



Australian Competition & Consumer Commission

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7 June 2002

Commissioner Helen Owens
Section 2D Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Commissioner Owens

REVIEW OF SECTION 2D OF THE *TRADE PRACTICES ACT 1974*

I refer to the Productivity Commission's draft report on the Review of Section 2D of the *Trade Practices Act 1974*: Local Government Exceptions. I note that the Productivity Commission is recommending one of two options:

- The first option is to retain section 2D as exempting the licensing activities of local government.
- The second option is to replace section 2D with a more direct statement as to the application of Part IV to local government. This would exempt local government from Part IV of the Act except where it carried on a business.

The Productivity Commission is seeking submissions on the appropriateness of the second option.

The ACCC does not consider that there would be any notable difference between the two proposed options from an enforcement or compliance perspective and would be comfortable with either option ultimately being recommended. It therefore does not intend to make a submission on this issue.

If you have any queries please contact Kate Berger on 02 6243 1055 or by email kate.berger@accc.gov.au.

Yours sincerely

Brian Cassidy
Chief Executive Officer

EXECUTIVE OFFICE

