

House of Representatives
Supplementary Order Paper

Tuesday, 16 August 2011

**Commerce Commission (International
Co-operation, and Fees) Bill**

Proposed amendment

Hon Simon Power, in Committee, to move the following amendment:

Part 1: new subpart 4

To add the following subpart (after line 10 on page 22):

**Subpart 4—Amendment to Telecommunications Act
2001**

11A Principal Act amended

This **subpart** amends the Telecommunications Act 2001.

**11B Application of Commerce Act 1986 and Crown Entities
Act 2004**

Section 15 is amended by inserting the following paragraph after paragraph (h):

“(ha) **sections 99B(a) and 99C to 99O** (assistance to overseas regulators), as if—

“(i) references in those sections to competition law functions, or functions in relation to competition law, were references to functions relating to the regulation of telecommunications; and

“(ii) references in those sections to the Minister were references to the Minister responsible for telecommunications.”

Explanatory note

This Supplementary Order Paper (**SOP**) amends *Part 1* of the Commerce Commission (International Co-operation, and Fees) Bill (the **Bill**). It adds, as *new subpart 4*, an amendment to section 15 of the Telecommunications Act 2001. Since the Bill as introduced did not include an amendment to the Telecommunications Act 2001, this proposed amendment breaches Standing Order 299(1). Leave of the committee of the whole House will therefore be needed in order for this SOP to proceed.

Section 15 of the Telecommunications Act 2001 currently applies various provisions of the Commerce Act 1986 to the Telecommunications Act 2001. This is because the Commerce Commission has functions under the Telecommunications Act 2001 relating to the regulation of telecommunications. The SOP amends section 15 so that the new provisions relating to assistance for overseas regulators, as inserted by *subpart 1 of Part 1* of the Bill into the Commerce Act 1986, will also apply to the Telecommunications Act 2001.

The effect of the amendment is that co-operation arrangements with overseas telecommunications regulators will be able to be entered into. Under a co-operation arrangement, the Commerce Commission could, on a reciprocal basis, assist overseas telecommunications regulators by providing information that is compulsorily acquired by the Commission in performing its functions relating to the regulation of telecommunications, and could similarly provide investigative assistance if requested.
