

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Additional Estimates

2015 - 2016

**Department/Agency:** Treasury

**Question:** AET 66

**Topic:** Sugar Industry (Real Choice in Marketing) Amendment Bill

**Reference:** Hansard page no. 108 - 10 February 2016

**Senator:** McAllister, Jenny

**Question:**

**Senator McALLISTER:** Can I confirm that the ACCC has been asked to examine whether the Sugar Industry (Real Choice in Marketing) Amendment Bill breaches the Competition and Consumer Act?

**Mr Dolman:** On that issue, my understanding is that a member of the Queensland government wrote to the ACCC to bring to their attention the Queensland sugar act. That notification process is required under an intergovernmental agreement, the Conduct Code Agreement from memory, which was signed in the 1990s. The reason for that notification is the bill excludes certain conduct from the operation of the Competition and Consumer Act from the competition laws, and the notification is to tell the ACCC that that conduct is not conduct that they would be able to pursue under the competition laws. The ACCC does not have a role in relation to assessing the sugar act.

**Senator McALLISTER:** That is very interesting. So there is no role for the ACCC in assessing whether or not the legislation is anticompetitive? It is simply the Queensland government meeting an obligation under the act in your view?

**Mr Dolman:** It is simply notifying the ACCC that conduct that is authorised by the Queensland act is then immune from the operation of the competition law.

**Senator McALLISTER:** Have you been in communication with the ACCC in relation to that matter, or has Treasury been in communication with the ACCC about this?

**Mr Dolman:** At an operational level, I am sure we have had discussions.

**Senator McALLISTER:** Has there been any correspondence between the two organisations in relation to this matter?

**Mr Dolman:** If you mean by that written correspondence, I do not believe so.

**Senator McALLISTER:** Could you undertake to check that, and if there is any perhaps you could provide that on notice?

**Mr Dolman:** I can take that on notice.

**Senator McALLISTER:** Thank you. I will follow that up with the ACCC to confirm that they have the same understanding about it. Thank you, Mr Dolman.

**Answer:**

There has been no written correspondence between Treasury and the ACCC on this matter.