

Latest legal Update: ACCC authorises further industry cooperation

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Abstract:

The Australian Competition and Consumer Commission (ACCC) has provided interim authorisation to the following industries as a result of COVID-19:

- 1. Telecommunications operators to coordinate on demand surge and consumer support package:** NBN Co and retail service providers Telstra, Optus, Vodafone Hutchison, TPG and Vocus have been granted authorisation to co-operate to take measures to keep the Australian telecommunications networks operating effectively and to support small business. The group will be allowed to share information, coordinate strategies to manage congestion and address changes in demand as a result of COVID-19, with more people at home. The ACCC's media release can be found [here](#).
- 2. Medicine wholesalers to co-operate on access to pharmaceutical products:** The National Pharmaceutical Services Association (NPSA) has been granted interim authorisation to allow wholesalers of medicines to co-operate to facilitate the distribution of essential medication and pharmacy products. The authorisation will allow businesses to co-ordinate the supply, inventory management, distribution, logistics and import of pharmaceuticals needed by consumers and hospitals. Price fixing behaviour (dealt with in detail in the Cartel Conduct sub-topic on [Price Fixing](#)) is still prohibited and the authorisation can be reviewed at any time. The ACCC's media release can be found [here](#).
- 3. Banks authorised to co-operate on loan relief and services:** The ACCC has provided a second, conditional interim authorisation to the Australian Banking Association (ABA) and banks to co-operate to provide relief packages to businesses affected by COVID-19. Details of the arrangements are required to be submitted to the ACCC prior to being implemented. The ACCC's media release can be found [here](#).

The ACCC may grant authorisation if it is satisfied that the public benefit from the proposed conduct outweighs any likely public detriment. Further information can be found in the Exemptions sub-topic on [Authorisation](#).

The ACCC has prioritised authorisation applications as a result of COVID-19, already providing interim authorisations to:

- **Supermarkets:** Supermarket retailers have been granted authorisation to coordinate to ensure consumers have reliable and fair access to groceries during COVID-19. This includes co-operating with each other in relation to manufacturing, supply, transport and logistics issues but not in relation to price. The ACCC's media release can be found [here](#).
- **Banking:** The Australian Banking Association (ABA) and banks have been granted authorisation to work together to implement a small business relief package. The ACCC's media release can be found [here](#).
- **Healthcare:** Medical technology companies, who are members of the Medical Technology Association of Australia (MTAA), have been granted authorisation to share information between each other, co-ordinate orders and supply requests, prioritise requests and jointly tender to supply COVID-10 medical equipment. The ACCC's media release can be found [here](#).

- **Airlines:** Regional Express (Rex) was granted interim authorisation to coordinate flight schedules with Virgin Australia and Qantas in relation to 10 regional flight routes during the pandemic. The authorisation will enable Rex, QantasLink and Virgin to share revenue from services on those routes but will not enable the airlines to coordinate to raise prices. More information can be found [here](#).

For more information on authorisations that have already been granted, see Latest Legal Updates: [Co-ordination between competitors and COVID-19](#) and [Airline coordination and COVID-19](#).