
International developments

ACCC initiatives

The Commission's international activities aim to help other countries achieve effective competition and consumer protection regimes and to develop their own culture of competition in the interests of developing more competitive and fair overseas markets and improving access for Australian exporters to those markets.

The international impact of the Commission's initiatives is broad given its wide range of activities. The focus on this work is increasing as the Commission is more often faced with competition and consumer protection issues with an international dimension.

Aims of initiatives

The main goals guiding the Commission's international activities are:

- increasing the effectiveness of enforcing the Trade Practices Act in the face of new borderless enforcement issues by cooperating and liaising with international counterparts;
- well considered enforcement of Australia's competition and consumer protection laws and implementing best practice in regulatory, enforcement and compliance frameworks and techniques taking international legislation, cases, research and developments into account;
- establishing and enhancing competition, consumer protection and economic regulatory regimes in developing economies, particularly in the Asia-Pacific region, to improve domestic efficiency, promote consumer welfare and afford Australian exporters greater access to foreign markets; and
- personal professional development opportunities for Commission staff.

To achieve these objectives the Commission:

- liaises extensively and promotes cooperation with its international counterparts, including through information exchange, enforcement assistance and the development of more formalised cooperation arrangements;
- hosts and attends international conferences on competition, consumer protection and economic regulation;
- is actively involved in international forums such as the Organisation for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), the World Trade Organisation (WTO), the International Marketing Supervision Network (IMSN) and the International Society of Consumer and Competition Officials (ISCCO);
- delivers technical assistance to economies in transition, generally through funding assistance from AusAID; and
- promotes international staff development programs including staff exchanges and secondments with its overseas counterparts.

Key initiatives

International cooperation

With the emerging globalisation of business the Commission is increasingly faced with enforcement issues that are truly borderless. It deals more and more with complex issues associated with international cartels, global mergers and international consumer fraud.

To combat and seek solutions in this new environment the Commission has stepped up its liaison with international counterparts by sharing information and experience and formally cooperating in some enforcement actions.

To maximise cooperation, the Commission has formalised relations with some counterparts and will enter further similar arrangements in the future.

The Commission has a tripartite cooperation arrangement with the New Zealand Commerce Commission and the Canadian Competition Bureau to promote cooperation and coordination in the application of each agency's respective competition and consumer laws. It also has bilateral agency-based arrangements with the Taiwan Fair Trade Commission and the Consumer Affairs Council of Papua New Guinea, also covering both competition and consumer protection regulation.

Perhaps the most significant arrangement is a treaty between the Australian and US Governments on mutual antitrust enforcement assistance. Under the treaty, Australia and the United States can exchange evidence for use in competition law enforcement and help to obtain evidence located in the other's country while ensuring that confidential information is protected.

In relation to consumer protection matters the Commission signed an agency-based cooperation arrangement with the US Federal Trade Commission on 17 July 2000 to address issues such as cross-border Internet fraud.

Conferences

The Commission participates in internationally focused conferences in Australia and overseas that deal with general competition and consumer protection issues as well as topic-specific events on, for example, telecommunications, electronic commerce and electricity reform.

The Commission has hosted some conferences in recent years, the most recent being the International Regulation and Investments Conference in Sydney on 26–27 March 2001. Two hundred delegates from utility industries, regulatory bodies, consulting firms, government agencies and universities attended. Topics included economic analysis of regulatory response to natural monopoly; criteria for pricing access to 'bottleneck' infrastructure; appropriate treatment of 'risky' greenfields investments; and analysis of regulatory processes and the assessment of regulatory outcomes.

International forums

Taking part in international discussions to develop a united approach for managing borderless enforcement issues is also important to the Commission. It is part of the Australian delegation in a range of international forums on competition and consumer protection issues. These include the OECD Competition Law Policy Committee and Committee on Consumer Policy, the WTO Working Group on the Interaction Between Trade and Competition Policy issues, the APEC Competition Law and Deregulation Group and the International Marketing Supervision Network (IMSN).

The work of the IMSN is of particular note. At the latest meeting in April 2001 the Commission was elected President for the period July 2002–June 2003 after Switzerland's Presidency ends.

The IMSN is an informal membership network of the consumer protection law enforcement agencies of 29 countries, most of which are members of the OECD. It was formed in 1991 to:

- encourage practical action to prevent and redress deceptive market practices with an international component;
- foster cooperative efforts to tackle consumer problems connected with cross-border transactions in both goods and services; and
- facilitate the exchange of information between agencies for mutual benefit and understanding.

One of its main activities has been to conduct and coordinate international Internet sweep days.

During sweeps staff from agencies surf the Internet to identify potentially deceptive or fraudulent sites. These are then sent email messages to make clear that relevant legislation such as laws against deceptive advertising apply to the Internet as well as to traditional media.

The statistics on levels of compliance gained from these sweeps help agencies target their efforts in their local jurisdictions, and a strong compliance message is sent on a global level to consumers and businesses alike.

Providing technical assistance to economies in transition

The Commission has contributed to numerous technical assistance activities in recent years making available its resources and expertise in competition, consumer protection and utility regulation to countries with less developed regimes. These activities include hosting regulatory officials on study visits.

During 1999–00 the Commission hosted short-term visits to Australia by government officials from countries including: Bangladesh, Cambodia, People's Republic of China, Egypt, Fiji, Hong Kong, Indonesia, Korea, Malaysia, Pakistan, Papua New Guinea, the Philippines, Singapore, South Africa, Thailand, Vietnam and Zimbabwe.

The Commission has also conducted more extensive 'in country' training in some developing economies including regional conferences, workshops and seminars and consultancies to assist with issues such as production of guidelines, regulations and procedures. These activities focus primarily on the Asia-Pacific region; however the Commission also helped implement a capacity building program in South Africa.

Comprehensive technical assistance programs are currently being developed by the Commission (via funding assistance from AusAID) in conjunction with the World Bank and various other donor countries to provide capacity building assistance in Indonesia and Thailand.

Coordination of international staff development programs

The Commission promotes international staff development programs including staff exchange programs and staff secondments. At present the Commission has staff exchange programs with the Canadian Competition Bureau, the New Zealand Commerce Commission and the Taiwan Fair Trade Commission. Commission staff have also been seconded to agencies in the Asia-Pacific region.

The year 2000 saw the start of the Commission's International Internship Program which brought an officer from the Department of Trade, Samoan Commerce and Industry to work as an intern at the Commission for about

a year. In 2001 it has brought interns from the Papua New Guinea Consumer Affairs Council and the Zambian Competition Commission.

The aims of the Commission's international staff development programs are to:

- help develop competition, consumer protection and utility regulation policies and initiatives internationally;
- enhance the Commission's links with its international counterpart agencies; and
- enable participants to develop:
 - a sound knowledge of the legislation relevant to the functioning of the Commission (or its overseas counterpart agencies);
 - an understanding of competition, consumer protection, pricing and utility regulation issues; and
 - an awareness of the political, commercial and social environments and the management framework in which the Commission and its counterparts operate.

Key outcomes

Key outcomes of the Commission's activities to date include:

- involvement in international conferences, forums and staff development programs that result in effective information sharing, cooperation, the development of initiatives among international competition and consumer protection organisations and the further development of best practice competition and consumer protection regulation in Australia;
- technical assistance programs that support economies with less developed competition and consumer protection regimes and guidance in the adoption or further implementation of these regimes; and
- various cooperation agreements that foster and bring about information sharing and enforcement and regulatory cooperation. These are gradually removing some of the practical and geographical limitations facing the application of competition and consumer protection law to conduct occurring across national boundaries.