

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

29 May – 31 May 2012

Question: BET 355-356

Topic: Competiveness in the Finance Industry

Hansard Page: Written

Senator RHIANNON asked:

355. A recent media report¹ cited Barry Lambert of financial planning group Count, owned by the Commonwealth Bank, accusing BT Financial Group of 'unsporting behaviour' and breaking an 'unwritten code' of not competing. Have you ascertained whether the report is correct, and if so what action will you take?
356. Do you think such unwritten codes exist in other aspects of the finance, or other industry?
- a) What can you do about them?

¹ *Australian Financial Review*, 28 May 2012.

Answer:

355: The ACCC is aware of reports of Mr Lambert's statements however, the ACCC does not comment on whether or not any particular matter is under investigation in accordance with its established policy.

356: The ACCC is not currently aware of any other unwritten non-compete codes.

When the ACCC becomes aware of alleged anti-competitive conduct it has a number of tools at its disposal to ensure compliance with the *Competition and Consumer Act 2012*.

Depending on the circumstances, the ACCC may take one of the following actions:

- enforcement of the law, including resolution of possible contraventions both administratively and by litigation
- encouraging compliance with the law through education and informing consumers and businesses about their rights and responsibilities under the CCA and
- working with other agencies to implement these strategies.

The ACCC's Compliance and Enforcement Policy sets out the principles adopted by the ACCC to achieve compliance with the law, and outlines the ACCC's enforcement powers, functions, priorities, strategies and regime. It is available from the ACCC's website at <http://www.accc.gov.au/content/index.phtml/itemId/344494>.