



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Broadcasting, Communications and Digital Media
Title of Cabinet paper	Telecommunications Operators (Commerce Commission Costs) Levy Regulations 2019	Date to be published	By 5 November 2019

List of documents that have been proactively released

Date	Title	Author
17 September 2019	Telecommunications Operators (Commerce Commission Costs) Levy Regulations 2019	Office of the Minister of Broadcasting, Communications and Digital Media
17 September 2019	Cabinet minute: LEG-19-MIN-0141	Cabinet Office

Information redacted

YES / NO (please select)

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 Regulations 2019

Portfolio **Broadcasting, Communications and Digital Media**

On 17 September 2019, the Cabinet Legislation Committee:

- 1 **noted** that on 1 May 2019, the Cabinet Economic Development Committee agreed to specify levies in connection with the performance of the Commerce Commission's functions and duties, and the exercise of its powers, under the Telecommunications Act 2001 [DEV-19-MIN-0091];
- 2 **noted** that the Telecommunications Operators (Commerce Commission Costs) Levy Regulations 2019 give effect to the decision referred to in paragraph 1 above;
- 3 **noted** that section 13 of the Telecommunications Act requires that the responsible Minister be satisfied that consultation has occurred before recommending the making of an Order in Council under section 11 and section 12 of the Act;
- 4 **noted** that the advice of the Minister of Broadcasting, Communications and Digital Media is that the statutory prerequisite referred to in paragraph 3 above has been met;
- 5 **noted** that section 12 (5) of the Telecommunication Act states that the Minister must not recommend that regulations be made under this section unless the Minister is satisfied that the levy will not require a service provider, or a class of service providers, to pay a levy in respect of the same period under both this section and section 11 for, or in connection with:
 - 5.1 the performance of the Commission's functions and duties under Parts 2AA, 6, and 7; or
 - 5.2 the exercise of the Commission's powers under Parts 2AA, 6, and 7.
- 6 **noted** that the advice of the Minister of Broadcasting, Communications and Digital Media is that the statutory prerequisite referred to in paragraph 5 above has been met;
- 7 **authorised** the submission to the Executive Council of the Telecommunications Operators (Commerce Commission Costs) Levy Regulations 2019 [PCO 21788/11.0];

8 note that the Telecommunications Operators (Commerce Commission Costs) Levy Regulations 2019 come into force on 31 October 2019.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Andrew Little
Hon Chris Hipkins (Chair)
Hon David Parker
Hon Ron Mark
Hon Tracey Martin
Hon Shane Jones
Hon Aupito William Sio
Hon James Shaw
Hon Julie Ann Genter
Hon Eugenie Sage
Michael Wood, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Broadcasting, Communications and Digital Media

PROACTIVELY RELEASED