

**Senate Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates 29, 30 & 31 May 2007

**Question: bet 46 (ACCC)**

**Topic: Section 51AC Case**

**Hansard Page: E53/54**

**Senator JOYCE asked:**

**Senator JOYCE**—When was the last section 51AC case that you pursued? Or have you already given the reason why you do not pursue more, that is, the gamut of the law is not sufficient enough for you to do it?

When was the last time you pursued a section 51AC case and why do you not pursue more? Section 51AC, for those who have just tuned in, is unconscionable conduct—for the viewers at home.

**Mr Cassidy**—We have one case in court at the moment on appeal, the Dataline case. Prior to that the Cleanaway is probably the next most recent. I am sorry, I cannot give you dates.

**Senator JOYCE**—How long ago was the Cleanaway case, for the purpose of the *Hansard*?

**Mr Cassidy**—That is what I am saying, I do not know that I can give you a date. Can I take that on notice?

**Answer:**

The ACCC proceedings against BIS Cleanaway Limited, formerly Brambles Australia Ltd concluded on 11 September 2006. The Federal Court of Australia declared that BIS Cleanaway Limited had engaged in misleading conduct and unconscionable conduct relating to waste collection services in Rockhampton.