



## COVERSHEET

|                               |                                                                                                        |                             |                               |
|-------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------|
| <b>Minister</b>               | Hon Cameron Brewer                                                                                     | <b>Portfolio</b>            | Commerce and Consumer Affairs |
| <b>Title of Cabinet paper</b> | Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval to Release Amendment Paper | <b>Date to be published</b> | 16 October 2026               |

### List of documents that have been proactively released

| Date             | Title                                                                                                                            | Author                                                  |
|------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| September 2026   | Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval to Release Amendment Paper                           | Office of the Minister of Commerce and Consumer Affairs |
| 7 September 2026 | Commerce (Promoting Competition and Other Matters) Amendment Bill: Approval to Release Amendment Paper<br>CBC-26-MIN-0033 Minute | Cabinet Office                                          |

### 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.

[Amendment paper No 802 \[PCO 27095-1/4.0\]](#), drafted by the Parliamentary Counsel Office and annexed to the Cabinet documents published in this proactive release, was published on 14 September 2026.



# Cabinet Business 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 (Promoting Competition and Other Matters) Amendment Bill: Approval to Release Amendment Paper

**Portfolio**                      **Commerce and Consumer Affairs**

On 7 September 2026, the Cabinet Business Committee:

- 1        **noted** that the Commerce (Promoting Competition and Other Matters) Amendment Bill (the Bill) includes an objective statutory test for predatory pricing, as agreed by Cabinet in August 2025 [ECO-25-MIN-0134];
- 2        **noted** that the Amendment Paper attached under CBC-26-SUB-0033 retains, but modifies, the objective statutory test for predatory pricing by:
  - 2.1        inserting new section 36C(2A), which allows the person to rebut the presumed breach of the predatory pricing test by proving that their conduct does not have the purpose, and does not have and is not likely to have the effect, of substantially lessening competition;
  - 2.2        deleting the definition of “short-term” in relation to promotional pricing;
  - 2.3        refining the definitions of the cost benchmarks;
  - 2.4        requiring compliance with any regulations made under new section 36D; and
  - 2.5        reinstating the previously agreed delayed commencement of the provision, so that it comes into force six months after Royal Assent;
- 3        **noted** that the Amendment Paper creates a new regulation-making power to enable further technical detail to be specified in secondary legislation if required;
- 4        **noted** that the amendments outlined above are consistent with the policy agreed by Cabinet in August 2025 and the associated Regulatory Impact Statement;
- 5        **noted** that the Bill was introduced before 1 July 2026 and that the Amendment Paper is therefore excluded from the Regulatory Standards Act 2025 requirements;
- 6        **noted** that referral back to select committee is not required, as the Amendment Paper responds to issues raised during select committee consideration;
- 7        **noted** that the Bill holds a category 5 priority on the 2026 Legislation Programme (to proceed to select committee before the 2026 election);

- 8        **approved** the Amendment Paper [PCO 27095-1/4.0] for release as soon as practicable;
- 9        **authorised** the Minister of Commerce and Consumer Affairs to make minor and technical changes to the Amendment Paper before release, consistent with the above decisions.

Sam Moffett  
Committee Secretary

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**Present:**

Rt Hon Christopher Luxon (Chair)  
Hon David Seymour  
Rt Hon Winston Peters  
Hon Nicola Willis  
Hon Chris Bishop  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Mark Mitchell  
Hon Todd McClay  
Hon Nicole McKee

**Officials present from:**

Officials Committee for CBC