



## COVERSHEET

<b>Minister</b>	Hon Scott Simpson	<b>Portfolio</b>	Commerce and Consumer Affairs
<b>Title of Cabinet paper</b>	Changes to improve competition settings	<b>Date to be published</b>	16 September 2025

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
June 2025	Commerce Act Review – Changes to improve competition settings	Office of the Minister of Commerce and Consumer Affairs
25 June 2025	Commerce Act Review – Changes to improve competition settings ECO-25-MIN-0098 Minute	Cabinet Office
August 2025	Commerce Act Review – Further changes to improve competition settings	Office of the Minister of Commerce and Consumer Affairs
20 August 2025	Commerce Act Review – Further changes to improve competition settings ECO-25-MIN-0134 Minute	Cabinet Office
20 August 2025	Regulatory Impact Statement – Targeted review of the Commerce Act 1986	MBIE
August 2025	Commerce Commission Governance and Effectiveness	Office of the Minister of Commerce and Consumer Affairs
20 August 2025	Commerce Commission Governance and Effectiveness ECO-25-MIN-0133 Minute	Cabinet Office
13 June 2025	Governance and Effectiveness Review of the Commerce Commission – Final Recommendations Report	Dame Paula Rebstock, Professor Allan Fels AO, David Hunt
June 2025	Commerce Commission – Response to the Governance and Effectiveness Review	Commerce Commission

### 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.

Some information has been withheld for the reason of confidential advice to Government.



# Cabinet Economic Policy Committee

## Minute of Decision

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*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.*

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### Commerce Act Review: Changes to Improve Competition Settings

**Portfolio** Commerce and Consumer Affairs

On 25 June 2025, the Cabinet Economic Policy Committee (ECO):

#### Background

- 1 **noted** that in September 2024, ECO agreed to a targeted review of the economy-wide competition settings in the Commerce Act 1986 [ECO-24-MIN-0206];
- 2 **noted** that public and targeted consultation was undertaken between December 2024 and April 2025 on options for reform [ECO-24-MIN-0261];

#### Supporting beneficial collaboration

- 3 **agreed** to introduce a statutory notification regime to allow firms to notify proposed collaborative conduct and proceed unless the Commerce Commission objects;
- 4 **agreed** to provide the Commerce Commission with a new class exemption power to proactively exempt classes of collaborative conduct;
- 5 **agreed** to provide the Commerce Commission with discretion to waive or reduce clearance and authorisation fees where it considers it appropriate to do so;
- 6 **agreed** to streamline the beneficial collaboration clearance process by clarifying that the Commerce Commission need only assess the conduct's purpose and whether cartel provisions are reasonably necessary, without also assessing broader competition impacts;
- 7 **agreed** to allow clearance and authorisation to be granted for collaborative arrangements with changing participants over time;

#### Strengthening enforcement and information handling

- 8 **agreed** to amend the Commerce Act 1986 to enable the courts to issue performance injunctions requiring parties to remedy contraventions of the Act;

- 9 **agreed** to strengthen protections for confidential information provided to the Commerce Commission by:
- 9.1 empowering the Commerce Commission to issue confidentiality orders over classes of information or documents with terms and conditions, specifying who the order applies to, extending the orders for a 10-year period post-investigation, and aligning the maximum penalties with those under section 103 of the Commerce Act 1986;
  - 9.2 limiting the disclosure of information supplied to the Commerce Commission in the course of its functions to a requester under the Official Information Act 1982, subject to a 10-year sunset clause;
  - 9.3 introducing anti-retaliation/victimisation protections for persons providing information or complaints to the Commerce Commission, modelled on those in the Protected Disclosures (Protection of Whistleblowers) Act 2022;

### Minor and technical changes

- 10 **agreed** to the minor and technical changes, set out in paragraph 28 to the paper under ECO-25-SUB-0098, to improve the clarity and workability of the Commerce Act 1986;
- 11 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions;
- 12 **authorised** the Minister of Commerce and Consumer Affairs to make minor or technical changes to the above policy decisions, as well as additional policy decisions consistent with the general policy intent of the paper under ECO-25-SUB-0098, on any issues that arise during the drafting and passage of the Bill through the House.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour  
Hon Nicola Willis (Chair)  
Hon Chris Bishop  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Erica Stanford  
Hon Todd McClay  
Hon Tama Potaka  
Hon Simon Watts  
Hon Penny Simmonds  
Hon Andrew Hoggard  
Hon Mark Patterson  
Hon James Meager  
Hon Scott Simpson  
Simon Court MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ECO