

Answer to question in writing:

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

**INQUIRY INTO THE IMPLICATIONS OF COMMON OWNERSHIP AND CAPITAL CONCENTRATION
IN AUSTRALIA**

CO-ACCC04QW Question 1:

The current application for merger authorisation fee is \$25,000. I am interested in how this has changed over time. Could you please give me a sense of what this fee has been over the past 20 years? The ideal data would be the merger application fee in every year since 2000, but if this is too time-consuming, then occasional data would be sufficient.

Answer:

In the period prior to 2007, the fee for Merger Authorisation applications was \$15,000 and was payable to the ACCC.

In January 2007 the Trade Practices Legislation Amendment Act (No.1) 2006 came into effect. This resulted in amendments to the Trade Practices Act 1974 including that merger authorisation applications had to be made directly to the Australian Competition Tribunal. This change was one of a range of reforms introduced in response to the Dawson review of competition policy which was released in 2003. From January 2007 applications needed to be made to the Australian Competition Tribunal in the first instance and the fee, payable to the Tribunal was set at \$25,000.

In November 2017, legislation was passed in response to recommendations made by the Harper Competition Policy Review and resulted in the ACCC again being made the first instance decision maker for merger authorisation applications. The fee remained set at \$25,000 and payable to the ACCC.

CO-ACCC04QW Question 2:

How many full time equivalent staff currently work in the ACCC’s “Merger Investigations” section, and how has this has changed over time? Could you please give me a sense of what the staff numbers in this section have been over the past 20 years? The ideal data would be the staff numbers in every year since 2000, but if this is too time-consuming, then occasional data would be sufficient.

Answer:

The ACCC can provide the following estimates of staff working on Merger Investigations. We do not have readily available records for full time staff for the earlier years, but have some point in time estimates.

We have included in these staff numbers those staff working across the range of merger assessment stages from the pre-assessment ‘triage’ phase through to the public review phases.

We note that there are lawyers and economists in the ACCC Specialist Advice and Services Division who assist on merger matters where indicated. We have not counted these employees.

There is a degree of flexibility and movement of employees between areas of the ACCC, such that employees from other areas will assist on merger matters from time-to-time and vice-versa. We have not adjusted for these flexible arrangements unless we have a record of them.

Period	Estimated FTE
September 2005 ¹	~32.8
June 2007 ¹	~48.8
December 2008 ¹	~46.8
2009-10	~47.7
2010-11	~46.2
2011-12	~40.3
2012-13	~41.4
2013-14	~38.1
2014-15	~33.2
2015-16	~36.5
2016-17	~37.6
2017-18	~45.7
2018-19	~49.5
2019-20	~52.5
2020-21	~50.0

Notes

¹ These estimates were based on branch organisation charts contained in quarter end internal reports

For the financial years 2009-10 to 2020-21 estimates are based on ASL data.

CO-ACCC04QW Question 3:

How has the volume (in numbers and dollars) of mergers in Australia changed over recent decades? I am aware of the data published by the IMAA at <https://imaa-institute.org/m-and-a-statistics-countries/#Mergers-Acquisitions-Australia>. Does the ACCC consider this reliable, or does it have its own data?

Answer:

The ACCC's focus is on mergers that may substantially lessen competition. While we become aware of a significant number of transactions via merger parties notifying us directly, via FIRB and our own monitoring, we do not have oversight of the total volume of mergers and acquisitions (in dollars or number) that occur in Australia and are therefore not able to comment on the accuracy of the data published by the IMAA. We can however say that we are currently experiencing a significant increase merger notifications.