

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2016 - 2017

Department/Agency: ACCC
Question: BET 297-299
Topic: Resourcing for litigation
Reference: Hansard page no. 126-127 - 06 May 2016
Senator: Chris Ketter

Question:

297. What resources are currently allocated for ACCC to take on conduct by big business that adversely impacts on small businesses in the courts?
298. Are the opportunities to take on court proceedings limited by availability of ACCC resources?
299. Are small businesses less likely to utilise the court system with regard to competition and market access cases because of the costs involved?

Answer:

297. The ACCC does not have specific resources allocated to it to take on conduct by big business that adversely impacts on small business per se. The ACCC has specific resources dedicated towards education and compliance initiatives specifically developed to assist small businesses. The ACCC has received specific funding to examine competition and unfair trading issues in agricultural supply chains with a view to improving enforcement and compliance.

The ACCC prioritises its work in line with its Compliance and Enforcement Policy. The Compliance and Enforcement Policy outlines the factors and areas it will consider when determining whether to take on a matter. Many of these factors and areas relate to the conduct of big business causing small business detriment. Conduct that adversely impacts small business is a stated priority factor that the ACCC considers when pursuing enforcement action.

298. The ACCC manages its functions within its resource allocation. Refer to the response provided in question 296.
299. That has always been an issue with small business and consumers—that it is very difficult to access the court system if you are facing a large company that is well resourced. Different states have different processes for dealing with this – for example, complaint tribunals. Access to justice and to remedies is mainly a policy issue for Treasury and related policy departments.

The Competition Policy Review's Final Report examined these issues and found (pp10-11):

... small business needs greater assurance that competition complaints can be dealt with. The ACCC can play an important role in connecting small business to alternative dispute resolution services.