

EXPOSURE DRAFT

EXPOSURE DRAFT (17/08/2022)

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Inserts for
**Treasury Laws Amendment
(Competition and Consumer Reforms
No.1) Bill 2022: More competition, better
prices**

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Schedule 2	The day after this Act receives the Royal Assent.	

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Schedule 2—Strengthening penalties

Part 1—Amendments to definitions

Competition and Consumer Act 2010

1 Subsection 4(1)

Insert:

adjusted turnover, of a body corporate during a period, means the sum of the values of all the supplies that the body corporate, and any body corporate related to the body corporate, have made, or are likely to make, during the period, other than:

- (a) supplies made from any of those bodies corporate to any other of those bodies corporate; or
- (b) supplies that are input taxed; or
- (c) supplies that are not for consideration (and are not taxable supplies under section 72-5 of the *A New Tax System (Goods and Services Tax) Act 1999*); or
- (d) supplies that are not made in connection with an enterprise that the body corporate carries on; or
- (e) supplies that are not connected with the indirect tax zone.

Expressions used in this definition that are also used in the *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as in that Act.

breach turnover period, of a body corporate, for an offence, a contravention, or an act or omission, means the longer of the following periods:

- (a) the period of 12 months ending at the end of the month in which:
 - (i) for an offence—the body corporate ceased committing the offence, or was charged with the offence (whichever is earlier); or
 - (ii) for a contravention—the contravention ceased, or proceedings in relation to the contravention were instituted (whichever is earlier); or
 - (iii) for an act or omission—the act or omission ceased, or proceedings in relation to the act or omission were instituted (whichever is earlier);

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- (b) the period ending at the same time as the period determined under paragraph (a) and starting:
 - (i) for an offence—at the beginning of the month in which the body corporate committed, or began committing, the offence (as the case requires); or
 - (ii) for a contravention—at the beginning of the month in which the contravention occurred or began occurring (as the case requires); or
 - (iii) for an act or omission—at the beginning of the month in which the act or omission occurred or began occurring (as the case requires).

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1 **Part 2—Amendments to competition provisions**

2 *Competition and Consumer Act 2010*

3 **2 Section 45AB (definition of *annual turnover*)**

4 Repeal the definition.

5 **3 Section 45AE**

6 Omit “paragraph 76(1A)(aa)”, substitute “paragraph 76(1B)(b)”.

7 **4 Paragraph 45AF(3)(a)**

8 Omit “\$10,000,000”, substitute “\$50,000,000”.

9 **5 Paragraph 45AF(3)(c)**

10 Repeal the paragraph, substitute:

- 11 (c) if the court cannot determine the total value of those
12 benefits—30% of the corporation’s adjusted turnover during
13 the breach turnover period for the offence.

14 **6 Paragraph 45AG(3)(a)**

15 Omit “\$10,000,000”, substitute “\$50,000,000”.

16 **7 Paragraph 45AG(3)(c)**

17 Repeal the paragraph, substitute:

- 18 (c) if the court cannot determine the total value of those
19 benefits—30% of the corporation’s adjusted turnover during
20 the breach turnover period for the offence.

21 **8 Section 45AB of Schedule 1 (definition of *annual turnover*)**

22 Repeal the definition.

23 **9 Section 45AE of Schedule 1**

24 Omit “paragraph 76(1A)(aa)”, substitute “paragraph 76(1B)(b)”.

25 **10 Paragraph 45AF(3)(a) of Schedule 1**

26 Omit “\$10,000,000”, substitute “\$50,000,000”.

27 **11 Paragraph 45AF(3)(c) of Schedule 1**

28 Repeal the paragraph, substitute:

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1 (c) if the court cannot determine the total value of those
2 benefits—30% of the corporation’s adjusted turnover during
3 the breach turnover period for the offence.

4 **12 Paragraph 45AG(3)(a) of Schedule 1**

5 Omit “\$10,000,000”, substitute “\$50,000,000”.

6 **13 Paragraph 45AG(3)(c) of Schedule 1**

7 Repeal the paragraph, substitute:

8 (c) if the court cannot determine the total value of those
9 benefits—30% of the corporation’s adjusted turnover during
10 the breach turnover period for the offence.

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1 **Part 3—Amendments to other provisions**

2 *Competition and Consumer Act 2010*

3 **14 Subparagraph 51AE(2A)(a)(iii)**

4 Omit “annual turnover”, substitute “adjusted turnover”.

5 **15 Subsection 51AE(2B)**

6 Omit “paragraph 76(1A)(b)”, substitute “subsection 76(1C)”.

7 **16 Paragraph 56BN(3)(c)**

8 Omit “annual turnover”, substitute “adjusted turnover”.

9 **17 Subsection 56BN(4)**

10 Repeal the subsection.

11 **18 Paragraph 56CC(2)(c)**

12 Omit “annual turnover”, substitute “adjusted turnover”.

13 **19 Subsection 56CC(3)**

14 Repeal the subsection.

15 **20 Paragraph 56EV(2)(c)**

16 Omit “annual turnover”, substitute “adjusted turnover”.

17 **21 Subsection 56EV(3)**

18 Repeal the subsection.

19 **22 Section 57GA**

20 Omit “paragraphs 76(1A)(cc) and (1B)(aac)”, substitute “item 11 of the
21 table in subsection 76(1A)”.

22 **23 Subsections 76(1A) and (1B)**

23 Repeal the subsections, substitute:

24 (1A) The pecuniary penalty payable by a person under subsection (1) is
25 not to exceed the amount worked out using the following table.
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Amount of pecuniary penalty			
Item	For each act or omission to which this section applies that relates to ...	if the person is a body corporate—the pecuniary penalty is not to exceed ...	if the person is not a body corporate—the pecuniary penalty is not to exceed ...
1	section 45AJ or 45AK	the greater of the amounts mentioned in subsection (1B)	\$2,500,000
2	section 45D, 45DB, 45E or 45EA	\$750,000	\$500,000 (see note 1)
3	any provision of Part IV not covered by items 1 and 2 of this table	the greater of the amounts mentioned in subsection (1B)	\$2,500,000 (see note 1)
4	a civil penalty provision of an industry code	the amount set out in the civil penalty provision of the industry code	the amount set out in the civil penalty provision of the industry code
5	a provision of Division 4 of Part IVBA	6,000 penalty units	\$500,000
6	section 52ZC, 52ZH, 52ZS or 52ZZE	the greater of the amounts mentioned in subsection (1B)	\$2,500,000
7	any provision of Part IVBA not covered by items 5 and 6 of this table	600 penalty units	\$500,000
8	section 55B, 60C or 60K	6,471 penalty units	1,295 penalty units
9	subsection 56BO(1) or 56BU(1), section 56CD or a civil penalty provision of the consumer data rules not covered by item 10 of this table	the greater of the amounts mentioned in subsection (1C)	\$500,000
10	a civil penalty provision of the consumer data rules that sets out at its foot a pecuniary penalty indicated by the words “Civil penalty”	the amount of the pecuniary penalty for a body corporate set out at the foot of the provision	the amount of the pecuniary penalty for a person other than a body corporate set out at the foot of the provision
11	a civil penalty provision of Part IVE described by	the number of penalty units for a	the number of penalty units for a

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Amount of pecuniary penalty

Item	For each act or omission to which this section applies that relates to ...	if the person is a body corporate—the pecuniary penalty is not to exceed ...	if the person is not a body corporate—the pecuniary penalty is not to exceed ...
	section 57GA	body corporate set out at the foot of the provision	person other than a body corporate set out at the foot of the provision
12	section 92	\$33,000	\$6,600
13	a provision of Division 2 of Part XICA	the greater of the amounts mentioned in subsection (1B)	\$2,500,000 (see note 2)
14	any other provision to which this section applies	\$10,000,000	\$500,000

1 Note 1: Pecuniary penalties may not be ordered against an individual in
2 relation to contraventions of section 45D, 45DA, 45DB, 45E or 45EA
3 in certain circumstances: see subsection (2).

4 Note 2: Pecuniary penalties may not be ordered against certain individuals in
5 relation to contraventions of section 153E, 153F, 153G or 153H in
6 certain circumstances: see section 153ZD.

7 (1B) For the purposes of items 1, 3, 6 and 13 of the table in
8 subsection (1A), the amounts are as follows:

- 9 (a) \$50,000,000;
- 10 (b) if item 1 or 13 of the table applies, and the Court can
11 determine the total value of the benefits that have been
12 obtained (within the meaning of Division 1 of Part IV) by
13 one or more persons and that are reasonably attributable to
14 the act or omission—3 times that total value;
- 15 (c) if item 3 or 6 of the table applies, and the Court can
16 determine the value of the benefit that the body corporate,
17 and any body corporate related to the body corporate, have
18 obtained directly or indirectly and that is reasonably
19 attributable to the act or omission—3 times the value of that
20 benefit;
- 21 (d) if the Court cannot determine the value of those benefits or
22 that benefit—30% of the body corporate's adjusted turnover
23 during the breach turnover period for the act or omission.

24 (1C) For the purposes of item 9 of the table in subsection (1A), the
25 amounts are as follows:

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- 1 (a) \$10,000,000;
- 2 (b) if the Court can determine the value of the benefit that the
- 3 body corporate, and any body corporate related to the body
- 4 corporate, have obtained directly or indirectly and that is
- 5 reasonably attributable to the act or omission—3 times the
- 6 value of that benefit;
- 7 (c) if the Court cannot determine the value of that benefit—10%
- 8 of the body corporate’s adjusted turnover during the
- 9 12-month period ending at the end of the month in which the
- 10 act or omission occurred or started to occur.

24 Subsection 76(4)

11

12 Omit “paragraphs (1A)(aa), (a) and (b)”, substitute “items 1, 2 and 3 of

13 the table in subsection (1A)”.

25 Subsections 76(5) and (6)

14

15 Repeal the subsections.

26 Paragraph 151BX(3)(a)

16

17 After “for each contravention”, insert “, the greater of the following”.

27 Subparagraphs 151BX(3)(a)(i) and (ii)

18

19 Repeal the subparagraphs, substitute:

- 20 (i) if the contravention continued for 21 days or fewer—the
- 21 sum of \$50 million and \$1 million for each day that the
- 22 contravention continued;
- 23 (ii) if the contravention continued for more than 21 days—
- 24 the sum of \$71 million and \$3 million for each day in
- 25 excess of 21 that the contravention continued;
- 26 (iii) 30% of the body corporate’s adjusted turnover during
- 27 the breach turnover period for the contravention; or

28 Paragraph 151BX(4)(b)

28

29 Omit “\$500,000”, substitute “\$2.5 million”.

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1 **Part 4—Amendments to the Australian Consumer**
2 **Law**

3 *Competition and Consumer Act 2010*

4 **29 Subsection 2(1) of Schedule 2**

5 Insert:

6 *adjusted turnover*, of a body corporate during a period, means the
7 sum of the values of all the supplies that the body corporate, and
8 any body corporate related to the body corporate, have made, or
9 are likely to make, during the period, other than:

- 10 (a) supplies made from any of those bodies corporate to any
11 other of those bodies corporate; or
12 (b) supplies that are input taxed; or
13 (c) supplies that are not for consideration (and are not taxable
14 supplies under section 72-5 of the *A New Tax System (Goods*
15 *and Services Tax) Act 1999*); or
16 (d) supplies that are not made in connection with an enterprise
17 that the body corporate carries on; or
18 (e) supplies that are not connected with the indirect tax zone.

19 Expressions used in this definition that are also used in the *A New*
20 *Tax System (Goods and Services Tax) Act 1999* have the same
21 meaning as in that Act.

22 **30 Subsection 2(1) of Schedule 2 (definition of *annual***
23 ***turnover*)**

24 Repeal the definition.

25 **31 Section 2(1) of Schedule 2**

26 Insert:

27 *breach turnover period*, of a body corporate, for an offence or an
28 act or omission, means the longer of the following periods:

- 29 (a) the period of 12 months ending at the end of the month in
30 which:
31 (i) for an offence—the body corporate ceased committing
32 the offence, or was charged with the offence (whichever
33 is earlier); or

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- 1 (ii) for an act or omission—the act or omission ceased, or
2 proceedings in relation to the act or omission were
3 instituted (whichever is earlier);
4 (b) the period ending at the same time as the period determined
5 under paragraph (a) and starting:
6 (i) for an offence—at the beginning of the month in which
7 the body corporate committed, or began committing, the
8 offence (as the case requires); or
9 (ii) for an act or omission—at the beginning of the month in
10 which the act or omission occurred or began occurring
11 (as the case requires).

12 **32 Paragraph 151(5)(a) of Schedule 2**

13 Omit “\$10,000,000”, substitute “\$50,000,000”.

14 **33 Paragraph 151(5)(c) of Schedule 2**

15 Repeal the paragraph, substitute:

- 16 (c) if the court cannot determine the value of that benefit—30%
17 of the body corporate’s adjusted turnover during the breach
18 turnover period for the offence.

19 **34 Subsection 151(6) of Schedule 2**

20 Omit “\$500,000”, substitute “\$2,500,000”.

21 **35 Paragraph 152(2A)(a) of Schedule 2**

22 Omit “\$10,000,000”, substitute “\$50,000,000”.

23 **36 Paragraph 152(2A)(c) of Schedule 2**

24 Repeal the paragraph, substitute:

- 25 (c) if the court cannot determine the value of that benefit—30%
26 of the body corporate’s adjusted turnover during the breach
27 turnover period for the offence.

28 **37 Subsection 152(2B) of Schedule 2**

29 Omit “\$500,000”, substitute “\$2,500,000”.

30 **38 Paragraph 153(3)(a) of Schedule 2**

31 Omit “\$10,000,000”, substitute “\$50,000,000”.

32 **39 Paragraph 153(3)(c) of Schedule 2**

33 Repeal the paragraph, substitute:

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1 (c) if the court cannot determine the value of that benefit—30%
2 of the body corporate’s adjusted turnover during the breach
3 turnover period for the offence.

4 **40 Subsection 153(4) of Schedule 2**

5 Omit “\$500,000”, substitute “\$2,500,000”.

6 **41 Paragraph 154(5A)(a) of Schedule 2**

7 Omit “\$10,000,000”, substitute “\$50,000,000”.

8 **42 Paragraph 154(5A)(c) of Schedule 2**

9 Repeal the paragraph, substitute:

10 (c) if the court cannot determine the value of that benefit—30%
11 of the body corporate’s adjusted turnover during the breach
12 turnover period for the offence.

13 **43 Subsection 154(5B) of Schedule 2**

14 Omit “\$500,000”, substitute “\$2,500,000”.

15 **44 Paragraph 155(3)(a) of Schedule 2**

16 Omit “\$10,000,000”, substitute “\$50,000,000”.

17 **45 Paragraph 155(3)(c) of Schedule 2**

18 Repeal the paragraph, substitute:

19 (c) if the court cannot determine the value of that benefit—30%
20 of the body corporate’s adjusted turnover during the breach
21 turnover period for the offence.

22 **46 Subsection 155(4) of Schedule 2**

23 Omit “\$500,000”, substitute “\$2,500,000”.

24 **47 Paragraph 156(3)(a) of Schedule 2**

25 Omit “\$10,000,000”, substitute “\$50,000,000”.

26 **48 Paragraph 156(3)(c) of Schedule 2**

27 Repeal the paragraph, substitute:

28 (c) if the court cannot determine the value of that benefit—30%
29 of the body corporate’s adjusted turnover during the breach
30 turnover period for the offence.

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1 **49 Subsection 156(4) of Schedule 2**

2 Omit “\$500,000”, substitute “\$2,500,000”.

3 **50 Paragraph 157(3A)(a) of Schedule 2**

4 Omit “\$10,000,000”, substitute “\$50,000,000”.

5 **51 Paragraph 157(3A)(c) of Schedule 2**

6 Repeal the paragraph, substitute:

7 (c) if the court cannot determine the value of that benefit—30%
8 of the body corporate’s adjusted turnover during the breach
9 turnover period for the offence.

10 **52 Subsection 157(3B) of Schedule 2**

11 Omit “\$500,000”, substitute “\$2,500,000”.

12 **53 Paragraph 158(10A)(a) of Schedule 2**

13 Omit “\$10,000,000”, substitute “\$50,000,000”.

14 **54 Paragraph 158(10A)(c) of Schedule 2**

15 Repeal the paragraph, substitute:

16 (c) if the court cannot determine the value of that benefit—30%
17 of the body corporate’s adjusted turnover during the breach
18 turnover period for the offence.

19 **55 Subsection 158(10B) of Schedule 2**

20 Omit “\$500,000”, substitute “\$2,500,000”.

21 **56 Paragraph 159(4)(a) of Schedule 2**

22 Omit “\$10,000,000”, substitute “\$50,000,000”.

23 **57 Paragraph 159(4)(c) of Schedule 2**

24 Repeal the paragraph, substitute:

25 (c) if the court cannot determine the value of that benefit—30%
26 of the body corporate’s adjusted turnover during the breach
27 turnover period for the offence.

28 **58 Subsection 159(5) of Schedule 2**

29 Omit “\$500,000”, substitute “\$2,500,000”.

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1 **59 Paragraph 161(7)(a) of Schedule 2**

2 Omit “\$10,000,000”, substitute “\$50,000,000”.

3 **60 Paragraph 161(7)(c) of Schedule 2**

4 Repeal the paragraph, substitute:

- 5 (c) if the court cannot determine the value of that benefit—30%
6 of the body corporate’s adjusted turnover during the breach
7 turnover period for the offence.

8 **61 Subsection 161(8) of Schedule 2**

9 Omit “\$500,000”, substitute “\$2,500,000”.

10 **62 Paragraph 162(6)(a) of Schedule 2**

11 Omit “\$10,000,000”, substitute “\$50,000,000”.

12 **63 Paragraph 162(6)(c) of Schedule 2**

13 Repeal the paragraph, substitute:

- 14 (c) if the court cannot determine the value of that benefit—30%
15 of the body corporate’s adjusted turnover during the breach
16 turnover period for the offence.

17 **64 Subsection 162(7) of Schedule 2**

18 Omit “\$500,000”, substitute “\$2,500,000”.

19 **65 Paragraph 163(5A)(a) of Schedule 2**

20 Omit “\$10,000,000”, substitute “\$50,000,000”.

21 **66 Paragraph 163(5A)(c) of Schedule 2**

22 Repeal the paragraph, substitute:

- 23 (c) if the court cannot determine the value of that benefit—30%
24 of the body corporate’s adjusted turnover during the breach
25 turnover period for the offence.

26 **67 Subsection 163(5B) of Schedule 2**

27 Omit “\$500,000”, substitute “\$2,500,000”.

28 **68 Paragraph 164(4)(a) of Schedule 2**

29 Omit “\$10,000,000”, substitute “\$50,000,000”.

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1 **69 Paragraph 164(4)(c) of Schedule 2**

2 Repeal the paragraph, substitute:

- 3 (c) if the court cannot determine the value of that benefit—30%
4 of the body corporate’s adjusted turnover during the breach
5 turnover period for the offence.

6 **70 Subsection 164(5) of Schedule 2**

7 Omit “\$500,000”, substitute “\$2,500,000”.

8 **71 Paragraph 166(8)(a) of Schedule 2**

9 Omit “\$10,000,000”, substitute “\$50,000,000”.

10 **72 Paragraph 166(8)(c) of Schedule 2**

11 Repeal the paragraph, substitute:

- 12 (c) if the court cannot determine the value of that benefit—30%
13 of the body corporate’s adjusted turnover during the breach
14 turnover period for the offence.

15 **73 Subsection 166(9) of Schedule 2**

16 Omit “\$500,000”, substitute “\$2,500,000”.

17 **74 Paragraph 167(3)(a) of Schedule 2**

18 Omit “\$10,000,000”, substitute “\$50,000,000”.

19 **75 Paragraph 167(3)(c) of Schedule 2**

20 Repeal the paragraph, substitute:

- 21 (c) if the court cannot determine the value of that benefit—30%
22 of the body corporate’s adjusted turnover during the breach
23 turnover period for the offence.

24 **76 Subsection 167(4) of Schedule 2**

25 Omit “\$500,000”, substitute “\$2,500,000”.

26 **77 Paragraph 168(2A)(a) of Schedule 2**

27 Omit “\$10,000,000”, substitute “\$50,000,000”.

28 **78 Paragraph 168(2A)(c) of Schedule 2**

29 Repeal the paragraph, substitute:

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1 (c) if the court cannot determine the value of that benefit—30%
2 of the body corporate’s adjusted turnover during the breach
3 turnover period for the offence.

4 **79 Subsection 168(2B) of Schedule 2**

5 Omit “\$500,000”, substitute “\$2,500,000”.

6 **80 Paragraph 194(8)(a) of Schedule 2**

7 Omit “\$10,000,000”, substitute “\$50,000,000”.

8 **81 Paragraph 194(8)(c) of Schedule 2**

9 Repeal the paragraph, substitute:

10 (c) if the court cannot determine the value of that benefit—30%
11 of the body corporate’s adjusted turnover during the breach
12 turnover period for the offence.

13 **82 Subsection 194(9) of Schedule 2**

14 Omit “\$500,000”, substitute “\$2,500,000”.

15 **83 Paragraph 195(4)(a) of Schedule 2**

16 Omit “\$10,000,000”, substitute “\$50,000,000”.

17 **84 Paragraph 195(4)(c) of Schedule 2**

18 Repeal the paragraph, substitute:

19 (c) if the court cannot determine the value of that benefit—30%
20 of the body corporate’s adjusted turnover during the breach
21 turnover period for the offence.

22 **85 Subsection 195(5) of Schedule 2**

23 Omit “\$500,000”, substitute “\$2,500,000”.

24 **86 Paragraph 197(8)(a) of Schedule 2**

25 Omit “\$10,000,000”, substitute “\$50,000,000”.

26 **87 Paragraph 197(8)(c) of Schedule 2**

27 Repeal the paragraph, substitute:

28 (c) if the court cannot determine the value of that benefit—30%
29 of the body corporate’s adjusted turnover during the breach
30 turnover period for the offence.

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1 **88 Subsection 197(9) of Schedule 2**

2 Omit “\$500,000”, substitute “\$2,500,000”.

3 **89 Paragraph 198(4)(a) of Schedule 2**

4 Omit “\$10,000,000”, substitute “\$50,000,000”.

5 **90 Paragraph 198(4)(c) of Schedule 2**

6 Repeal the paragraph, substitute:

7 (c) if the court cannot determine the value of that benefit—30%
8 of the body corporate’s adjusted turnover during the breach
9 turnover period for the offence.

10 **91 Subsection 198(5) of Schedule 2**

11 Omit “\$500,000”, substitute “\$2,500,000”.

12 **92 Paragraph 199(4)(a) of Schedule 2**

13 Omit “\$10,000,000”, substitute “\$50,000,000”.

14 **93 Paragraph 199(4)(c) of Schedule 2**

15 Repeal the paragraph, substitute:

16 (c) if the court cannot determine the value of that benefit—30%
17 of the body corporate’s adjusted turnover during the breach
18 turnover period for the offence.

19 **94 Subsection 199(5) of Schedule 2**

20 Omit “\$500,000”, substitute “\$2,500,000”.

21 **95 Paragraph 203(9)(a) of Schedule 2**

22 Omit “\$10,000,000”, substitute “\$50,000,000”.

23 **96 Paragraph 203(9)(c) of Schedule 2**

24 Repeal the paragraph, substitute:

25 (c) if the court cannot determine the value of that benefit—30%
26 of the body corporate’s adjusted turnover during the breach
27 turnover period for the offence.

28 **97 Subsection 203(10) of Schedule 2**

29 Omit “\$500,000”, substitute “\$2,500,000”.

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98 Paragraph 204(4)(a) of Schedule 2

Omit “\$10,000,000”, substitute “\$50,000,000”.

99 Paragraph 204(4)(c) of Schedule 2

Repeal the paragraph, substitute:

- (c) if the court cannot determine the value of that benefit—30% of the body corporate’s adjusted turnover during the breach turnover period for the offence.

100 Subsection 204(5) of Schedule 2

Omit “\$500,000”, substitute “\$2,500,000”.

101 Subsection 224(3) of Schedule 2 (table)

Repeal the table, substitute:

Amount of pecuniary penalty

Item	For each act or omission to which this section applies that relates to ...	if the person is a body corporate—the pecuniary penalty is not to exceed ...	if the person is not a body corporate—the pecuniary penalty is not to exceed ...
1	a provision of Part 2-2	the greater of the amounts mentioned in subsection (3A)	\$2,500,000
2	a provision of Part 3-1 (other than section 47(1))	the greater of the amounts mentioned in subsection (3A)	\$2,500,000
3	section 47(1)	\$5,000	\$1,000
4	section 66(2)	\$50,000	\$10,000
5	a provision of Division 2 of Part 3-2 (other than section 85)	\$50,000	\$10,000
6	a provision of Division 3 of Part 3-2 (other than section 96(2))	\$30,000	\$6,000
6A	section 99B(1), 99C, 99D(1), 99E or 99F(2)	\$30,000	\$6,000
7	section 100(1) or (3) or 101(3) or (4)	\$15,000	\$3,000

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Amount of pecuniary penalty			
Item	For each act or omission to which this section applies that relates to ...	if the person is a body corporate—the pecuniary penalty is not to exceed ...	if the person is not a body corporate—the pecuniary penalty is not to exceed ...
8	section 102(2) or 103(2)	\$50,000	\$10,000
9	section 106(1), (2), (3) or (5), 107(1) or (2), 118(1), (2), (3) or (5) or 119(1) or (2)	the greater of the amounts mentioned in subsection (3A)	\$2,500,000
10	section 125(4)	\$16,500	\$3,300
11	section 127(1) or (2)	the greater of the amounts mentioned in subsection (3A)	\$2,500,000
12	section 128(2) or (6), 131(1) or 132(1)	\$16,500	\$3,300
13	section 136(1), (2) or (3) or 137(1) or (2)	the greater of the amounts mentioned in subsection (3A)	\$2,500,000
14	section 221(1)	\$16,500	\$3,300
15	section 222(1)	\$27,500	\$5,500

1 **102 Paragraph 224(3A)(a) of Schedule 2**

2 Omit “\$10,000,000”, substitute “\$50,000,000”.

3 **103 Paragraph 224(3A)(c) of Schedule 2**

4 Repeal the paragraph, substitute:

5 (c) if the court cannot determine the value of that benefit—30%
6 of the body corporate’s adjusted turnover during the breach
7 turnover period for the act or omission.

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1 **Part 5—Application provisions**

2 *Competition and Consumer Act 2010*

3 **104 Application of amendments in Parts 1 and 3**

4 The amendments made by Parts 1 and 3 of this Schedule apply in
5 relation to:

6 (a) offences committed; or

7 (b) contraventions, or acts or omissions, that occurred;

8 on or after the commencement of this Schedule.

9 **105 In the appropriate position in Part XIII**

10 Insert:

11 **Division 5—Application of amendments made by the**
12 **Treasury Laws Amendment (Competition and**
13 **Consumer Reforms No.1) Act 2022**

14 **187 Application of amendments**

15 The amendments made by Part 2 of Schedule 2 to the *Treasury*
16 *Laws Amendment (Competition and Consumer Reforms No.1) Act*
17 *2022* apply in relation to offences committed on or after the
18 commencement of that Schedule.

19 **106 In the appropriate position in Chapter 6 of Schedule 2**

20 Insert:

21 **Part 7—Application provision relating to the**
22 **Treasury Laws Amendment (Competition**
23 **and Consumer Reforms No.1) Act 2022**
24

25 **304 Application of amendments relating to penalties**

26 The amendments made by Part 4 of Schedule 2 to the *Treasury*
27 *Laws Amendment (Competition and Consumer Reforms No.1) Act*
28 *2022* apply in relation to offences committed, or acts or omissions
29 that occurred, on or after the commencement of that Schedule.