

CHAPTER 1

TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005

Introduction

1.1 The Trade Practices Legislation Amendment Bill (No. 1) 2005 was introduced into the House of Representatives on 17 February 2005 by the Parliamentary Secretary to the Treasurer, the Hon. Chris Pearce, MP. The bill was passed by the House on 10 March 2005.

1.2 On 9 March 2005, on the recommendation of the Senate Selection of Bills Committee, the Senate referred the provisions of the bill to the Economics Legislation Committee for inquiry and report by 15 March 2005.

Background to the bill

1.3 In his second reading speech, the Parliamentary Secretary to the Treasurer described the bill as the government's response to the recommendations of the Dawson Review¹ and commented that:

The overall theme of the Dawson review is that the competition provisions should protect the competitive process, rather than particular competitors. The government strongly supports this view of the act, and has accepted the vast majority of the Dawson review recommendations.²

1.4 The bill contains 12 schedules dealing with a range of matters. The supporting document attached to the Selection of Bills Committee's report referred to the merger authorisation amendments in Schedule 1 of the bill as warranting further investigation.

1.5 Matters raised during the Economics Legislation Committee's inquiry into the bill also concerned the collective bargaining provisions in Schedule 3 and the third-line forcing and exclusive dealing provisions in Schedule 7.

1.6 The Committee examines the provisions in these three schedules in this report.

1 Committee of Inquiry into the Competition Provisions of the Trade Practices Act 1974, *Review of the competition provisions of the Trade Practices Act*, Commonwealth of Australia, Canberra, 2003 at <http://tpareview.treasury.gov.au/content/report.asp>.

2 *House Hansard*, 17 February 2005, p. 9.

Conduct of the inquiry

1.7 The Committee held a public hearing on Monday, 14 March 2005 at which representatives from the Department of the Treasury (Treasury) and the Australian Competition and Consumer Commission (ACCC) gave evidence.

1.8 The Committee received one submission³ and this is tabled with this report together with the transcript of the Committee's hearing and documents presented to the Committee at the hearing.

1.9 The Committee thanks Treasury, the ACCC and others for their participation in the inquiry.

3 *Submission 1* (CFMEU). A copy of this submission is at Appendix 2 of this report.