

# COMPETITION POLICY REVIEW

## CHANGES SINCE THE DRAFT REPORT

Following the release of the Draft Report on 22 September 2014, we consulted broadly. We met with stakeholders right around the country and received almost 600 submissions. Our Final Report's 56 recommendations reflect the Panel's overall assessment of Australia's competition policies, laws and institutions following that invaluable feedback.

Priority areas for reform		
COMPETITION POLICY	COMPETITION LAWS	COMPETITION INSTITUTIONS
Two new policy recommendations	Changes to the law recommendations	Changes to recommendations on institutions
<p><b>Government procurement</b> Promoting competition should be a central feature of government procurement and privatisation frameworks and processes. (Rec 18)</p> <p><b>Informed choice</b> Governments should work with industry, consumer groups and privacy experts to allow consumers to access information in an efficient format to improve informed consumer choice. (Rec 21)</p>	<p><b>Section 46 misuse of market power provision</b> Rather than including defences, we recommend providing the court with factors it must consider in determining whether there is a substantial lessening of competition. (Rec 30)</p> <p><b>Exclusive dealing</b> Rather than simplifying the exclusive dealing provisions in section 47, that section should be repealed. The conduct will be captured under section 45 and the revised misuse of market power provision. (Rec 33)</p> <p><b>Industrial agreements</b> Non-employment trading restrictions in awards and industrial agreements should be subject to competition laws. (Rec 37)</p>	<p><b>ACCC governance:</b> While the ACCC is a well-regarded and effective body, its performance would be strengthened by more clearly separating the role of Commissioners from that of the executive.</p> <p>Rather than establishing an ACCC board (as per our draft recommendation), this can be achieved by introducing part-time Commissioners whose commitments beyond the ACCC would broaden the Commission's perspective on issues before it. (Rec 51)</p>

**In addition:** Our Final Report includes information on implementing the reforms, and estimating their economic benefits. We have also attached model legislative provisions for many of the reforms to the law.