

# Gault on Commercial Law

15/10/25 Update Summary

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## COMMENTARY

### COMMERCE ACT 1986

New paragraphs have been inserted at the following locations:

- [CLR.01(3)] Proposed reforms
- [CLR.08] Overview: Proposed reforms
- [CLR.08(1)] Proposed reforms to facilitate beneficial collaboration
- [CLR.08(2)] Proposed reforms to protect confidential information
- [CLR.08(3)] Commerce Commission governance review

The following paragraphs and synopses have been updated:

- [CA80.03AA(4)], [CA80.10(2A)], [CA80.10(3A)(d)], [CA80.10(5A)(d)], [CA80.11(4)(d)], [CA103.02(1)], [CA103.02(2)], [CLR.01(1)], [CLR.01(2)], [CLR.02], [CLR.03], [CLR.04], [CLR.05], [CLR.06], [CLR.07]

- Synopses to ss 52B, 52F, 52P, 53ZG and 103.

This has involved discussion of the following cases:

- *Financial Markets Authority v CBL Corporation Ltd* [2025] NZHC 1691: [CA80.03AA(4)], [CA80.10(2A)], [CA80.10(3A)(d)], [CA80.10(5A)(d)], [CA80.11(4)(d)]
- *Financial Markets Authority v CBL Corporation Ltd (in liq)* [2024] NZHC 2322: [CA80.03AA(4)], [CA80.10(2A)], [CA80.10(3A)(d)], [CA80.10(5A)(d)], [CA80.11(4)(d)]
- *Financial Markets Authority v Westpac New Zealand Ltd* [2025] NZHC 1027: [CA80.03AA(4)], [CA80.10(2A)], [CA80.10(3A)(d)], [CA80.10(5A)(d)], [CA80.11(4)(d)]
- *Serious Fraud Office v Sanele* [2015] NZDC 25499: [CA82B.02(1)(b)], [CA103.02(1)], [CA103.02(2)]

#### FAIR TRADING ACT 1986

The following commentary paragraphs have been updated:

- [FT3.02(7)], [FT43.04(1)]

A new paragraph has been inserted at the following location:

- [FT9.28(24)] Statement about type of resource consent required

This has involved discussion of the following cases:

- *Mokau South Resources Ltd v Xu* [2025] NZHC 2227: [FT9.28(24)], [FT43.04(1)]
- *Ruscoe v Cattermole* [2024] NZHC 3883: [FT3.02(7)]
- *Ruscoe v Cryptopia Ltd (in liq)* [2020] NZHC 728, [2020] 2 NZLR 809: [FT3.02(7)]
- *Ruscoe v Epic Trust Ltd* [2024] NZHC 165: [FT3.02(7)]
- *Ruscoe v Epic Trust Ltd* [2024] NZHC 1336: [FT3.02(7)]
- *Ruscoe v Epic Trust Ltd* [2024] NZHC 1546: [FT3.02(7)]
- *Ruscoe v Epic Trust Ltd* [2025] NZHC 2138: [FT3.02(7)]

## LEGISLATION

### COMMERCE ACT 1986

The Commerce Act 1986 has been amended, as from 27 August 2025, by the Local Government (Water Services) (Repeals and Amendments) Act 2025. Of particular note, the following have been inserted in the Commerce Act 1986:

- New subpart 12 (Water services) of Part 4, comprising ss 57–57V
- New Part 4A (Consumer protection in relation to water services), comprising ss 57W–57ZY
- New Part 6 (Provisions relating to Local Government (Water Services) Act 2025) in Schedule 1AA, comprising clauses 28–32
- New Schedule 7 (Additional matters relating to regulation of water services), comprising clauses 1–38

In addition the Local Government (Water Services) (Repeals and Amendments) Act 2025 has amended the Commerce Act 1986 as follows:

- s 2 definition of “local authority” amended
- s 52B amended
- s 52C amended (including replacement of definition of “regulated supplier” and insertion of definition of “water services”)
- ss 52F, 52P and 53ZG amended
- ss 75, 76, 87, 87A, 87B, 87C, 91, and 103 amended

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