



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Digital Economy and Communications
Title of Cabinet paper	Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022	Date to be published	5 July 2022

List of documents that have been proactively released

Date	Title	Author
May 2022	Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022	Office of the Minister for the Digital Economy and Communications
May 2022	Annex One: Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022	Parliamentary Counsel Office
May 2022	Annex Two: Telecommunications (Regulated Fibre Service Providers) Amendment Regulations 2022	Parliamentary Counsel Office
19 May 2022	Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022 LEG-22-MIN-0081	Cabinet Office

Information redacted

NO [select one]

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.



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.

Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022

Portfolio **Digital Economy and Communications**

On 19 May 2022, the Cabinet Legislation Committee:

- 1 **noted** that on 7 April 2021, the Cabinet Economic Development Committee agreed to carry forward the existing structure of the sub-levies under the Telecommunications Regulatory Levy, to ensure that only those liable telecommunications operators who are subject to regulation relating to the new fibre broadband services regime bear the costs of administering the regime from financial year 2022/23 [DEV-21-MIN-0071];
- 2 **noted** that the amendments are necessary to maintain status quo and make it clear that only the four local fibre companies subject to information disclosure and price-quality regulation should pay the levy towards the Commerce Commission's costs for those functions from financial year 2022/23 and outyears;
- 3 **noted** that the Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022 will give effect to the decision referred to in paragraph 1 above;
- 4 **noted** that to ensure consistency the Telecommunications (Regulated Fibre Service Providers) Regulations 2019 will need to be amended to reflect the name change of UltraFast Fibre Limited to Tuatahi First Fibre Limited and the amalgamation of Northpower LFC2 Limited into Northpower Fibre Limited;
- 5 **agreed** to amend the Telecommunications (Regulated Fibre Service Providers) Regulations 2019 to reflect the name changes referred to in paragraph 4 above;
- 6 **noted** that the Telecommunications (Regulated Fibre Service Providers) Amendment Regulation 2022 will give effect to the decision referred to in paragraph 5 above;
- 7 **noted** that the Telecommunications Act 2001 (the Act) requires the Minister for the Digital Economy and Communications to consult with those persons and organisations that the Minister considers appropriate, having regard to the subject matter of the proposed regulations;
- 8 **noted** that the above requirement was met through consultation on the Commerce Commission's discussion paper on the future funding of the Commission's regulatory responsibilities under the Act before policy decisions were sought from Cabinet in 2021;

- 9 **noted** that the Telecommunications (Regulated Fibre Service Providers) Amendment Regulations 2022 meets the minor and technical threshold to not require consultation;
- 10 **noted** that the Ministry of Business, Innovation and Employment has consulted with the Commerce Commission on the Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022;
- 11 **authorised** the submission to the Executive Council of the Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022 [PCO 24612/6.0];
- 12 **authorised** the submission to the Executive Council of the Telecommunications (Regulated Fibre Service Providers) Amendment Regulations 2022 [PCO 24755/4.0];
- 13 **noted** that the Telecommunications Operators (Commerce Commission Costs) Levy Amendment Regulations 2022 will come into force on 1 July 2022;
- 14 **noted** that the Telecommunications (Regulated Fibre Service Providers) Amendment Regulations 2022 will come into force on 1 July 2022.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Kris Faafoi
Hon Jan Tinetti
Hon Kiri Allan
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri

Officials present from:

Office of the Prime Minister
Officials Committee for LEG