

5 September 2023

Thomas Willson

By email only: [fyi-request-23741-52d17aa2@requests.fyi.org.nz](mailto:fyi-request-23741-52d17aa2@requests.fyi.org.nz)

Dear Thomas

### **Official Information Act #23.028 - Response**

1. We refer to your request received on 8 August 2023 for information about the Commerce Commission's (the Commission) progress as measured by the Statement of Intent (SOI) and Statement of Performance Expectations (SPE). Specifically, you requested the following:
  - 1.1 Please detail your progress against each measure in your SPE for 2022/23.
  - 1.2 Please provide your current SPE and previous SPE and detail the specific differences between the two including specific detail of any changes in measures or new measures.
  - 1.3 Please provide all documentation and all correspondence in the past 12 months that demonstrate and detail the progress made on key priorities defined in your current SOI.
  - 1.4 Please advise the number of staff employed on a full-time basis for each year covered over your last two SOIs (10 years?) and how these numbers support you SOI's goals or priorities over that period and if your SOIs resulted in an increase in staff.
  - 1.5 Please provide detail of your budget figures for the years covered by current and previous SOIs and explain major increases or decreases in budget over that period including how these align with your SOI's priorities/goals.
  - 1.6 For the period of your current and previous SOI's what has been your spend broken, down by department or business unit by year.
  - 1.7 What organisational changes such as restructures have occurred in the periods covered by you last two SOIs, provide documentation relating to

organisation changes, consultations, ministerial advice, briefing documents, plans, feedback/responses.

2. We have treated this as a request for information under the Official Information Act 1982 (OIA).
3. On 16 August 2023 we sought to clarify your request. We did not receive a response to our correspondence.

### **Our response**

4. We have decided to grant your request, in part.

#### *Statement of Performance Expectations 2022/23 progress*

5. We are refusing question [1.1] under section 18(d) of the OIA because the information requested is or will soon be publicly available. The Commission's Annual Report is due to be published by 15 November 2023 and this will detail our progress against each measure in the Commission's SPE for 2022/23.

#### *Differences between the current Statement of Performance Expectations and previous Statement of Performance Expectations*

6. The Commission's current SPE for 2023-24 can be found [here](#). The Commission's previous SPE for 2022-23 can be found [here](#).
7. The main difference outside of the material changes is the introduction of an Outcomes Framework (refer to pages 19 to 25) of the [current SOI](#).
8. Total budget figures for the financial years ended 30 June 2018 to 30 June 2024 are in the table below, along with an explanation of material changes (for instance, a new regulatory function). For further details we refer you to each year's SPE and Annual Report.

<b>Year End</b>	<b>Budget (\$m)</b>	<b>Explanation for material changes</b>
30-Jun-18	\$45.8	-
30-Jun-19	53.2	Introduction of funding to set Input Methodologies for Fibre Regulation under amendments to the Telecommunications Act, additional funding for Commerce Act Amendments, funding for Competition Studies ("Market Studies") function.
30-Jun-20	59.5	Credit Law Reform additional funding
30-Jun-21	66.7	Additional funding to strengthen the impact of the Commerce Commission and address pressures on the Commission due to additional demand (increase phased over four years)

30-Jun-22	83.9	Additional funding to strengthen impact of the Commission and ongoing funding for Fibre Regulation, Fuel enforcement function, Retail Payment System establishment funding
30-Jun-23	92.6	Additional funding to strengthen impact of the Commission, ongoing funding for Retail Payment System function. In addition, post SPE funding provided for establishment of Grocery Industry Regulation function, transitional funding for economic regulation of Water Infrastructure, and amendments to Dairy Industry Restructuring Act functions (approx. \$7.2m extra above SPE Budget figure).
30-Jun-24	109.9	Final tranche of additional funding to strengthen impact of the Commission, funding for Grocery Industry Regulation function, funding for transition to economic regulation of Water Infrastructure, additional Dairy Industry function funding, offset by reduction in funding for Major Litigation

*Documentation/correspondence in the past 12 months regarding the progress made on key priorities in the SOI*

9. We are refusing your request set out at [1.3] under section 18(f) of the OIA because the information requested cannot be made available without substantial collation or research.
10. However, if there is a particular matter/area you are interested, we would be happy to assist you if you wish to make a new request that is specified with due particularity.

*Number of staff employed to support the SOI goals*

11. The number of staff employed on a full-time basis for each year covered over our last two SOIs (2017 – 2022 and 2020 – 2024), prior to the current [SOI \(2023 – 2027\)](#) are set out below:

<b>Employee Headcount</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
<b>FTE</b>	222	247	244	273	316	428

12. Progress against the Commission goals and priorities established in our SOI and supported through the SPE are reported on in our Annual Report. Our people are central to achieving our visions and outcomes as reported in our SOI 2023-2027 at page 31. As per the table above, FTE numbers have increased due to the Commission's increased functions and powers across areas such as competition,

consumer credit, grocery, water and fibre regulation work. Refer to [8] for further information on material changes.

*Budget figures for the years covered by current and previous SOI*

13. In response to your request set out at [1.5], we have treated SOI 2017-2022 and SOI 2020-2024 as our previous SOIs. Our most recent, newly published, SOI 2023-2027 is available on the Commerce Commission [website](#). We have provided the current year's budget which relates to our newly published SOI, but future budgets for our current SOI have not yet been set.
14. The Commission's funding ordinarily fluctuates each year due to timing of deliverables funded by industry levies. Total budget figures for the financial years ended 30 June 2018 to 30 June 2024 are provided at [8].

*Spend broken down by department or business unit by year.*

15. The Commerce Commission reports its spend against its various functions as output classes in the [Annual Report](#). The budget for each of these is also found in each year's respective [SPE](#). As noted above, the Commission's 2023 Annual Report will be published by 15 November 2023.

*Organisational changes/restructures that have occurred in the periods covered by the last 2 SOIs*

16. We are refusing your request set out at [1.7] under section 18(f) of the OIA because the information requested cannot be made available without substantial collation or research.
17. However, if there is a particular matter/area you are interested, we would be happy to assist you if you wish to make a new request that is specified with due particularity.

**Further information**

18. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
19. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chantellie Lye', with a stylized flourish at the end.

Chantellie Lye  
OIA and Information Coordinator