

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2015 - 2016

Department/Agency: ACCC

Question: AET 72

Topic: Engagement with Informed Sources

Reference: Hansard page no. 118 - 10 February 2016

Senator: Xenophon, Nick

Question:

Senator XENOPHON: Did you engage with Informed Sources after 28 February 2011?

Mr Sims: Yes, on number a of occasions, in the interests of settling the court case, and no proposal from them—

Senator XENOPHON: No, but before the court case—before you actually took actions against its core business—

Mr Sims: That was before my time. But certainly during the context—

Senator XENOPHON: Then I put that on notice. What correspondence/communication was there between Informed Sources and the ACCC from 28th of February 2011 and onwards?

On the face of it Informed Sources appears to have been willing to exchange information and improve that flow of information. In fact, from my discussions with Mr Cadd, the managing director of Informed Sources, I think that their best-case scenario was to be able to provide a service so that motorists could get real-time information, so every motorist could get as real-time information as large petrol retailer.

Mr Sims: I can say quite clearly that in all the discussions we have had in the context of the court case, and we are happy to take on notice going before that, there were offers from Informed Sources to provide more information, but not a patch on what we finally got agreed in December.

Senator XENOPHON: Can you get any notes, memoranda and correspondence between Informed Sources—

Mr Sims: We will see what we can provide.

Answer:

The ACCC has reviewed documents relating to its engagement with Informed Sources after 28 February 2011, both before and after the commencement of legal proceedings against Informed Sources and five petrol retailers.

Having reviewed that material, the ACCC can confirm that it did engage with Informed Sources directly regarding variations to the Oil Price Watch (OPW) Service aimed at addressing the competition concerns identified by the Commission. None of the proposals from Informed Sources offered the breadth and frequency of data being made available to the public that was ultimately achieved in the enforceable undertakings provided by the parties on settlement of the proceedings. Notably, there was never a proposal to make all the data that is exchanged between retailers through the OPW Service available on a real time basis to third parties (such as app developers, motoring organisations etc).