

17 November 2014

Competition Policy Review Secretariat  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Sir/Madam,

Master Electricians Australia is grateful for the opportunity to provide a submission to the Federal Government's Competition Policy Review.

Master Electricians Australia (MEA) is dynamic and modern trade association representing electrical contractors. Originating as the Electrical Contractors Association in 1937, we are the leading voice of the electrical and communications industry throughout Australia. The organisation's website is: <http://www.masterelectricians.com.au>

Given the scope of the review, we have elected to restrict our comments to the issues that are most relevant to our membership which is composed largely of small business owners. To this end, we will make brief comment on the issue of secondary boycotts raised in Chapter 3.13 of the Draft Recommendations.

We wish to indicate our support for the points raised by Australian Industry Group in their submission to the release of the Competition Policy Review Issues Paper. In particular, we agree with Ai Group's recommendation concerning secondary boycotts, as below:

*" Provisions in industrial instruments which prevent or hinder the acquisition or supply of goods or services between two businesses need to be prohibited under the CC Act and the FW Act. Ai Group proposes that:*

- *Sections 45E and 45EA of the CC Act should be amended to ensure that an enterprise agreement which prevents or hinders a business in acquiring goods or services from, or supplying goods or services to, another business falls within these sections;*
- *Section 51(2)(a) of the CC Act should be amended to ensure that an enterprise agreement which prevents or hinders a business in acquiring goods or services from, or supplying goods or services to, another business does not fall within the exemption in this section; and*
- *Clauses in enterprise agreements which prevents or hinders a business in acquiring goods or services from, or supplying goods or services to, another business should be "unlawful terms" for the purposes of section 194 of the FW Act."*

MEA is pleased to see that the Panel has taken Ai Group's recommendation on board in formulating the Draft Report. In terms of other potential solutions to the apparent conflict between the *Competition and Consumer Act 2010* and the *Fair Work Act*, it may also be an option to consider the Fair Work Commission not being able to approve a workplace agreement contrary to the ACCC secondary boycott provisions.

Overall, we agree with the recommendations outlined in the Draft Report and would be eager to see implementation occur as a priority.

Yours sincerely,



Jason O'Dwyer  
General Manager – Workplace Policy