



COVERSHEET

Minister	Hon Dr Duncan Webb	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Grocery Industry Competition Regulations 2023	Date to be published	14 September 2023

List of documents that have been proactively released		
Date	Title	Author
May 2023	Grocery Industry Competition Regulations 2023	Office of the Minister of Commerce and Consumer Affairs
29 May 2023	grocery Industry Competition Regulations 2023 LEG-23-MIN-0135 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of being commercially confidential.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Grocery Industry Competition Regulations 2023

Portfolio Commerce and Consumer Affairs

On 3 August 2023, the Cabinet Legislation Committee:

- 1 **noted** that in May, July and August 2022, in response to the Commerce Commission's findings from its market study into the retail grocery sector, Cabinet made policy decisions to develop a Grocery Industry Competition Bill [CAB-22-MIN-0186, CAB-22-MIN-0259, and CAB-22-MIN-0303];
- 2 **noted** that the Grocery Industry Competition Act 2023 (the Act) received royal assent on 26 June 2023;
- 3 **noted** that under the Act, the Governor General may, by Order in Council, make regulations to provide that the Act applies to named corporate forms of regulated grocery retailers;
- 4 **noted** that the Grocery Industry Competition Regulations 2023 have the effect of treating franchisees and transacting shareholders of any interconnected business to a main RGR as if they are franchisees or transacting shareholders of the main RGR itself for the purposes of Parts 2 and 3 of the Act are needed to give effect to the decision referred to in paragraph 1 above;
- 5 **authorised** the submission to the Executive Council of the Grocery Industry Competition Regulations 2023 [PCO 25663/3.0];
- 6 **noted** that a waiver of the 28-day rule is sought:
 - 6.1 so that clause 5, and other relevant clauses, of the Grocery Industry Competition Regulations 2023 can come into force as soon as possible;
 - 6.2 on the grounds that these clauses in the regulations have little or no effect on the public, are sought (and expected) by Woolworths New Zealand Limited to address concerns it raised, and that a waiver of the 28-day rule is consistent with the approach to address Woolworths New Zealand Limited's concerns as soon as possible;
- 7 **agreed** to waive the 28-day rule so that the regulations can come into force on 11 August 2023.

Rebecca Davies
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Willie Jackson
Hon Andrew Little
Hon Ginny Andersen
Hon Dr Duncan Webb
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG