

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

23 – 24 February 2011

Question No: AET 30

Topic: ACCC – REPORTS OF ANTI-COMPETITIVE CONDUCT

Hansard Page: Written

Senator Ryan asked:

How many reports of anti-competitive conduct has the ACCC received under the following sections of the TPA in 2008, 2009 and 2010?:

- Cartel conduct (ss. 44ZZRF, 44ZZRG, 44ZZRJ and 44ZZRK)
- Price fixing (ss. 44ZZRF, 44ZZRG, 44ZZRJ and 44ZZRK)
- Anti-competitive agreements (s. 45)
- Misuse of market power (s46)
- Predatory pricing (s46(1) and s46(1AAA))
- Exclusive dealing and third line forcing (s47)
- Resale price maintenance (s.48)

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Answer:

The following outlines complaints received by the ACCC in relation to allegations of anti-competitive conduct for the nominated financial year:

Provisions	2008–09	2009–10
Cartel conduct - Pt IV Division 1 (including s. 44ZZRF, 44ZZRG, 44ZZRJ and 44ZZRK)* and sections 45, 45A/4D	126	163
Section 45 (substantial lessening of competition)	256	269
Section 46 (misuse of market power)**	247	544
Section 46 (predatory pricing)**	83	232
Section 47 (third line forcing)	193	209
Section 48 (resale price maintenance)	72	84

*note: the amendments to the cartel provisions of the Act commenced on 24 July 2009, therefore the Part IV Div 1 provisions are only applicable to 2009–10. Complaints relating to cartel conduct under section 45 (45A/4D) are included for completeness.

**note: the increase in section 46 and predatory pricing complaints over the 2008–09 to 2009–10 period can largely be attributed to complaints made about a particular matter.