



Asia-Pacific Economic Cooperation

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**2004/SOMII/CPDG/SEM/002**

## **Putting Competition Law and Policy Into Practice**

Purpose: Information  
Submitted by: Australia



**Seminar on Best Practices in the Enforcement  
of Competition Policy  
Pucón, Chile  
26 May 2004**



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# **Putting competition law and policy into practice**

## **Using the compliance pyramid to advantage**

*...achieving compliance outcomes efficiently*



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# ACCC role

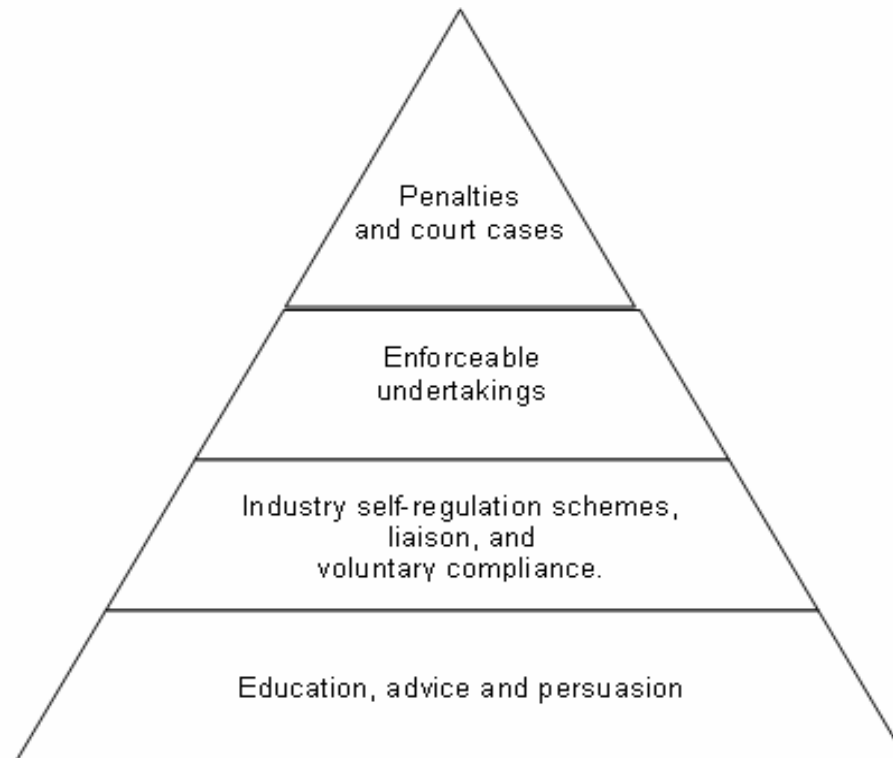
## **Objective.....S2 of the Trade Practices Act**

**‘.....to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.’**



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# The enforcement pyramid





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# Which level within the pyramid?

- **The focus is not on progression**
- **Understand the level of non compliance**
- **Recognise the sector risks**
- **Combine levels**
- **Engage the industry**
- **Without the top it is not a pyramid!**



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# Health services – case study

- 1. Health professionals captured by competition law**
- 2. ACCC information seminars**
- 3. Court Cases**



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# Case study (cont)

- **Government Review of impact of Competition Law**
- **Consultation Team created with medical profession representatives**
- **ACCC interaction and communication with practising doctors**



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# Case study (cont)

## Consultation & guidance for doctors

- Specific medical profession guide to the ACCC
- Medical rosters
- Fee setting
- Collective negotiations and agreements
- Fair dealing
- Unconscionable conduct
- Authorisation

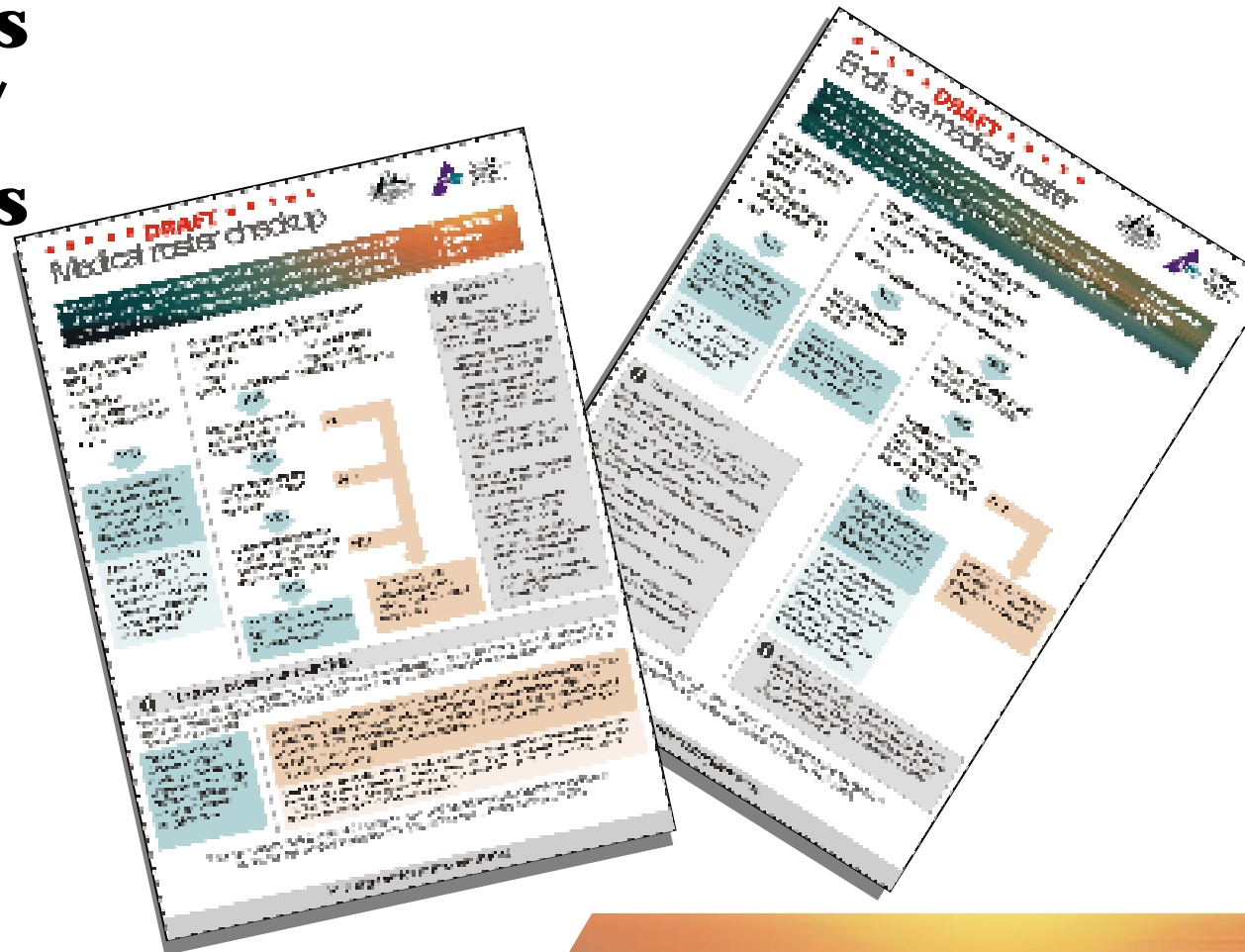




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# Pilot project

## Medical rosters and the ACCC / Trade Practices Act

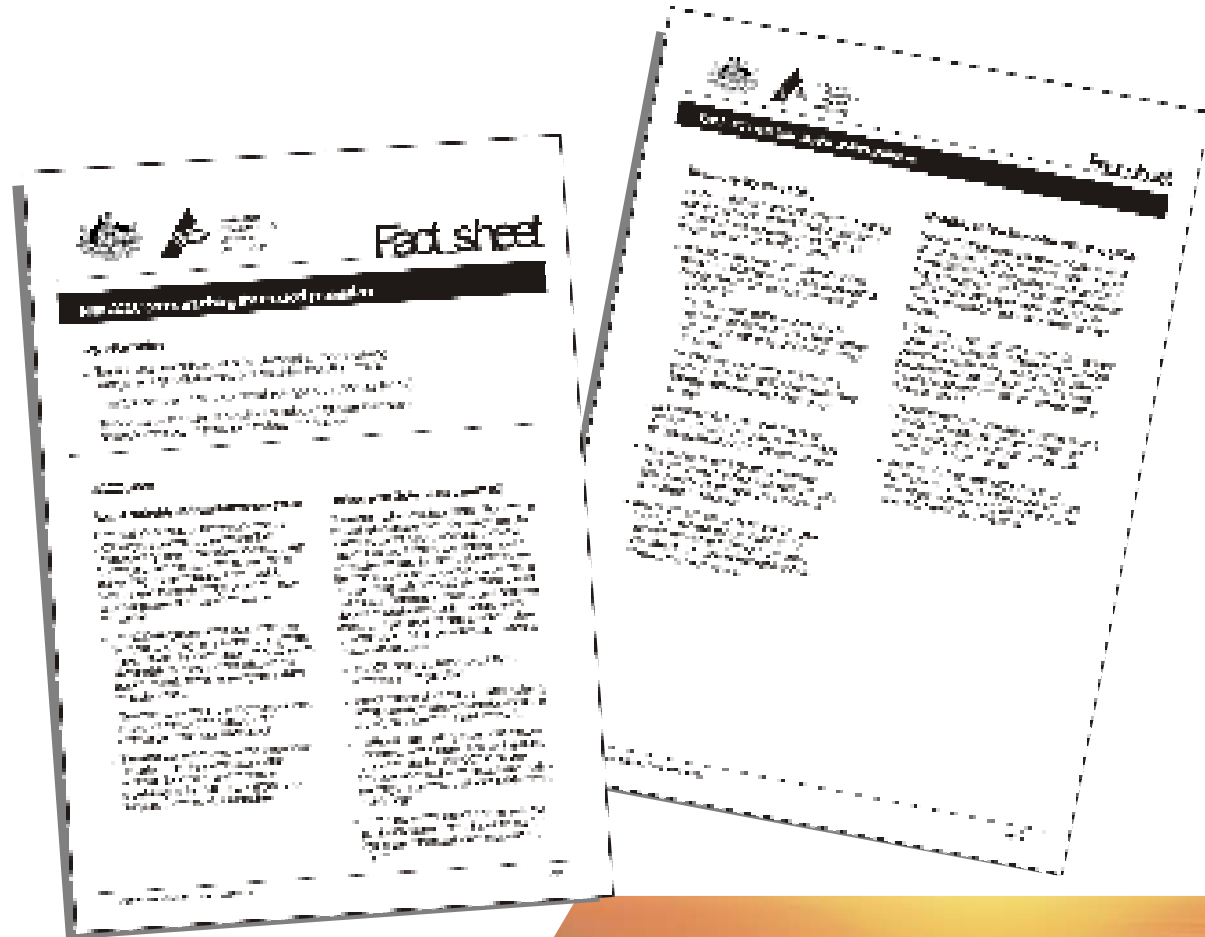




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# Enforcement reminder

## Fact sheet Past ACCC cases involving the medical profession





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# Forget enforcement at your peril

- **Enforcement cases part of information**
- **Investigation of alleged breaches continues**
- **Cooperation/Leniency Policies deliver both enforcement cases and education opportunities**



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# Lessons learned

- No one part of the pyramid can operate in isolation
- Enforcement action is vital – invest in complementary tactics
- Fully utilise enforcement outcomes – public record of undertakings, court actions etc
- Careful and consistent selection of remedy is critical
- Engagement of industry is helpful but not always forthcoming