

## Parliament rules, not ACCC

PUBLISHED: 23 Jan 2012 PRINT EDITION: 23 Jan 2012

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Rod Sims, the chairman of the Australian Competition and Consumer Commission, makes the critical point on the role of the commission ("[ACCC vows to get real on mergers](#)", January 16).

The role is not to work out ways to protect the public on competition and consumer matters independently of the law. It is the role of Parliament to make competition and consumer law. The role of the commission is to fairly and reasonably administer that law as enacted by Parliament.

It is the same for other government agencies, ie. the Australian Taxation Office's role is not to collect the maximum tax but to fairly and reasonably administer the Tax Act enacted by Parliament. The difference is not a matter of semantics.

As soon as a government agency assumes it has any other role it acts outside of the rule of law and sets up an impossible performance benchmark for itself. If it carries out its proper role it can only be fairly criticised if it fails to fairly and reasonably administer the law.

One such failure is pushing the law to its extreme limits in a desperate attempt to try to catch someone the agency considers guilty and "should be caught". Parliament's role is to change the law, not the agency.

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