

# House of Representatives

# Supplementary Order Paper

Tuesday, 8 December 2015

## Commerce (Cartels and Other Matters) Amendment Bill

### *Proposed amendments to SOP No 407*

Hon Paul Goldsmith, in Committee, to move the following amendments:

#### *Clause 2*

Before the item relating to *clause 5* (on page 1), insert:

##### *Clause 2*

In *clause 2(1)*, replace “**sections 18, 23A, and 23B**” (page 4, line 2) with “**sections 23A and 23B**”.

In *clause 2(2)*, replace “**Section 18** (which imposes criminal sanctions in respect of certain conduct relating to cartels) and **sections 23A and 23B**” (page 4, lines 5 to 7) with “**Sections 23A and 23B**”.

#### *Clause 7: new section 30*

Before the item relating to *clause 7, new section 31(1)* (on page 1), insert:

In *clause 7, new section 30(2)*, delete “, and **section 82B** for criminal liability,” (page 5, lines 25 and 26).

#### *Clauses 15 and 17*

After the items relating to *clause 8, new section 47A* (on page 2), insert:

##### *Clause 15: new section 80A*

In *clause 15, new section 80A(1)*, delete *paragraph (b)* (page 18, lines 31 and 32).

In *clause 15, new section 80A(1)(c)*, delete “or any criminal proceedings in which person A is convicted as described in **paragraph (b)**” (page 18, lines 35 to 37).

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*Clause 17*

Delete *clause 17* (page 19, lines 22 to 26).

*Clause 18: new section 82B*

Replace the items relating to *clause 18, new section 82B* (on page 2) with:

*Clause 18*

Delete *clause 18* (page 19, line 27 to page 21, line 15).

*Clause 24*

Replace the item relating to *clause 24* (on page 2) with:

*Clause 24*

Delete *clause 24* (page 26, lines 10 to 13).

*Schedule*

After the item relating to *clause 24* (on page 2), insert:

*Schedule*

In the *Schedule*, delete the item relating to section 75(1)(a) (page 27, lines 19 to 21).

### **Explanatory note**

This Supplementary Order Paper makes adjustments to Supplementary Order Paper No 407 (which contains proposed amendments to the Commerce (Cartels and Other Matters) Amendment Bill).

The adjustments relate to *clause 18*, which inserts *new section 82B* of the Commerce Act 1986 (offence relating to cartel prohibition).

In particular, the adjustments replace the proposed amendments to *clause 18* that were included in Supplementary Order Paper No 407 with a proposed amendment to delete *clause 18* in its entirety and consequentially amend *clauses 2, 7, 15, 17, and 24* and the *Schedule*.

The effect of the proposed amendments is to remove criminal sanctions for cartel behaviour from the Bill.

### **Departmental disclosure statement**

The Ministry of Business Innovation, and Employment considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.