



Cabinet Economic Growth and Infrastructure Committee

Minute of Decision

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Removal of the Criminal Offence for Cartels from the Commerce (Cartels and Other Matters) Amendment Bill

Portfolio **Commerce and Consumer Affairs**

On 2 December 2015, the Cabinet Economic Growth and Infrastructure Committee:

- 1 **noted** that the Commerce (Cartels and Other Matters) Amendment Bill (the Bill) holds a category 2 priority on the 2015 Legislation Programme (to be passed in 2015), and is currently awaiting its Committee of the Whole House stage;
- 2 **noted** that the Bill currently includes criminal sanctions for cartel conduct;
- 3 **agreed** to remove the clause of the Bill which provides for criminal sanctions for cartel behaviour, by way of a Supplementary Order Paper (SOP) to the Bill;
- 4 **agreed** that officials monitor domestic and international developments to better assess the potential effects of cartel criminalisation, and whether criminal sanctions for cartel conduct are desirable, such as any detrimental effects on cooperation by the Commerce Commission with international regulatory agencies;
- 5 **noted** the SOP to amend Supplementary Order Paper 407, which has the effect of removing the criminal sanction provisions from the Bill;
- 6 **approved** the SOP to the Bill [PCO 14455-4/1.3] for introduction at the Bill's Committee of the Whole House stage;
- 7 **noted** that the paper under EGI-15-SUB-0167 will be posted on the Ministry of Business, Innovation and Employment's website following the tabling of the SOP in the House.

Janine Harvey
Committee Secretary
