

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates, 1 to 4 June 2004.

Question: Bud 68

Topic: Litigation Activity

Hansard Page: Written Question on Notice

Senator Conroy asked:

How many Part IV, Part IVA and Part V cases has the ACCC commenced in financial year 2003/2004?

How many Part IV, Part IVA and Part V cases or investigations have been terminated by the ACCC in financial year 2003/2004?

How many Part IV, Part IVA and Part V cases did the ACCC commence in the 2001/2002 and 2002/2003 financial years?

How many Part IV, Part IVA and Part V cases or investigations have been terminated by the ACCC in 2001/2002 and 2002/2003 financial years?

Answer:

The table below lists enforcement projects commenced and closed by Part of the Act by financial year.

Please note the information in the footnotes.

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Treasury Portfolio

Budget Estimates, 1 to 4 June 2004

ACCC Enforcement Projects by Conduct and Financial Year

1 July 2003 to 22 June 2004

	2001-2002 ¹		2002-2003		2003-2004	
	Commenced ³	Closed ⁴	Commenced	Closed	Commenced	Closed
Actual number of projects²	1121	1185	675	809	603	807
Relevant parts of the Trade Practices Act⁵						
IV – Restrictive Trade Practices	417	331	337	422	211	409
IVA – Unconscionable Conduct	126	98	92	112	71	118
V – Consumer Protection	1170	1139	689	786	673	920
V-1A – Product Safety	39	42	35	34	38	43
V-1AAA - Pyramid Selling	6	2	4	6	4	8
V-2 – Conditions and Warranties	11	9	8	9	5	8
V-2A – Actions against Manufacturers of Imported Goods	2	4	3	2	2	2
VA – Liability of Manufacturers of Imported Goods	2	1	2	2	2	3
VB – Price Exploitation	133	270	11	59	5	30
VC – Criminal Offences	1	0	2	1	4	4

¹ Some projects commenced in any given financial year may relate to complaints received in the previous financial year.

² The figure in this row represents the actual number of enforcement investigations undertaken by the ACCC during that particular financial year, but may relate to complaints received in the previous financial year. This figure includes matters in litigation, awaiting judgement and after litigation follow-up.

³ These figures include all enforcement projects related to the ACCC's responsibilities arising out of Part VB and the introduction of the New Tax System. Although the majority of GST related complaints were received in or before the 2001/2002 financial year, complaints relating to GST pricing issues continue to arise. Projects arising out of these complaints are listed under Part VB, but may also be included in the Part V category as misleading or deceptive conduct or misrepresentations relating to price.

⁴ Projects are closed for various reasons, including resolution of the issue, insufficient evidence to sustain a breach or matters that have progressed to litigation and have been resolved by the Court. Includes projects related to complaints received before the start of the particular financial year.

⁵ Many enforcement projects undertaken by the ACCC might fall for consideration under more than one Part of the Act.