



**Asia-Pacific  
Economic Cooperation**

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## **International Regulatory Cooperation – The New Zealand Approach**

Submitted by: New Zealand



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Digital Age  
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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

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# International Regulatory Cooperation – the New Zealand approach

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# Outline

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- New Zealand Government Expectations for GRP

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- Lessons Learnt



# NZ's Expectations for GRP

- Set by Ministers to guide the work of government regulatory agencies (see <http://www.treasury.govt.nz/regulation/expectations>)
- Consists of two parts:
  - Expectations for the Design of Regulatory Systems (features of a good regulatory system)
  - Expectations for Regulatory Stewardship by Govt. Agencies, with actions that good regulatory agencies should take, including:
    - monitoring, review and reporting on existing regulatory systems
    - robust analysis and implementation support for changes to regulatory systems
    - good regulator practice.



**Government  
Expectations**  
for Good Regulatory Practice



# How this supports IRC

The GRP Expectations :

Promote consistency with international standards and practices

Expect regulators to develop relationships with overseas counterparts

Promote regulatory coherence

Increase regulatory effectiveness



# International Regulatory Cooperation Toolkit

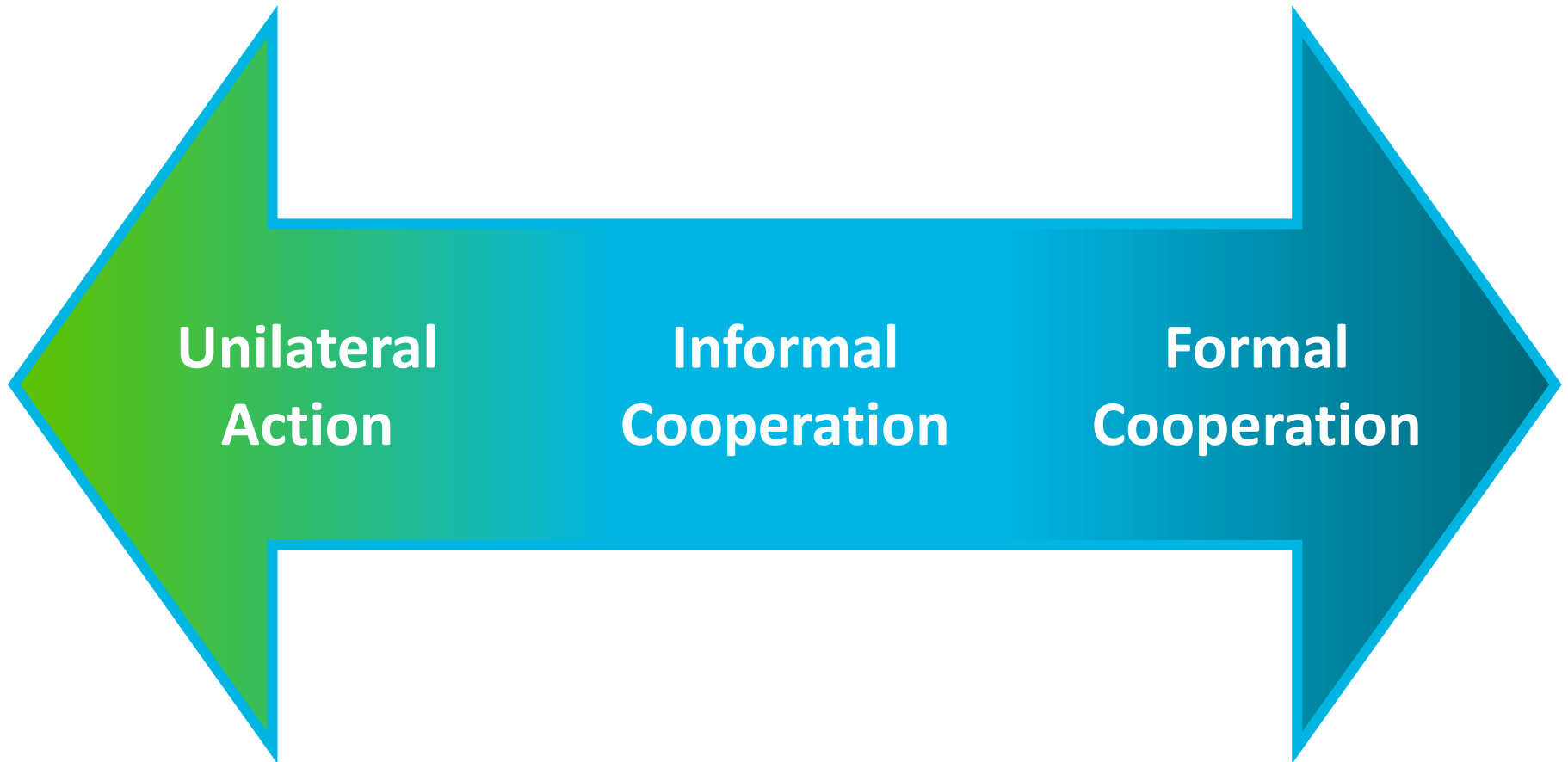
- Draws on New Zealand's experience with Australia in regulatory cooperation
- Desire to document our experiences and lessons learnt, as a resource for domestic and external policymakers and regulators
- Desire to enrich the resource by drawing on diverse experiences of other economies, particularly in the Asia-Pacific region
- APEC workshops
- ASEAN case-studies
- End outcome – a web-based toolkit which is useful, relevant, and practical



# How the toolkit could be used

- It provides policymakers and regulators with practical guidance on options available when undertaking regulatory cooperation.
- It is consistent with, and complements, a Regulatory Impact Analysis framework.
- It can be used to make choices about different IRC options. It provides guidance to:
  - be clear about objectives
  - identify range of options
  - assess benefits and costs of each option
  - bear in mind past experiences and lessons learnt

# The Cooperation Spectrum

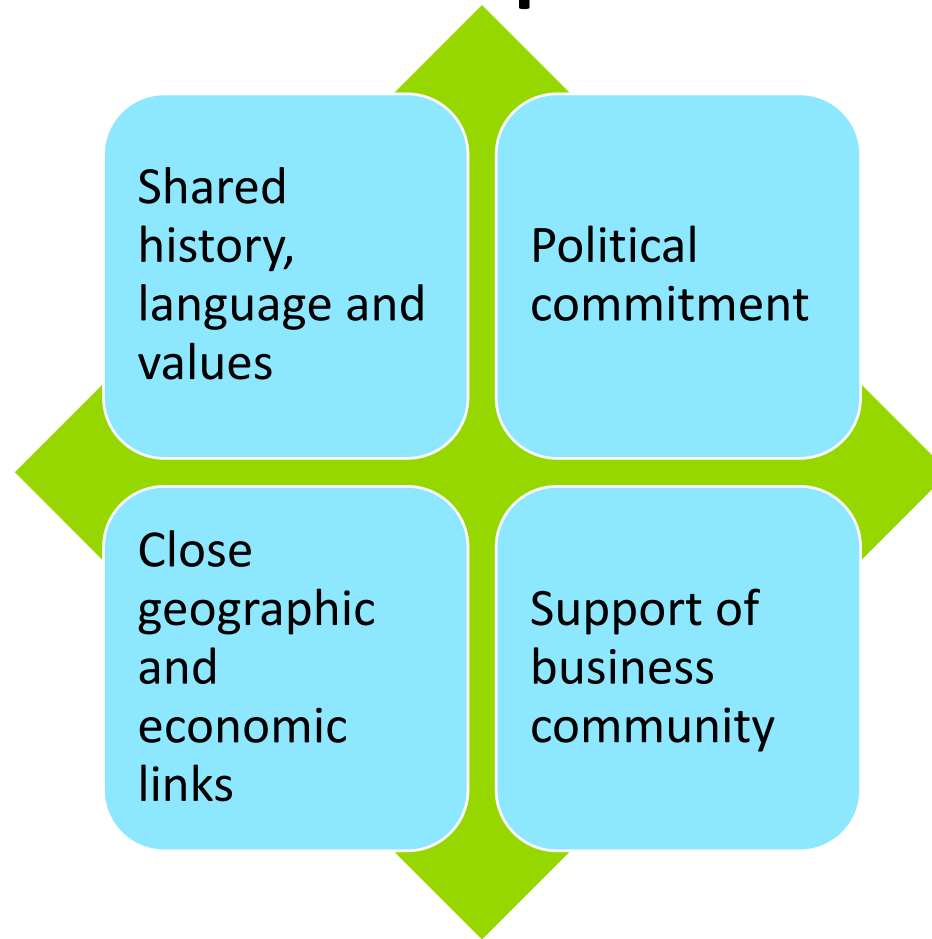




# Case Study: Competition Law



# Context for increased cooperation:



New Zealand unilaterally adopted competition policy framework modelled on Australia's



# Phases of cooperation

1983

- ANZCERTA signed

1986

- NZ Commerce Act in force modelled on Australian Trade Practices Act

1990

- Addition of provisions to deal with misuse of substantial market power in a trans-Tasman market

2004

- Australian Productivity Commission report on trans-Tasman competition policy

2010

- Cross-appointment of associate members on ACC and NZCC

2013

- Cooperation Agreement on information sharing



# Key achievements

Use of investigative powers to assist the other authority

Cooperation at multiple levels

Coordinated decision-making (enabled by cross-appointments)

Streamlining of processes for merger transactions under review in both jurisdictions

# Lessons learnt

IRC takes time

Trust is crucial

Take small steps

Cooperation can take many forms





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