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Professor Ian Harper
Chair
Competition Policy Review Panel
The Treasury
Langton Crescent
PARKES ACT 2600

Submitted online: www.competitionpolicyreview.gov.au

Dear Professor Harper

Review of Competition Policy - Draft Report

Further to the recent Competition Policy Review public consultation in Canberra CPA Australia would like to make the following comments.

Open data and competition policy

One matter of importance to CPA Australia in the context of improving competitiveness - and one that has not been addressed in the draft report - is the issue of 'open data', and how this can potentially improve competition, and in turn Australia's competitiveness. We note Australia is listed as a member of the Open Government Partnership¹.

A number of recent papers attempt to quantify the benefits of open data for business and government agencies, for example reports by McKinsey², and more recently a Lateral Economics report commissioned by Omidyar Network.³ While the latter report is directed towards providing input into how the G20 and the Australian economy could achieve their 2% growth target, it is relevant to the competition policy review, and many of the elements of the Competition Policy Review's draft report's 'fit for purpose' criteria' as outlined in p16, and reproduced following:

- 'focuses on making markets work in the long-term interests of consumers;
- fosters diversity, choice and responsiveness in government services;
- encourages innovation, entrepreneurship and the entry of new players;
- promotes efficient investment in and use of infrastructure and natural resources;
- includes competition laws and regulations that are clear, predictable, and reliable; and secures necessary standards of access and equity.'

We encourage the Panel to consider how its review may influence improving the availability of 'open data' to both business and across government agencies at all levels.

Competition and institutions

One of the sessions at the Canberra consultation event focused on the draft report's views on competition and institutions, and the proposal 'for an enhanced governance structure with the addition of a board' for the ACCC. This was the subject of some debate on the day.

¹ <http://www.opengovpartnership.org/countries>

²

http://www.mckinsey.com/insights/business_technology/open_data_unlocking_innovation_and_performance_with_lucid_information

³ http://www.omidyar.com/sites/default/files/file_archive/insights/ON%20Report_061114_FNL.pdf

The Panel has articulated its support in its draft report (at Part 5, 23.2) for either creating a Board for the ACCC- whether a 'full' Board - or a somewhat lesser Advisory Board - or some other option.

While good governance is at the core of good processes, it is unclear how this proposal will really provide any better outcomes for consumers. The ACCC has a solid performance record. And while some will not agree with their decisions from time to time, it is difficult to see what value a board would bring to the ongoing operation of the ACCC or to consumers.

On the face of it the draft report's proposal could be seen as being aimed more at addressing public perception of the ACCC, rather than addressing any other deeper underlying issue, systemic or otherwise.

And in the current environment where the Federal Government is committed to eliminating red tape and reducing costs, the proposal for such a measure seems, in many ways, counterproductive.

Notwithstanding the above, we are not suggesting maintaining the status quo in this regard. For example, we are supportive of the proposal that the ACCC have some additional accountability to the Parliament through regular appearances before a broadly-based Parliamentary Committee.

We are of the view that this approach works effectively for other agencies - for example the Australian Taxation Office - that regularly appears before the Senate Estimates Committee. Such an approach could also be appropriate and work well in the case of the ACCC.

Competition policy education and advocacy

Further, we are supportive of the draft report recommendation that competition policy advocacy and education be undertaken by a body other than the ACCC to ensure impartiality is maintained.

ACCC media code of conduct for the ACCC

We also support the draft report's recommendation that the ACCC develop a media code of conduct enhance perceptions of the ACCC's impartiality in enforcing the law.

For further information please contact our Head of Policy Paul Drum on 03 9606 9701 or via paul.drum@cpaaustralia.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Malley', with a flourish extending to the right.

Alex Malley FCPA
Chief Executive

cc: Paul Drum