



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Commerce Amendment Bill: Approval for Introduction	Date to be published	12 April 2021

List of documents that have been proactively released

Date	Title	Author
	Commerce Amendment Bill: Approval for Introduction	Office of the Minister of Commerce and Consumer Affairs
	Cabinet Legislation Committee Minute of Decision: Commerce Amendment Bill: Approval for Introduction	Cabinet Office

Information redacted

YES / 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.

Some information has been withheld in accordance with constitutional conventions and because the making available of that information would be likely to prejudice the international relations of the Government of New Zealand.



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.

Commerce Amendment Bill: Approval for Introduction

Portfolio Commerce and Consumer Affairs

On 25 February 2021, the Cabinet Legislation Committee:

CONSTITUTIONAL CONVENTION

- 2 **noted** that the Bill strengthens the prohibition on the misuse of market power in the Commerce Act 1986, repeals the safe harbour provisions for intellectual property rights, and makes a range of technical changes to improve the functioning of competition law;

INTERNATIONAL RELATIONS

- 5 **agreed** to a consequential change to the definition of “substantial” in the Act, with the effect that for one of the thresholds for economic regulation under Part 4 of the Commerce Act, regulation would be excluded only if there was some likelihood of a “large or weighty” increase in competition in the market for the goods or services;
- 6 **approved** the Commerce Amendment Bill [PCO 21916/9.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 7 **agreed** that the Bill be introduced on 3 March 2021;

8 **agreed** that the Government propose that the Bill be:

8.1 referred to the Economic Development, Science and Innovation Select Committee for consideration for six months;

CONSTITUTIONAL CONVENTION

Gerrard Carter
Committee Secretary

Present:

Hon Grant Robertson
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Kris Faafoi
Hon Dr David Clark
Hon Dr Ayesha Verrall

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Commerce and Consumer Affairs