



COVERSHEET

Minister	Hon Scott Simpson	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval for Introduction	Date to be published	16 February 2026

List of documents that have been proactively released		
Date	Title	Author
December 2025	Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval for Introduction	Office of the Minister of Commerce and Consumer Affairs
4 December 2025	Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval for Introduction LEG-25-MIN-0254 Minute	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 for the reasons of legal privilege or confidential advice to Government.



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 (Promoting Competition and Other Matters) Amendment Bill: Approval for Introduction

Portfolio Commerce and Consumer Affairs

On 4 December 2025, the Cabinet Legislation Committee:

- 1 **noted** that the Commerce (Promoting Competition and Other Matters) Amendment Bill (the Bill) holds a category 5 priority on the 2025 Legislation Programme (to proceed to select committee by the end of 2025);
- 2 **noted** that the Bill amends the Commerce Act 1986 (the Act) to implement a package of reforms that modernise and improve New Zealand's competition settings;
- 3 **noted** that Cabinet authorised the Minister of Commerce and Consumer Affairs to make additional policy decisions and minor or technical changes, consistent with the general policy intent previously agreed by Cabinet [ECO-25-MIN-0098, ECO-25-MIN-0134];
- 4 **noted** that additional policy decisions have been made under delegated authority to:
 - 4.1 allow the 10-year exemption from the Official Information Act 1982 (OIA) for confidential information provided to the Commerce Commission (the Commission) in the course of its functions to be extended beyond 10 years, where necessary, until the information becomes publicly accessible under the Public Records Act 2005;
 - 4.2 enable the court to make orders to enforce compliance with behavioural and structural undertakings, including by:
 - 4.2.1 addressing contraventions by making orders to fulfil outstanding obligations, provide compensation, or grant consequential relief;
 - 4.2.2 directing a person to comply with a behavioural undertaking, including through issuing an injunction;
 - 4.3 provide the Commission with flexibility and enforcement powers in relation to undertakings and conditions, including by:
 - 4.3.1 allowing the Commission to consider circumstances where contravention of an undertaking should not void a merger clearance or authorisation;
 - 4.3.2 enabling enforceable conditions on collaborative activity clearances, with non-compliance as grounds for rescission; and

4.3.3 empowering the Commission to seek court orders to enforce conditions imposed under the authorisation regime;

4.4 repeal section 46, which currently provides a savings provision to prevent overlap between Parts 2 and 3 for business acquisitions;

4.5 amend section 100 to introduce a “reasonable excuse” element into the offence, and make it clear that section 100 orders can apply for an entire merger review process or investigation;

5 **noted** that:

5.1 in August 2025, the Cabinet Economic Policy Committee agreed to amend the Act to clarify that its prohibitions apply to conduct carried out using artificial intelligence or algorithmic tools [ECO-25-MIN-0134];

5.2 this provision is not included in the Bill at this stage as further work is needed
Confidential advice to Government

Confidential advice to Government

6 **approved** the Commerce (Promoting Competition and Other Matters) Amendment Bill [PCO 27095/11.0] for introduction;

7 **agreed** that the Bill be introduced by 9 December 2025;

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

8.1 referred to the Economic Development, Science and Innovation Committee for consideration, with a report back date of late April 2026;

8.2 enacted by mid-2026.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour
Hon Chris Bishop (Chair)
Hon Paul Goldsmith
Hon Shane Jones
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Stuart Smith, MP

Officials present from:

Officials Committee for LEG
Office of the Associate Minister of Justice (Hon Nicole McKee)