

Commerce (Commerce Commission Reform) Amendment Bill

Government Bill

As reported from the Finance and Expenditure Committee

Commentary

Recommendation

The Finance and Expenditure Committee has examined the Commerce (Commerce Commission Reform) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

Introduction

The bill is an omnibus bill that would primarily amend the Commerce Act 1986. It would also make minor amendments to other legislation.

The bill aims to enhance the Commerce Commission's governance, decision-making, and mandate. This would enable the Commission to more efficiently and effectively carry out its functions and achieve its objectives. The bill would give effect to the Government's response to the independent review of the Commission's governance and effectiveness, which was led by Dame Paula Rebstock.

The bill would:

- specify the Commission's objectives and functions
- establish a new board as the Commission's governing body
- require the board to delegate the Commission's statutorily independent functions to regulatory committees
- specify requirements for the operation of regulatory committees
- phase out the positions of Telecommunications Commissioner and Grocery Commissioner, and provide for other transitional arrangements.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Commission's main objectives and functions

Unlike many modern regulators, the Commission's objectives and functions are not set out clearly in the legislation that it is responsible for. The bill aims to rectify this. Clause 5 would replace Part 1 of the Commerce Act. Section 10 of new Part 1 would specify the Commission's main objectives, while section 11 would specify the Commission's functions.

Objective of promoting fair trading

We recommend amending clause 5, proposed section 10(1)(c) so that the Commission would also have the objective of promoting fair trading. This would strengthen the Commission's role in consumer protection and recognise that the Commission's role is to help ensure that competition is on a fair basis, as provided for under the Fair Trading Act 1986.

Commission's functions: recommendations to the Minister

Clause 5, proposed section 11(1)(b) states that one of the Commission's functions is to carry out reviews, studies, and inquiries, including for the purpose of making recommendations to the Minister:

- to promote competition in markets, including recommendations for regulation
- under Part 4 of this Act or other Acts for the regulation of goods and services to promote outcomes consistent with outcomes produced in competitive markets.

We recommend amending this provision so that recommendations to the Minister may include a wider range of actions, including adding, removing, or changing regulation or to limit any barriers to competitive neutrality.

Commission's functions: issuing warnings or making comment

Clause 5, proposed section 11(1)(d) states that one of the Commission's functions is to issue warnings, reports, or guidelines, or make comment, about any matter relating to competition and consumer interests. We recommend amendments to paragraphs (d) and (e) to make clear that issuing warnings is part of the Commission's enforcement toolkit to promote compliance.

We also recommend inserting section 11(1)(fa) to make clear that the Commission may provide expert comments to public service agencies, regulatory agencies, and other public entities. The purpose of this would be to support competition and consumer matters to be considered in policy and regulatory processes.

Membership of Commission's board

We agree with submitters that, in addition to expertise in governance, members of the board should be required to have expertise relevant to the Commission's regulatory and enforcement role. We recommend inserting section 12(3) so that the Minister must not recommend a person for appointment to the board unless, in the opinion of the Minister, that person is qualified by virtue of their knowledge of, or experience in, certain fields. These fields are governance, industry, commerce, economics, competition and market regulation, law, finance, infrastructure, public administration, or consumer affairs. This amendment would mirror the qualifications listed in section 20(2)(a) of the bill as introduced for the appointment of commissioners, with the additions of governance, and competition and market regulation.

Board must delegate to regulatory committees

Clause 5, proposed section 14 would require the Commission's board to appoint 1 or more regulatory committees and delegate to them the performance and exercise of some of the Commission's functions, duties, and powers.

We acknowledge the concerns raised by the Legislation Design and Advisory Committee and other submitters that the mechanism for delegating functions, duties, and powers in the bill as introduced may be overly broad. We recommend replacing this mechanism with a new provision for the delegation of certain functions that includes:

- a set of principles the board must consider for delegation of functions, duties, and powers to regulatory committees
- an obligation on the board to prepare and publish a delegation policy after having regard to those principles, and to take reasonable steps to implement the policy
- a process the board must follow to develop the delegation policy, including public consultation and a requirement to provide the Minister with the draft policy for comment
- an obligation for the Commission to have regard to the Minister's comments before the delegation policy is finalised
- an exception to the process to allow for making minor changes or correcting errors in the policy.

Membership of regulatory committees

We agree with Chapman Tripp and Business NZ that there should be a minimum number of members appointed to a regulatory committee to prevent a decision-making structure that is more concentrated than the status quo. We recommend amending

clause 5, proposed section 15 to require a minimum of 3 members on any regulatory committee.

The bill would enable commissioners to be appointed to a regulatory committee. These commissioners would have certain obligations under the Crown Entities Act 2004 imposed on them by the bill, as if they were members of the board. However, those same obligations would not extend to other members of the committee. We recommend inserting proposed section 25A to apply sections 53 to 56 (individual duties of members) of the Crown Entities Act to each member of a regulatory committee who is not a commissioner or a member of the board.

Charter and other requirements for operation of regulatory committees

Clause 5, proposed section 16 would require the board to make a charter for the operation of regulatory committees, and to make this charter publicly available. To further increase transparency, we recommend inserting proposed section 25B to require the Commission's board to publish an appointments policy setting out its process and criteria for the appointment of expert non-commissioner members on regulatory committees.

Board may call in matter before regulatory committee

Clause 5, proposed section 18 would enable the board to call in any matter that is before a regulatory committee if the chairperson or the chief commissioner recommends that it is necessary or desirable to do so. If the board calls in a matter that is before a committee, that committee is no longer the relevant decision maker in respect of that matter and the board must appoint a senior regulatory committee to decide the matter.

We acknowledge concerns from submitters about the workability of this mechanism and recommend removing proposed section 18 from the bill. We believe it is unnecessary, owing to the new mechanism we have recommended for the board to set a policy for the delegation of certain functions to regulatory committees, which would operate consistently with the Crown Entities Act 2004. The charter will also set out the procedures for when the board calls in a matter that is before a regulatory committee.

Appointment of commissioners

Clause 5, proposed section 20 would require the Minister to appoint commissioners. The Minister must not appoint someone as a commissioner unless they are qualified, by virtue of that person's knowledge of or experience in industry, commerce, economics, law, finance, infrastructure, public administration, or consumer affairs. We recommend amending this provision so that knowledge or experience in competition and market regulation is also a relevant qualification to be eligible for appointment as a commissioner. This would mirror our amendments to clause 5, proposed section 12, which concern the appointment of members to the board.

Specialist commissioners

Clause 5, proposed section 22 would enable the appointment of a specialist commissioner. Subsection 3 would cap the number of specialist commissioners at 4. We recommend lowering this cap to 2. The bill provides a range of other mechanisms to ensure that the Commission has the relevant expertise and experience, and we consider those are adequate.

Deadline to publish documents

Schedule 1 of the bill would insert new Part 8 into Schedule 1AA of the Commerce Act 1986, relating to transitional arrangements. We recommend adding clause 44 to Schedule 1AA to require the board to take all reasonable steps to publish the first delegation framework, charter, and appointments policy before 1 July 2028. We consider this deadline appropriate, as it would allow the new board to be involved in developing the draft documents and oversee any required consultation.

New Zealand Labour Party differing view

This bill should give effect to the independent review of the Commerce Commission led by Dame Paula Rebstock, Professor Allan Fels and David Hunt. The review enjoyed bipartisan support. However, Cabinet chose a governance model for the Commerce Commission which was not the recommended outcome of that review.

Professor Fels brought the perspective of a jurisdiction with a tough, outspoken competition regulator. That comparator should have challenged New Zealand to tool-up a regulator with greater independence, broader enforcement powers and the resource to take on entrenched market power.

Instead, the Government has put up its own poorly drawn chimera: part corporate governance model, part UK regulator, borrowing from a system that the United Kingdom is itself reforming after finding it has fallen short. This was a once-in-a-generation opportunity to build a Commerce Commission to take on the entrenched corporate power holding back New Zealand's productivity and growth. But when faced with the choice to equip the Commission to confront persistent market failure, the Government has chosen to rearrange the deck chairs.

Nothing better illustrates this misplaced priority than getting rid of the office of the Grocery Commissioner. Labour created it because the supermarket sector is characterised by weak competition and persistently high prices. This bill means supermarkets will face less scrutiny and have more freedom to extract excess profits on household essentials.

Labour believes New Zealand deserves a regulator more like the best international comparators: independent, authoritative, and prepared to take on concentrated market power wherever it exists. This bill should have strengthened that institution. Instead, it weakens it at precisely the time New Zealanders need it most.

Appendix

Committee process

The Commerce (Commerce Commission Reform) Amendment Bill was referred to this committee on 26 March 2026. The House instructed us to report the bill back no later than 27 July 2026.

We called for submissions on the bill with a closing date of 28 April 2026. We received and considered submissions from 25 interested groups and individuals. We heard oral evidence from 8 submitters.

Advice on the bill was provided by the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Ryan Hamilton (Chairperson)

Dan Bidois

Hon Barbara Edmonds

Francisco Hernandez

Nancy Lu

Hon Dr Deborah Russell

Tom Rutherford

Todd Stephenson

Rawiri Waititi

Dr David Wilson

Hon Dr Megan Woods

Arena Williams participated in our consideration of the bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Commerce (Commerce Commission Reform)
Amendment Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Cameron Brewer

Commerce (Commerce Commission Reform) Amendment Bill

Government Bill

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Part 1

Commerce Commission

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Schedule 1

New Part 8 inserted into Schedule 1AA of Commerce Act 1986

15

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The Parliament of New Zealand enacts as follows:

- 1 Title**
- This Act is the Commerce (Commerce Commission Reform) Amendment Act **2026**.
- 2 Commencement**
- (1) This Act comes into force on **1 July 2027** (the **main commencement date**).
- (2) However, **section 14** comes into force the day after Royal assent.

Part 1
Amendments to Commerce Act 1986

- 3 Principal Act**
- This Part amends the Commerce Act 1986.
- 4 Section 2 amended (Interpretation)**
- (1) In section 2(1), insert in their appropriate alphabetical order:
- board** means the board of the Commission
- chief commissioner** means the chief commissioner appointed under **section 21**
- commissioner** means a commissioner appointed under **section 20 or 21**
- cross-appointed commissioner** means a commissioner appointed as a cross-appointed commissioner under **section 23**
- deputy chief commissioner** means the deputy chief commissioner appointed under **section 21**
- panel** means the panel of commissioners
- regulatory committee** means a regulatory committee appointed for the purposes of **section 14**
- ~~**senior regulatory committee** means a senior regulatory committee appointed for the purposes of **section 18**~~
- specialist commissioner** means a commissioner appointed as a specialist commissioner under **section 22**

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Part 1 cl 5		
(2)	In section 2(1), repeal the definition of associate member .	
(3)	In section 2(1), replace the definition of chairperson with: chairperson means the chairperson of the board appointed under section 13	
(4)	In section 2(1), replace the definition of Commission with: Commission means the Commerce Commission	5
(5)	In section 2(1), replace the definition of deputy chairperson with: deputy chairperson means the deputy chairperson of the board appointed under section 13	
(6)	In section 2(1), replace the definition of member of the Commission with: member means a member of the board	10
5	Part 1 replaced Replace Part 1 with:	
	Part 1 Commerce Commission <i>Continuation of Commission</i>	15
8	Continuation of Commission	
(1)	The Commerce Commission is continued.	
(2)	Except as expressly provided otherwise in this or any other Act, the Commission must act independently in performing its statutory functions and duties, and exercising its statutory powers, under—	20
	(a) this Act; and	
	(b) any other Act that expressly provides for the functions, powers, or duties of the Commission (other than the Crown Entities Act 2004).	
9	Application of Crown Entities Act 2004	
(1)	The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.	25
(2)	The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.	
	<i>Commission's main objectives and functions</i>	
10	Commission's main objectives	30
(1)	The Commission's main objectives are to promote—	
	(a) competition in markets for the long-term benefit of consumers in New Zealand:	

	(b) in the case of markets where there is little or no competition, outcomes consistent with outcomes produced in competitive markets for the long-term benefit of consumers in New Zealand: (c) <u>fair trading and</u> the confident and informed participation of consumers and businesses in markets.	5
(2)	When the Commission is performing or exercising a function, duty, or power that is conferred or imposed by other legislation, the Commission also has the objective of acting in a way that furthers the objectives or purposes of that other legislation.	
11	Commission's functions	10
(1)	The Commission's functions are as follows:	
(a)	to monitor developments in trade practices, anti-competitive behaviour, regulated industries, and consumer protection (including product safety):	
(b)	to carry out, and make publicly available, reviews, studies, and inquiries in relation to competition, markets, and consumer interests, including for the purpose of—	15
(i)	analysing the state of competition and its own impact:	
(ii)	making recommendations to the Minister to promote competition in markets, including recommendations for <u>adding, removing, or changing</u> regulation and recommendations to limit any barriers to competitive neutrality:	20
(iii)	making recommendations to the Minister under Part 4 of this Act or other Acts for the <u>adding, removing, or changing</u> regulation of goods and services to promote outcomes consistent with outcomes produced in competitive markets:	25
(c)	to perform and exercise the functions, duties, and powers conferred or imposed on it by or under commerce legislation and any other legislation:	
(d)	to issue warnings , reports, or guidelines, or make comment, about any matter relating to competition and consumer interests (whether generally or in relation to 1 or more particular persons):	30
(e)	to monitor compliance with, investigate conduct that constitutes or may constitute a contravention of, and enforce commerce legislation (<u>including by issuing warnings</u>):	
(f)	to make available or co-operate in making available information and guidance with respect to—	35
(i)	the carrying out of the functions and duties and the exercise of the powers of the Commission under commerce legislation; and	
(ii)	the purposes and provisions of commerce legislation:	

- (fa) to provide expert comment to public service agencies, regulatory agencies, and other public entities to support the consideration of competition and consumer matters in policy and regulatory processes:
- (g) to co-operate with other law enforcement and regulatory agencies and overseas regulators: 5
- (h) to keep under review the operation of commerce legislation.
- (2) In this section, **commerce legislation** means—
 - (a) this Act:
 - (b) the Dairy Industry Restructuring Act 2001, to the extent that the Commission has functions, duties, and powers under it: 10
 - (c) the Grocery Industry Competition Act 2023:
 - (d) the Fair Trading Act 1986:
 - (e) the Fuel Industry Act 2020:
 - (f) the Local Government (Water Services Preliminary Arrangements) Act 2024, to the extent that the Commission has functions, duties, and powers under it: 15
 - (g) the Retail Payment System Act 2022:
 - (h) the Telecommunications Act 2001:
 - (i) the secondary legislation made under any Act referred to in **paragraphs (a) to (h)**. 20

Membership of board of Commission

12 Membership of board

- (1) The board must consist of no fewer than 4, and no more than 7, members.
- (2) No more than 2 of those members may also be appointed as commissioners (*see section 21*, which provides for the appointment of 2 members as the chief commissioner and deputy chief commissioner). 25
- (3) The Minister must not recommend a person for appointment as a member unless, in the opinion of the Minister, that person is qualified for appointment by virtue of that person's knowledge of or experience in governance, industry, commerce, economics, competition and market regulation, law, finance, infrastructure, public administration, or consumer affairs. 30
- (4) **Subsection (3)** does not limit section 29 of the Crown Entities Act 2004.

13 Chairperson and deputy chairperson

- (1) The Governor-General, on the recommendation of the Minister, must—
 - (a) appoint one of the members as the chairperson of the board; and 35
 - (b) appoint another one of the members as the deputy chairperson of the board.

- (2) The chairperson and deputy chairperson may only be removed from office as chairperson or deputy chairperson for just cause (within the meaning of section 40 of the Crown Entities Act 2004).
- (3) In other respects, clauses 1(2) and (3) and 4(2) and (3) of Schedule 5 of the Crown Entities Act 2004 apply to the appointment and removal of the chairperson and deputy chairperson of the board. 5

Delegation to regulatory Regulatory committees

14 Board must delegate to regulatory committees

- (1) The board must appoint 1 or more regulatory committees under clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004 to perform and exercise the Commission's functions, duties, and powers as delegated under this section. 10
- (2) The board must delegate to those committees the performance and exercise of the Commission's functions, duties, and powers under—
- (a) this Act (other than those explicitly given to the board under this section and **sections 15, 16, 18, and 20**); and 15
- (b) any other Act that expressly provides for the functions, duties, or powers of the Commission (other than the Crown Entities Act 2004).

14 Board must appoint regulatory committees

The board must appoint 1 or more regulatory committees under clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004 to perform and exercise any of the Commission's functions, duties, and powers that may be delegated to it by the board. 20

14A Board must prepare and publish delegation framework

- (1) The board must prepare, and make publicly available, a delegation framework that outlines its approach to delegating functions, powers, and duties of the Commission to regulatory committees. 25
- (2) In preparing the framework, the board must have regard to the following principles:
- (a) the board's primary focus should be on providing strategic oversight and acting as the governing body of the Commission: 30
- (b) a function, power, or duty may be more appropriate to delegate to a regulatory committee if 1 or more of the following apply:
- (i) it involves detailed, fact-intensive analysis or public hearings:
- (ii) it involves decisions that affect significant rights or interests or that have a significant commercial impact (outside of the Commission): 35
- (iii) it would benefit from oversight by a regulatory committee, having regard to the expertise held by commissioners:

	(iv) <u>delegation to a regulatory committee would support the efficient and effective operation of the Commission:</u>	
	(v) <u>delegation to a regulatory committee would promote public confidence in the performance or exercise of the function, power, or duty.</u>	5
(3)	<u>Before publishing the delegation framework, the board must—</u>	
	(a) <u>consult publicly on the proposed framework; and</u>	
	(b) <u>provide the Minister with an opportunity to comment on the proposed framework and have regard to any comments the Minister may provide.</u>	
(4)	<u>The board is not required to comply with subsection (3) in respect of a variation to the framework if, in its opinion, the variation corrects a minor error or is otherwise of a minor nature.</u>	10
(5)	<u>Comments provided by the Minister under subsection (3)(b) are not directions for the purposes of Part 3 of the Crown Entities Act 2004.</u>	
14B	<u>Board must implement delegation framework</u>	15
(1)	<u>The board must take reasonable steps to implement the delegation framework.</u>	
(2)	<u>However, a failure to comply with subsection (1) does not affect the validity of an act or a matter.</u>	
15	<u>Membership of regulatory committees</u>	
(1)	<u>For each regulatory committee that the board appoints for the purposes of section 14, the board—</u>	20
	(a) <u>must appoint to the committee at least 3 people, at least 2 of whom are commissioners-as-committee members; and</u>	
	(b) <u>must appoint one of those commissioners as the chair of the committee; and</u>	25
	(c) <u>must appoint the relevant specialist commissioner if the committee will consider matters within that specialist commissioner’s speciality area; and</u>	
	(d) <u>may appoint as committee members any other persons-as-committee members that the board thinks fit.</u>	30
(2)	<u>Despite clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004, the regulatory committee does not need to include a member of the board.</u>	
(3)	<u>See sections 20 to 23 for the appointment of persons as commissioners.</u>	
16	<u>Charter and other requirements for operation of regulatory committees</u>	
(1)	<u>The board must make, and make publicly available, a charter for the operation of regulatory committees that sets out—</u>	35
	(a) <u>the roles of the committee chair and the committee members:</u>	

(b) meeting procedures, including quorum: (c) voting rights, which must provide for commissioners to hold a majority of the voting rights: (d) requirements relating to reporting to the board and keeping minutes of meetings: (e) procedures for when the board calls in a matter that is before a committee under section 18: (f) any other matters that the board thinks fit to include.	5
(2) The board may, in addition to the charter, specify policies and procedures that apply to 1 or more regulatory committees (for example, a delegation policy).	10
(3) A regulatory committee must comply with the charter and any policies and procedures that apply to it.	
(4) The charter and any policies and procedures specified by the board must not be inconsistent with anything in this Act.	
17 Independence of regulatory committees	15
The board may not direct a regulatory committee to require the performance or non-performance of a particular act, or the bringing about of a particular result, in respect of a particular person or persons.	
18 Board may call in matter before regulatory committee	
(1) The board may call in any matter that is before a regulatory committee if the chairperson or the chief commissioner recommends that it is necessary or desirable to do so to ensure—	20
(a) consistency in decision-making across the Commission; or (b) compliance with the relevant Act, the charter made under section 16, or any applicable policies or procedures.	25
(2) If the board calls in a matter that is before a committee,—	
(a) that committee is no longer the relevant decision maker in respect of that matter; and	
(b) the board must appoint a senior regulatory committee under clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004 to decide the matter and delegate to it the necessary functions and powers to enable it to do so.	30
(3) A senior regulatory committee must include at least 3 commissioners nominated by the chief commissioner.	
(4) The chief commissioner must nominate the relevant specialist commissioner if the committee will consider matters within that specialist commissioner's speciality area.	35

- (5) ~~Despite clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004, only commissioners may be appointed to a senior regulatory committee.~~
- (6) **Subsections (1) and (2)** do not limit section 75(a) of the Crown Entities Act 2004.

Commissioners

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19 Panel of commissioners

- (1) The purpose of the panel is to provide a pool of commissioners who are available for appointment to regulatory committees.
- (2) The panel must consist of no more than 12 commissioners, which number—
- (a) includes the chief commissioner and the deputy chief commissioner; but
 - (b) excludes any commissioner who is a cross-appointed commissioner (*see section 23*).

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20 Appointment of commissioners

- (1) The Minister must appoint commissioners, except for the chief commissioner and deputy chief commissioner who are appointed in accordance with **section 21**.
- (2) The Minister must not appoint a person as a commissioner unless,—
- (a) in the opinion of the Minister, that person is qualified for appointment, having regard to the functions of the Commission, by virtue of that person's knowledge of or experience in industry, commerce, economics, competition and market regulation, law, finance, infrastructure, public administration, or consumer affairs; and
 - (b) the Minister has had regard to any nominations for appointments that may have been provided by the board.
- (3) Sections 28(2) to (4) and 29 to 31 of the Crown Entities Act 2004 apply to the appointment of commissioners under **subsection (1)**, with all necessary modifications, as if the appointment were as a member.

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21 Appointment of chief commissioner and deputy chief commissioner

- (1) The Governor-General, on the recommendation of the Minister, must appoint—
- (a) a chief commissioner; and
 - (b) a deputy chief commissioner.
- (2) The responsible Minister may recommend that a person be appointed as the chief commissioner or deputy chief commissioner only if—
- (a) the person is or will be a member; and
 - (b) the requirements in **section 20(2)(a) and (b)** are met.

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(3)	The chairperson of the board is not eligible for appointment as chief commissioner or deputy chief commissioner.	
(4)	Sections 28(2) to (4), 29, and 31(1)(a) of the Crown Entities Act 2004 apply to the appointment of the chief commissioner or deputy chief commissioner, with all necessary modifications, as if the appointment were as a member.	5
(5)	The deputy chief commissioner has and may <u>perform and</u> exercise all of the functions and powers of the chief commissioner in relation to a matter if—	
	(a) the chief commissioner is unavailable; or	
	(b) the chief commissioner is interested in the matter.	
22	Specialist commissioners	10
(1)	The Minister may, when appointing a person as a commissioner under section 20 , specify that the appointment is as a specialist commissioner and specify their specialist area.	
(2)	The Minister may only specify that the appointment is as a specialist commissioner for a specified area if, in the Minister's opinion, the person has the appropriate knowledge, skills, and experience to assist the Commission in relation to that specialist area.	15
(3)	The Minister may appoint no more than 4 <u>2</u> specialist commissioners.	
23	Cross-appointed commissioners	
(1)	The Minister may, when appointing a person as a commissioner under section 20 , specify that the appointment is as a cross-appointed commissioner.	20
(2)	The Minister may only specify that the appointment is as a cross-appointed commissioner if—	
	(a) the person holds an office at a statutory entity, or at an overseas regulator, that has 1 or more similar functions or duties to those of the Commission; and	25
	(b) the Minister is satisfied that they will continue to hold that office while they are a commissioner.	
(3)	The Minister may appoint no more than 4 cross-appointed commissioners in relation to any matter or class of matters.	30
(4)	In this section, statutory entity means—	
	(a) an entity named in Schedule 1 of the Crown Entities Act 2004; or	
	(b) the Reserve Bank of New Zealand.	
24	Termination of appointment of commissioners	
(1)	The Governor-General may remove the chief commissioner or the deputy chief commissioner on the same grounds and in the same manner as the Governor-General may remove a member under section 39 of the Crown Entities Act 2004.	35

- (2) The Minister may remove a commissioner (other than the chief commissioner or deputy chief commissioner) on the same grounds and in the same manner as the Governor-General may remove a member under section 39 of the Crown Entities Act 2004.
- (3) Without limiting **subsection (2)**, a cross-appointed commissioner ceases to be a commissioner if **section 23(2)(a)** ceases to apply. 5
- (4) Even if a commissioner's term of office has expired or a commissioner has resigned that office, that person may be treated as a commissioner for the purpose of—
 - (a) completing the determination of any matter that was before that person, as a commissioner, under this Act or any other Act and that was commenced before the expiration of the term of office or before the resignation took effect, as the case may be: 10
 - (b) reconsidering any matter following a direction of the court under Part 6.
- (5) To avoid doubt, a former commissioner who is treated as a commissioner under **subsection (4)** is not a commissioner for the purpose of determining the number of commissioners of the panel under **section 19**. 15

25 Application of Crown Entities Act 2004 to commissioners

- (1) The following provisions of the Crown Entities Act 2004 apply, with all necessary modifications, to or in respect of each commissioner as if the commissioner were a member: sections 32, 34, 35, 43 to 45, 47, 48, 53 to 57, 59 to 72, 77, 120 to 126, 135, and 152(1)(a), (d), (e), and (f) and (2). 20
- (2) See section 106 of this Act and section 48 of the Fair Trading Act 1986 for modifications to sections 59 and 121 to 126 of the Crown Entities Act 2004.

Other members of regulatory committees 25

25A Application of Crown Entities Act 2004 to other members of regulatory committees

- (1) Sections 53 to 56 and 59 to 61 of the Crown Entities Act 2004 apply, with all necessary modifications, to or in respect of each member of a regulatory committee who is not a commissioner or a member of the board— 30
 - (a) as if the committee member were a board member; and
 - (b) as if the duties were owed only to the Commission.
- (2) This section does not limit clause 15 of Schedule 5 of the Crown Entities Act 2004.
- (3) See section 106 of this Act and section 48 of the Fair Trading Act 1986 for modifications to sections 59 and 121 to 126 of the Crown Entities Act 2004. 35

25B Board must prepare and publish appointments policy

- (1) The board must—

(a)	prepare an appointments policy; and	
(b)	make a copy of the policy publicly available.	
(2)	<u>The appointments policy must set out the appointment process and criteria to be used when appointing to a regulatory committee a person who is neither a commissioner nor a member of the board.</u>	5
	<i>Commission must have regard to economic policies of Government</i>	
26	Commission must have regard to economic policies of Government	
(1)	In the performance and exercise of its functions, duties, and powers under this Act, the Commission must have regard to any economic policies of the Government that the Minister gives, in writing, to the Commission.	10
(2)	The Minister must, as soon as practicable after giving a statement of economic policy of the Government to the Commission,—	
(a)	arrange for a copy of the statement to be published in the <i>Gazette</i> ; and	
(b)	present a copy of the statement to the House of Representatives.	
(3)	A statement of economic policy is not a direction for the purposes of Part 3 of the Crown Entities Act 2004.	15
6	Section 64 amended (Procedure at conference)	
(1)	Repeal section 64(1)(a).	
(2)	Repeal section 64(1)(d).	
(3)	Repeal section 64(2).	20
(4)	Repeal section 64(5).	
7	Section 99 amended (Powers of Commission to take evidence)	
(1)	In section 99(2), replace “a member of the Commission” with “a member of the board, a member of a regulatory committee,”.	
(2)	In section 99(3), replace “a member of the Commission” with “a member of the board, a member of a regulatory committee,”.	25
8	Section 101 amended (Notices)	
	Replace section 101(1) with:	
(1)	A notice given by the Commission under or for the purposes of this Act is sufficiently given if it is—	30
(a)	in writing; and	
(b)	under the seal of the Commission or signed by 1 or more of the members of the board or by any person purporting to act with the authority of the Commission; and	

- (c) served in accordance with section 102 on the person or persons primarily concerned or on any person or organisation considered by the Commission to represent that person or those persons.
- 9 Section 104 amended (Determinations of Commission)**
- Replace section 104(1) with: 5
- (1) A determination, clearance, authorisation, or decision given by the Commission under or for the purposes of this Act is sufficiently given if it is—
- (a) in writing; and
- (b) under the seal of the Commission or signed by 1 or more of the members of the board or by any person purporting to act with the authority of the Commission. 10
- 10 Section 105 repealed (Restriction on delegation)**
- Repeal section 105.
- 11 Section 106 amended (Proceedings privileged)**
- (1) In section 106(2), replace “member of the Commission” with “member of the board”. 15
- (2) In section 106(7), after “any member of the Commission”, insert “or any member of a committee of the Commission”.
- 12 Section 106A amended (Judicial notice)**
- In section 106A(b), replace “deputy chairperson, or a member of the Commission” with “the deputy chairperson, a member of the board, or a member of a regulatory committee”. 20
- 13 Schedule 1AA amended**
- In Schedule 1AA,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and 25
- (b) make all necessary consequential amendments.

Part 2

Amendments to other legislation

- 14 Amendments to other legislation that come into force before main commencement date** 30
- Amend the legislation specified in **Schedule 2** as set out in that schedule.
- 15 Amendments to other legislation that come into force on main commencement date**
- Amend the legislation specified in **Schedule 3** as set out in that schedule.

Schedule 1
New Part 8 inserted into Schedule 1AA of Commerce Act 1986

s 13

Part 8	
Provisions relating to Commerce (Commerce Commission Reform) Amendment Act 2026	5
40 Chairperson and deputy chairperson	
(1) The person who, immediately before 1 July 2027 , was the chairperson of the Commission—	
(a) continues as a member; and	10
(b) must be treated as having been appointed as the chief commissioner under section 21 for a term expiring on the day their term as a member is due to expire.	
(2) If a person referred to in subclause (1) was also the chairperson of the Commission on 1 January 2026, they continue as the chairperson under section 13 (in addition to being the chief commissioner and despite section 21(3)).	15
(3) Subclause (2) applies in addition to subclause (1) (rather than instead of subclause (1)).	
(4) The person who, immediately before 1 July 2027 , was the deputy chairperson of the Commission—	20
(a) continues as a member; and	
(b) must be treated as having been appointed as the deputy chief commissioner under section 21 for a term expiring on the day their term as a member is due to expire; and	
(c) is no longer the deputy chairperson.	25
41 Members and associate members	
(1) A person who, immediately before 1 July 2027 , was a member or an associate member—	
(a) is no longer a member or an associate member; and	
(b) must be treated as having been appointed as a commissioner under section 20 for a term expiring on the day their term as a member or an associate member would have otherwise expired.	30
(2) If a person referred to in subclause (1) was also, immediately before 1 July 2027 , a member of the Australian Competition and Consumer Commission (but not an associate member of the Australian Competition and Consumer Commission), they must also be treated as a cross-appointed commissioner under section 23 .	35

Schedule 1	Commerce (Commerce Commission Reform) Amendment Bill	
(3)	This clause does not apply to a person if clause 40 applies to the person.	
42	Grocery Commissioner and Telecommunications Commissioner	
(1)	The person who, immediately before 1 July 2027 , was the Grocery Commissioner under the Grocery Industry Competition Act 2023—	
(a)	is no longer a member; and	5
(b)	must be treated as having been appointed as a specialist commissioner under section 22 with a speciality of groceries for a term expiring on the day their term as a member would have otherwise expired (during which time they may continue to be known as the Grocery Commissioner).	10
(2)	The person who, immediately before 1 July 2027 , was the Telecommunications Commissioner under the Telecommunications Act 2001—	
(a)	is no longer a member; and	
(b)	must be treated as having been appointed as a specialist commissioner under section 22 with a speciality of telecommunications for a term expiring on the day their term as a member would have otherwise expired (during which time they may continue to be known as the Telecommunications Commissioner).	15
43	Other provisions regarding term and removal not limited	
	Clauses 40 to 42 do not limit provisions of this Act and the Crown Entities Act 2004 regarding the term and removal of members or commissioners.	20
44	<u>First delegation framework, charter, and appointments policy</u>	
	<u>The board must take all reasonable steps to ensure that it publishes the following before 1 July 2028:</u>	
(a)	<u>the first delegation framework under section 14A:</u>	25
(b)	<u>the first charter under section 16:</u>	
(c)	<u>the first appointments policy under section 25B.</u>	

Schedule 2
**Amendments to other legislation that come into force before main
commencement date**

s 14

Grocery Industry Competition Act 2023 (2023 No 31) 5

Replace section 170 with:

170 Who performs or exercises functions, duties, and powers of Commission

- (1) The board must appoint a committee under clause 14 of Schedule 5 of the Crown Entities Act 2004 to perform and exercise the functions, duties, and powers of the Commission under this Act. 10
- (2) The board must appoint the Grocery Commissioner to the committee.
- (3) The board must also appoint 2 or more other members to the committee.
- (4) **Subsection (2)** does not apply if there is no Grocery Commissioner.

Repeal sections 171 to 173.

Telecommunications Act 2001 (2001 No 103) 15

In section 4(a), delete “and the performance of those functions by members of the Commission (in particular, the Telecommunications Commissioner)”.

Replace section 10 with:

10 Performance of Commission’s functions

- (1) The board must appoint a committee under clause 14 of Schedule 5 of the Crown Entities Act 2004 to perform and exercise the functions, duties, and powers of the Commission under this Act. 20
- (2) The board must appoint the Telecommunications Commissioner to the committee.
- (3) The board must also appoint 2 or more other members to the committee. 25
- (4) **Subsection (2)** does not apply if there is no Telecommunications Commissioner.

Repeal section 17.

In Schedule 3, repeal clause 11(3)(d).

Schedule 3

Amendments to other legislation that come into force on main commencement date

s 15

Credit Contracts and Consumer Finance Act 2003 (2003 No 52) 5

In section 5, replace the definition of **Commission** with:

Commission means the Commerce Commission

Dairy Industry Restructuring Act 2001 (2001 No 51)

In section 5(1), replace the definition of **Commission** with:

Commission means the Commerce Commission

10

Repeal section 150ZF(1)(a).

Fair Trading Act 1986 (1986 No 121)

In section 2(1), replace the definition of **Commission** with:

Commission means the Commerce Commission

Replace section 47H(1)(b)(ii) to (iv) with:

15

- (ii) signed by 1 or more of the members; or
- (iii) signed by any person purporting to act with the authority of the Commission; and

Fuel Industry Act 2020 (2020 No 60)

In section 29O(1)(a), replace “section 26” with “**section 26**”.

20

In section 29O(1)(a), replace “to have” with “must have”.

Repeal section 45(a) to (d).

Grocery Industry Competition Act 2023 (2023 No 31)

In section 5(1), replace the definition of **Commission** with:

Commission means the Commerce Commission

25

Repeal the cross-heading above section 167.

Repeal sections 167 to 170.

In Schedule 2, clause 14(2)(b), delete “such as the Grocery Commissioner”.

Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31)

30

In section 5, replace the definition of **Commission** with:

Commission means the Commerce Commission

Remuneration Authority Act 1977 (1977 No 110)

In Schedule 4, replace “The members and associate members of the Commerce Commission” with “The members and commissioners of the Commerce Commission”.

Retail Payment System Act 2022 (2022 No 21)

Repeal section 38(a) to (e). 5

In section 38(f), replace “section 26” with “**section 26**”.

In section 38(f), replace “to have” with “must have”.

Telecommunications Act 2001 (2001 No 103)

In section 5, replace the definition of **Commission** with:

Commission means the Commerce Commission 10

In section 5, repeal the definition of **Telecommunications Commissioner**.

Replace the cross-heading above section 9 with:

Commission’s functions

Repeal section 9.

Repeal section 10. 15

Repeal section 15(1)(b) and (d).

Legislative history

2 March 2026

Introduction (Bill 250–1)

26 March 2026

First reading and referral to Finance and Expenditure Committee