation, and the ability of businesses and institutions to respond to global shocks (e.g., global pandemic, recession).
40. This focus has also influenced work in the CCA portfolio, such as work on the new Climate-Related Disclosures Legislation passed in 2021. We are also supporting the Ministry for the

Environment on developing a market governance framework for the Emissions Trading Scheme (for example, to protect against the risk of insider trading of emissions trading units).

41. **Free and Frank**

**Changing international landscape**

42. New Zealand's economic resilience is intertwined with a changing international landscape. As a small economy, it is important for New Zealand to participate in and advocate for the rules based multilateral trading system, to facilitate the cross-border flow of goods and services and an equitable international trading environment for our businesses.
43. Shifting geopolitics, the impacts of COVID-19, and a climate crisis are changing the global trading environment. These factors require New Zealand to continue to engage in and support multilateral and regional institutions such as APEC, WTO and the OECD. We are also having to engage in more novel economic arrangements, such as the US-led Indo-Pacific Economic Framework. Negotiations for this framework have commenced and include areas that involve the CCA portfolio (Good Regulatory Practice, Competition, Supply Chains). New Zealand also joined other jurisdictions in placing sanctions on Russia, including by imposing a 35 per cent tariff on imports of Russian origin.
44. Differences in regulatory settings across countries can also affect the cross-border flow of goods, services and investment. In an increasingly interconnected world, it is also challenging to regulate effectively on a domestic territorial basis, given the impact of overseas actors and events on the achievement of New Zealand's domestic policy objectives. As a consequence, we are increasing our focus on regulatory cooperation tools to improve the quality and effectiveness of our domestic regulation. A key aspect of this work will be finalising a toolkit on international regulatory cooperation that officials can use to help embed the consideration of international issues as part of their day-to-day work.
45. Post-pandemic, we have also started to re-engage our Australian counterparts due to the importance of the trans-Tasman Single Economic Market, which is underpinned in part by the Trans-Tasman Mutual Recognition Arrangement, and our close relationship with Australia on Standards and Conformance.
46. Supply chain disruptions are one of the most obvious symptoms of the changing trading environment. Supply chains are complex, shifting, idiosyncratic and are the product of business-level decisions. For New Zealand, the distance and small size of our economy also means that we have less logistical options and less diversified supply. Recent disruption to global shipping lines in particular have caused New Zealand businesses to reconsider their reliance on a just-in-time model for supply.
47. Multiple workstreams across government are focused on improving New Zealand's economic resilience and diversifying our supply chains. These engage your portfolio responsibilities either directly or indirectly as interventions are likely to impact market competition and costs

to consumers. A workstream of note is that you are a referring Minister for the recently announced Productivity Commission inquiry into the resilience of New Zealand's economy to supply chain disruptions. The Commission is due to publicly release an issues paper in February and is due to report back to Ministers in February 2024.

## **Application of Te Tiriti o Waitangi / The Treaty of Waitangi**

48. Unique to the New Zealand context is an obligation that government policy and regulatory settings be developed through engagement with iwi and Māori and consider the application of Te Tiriti o Waitangi / The Treaty of Waitangi appropriately.
49. For the most part the policy and regulatory settings within the CCA portfolio are economy wide and do not affect Māori rights and interests differently or seek to address inequity and cultural bias.
50. There are some specific examples in intellectual property. Intellectual property was a key focus of the WAI 262 claim in the Waitangi Tribunal regarding the rights, interests, duties and responsibilities over mātauranga Māori, taonga works, taonga species, products derived from taonga species and other taonga. The recommendations of the Waitangi Tribunal are being considered through the Te Pae Tawhiti whole-of-government work programme led by Te Puni Kōkiri (TPK). MBIE are supporting TPK with this work. It is also a focus of our intellectual property work to ensure that policy changes we make are harmonious with Te Pae Tawhiti. This means ensuring that Māori have an opportunity to influence outcomes.
51. There are mechanisms in place to protect against intellectual property owners obtaining registrations for trade marks derived from te reo or Toi Māori that may be offensive to Māori and patents for which commercial exploitation of the invention would be contrary to Māori values. These are achieved via consultation with the Māori Advisory Committees established under the Trade Marks Act 2002 and the Patents Act 2013. The newly enacted Plant Variety Rights Act 2022 implements the Crown's obligations under the Treaty of Waitangi in relation to the plant variety rights regime with the establishment of the Māori Plant Varieties Committee (to take place in 2024).

### 3. Current work-programme priorities

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52. This section provides an overview of the current policy and operational work-programme priorities to the end of the Parliamentary term, and key immediate Crown entity appointments. Key deliverables are further detailed in Annex Four. It does not cover the entirety of the work undertaken under the portfolio.

#### Policy work-programme priorities

53. We would welcome the opportunity to discuss your key policy work-programme priorities to the end of the term with you. Based on the current priorities and work-programme the first half of this year is focussed on delivery of the existing priorities. In practice this means that any additional work would require existing work to be completed or reprioritised.

#### Key government priorities

54. In March 2022 the former Prime Minister had identified the following four priorities for the CCA portfolio, which we have made good progress on:

- **Passing of Retail Payment System Bill and related regulations.** The Bill was passed in May 2022, and the initial pricing standard came into force on 13 November 2022. The Commerce Commission is currently monitoring the implementation of the regime and we will provide you with further advice.
- **Ensuring that changes under the Credit Contracts and Consumer Finance Act 2003 (CCCFA) are operating as intended.** The investigation into the early implementation of the CCCFA changes that came into effect on 1 December 2021 concluded in April 2022. In July 2022 Cabinet agreed to make changes to the Credit Contracts and Consumer Finance Regulations 2004 (Regulations) and the Responsible Lending Code (Code). We consulted on exposure drafts in September-October 2022. Confidential advice
- **Development of a policy response to the findings of the Commerce Commission market study into the grocery sector.** The Government's response comprises several workstreams.
  - the **Commerce (Grocery Sector Covenants) Amendment Bill** was introduced on Budget night 2022, and subsequently enacted on 29 June 2022. This amending legislation strengthens the prohibition against land covenants that inhibit competition in the grocery sector.
  - the **Grocery Industry Competition Bill** was introduced to Parliament on 21 November and is currently before the Economic Development, Science, and Innovation Committee with a report date of 23 March 2023. The purpose of the Bill is to improve competition and efficiency in the grocery industry for the long-term benefit of consumers. The Bill implements a wholesale regime for groceries, enables the introduction of the Grocery Supply Code of Conduct, provides for alternative dispute resolution between major grocery retailers and their suppliers and wholesale customers and proposes the position of a Grocery Commissioner

within the Commerce Commission’s Board. We anticipate that the Bill will progress through its remaining stages and be passed before June 2023.

- the **Grocery Supply Code of Conduct** is intended to improve dealings between major grocery retailers and their suppliers by addressing the effects of the unequal negotiating power that exists between them. We consulted on initial policy proposals in July 2022 and the previous Minister made policy decisions in late 2022. Confidential advice [redacted]
- the introduction of **mandatory unit pricing** regulations under the Fair Trading Act to make it easier for consumers to compare grocery products. We are currently developing regulations to give effect to Government decisions announced in December 2022.
- Confidential Advice, Free and Frank, Likely to damage the economy of New Zealand [redacted]
- Confidential advice [redacted]
- **Development of a policy response to the findings of the Commerce Commission market study into residential building supplies when it is completed.** The final report was released by the Commerce Commission on 6 December 2022. Most of the recommendations are matters that would be led by the Minister of Building and Construction but recommendations relating to competition law fall within your portfolio. Confidential advice [redacted]

55. In addition, the Three Waters reform is a key government manifesto commitment. You have responsibility for the **Water Services Economic Efficiency and Consumer Protection Bill**. The Bill is currently before the Finance and Expenditure Committee and is intended to be passed in June. The Bill implements Cabinet’s agreement to establish an economic regulation and consumer protection framework as part of the reforms. It also establishes the position of a Water Services Commissioner on the board of the Commerce Commission to oversee the new framework.

## Other key priorities

56. Other key areas of work prioritised by the previous Minister include:

- **Consumer Data Right (CDR).** In July 2021, the Government agreed to create a legislative framework for a CDR on a sector-by-sector basis (designation), to give consumers greater choice and control of their data, while maintaining their privacy. In August 2022, the Government made decisions on key aspects of the regime, including that banking will be the first sector to be explored for 'designation'. Free and Frank [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Buy-Now Pay Later (BNPL).** In October 2022, Cabinet agreed to apply the CCCFA to BNPL with some requirements that differ to other credit products to reflect the benefits of BNPL's unique offering. MBIE opened consultation on 19 December 2022 to seek feedback on the proposed regulations, including the detailed requirements that will apply to BNPL lenders. Public consultation is open until 24 February 2023.
- **Corporate Transparency Reforms.** In December 2021, Cabinet agreed that legislation should be prepared that would require companies to disclose who their beneficial owners are and require directors and beneficial owners of companies to apply for a unique identifier. In December 2022, Cabinet agreed to a number of public commitments related to our membership of the inter-governmental organisation the Open Government Partnership, including a commitment to introduce a Bill improving beneficial ownership transparency by the end of 2023. We are finalising an exposure draft of a Bill designed to achieve these objectives. The aim is to aim release it for public consultation in mid-2023.
- **Insurance contract law reform.** Public consultation on an exposure draft Insurance Contracts Bill to reform these issues closed in May 2022. We are considering the feedback and making changes to the Bill before introduction, Confidential Advice [REDACTED]  
[REDACTED]
- **Product safety.** MBIE is currently undertaking several pieces of product safety related work. On 12 December 2022, Cabinet agreed to release a document seeking public feedback on a range of options, including regulation to address hazards caused by corded blinds in domestic settings. Consultation closes in March 2023, Confidential advice [REDACTED]  
[REDACTED] Cabinet also agreed to update the regulation of multipurpose ladders in line with the latest Australian safety standard, and regulations are currently being drafted. Additionally, MBIE has recently completed a review of the Product Safety Policy Statement for button batteries. We expect to brief you on these matters in the coming weeks. Confidential advice [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Work necessary to implement recent reforms or to give effect to other commitments**

57. The current policy work-programme also has a number of work-streams necessary to implement recent reforms:

- **Conduct of Financial Institutions Regime Regulations.** Regulations are needed to finalise and implement the recent reforms regarding the conduct of financial institutions which will require banks, insurers and non-bank deposit takers (together, financial institutions) to treat their customers fairly. Confidential advice [REDACTED]
- **Incorporated Societies Regulations.** Regulations are needed to implement the Incorporated Societies Act 2022, which is set to replace the Incorporated Societies Act 1908. We are currently consulting on what regulations should be made under the new regime. Once we have analysed submissions, we will seek policy approvals and begin drafting the regulations. The regulations must be in place by October 2023, the commencement date for the majority of provisions in the Incorporated Societies Act 2022.
- **Climate Related Disclosures Regulations.** Regulations are needed to implement the changes made by the Financial Sector (Climate-related Disclosures and Other Matters) Amendment Act 2021 to the Financial Markets Conduct Act 2013. We are undertaking targeted consultation on some aspects, and plan to release an exposure draft of the regulations in the first half of 2023.

58. In addition, there are several time-sensitive non-discretionary pieces of work that need to be progressed because of other commitments including:

- **Trade remedies investigation** into the dumping of preserved peaches from China,
- **Trans-Tasman Mutual Recognition Act exemption request from Northern Territory and Tasmania** for their container deposit and refund schemes,
- **Implementation of FTA obligations.** New Zealand has signed an FTA with the UK and is set to sign an FTA with the EU later this year which will require some significant changes to our geographical indications and copyright legislation. These changes must be given effect by certain specified dates to ratify the agreements. We are prioritising the changes to the geographical indications law as this has the shortest timeframe. A discussion paper on changes to our geographical indications law in relation to EU-NZ FTA obligations was released in November 2022.<sup>3</sup>

- Confidential advice [REDACTED]

<sup>3</sup> A discussion paper on changes to our geographical indications law in relation to EU-NZ FTA obligations was released in November 2022.

Active consideration

59. As Minister responsible for the CCA portfolio, you will receive briefings from the Foreign Affairs, Trade, and Customs portfolios requiring your approval. These matters include Russia sanctions, the negotiation and implementation of FTAs, and operational tariff settings administered by Customs.

## Operational functions priorities and activities

60. Key operational function priorities and activities to the end of the term include:

- **Companies Office:**
  - Actions resulting from the implementation of legislation underway to support corporate transparency and accountability as detailed in Annex Four.
  - Consultation following a fees review and towards implementation of New Zealand Business Number and Companies Office levies (following enactment of the Companies (Levies) Amendment Bill 2022).
  - Preparation of a Business Case to underpin a bid for government investment in the Companies Office transformation programme towards our vision of a world-leading registry system, trusted to protect and enable a thriving economy.
- **Consumer Services:** We will deliver a campaign, tools and resources focussed on improving consumers' understanding of the key elements of the Consumer Guarantees Act 1993 and how it applies to their purchasing behaviour, as well as enabling them to proactively advocate for their rights when purchasing and resolving issues.
- **Insolvency and Trustee Service:** Personal insolvency volumes remain at historically low levels, however if there is a recession this year it would be expected insolvency numbers will increase. The Official Assignee is being appointed to more liquidations as a result of Inland Revenue appointing the Official Assignee to be liquidator more frequently.
- **Intellectual Property Office of New Zealand:**
  - Following the signing of the FTA with the EU, preparation for registration of nearly 2,000 EU geographical indications on the register, as well as other operational requirements to come with the legislative changes to the Geographical Indications (Wine and Spirits) Registration Act 2006 to meet EU-NZ FTA obligations.
  - Complete the study on the economic and public good value of plant variety protection in New Zealand.
  - Preparation for a fees review considering fees across all intellectual property services.
  - Replacement of the existing intellectual property management IT system.
- **Trade remedies:** There is one current investigation into the alleged dumping of preserved peaches from China that will require Ministerial decisions in the coming months. Further detail is set out in Annex Four.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

- **Standards New Zealand:** Developing a new strategic plan, inducting five new Standards Approval Board members, developing standards to support adoption of renewable energies and energy efficiency in NZ.
- **Trading Standards:** Working in collaboration with Maritime New Zealand to implement new regulatory controls on the quality of marine fuels to ensure New Zealand's compliance with the International Maritime Organization (IMO) Convention for the Prevention of Pollution from Ships.
- **Product safety:** there are 15 high risk product types that have been identified in New Zealand. In 2023, further work is expected to be undertaken on quad bike safety. This has been identified as one of the highest risk product types.
- **New Zealand Claims Resolution Service (NZCRS):**
  - In August 2022, Cabinet agreed to establish the NZCRS in response to recommendation 8.1.1 of the Public Inquiry into the Earthquake Commission. The NZCRS will provide early resolution processes of case management support, information, and technical advice (legal, engineering and wellbeing) in the first instance, with bespoke dispute resolution services (mediation and determination) to be made available as soon as practicable once finalised.
  - To enable potential demand for support for insurance claims resulting from the January 2023 Auckland flooding event, Cabinet agreed on 31 January to fast-track the launch of NZCRS to mid-February. Active consideration [REDACTED].
  - The current priority is to ensure the NZCRS is operationally ready for launch. A new website and case management system have been developed, and a communications plan is in place. MBIE officials are working with your office on the necessary arrangements for the launch.
  - Homeowners currently with GCCRS and RAS will be transferred to the NZCRS through a seamless process.
  - Active consideration [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Key upcoming Crown entity appointments

61. There are several appointments that need to be made over the coming months.
62. There at least four appointments to the **Commerce Commission**:
  - **At least two Member/Associate Member positions.** The previous Minister agreed to a short-list of candidates to be interviewed in January. Interviews for these positions have

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

been completed, with a briefing on the outcomes of the interviews expected in February. The appointment is to be completed by June.

- **Deputy-Chair position.** The position was advertised in December and a briefing on shortlisting is expected in February. The appointment is to be completed by June.
- **Grocery Commissioner.** The position was advertised in January and a briefing on shortlisting is expected in February/March. This appointment is to be completed by June.

63. Other key appointments are to the:

- **Financial Markets Authority board (FMA),** two board positions. One position expires in April 2023 and the other in July 2023. We will be providing you with advice early in the New Year on the recruitment of the two positions.
- **Financial Advice Code Committee,** two member vacancies. One from a term expiry and one as an additional member to increase the membership to 10. Candidates were sought through an open and targeted search. A briefing outlining a suggested interview shortlist was provided to the previous Minister in December 2022.
- **Financial Advice Disciplinary Committee,** two member vacancies. Candidates were sought through an open and targeted search. A briefing outlining candidates suggested for interview shortlist was provided in December 2022 to the former Minister. It recommended appointing one candidate in this round and to begin a further search for a second candidate who can bring a diverse perspective to the Committee.
- **Joint Accreditation System of Australia and New Zealand (JAS ANZ).** The Chairpersonship of JAS ANZ has rotated to Australia and it is New Zealand's turn to assume the Deputy Chair role. We are preparing advice for you on the appointment of a Deputy Chair and the recruitment of one new member to the Board.
- **Accreditation Council.** Recruitment is well advanced for a new Chair and three members to the Council. Advice on preferred candidates for all roles is being prepared.
- **Takeovers Panel.** Interviews have been completed for two roles on the Panel and we are preparing advice on preferred candidates.

## 4. Portfolio funding

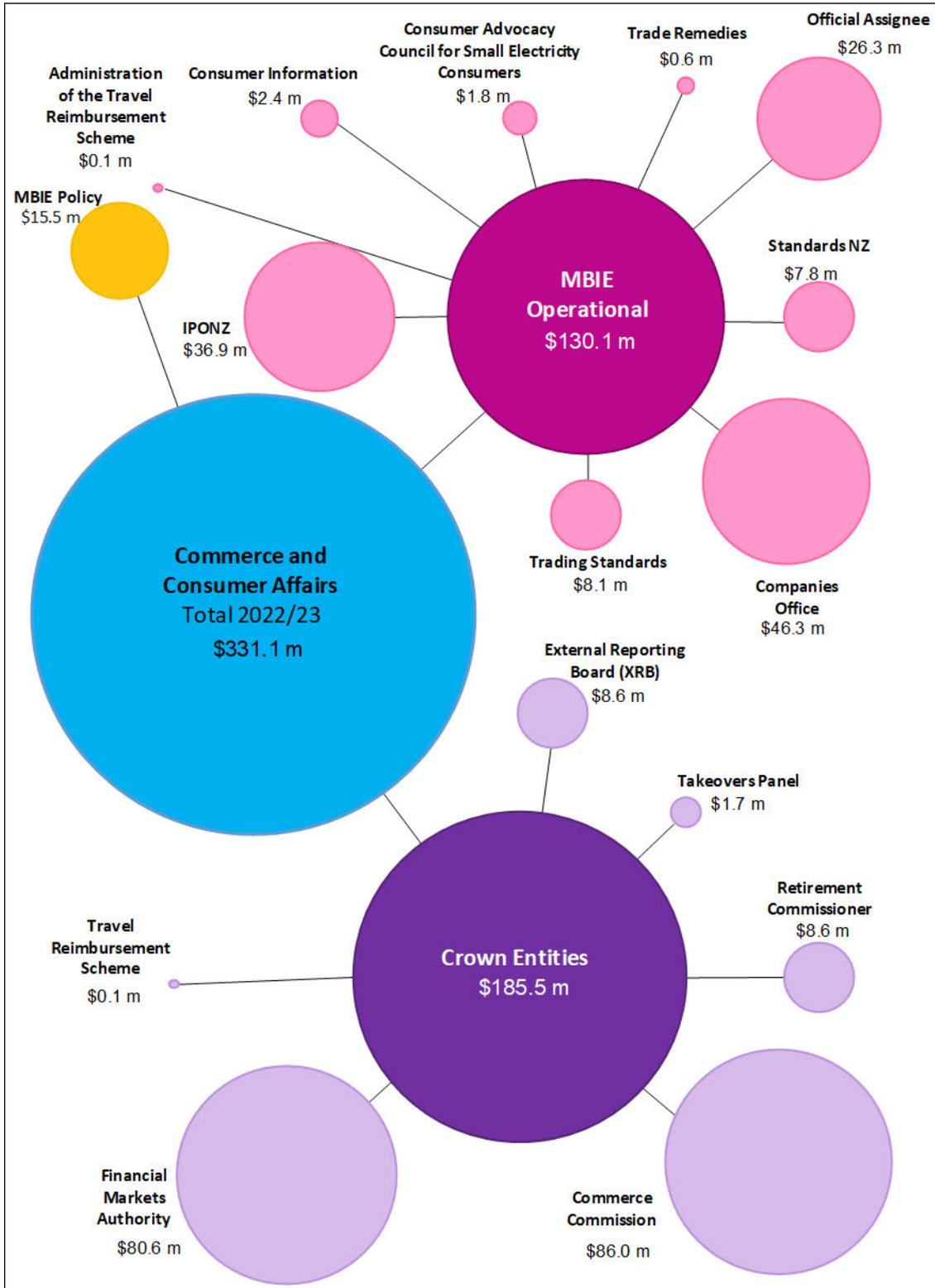
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64. The CCA portfolio is funded under Vote Business, Science and Innovation.
65. The portfolio receives approximately \$331m million in 2022/23 which is spread across departmental funding (for policy and for MBIE to provide services directly) and non-departmental funding (provided via MBIE to Crown entities to provide services). The distribution of this funding is illustrated in Figure 1 on page 20.
66. As noted earlier, you are responsible for six Crown entities:
- Accreditation Council
  - Commerce Commission
  - Retirement Commissioner and Commission
  - External Reporting Board
  - Financial Markets Authority
  - Takeovers Panel.
67. Of these, the Commerce Commission and the Financial Markets Authority are the largest, and they have significant coverage across the economy. In 2022/23, the Commerce Commission receives funding of \$86.0million from the CCA portfolio<sup>4</sup> and the Financial Markets Authority receives \$80.6 million. The role of these Crown entities is discussed further in Annex Three.
68. You also have responsibility for appointing members, or your input is sought on appointments, for a range of industry bodies and dispute resolution schemes. More details about these other bodies are provided in Annex Three.

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<sup>4</sup> The Commerce Commission receives a further \$14.5million from the Communications portfolio for Enforcement of Telecommunications Sector Regulation, taking its total appropriated funding in 2022/23 to \$99.5 million.

Figure 1: Distribution of 2022/23 Commerce and Consumer Affairs portfolio funding



## 5. Key MBIE contacts

Name	Role	Contact details
Carolyn Tremain 	Chief Executive	Personal information [Redacted] [Redacted]
Paul Stocks 	Deputy Chief Executive – Building, Resources and Markets Group  <i>Policy responsibilities except            trade and international</i>	Personal information [Redacted]
Andrew Hume 	General Manager – Small Business, Commerce and Consumer Policy Branch  <i>Policy responsibilities except            trade and international</i>	Personal information [Redacted]
Chris Bunny 	Deputy Chief Executive – Labour, Science and Enterprise Group  <i>Policy responsibility for trade            and international</i>	Personal information [Redacted] [Redacted]
Iain Cossar 	General Manager – Science, Innovation and International Branch  <i>Policy responsibility for trade            and international</i>	Personal information [Redacted]
Suzanne Stew 	Deputy Chief Executive – Te Whakatairanga Service Delivery Group  <i>Operational functions</i>	Personal information [Redacted] [Redacted]
Sanjai Raj 	General Manager – Market Integrity <sup>5</sup>  <i>Operational functions</i>	Personal information [Redacted] [Redacted]

<sup>5</sup> This position also holds a number of statutory roles, including Official Assignee and Registrar of Companies.

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<p>Ross van der Schyff</p> 	<p>General Manager – Business and Consumer<sup>6</sup></p> <p><i>Operational functions</i></p>	<p>Personal information</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Ingrid Bayliss</p> 	<p>General Manager – Building and Tenancy</p> <p><i>Operational functions</i></p>	<p>Personal information</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Michael Bird</p> 	<p>General Manager – Entity Performance and Investment</p> <p><i>Board appointments and governance</i></p>	<p>Personal information</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Rose Davies</p> 	<p>Private Secretary for Commerce and Consumer Affairs</p>	<p>Personal information</p> <p>[Redacted]</p>
<p>Kathleen Henning</p> 	<p>Private Secretary for Commerce and Consumer Affairs</p>	<p>Personal information</p> <p>[Redacted]</p>

69. An overview of MBIE is provided in Annex five.

<sup>6</sup> This position also holds the various statutory Commissioner roles in the intellectual property system and the Registrar for NZBN.

## Annex One: Legislation under the portfolio

1. You are responsible for a large number of Acts of Parliament (Acts) across the portfolio. The most significant pieces of legislation in this portfolio are listed below.

Area	Act
Corporate law and governance	<ul style="list-style-type: none"> <li>• Companies Act 1993</li> <li>• Insolvency Act 2006</li> <li>• Personal Property Securities Act 1999</li> <li>• Financial Reporting Act 2013</li> </ul>
Financial markets	<ul style="list-style-type: none"> <li>• Financial Markets Authority Act 2011</li> <li>• Financial Markets Conduct Act 2013</li> <li>• Financial Markets Supervisors Act 2011</li> <li>• Financial Service Providers (Registration and Dispute Resolution) Act 2008</li> <li>• KiwiSaver Act 2006 (Part 4 and Schedule 1 – withdrawals)</li> <li>• New Zealand Superannuation and Retirement Income Act 2001 (Part 4 and Schedule 6 – Retirement Commissioner)</li> <li>• Six pieces of various insurance legislation</li> </ul>
Competition	<ul style="list-style-type: none"> <li>• Commerce Act 1986</li> <li>• Retail Payment System Act 2022</li> </ul>
Consumer	<ul style="list-style-type: none"> <li>• Consumer Guarantees Act 1993</li> <li>• Credit Contracts and Consumer Finance Act 2003</li> <li>• Fair Trading Act 1986</li> <li>• Weights and Measures Act 1987</li> </ul>
Intellectual property	<ul style="list-style-type: none"> <li>• Copyright Act 1994</li> <li>• Geographical Indications (Wine and Spirits) Registration Act 2006</li> <li>• Patents Act 2013</li> <li>• Plant Variety Rights Act 2022</li> <li>• Trade Marks Act 2002</li> <li>• Designs Act 1953</li> <li>• Haka Ka Mate Attribution Act 2014</li> <li>• Layout Designs Act 1994</li> </ul>
Trade and International	<ul style="list-style-type: none"> <li>• Tariff Act 1988</li> <li>• Trans-Tasman Mutual Recognition Act 1997</li> <li>• Standards and Accreditation Act 2015</li> <li>• Trade (Anti-dumping and Countervailing Duties) Act 1988</li> <li>• Trade (Safeguard) Measures Act 2014</li> <li>• Exports and Imports (Restrictions) Act 1988</li> </ul>

## Corporate law and governance

### Companies Act 1993

1. This Act describes the basic requirements for incorporating, governing, restructuring and liquidating companies. It defines the relationships between companies and their directors, shareholders and creditors, sets out the duties of directors and provides for the protection of shareholders and creditors against the misuse of management powers. It provides procedures for realising and distributing the assets of insolvent companies. It also outlines the powers and duties of the Registrar of Companies, which include registration, inspection and enforcement powers.

### Financial Reporting Act 2013

2. This Act defines core terms (e.g., generally accepted accounting practice and other standard requirements (e.g., auditor qualifications)) that are cross-referred to from numerous other enactments. The Act needs to be read together with sector, industry and entity-specific Acts, which determine which entities are reporting entities and whether they are also required to have their financial statements audited and published. The Act also constitutes the External Reporting Board (XRB) as an independent Crown entity and empowers it to issue financial reporting standards and auditing and assurance standards, including some ethical standards.
3. The Act does not provide the XRB with any enforcement functions. Enforcement is left to other agencies, such as the Financial Markets Authority (FMA), the Registrar of Companies and the Department of Internal Affairs.

### Insolvency statutes

4. The Companies Act 1993 provides the main framework for corporate insolvency (including compromises, voluntary administrations and liquidations). Additional statutes are:
  - **Insolvency Act 2006** – governs personal insolvency. It is administered by the Insolvency and Trustee Service. This Act defines the criteria for entry to bankruptcy, the no-asset procedure (NAP) and debt repayment orders (DRO).
  - **Insolvency (Cross-border) Act 2006** – cross-border insolvency arises when an entity is placed in a form of insolvency administration in one country but has assets or debts in one or more overseas jurisdictions. This Act implements the Model Law on Cross-Border Insolvency adopted by the United Nations Commission on International Trade Law, which promotes cooperation between the courts in different jurisdictions.
  - **Insolvency Practitioners Act 2019** - came into force in September 2020 and provides for the licensing of liquidators, receivers and administrators. The frontline regulation is carried out by professional bodies. The Registrar of Companies is responsible for accrediting professional bodies and monitoring and reporting on the adequacy and effectiveness of those bodies' regulatory systems and processes.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

- **Receiverships Act 1993** – provides for the appointment of a receiver under deeds and agreements between a debtor company and an entity with a security interest over the assets of the debtor company (e.g. a bank).

### Other key corporate law and governance statutes

5. Other key corporate law and governance statutes include:

- **Auditor Regulation Act 2011** – provides for licensing of individuals and firms that carry out audits of financial statements prepared by entities that are regulated under the Financial Markets Conduct Act 2013.
- **Building Societies Act 1965** – provides a specific regulatory and governance regime for building societies. The Act establishes the Registrar of Building Societies and assigns functions and powers to the Registrar. A building society is a mutual organisation that offers financial services to its members, traditionally in the areas of mortgage financing and insurance.
- **Co-operative Companies Act 1996** – supplements the Companies Act by providing for the registration of companies whose suppliers or customers are also the company's shareholders. Also includes a part relating to co-operative dairy companies.
- **Corporations (Investigation and Management) Act 1989** – allows the Registrar of Companies and the FMA to declare a corporation to be at risk and give directions to that corporation. It also provides for a statutory manager to be appointed to run the affairs of a corporation that is or may be operating fraudulently or recklessly.
- **Friendly Societies and Credit Unions Act 1982** – provides a specific regulatory and governance regime that is materially different in many respects to the Incorporated Societies Act 1908 (see below). Friendly societies and credit unions are mutual entities. Friendly societies are diverse, ranging from insurers to working men's clubs. All credit unions are non-bank deposit takers.
- **Industrial and Provident Societies Act 1908** – an industrial and provident society is a form of mutual entity, with a primary purpose to operate for the benefit of its members. An industrial and provident society will usually consist of the owners of small businesses who, while continuing to operate independently, become part of this larger entity (e.g. a taxi cooperative) for mutual benefit.
- **Incorporated Societies Act 1908** – provides for the incorporation of societies, which are not established for the purpose of pecuniary gain. This Act is out-of-date. A replacement Incorporated Societies Act 2022 has received Royal Assent but will not commence until October 2023. The new legislation, which is based on a Law Commission report and recommendations, codifies best practice for operating an incorporated society, as well as providing greater clarity for officers and members about their rights and obligations.
- **Limited Partnerships Act 2008** – internationally, limited partnerships are the preferred structure for venture capital investments and are often used by private equity firms. This Act, combined with related tax law, fits with the international model.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

- **New Zealand Institute of Chartered Accountants Act 1996** – constitutes the New Zealand Institute of Chartered Accountants (NZICA) and a system for self-regulation of its members. NZICA merged with its Australian counterpart on 1 January 2015 to form Chartered Accountants Australia and New Zealand (CA ANZ). The New Zealand part of CA ANZ is required to regulate its members in accordance with the NZICA Act.
- **Partnership Act 2019** – defines partnership relationships and sets out the rules for determining when a partnership exists. There is no registration system for partnerships.
- **Personal Property Securities Act 1999** – provides uniform rules in relation to the giving and taking of security interests in all forms of personal property other than land and for registration of those interests. Larger ships, aircraft and helicopters are also excluded because there are international registers.
- **Takeovers Act 1993** – establishes the Takeovers Panel and outlines the framework for amending and enforcing the Takeovers Code and recommending changes to it. The Takeovers Act and Takeovers Code set out the framework for transparent and equitable processes for control-change transactions in the shares of regulated companies.
- **Trustee Companies Management Act 1975** – contains a process for statutory management of trustee companies that is equivalent to the Corporations (Investigation and Management) Act 1989.

## Financial markets

### Financial Markets Conduct Act 2013

6. This Act sets out the fundamental laws concerning how financial products are governed and sold to investors. It sets out the main purposes of financial market regulation, which are to promote and facilitate the development of fair, efficient and transparent financial markets in New Zealand, and to promote the confident and informed participation of business, investors and consumers in those financial markets. These purposes match the FMA's objective and purposes. Since March 2021, this Act also regulates the provision of financial advice.

### Financial Markets Authority Act 2011

7. This Act establishes the FMA and provides for its principal functions, responsibilities and powers.

### Financial Service Providers (Registration and Dispute Resolution) Act 2008

8. This Act establishes a registration process for all financial service providers to facilitate the identification and monitoring of financial service providers. The Act also establishes a requirement for financial service providers who provide services to retail clients to be members of a consumer dispute resolution scheme, aimed at facilitating the orderly resolution of disputes in the financial sector. Under Part 3 of the Act, the Minister of Commerce and Consumer Affairs approves dispute resolution schemes in consultation with the Minister of Finance.

### **Financial Markets Supervisors Act 2011**

9. This Act provides for the licensing and monitoring by the FMA of financial markets supervisors. Supervisors are appointed to look after investors' interests for some types of financial products (e.g., KiwiSaver schemes) and the interests of residents of retirement villages.

### **KiwiSaver Act 2006**

10. This Act establishes the KiwiSaver regime. Administration of the Act is shared between the Minister of Commerce and Consumer Affairs and the Minister of Revenue. The Minister of Commerce and Consumer Affairs is responsible for the parts of the Act that provide for the registration of KiwiSaver schemes by the FMA and withdrawal rules. The Minister of Commerce and Consumer Affairs is also jointly responsible with the Minister of Finance for appointing the providers of default schemes.

### **Insurance legislation**

11. The main pieces of insurance legislation previously sat in the Justice portfolio. In mid-2017, responsibility for legislation relating to insurance contracts was transferred into the Commerce and Consumer Affairs portfolio to sit alongside the business and consumer law functions. It includes the following insurance legislation:

- Law Reform Act 1936.
- Insurance Law Reform Act 1977.
- Insurance Law Reform Act 1985.
- Insurance Intermediaries Act 1994.
- Life Insurance Act 1908.
- Marine Insurance Act 1908.

## **Competition**

### **Commerce Act 1986**

12. This Act promotes competition for the long-term benefit of New Zealand consumers.
13. The key features of the Act are that it:
- prohibits anticompetitive behaviour, both unilateral and collusive (Part 2)
  - prohibits mergers that would substantially lessen competition (Part 3)
  - empowers the Commerce Commission to conduct competition studies to assess factors that may affect competition in markets and to report its findings, including with recommendations to promote competition if appropriate (Part 3A)
  - empowers the Minister of Commerce and Consumer Affairs to impose regulatory control on monopolies, which is administered by the Commerce Commission (Part 4) – this is currently applied to electricity lines businesses, gas pipeline businesses and the three main international airport companies at Auckland, Wellington, and Christchurch

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

- enables businesses to apply to the Commerce Commission for clearance for their merger or collaborative activity to manage legal risk, or for authorisation for their merger or arrangement if it is of such a benefit to the public that it should proceed despite lessening competition (Part 5).
14. The Act also established the Commerce Commission as an independent Crown entity responsible for making certain quasi-judicial decisions and enforcing the Act in the High Court. There is also a right of private action to the courts for most of the prohibitions.

### Retail Payment System Act 2022

15. This Act promotes competition and efficiency in the retail payment system for the long-term benefit of merchants and consumers (including businesses) in New Zealand. It seeks to ensure that merchants and consumers pay no more than reasonable fees (including surcharges) for the use of payment services, such as credit and debit cards, and that there is a reasonable degree of transparency in the retail payment system.
16. The Act is implemented and enforced by the Commerce Commission. Key provisions in the Act are:
- A process to designate significant retail payment networks by Order in Council, and once designated, for the Commerce Commission to set standards on the operation of those networks.
  - Designations of the Visa and MasterCard credit and debit payment networks, with initial pricing standards set capping interchange fees within those networks. This standard came into effect in November 2022.
  - Empowering the Commerce Commission to set pricing standards applying to merchant surcharging for acceptance of certain payment methods, such as PayWave.

## Consumer

### Fair Trading Act 1986

17. This Act aims to contribute to a trading environment where consumer interests are protected, businesses compete effectively, and consumers and businesses participate confidently. The Act attempts to ensure that all trading activities are based on accurate and honest information. It also allows for bans and recalls of unsafe products and the imposition of mandatory standards if necessary. The Act is enforced by the Commerce Commission.
18. Under Parts 3 and 4 of the Act, the Minister of Commerce and Consumer Affairs can recommend mandatory standards for products or services, ban unsafe products, or order a compulsory recall of an unsafe product. The Minister also has the power to issue a Product Safety Policy Statement to provide information or guidance when needed. These measures are generally used only when attempts to have the product amended or withdrawn voluntarily fail.
19. The Act was amended in 2013 as part of the Consumer Law Reforms. Key changes include protections against unfair contract terms (which took effect in 2015) and unsubstantiated representations, new provisions covering uninvited direct selling, layby sales, unsolicited

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

goods and services, extended warranties and auction conduct, enhanced product safety provisions, stronger Commerce Commission enforcement powers and increases to the level of penalties. The amended Act governs matters previously set out in the now repealed Door to Door Sales Act 1967, Layby Sales Act 1971 and Unsolicited Goods and Services Act 1975.

### **Credit Contracts and Consumer Finance Act 2003 (CCCFA)**

20. This Act regulates consumer credit, including home loans, personal loans, credit sales/hire purchase, credit cards, long-term leases, and housing buy-back schemes. The Act requires disclosure of key information to the debtor, prohibits unreasonable fees, allows for contracts to be varied in cases of hardship and provides for re-opening of oppressive contracts. It is enforced by the Commerce Commission.
21. Significant changes to the CCCFA were passed in 2019. These introduced interest rate and fee caps for high-cost loans, prescriptive affordability and suitability requirements for lenders, and a requirement that directors and senior managers hold a fit and proper certification.

### **Consumer Guarantees Act 1993**

22. This Act covers consumer protection in the post-sale period (after a purchase is made). It creates statutory guarantees that are automatically conferred each time a consumer purchases a good or service from a trader. The Act also provides clear remedies for consumers if a breach of a guarantee occurs. This Act is self-enforcing.
23. The Act was amended in 2013 as part of the Consumer Law Reforms. A key amendment was the removal of the exemption for auctions and competitive bids, which means that all transactions between a trader and a consumer with respect to consumer goods will be covered by this Act.

### **Other pieces of consumer and commercial statutes**

24. Other key legislation includes:
  - **Auctioneers Act 2013** - As part of the Consumer Law Reforms, the Auctioneers Act 2013 was passed to replace the Auctioneers Act 1928. The 2013 Act requires persons in the business of conducting auctions to be registered. MBIE's Occupational Regulation team within the Market Integrity branch is responsible for administration and enforcement activities associated with this registration.
  - **Contract and Commercial Law Act 2017 (Parts 3 and 5)** - This Act brings together a set of provisions governing contracts and commercial transactions. It includes some important protections, such as contractual remedies when buying goods or services through private sales, and redress for the loss or damage of goods during carriage. It also makes standard form contract terms and costs of borrowing freely and publicly available.
  - **Electricity Industry Act 2010 (Part 4, Subpart 1 only)** - The provision requires Transpower and electricity distributors and retailers to be a member of a dispute resolution scheme, unless exempted by the Minister of Commerce and Consumer Affairs.

- **Motor Vehicle Sales Act 2003** - This Act requires that all motor vehicle traders are registered on the Motor Vehicle Traders Register (including car market operators and vehicle auctioneers). Traders are required to display a Consumer Information Notice (CIN), in the form prescribed under the Fair Trading Act 1986, with all used motor vehicles for sale. The Motor Vehicle Traders Register is administered by MBIE. Compliance with CIN requirements is enforced by the Commerce Commission.
- **Weights and Measures Act 1987** - This Act establishes the infrastructure that ensures measurements used for trade are accurate. It provides the system of instruments, metric weights and measures and prescribes their use in the marketplace. It attempts to ensure that goods sold by weight, measure or number are traded fairly and in accordance with internationally recognised standards. This Act is administered and enforced by MBIE. The Act was amended in 2013 as part of the Consumer Law Reforms to cover modern transactions such as self-service check outs.

## Intellectual property

### Copyright Act 1994

25. This Act seeks to incentivise the creation and dissemination of original creative works including recordings of performances. Copyright comes into existence automatically and applies to original creations such as literary works (including software), musical works, artistic works, sound recordings and films. The Act provides creators, producers, broadcasters and performers with exclusive rights in their works for a temporary period, and subject to certain exceptions (e.g. fair dealing for the purposes of private study).

### Designs Act 1953

26. This Act aims to promote innovation and creativity by creating incentives to develop designs for manufactured articles that have visual appeal (industrial designs). The Act establishes a registration regime for original industrial designs. Designs can be registered for up to 15 years.

### Geographical Indications (Wine and Spirits) Registration Act 2006

27. A geographical indication is an indication which identifies a good as originating from an area or region where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. This Act provides a registration system for wine and spirits geographical indications.

### Haka Ka Mate Attribution Act 2014

28. This Act recognises that the haka 'Ka Mate' is a taonga of Ngāti Toa Rangātira. The Act requires that, where Ka Mate is used in a public or commercial context, the authorship of Ka Mate by Ngāti Toa Rangātira chief Te Rauparaha must be acknowledged. This legislation was a result of the Ngāti Toa Rangātira Treaty of Waitangi settlement with the Crown.

### Layout Designs Act 1994

29. This Act protects the layout design of semi-conductors and integrated circuits, and meets New Zealand's obligations as a member of the World Trade Organization.

### **Patents Act 2013**

30. This Act seeks to provide an efficient and effective patent system that promotes innovation and economic growth while providing an appropriate balance between the interests of inventors, patent owners and society as a whole. For a patent to be granted for an invention, the invention needs to be new, non-obvious and have utility. Patents provide an exclusive right to commercially exploit the invention for a period of up to 20 years.
31. This Act, in conjunction with the Australian Patents Act 1990, provides a single trans-Tasman registration regime for patent attorneys. Under this trans-Tasman registration regime, only persons registered as patent attorneys may provide advice and assistance for gain related to applying for patents in Australia, New Zealand and elsewhere and on the validity or infringement of patents granted. The aim of the registration regime is to ensure innovative businesses in Australia and New Zealand receive high quality advice and services related to the granting of patents.

### **Plant Variety Rights Act 2022**

32. A grant of plant variety rights for a new plant variety gives the grantee the exclusive right to produce for sale and to sell propagating material of the variety. The Act encourages investment in the development of new plant varieties by providing for the granting of proprietary rights to breeders and developers for 20 or 25 years depending on the variety.
33. This Act replaces the Plant Variety Rights 1987. The 1987 Act remains applicable for plant variety rights where the filing was made prior to 24 January 2023. The 2022 Act applies to filings made from this date onwards, and modernises the regime and implements the Crown's obligations under the Treaty of Waitangi in relation to the regime and New Zealand's obligations under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

### **Trade Marks Act 2002**

34. A trade mark is a sign capable of distinguishing the goods or services of one enterprise from others operating in the same market. Trade marks provide consumers with information about the quality of products and services, and their origins. This Act encourages enterprises to invest in producing quality goods and services by providing their owners an exclusive right to use a mark in relation to the goods and services for which the trade mark is registered.

## **Trade and international**

### **Trade (Anti-dumping and Countervailing Duties) Act 1988**

35. This Act protects New Zealand industry from material injury caused by dumped or subsidised imports. It allows duties to be imposed on goods sold in New Zealand at less than the normal price in the country of export, or subsidised by an overseas government, if the dumping or subsidisation is causing or threatening to cause material injury to an industry in New Zealand or a third country and if it is in the public interest to impose duties. The Chief Executive of MBIE is responsible for initiating and carrying out investigations.

36. The Minister of Commerce and Consumer Affairs:
- makes final determinations on whether there is dumping or subsidisation causing injury
  - may impose or terminate anti-dumping or countervailing duties
  - may determine a new rate or amount of anti-dumping or countervailing duty
  - may require a refund of anti-dumping or countervailing duties in certain circumstances
  - terminates investigations in certain circumstances.

**Trade (Safeguard) Measures Act 2014**

37. This Act repealed the Temporary Safeguard Authorities Act 1987. It puts in place a modernised safeguards regime for New Zealand that is consistent with the WTO’s safeguard rules. “Safeguards” are emergency measures (usually in the form of a duty) applied at New Zealand’s border to provide relief to domestic industry faced with sudden increases in import volumes. The Act promotes transparent and objective investigative and decision-making processes when New Zealand undertakes a safeguard investigation and imposes safeguard measures.

**Tariff Act 1988**

38. This Act provides for the administration of the Tariff of New Zealand and the authority to levy, collect and pay import duties in accordance with the rates specified in the Tariff.
39. New Zealand’s normal tariff rates are comparatively low, set at 5 per cent, 10 per cent, or no tariff depending on the type and origin of the good being imported. The majority of New Zealand’s imports enter tariff free under our free-trade agreements or existing tariff concessions. Total government tariff collection pre-pandemic was approximately \$180 million and will be even less now as a result of new free-trade agreements and tariff concessions.
40. The Act authorises you to make tariff concessions, which retain the normal tariff rate, but an importer can apply to have the tariff waived on entry of their goods into New Zealand. Current concessions in effect apply to a wide range of goods, including residential building materials and certain COVID-19 related products.

41. Free and Frank [Redacted]

42. Free and Frank [Redacted]

**Trans-Tasman Mutual Recognition Act 1997**

43. This Act gives effect to the Trans-Tasman Mutual Recognition Arrangement (TTMRA). The TTMRA is a cornerstone of the Single Economic Market between Australia and New Zealand. It supports bilateral trade with Australia, valued at \$24.9 billion for the year ending June 2022, by allowing goods that can be legally sold in New Zealand to be sold in Australia, and through the mutual recognition of registered occupations.
44. Under the Act:
- every law in New Zealand must be read subject to the Act unless expressly provided for,
  - a good that may be legally sold in Australia or New Zealand may be legally sold in the other, regardless of differences in standards or other sale-related regulatory requirements, and
  - a person registered to practise an occupation in Australia or New Zealand can register to practise the equivalent occupation in the other without the need to undergo further testing or examination.
45. The Act allows certain laws relating to the sale of goods to be exempt, meaning no automatic mutual recognition and the laws of that jurisdiction will apply. Governments may request an exemption when common standards cannot be agreed and the principles of the TTMRA would undermine legitimate policy objectives (such as protecting public health or the environment). New Zealand's general position is not to support new exemptions without compelling reasons as they erode the value of the TTMRA and complicate matters for our exporters.
46. The Prime Minister recently approved requests from both the Northern Territory and Tasmania to exempt their container deposit and refund schemes from the TTMRA. Officials will advise you separately on the further steps required to give effect to the approval.

**Imports and Exports (Restrictions) Act 1988**

47. This Act provides for prohibiting or restricting imports and exports that would be contrary to the public interest. The Minister of Commerce and Consumer Affairs has the power, consistent with any conditional prohibition order, to require an import or export licence or permit to be presented before goods can enter or leave New Zealand.

**Standards and Accreditation Act 2015**

48. This Act established a new independent statutory board to approve New Zealand Standards and membership of Standards development committees, and an independent Statutory Officer, the New Zealand Standards Executive. It transferred the Standards development function to MBIE to ensure closer alignment with functions such as economic growth, international trade, innovation and health and safety.

## Annex Two: Portfolio linkages

The Commerce and Consumer Affairs portfolio is closely linked to the following portfolios:



## Annex Three: Crown entities and other bodies

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### Crown entities

#### Commerce Commission

1. Established under the Commerce Act 1986, the Commerce Commission is responsible for promoting competition and protecting consumers by enforcing competition and consumer law and regulating specified markets in which competition does not exist or is significantly impaired.
2. The Commission aims to foster and develop healthy competition among businesses, informed choice by consumers, and sound sector specific regulation through its enforcement, quasi-judicial and regulatory responsibilities under the Commerce Act, Fair Trading Act 1986, Dairy Industry Restructuring Act 2001<sup>7</sup>, Telecommunications Act 2001<sup>8</sup>, Fuel Industry Act 2020, Retail Payment System Act 2022, and Credit Contracts and Consumer Finance Act 2003.
3. The Commerce Act provides that the Commission must act independently in performing its statutory functions and duties and exercising its powers under the Act.
4. The Commission's appropriations are funded from the Commerce and Consumer Affairs and Digital Economy and Communications portfolios, amounting to \$99.5 million in 2022/23. The Minister of Agriculture, Minister for the Digital Economy and Communications, and Minister of Energy and Resources also have a strong interest in the work of the Commission especially in relation to Part 4 of the Commerce Act 1986 (which regulates electricity lines, gas pipelines and specified activities of three airports), and the Telecommunications Act, which is wholly funded by levies on regulated parties; and its work relating to the Dairy Industry Restructuring Act, which is partially Crown-funded.
5. The Commission may have up to eight members, with one member appointed as the Telecommunications Commissioner<sup>9</sup>. It may also have any number of associate members. Currently it has five members, five associate members and two associate members cross-appointed from the Australian Competition and Consumer Commission. There will shortly be two new positions established, for the Grocery Commissioner and the Water Services Commissioner.

Chief Executive: Adrienne Meikle	Personal information [REDACTED]
Chair: John Small	Personal information [REDACTED]

<sup>7</sup> You are the Minister responsible for the appropriation which funds the Commission's dairy activities, but portfolio responsibility for the Dairy Industry Restructuring Act 2001 sits with the Minister of Agriculture.

<sup>8</sup> The appropriation and portfolio responsibility for the Telecommunications Act 2001 sit with the Minister for the Digital Economy and Communications.

<sup>9</sup> The Minister for the Digital Economy and Communications recommends the appointment of the Telecommunications Commissioner.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Name	Date of original appointment	Expiry date of present term
John Small (Chair)	05/12/2022 (Chair appointment date) 17/12/2018 (Original appointment date)	7 June 2025 07/06/2025
Susan Begg (Deputy Chair)	17/06/2009	15/06/2021
Tristan Gilbertson (Telecommunications Commissioner)	8/06/2020	7/06/2025
Dr Derek Johnston	1/11/2019	31/10/2023
Elisabeth Welson	20/09/2012	31/03/2022
Vacancies (three)		
Joseph Liava'a (Associate Member)	8/04/2019	07/06/2025
Vhari McWha (Associate Member)	14/09/2020	13/09/2025
Bryan Chapple (Associate Member)	29/08/2022	27/08/2027
Nathan Strong (Associate Member)	29/08/2022	27/08/2027
Anna Rawlings (Associate Member)	5/12/2022	4./12/2023
Stephen Ridgeway (Cross-appointed from ACCC)	1/03/2022	26/06/2024
Anna Brakey (Cross-appointed from ACCC)	1/03/2022	9/012/2025

### Te Ara Ahunga Ora Retirement Commission (Retirement Commissioner)

6. Te Ara Ahunga Ora Retirement Commission was established in 1993 and continues to operate under the New Zealand Superannuation and Retirement Income Act 2001. The Commission is headed by the Retirement Commissioner. Its key activities are providing information, education and advice on financial capability, and monitoring the effects of retirement income policies including through carrying out regular reviews of retirement income policies. The Commissioner also has a monitoring role under the Retirement Villages Act 2003. The Commission is funded by a Crown appropriation of \$8.6 million.

Retirement Commissioner: Jane Wrightson Jane was appointed as Retirement Commissioner on 10 February 2020 and was recently reappointed for a further three-year term expiring on 9 February 2026.	Personal information [REDACTED]
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### External Reporting Board (XRB)

7. Constituted under the Financial Reporting Act 2013, the External Reporting Board (XRB) is responsible for setting the strategy for financial reporting in New Zealand, and issuing financial reporting, auditing, assurance, climate related financial reporting and ethical standards. The XRB also seeks to influence the development of international standards and has cross-membership with the Australian Financial Reporting Council. The XRB is funded by a Crown appropriation of \$8.6 million.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

8. The Financial Reporting Act provides for the XRB Board to have up to nine members. It has eight members at present, including one member cross-appointed from the Australian Financial Reporting Council.

Chief Executive: April Mackenzie	04 550 2048 april.mackenzie@xrb.govt.nz
Chair: Michelle Embling	021 807 728 michelle.j.embling@nz.pwc.com

Name	Date of original appointment	Expiry date of present term
Michele Embling (Chair)	1/07/2011	30/04/2024
Deborah (Jane) Taylor (Deputy Chair)	9/12/2013	30/04/2023
Professor Michael Bradbury	19/12/2016	28/08/2027
William (Bill) Edge (Australian Financial Reporting Council)	19/12/2016	28/07/2022
John Kensington	19/12/2016	28/08/2027
Fergus Welsh	1/02/2015	31/01/2025
Jacqueline (Jackie) Robertson	1/05/2019	30/04/2024
Julia Fletcher	1/05/2019	30/04/2024
Sheree Ryan	29/08/2022	28/08/2027

### Financial Markets Authority

9. Established in 2011 by the Financial Markets Authority Act 2011, the Financial Markets Authority (FMA) is New Zealand's main statutory regulator for the securities and investment industry and discharges statutory functions under a range of Acts including the Financial Markets Conduct Act 2013. Its main objective is to promote and facilitate the development of fair, efficient and transparent financial markets in New Zealand, and a principal function is to promote the confident and informed participation of business, investors and consumers in those financial markets.
10. The FMA Board currently consists of nine members.

Chief Executive: Samantha Barrass	Personal information [REDACTED]
Chair: Mark Todd	Personal information [REDACTED]

Name	Date of original appointment	Expiry date of present term
Mark Todd (Chair)	08/06/2015	30/04/2024
Elizabeth Longworth	12/06/2017	19/07/2023
Vanessa Stoddart	8/06/2016	28/02/2024
Christopher Swasbrook	8/06/2019	7/06/2024

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Dr Prasanna Gai	16/04/2018	15/04/2023
Sue Chetwin	09/09/2019	30/11/2025
Mark Weenink	01/03/2022	28/02/2027
Kendall Flutey	01/03/2022	28/02/2027
Steven Bardy	01/03/2022	28/02/2027

### Takeovers Panel

11. Established under the Takeovers Act 1993, the Panel's key functions are to keep under review the law and practices relating to control-change transactions in the shares of specified companies, recommend changes to takeovers law that the Panel considers necessary, investigate acts or omissions or practices for the purpose of exercising its enforcement powers, and make determinations and orders and applications to the Court in accordance with the Takeovers Act.
  
12. The Panel is funded by a Crown appropriation of \$1.5 million and a separate litigation fund of \$0.2 million. The Panel has eleven members, with one member cross-appointed from the Australian Takeovers Panel. We are currently in the process to replace two members on the panel.

Chief Executive: Andrew Hudson	Personal information [REDACTED]
Chair : Carl Blanchard	Personal information [REDACTED]

Name	Date of original appointment	Expiry date of present term
Carl Blanchard (Chair)	24/09/2011 (Original appointment date) 29/08/2022 (Chair appointment date)	28/08/2025
Anna Buchly (Deputy Chair)	01/02/2019	31/01/2028
Megan Glen	20/05/2019	19/05/2024
Simon Horner	1/02/2011	31/01/2021
Richard Hunt (cross-appointed from the Australian Takeovers Panel)	1/05/2014	29/04/2021
Sacha Judd	13/10/2015	28/08/2025
Vacancy		
Silvana Schenone	1/10/2016	28/08/2027
Nathanael Starrenburg	25/10/2016	28/08/2025
Martin Stearne	01/02/2019	31/01/2023

**Accreditation Council**

13. Established under the Standards and Accreditation Act 2015, the Council was previously the Testing Laboratory Registration Council. The Council provides independent third-party recognition of competence by accrediting laboratories, inspection bodies and radiology practices through its operational arm, International Accreditation New Zealand. The Council also owns Telarc SAI Ltd, a certification body, and the New Zealand Quality College, which provides training in technical and quality subjects related to conformity assessment.
14. The Council is one of two accreditation organisations in New Zealand. While the Council focuses on accrediting laboratories, the other body (the Joint Accreditation System of Australia and New Zealand or JAS-ANZ, discussed below), accredits bodies which certify products and quality management systems. There is some overlap in their business as they both accredit some types of inspection bodies, such as bodies which inspect food safety management systems.
15. The Council’s governing board is composed of between five and seven members. It receives no Crown funding. Instead, it operates a user and stakeholder funded not-for-profit business model

Chief Executive, Brian Young	Personal information
Chair: Paul Connell	Personal information

Name	Date of original appointment	Expiry date of present term
Paul Connell (Chair)	1/07/2014	09/08/2021
Vacancy		
Nicole Anderson	01/06/2020	31/05/2023
Jane von Dadelszen	01/06/2020	31/05/2023
Vacancy		
Catherine Rose Abel-Pattinson	01/06/2020	31/05/2023
Vacancy		

**Other bodies you have responsibilities for**

16. You have responsibility for appointing members, your input is sought on appointments, or you are consulted on rule changes, for the following bodies.

**Advertising Standards Authority (and Advertising Standards Complaints Board)**

17. The Advertising Standards Authority (Authority) is an industry body with 14 member organisations representing advertisers, agencies and the media. Its main role is to promote an effective system of voluntary self-regulation with respect to advertising standards, and to ensure legal, decent and honest advertising communications to consumers.
18. The Authority operates and funds the Advertising Standards Complaints Board (Complaints Board), which hears complaints about advertisement content across all media. The Complaints

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Board is an independent, nine-member board (with five public members and four industry members).

19. The Minister for the Digital Economy and Communications and the Minister of Commerce and Consumer Affairs are consulted on the appointment of the Chairperson of the Authority. The Minister of Commerce and Consumer Affairs also nominates candidates to be considered for appointment as a public member of the Complaints Board.

### Banking Ombudsman Scheme

20. This industry-funded body considers and investigates consumers' complaints about banks and non-bank deposit takers. The Minister of Commerce and Consumer Affairs appoints one consumer representative on the Board. The current consumer representative, Kenina Court, was first appointed on 1 February 2016 and has been reappointed three times. Her term expires on 10 April 2025.

### Consumer Advocacy Council

21. The Consumer Advocacy Council is a Ministerial Advisory Committee established by Cabinet with the objective of providing evidence-based policy advocacy for small business and residential electricity consumers. The Council was established in response to the Electricity Price Review finding that residential households and small businesses struggle to make their voices heard and exert influence over decisions affecting them in the electricity sector.
22. As outlined in the Terms of Reference, the Minister of Commerce and Consumer Affairs is the responsible Minister for the Council. The Minister of Commerce and Consumer Affairs, in consultation with the Minister of Energy and Resources and the Minister for Small Business, is responsible for appointing the Council Members and setting the Council's performance measures. The Council currently has five members as well as a Secretariat provided by MBIE.

Name	Date of original appointment	Expiry date of present term
Deborah Hart (Chair)	12/7/2021	12/7/2024
Desiree Mahy <sup>10</sup>	5/07/2022	5/07/2025
Jessica Wilson	5/07/2022	5/07/2025
Nanette Moreau Hammond	5/07/2022	5/07/2025
Norman Evans	5/07/2022	5/07/2025

### Copyright Tribunal

23. The Tribunal is a statutory body established under the Copyright Act 1994. The role of the Tribunal is to resolve disputes between licensing bodies, or proposed licensing bodies, and those who hold or seek licences in respect of the use of copyright works. It also hears applications about file sharing infringements under the Copyright Act. In practice the

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<sup>10</sup> Confidential advice

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Copyright Tribunal is rarely asked to resolve disputes or hear applications about file sharing infringements. The Tribunal consists of a Chair and five other members, who are appointed by the Governor-General at the recommendation of the Minister of Commerce and Consumer Affairs.

Name	Date of original appointment	Expiry date of present term
Wi Pere Mita (Chair)	01/11/2021	31/10/2026
Jane Megan Glover	1/08/2012	6/11/2021
Sarah-Jane Weir	27/03/2014	31/10/2026
Peter Dengate Thrush	1/03/2010	31/10/2026
Paul Johns	01/11/2021	31/10/2025

24. We are currently in the middle of a recruitment process to identify a new member to replace Jane Glover, who is not seeking reappointment. As per section 207(3) of the Copyright Act 1993, Ms Glover has remained in office following the end of her term and has agreed to remain a member until a successor is appointed.

### Film and Video Labelling Body

25. The Film and Video Labelling Body was established under section 72 of the Films, Videos and Publications Classification Act 1993 to issue ratings for unrestricted films and videos. All films supplied to the public must be submitted to the Labelling Body.
26. Under section 74(3) of the Act, the Minister of Internal Affairs appoints community representatives on the recommendation of the Minister of Commerce and Consumer Affairs. The Minister of Commerce and Consumer Affairs can only make such a recommendation after consulting with the Minister for Women.

### The Financial Advice Code Committee

27. The Code of Professional Conduct for Financial Advice Services (the "Code") is a universal Code of Conduct for all financial advisors providing financial advice to retail clients. The Code was approved by the Minister of Commerce and Consumer Affairs on 7 May 2019 and the obligation to comply with the Code came into force on 15 March 2021.
28. The Financial Advice Code Committee is Aotearoa New Zealand's independent standard setter for financial advice and is established by Part 4 of Schedule 5 of the Financial Markets Conduct Act 2013.
29. The Committee's ongoing functions include:
- to review the Code from time to time
  - to recommend to the Minister of Commerce and Consumer Affairs changes to the Code
  - to liaise from time to time about the development, review, and implementation of the Code with the Minister of Commerce and Consumer Affairs, with the FMA and with

persons that the Committee reasonably considers to be representative of the financial advice industry and of consumers of financial advice.

### **The Financial Advice Disciplinary Committee**

30. The Financial Advice Disciplinary Committee was established under Section 105 of the Financial Advisers Act 2008. The Committee's functions are to:
- conduct disciplinary proceedings arising out of complaints regarding authorised financial advisers referred to it by the FMA
  - take any of the actions referred to in section 101(3) of the Financial Advisers Act as a result of disciplinary proceedings.
31. The Committee must have between not less than four members and not more than six members including the chairperson. The Minister of Commerce and Consumer Affairs must appoint one of the members of the disciplinary committee as the chairperson. Apart from the chairperson, the Minister of Commerce and Consumer Affairs must appoint as members of the disciplinary committee:
- at least one member who works or has worked in the financial adviser industry
  - at least one member who is independent of the financial adviser industry
  - at least one member who is a lawyer with not less than seven-years' legal experience.

### **Insurance and Financial Services Ombudsman**

32. This industry-funded scheme considers and investigates consumers' complaints about participating insurance and savings companies and other financial service providers. The Minister of Commerce and Consumer Affairs nominates candidates for consideration as consumer representatives on the commission that oversees the scheme.

### **Joint Accreditation System of Australia and New Zealand (JAS-ANZ)**

33. This trans-Tasman institution was established by a Treaty between the Governments of Australia and New Zealand, responsible for the accreditation of certification bodies and inspection bodies in Australia and New Zealand.
34. The Governing Board is a mix of New Zealand and Australian members appointed by the responsible Ministers – the Minister of Commerce and Consumer Affairs for New Zealand, and the Minister for Industry for Australia. Out of a total of ten members, six are appointed by the Australian Government and three by the New Zealand Government. These include one Australian government official, and one New Zealand government official, who is currently an official from MBIE. The Chief Executive of JAS-ANZ is the tenth member. New Zealand and Australia rotate the Chairperson and Vice-Chairperson responsibilities every three years and the appointments must be decided jointly by the Australian and New Zealand Ministers.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Name	Date of original appointment	Expiry date of present term
Howard John Duff (Acting Chairperson)	12/06/2017	31/12/2022
Debra Hall	10/08/2020	09/08/2023
Matthew Malloy (NZ official)	17/10/2022	16/10/2025

35. We are about to commence a process to replace Howard Duff on the Board and appoint Debra Hall as Deputy Chair.

### Motor Vehicle Disputes Tribunal

36. This Tribunal was established under section 82 of the Motor Vehicle Sales Act 2003. The Tribunal resolves disputes between consumers and motor vehicle traders. It has the jurisdiction to consider claims relating to breaches of the Consumer Guarantees Act 1993, Fair Trading Act 1986, and Contract and Commercial Law Act 2017. Each tribunal consists of an adjudicator and an assessor.
37. Adjudicators are appointed by the Governor-General on the joint recommendation of the Minister of Commerce and Consumer Affairs and the Minister of Justice. The Minister of Commerce and Consumer Affairs appoints assessors.

Name	Date of original appointment	Expiry date of present term
Brett Carter (Adjudicator)	15/01/2017	31/05/2027
Jason McHerron (Adjudicator)	1/09/2015	31/12/2026
David Jackson	01/01/2022	31/12/2026
Deirdre Watson	01/01/2022	31/12/2026

38. We are currently carrying out a recruitment process to identify a new assessor and will provide you with advice on this in due course. We will also provide you with advice in relation to the expiry of Jason McHerron's term as an adjudicator. Mr McHerron will continue to be on the Tribunal until he is reappointed or a successor is appointed.

### New Zealand Standards Approval Board

39. This Board was established by the Standards and Accreditation Act 2015, which put in place new arrangements for the development and approval of New Zealand Standards. The Board approves proposed New Zealand Standards, and the chairmanship and membership of standards development committees. Under the Act, the Board is an independent statutory board carrying out a statutory decision-making function. It is not a Crown entity and does not have a governance role. The Board currently has seven members.

Name	Date of original appointment	Expiry date of present term
Victoria MacLennan (Chair)	01/02/2023	31/01/2026
Peter Gilbert	1/03/2016	30/11/2024

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Richard Merrifield	5/12/2016	15/01/2024
Fiona van Petergem-Rowson	01/02/2023	31/01/2025
Brian Watson	01/02/2023	31/01/2026
Susan Iverson	01/02/2023	31/01/2026
Fa'asalele Malo	01/02/2023	31/01/2026

### The Pool of Lay Members of the High Court

40. These members are provided for under section 77 of the Commerce Act 1986. Lay members play a key role in ensuring that the expert evidence on complex competition or economic regulation issues is properly understood by the High Court, then tested and assessed after the hearing. The appointment of lay members to particular cases is at the discretion of High Court judges, but once a lay member has been appointed to a case, the lay member becomes a member of the Court for the purposes of that case. The Governor-General appoints lay members on the recommendation of the Attorney-General who must consult with the Chief Justice and the Minister of Commerce and Consumer Affairs before making any appointment recommendation. The Pool is administered by Crown Law.
41. The current lay members comprise New Zealand and Australian individuals with expertise in a range of areas such as competition policy, economic regulation, and industrial economics.

Name	Date of original appointment	Expiry date of present term
Professor Tony van Zijl	5 March 2009	22 June 2027
Patrick Duignan	4 April 2016	22 June 2027
Professor Stephen King	28 August 2003	22 June 2027
Dr Lilla Csorgo	23 June 2022	22 June 2027
Dr Jill Walker	23 June 2022	22 June 2027

42. A number of these lay members currently reside in Australia.

### Trans-Tasman IP Attorneys Board

43. This trans-Tasman body was established under *the Arrangement between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys*. It is responsible for administering the regulatory and disciplinary regime for Australian and New Zealand patent attorneys and Australian trade mark attorneys.
44. The Board is appointed by the responsible Australian Minister and consists of a Chair<sup>11</sup>, the Director General of IP Australia, the New Zealand Commissioner of Patents ( MBIE's General Manager: Business and Consumer - Ross van Der Schyff), two representatives of the New Zealand patent attorney profession and up to five other members (usually a mixture of

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<sup>11</sup> The position of Chair rotates between an Australian and a New Zealander every three years. The current Chair, Professor Andrew Christie, is an Australian.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Australian patent and trade mark attorneys). The Minister for Commerce and Consumer Affairs makes nominations to the Australian Minister for the two New Zealand patent attorneys representatives on the Board and the Chair when it is a New Zealand person.

45. The current New Zealand representatives of the patent attorney profession are set out below:

Name	Date of original appointment	Expiry date of present term
Ian Finch	24/02/2017	23/02/2023
Kate Duckworth	6/07/2018	5/07/2024

46. Confidential advice
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

### Telecommunications Dispute Resolution Scheme

47. This scheme provides a forum for consumers and small businesses to take their disputes against telecommunications providers for resolution at no cost. MBIE appoints one consumer representative to the council that oversees the scheme.

### Utilities Disputes Limited

48. Utilities Disputes Limited administers the mandatory or approved consumer dispute resolution schemes under the Electricity Industry Act 2010 (in respect of distribution and retail operators in the electricity and gas sectors) and under the Telecommunications Act 2001 (in respect of broadband shared property access disputes). As set out in statute, the Minister of Commerce and Consumer Affairs is required to approve any rule changes to the scheme.

## Annex Four: Key deliverables

1. Key deliverables for the end of term across the current priorities have been grouped as follows:

- Key policy decisions
- Bills and regulations
- Key operational activities
- Upcoming events and announcements

### Key policy decisions

2. The table below sets out key Ministerial and Cabinet policy decision to progress the work programme priorities.

Confidential advice	[REDACTED]	[REDACTED]
[REDACTED]		
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]		
[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED]

**BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS**

Confidential advice		
[Redacted]	[Redacted]	[Redacted]
[Redacted]		
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]		
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]		
[Redacted]	[Redacted]	[Redacted]
[Redacted]		
[Redacted]		
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]



## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Title of Bill	Purpose	Status
Grocery Industry Competition Bill	Implements recommendations from the Commerce Commission's market study into the grocery sector. The purpose of the Bill is to promote competition and efficiency in the grocery industry for the long-term benefit of consumers.	The Bill is currently before the Economic Development, Science and Innovation Committee with a report date of 23 March 2023.
Insurance Contracts Bill	To reform insurance contract law to enable well-functioning insurance markets that help consumers and businesses cope with unforeseen events.	Working on changes needed to draft Bill in light of public submissions on exposure draft Bill which closed in May 2022.
Corporate Governance (Transparency and Integrity) Amendment Bill	To (i) require companies to disclose who their beneficial owners are and (ii) require directors and beneficial owners of companies to apply for a unique identifier	The Bill is being drafted. The next step is an exposure draft by mid 2023 (subject to PCO resourcing)
Insolvency Law Reform Bill	To implement recommendations coming out of the 2015 insolvency working group.	The Bill is still being drafted. The next step will be to release an exposure draft.
Intellectual Property Law Amendment Bill	To implement minor reforms to IP legislation as approved by Cabinet	Drafting of the Bill has been put on hold to accommodate other legislative priorities.
Regulatory Systems Amendment Bill #3 [led by Minister for Economic Development]	Package of omnibus bills for minor and technical amendments across MBIE legislation. CCA amendments are contained in the Regulatory Systems (Economic Development) Amendment Bill No 3	Drafting of the Bill is nearly complete, on track for introduction around May
Regulatory Systems Amendment Bill #4 [led by Minister for Economic and Regional Development]	Package of omnibus bills for minor and technical amendments across MBIE legislation. CCA amendments likely to be contained in the Regulatory Systems (Economic Development) Amendment Bill No 4	We expect to seek your agreement to amendments to include later in the year, with a view to getting Cabinet decisions before the election

4. As indicated under the priority section above, there are also several regulations that are being progressed.

Title of regulations	Purpose	Status
Consumer information standard on unit pricing	As part of the grocery reforms, the Government agreed to introduce unit pricing requirements that will provide a standard, consistent display of unit pricing for grocery products.	Drafting of the consumer information standard.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Title of regulations	Purpose	Status
Credit Contracts and Consumer Finance Amendment Regulations 2023	To address issues identified during the investigation into the 1 December 2021 credit reforms, enabling improved access to safe credit whilst maintaining protections for vulnerable borrowers.	Finalising LEG paper.
Product Safety Standards (Multipurpose Ladders) Regulations 2023	To update product safety standards for multipurpose ladders	Finalising LEG paper.
Product Safety Standards (Corded window Coverings) Regulations 2023	To address safety risks of corded window coverings	Public consultation closes on 5 March 2023.
Financial Markets Conduct Act (Sales Incentives and Other Matters) Regulations	To make supporting regulations for the implementation of the Conduct of Financial Institutions Regime.	Finalising regulations and combined LEG/DEV paper.
Financial Service Providers (Registration and Dispute Resolution) Act 2008 (Aligning Approved Scheme Rules) Regulations	To update rules governing financial dispute resolution schemes to improve consistency.	Preparing drafting instructions for PCO.
Financial Markets Conduct Act (CRD Product Disclosure Statement Requirements) Regulations  Financial Markets Conduct Act (DCS Product Disclosure Statement Requirements) Regulations	To update product disclosure statement requirements to account for the introduction of climate related disclosure statements.  To update product disclosure statement requirements to account for the deposit compensation scheme.	Carrying out policy development work.
Financial Markets Authority (Levies) Regulations	To make technical changes to Financial Markets Authority Levy regulations such as changing the collector of the climate related disclosure levy.	Carrying out policy development work.
Financial Service Providers (Registration and Dispute Resolution) Act 2008 (NZ Green Investment Finance Exemption) Regulations	To provide NZ Green Investment Finance an exemption from the requirement to register on the financial service providers register.	Carrying out engagement and policy development work.

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

Title of regulations	Purpose	Status
Financial Markets Conduct (Asia Region Funds Passport) Amendment Regulations	To make technical changes to Fund Passport requirements that enable certain overseas investments to be offered to be offered in New Zealand.	Confirming changes and requirements.
Credit Contracts and Consumer Finance (Buy Now Pay Later) Amendment Regulations 2022	To regulate BNPL under the CCCFA.	Public consultation on exposure draft closes 24 February.
Confidential advice		
Incorporated Societies Regulations	To enable the Incorporated Societies Act 2022 to function as intended	Officials are considering public submissions and will aim to advise the Minister on the recommended contents of the regulations by March 2023.
Climate-related Disclosures Regulations	To set an appropriate fee for the filing of climate-related disclosure statements, and to prescribe various matters relating to climate records kept by reporting entities in support of their disclosures.	Officials will carry our targeted consultation on the fee proposal, and are working with PCO on the climate records regulations.

### Key operational deliverables

5. There are also a number of key deliverables for the operational functions to the end of the term.

Description	Timing
<b>Companies Office</b>	
Changes to the existing Incorporated Societies register due to implementation of the Screen Industry Workers Act, and the Incorporated Societies Act 2022	Expected completion - end of January 2023 Expected commencement February 2023
Companies Office Fees and Levies public consultation	March / April 2023
Changes to the existing Financial Service Providers register due to: the new Conduct of Financial Institutions (CoFI) Act, technical development of an Invest To Save module, Financial Markets Authority levy change July 2023	Expected completion July 2023
Business Registries transformation programme. Preparation of a Business Case to underpin a bid for government investment in the transformation programme is expected in Oct 2023.	Expected completion October 2023

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Climate Related Disclosures Various registers need changes to allow for the disclosures. Preparations to receive the fee and display the disclosures across the relevant registers is expected to commence during 2023 to enable completion by Feb 2024.	Expected commencement 2023
Business Payment Practices Bill Preparations to establish a register in order to implement the requirements of the Bill, are expected to commence in 2023.	Expected commencement 2023
Corporate Governance (Transparency and Integrity) Amendment Bill (currently being drafted). Preparations to establish a register in order to implement the requirements of the Bill, are expected to commence in 2023.	Expected commencement 2023
<b>Consumer Services</b>	
The biennial Consumer Survey will be released in March. The survey provides insights on the health of the consumer and commercial regulatory system.	Expected March 2023
<b>Insolvency and Trustee Service</b>	
A project is being started to update parts of the Official Assignee's Information System	Expected to start in April and be complete by November 2023
<b>Intellectual Property Office of New Zealand</b>	
Economic and public good value of plant variety protection in New Zealand (PVR Benefits Study)	2023
<b>New Zealand Claims Resolution Service</b>	
Design and implementation of determination services post launch of NZCRS in mid-February.	Expected December 2023
<b>Trade remedies</b>	
There is one current investigation into the dumping of preserved peaches from China.	Ministerial decisions in the coming months
<b>Trading Standards</b>	
Development and implementation of a new fuel levy under the Energy (Fuels, Levies, and References) Act 1989 to fund future marine fuel quality work.	2023-2024

### Upcoming events and announcements

6. There are also a number of upcoming events and announcements.

Description	Timing
Possible press release on passage of the final tranche of CCCFA regulations that address issues identified during the investigation into the 1 December 2021 credit reforms, enabling improved access to safe credit whilst maintaining protections for vulnerable borrowers.	Confidential advice
Launch of the New Zealand Claims Resolution Service	Mid-Feb (TBC)
Possible press release on consumer information standard on unit pricing for grocery products once it is finalised.	Confidential advice

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<b>Description</b>	<b>Timing</b>
Possible press release on Buy Now Pay Later regulations once these are finalised.	Confidential advice

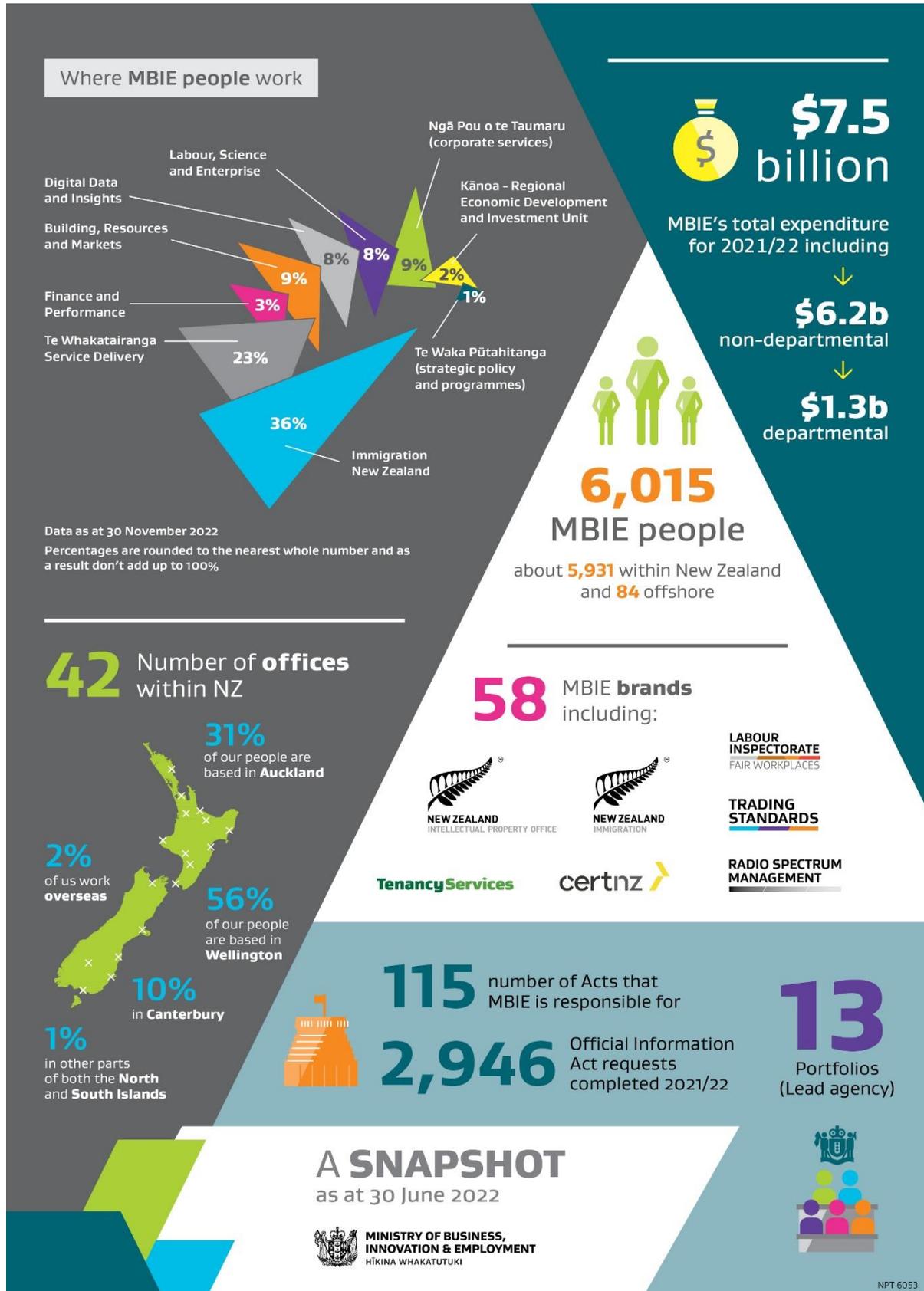
## Annex Five: MBIE Overview

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### MBIE's role

1. MBIE's role is to Grow Aotearoa NZ for All. We work to lift the country's economic performance to improve the lives and living standards of New Zealanders. We take a long-term view of building the economy, focusing on productive and sustainable use of resources across Aotearoa New Zealand and empowering people to participate confidently in fair and thriving markets. We recognise that a strong economy is one where peoples' skills, knowledge, and time work together with our natural, financial, and physical capital to improve the wellbeing of current and future generations.
2. MBIE is a large Ministry with a diverse range of functions. We have over 6,000 people working across nine business groups. Across New Zealand, our people support communities and businesses across New Zealand and offshore in a variety of roles, ranging from policy development and implementation to regulation and frontline operations such as our immigration officers, call centre operators and labour inspectors.
3. We work across the breadth of government – from early identification of issues, policy development, regulation, service delivery, and dispute resolution through to monitoring and evaluation. Concentrating all these functions and capabilities in one entity means that MBIE can leverage its size, skills, connections, and reach to address complex issues, especially in times of crisis. While the number of people supporting each of these functions may be small, the range of experience in MBIE allows us to provide high quality services and service levels.
4. The **Māori-Crown partnership** is central to our work. Across our work, we are committed to improving results for Māori and meeting our obligations under Te Tiriti o Waitangi. In 2021, Whāinga Amorangi was endorsed as MBIE's plan to strengthen Māori–Crown relations by building internal capability. It provides MBIE the necessary capability framework for us to have the ability to work in partnership with Māori in an enduring and consistent way.
5. MBIE has a significant work programme underway that supports the Government's climate change goals and targets. We had a major role in development of the **Emissions Reduction Plan (ERP)**, and the **National Adaptation Plan (NAP)**. Our current focus is on delivery of many key strategies, policies and other actions in these plans, and helping inform other major climate change policy including on managed retreat and the review of the Emissions Trading Scheme (ETS). Our secretary is a member of the Climate Change Chief Interdepartmental Executives Board which provides system-level oversight of the Government's response to climate change. MBIE is also a key partner of and contributor to the **Carbon Neutral Government Programme (CNGP)**.
6. MBIE also has a **functional leadership** role (assigned by Cabinet) to improve the effectiveness of cross-government **procurement and property management**. In addition, MBIE exercises a number of system leadership and coordination roles – eg coordinating government work on Māori and Pasifika economic development, and regulatory system and data stewardship.

## MBIE at a glance



## Ministerial portfolios and regulatory system responsibilities

MBIE is the lead agency for 13 ministerial portfolios<sup>12</sup>

- |   |  |
|---|--|
| › <b>ACC</b> – Minister Henare                                  | › <b>Energy and Resources</b> – Minister Woods                                       |
| › <b>Building and Construction</b> – Minister Woods             | › <b>Immigration</b> – Minister Wood   |
| › <b>Commerce and Consumer Affairs</b> – Minister Webb          | › <b>Research, Science and Innovation</b> – Minister Verrall                         |
| › <b>Digital Economy and Communications</b> – Minister Andersen | › <b>Small Business</b> – Minister Andersen  |
| › <b>Economic Development</b> – Minister Nash                   | › <b>Social Development and Employment (lead for Employment)</b> – Minister Sepuloni |
| › <b>Regional Development</b> - Minister Allan                  | › <b>Tourism</b> – Minister Henare   |
|   | › <b>Workplace Relations and Safety</b> – Minister Wood                              |

MBIE has stewardship or other responsibility across 17 regulatory systems

- |   |   |
|---|---|
| › <b>Accident compensation</b>              | › <b>Health and safety at work</b>                |
| › <b>Building</b>                           | › <b>Housing and tenancy</b>                      |
| › <b>Communication markets</b>              | › <b>Immigration</b>                              |
| › <b>Competition</b>                        | › <b>Intellectual property</b>                    |
| › <b>Consumer and commercial</b>            | › <b>Outer space and high altitude activities</b> |
| › <b>Corporate governance</b>               | › <b>Petroleum and minerals</b>                   |
| › <b>Employment relations and standards</b> | › <b>Standards and conformance</b>                |
| › <b>Energy markets</b>                     | › <b>Trade remedies</b>                           |
| › <b>Financial markets conduct</b>          |   |

<sup>12</sup> MBIE also has Ministerial responsibilities in additional areas, eg we support the Housing portfolio through Tenancy Services.

## MBIE groups

### Service delivery and policy groups

Three of MBIE’s Business Groups are primarily focused on policy implementation and service delivery. These are: Immigration New Zealand; Te Whakatairanga Service Delivery; and Kānoa-Regional Economic Development & Investment Unit.

Three groups are focused on policy development, with some service delivery and implementation roles. These are: Building, Resources and Markets; Labour, Science and Enterprise; and Te Waka Pūtahitanga (formerly Strategic Policy and Programmes).

### MBIE-facing groups

MBIE has three internal facing groups: Ngā Pou o te Taumarū; Finance + Performance; and Digital, Data and Insights. A change process is underway to bring together the Ngā Pou o te Taumarū and Finance + Performance business groups from 1 April 2023.

Group	Deputy Secretary	Function
<p><b>Immigration New Zealand (INZ)</b></p>	 <p>Alison McDonald, Deputy Secretary Immigration</p>	<p>INZ’s purpose is to be a trusted steward of the immigration system by ensuring we get the balance right between facilitating the migration New Zealand needs, managing risk and enabling people to visit, work, study, live, or invest here. This supports the economy and strengthens New Zealand’s relationships with other parts of the world.</p>
<p><b>Te Whakatairanga Service Delivery</b></p>	 <p>Suzanne Stew, Deputy Secretary Te Whakatairanga Service Delivery</p>	<p>Te Whakatairanga Service Delivery provides critical functions and services that support businesses, employees, and consumers to operate successfully in the marketplace. We deliver information, advisory, dispute resolution, regulatory and enforcement services across the majority of MBIE’s regulatory systems and on behalf of other government agencies. Te Whakatairanga Service Delivery works to ensure <i>Fair Markets that Thrive: an environment where businesses can succeed, and New Zealanders are protected.</i></p>

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<p><b>Kānoa – Regional Economic Development &amp; Investment Unit (Kānoa – RDU)</b></p>	 <p>Robert Pigou - Deputy Secretary and Head of Kānoa - RDU</p>	<p>Originally established as the Provincial Development Unit in 2018, Kānoa – RDU aims to build more Productive, Resilient, Inclusive, Sustainable and Māori-Enabling (PRISM) regional economies and improve the well-being of New Zealanders living in our regions. Kānoa – RDU does this by delivering government funding to support regional economies so they can grow and develop to reach their full potential.</p> <p>Kānoa – RDU has strong regional knowledge, relationships, and presence, and is responsible for the delivery of the Regional Strategic Partnership Fund (RSPF), the Provincial Growth Fund (PGF), COVID-19: Response and Recovery Fund Infrastructure Reference Group, COVID-19 Response – Worker Redeployment Package, Regional Investment Opportunities (NZ Upgrade Programme), the Strategic Tourism Assets Protection Programme and the Queenstown Economic Transformation and Resilience Fund.</p>
<p><b>Building, Resources and Markets (BRM)</b></p>	 <p>Paul Stocks, Deputy Secretary Building, Resources and Markets</p>	<p>BRM’s role is to support a fair, competitive business environment and well-functioning telecommunications, building and construction and resources sectors and operations. We also serve as the Government’s Procurement System Leader and the Government’s Property System Leader. BRM oversees many of the regulatory systems that govern New Zealand’s markets: consumer protection; financial markets; intellectual property; competition; corporate governance; energy markets; minerals and petroleum; energy efficiency; communications; and building performance.</p>
<p><b>Labour, Science and Enterprise (LSE)</b></p>	 <p>Chris Bunny, Deputy Secretary Labour, Science and Enterprise</p>	<p>LSE helps boost the New Zealand economy by developing Aotearoa New Zealand’s skills system, and science and innovation systems, alongside labour market policy. They advise on labour market, immigration, health and safety at work, and accident compensation policy, including managing related international obligations. LSE leads industry, investment, and business development policy and programmes, including for tourism and major events. We lead science and innovation system policy and invest significant public funds. International partnerships and engagement are integral to its trade remedies, innovation and space regulation functions.</p> <p>LSE also leads MBIE’s monitoring arrangements for its Crown entities and is the trusted kaitiaki and kaiāpai of Aotearoa New Zealand’s quarantine and isolation capability including having responsibility for readiness capability and a range of functions to support delivery and continuous improvement of the Managed Isolation and Quarantine (MIQ) system, fees recovery and responses to</p>

## BRIEFING FOR INCOMING MINISTER OF COMMERCE AND CONSUMER AFFAIRS

		reviews and complaints.
<p><b>Te Waka Pūtahitanga (formerly Strategic Policy &amp; Programmes)</b></p>	 <p>Melanie Porter, Deputy Secretary - Te Waka Pūtahitanga</p>	<p>Te Waka Pūtahitanga works across MBIE and the wider system to progress key cross-cutting outcomes such as the climate change; Government’s long-term economic strategy, Future of Work issues; Māori economic development; Pacific economic development. Te Waka Pūtahitanga also has an oversight role for regulatory stewardship, supporting MBIE’s regulatory systems to create and maintain regulatory systems that enable people, businesses and future generations to thrive. This includes working closely with the Treasury, which has overall responsibility for regulatory management across government.</p>
<p><b>Ngā Pou o te Taumarū</b></p>	 <p>Richard Griffiths, Deputy Secretary Corporate Services, Finance &amp; Enablement</p>	<p>Ngā Pou o te Taumarū works in partnership with MBIE’s business groups to enable them to deliver their objectives and portfolio obligations. Ngā Pou o te Taumarū supports the stewardship obligations of the organisation, including its medium and long-term sustainability. Ngā Pou o te Taumarū provides the frameworks, tools and infrastructure to ensure that MBIE is a safe, inclusive, highly skilled and engaging place of work.</p>
<p><b>Finance and Performance (F&amp;P)</b></p>	 <p>Michael Alp, Deputy Secretary Finance &amp; Performance (Acting)</p>	<p>F&amp;P supports the effective management of MBIE’s resources, including finance, procurement, risk management, control practices and processes. F&amp;P works in partnership with MBIE business groups, supporting them to successfully deliver services allowing the Ministry to achieve its outcomes.</p>
<p><b>Digital, Data and Insights (DDI)</b></p>	 <p>Greg Patchell, Deputy Secretary Digital, Data and Insights</p>	<p>The DDI Group is responsible for the data and insights, digital and technology functions within MBIE. The group partners with MBIE’s business groups to ensure MBIE has the data and technology to ‘Grow Aotearoa New Zealand for All’. DDI leads strategic direction for data assets and knowledge management, ensures cyber security of MBIE’s technologies, optimises information insights and data intelligence, provides digital capability and expertise, ensures the operational integrity of MBIE’s digital systems, and makes sure digital and data efforts are aligned, efficient and effective.</p>