



COMMERCE COMMISSION

Regulation under Part 4 of the Commerce Act 1986
Information Disclosure

INVITATION FOR CROSS-SUBMISSIONS

**Invitation for Cross-Submissions on the Information Disclosure
Discussion Paper in Respect of Specified Airport Services**

On 11 September 2009 the Commission received submissions on its 29 July 2009 Information Disclosure Discussion Paper (Discussion Paper). The timetable contained in the Discussion Paper does not provide for cross-submissions to be made on these submissions. Enquiries have since been received as to whether cross-submissions would be sought in respect of specified airport services.

Section 56E of the Commerce Act 1986 sets a deadline of 1 July 2010 for the issue of determinations that specify how information disclosure regulation applies to specified airport services. The Commission considers that cross submissions in respect of these services would assist with the consultation process in order to meet that deadline. Accordingly, the Commission invites cross-submissions on matters in the submissions that relate to the information disclosure regulation of specified airport services. Cross-submissions are due by 5pm on Thursday, 22 October 2009.

This invitation for cross-submissions is made in response to enquiries that the Commission has received in respect of specified airport services. The Commission has received no such enquiries concerning gas pipeline services and electricity lines services and, therefore, does not invite cross-submissions on these matters. If, however, parties wish to contact the Commission concerning the provision of cross-submissions on gas pipeline services and electricity lines services they are welcome to do so.

The Commission has posted the Discussion Paper submissions on its website. The submissions can be located at:

<http://www.comcom.govt.nz/IndustryRegulation/Part4/DecisionsList.aspx>

Making a cross-submission

To foster an informed and transparent process, the Commission intends to publish all

cross-submissions received on its website (www.comcom.govt.nz). Accordingly, the Commission requests an electronic copy of each cross-submission and requests that hard copies not be provided unless it is not possible to provide an electronic copy. Cross-submissions should be emailed to:

NPB@comcom.govt.nz

or sent to:

Robert Gordon
Chief Adviser
Network Performance Branch
Commerce Commission
P.O. Box 2351
Wellington

Confidentiality

The Commission discourages requests for non-disclosure of submissions, in whole or in part, as it is desirable to test all information in a fully public way. It is unlikely to agree to any requests that submissions in their entirety remain confidential. However, the Commission recognises there will be cases where interested parties making submissions may wish to provide confidential information to the Commission.

If it is necessary to include such material in a submission the information should be clearly marked and preferably included in an appendix to the submission. Interested parties should provide the Commission with both confidential and public versions of their submissions in both electronic and hard-copy formats. The responsibility for ensuring that confidential information is not included in a public version of a submission rests entirely with the party making the submission.

Parties can also request that the Commission makes orders under s 100 of the Act in respect of information that should not be made public. Any request for a s 100 order must be made when the relevant information is supplied to the Commission and must identify the reasons why the relevant information should not be made public. The Commission will provide further information on s 100 orders if requested by parties, including the principles that are applied when considering requests for such orders. A key benefit of such orders is to enable confidential information to be shared with specified parties on a restricted basis for the purpose of making submissions. Any s 100 order will apply for a limited time only as specified in the order. Once an order expires, the Commission will follow its usual process in response to any request for information under the Official Information Act 1982.

Network Performance Branch

1 October 2009