



COVERSHEET

Minister	Hon Dr Duncan Webb	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Review of anti-competitive land agreements: release of discussion document	Date to be published	1 September 2023

List of documents that have been proactively released		
Date	Title	Author
June 2023	Release of Discussion Document: Review of anti-competitive land agreements	Office of the Hon Dr Duncan Webb
3 July 2023	Release of Discussion Document: Review of anti-competitive land agreements CAB-23-MIN-0280 Minute	Cabinet Office

Information redacted

NO

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 Economic Development 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.

Review of Anti-Competitive Land Agreements: Release of Discussion Document

Portfolio Commerce and Consumer Affairs

On 28 June 2023, the Cabinet Economic Development Committee (DEV):

- 1 **noted** that the Commerce Commission's market study into the residential building supplies sector:
 - 1.1 identified that land covenants, exclusive leases and other contractual provisions with similar effect may impede competition between merchants, primarily by restricting new entry and expansion of businesses;
 - 1.2 recommended an economy-wide review into the use of land covenants and exclusive leases (including other contractual provisions with similar effect) to assess whether a wider multi-sector solution is needed to address their impacts on competition;
- 2 **noted** that on 3 May 2023, DEV:
 - 2.1 agreed to the government response to the Commerce Commission's market study;
 - 2.2 noted that the Minister of Commerce and Consumer Affairs would report back in mid-2023 seeking agreement to release a discussion document on an economy-wide review of the use of land covenants and exclusive leases;

[DEV-23-MIN-0060]
- 3 **noted** that a first step will be to gather more information on the use of land agreements, such as covenants, and their purpose, via a discussion document;
- 4 **noted** that the discussion document *Review of Anti-Competitive Land Agreements* (the discussion document), attached to the paper under DEV-23-SUB-0128, also sets out high-level options for changes to better address anti-competitive land agreements;
- 5 **approved** the release of the discussion document, subject to any minor or technical amendments that may be approved by the Minister of Commerce and Consumer Affairs, for a six-week public consultation.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon Willie Jackson
Hon David Parker
Hon Priyanca Radhakrishnan
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Dr Duncan Webb
Hon Rino Tirikatene
Hon Dr Deborah Russell
Hon Rachel Brooking
Hon Jo Luxton

Officials present from:

Office of the Prime Minister
Officials Committee for DEV