

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio (ACCC)

Budget Estimates, 22 June 2009

Question: bet 176

Topic: Birdsville Amendment

Hansard Page: E6

Senator Joyce asked:

Senator JOYCE—Have you had any other piece of legislation where it has taken around about two years to get the guidelines out?

Mr Cassidy—I daresay we probably have but again, off the top of my head, I could not tell you.

Senator JOYCE—Can you take that on notice?

Mr Cassidy—Let me take that on notice.

Senator JOYCE—Is there any other piece of legislation where it has taken this long to get the guidelines out?

Mr Cassidy—Yes. We will take that on notice for you.

Senator JOYCE—Have you got any others that have taken a while that you can recollect?

Mr Cassidy—I am afraid you are testing my memory. Perhaps we could take that on notice. We could roll that whole question together for you and give you an answer which covers both, in a sense, no guidelines or where it has taken us a while to get guidelines out.

Answer:

In carrying out its roles and functions the ACCC provides guidance in various forms, including by way of speeches, publications and information on its website.

The ACCC does not have any specific guidelines in relation to misuse of market power or predatory pricing.

In relation to ACCC guidance on other amendments to the TPA while existing publications will generally be updated, the ACCC does not issue specific detailed guidance on each and every amendment, for example the amendments to section 47(6) and the introduction of search warrant powers in Part XID of the TPA, which were effective from 1 January 2007. Similarly, the ACCC has not issued specific detailed guidance on the amendments to the TPA pyramid selling provisions, which commenced in December 2002.

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It does publish guidance in more general publications and outreach material, such as its 2008 publication *Small Business and the Trade Practices Act* which provides generic guidance on the TPA and predatory pricing. Further information on predatory pricing including information specific to section 46(1AA) is also available on the ACCC website. Guidance on predatory pricing and small business has also been disseminated through the ACCC's Small Business Consultative Committee.

Where amendments to the TPA are made, they are generally picked up in updates to broader ACCC publications relating to the TPA and small businesses, the TPA and consumers, as well as the ACCC's summary of the TPA.