



COVERSHEET

Minister	Hon Stuart Nash Hon Kris Faafoi	Portfolio	Small Business Commerce and Consumer Affairs
Title of Cabinet paper	Fair Trading Amendment Bill: Approval for Introduction	Date to be published	17 December 2019

List of documents that have been proactively released

Date	Title	Author
10 December 2019	Fair Trading Amendment Bill: Approval for Introduction	Office of the Minister for Small Business Office of the Minister of Commerce and Consumer Affairs
10 December 2019	Fair Trading Amendment Bill: Approval for Introduction LEG-19- MIN-0208	Cabinet Office

Information redacted

YES

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:

- Confidential advice to Government
- Free and frank opinions



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.

Fair Trading Amendment Bill: Approval for Introduction

Portfolios **Small Business / Commerce and Consumer Affairs**

On 10 December 2019, the Cabinet Legislation Committee:

- 1 **noted** that the Fair Trading Amendment Bill (the Bill) Confidential advice to Government
- 2 **noted** that the Bill introduces a new prohibition against unconscionable conduct and extends existing protections against unfair contract terms to small trade contracts, as well as making other minor changes;
- 3 **noted** that, in line with Cabinet's authorisation to the Minister for Small Business and the Minister of Commerce and Consumer Affairs to make additional policy decisions consistent with the policy intent of previous decisions [DEV-19-MIN-0189]:
 - 3.1 the unconscionable conduct prohibition extends to conduct in relation to land, in addition to goods and services;
 - 3.2 contravention of the provisions relating to directions to leave or not enter premises will be subject to penalties of up to \$10,000 for individuals, and up to \$30,000 for bodies corporate;
- 4 **approved** Fair Trading Amendment Bill [PCO 21917/13.0] for introduction, subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 5 **agreed** that the Bill be introduced on 17 December 2019;
- 6 **agreed** that the government propose that the Bill be:
 - 6.1 referred to the Economic Development, Science and Innovation Committee for consideration for a period of six months;

6.2 enacted by the end of December 2020, if possible.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Dr David Clark (part of item)
Hon David Parker
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Kris Faafoi
Hon Tracey Martin
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister for Small Business
Minister of Commerce and Consumer Affairs

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