

**Senate Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Treasury Portfolio**  
Budget Estimates, 1 to 4 June 2004

**Question: Bud 18**

**Topic:** ACCC – Section 45, Part IV and Part V cases

**Hansard Page:** E8

Senator Brandis asked:

Are you able to tell us about section 45 and section 46 cases?

**Mr Cassidy**—I certainly can tell you about section 46 cases—that is something you and the committee have asked about previously. Currently, we have three what we call serious section 46 investigations under way. Last time you asked me about this I reported eight—that was at the last Senate estimates hearing. Our figure currently is three. We have four section 46 cases in court at the moment, including the Safeway case in which we are currently seeking leave to appeal to the High Court.  
...

**CHAIR**—And you will take on notice those same issues in relation to the section 45 cases, other part IV cases and part V cases?

**Mr Cassidy**—Yes.

Answer:

The number of cases and investigations for section 45 matters as at 23 June 2004 is as follows:

- Investigations
  - 64 matters in varying stages of investigation.
- Cases
  - 13 cases before the courts with one judgement pending.

The responses to questions Bud 17 and Bud 68 provide further information on litigation figures.