

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates 25-26 February 2009

Question: aet 17

Topic: Breaches of the Trade Practices Act

Hansard Page: Written

Senator ABETZ asked:

1. Does the ACCC have an established step by step process for investigating alleged breaches of the TPA and reaching a decision to prosecute an alleged breach? What is the step by step process? Has that step by step process ever been ignored or circumvented in any investigation and decision to prosecute?

Answer:

Usually an ACCC investigation commences with a complaint to the ACCC, often via the ACCC Infocentre. A preliminary assessment is made as to whether the complaint warrants further investigation. Where it is considered that further investigation is warranted, ACCC investigation staff gather relevant material from the parties concerned and others with relevant information.

The ACCC has internal governance mechanisms to supervise ACCC investigations. The Enforcement Committee, comprised of Commissioners and senior staff, considers recommendations from investigators, and provides input in relation to more significant aspects of investigations. The Commission considers recommendations to institute proceedings and makes such decisions at meetings of the Commission held in accordance with section 18 of the TPA.

The ACCC is not aware of its investigation and decision making processes being ignored or circumvented.