

28 April 2026
Finance and Expenditure Committee
Parliament Buildings
Wellington
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Retail NZ submission: Commerce (Commerce Commission Reform) Amendment Bill

Overview

1. Retail NZ is a membership organisation that represents the views and interests of New Zealand’s retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand’s retail sector comprises approximately 30,000 businesses and employs around 222,000 Kiwis.
2. Retail NZ consulted our membership in the preparation of this submission.
3. Retail NZ is generally supportive of the intent of the Bill to ensure the Commerce Commission’s structure, objectives and functions are fit-for-purpose, so then Commission can carry out its functions more effectively and efficiently.
4. However, Retail NZ recommends further clarity and guidance be written into this legislation, and the proposed charter, to ensure these changes are appropriate and long-lasting.

Objectives and Functions

5. Retail NZ supports the objectives and functions of the Commerce Commission be explicitly outlined in this legislation, so it is clear to everyone what its role and expectations are.
6. Retail NZ recommends that the listed functions of the Commission in Clause 11 be further examined.
 - a. Some members raised concerns this list is too broad, which could impact the Commission’s ability to work effectively and efficiently. For example, clause 11(1)(d) says the Commission has the ability to “*issue warnings, reports, or guidelines, or make comment, about any matter relating to competition and consumer interests, whether at the level of individual firms or more broadly*”. This runs the risk of expanding the Commission’s role beyond its traditional boundaries, risking mission-creep or excessive scrutiny. It is important Commission intervention is only entered into when certain thresholds are met, to ensure it is working efficiently and effectively.
 - b. Other members, believe that the functions need to be broad to ensure scope growth as the commerce environment changes, but that there is opportunity to

- include specific functions around the Commission's role with respect to e-commerce, with that space expected to grow significantly in the coming years.
- c. Retail NZ recommends a review period be built into the legislation to ensure the Commission is able to be agile and open to respond to changing business landscapes in the future.

Establishing new board

7. Retail NZ is generally supportive of the proposed new board structure and the provision that only 2 of its 4-7 members may be appointed as Commissioners.
8. Retail NZ notes it is best practice for any overseeing Board to be separate from those who are carrying out the organisation's functions and supports the proposal to impose that structure on the Commission.
9. Our members say they can see the benefit in having a Commerce Commission Board that is majority non-Commissioners to oversee the Commission and its work. However, some did want to caution that there is a risk that not having as many subject-matter experts at the Board level could mean there is not an adequate level of understanding of the Commission's work.
10. There was also some concern that this structure would risk having board appointees that were politically or industry aligned, which could influence the board's direction to the Commission, or unfairly colour some members' perceptions of the Commission's work. If this was to occur, it could undermine the independence of the Commission.
11. Retail NZ recommends there be a requirement that the Commission's board includes at least one member with competition law expertise, so there is a good understanding of the space the Commission is working within at the board level. This would ensure the board isn't unnecessarily interfering with operations due to a lack of technical/expert understanding.
12. Retail NZ recommends board appointments are made independent of political allegiances and are based on skills and experience appropriate for the role required.

Regulatory committees

13. Retail NZ is generally supportive of the proposal to allow regulatory committees to undertake work as delegated by the board, and the inclusion of external experts on these committees.
14. We believe having a committee with different expertise undertaking the work can allow for more robust examination and analysis, even better-informed decisions and can mean greater efficiencies in workflow, enabling the Commission to get through a greater volume of work.
15. We agree with the requirement that at least two Commissioners sit on each regulatory committee. Our members see that as an important instrument to ensuring the Commission's work remains consistent and rigorous. Our members note that the Commission currently does good work, it is just slow and lacking transparency. They want to ensure this new legislation does not result in a change to the quality of the Commission's work, rather improve its efficiency and transparency.
16. Retail NZ would like to highlight the importance of the writing of the charter that will steer these regulatory committees. It is vital the charter provide clarity around what work the committees undertake and how, have provisions that lessen the risk of bottlenecks, and require committees be transparent about the work they're undertaking, why, and, once decisions have been made, how those decisions were reached. This would

- act as a safeguard to ensure clarity around these committees' functions and ensure the Commission's independence. The charter itself should also be publicly available.
17. Additionally, the charter will need to clearly outline in what circumstances the board can recall the work of a regulatory committee and instruct a senior regulatory committee to instead undertake the work. This is important to ensure the independence and integrity of the Commission.
 18. This charter also provides an opportunity to require greater transparency around the Commerce Commission's decision-making and that decisions are released more swiftly. Our members say currently it can be unclear how the Commission has reached its decisions, and the decisions themselves can take months to be released. Improved public reporting and information release would increase understanding among businesses and could enhance the Commission's reputation.

Phasing out of Telecommunications and Grocery Commissioners

19. Retail NZ supports the phasing out of the Telecommunications and Grocery Commissioners, as long as the positions remain as "specialist commissioners" under the new structure. Our members see the value in having specialist commissioners appointed to the Commission as appropriate, however, there could be value in legislating a threshold as to when it is appropriate a specialist commissioner be appointed for a particular industry sector.
20. Our members don't believe the phasing out of these commissioners will change the level of oversight of their sectors.

Conclusion

21. Thank you for the opportunity to make a submission.
22. Retail NZ generally supports the proposed changes to the Commerce Commission's structure, objectives and functions to ensure it can carry out its work effectively and efficiently.
23. We recommend further clarification in some parts of the Bill to safeguard the integrity and independence of the Commission, ensure it can undertake its work more transparently and efficiently, and to ensure it is future-proof in a fast-changing digital world.
24. Retail NZ is happy to discuss any aspect of this submission further and would like the opportunity to make an oral submission to the committee.
25. No part of this submission should be withheld under the OIA.

Sincerely,



Carolyn Young
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