



---

## Inquiry into the Competition and Consumer (Price Signalling) Amendment Bill 2010

The House of Representatives Economics Committee will examine the Competition and Consumer (Price Signalling) Amendment Bill 2010. This is a Private Member's Bill and was introduced by the Shadow Minister for Small Business, Competition Policy and Consumer Affairs, Bruce Billson (Member for Dunkley, VIC).

This Bill seeks to establish a new head of power under which the Australian Competition and Consumer Commission (ACCC) would be able to investigate and seek penalties for 'price signalling' that produces anti-competitive effects in the Australian market to the detriment of consumers.

This Bill creates a new provision to make anti-competitive 'price signalling' unlawful. It is designed to operate within the framework of the *Trade Practices Act (1974)* (to become the *Competition and Consumer Act 2010* after 1 January 2011) and to respond to repeated calls from the ACCC for Parliament to address a deficiency in Australia's competition laws.

The Bill aims to:

- make it possible for a Court to infer that the purpose of communication by a corporation about price-related information was to encourage a rival to vary a price having considered the evidence, conduct of the parties involved and relevant circumstances;
- define key terms relevant to the operation of the provisions and where necessary, provides further clarity for terms defined more generally in the *Trade Practices Act*, for the purposes of avoiding uncertainty about the new head of power for the ACCC; and
- provide for the ACCC to receive, consider and grant an authorisation for conduct that may offend the price signalling prohibition, where the Commission is satisfied that the public benefit of authorised conduct outweighs the likely detriment to the public constituted by any lessening of competition.

The committee is keen to hear from consumer groups, business associations, academia, government departments and individuals. **The committee will accept submissions, preferably by email, until Friday, 28 January 2011.** The Committee has been asked to report by May 2011.

Further details about the inquiry, including how to make a submission, can be obtained from the committee's website at [www.aph.gov.au/economics](http://www.aph.gov.au/economics) or by contacting the committee secretariat on (02) 6277 4453 or emailing [economics.reps@aph.gov.au](mailto:economics.reps@aph.gov.au)

**For media comment:** please contact the Committee Chair, Mr Craig Thomson MP, on (02) 4351 1223 (Electorate Office) or (02) 6277 4460 Parliament House