



THE UNIVERSITY OF

MELBOURNE

The Cartel Project

**REPORT ON A SURVEY OF THE AUSTRALIAN PUBLIC
REGARDING ANTI-CARTEL LAW AND ENFORCEMENT**

(Appendices A to E)

**Associate Professor Caron Beaton-Wells
Associate Professor Fiona Haines
Associate Professor Christine Parker
Chris Platania-Phung**

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Cartel Survey

Questionnaire script for main study (22 June 2010)

Incorporates changes arising from review of soft launch data

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Section A: Demographic background

*[ALL]

A1. What is your age?

1. 18-24 years
2. 25-34 years
3. 35-44 years
4. 45-54 years
5. 55-64 years
6. 65+ years

*[ALL]

A2. Are you male or female?

1. Male
2. Female

*[ALL]

A3. What is your postcode?

□□□□

*[ALL]

A4. What is the highest level of education you have completed?

1. Year 8 or below
2. Year 9 or 10 (or equivalent)
3. Year 11 or 12 (or equivalent)
4. Certificate, Diploma (TAFE or business college) or trade qualification
5. Bachelor Degree (including Honours)
6. Postgraduate Degree or Postgraduate Diploma

*A4=5 or 6 ('bachelor' or 'postgraduate' for A4]

A5. Do you have a formal qualification in law (undergraduate or postgraduate)?

1. Yes
2. No

*A4=5 or 6 ('bachelor' or 'postgraduate' for A4]

A6. Do you have a formal qualification in economics, commerce or business (undergraduate or postgraduate)?

1. Yes
2. No

*[ALL]

A7. Last week, did you do any paid work of any kind?

1. Yes
2. No

*A7=2 [Did not do paid work of any kind last week]

A7a. Were you mainly....?

1. Doing volunteer work
2. Unemployed and looking for work
3. Not in paid employment (e.g. home duties)
6. Retired
4. Studying
5. Other (please specify):

*A7=1 [Did paid work of any kind last week]

A7b. Were you?

1. Self-employed
2. Employed for wages or salary
3. Other (please specify):

*A7=1 [Did paid work of any kind last week]

A8. About how many people are employed at your workplace?

Note: this question refers to the site / branch / office where you work

1. 0-19 employees
2. 20-199 employees
3. 200 or more employees

*A7=1 [Did paid work of any kind last week]

A9. Which of the following best describes the main position that you held in your job last week?

1. Owner
2. Member of Board of Directors
3. Senior manager
4. Middle manager
5. Employee without managerial responsibility

*A7=1 [Did paid work of any kind last week]

*programmer note: option 10 is an exclusive code

A10. In the main job you held last week, did your role include any aspect of:

Please mark all that apply

1. Deciding, revising or negotiating prices for goods or services
2. Deciding, revising or negotiating the cost of producing goods or supplying services
3. Marketing or promoting goods or services
4. Setting production, capacity or supply levels
5. Dealing with customers in any capacity
6. Dealing with suppliers in any capacity
7. Dealing with competitors in any capacity
8. Tendering for contracts
9. Overseeing or managing any of the above
10. None of the above

*[ALL]

A11. Which of the following ranges best describes your household's approximate income from all sources, before tax is taken out, over the last 12 months?

1. Less than \$50,000
2. Between \$50,000 and \$149,999
3. Between \$150,000 and \$249,999
4. \$250,000 and over
5. Don't know

*[ALL]

A12. Which one of the following sources of information would you say you rely on MOST for news and information?

1. ABC and/or SBS television
2. Commercial television (free-to-air)
3. Pay-TV
4. ABC and/or SBS radio
5. Talkback radio
6. Commercial radio
7. Newspapers, either in print or online
8. Internet sites
9. Friends and family
10. I don't follow the news

*[ALL]

A13. On how many days in a typical week do you read the newspaper (in print or online)?

1. Every day
2. Most days
3. 2 to 3 days a week
4. Once a week

5. Less than once a week
6. Never read the newspaper

*Refer to separate mapping of newspaper to state

*A13 not 6 [Reads newspaper]

A14. Which newspapers do you usually read (in print or online)?

Please mark all that apply

1. The Australian
2. Australian Financial Review
3. Sydney Morning Herald
4. Daily Telegraph
5. Sunday Telegraph
6. The Age
7. Herald Sun
8. The Courier Mail
9. Adelaide Advertiser
10. West Australian
11. Hobart Mercury
12. Canberra Times
13. Northern Territory News
14. The Gold Coast Bulletin
15. Weekly Times
16. National Indigenous Times
17. The Advocate
18. Other newspaper (please specify):

*[ALL]

A15. If a federal election was held today, which one of the following parties or candidates would you vote for?

1. Liberal
2. Labor (ALP)
3. National
4. Australian Democrats
5. Green
6. One Nation
7. Family First
10. Independent candidates
8. No Party
9. Other Party (please specify):

*A15 not 8 [Nominated party at A15]

A16. Would you call yourself a very strong, fairly strong or not very strong supporter of that party?

1. Very strong supporter
2. Fairly strong supporter
3. Not very strong supporter

Section B: Attitudes towards business

*[ALL]

B1 Overall, how interested are you in business issues generally?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Not at all interested

Very interested

in business issues

in business issues

I don't follow business issues in the news

I follow business issues in the news

I rarely read the business section of the newspaper – I typically read other sections first

I tend to look at the business section first in the newspaper

I'm not really interested in the stock market

I take an interest in the stock market

*[ALL]

B2. On the scale below, where would you place your own views on the **trustworthiness of business**?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

I think business

I am reluctant

can mostly be trusted

to trust business

Business tries to provide goods and services that are safe and meet consumer needs

Business sometimes skimps on safety, or advertises in a misleading way

By and large business tries to be fair with employees

Business tries to get away with paying unfair wages

Business contributes to the community in various other ways

Business could do more good generally in society

Section C: Attitudes towards competition

*[ALL]

C1. On the scale below, where would you place your own views on **competition** between businesses?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Competition

Competition

is **healthy**

is **harmful**

Competition means lower prices for consumers

Competition makes it hard for small businesses to have a 'fair go'

Competition leads to better quality goods or services

Competition results in cost-cutting and may lead to lower wages

Competition provides greater choice for consumers

Competition can disadvantage consumers in rural or regional areas

*[ALL]

Dintro

In the next questions, we describe a number of imaginary business scenarios.

These could apply to companies of **any** size in **any** industry.

When you answer the questions, please focus on **how the businesses have acted**, rather than the type of business or the industry.

Section D: Attitudes towards cartel conduct

***D1 Price fixing**

*PROGRAMMER NOTE: RESPONDENTS MUST SELECT ONE OF OPTIONS 1 TO 3 AT D1. RESPONDENTS CANNOT PROGRESS IF THEY HAVE ONLY SELECTED THE 'COMMENT' OPTION.

*[ALL]

D1 There are two butchers in a town. In the past they have set their prices independently of each other. This has meant that if one butcher put up its prices, consumers could switch to the other butcher to find a lower price.

The butchers have now reached an agreement with each other to set the prices they charge for the most popular cuts. As a result, they can charge higher prices because if consumers are unhappy with the price at one butcher, they are unable to switch to the other butcher for a better price.

Do you think that an **agreement between competitors on prices** should be against the law?

1. Yes, I think it should be against the law
2. No, I don't think it should be against the law
3. I'm not sure whether it should be against the law

Comment (optional):

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1A Do you think that an **agreement between competitors on prices** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

*D1A=1 [Thinks agreement between competitors on prices should be a criminal offence]

D1B. Why do you think that an **agreement between competitors on prices** should be a criminal offence?

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree
Because consumers may have to pay more	1	2	3	4	5
Because the conduct involves deceiving consumers	1	2	3	4	5
Because the conduct may harm or be unfair to other competitors	1	2	3	4	5
Because the conduct is dishonest	1	2	3	4	5
Because making the conduct a criminal offence will mean that the companies or people involved can be punished for it	1	2	3	4	5
Because the conduct will harm competition or the free market	1	2	3	4	5
Because making it a criminal offence will deter companies or people from engaging in this sort of conduct in the future	1	2	3	4	5
Because the conduct should be seen as the same as theft	1	2	3	4	5

Comments (optional - please note that we are particularly interested to understand which reason or reasons are most important to you):

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1Cint. Now we would like you to think about how the law should deal with this conduct. First we will ask you about how the law should deal with the **COMPANIES** involved. Then we will ask you about how the law should deal with the **INDIVIDUALS** responsible for the conduct while working for the companies.

*Codes 5 and 6 are exclusive codes

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1C How do you think the law should deal with **COMPANIES** that make an **agreement between competitors on prices**?

Please mark all that apply

1. The companies should pay a fine
2. The companies should be publicly named (e.g. on the TV news) as having been involved in the conduct
3. The companies should pay compensation to anyone who suffered loss or damage as a result of the conduct
4. The companies should have to take measures to make sure the conduct does not happen again (e.g. by providing a training program for its employees)
5. There should be no penalties for the companies
6. Don't know
7. Other (please specify):

*D1C=1 [Thinks companies should pay fine for agreement between competitors on prices]

D1Ca. If the companies each had to pay a fine for making an **agreement between competitors on prices**, how should this fine be calculated?

1. Ten per cent of the company's annual turnover
2. An amount that is three times the profits that the company made from the conduct
3. An amount that is equal to profits that the company made from the conduct
4. Up to \$10 million
5. Up to \$1 million
6. Don't know
7. Other (please specify):

1. Comments (optional):

*Codes 7 and 8 are exclusive codes

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1D. How do you think that the law should deal with **INDIVIDUALS** responsible for making an **agreement between competitors on prices**?

Please mark all that apply

1. The individuals responsible should go to jail
2. The individuals responsible should pay a fine

3. The individuals responsible should be banned from being a director or manager of any company for a number of years
4. The individuals responsible should be publicly named (e.g. on the TV news) as having been involved in the conduct
5. The individuals responsible should pay compensation to anyone who suffered loss or damage as a result of the conduct
6. The individuals responsible should have to take measures to make sure the conduct does not happen again (e.g. by taking part in a training program)
7. There should be no penalties for the individuals responsible
8. Other

9. Don't know

Comments (optional):

*D1D=2 [Thinks individuals responsible should pay fine]

D1Da. If the individuals responsible each had to pay a fine for making an **agreement between competitors on prices**, how do you think this fine should be calculated?

1. Up to \$10,000
2. Up to \$50,000
3. Up to \$100,000
4. Up to \$250,000
5. Up to \$500,000

Comments (optional):

*D1D=1 [Thinks individuals responsible should go to jail]

D1Db. If a jail sentence was to be imposed on the individuals responsible for making an **agreement between competitors on prices**, what should the maximum jail term be?

1. Up to 1 year
2. Up to 5 years
3. Up to 7 years
4. Up to 10 years

Comments (optional):

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1E. Now we would like you to consider the following additional facts to see if they change your view.

All things considered, please tell us how you would view an **agreement between competitors on prices** if.....:

Less serious Just as serious More serious

Prices did not go up as a result of the conduct

The conduct included bullying another company into joining the agreement

The reason for the conduct was that it would prevent factories from closing and would save jobs

The companies involved in the conduct were small businesses

Elaborate steps were taken to make sure the authorities did not find out about the conduct

The profits from the conduct were used to make products that are environmentally friendly

Comments (optional):

*D1=1 [Thinks agreement between competitors on prices should be against the law]

D1F. Imagine that one company decides to report the **agreement on prices** to the authorities in return for immunity from prosecution for the company. The other company is prosecuted. If the agreement had not been reported, the authorities would not have found out about it.

To what extent do you agree that it is acceptable to give the first company immunity?

1. Strongly agree
2. Agree
3. Neither agree nor disagree
4. Disagree
5. Strongly disagree

***D2 Market sharing**

*[ALL]

D2int. Now for a different scenario....

Remember, the scenario could apply to a company of **any** size in **any** industry.

When you answer the questions, please focus on **how the businesses have acted**, rather than the type of business or the industry.

D2 This time, there are two plumbing companies that compete against each other in providing plumbing services to a town. They are the only plumbing companies in the town. In the past, if one plumbing company put up its prices, customers could switch to the other plumbing company.

The plumbing companies have now reached an agreement to allocate customers between them. One company will only service buildings north of the river; the other will only service buildings south of the river. As a result, they can charge higher prices because customers can't switch between the plumbing companies when they are unhappy about the price they are being charged.

Do you think that an **agreement between competitors to allocate customers** should be against the law?

1. Yes, I think it should be against the law
2. No, I don't think it should be against the law
3. I'm not sure whether it should be against the law

Comment (optional):

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law]

D2A. Do you think that an **agreement between competitors to allocate customers** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

*D2A=1 [Thinks agreement between competitors to allocate customers should be a criminal offence]

D2B. Why do you think that an **agreement between competitors to allocate customers** should be a criminal offence?

Strongly disagree Disagree Neither disagree nor agree Agree Strongly agree

Because consumers may have to pay more

Because the conduct involves deceiving consumers

Because the conduct may harm or be unfair to other competitors

Because the conduct is dishonest

Because making the conduct a criminal offence will mean that the companies or people involved can be punished for it

Because the conduct will harm competition or the free market

Because making it a criminal offence will deter companies or people from engaging in this sort of conduct in the future

Because the conduct should be seen as the same as theft

Comments (optional- please note that we are particularly interested to understand which reason or reasons are most important to you):

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law]

D2Cint. Now we would like you to think about how the law should deal with this conduct. First we will ask you about how the law should deal with the **COMPANIES** involved. Then we will ask you about how the law should deal with the **INDIVIDUALS** responsible for the conduct while working for the companies.

*Codes 5 and 6 are exclusive codes

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law]

D2C How do you think that the law should deal with **COMPANIES** for making an **agreement between competitors to allocate customers**?

Please mark all that apply

1. The companies should pay a fine
2. The companies should be publicly named (e.g. on the TV news) as having been involved in the conduct
3. The companies should pay compensation to anyone who suffered loss or damage as a result of the conduct
4. The companies should have to take measures to make sure the conduct does not happen again (e.g. by providing a training program for its employees)
5. There should be no penalties for the companies
6. Don't know
7. Other (please specify):

*D2C=1 [Thinks companies should pay a fine for agreement between competitors to allocate customers]

D2Ca. If the companies each had to pay a fine for making an **agreement between competitors to allocate customers**, how should this fine be calculated?

1. Ten per cent of the company's annual turnover
2. An amount that is three times the profits that the company made from the conduct
3. An amount that is equal to profits that the company made from the conduct
4. Up to \$10 million
5. Up to \$1 million
6. Don't know
7. Other (please specify):

Comments (optional):

*Codes 7 and 8 are exclusive codes

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law]

D2D. How do you think that the law should deal with **INDIVIDUALS** responsible for making an **agreement between competitors to allocate customers**?

Please mark all that apply

1. The individuals responsible should go to jail
2. The individuals responsible should pay a fine

3. The individuals responsible should be banned from being a director or manager of any company for a number of years
4. The individuals responsible should be publicly named (e.g. on the TV news) as having been involved in the conduct
5. The individuals responsible should pay compensation to anyone who suffered loss or damage as a result of the conduct
6. The individuals responsible should have to take measures to make sure the conduct does not happen again (e.g. by taking part in a training program)
7. There should be no penalties for the individuals responsible
8. Don't know
9. Other (please specify):

Comments (optional):

*D2D=2 [Thinks individuals responsible should pay a fine for making agreement between competitors to allocate customers]

D2Da. If the individuals responsible each had to pay a fine for making an **agreement between competitors to allocate customers**, how do you think this fine should be calculated?

1. Up to \$10,000
2. Up to \$50,000
3. Up to \$100,000
4. Up to \$250,000
5. Up to \$500,000

Comments (optional):

*D2D=1 [Thinks individuals responsible should go to jail for making agreement between competitors to allocate customers]

D2Db. If a jail sentence was to be imposed on the individuals responsible for making an **agreement between competitors to allocate customers**, what should the maximum jail term be?

1. Up to 1 year
2. Up to 5 years
3. Up to 7 years
4. Up to 10 years

Comments (optional):

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law]

D2E. Now we would like you to consider the following additional facts to see if they change your view.

All things considered, please tell us how you would view an **agreement between competitors to allocate customers** if....

Less serious Just as serious More serious

Prices did **not** go up as a result of the conduct

The conduct included bullying another company into joining the agreement

The reason for the conduct was that it would prevent factories from closing and would save jobs

The companies involved in the conduct were small businesses

Elaborate steps were taken to make sure the authorities did not find out about the conduct

The profits from the conduct were used to make products that are environmentally friendly

Comments (optional):

*D2=1 [Thinks agreement between competitors to allocate customers should be against the law] and *D1F not populated [i.e. do not ask D2F if already answered immunity question at D1F]

D2F. Imagine that one company decides to report the **agreement to allocate customers** to the authorities in return for immunity from prosecution for the company. The other company is prosecuted. If the agreement had not been reported, the authorities would not have found out about it.

To what extent do you agree that it is acceptable to give the first company immunity?

1. Strongly agree
2. Agree
3. Neither agree nor disagree
4. Disagree
5. Strongly disagree

***D3 Output restriction**

*[ALL]

D3int. Now for one more scenario....

Again, the scenario could apply to a company of **any** size in **any** industry.

When you answer the questions, please focus on **how the businesses have acted**, rather than the type of business or the industry.

*[ALL]

D3. This time, there are two companies that compete against each other as producers of cheese. They are the only companies that produce cheese in a particular region. In the past they have decided what volume they would produce depending on how much consumers in the region wanted to buy.

However, the companies have now made an agreement with each other to reduce the amount of cheese they produce. As a result of the agreement, they are no longer producing enough cheese to satisfy everyone in the region and can therefore charge higher prices. This is because consumers want to buy more cheese than is available for sale and are therefore prepared to pay more to try and get as much as they want.

Do you think that an **agreement between competitors to reduce production levels** should be against the law?

1. Yes, I think it should be against the law
2. No, I don't think it should be against the law
3. I'm not sure whether it should be against the law

Comments (optional):

*D3=1 [Thinks agreement between competitors to reduce production levels should be against the law]

D3A. Do you think that an **agreement between competitors to reduce production levels** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law, but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

*D3A=1 [Thinks an agreement between competitors to reduce production levels should be a criminal offence]

D3B. Why do you think that an **agreement between competitors to reduce production levels** should be a criminal offence?

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree
Because consumers may have to pay more	1	2	3	4	5
Because the conduct involves deceiving consumers	1	2	3	4	5
Because the conduct may harm or be unfair to other competitors	1	2	3	4	5
Because the conduct is dishonest	1	2	3	4	5
Because making the conduct a criminal offence will mean that the companies or people involved can be punished for it	1	2	3	4	5
Because the conduct will harm competition or the free market	1	2	3	4	5
Because making it a criminal offence will deter companies or people from engaging in this sort of conduct in the future	1	2	3	4	5
Because the conduct should be seen as the same as theft	1	2	3	4	5

Comments (optional- please note that we are particularly interested to understand which reason or reasons are most important to you):

*D3=1 [Thinks agreement between competitors to reduce production levels should be against the law]

D3Cint. Now we would like you to think about how the law should deal with this conduct. First we will ask you about how the law should deal with the **COMPANIES** involved. Then we will ask you about how the law should deal with the **INDIVIDUALS** responsible for the conduct while working for the companies.

*Codes 5 and 6 are exclusive codes

*D3=1 [Thinks agreement between competitors to reduce production levels should be against the law]

D3C How do you think that the law should deal with COMPANIES for making an **agreement between competitors to reduce production levels**?

Please mark all that apply

1. The companies should pay a fine
2. The companies should be publicly named (e.g. on the TV news) as having been involved in the conduct
3. The companies should pay compensation to anyone who suffered loss or damage as a result of the conduct
4. The companies should have to take measures to make sure the conduct does not happen again (e.g. by providing a training program for its employees)
5. There should be no penalties for the companies
6. Don't know
7. Other (please specify):

*D3C=1 [Thinks companies should pay a fine]

D3Ca. If the companies each had to pay a fine for making an **agreement between competitors to reduce production levels**, how do you think this fine should be calculated?

1. Ten per cent of the company's annual turnover
2. An amount that is three times the profits that the company made from the conduct
3. An amount that is equal to profits that the company made from the conduct
4. Up to \$10 million
5. Up to \$1 million
6. Don't know
7. Other (please specify):

Comments (optional):

*Codes 7 and 8 are exclusive codes

*D3=1 [Thinks agreement between competitors to reduce production levels should be against the law]

D3D. How do you think that the law should deal with **INDIVIDUALS** responsible for making an **agreement between competitors to reduce production levels**?

Please mark all that apply

1. The individuals responsible should go to jail
2. The individuals responsible should pay a fine

3. The individuals responsible should be banned from being a director or manager of any company for a number of years
4. The individuals responsible should be publicly named (e.g. on the TV news) as having been involved in the conduct
5. The individuals responsible should pay compensation to anyone who suffered loss or damage as a result of the conduct
6. The individuals responsible should have to take measures to make sure the conduct does not happen again (e.g. by taking part in a training program)
7. There should be no penalties for the individuals responsible
8. Don't know
9. Other (please specify):

Comments (optional):

*D3D=2 [Thinks individuals should pay a fine]

D3Da. If the individuals responsible each had to pay a fine for making an **agreement between competitors to reduce production levels**, how do you think this fine should be calculated?

1. Up to \$10,000
2. Up to \$50,000
3. Up to \$100,000
4. Up to \$250,000
5. Up to \$500,000

Comments (optional):

*D3D=1 [Thinks individuals should go to jail]

D3Db. If a jail sentence was to be imposed on the individuals responsible for making an **agreement between competitors to reduce production levels**, what should the maximum jail term be?

1. Up to 1 year
2. Up to 5 years
3. Up to 7 years
4. Up to 10 years

Comments (optional):

*D3=1 [Thinks agreement between competitors to reduce production levels should be against the law]

D3E. Now we would like you to consider the following additional facts to see if they change your view.

All things considered, please tell us how you would view an **agreement between competitors to reduce production levels** if...

Less serious Just as serious More serious

Prices did not go up as a result of the conduct

The conduct included bullying another company into joining the agreement

The reason for the conduct was that it would prevent factories from closing and would save jobs

The companies involved in the conduct were small businesses

Elaborate steps were taken to make sure the authorities did not find out about the conduct

The profits from the conduct were used to make products that are environmentally friendly

Comments (optional):

*D3=1 [Thinks agreement between competitors on production levels should be against the law] and [D1F not populated and D2F not populated] [i.e. do not ask D3F if already answered immunity question at D1F or D2F]

D3F. Imagine that one company decides to report the **agreement between competitors to reduce production levels** to the authorities in return for immunity from prosecution for the company. The other company is prosecuted. If the agreement had not been reported, the authorities would not have found out about it.

To what extent do you agree that it is acceptable to give the first company immunity?

1. Strongly agree
2. Agree
3. Neither agree nor disagree
4. Disagree
5. Strongly disagree

Section E: Crime seriousness

*ALL

PROGRAMMER CREATE DUMMY VARIABLE

CRIMOFF

1. D1A=1 OR D2A=1 OR D3A=1 (THINKS AT LEAST ONE OF SECTION D SCENARIOS IS CRIMINAL OFFENCE)
2. All others

*CRIMOFF=1

*PROGRAMMER NOTE

IF D1A=1 AND D2A=1 AND D3A = 1, ASK E1

IF D1A=1 AND D2A = 1, ASK E1

IF ID1A=1 AND D3A = 1, ASK E1

IF D2A=1 AND D3A = 1, randomly allocate respondent to be asked EITHER E2 OR E3.

IF ONLY D1A = 1, ASK E1

IF ONLY D2A = 1, ASK E2

IF ONLY D3A = 1, ASK E3

*CRIMOFF=1

CRIMOFF1 SHOW ALLOCATION ACROSS E1, E2 AND E3

- 1.ASK E1
- 2.ASK E2
- 3.ASK E3

*D1A=1 (AS DEFINED IN CRIMOFF1)

E1 Earlier in the survey you were asked to consider the following scenario:

There are two butchers in a town. In the past they have set their prices independently of each other. This has meant that if one butcher put up its prices, consumers could switch to the other butcher to find a lower price.

The butchers have now reached an agreement with each other to set the prices they charge for the most popular cuts. As a result, they can charge higher prices because if consumers are unhappy with the price at one butcher, they are unable to switch to the other butcher for a better price.

You thought that an agreement between competitors on prices should be a criminal offence.

In this section we would like you to rate how SERIOUS you think a range of other crimes are, when compared with competitors agreeing on prices.

		A lot less serious	A little less serious	Just as serious	A little more serious	A lot more serious	
A	A person stealing another person's property is...	1	2	3	4	5	than competitors agreeing on prices
B	An insurance company denying a valid claim to save money is...	1	2	3	4	5	
C	A company director using their position dishonestly to gain personal advantage is...	1	2	3	4	5	
D	A company misleading consumers about the safety of goods is...	1	2	3	4	5	
E	A company failing to ensure worker safety is...	1	2	3	4	5	
F	A person killing another person is...	1	2	3	4	5	
G	A person driving while drunk is...	1	2	3	4	5	
H	A company evading government income taxes is...	1	2	3	4	5	
I	A person using inside information in deciding to buy or sell shares is...	1	2	3	4	5	
J	A person sexually abusing another person is..	1	2	3	4	5	

*AS DEFINED IN CRIMOFF1

E2 Earlier in the survey you were asked to consider the following scenario:

There are two plumbing companies that compete against each other in providing plumbing services to a town. They are the only plumbing companies in the town. In the past, if one plumbing company put up its prices, customers could switch to the other plumbing company.

The plumbing companies have now reached an agreement to allocate customers between them. One company will only service buildings north of the river; the other will only service buildings south of the river. As a result, they can charge higher prices because customers can't switch between the plumbing companies when they are unhappy about the price they are being charged.

You thought that an agreement between competitors to allocate customers should be a criminal offence.

In this section, we would like you to rate how SERIOUS you think a range of other crimes are, when compared with competitors agreeing to allocate customers.

		A lot less serious	A little less serious	Just as serious	A little more serious	A lot more serious	
A	A person stealing another person's property is...	1	2	3	4	5	than competitors agreeing to allocate customers
B	An insurance company denying a valid claim to save money is...	1	2	3	4	5	
C	A company director using their position dishonestly to gain personal advantage is...	1	2	3	4	5	
D	A company misleading consumers about the safety of goods is...	1	2	3	4	5	
E	A company failing to ensure worker safety is...	1	2	3	4	5	
F	A person killing another person is...	1	2	3	4	5	
G	A person driving while drunk is...	1	2	3	4	5	
H	A company evading government income taxes is...	1	2	3	4	5	
I	A person using inside information in deciding to buy or sell shares is...	1	2	3	4	5	
J	A person sexually abusing another person is..	1	2	3	4	5	

*AS DEFINED IN CRIMOFF1

E3 Earlier in the survey you were asked to consider the following scenario:

There are two companies that compete against each other as producers of cheese. They are the only companies that produce cheese in a particular region. In the past they have decided what volume they would produce depending on how much consumers in the region wanted to buy.

However, the companies have now made an agreement with each other to reduce the amount of cheese they produce. As a result of the agreement, they are no longer producing enough cheese to satisfy everyone in the region and can therefore charge higher prices. This is because consumers want to buy more cheese than is available for sale and are therefore prepared to pay more to try and get as much as they want.

You thought that an agreement between competitors to reduce production levels should be a criminal offence.

In this section, we would like you to rate how **SERIOUS** you think a range of other crimes are when compared with competitors agreeing to reduce production levels.

		A lot less serious	A little less serious	Just as serious	A little more serious	A lot more serious	
A	A person stealing another person's property is...	1	2	3	4	5	than competitors agreeing to reduce production levels
B	An insurance company denying a valid claim to save money is...	1	2	3	4	5	
C	A company director using their position dishonestly to gain personal advantage is...	1	2	3	4	5	
D	A company misleading consumers about the safety of goods is...	1	2	3	4	5	
E	A company failing to ensure worker safety is...	1	2	3	4	5	
F	A person killing another person is...	1	2	3	4	5	
G	A person driving while drunk is...	1	2	3	4	5	
H	A company evading government income taxes is...	1	2	3	4	5	
I	A person using inside information in deciding to buy or sell shares is...	1	2	3	4	5	
J	A person sexually abusing another person is...	1	2	3	4	5	

Section F: Compliance and deterrence

*ALL

*PROGRAMMER CREATE DUMMY VARIABLE "ATRISK"

ATRISK

1. ATRISK (A9=1 OR 2 OR 3 OR 4 (owner, board member, senior / middle manager)) OR (A10 not 10 (role includes at least one of specified aspects))
2. All others

*ATRISK=1 [ATRISK]

F1aintro In this next section, we have a few more business scenarios that we'd like you to consider very carefully...

*ATRISK=1 [ATRISK]

F1a. Lee, a sales manager at Brick Company, considers whether to get together with representatives from companies that compete with Brick Company to agree on product prices for the next year. Brick Company is currently experiencing growing sales and revenues in an industry that is economically healthy. Lee's conduct would boost revenues further and therefore result in a very positive impression of Lee by top management.

Lee decides to meet with representatives from competitor brick companies to agree on the prices for the next year. As a result brick prices rise throughout the big city in which Brick Company and its competitors are based. This means that governments, companies and individuals all have to pay more for new buildings and houses and Brick Company makes millions of dollars in extra profits.

Please answer the next questions given what you think the law **ACTUALLY IS**, rather than what you think the law **SHOULD BE**.

Do you think that Lee has broken the law by agreeing on prices with competitors?

1. Yes
2. No
3. I'm not sure

Comments (optional):

*F1A=1 [Thinks the law has been broken]

F1b. Do you think that Lee has committed a criminal offence by agreeing on prices with competitors?

1. Yes
2. No
3. I'm not sure

Comments (optional):

*F1A=1 [Thinks the law has been broken]

*programmer note: options 7 and 8 are exclusive codes

F1c. As far as you know, what penalties are available under the law for someone like Lee who agrees on prices with competitors?

Please answer according to what you think the law **actually is**, rather than what you think the law should be. *Please mark all that apply*

1. Lee could be sent to jail
2. Lee could have to pay a fine
3. Lee could be banned from being a director or manager of any company for a number of years
4. Lee could be publicly named (e.g. on the TV news) as having been involved in the conduct
5. Lee could have to pay compensation to anyone who suffered loss or damage as a result of the conduct
6. Lee could be forced to take measures to ensure the conduct did not happen again (e.g. by taking part in a training program), or
7. No penalties would apply
8. I'm not sure

*ATRISK=1 [ATRISK]

*PROGRAMMER NOTE: All "ATRISK" respondents to be asked one of following question sets, so that there are equal numbers of at risk respondents in each rotation

COMPARE BY CIVIL / CRIMINAL WITHIN PRESSURE TYPE (2 PER RESPONDENT)

ROTATION 1: F2 (Civil actions, no pressure) and F5 (Criminal sanctions, no pressure)

ROTATION 2: F3 (Civil actions, economic pressure) and F6 (Criminal sanctions, economic pressure)

ROTATION 3: F4 (Civil actions, social pressure) and (F7 Criminal sanctions, social pressure)

*Before the first scenario in the selected rotation, display:

Fintro2 Now for a different scenario.....

*Before second scenario in the selected rotation, display:

Fintro2 This scenario is the same as the last one, except that this time, the conduct is against the law **and is a criminal offence**.....

Just to remind you, the full scenario is repeated below

*display existing F5 / F6 / F7 scenario as currently scripted, but bold and underline the words "This conduct is against the law and is a criminal offence"

***F2. Civil sanctions - no pressure**

*ATRISK=1 [ATRISK] ROTATION 1

F2a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from Express Freight Company's competitors in order to make an agreement not to try to win over each other's customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers. This would increase firm revenues, and result in a positive impression of Ashley by top management.

This conduct is against the law but it is **not** a criminal offence

If Ashley goes ahead and agrees with the competitors not to win over each other's customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 1

F2b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will actually take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 1

F2c. In recent years the average fine that the courts have imposed on individuals involved in the same sort of conduct that Ashley is considering has been \$40,000. The maximum fine available under the law against individuals for this sort of conduct is \$500 000. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

*ATRISK=1 [ATRISK] ROTATION 1

F2d. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

F3. Civil sanctions - economic pressure

*ATRISK=1 [ATRISK] ROTATION 2

F3a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from Express Freight Company's competitors in order to make an agreement not to win over each other's customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers.

Express Freight Company is currently experiencing declining sales and revenues, and Ashley is struggling to meet sales targets. This agreement would stabilise revenues and secure Ashley's job.

This conduct is against the law but it is **not** a criminal offence

If Ashley goes ahead and agrees with the competitors not to win over each other's customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very

Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 2

F3b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will actually take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very

Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 2

F3c. In recent years the average fine that the courts have imposed on individuals involved in the same sort of conduct that Ashley is considering has been \$40,000. The maximum fine available under the law against individuals for this sort of conduct is \$500 000. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

*ATRISK=1 [ATRISK] ROTATION 2

F3d. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

F4. Civil sanctions - social pressure

*ATRISK=1 [ATRISK] ROTATION 3

F4a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from Express Freight Company's competitors in order to make an agreement not to win over each other's customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers. This would increase firm revenues, and result in a positive impression of Ashley by top management. Such conduct is common within the firm.

Ashley is friendly with several other managers in other parts of Express Freight Company who have engaged in similar conduct. They are encouraging Ashley to do so too.

This conduct is against the law but it is **not** a criminal offence.

If Ashley goes ahead and agrees with the competitors not to win over each other's customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 3

F4b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will actually take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 3

F4c. In recent years the average fine that the courts have imposed on individuals involved in the same sort of conduct that Ashley is considering has been \$40,000. The maximum fine available under the law against individuals for this sort of conduct is \$500 000. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

*ATRISK=1 [ATRISK] ROTATION 3

F4d. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

- 1. Very unlikely
- 2. Unlikely
- 3. Likely
- 4. Very likely

Comments (optional):

F5. Criminal sanctions - no pressure

*ATRISK=1 [ATRISK] ROTATION 1

F5a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from Express Freight Company's competitors in order to make an agreement not to win over each other's customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers.

This would increase firm revenues, and result in a positive impression of Ashley by top management.

This conduct is against the law and is a criminal offence.

If Ashley goes ahead and agrees with the competitors not to win over each other's customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 1

F5b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will actually take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very
Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 1

F5c. If Ashley is found guilty, how likely do you think it is that Ashley will be sentenced to jail for making an agreement with competitors not to try to win over each other's customers?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very
Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 1

F5e. The law says that people who engage in the sort of conduct that Ashley is considering can be convicted and put in jail. The maximum jail term available under the law against individuals for this sort of conduct is 10 years. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

--

*ATRISK=1 [ATRISK] ROTATION 1

F5f. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

- 1. Very unlikely
- 2. Unlikely
- 3. Likely
- 4. Very likely

Comments (optional):

F6. Criminal sanctions – economic pressure

*ATRISK=1 [ATRISK] ROTATION 2

F6a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from Express Freight Company's competitors in order to make an agreement not to win over each other's customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers.

Express Freight Company is currently experiencing declining sales and revenues, and Ashley is struggling to meet sales targets. This agreement would stabilise revenues and secure Ashley's job.

This conduct is against the law and is a criminal offence.

If Ashley goes ahead and agrees with the competitors not to win over each other's customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 2

F6b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very
 Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 2

F6c. If Ashley is found guilty, how likely do you think it is that Ashley will be sentenced to jail for making an agreement with competitors to no longer try to win over each other's customers?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very Very
 Unlikely Likely

*ATRISK=1 [ATRISK] ROTATION 2

F6d. The law says that people who engage in the sort of conduct that Ashley is considering can be convicted and put in jail. The maximum jail term available under the law against individuals for this sort of conduct is 10 years. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

*ATRISK=1 [ATRISK] ROTATION 2

F6e. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely

- 3. Likely
- 4. Very likely

Comments (optional):

F7. Criminal sanctions - social pressure

*ATRISK=1 [ATRISK] ROTATION 3

F7a. Ashley, a manager at Express Freight Company, considers whether to get together with representatives from freight companies that compete with Express Freight Company in order to make an agreement not to win over each other’s customers.

This would mean Ashley does not have to discount prices or increase the quality of service in order to keep existing customers.

This would increase firm revenues, and result in a positive impression of Ashley by top management. Such conduct is common within the firm.

Ashley is friendly with several other managers in other parts of Express Freight Company who have engaged in similar conduct. They are encouraging Ashley to do so too.

This conduct is against the law and is a criminal offence.

If Ashley goes ahead and agrees with representatives from competitors not to win over each other’s customers, how likely do you think it is that Ashley would be found out by the law enforcement authorities for doing this?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 3

F7b. If Ashley is found out by the authorities, how likely do you think it is that the authorities will take legal action against Ashley?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 3

F7c. If Ashley is found guilty, how likely do you think it is that Ashley will be sentenced to jail for making an agreement with competitors not to try to win over each other's customers?

1	2	3	4	5	7	8	9	10
---	---	---	---	---	---	---	---	----

Very

Very

Unlikely

Likely

*ATRISK=1 [ATRISK] ROTATION 3

F7d. The law says that people who engage in the sort of conduct that Ashley is considering can be convicted and put in jail. The maximum jail term available under the law against individuals for this sort of conduct is 10 years. The law also says that individuals who take part in this sort of conduct can be banned from managing a company in the future.

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

*ATRISK=1 [ATRISK] ROTATION 3

F7f. If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers?

1. Very unlikely
2. Unlikely
3. Likely
4. Very likely

Comments (optional):

Section G: Prior knowledge and comments

*[ALL]

Programmer note: option 8 is an exclusive code

G1. Prior to completing this survey, had you heard or read about any of the following people, organisations or topics?

Please mark all that apply

1. The Australian Competition and Consumer Commission (ACCC)
2. Cartels or cartel conduct
3. Graeme Samuel
9. Allan Fels
4. Price fixing
5. A case involving Visy and Amcor for price fixing
6. Criminal penalties for cartel conduct
7. A case involving Richard Pratt and the Australian Competition and Consumer Commission
8. Haven't heard or read about any of these.

*[ALL]

G2. Finally, is there anything else you would like to tell us about the scenarios or issues in this survey?

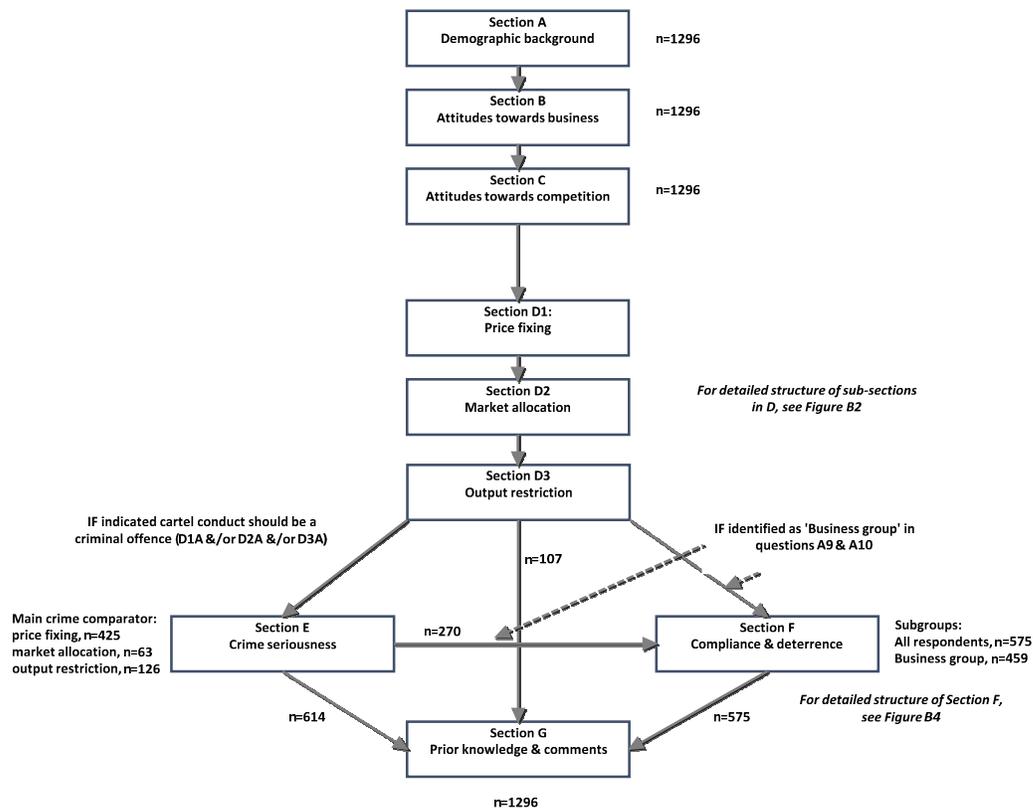
1. Yes

2. No

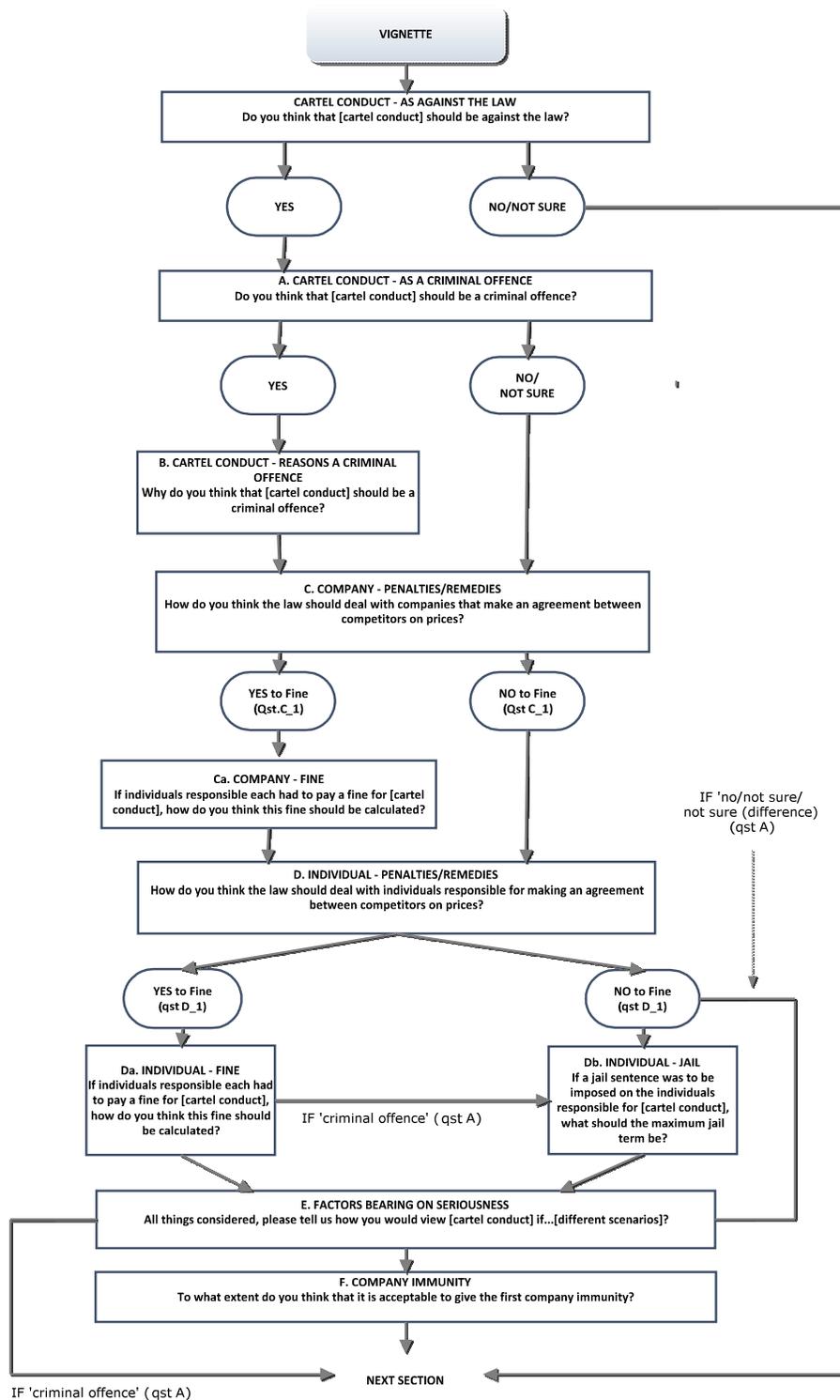
APPENDIX B: STRUCTURE OF SURVEY

B1. OVERVIEW OF MAJOR PATHWAYS

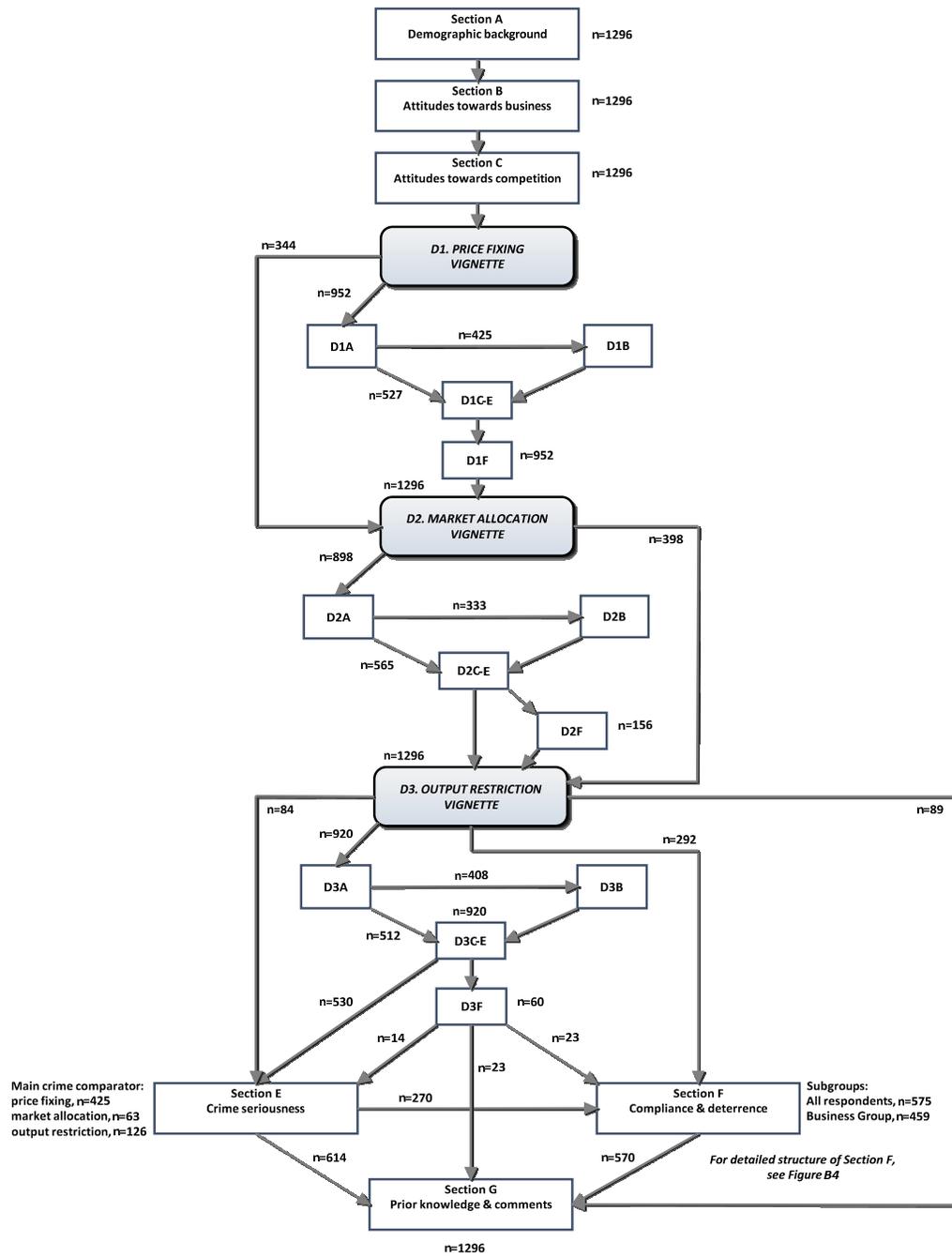
For all flow charts, unweighted numbers of respondents for sections and pathways are presented.



B2. STRUCTURE OF SECTION D

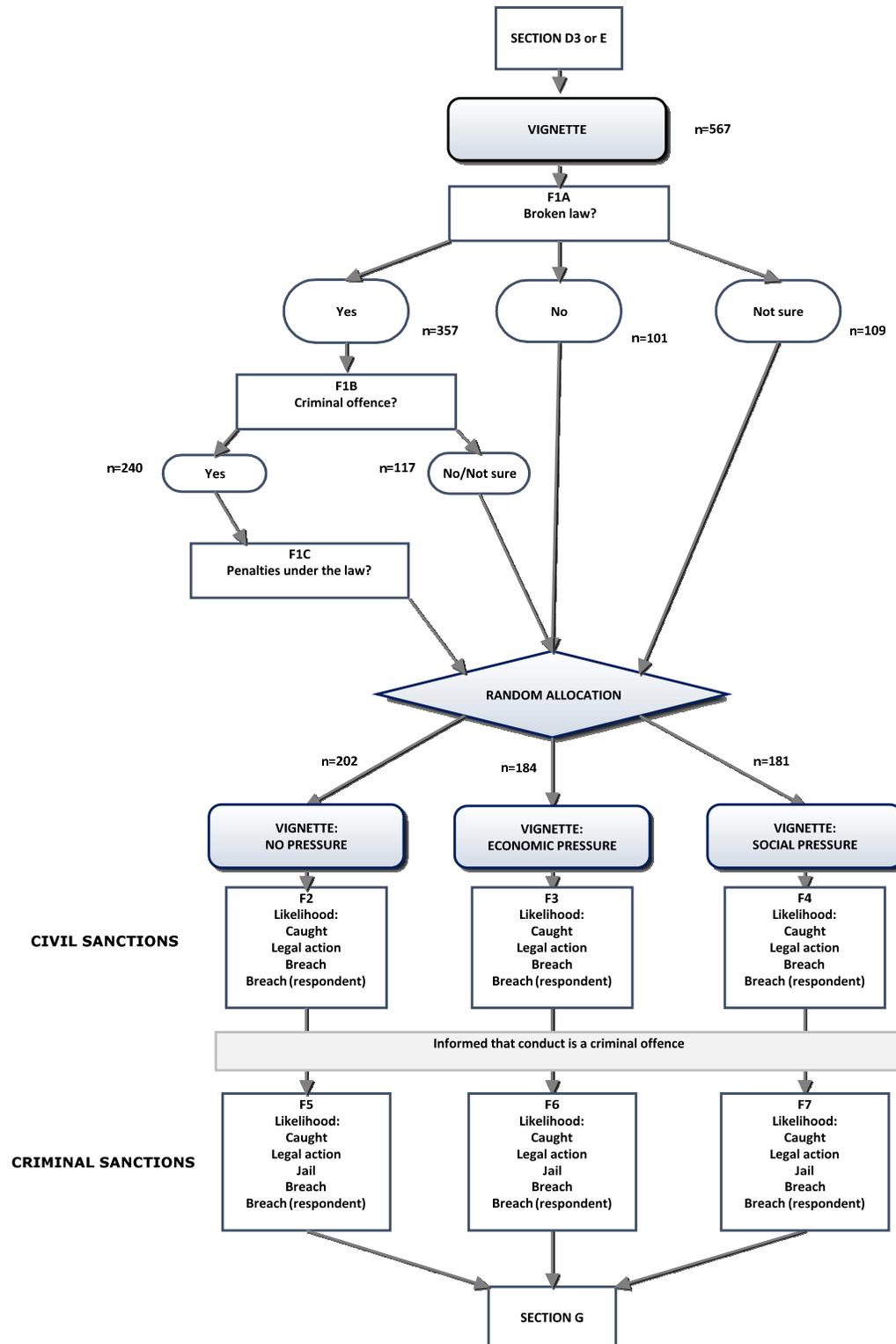


B3. SURVEY STRUCTURE – HIGHER AND LOWER ORDER PATHWAYS COMBINED



B4. STRUCTURE OF SECTION F

Unweighted numbers of respondents are for the overall Business Group (i.e. random and booster samples combined)



APPENDIX C: OPEN-ENDED RESPONSES TO SURVEY

C1. OPEN RESPONSES FOR SECTION D

Price fixing as against the law (Question D1, n=212)

COMMENTS OF THOSE WHO ANSWERED 'YES' – IT SHOULD BE AGAINST THE LAW
It could be seen as fixing over inflated prices
This is a jailable offence in the USA and Canada. Competition is paramount to giving consumers a fair go.
it would make prices ceaper if the was open priceses
No one gains from this scenario. People will just buy less to fit in with their budgets than pay more for what they usually get. This practice is not fair for the consumer.
It is against the law.
It takes competitiveness out of the market, and could get to the stage where prices are set unrealistically.
Competition is great but this is not fair competition
price fixing is not a fair way of doing business
This is a big problem with the retail industry
I think that's unfair for the consumer
Collusion to detriment of public.
This is price fixing and already apparently illegal in Austria but not really enforced, look at the petrol companies have been getting away with this for years
I thought price fixing was against the law but it is hard to prove in a law court
Any cartel is wrong. There is no harm in fair competition for the same quality. If competition means lower quality and restricted lines then people should choose with their feet. We all know they don't and business takes advantage.

price fixing kills competition and is unfair to consumer
I think this is called 'Price Fixing' which I believe is Illegal for at least Large Businesses and Corporations.
that kind of arrangement is not fair for consumers
UNCOMPETITIVE
Consumers have the right to be able to get a good deal on any purchase, no matter what type of business it is
It's price fixing and takes control away from the consumer as to the best way to spend their money.
this senario smacks of price fixing and should be against the law however I am sure this price fixing is open for abuse in most businesses
Fixed prices like this destroy competition and would always mean higher prices
It would relate to the creation of a monopoly
It is unfair to set prices in this way for the general public.
it stifles competetion
I thought it was already illegal - price collusion!
this is collusion and the customer suffers.Woolies and coles are experts at this
price fixing is WRONG
This is called price fixing or cartelling. Didn't Amcor and Visy go into damage control this particular matter?
Collusive pricing - illegal.
This is not competition if there is an agreement between traders
the prize fixing against the law
Woolworths is doing this against Fruit and Vegetable Shops lowering prices and forcing them out of business. At Taigum, Mal Malinga is fighting back. At Sandgate Woolworths charges the highest prices of

Goods as they have no competition. Lady in charge of staff told me it is not illegal.
but it happens
Price stacking or generated non competition base. Petrol Companies and Supermarkets have been doing it for years. All levels of government seem to be scared of pulling them into line.
I hate the idea of a monopoly whether by agreement of 2 companies as in scenario as it stops genuine competition,same with petrol companies squeezing out the small operators and the list goes on woolworths/coles for example.
this is price fixing and is illegal
thats called the screw you
I think colusion between business operators to get more money from the public should be unlawful
They should be able to set their own prices at any time
Price fixing is not good for customers.
unfair price range to the consumer
It's collusion
Totally unfair to the consumer. The consumer gets ripped off for a product that could otherwise be cheaper.
Not fair on the consumer.
This would allow no choice for consumers at all.
consumers have no choices
there always be competition
I think it is already illegal
The customer should be assured of a fair price providing quality is the same
It does not seem fair on consumers

<p>Agreements between competitors on prices is counter-productive to competition. Customers lose out on making their own choice on who to buy from, whether it is on price or quality.</p>
<p>anti competition laws already prevent this cardboard cartel and all that</p>
<p>Are you sure they are not petrol stations????</p>
<p>There is a need for competition between like businesses because then the prices of goods will not go too high.</p>
<p>it is price fixing</p>
<p>The lawyers will find a way around it but it ought be against the law or at least punishable by some way. I'm no lawyer so not sure if it comes under the umbrella of "price fixing" but ask the customer of said butchers what they think or more real world see how long it takes for said fixers windows to be repeatedly smashed or their new ars burned</p>
<p>There should be regulatory services ensuring the fair pricing of goods throughout the process, from supplier to consumer to reduce the disparity between what a farmer receives for his produce and what the consumer pays.</p>
<p>business shouldnt be able to collude with each other to set higher prices</p>
<p>Because we need the competition in the marketplace.</p>
<p>They should have to work independently of each other at all times.</p>
<p>Both businesses would be in breach of the Trade Practices Act because they are working together to gain a unlawful financial advantage over the customers.</p>
<p>I'm not sure if I follow this scenario, wording may not make sense</p>
<p>Healthy price competition should see consumers get value for their money</p>
<p>Any colusion over price or serice delivery should be against the law</p>
<p>Customers need choices</p>
<p>cole vers woolies is a great example of how it should not be run</p>
<p>I think that would be daylight robbery for the consumers</p>

there would be no competition and the prices would go up
price fixing removes choices from consumers and only benefits the vendor
Don't know how an effective law could be framed.
obviously, collusion in pricing means we get ripped off
Fixed pricing stifles competition - consumers lose out.
The customer would get a better deal if there was genuine competition
If the prices are set then that is not competition.
This seems unethical to me
This is a restriction of choice
criminal
agreed prices removes competition
It is a micro cartel!
It must be stopped at all costs
It would be a case of pay up shut up!
That's price fixing
Happens in Tasmania between the two major supermarkets
This represents collusion and is anti competitive resulting in increased prices.
Yes, it is not fair for the consumer and it is against the law
it is to run off smaller competitors
A competitor should be exactly that a competitor, if both parties are colluding on prices that is not competition that is a monopoly.

Price fixing is illegal. Collusion is frowned up
I think this currently happens a lot more than people realise.
Definitely, they even should be charged and condemned
Competition is always healthy
Absolutely not good for the consumer
It is against the law, called collusion
Competition is healthy and this sort of agreement would cost the consumers a lot more and they could do nothing about it
I think that the price should be a fair one for both butcher and customer - not by both butchers trying to outdo the other. If they set prices high for the most popular cuts, this is not fair to the customer.
That is considered to be price fixing.
absolutely
Your example is the retail industry but the fuel companies are a good example of the public being treated poorly.
It is not fair to the consumer to not have choices.
unfair to consumers.
I think this is called 'price fixing' and is illegal. It's not fair to consumers.
such an agreement is an agreement to defraud by isolation of a product / s
this is price fixing
It's essentially just price fixing. Doesn't matter what sort of business does it, petrol companies or butcher, it is morally wrong.
Reaching the agreement is wrong - they could just as easily reach the same conclusion without the agreement

<p>It is certainly immoral...and should be against the law, if the law is designed to protect consumers and promote competition.</p>
<p>IT REFLECTS ON THE FAIR BUSINESS COMMUNITY. CUSTOMERS SHOULD NOT BE CHEATED LIKE THIS. ABOVE STATEMENT IS DEFINITELY TAKE IN TO TASK.</p>
<p>This to me is unfair trading</p>
<p>If this "agreement" or "arrangement" is allowed to occur between companies within the same industry that essentially defeats & omits true competition for the consumer</p>
<p>it would stop the big companies doing that and putting small business at of business</p>
<p>The agreement may allow the sellers to put up unreasonable margin on products to sell, therefore to harm consumers' benefit, also to harm the market balance.</p>
<p>IN THIS CASE THEY CAN CHARGE WHAT THEY LIKE AND THE CONSUMERS CANT HAVE A CHOICE.</p>
<p>Sure they can charge what they want. If there was no other alternative. eg supermarket then I think this type of pricing by these butchers is wrong. By the same token if they don't get any sales due to their tactics then that serves them right. Also by not getting customers will make them reduce their prices otherwise face closure . . .</p>
<p>Yes this is collusion and does not let consumers have freedom of choice</p>
<p>Competition is an integral part of business and the other option you give is a classic way of "ripping off" the consumer</p>
<p>But it is difficult to monitor so probably fairly pointless making it law!!</p>
<p>it is against the law</p>
<p>It is against the law I think</p>
<p>this is price fixing</p>
<p>consumers have the right of choice!</p>
<p>Think it is called price collusion - Excuse the spelling.</p>
<p>They are no longer competitors and should inform their customers that their prices are no longer</p>

competitive
there is too much price comparisons by major retail supermarkets
I thought it was already against the law, but few companies are ever charged.
its collusion to fleece customers
if there is an agreement then the consumer would not benefit
This is already against the law
Such agreements negate the benefits of competition which should in cases such as this be competition on quality and service
no
price fixing is illegal
Yes collusion should be against the law
Forcing prices up
Where producers are price takers rather than price makers there can be instances where a minimum threshold price could be beneficial to both producer and consumer eg milk
Collusion does not promote fairness in society
collusion - not good for the customer
Isn't this happening in respect to petrol stations--although it's never been proven by the ACCC
Price fixing manipulates the market. Market demand should determine the best price.
If both butchers will rise the prices then there will be no option for consumer. In return its harm of consumer, on the other hand if both the butchers will lower the prices then there will be no competition, it can affect quality of product also
Rather than one company/business having the monopoly of their market, it instead creates two businesses with the monopoly of the market
Although I believe price fixing can have a negative impact on the cost factor for consumers I also recognise

that price cutting is a tool used to eliminate competitors so as to become the sole supplier.
Trade Practices Act has been around since the early 1970's
I also believe that it is currently against the law.
Yes, for retailers not producers.
will always be competing for customers.
there is no competition.
Price fixing is illegal in Australia.
Price setting like this can see the business charge whatever they like as long as they are both charging the same - this means they can charge 100%, 200%, 500%, etc., over cost as they see fit. There is NO fairness involved.
that is a scary thought for the consumer.
COMMENTS OF THOSE WHO ANSWERED 'NO' – IT SHOULD NOT BE AGAINST THE LAW
least they are talking and not going behind the others back
That's their decision.
customers would then know that shopping around for cheaper prices, is a waste of time. Regarding prices, customers have NO control, over them, and large supermarkets like COLES and WOOLWORTHS control the prices between themselves.
Should not be against the law but there should be a governing body to oversee price fixing
It would promote a universally lower price flowing from bulk buying.
If it's a reasonable price then who cares
its not fair but they can charge what they like
unsure
It has been going on for years in regional Victoria and works extremely well and I might add from small to

large businesses.
but there should be guidelines to prevent big companies having a monopoly
They should be allowed to charge what they want but it may tell against one of them n the end.
While I think competition is a good thing, I also think that if a business pays for goods it should be able to attempt to make enough profit to cover its costs. Of course I would go to the cut price business (as long as the goods were of a quality I expect).
People can always go to another town and freeze their meat. It may also cause a third buthcer to open in the town.
It'll be limited by the customers in the end. If they decide they really can't afford it, they won't buy it. Of course, if they're complete morons, they'll buy it anyway, but that's their own fault.
Opportunity perhaps for another business.
They're helping each other out I suppose to stay in business. We all have to survive somehow.
It's up to the butchers i would think it would be location that would make where I bought
I don't think it should be illegal, but I don't agree with the practise
While it is reprehensible on moral ground, such a law would be impossible to police
it should be discouraged, but there are too many petty laws like that
Competition is healthy
but its a free market,and if you dont like it,buy your own butcher shop and compete
price fixing can only go so far and buyers will go elsewhere so it's self regulating
but prices need to be set closer to the real market price not at supermaket prices
Price fixing already occurs in various businesses. Although one butcher may be cheaper it does not mean he has the best quality meat and most people are prepared to pay more for quality.
It still comes down to choise, The quality and customer service plays a large part in choosing a reliable store. If butcher A was a C*nt then i would go to butcher B if then they both turned out to be C*nts well i'd go further away.

it can be a huge problem. people tend to get ripped off without compititon
This protects the benefits of the companies but what about the benefits of the customer? As a consumer, i could not agree with this act. However, I don't think it should be against the law.
However there should be a level to which this can occur.
as long as both partys are agreeable and the customer benefits
it creates compertion for the consumer to choose where they shop
It opens room for new business who charge less
good clean competition is healthy and consumers like to shop around
COMMENTS OF THOSE WHO ANSWERED 'NOT SURE' – WHETHER IT SHOULD BE AGAINST THE LAW
Where there are standard retail prices for an item (eg canned food, electrical items) there is nothing wrong with different vendors offering the same price. Where there are differences in quality or natural fluctuations in price for items (eg fruit, meat, petrol), price fixing should be illegal.
There is no real reason why they cant do it even if we dont like it. Maybe only personal customer pressure could work
The butchers could set their prices at any high level. There should be some kind of a watchdog from the meat industry that looks at overpricing, while at the same time allowing a reasonable profit for the butcher. We have seen what harm this sort of thing can do where two or more have a monopoly on prices.
As long as it it set between a fair mininum & maximum for the product, also there has to be sales
it makes sense for the business owners but it opens up doors for unfair practice
In this scenario I don't think it's right, where 2 independent small businesses are colluding in order to artificially push up prices. There are some circumstances where I think it is necessary for some pricing standards eg in a colesworth situation where you have a major company pricing their goods below cost to put pressure on small businesses to close. In that sort of circumstance, there should be restrictions on how much the big business can undercut small business competition, and agreement to a certain extent on what prices should be.
We are supposed to living in a free market economy with free speech and a whole lot of other advantages. If businesses collude with each other and price fix, then they are manipulating the market which smacks of extortion and ransom. Should this be illegal? People do have a certain amount of power as consumers. In this example, they could collectively stop shopping at the butchers for a period of time, or go to a

competitor in a nearby town to get a message across. There is also the opportunity for a third butcher to set up shop and do things differently.
If it's an amicable agreement between the 2 butchers I think it;s OK but I can't see this working
most small business is a free enterprise, in this instance, If both butchers made and agreement, maybe they could both offer different cuts of meat on a special, thus both receiving a market share of customers, and at the same time the customers have a better choice.
I do not think a law could be passed to deal with this scene but I think the consumer should voice protests regarding this fixing of prices to their detriment.
I don't think it should be against the law, I just feel it's immoral
I think competition is healthy Butchers do not need to charge at an exorbonate price just realistic You may like one butcher and not the other so therefore your business would go to him Most butchers look after their customers
I guess the bottom line is that somehow we need to keep prices down which competition will do but is that at the sake of quality? Not sure how to answer this. Legally there should be a maximum price on just about everything
Competition should be encouraged it is not only price but quality
I'm not sure it should be illegal, but I think personally that it is highly unethical.
should'nt be against the law but the butchers should have a written law..
Not sure if making it against the law is too harsh but it certainly is very unfair on the consumer.
I do not believe that agreements between competitors should be made, however I do not believe it should be against the law.
it would depend on the growers and the honesty about the value and or quality of the meat
I would hope that for better cuts of meat you would receive better quality for a higher price. Market rentals/leases also charge higher rates in inner city suburbs such as Stonnington than say Springvale or Footscray.
Would social economics have a part to play in the decision making.
I think that if an agreement can be reached the businesses should have to keep their prices in line with the

industry as a whole.
I dont think is ethical, but I'm not sure it should be illegal.
depends on quality
I just think that each business should be allowed to have there own prices and a healthy competition. If the meat is better quality at the more expensive butcher shop more customers will keep going back there.
I agree with competition between businesses, but don't think they should collude.
If they were the only two options in a town, and therefore the consumers have no choice, such a practice should be declared unlawful. Otherwise consumers have a choice, but maybe not good meat.
If you think as a costuner, should be against law. But as an owner, not. Its hard to tell.
we still have freedom of choice meat is a lifestyle choice
Some sort of compromise needs to be made between the two butchers but shouldn't be at the expense of the customers.

Market allocation as against the law (Question D2, n=151):

COMMENTS OF THOSE WHO ANSWERED 'YES' – IT SHOULD BE AGAINST THE LAW
It doesn't allow the customers the ability to have a choice
Again it takes away freedom of choice for the customer. Also, unfair for the businesses to a degree as well as one may not be needed in their area much over a year and the other area could be flat out. The customers would also be at a disadvantage in this scenario as they wouldn't be able to call the other plumber if the one for their area is too busy to service them quickly or in an emergency.
It takes away people's choice.
Unless distance or transport for the service provider is cost prohibitive, customers should be free to choose providers
It denies public freedom of choice !
because they then can charge what they like , and the customer has NO CHOICE
This behaviour would indicate they are branches of the same company and not competitors, thus they should trade as a single entity - this negates customer choice thus negating competition and creating virtual monopolies
Its probably legal but it would be untenable for customers. I think I struck this the other day with my air con where only one co was allowed to fix it
It is the same principle as fixing prices and should be dealt with in the same way.
price fixing is no different from fixing areas
customers need to have a choice of service provider
customers allocate competitors ... ever heard of a "competitive quotes" given to customers who themselves choose to participate with a specific competitor.
It takes away freedom of choice and forces people to comply with what amounts to price-fixing. This is wrong.
It takes away a customer's right to select their own repairer/plumber.
Customers should be able to choose their supplier

<p>I'm choosing yes in this situation because there isn't an alternative and i'm starting to feel a growing lack of power and control. If I was living in communist russia or a totalitarian state I would be feeling the same lack of power. Taking away people's choices erodes their personl power and take us from the brink of enlightenment to the dark ages....of not so long ago!</p>
<p>Any collusion should be illegal</p>
<p>because you are removing the freedom of choice for the customer</p>
<p>free enterprise is just that.</p>
<p>people should be able to shop where they like</p>
<p>I think that customers should have the option to choose</p>
<p>Removes competition.</p>
<p>Discrimitary trading. effectively giving a duopaly supply. Allows price fixing.</p>
<p>This is effectively a monopoly and wrong.</p>
<p>the normal householder can't afford the exorbitant prices that are charged that they can't have the job done, thus trying to do it themselves, which in some instances is illegal.</p>
<p>When Woolworths made agreements with Shopping Centre Owners to be the only Supermarket there was nothing done by authorities for many years. Public knew about it, but it was like the whistleblowers in the companies, we know how they were treated with authorities condoning it. State Premiers are telling whopping lies so companies, businesses are doing what they do to survive. Qld Rail is the latest example of this. Jack Green closed down as a result of Government policies. If Electric Companies did not give money to Governments they could put lines in footpaths and save people from death as a result when lines comes down in storms.</p>
<p>Now I am destroying my previous argument! Unfortunately I see too many variables in this scenario. There is no way such an agreement could be made fair to all parties.</p>
<p>People deserve a choice of companies to carry out the job</p>
<p>This type of behaviour is alive n well at present try getting quotes from certain plumbing co's now YES?</p>
<p>this is similar to price fixing and just as serious is it limits competition</p>
<p>Because they can still put there prices up to what ever they like.</p>

Customers should be able to choose to which business they wish to give their custom
no freedom of choice for consumer, one may be rotten plumbers
Why shouldn't we have a choice on what the prices are charged to decide on the company we want and if they are prepared to come where ever.
Customers aren't able to make their own choice based on quality of service, prices.
What happens If you dont personally like the plumber in your area .He will out of spite charge you the earth any way That is not fair as one end of town might be a large area and the other only small
I think it should be illegal as customers should have the right to choose which business they would have to do the work.
on moral princable, however you've mentioned geographic division and that muddies the waters somewhat. we've seen just that happen in Victoria with elecricity companies
The customer has no choice definitely disagree
Customer should have a choice between who they choose
I think its fairer for customers to have a choice.
Consumers should have a right to choose who they think the best plumbing company is.
Because the customer is still unable to seek cheaper services from across the river.
This is a highly manipulative situation, I don't think businesses should be allowed to control their customers in this manner. If a situation like this were to apply, consumers would suffer dreadfully.
In this case again it would be the consumers who would be affected. There is nothing wrong with a bit of competition between companies. I have found in my experiences that if a consumer is happy, trusts and respects the person they have chosen to use then if they have to pay a little more than the competitor they would still use the original one to have peace of mind
Its the same as setting the price
These two have basically set monopolies, as the customers can not seek an alternative company.
This limits freedom of choice

I would want to employ whichever suited me.
I feel this is what utility companies tried to do and I don't agree with it.
In the real world that's called gouging,theft unfair play.Only in Australia are customers treated with contempt.
It is a restrictive trade practice and the consumers are the worse off.
Acting like one company, they should amalgamate
It restricts price and non price competition. One plumbers work may be of a higher standard and this is denied the consumer forced to use the other firm.
As a customer I should not be prevented from using a firm that I wish to. If the service differs between the firms I should be able to choose the level and the company that I wish.
I think the ombudsman is the answer to this one, it is definately unfair trading. I forces people in that community to pay higher prices.
Not giving the customer a choice when they should have one
Customers should get a choice in the services they choose
any business should be able to service anywhere
become a plumber and compete
If this is the only way to stop this type of thing. Yes
The same applies - companies still must endeavour to be fair to their customers. Charging a higher price for services rendered is still "ripping-off" the customer.
Customers should be free to use whichever service they feel will give them what they need, afterall, they are the ones paying for the service and it is their money that is keeping the plumbers in business. This scenario does not give the reputable plumber a chance to grow his business.
It seems to go against the human right of choice.
customers should have freedom of choice, after all they are the ones keeping the plumbers in business.
I'd like to be able to choose between services especially if one offered a better service, more efficient,

did a better job.
This is unfair and does not give consumers a choice. It doesn't follow that both plumbers provide the same level of service nor does it mean that the work is equally split between the north and south of the river.
If the intention is so that they can charge higher prices, then this is wrong.
price fixing is a crime already.
Customer should be able to use any company they choose
It is serious to allow them to remove competitiveness.
wrong is wrong
YOU NEED THEM BOTH TO BE IN THE SAME PART OF TOWN SO CUSTOMERS CAN CHOSE WHO THEY WANT AND THE PRICES ARE KEPT DOWN.
I think the consumer should be entitled to choose who they want. It is up to the marketing skills of each plumbing firm to 'win' the customer over. . It puts the ball back in their court. If they can't cope or deliver then go out of business....
In this situation, the customer is deprived from any other options, therefore i think in this situation it should be against the law.
this would deny freedom of choice to the customer and one company may not give the quality of service that the other does. This must be taken in to consideration in fairness to the consumer
businesses should not dictate who someone can/can not use
I think this is all about businesses being happy and not thinking about the customers.
unless they are a franchise of the same parent company and have alocated teritorys
It's anti-competitive and can be classified as a monopoly.
same situation
The consumer may end up with poor service. Plumbers are an essential service.
Tradesmen's skills and quality of work is an issue also consumer's choice is denied

its the same thing just dressed in different clothing
no
The punishment should depend upon the ability of the businesses to control the market
If you do not have freedom of competition in most cases you will pay more for the product.
I do not see any difference either we ban colusion or we dont Currently we do and we should penalise those who do
In general customers have the right to chose a plumbing company for their needs. They shouldn't be forced to have only one service provider. In this case it is based on where they reside.
This is much the same as price fixing. It can also seem much worse if one business is cheaper than the other and people are FORCED to pay the higher price because the cheaper dealer will not come 50metres down the road into the other person's territory. I may not be the best person to answer this as I have been in this situation where the service did not extend to THE OTHER SIDE OF THE ROAD!! In that case it cost me \$30 more for the same service my friend across the road got because of boundries!!
prices for services should be at a fixed rate Hourly rate plus parts and being able to charge higher rates just because they are the only companies in town is wrong
Plumber should charge travel if someone from the other side of town wants them specifically.
Customers have the right to shop around and have choices.
COMMENTS OF THOSE WHO ANSWERED 'NO' – IT SHOULD NOT BE AGAINST THE LAW
Customers must be made aware about the sweetheart deals.
Laws are in place for our good
I think this actualy sounds quite reasonable
They maintain their own areas and if they are the only ones then they must do a good job or they will encourage others to start up in competition with them. That is fair and that will contain prices.

opens for third
uhuhu
they have customers over a barrel,not fair
unsure
it should be the business' prerogative about where they have their catchment area
They should be allowed to charge what they want even though it may inconvenience some.
what a good arrangement
It is again Price fixing between the two parties and is illegal
I think it depends on how ethical the two are ,if they both do the right thing by their customers it could be a good thing for both
I feel there is so much control by government, council and multiple other organisations that sometimes I wonder if I am living in a communist country. If the businesses have made some sort of deal then you either pay or find an out of town plumber.
However, it should be against the law to fix prices.
In this case I think that the customers could make it obvious that they do not agree
This one is a bit trickier than the butchers one because sometimes a plumber is needed for emergencies, whereas you don't really need "emergency steak", but ultimately, if someone offers a job to the plumber for the wrong side of the river because they offer a better price, the plumber will probably take it. It's just business.
but unless truly necessary, prices shouldn't have to go up
Have you spoken to the State Premiers?
It's ridiculous to suggest that a company could be enforced borders in which it can and cannot service.
Same as butcher. Of course, as long as their prices aren't too high. With the internet & fast deliveries now a days, they'll run themselves out of business if they want to rip their valued customers off too much, won't they?

It would be too much interference with the rights of the businesses
this example is restrictive, as another could start in either/both areas, but in theory the idea of splitting areas is sensible if done correctly
While this should not be against the law, as collusion could be hard to prove as the companies are not competing in the same area, morally there should be some degree of culpability from the companies and some sort of fine levied against them.
Still can't see how it could be deemed against the law however very, very unfair to customers
if I couldn't get the plumber of choice then I would do it myself or start my own business against them both
IN SUCH CASES GOVT CANT DO ANYTHING. BUT THIS CAN BE STOP ONLY IF THE PLUMBING COMPANYS AS ABOVE WILL NOT REGISTERED THEIR PLAN WITH THE REGISTER COMPANYS ACT IN THOSE AREAS THAN THIS ACT OF UNDERSTANDING BUSINESS CAN BE RULED OUT.
Do it myself or give the pair a bad report so they both get no work :)
but i still dont agree with the senario
sounds fair. good to have boundries to survive
WE HAVE A BUSINESS WHERE WE CAN ONLY WORK IN A SET AREA. IT IS THE BEST WAY TO MANAGE THIS TYPE OF DISTRIBUTION.
If there is only two companies a third needs to be introduced.
Where you decide to conduct your business should be up to you
already occurs in remote areas
Sounds quite fair to me, the consumers after all make the choice
COMMENTS OF THOSE WHO ANSWERED 'NOT SURE' – WHETHER IT SHOULD BE AGAINST THE LAW
I don't think you can legitimately penalize a company or individual for deciding who they will or will not serve. It probably wouldn't last long, because both companies will receive very unfavourable reactions if viewed as picking and choosing who they'll serve.
A company can decide to only service a particular area, and that is their right. In this scenario, I would

<p>think it would open the door for a new plumbing business, offering reasonable prices, maybe on both sides of the river. Competition reigns....</p>
<p>I believe this is the sort of deal that Foxtel & Austar were able to organise with the consumer competition body</p>
<p>Precedent would include Royal Monopolies. It would depend on how much influence the parties concerned were able to exercise. It is shown that the costs would be reduced because of reduced travelling time and wage charges, then it could be a logical set up.</p>
<p>Customers should have the right to go wherever they want to get a good price</p>
<p>again it makes sense for the business owners to act fairly in their business not stealing customers etc but opens up doors for unfair practises with in the areas they are assigned</p>
<p>What happens if the plumber on the south side had work booked for 6 months straight and his customers could be getting the plumber from the north side cause is isn't as busy.....think about the customer</p>
<p>If it was made law then we would all be stuck, I am sure that in time the business north of the river/south of the river would somehow through consumers have to agree on some standard of pricing</p>
<p>this would increase competition as it would open the door for other plumbers if people aren't satisfied.</p>
<p>they do not have to accept jobs from any clients although this would be collusion!</p>
<p>With the costs of everything going up, there are other factors at work here in determining the the pricing and the decision to service only a designated area. It would be very hard to police instances like this as the agreement can be made purely to cut operating costs.</p>
<p>If one of the companies has more upmarket clientel you would expect them to charge more.</p>
<p>Again not sure. What would happen if an emergency occurred in the north but the guy was not available - say a burst pipe...so its not always about money</p>
<p>Same issue as the butcher ...good workmanship should be rewarded</p>
<p>I think it's morally despicable, but illegal? Unsure.</p>
<p>at first a man tries to fix it himself, if theres an emergency after that then it doesn't really matter because the problem is fixed not the price.</p>
<p>Lots of businesses have to work in regions but again, like the butchers, there should still be some</p>

regulations over their pricing
Companies will only say "no" to customers for so long...
Population variations north and south of the river could also affect the outcome.
Given that an individual can choose what patch they intend to work in it is difficult in a free country to make a law preventing this arrangement. Presumably there are some places where there is only one company that performs a service and no competition exists anyway.
I am reluctant to agree that yet more laws as such should be introduced.
This would depend on the locations of the companies. If one company was south of the river and one was north it would make sense to travel less for the work.

Output restriction as against the law (Question D3, n=120)

COMMENTS OF THOSE WHO ANSWERED 'YES' – IT SHOULD BE AGAINST THE LAW
I think such an agreement should be against the law unless there has been full and open consultation with all parties, including consumers, concerned, and valid reasons other than greed, given for such a decision.
this scenario is disgusting! It is pure greed and shows the companies don't really care about customers, just the bottom line!
It's ludicrous that they'd do this anyway. Bad business.
With cheeses there is always plenty of competition from outside region. But collusion is wrong. Survival of the fittest.
Purposely fixing the supply end of a supply demand chain to basically price gauge for no reason other than to maximise profit
It may appear more subtle to some people but it is the same sort of crime as price fixing. If you limit the production of a product you make it rarer and can then charge higher prices. It is creating an artificial rarity.
This is tantamount to bullying tactics
we must increase production for exports to balance our trade.
this is still collusion and that should be against the law
Provided they are deliberately operating well below capacity
There should be no agreements between companies.
It constitutes manipulation of the market and therefore should be illegal.
companies should cater for there customers and produce (where they are able) enough products. company a might have a better product than company b.
It is a deliberate attempt to raise prices
Restricting the market allows price increases by artificially restricting the supply to consumers.

<p>This is causing an artificial level of less commodity just to gain extra profit.</p>
<p>It should be an criminal offence as they have no conscience</p>
<p>If they have the basis to provide they are morally and ethically required to do so. They are setting a false market base and this corrupt.</p>
<p>Yes because they are manipulating the market out of greed and stealth and need to be brought to Justice if proven guilty.</p>
<p>same as price fixing</p>
<p>But what prevents the customers purchasing outside the region?</p>
<p>It is still deception by profit.</p>
<p>because both companies in the past have been able to support the demand.</p>
<p>that is really mean....besides, think of the milk producers (dairy farmers) whose income would be lowered if the companies did not buy all their milk</p>
<p>Messing with the supply, has an indirect effect on price, and is equivalent to price fixing...also the collusive element of this scenario is quite evident.</p>
<p>where any action leads to price increase due to supply and demand it should be outlawed. (eg oil production and pricing)</p>
<p>if the companies have decreased the amount for profits and not because they aren't able to produce the same amount.</p>
<p>This is a case of greedy companies and makes consumers go else where</p>
<p>Again it is manipulation of market forces and should be against the law.</p>
<p>These companies are just showing greed and not thinking of the consumers.</p>
<p>It should be against the law with huge penalties</p>
<p>This seems like an unlikely scenario- This or anything like it</p>
<p>I think this one is worse than the previous two scenarios</p>

Reminds me of oil companies
if business is going to do that, they are NOT a business
It is not fair practice, even if governments sometimes place stupid limits on what can be or not be produced. It is a restrictive trade practice and the fact that there are only two producers at that time is not relevant
volume of the production reduce. there aren't enough produce for all consumer affect the price of product increase
In this case I think it should be against the law as not only are the companies colluding on price but are also artificially setting production quotas therefore artificially setting prices.
Asa person who has lived in small communities for most of mylife, I think this type of action should be against the law, it is similar to the situation we often found ouraselves in, whereby if goods needed to be flown in because of extended road closures, eg eggs \$10.a dozen, potatoes \$6.kg. all bad profiteering practices, one can compare the kilo price of transport and add the usual goods price, it does not add up.
ANY collusion is bad hence should be against the law!
By agreeing to limit the production of their product, then raising prices, they are forcing people to pay inflated prices for their product.
Yes, it forces prices up when they do not need to be
I don't think consumers would be prepared to pay more, they would just go without.
The agreement is unfair to consumers
I think this is a worse scenario.
If the factories can't supply the people in that region then they are not serving the community very well. I would source another supplier & stop buying from them
I would change the type of cheese I bought
no
This time they are reducing the number of cheeses needed in the community and therefore this is not fair to anyone

<p>This is a blatant agreement to extort the customer.</p>
<p>The scenario is no different from the earlier ones Collusion is collusion no matter how you try to dress it up</p>
<p>COMMENTS OF THOSE WHO ANSWERED 'NO' – IT SHOULD NOT BE AGAINST THE LAW</p>
<p>Surely this just opens the door for someone to bring in cheese (or whatever) from elsewhere at possibly a better price and put the pressure back on the local companies. So no, I don't think it should be against the law , I think the marketplace would work its own way out.</p>
<p>It depends what they can afford to produce</p>
<p>its undesirable but I dont see how it can be illegal publicity and maybe a third party bringing something in might work</p>
<p>Although I answered no, I think this scenario probably lacks information that might alter the opinion. It would seem there must be a logical reason for reducing the amount of cheese produced and that would affect my opinion.</p>
<p>i would no longer buy their cheese till they reinstate fair competition</p>
<p>Even though the companies are the only producers, by doing so their conduct could make it viable for another competitor from another region to come in and sell their products.</p>
<p>How much of a product you produce is your own decision. It may be morally wrong, but I can't see how it can be illegal.</p>
<p>unsure</p>
<p>But it should be regulated (e.g. like OPEC) since this is controlling the supply and demand of a product that may or may not be a necessity for human consumption.</p>
<p>Isn't this what petrol producers do? If they can get away with it, then these cheese people should be able to do the same. Cheese is quite fattening too so it may actually be doing the region a service.</p>
<p>Like with the butchers, if the price gets above what consumers are willing to pay, demand will go down, and prices with it. If consumers still want to buy cheese at ridiculously inflated prices, that's their own decision.</p>
<p>Once again there may be other factors influencing the decision</p>

It will eventually hurt the company
In the long term they will be cutting their own throats. Customers will only pay so much and then the whole market will suffer.
This doesn't make sense to me because if there is not enough supply for the demand then another company could come in and take a percentage of both the companies profits as well as fill the gap that they left. This would be a bad business decision and they would possibly lose their entire business.
Seems very silly as you would think and hope that customers will decide not to buy the product at all if becomes too expensive
I'm sure they wouldn't want to produce a lesser quantity if they were able to sell more no matter the price they charge
The two cheese factories leave themselves wide open to outside competition.
They can agree between themselves but if there is an opening for another supplier to come in and produce the product to meet up the shortfall, and do it at a lower price, then good luck to them.
IT IS NOT AGAINST THE LAW BUT IT IS A SORT OF INDIRECTLY CHEATING THE BUYERS. IN SUCH CASES PUBLIC SHOULD BE WISE AND MAKE THEM UNDERSTAND THAT THEIR STARTARGY WILL NOT OWRK OU FOR A LONG TIME.
Stop eating cheese.
Once again, there should be a limit to this, however in some situations business' may need to increase profits to survive for various reasons.
But the goal of the business should be to serve the public with a fair volume of cheese.
COMMENTS OF THOSE WHO ANSWERED 'NOT SURE' – WHETHER IT SHOULD BE AGAINST THE LAW
I guess that supply and demand for food products can be controlled to a degree in some cases.
This is how oil sales works is it not...the oil consortinum establishes the No of barrels that are for sale to keep profits where it is necessary...so it cant be illegal can it?????(unless you are a small business????)
It is their balance sheets that will suffer and their stakeholders would have something to say and someone will decide to invade the market from outside the area with a similar product at an economical price. The companies can not then cry 'foul!'

<p>I think this is an unreal situation. Surplus milk goes into cheese. If less cheese is produced then the farmers would not be able to sell the milk. This sort of situation could happen only if there is an outlet for milk not used for cheese production, otherwise there would be occasion for a farming revolt and farmers tipping milk down the drain in protest, as has happened. It is just that I have been involved in Dairy production and Cheese making, that I know a bit about it.</p>
<p>Would this push the price up anyway</p>
<p>I find this one quite difficult</p>
<p>Again, in this scenario I can see the potential for a third company being created out of someone's frustration and desire for an increase in the market. Besides, cheese isn't necessarily a must have in everyone's life.</p>
<p>this is a dodgy situation..... once again the customer looses..... by having to pay more for the same quality</p>
<p>Sorry but my imagination doesn't stretch that far, in regional Victoria there would be no way that any business would reduce production there would be too many consequences and human nature would prevail. If I had 10 dozen eggs to sell, I would not sell 5 dozen!</p>
<p>Again I am torn here. I'm not sure if this could be legislated against the law. Loss of jobs with lower production could influence public opinion. Then again, price fixing is illegal and this would be a form of price fixing.</p>
<p>it seems silly to reduce production people will go further afield for cheese or not buy as much and the company's would be hurting themselves and the consumers financially</p>
<p>this happens with oil, which changes petrol prices, so its hard to say it should be banned when its been such a common process for so long</p>
<p>Their motivation is pretty greedy, but it also means that they are unable to sell as much product and perhaps won't make as much profit. It does, however, also mean that some people might lose jobs for no good reason - the demand is still there and they could be working to meet that demand. I don't know that the "agreement" makes all that much difference here - a company would otherwise be free to produce as little or as much as possible, and if people knew and liked their brand then producing a lower supply for a high demand would still enable them to up their prices.</p>
<p>but it is clearly unfair and should be regulated</p>
<p>It seems to be OK in the diamond industry, I am not sure across the broad range of industries.</p>
<p>forcing price increases by deliberate manipulation like this example is just plain wrong, and should be stopped. HOWEVER, I would say yes- it should be against the law, but I doubt such a law could be</p>

enforced, or the agreement proved.
perishable items are just that, one can only assume the rate at which it will be consumed, honesty and a fair scale are mandatory sanctions when considering any business, we could do with less cheese in our diets anyway because health is dear.
It depends on the reason behind the reduction in production - if it is due to lack of availability of required products/livestock etc then it is unavoidable. If it is purely profit driven then yes, it should be an offence.
Again, this opens the door for outside companies to cash in
they shouldn't work this way. they should be there to serve the customer.
Difficult to make a law re production of products. Customers still have choice and can determine to do without if a product is too high in cost.
On the one hand the agreement could be in order if it saved overproduction and waste. I doubt a producer would knowingly reduce potential income

Reasons why it should be a criminal offence – price fixing (Question D1B, n=64):

<p>As an age pensioner, I need to follow prices, e.g. food prices, carefully and I am fed up with the major supermarkets ripping off the consumers. It is fortunate that we have an Aldi supermarket in our suburb, as Aldi has the effect of making the 'big 2' lower their prices. If price fixing became a criminal offence, it should increase competition and the consumer would benefit. It would help to make big business a bit honest and somewhat less greedy.</p>
<p>If sale i ticket higher than you payfor to a footie game its a criminal offence and so it should be the same when we pay more than the market value for food or any other goods,</p>
<p>It's unfair for the consumer and it takes their right of choice away from them.</p>
<p>This country is against graft, if there was a war on you would be executed.</p>
<p>deception of customers is disgraceful and will only lead to greater dishonest practice.</p>
<p>It is indicative of the supposed free market at work which in reality creates artificial prices not based on a fair and reasonable profit margin but rather on profiteering.</p>
<p>Price fixing is a form of extortion which is a criminal offence. It harms those who are least able to protect themselves, as in the poor and lower income earners and it can be used to force others out of business. It is not just setting high prices but low prices. Any company can do this to keep others out of the market. If they set prices that were too low they can force a company out of business to remove the competition and then put them back up again.</p>
<p>The Deterrent Effect is only as good as the Policing of the Regulations and the Detection Rate. Take for example the two companies involved in fixing recycling for production of paperboard (whose names I forget)</p>
<p>price fixing is a very anti-competitive measure that businesses can use to influence their market place for their own profit and should be discouraged in the stongest possible means to encourage competition.</p>
<p>Competition is healthy, but when businesses agree to price fix it is dishonest. People are not aware of what is happening.</p>
<p>There is too much price fixing right now, e.g. Petrol prices</p>
<p>cartels distort the market and are dishonest</p>
<p>It is stealing as for example, Woolworths is the dearest Supermarket in the world. So there is agreement between managers of Woolworths not to have prices the same at every shopping centre.</p>

It is a fraudulent and dishonest practice.
Non needed this well covered it is a fom of theft
price fixing or collusion should be outlawed as the outcomes only benefit the businesses that are directly involved,
Because in the long run it is the consumer who pays for there dishonesty and greed.
The conduct involves deceiving customers.
It is criminal and should be punished so, as it has the potential to adversely impact on the nation and its economy, not just individuals
It is price fixing which is a criminal offence already
If a consumer decived the competitors by short changing them, or giving them false goods, the consumer would be arrested and charged. The sellers do not have free reign to shaft people.
What we should aim for is fairness - and that fairness applies to the consumer in his dealings with the provider.
There should be a free market and making a price agreement should be a criminal offence and deter people in the future.
It is a rip of for the consumers
Its not fair trade
Being a low income earner each fortnight I work off a shopping list and go to 4 different supermarkets to get the specials. If competitors worked together to price fix items, then it will reduce the amount of food that I can put on my family table.
You can not get half a speeding fine can you.
collusive price fixing is, in my opinion, nothing more than theft by another name
The conduct is the same as theft, and is a conspiracy to defraud consumers. If it is only against the law and incurs a fine, then it seems likely that businesses would consider the fine an affordable risk. However, criminal charges may be more of a deterrent.
Business owners need to be more accountable for these type of acts and this can be achieved by making

it a criminal offence.
Most people want value for money and fixed prices between competitors does not provide value to consumers. Most products probably will be roughly the same in a free market as the costs f inputs usually are similar. By not being able to fix the end prices, it will encourage companies to be more involved in R @ D to get a competitive edge.
Greed is the underlying motive for conduct of this type.
Where a company has shareholders any fines should be directed to the C.E.O. &/or board individually. They should NOT be allowed to hide behind the company.
Honesty must always be in any business activity!
If it became a strong law then the authorities in charge of investigating this problem should have the power necessary to prosecute these powerful companies
It is morally wrong, regardless of what the law says
It's the deception and dishonesty which I find most offensive.
Such practices as collusion amongst industry to set prices is ultimately damaging to the economy and undemocratic
This is especially so in regional and rural areas where there is limited choices to begin with.
For essential items, such as foods, where they are an essential part of daily life, if people have no option of finding an alternative supply, such behaviour should be criminalised.
If it is known to the consumer, it is OK
Reason most important to me is "Because the conduct involves deceiving customers"
If the agreement is so that the businesses can charge more, it is unfair to consumers - having to pay more, and also harms competition.
to conive / or deceive the public in politics or in business is reprehensible
It would be nice for tht to happen but big business such as safeway and coles, will pay the small fines coz they can aford them and small businesses will hve to close down IT WOULD NEED TO BE MADE FAIR WITH PROFIT OF BUSINESS rather then one for all
I think its called collusion? not sure, but it does rip off the customer, very bad for any similar business in

the area, and does stop competition.
I believe this behaviour is defrauding customers by removing honest competition.
too many bigger companies try this sort of thing and its not fair for the consumers
this practice will create a monopoly and force smaller business out of business due to unfair competition
Hoe can it be a fair market if there is no competition
I feel that all traders should set their own mark up % on all goods that they sell. Not be governed by other business that try to have all competition squashed.
If we are to have a true enterprise system then these rules should be enforced to enable true competition.
Competition should be on a level playing field where entrepreneural skills have value and quality of product becomes the aim of the vendor
I think its called price fixing, the same as the petrol companies do
no
Most particularly the deception of consumers makes it wrong, being in that these companies profit higher by deceiving consumers.
Defies Fair Trade
It seems to me that the most important part of the equation is protecting consumers
1.The conduct deceives consumers. 2.Because consumers may have to pay more. 3.Because the conduct is dishonest. 4.The conduct is theft when prices are artificially raised. 5.The conduct may harm or be unfair to other competitors. 6.Making it a criminal offence means that companies and/or people engaging in this sort of conduct can be prosecuted.
We have too much already of lack of competition New methodsd can be held back by monopolistic undertakings Price is noy always the best solution Quality does count
If a private citizen obtains financial gain through deception it is a criminal offence. Why should a business be able to get away with it?
Two major groups selling fuel could undercut minor players, until the smaller companies go bust, then

raise prices as they would have no competition. See Darwin fuel prices for more details.
If all of a given business in an area were to do this, there would effectively mean there is no competition on their products - a pseudo-monopoly for want of a better term. The businesses can maximise profits well and above reasonable prices and the consumers have little or no say in it. Not much point in driving well out of your area when transport costs are taken from the savings and shopping that locally only encourages the business to continue their dirty dealing.
agreements between competitors to fix prices would eliminate a healthy competition and prices can be fixed to any rate that the stores agree to and in a small community where there isnt much competition is unfair to consumers

Reasons why it should be a criminal offence – market allocation (Question D2B, n=34):

I see the scenario referred to as businesses acting like God, telling consumers which company they can or cannot use...this should be entirely up to the consumer, not the company/ies.
Answers 3 and 6 are irrelevant here, as these is no other competition.
Because it takes freedom of choice from customers!
Single choice monopolies are wrong.
The conduct is taking away the customer's freedom of choice. Experienced this situation with yard maintenance franchise
Essentially it is preventing freedom of choice because there is an agreement to provide no choice.
As I said before it is deception and if not illegal will lead to other fraud.
Allowing companies in the western world to join forces and control the market in the 21st century, is a heinous thought in my world because of the possible - and probable - flow on; A couple of companies here, a couple of companies there and before we know it, they have us by the short and curlies...extortion time. Making it a criminal offense would deter the wouldbe and wannabe corporate mafia.
It is just not right for the consumer, e.g. pensioners and low income people getting 'ripped off' just to make the fat cats richer
it is blackmail to consumers. plus, better skills are not rewarded or available. 1. Theft is a high reason. 2. unfair to other competitors is a high reason.

I find this conduct so poor perhaps due to the fact that a customer then has no choice about products, and it encourages the product standard to be poor.
It is a criminal offence so why does not the law recognize it as such??????
Discrimination based on locality
It is still deceiving costumers and makeing them pay more.
as a customer i dont like being deceived.
The conduct is the same as theft and conspiracy to defraud.
Freedom of choice must be a right for everyone
They are monopolizing
This scenario is as bad as fixing prices as it inhibits competition
I believe the consumer should have the choice of who they wish to employ as they are the ones paying for the service.
The activity is removing choice and there is also a chance of sub-standard services as there is no reason to do more than is required.
comments 3 and 6 are irrelevant due to the fact there are only 2 plumbing firms
This also makes it extremely difficult for new companies to get into the market, especially small companies. It means that large companies can charge what they like regardless of providing good service to the customer. The customer has no say in the matter which is the biggest fault with this scenario.
consumer has lost the right of choice
Its basically the same as price fixing, the companies can charge what they like for their own set of customers.
Deceit is one of my pet hates. so no 2. would be a reason important to me.
price collusion and this kind of think result in theft from consumers

no
Consumers shouldnt be forced into a monopoly for their business, this is a competitive liberal market we live in.
Costumers should be free to choose where they wanna go and buy from.
again we are the market and service is determind between partys ie you may get a qoute but you can still negotiate
Freedom of choice is taken away from the consumers.
1. Customers may have to pay more if there is no other competitor in the area. 2. Because the conduct may be unfair or harm other competitors. 3. Making the conduct a criminal offence means that people or companies can be prosecuted.
Same as previous example

Reasons why it should be a criminal offence – output restriction (Question D3B, n=30):

Answers 3 and 6 are irrelevant because there is no other competition.
This conduct is pure greed and deception!
Competition should be open & not only dothe right but be seen to be the right thing.
Limiting supply in order to profit is tantamount to extortion.
I see it the same as the last 2 cases. By creating articial rarity they are forcing prices up.
Theft is stealing and a crime - just because it isnt with a gun it should be treated as stealing.
Disgraceful situation, potentially leading to food shortages, if other like minded companies followed suit.
1. dishonest 2. theft
Same comment
reducing the amount made will require less workers or workers working less time, so not only are the

companies making on the price hike but also on the overheads too.
Because it is still a form of profit by deception
The primary producers of the raw product are the ones who suffer most from reduced income. The most important reason is dishonesty. If all business was honest, just think how much better the world would be.
the same as theft.
this activity would short supply the market causing shortages and driving prices up
This conduct should be against the law as both companies decided to have a total control of a product to the exclusion of anybody else and in keeping other competitors out of the market are virtually running a closed market.
This type of practice, particularly in isolated communities is common and unfair, Woolworths and IGA as the only stores in a community is very dangerous for the community, managers compare prices daily and keep prices as high as possible in small communities the managers live next door (almost) to each other, so they are only interested in feathering their own nests, they get rewarded with extra leave and airfares, they are particularly hard on aboriginals (I am not one) and try to cheat them of their pensions (mostly their only income source)
Restricting trade in order to increase prices is a dishonest act and should suffer severe punishment. The artificial inflating of prices by limiting supply by the diamond cartels is a good example. Ultimate result of this is the purchaser pays a high price but the value of the product is nothing like the original purchase price on resale
This is artificially creating increased prices at the expense of the people. If they are dishonest in this way what other ways are they being dishonest e.g. quality of ingredients, source of ingredients, hygiene.
DISHONERTY
it would drop employment and make more money thts not fair and they are not giving to the community
I think this is worse than price fixing, as it can make people pay exorbitant prices for particular cheeses.
To me it is an offence for any company who produce any product to make it almost impossible for people to get what they need
No. 2 deceit

because the price will be set and customers will end up paying more in the long run
Deceiving the public for profit when in collusion with your competitor must be a criminal offence because it is deception.
no
1. Consumers may have to pay more. 2. The conduct may deceive consumers. 3. The conduct may be dishonest. 4. Making it a criminal offence may deter companies or people from engaging in this sort of conduct for personal gain.
Deception takes away a basic right of personal choice!
Nothing more than artificial inflation!
by agreeing to reduce production purely to make a profit is the same as fixing the market to suit the company's profit margin

Companies – price fixing – penalties/remedies – other (Question D1C, n=1)

“They should be banned from ever being involved in such companies”

Companies – fine – price fixing (Question D1Ca, n=73)

Ten per cent of the company's annual turnover
for the first offence then increase
It needs to be enough to deter them from doing it. Not just an amount they can brush off and do it again in the hope that they wont get caught
The larger the company, the larger the percentage fine I believe
By fining the company 10%, that would have to come out of its profit margin. Companies works on Statistics and heads would roll if profits dropped 10% due to dodgy dealings.
Taken from last years tax return
Ten per cent of turnover is most effective. In the case of the Banks they have made just over \$14Billion in half yearly profits as at June 2010. \$10 Million to the average person is a great deal of month but it represents less than .1% of income. Based on AWOTE this would be like a fine of \$60 to the average wage earner. The penalties should be at the discretion of a court up to 10% of turnover.
They would only do it once - set \$ amount not fair on smaller businesses, while too hard to calculate (too easy to fudge) profits from this conduct
the penalty needs to be substantial to deter offenders
no
difficult choice
I believe this is a major issue but yiu would need to take into consideration of the past history of these offences in respect of the Business and increase penalties based on past history
An amount that is three times the profits that the company made from the conduct
This makes it a calculable risk for those thinking about price fixing i.e. if I am caught, it will cost me 3 times what I am likely to gain. But it may be very difficult to work this amount out anyway.
The penalty has to hurt
It should be a very hefty fine but not enough to put someone out of business. It should also increase for repeat offenders.

Anything to stop cartels happening.
Hitting them in the pocket will be an effective deterrent.
you have to have a reasonable fine as a deterrent against this behaviour
The third option offers restitution only. There should be a penalty in addition but whether three times is the right ratio is debatable.
EGalitarianism needs to be considered, and if in the case that it will detrimentally affect employees/obligations to suppliers/other companies overall as a result of a very few peoples actions this may not be appropriate and the people themselves be made criminally responsible instead.
there should be a significant deterrent for this
would not like to see a small company being put out of business.
There must be a discouragement of this type of action and this allows a measured penalty in accordance with the scope of the actions.
i think they should feel the pinch in their profits.
Penalty should deter but not ruin
And then audited and watched every six months for three years. I caught again the fine is doubled
I think the penalty should be more than the amount of profits made from the conduct - two or three times the amount.
I'm not sure about the fine, but 3 times the profit earned by deceit seems like a good deterrent as long as the amount is substantial, or if not substantial then a set figure of turnover should be imposed.
Working out the profit made could be problematic
Publicity plus a fine that would result in a loss of more than the profits should help deter companies from doing this and a second offence should result in even heftier penalties
The amount fined needs to be enough to seriously damage the company as a means of justice.
But why not 10 times the profit What if they carried out such activities and made nonprofit for some reason Leet a judge decide thier fate based upon the circumstances and the harm they have caused

Whilst I believe i fixed penalties not hand slaps the circumstances of the case should set the penalty
I do not have a strong opinion on this one however, the fine should increase for repeated incidents.
Multiple of value of profit provides flexibility and punishes each differently on the basis of value - i.e. those colluding with small values punished to lesser degree than those worth millions
An amount that is equal to profits that the company made from the conduct
Something that would make the companies aware of their responsibilities but not to the detriment of their employees (who may be layed off as a result of a large fine eg made scapegoats)
Should really be some penalty beyond profits that might have been made. But I'm not sure how that should be determined.
huhuhu
the company wouldn't be punished unduly so that the employees don't suffer as a result, but it shouldn't be allowed to be stronger as a result of dishonest practices. those who made the decisions should be punished!
there is no point in the fine unless it amounts to the profit otherwise they will just say we still made money just move on
If the fine is hefty enough the fist time then maybe is will deter that company and others in the future.
and some type of watchdog system in place for a matter of years (2-3) to make sure they comply with the regulations. If the fines were too extreme it may put them out of business which is bad for the economy
Agreements can be tacit ie petrol prices at many stations are the same and collusion would be impossible to prove.
The objective should be to deter future behaviour, not to put the firm out of business also having a mind to not penalising innocent parties e.g. employees not involved in policy
plus a prison term
Up to \$10 million
should be based on turnover

The business licence should be cancelled and not transferable to any family member
Hit them in the back pocket and they will think very seriously about doing it again
If you don't have a decent deterrent then it's all a waste of time
The higher the fine ,the less likely companiea will try to profit from deception.
this practice needs to be stopped so a heavy fine might be the answer
It needs to be a set fine but would be difficult to manage due ot het different sizes of companies that cold be involved
the harder the fine may make companies look at what they have done and change their ways
dependent on company turnover - huge companies can pay more
The penalty should be relative to the particular offence, yet sufficient to be a deterrent. A large company could easily absorb a fine that is calculated on the profits made from the conduct.
Up to \$1 million
All these years nothing has stopped them doing it again and again
I think the penalty has to be harsh enough to deter other companies from doing it
Don't know
companies do this at times to survive anhd would depend if the prices agreed to definatly inconvenienced or cost customers
The fine would have to depend on the size of the company and the extent of the damage done by their behaviour
It may depend on what the companies are selling, or manufacturing, or the area they are in.
I think 10% is too much for a first offence; but repeated offences could attract higher penalties
depends on size of company

depends on size of company, extend of collusion and period of collusion.
I would have to consider this at greater length
I couldn't say what a fair price could possibly be for something like this; how does one calculate how much loss people have suffered, when there are so many little factors? How can anyone say what a fair price is?
The fine should be sufficient to discourage the conduct, but not so much as to put the companies out of business. How this is worked out I don't know - a percentage system would seem obvious, but I don't know enough about company accounting to suggest a % of what. Also, most large co's will have 'clever' lawyers and accountants who will work out ways of minimising the penalty, which is why co's indulging in practice such as this must be publicly named and shamed.
not sure depends on what they did.
To complex for this forum
Other (please specify)
It all depends on what was involved if it was human life or national security, anywhere from a maximum of life ie 20 years to smack on the wrist if it was about something inconsequential.
The Old Testament principle was full refund plus 5 times the amount to the injured party. Might be hard to work out for corporations. If the penalty is set too high then the company could cry foul and get the amount judicially lessened. Take the Exxon Valdesse affair. Punitive damages were awarded then revoked. Take Bhopal and Union Exide. If you have enough money to take it through the courts, you will most likely win.
the total profit made plus 50% of the annual turnover
When I was a stallholder in markets anyone caught shoplifting were offered a choice of paying twice the tagged price on the goods or an interview by the police. Once my policy became known, shoplifting was almost non existent.
There is no point applying a slap on the wrist...companies know it is against the law...If they breach the law the penalty should be harsh and unambiguous.
Suspending the company from trading would be the most effective deterrent but also include that the staff, including casuals , must still be paid in full.
Have a variance dependant upon the company and the size (as the company size may quite possible indicate the size of the publics loss in such a scam.

The fine should be set dependent on the size of the company and it's annual turnover/profit's - not sure if it should be a % or a substantial \$ fine, however it should be enough to deter further possible behaviour.
Other
A sliding scale between 10% and 30% depending on the size of the company involved

Companies – fine – market allocation (Question D2Ca, n=43)

Ten per cent of the company's annual turnover
again some discretion should be granted to the courts. As per previous example it should include up to ten percent of turnover. This amount will vary according to size and nature of enterprise.
depends how financial the company is, dont want to send it bust
for the first offence
Gross figures to be used.
I think the fine should be enough to deter them from doing it again and maybe a register of complaints set up by the government that people can check
no
Penalty should be preportionate to crime.
the fine shouldn't be too high, or they could put the firm out of business
An amount that is three times the profits that the company made from the conduct
A large amount from their profits might make them think twice before doing the same thing again.
again the fine has to act as a deterrent
deterence must have motivating factor
I think it should be treated the same as fixing prices as I see it as the same sort of crime.

<p>If the fine is too high it may force the company into receivership which would only leave one plumbing company and they will be able to charge whatever they want as there is no competition,</p>
<p>If you restrict it to what they could make they could take a huge loss for the next year and have very little to pay</p>
<p>It is important that both individual and companies pay for the agreement. Individuals should not be able to hide behind an inanimate company structure.</p>
<p>The actual fine should be based on the size of the company and large enough to discourage the practice being repeated.</p>
<p>the fine again should be substantial, so if 3 times the profit is not much, it should be 10% of turnover.</p>
<p>There should be some penalty in addition to the restitution of profits made under the agreement. Three times is debatable.</p>
<p>Three times the amount is probably too much and impractical, where twice the amount would be severe but more likely to be achievable.</p>
<p>When companies are hit in the 'pocket' it would, I feel, deter them from using these unlawful methods.</p>
<p>An amount that is equal to profits that the company made from the conduct</p>
<p>Again it's hard to determine a penalty as this would depend on the size and turnover of the relevant companies.</p>
<p>Plumbers are small business men. They do not have the same capacity to make mass profits and cheat customers. I see this as being the lower end of the scale.</p>
<p>plus a system in place to check them over a period of years to ensure it doesn't happen again</p>
<p>The amount of the fine should not be at the expense of the employees</p>
<p>While we would like to do something we dont want to destroy a company and then end up with a worse situation</p>
<p>Up to \$10 million</p>
<p>I would like to say 3X the profits but books can be cooked</p>

If you don't have a law with possible harsh penalties then the deterrent factor will have no effect
make it a maximum fine to deter companies from doing such a crime.
price and customer fixing is NOT in my view healthy for competition and only makes it worse for consumers so should be stopped at all cost
Up to \$1 million
An amount that is equal to profits that the company made from the conduct Up to \$1 million. In addition a 10% levy on savings is paid.
It depends on the size of the company.
Same as previous example
When Governments do not lead by example what else can you expect? More people are suffering from their lies than people are suffering from actions of Companies and Businesses.
Don't know
Definitely be fined and brought to the attention of the public but uncertain as to how much the fine should be. I suppose this would also be dependent on the size of the company.
Depends on extent of the collusion and on whether or not they were charging exorbitant prices
Depends on numerous factors.
I don't think the amount could be generalized or some companies would be crippled financially. They have done the wrong thing, but they don't deserve to have their company destroyed, that will not only hurt the offenders, but also the consumers of the service provided.
It would depend on the situation. Some instances could be worse than others
not too sure depends on how serious it is.
Penalties when on paper sound good, however when they are named and shamed the penalty should be enough. If they continue then financial penalties should then apply
Other

both/all companies involved should be charged
Fine has to serve as a disincentive to law breakers
Their fine should be a % of the profit made depending on the size of the companies involved. Obviously country plumbers would have to pay less than a big city firm.

Companies – fine – output restriction (Question D3Ca, n=43)

Ten per cent of the company's annual turnover
Based on gross annual figures.
Dependant on circumstances. Let the Judge decide.
Determination of a fine depends upon the size of the company - a large company might factor any penalties into its running costs if the fine was not significant compared to its profits.
enough to discourage them not to repeat this conduct
for the first offence
ITS A VERY STRONG DETERENT THAT WOULD MAKE COMPANIES THINK TWICE
My response is the same as previous examples.
no
Unfortunately it is the Mums and Dads who once again will suffer here, they are the small shareholders, not sure how you can protect against that. Perhaps the fine should be taken by the tax department after dividends have been declared on profits so the shareholders are fairly treated.
An amount that is three times the profits that the company made from the conduct
3 times might discourage them from trying it in the first place.
Again, I state that not only the company should be named, but individuals in positions of power within that company such as CEO, and members of the Board of Directors who would have made the decision re supply and demand price manipulation.

Either 3 times the profits or option number one.
enough to be a deterrent
It should be more than they made because they are not losing enough - maybe three times is too much - depending maybe on the size of the Company.
Like taking something that does not belong to you they are still stealing from the consumers and this is a criminal offence no matter how one looks at it.
make them scared of doing it
The amount has to be greater than the potential profit because otherwise there's no downside to chancing it. IT's so hard to catch any sort of collusion that when it is caught it must be punished the the nth degree.
they do need to be hit in the hip pocket enough to make them realise what they have done is wrong
To prevent repeat behaviour
An amount that is equal to profits that the company made from the conduct
Hard to call on that one. should more then likely be more then what they made in profit to teach them a lesson
I think the fine should be maximised - but maybe split into installments. The company should be independently audited over a five year period to ensure the business is managed effectively and that employees not involved in the conduct are unharmed and then the fine deducted. meant to say this on some of the other questions too!
If serious more fines!
It should relate to the size and turnover of the companies involved.
plus a system to monitor them over a period of years to ensure it doesn't happen again
THEY GET NO BENEFIT
This amount would be fair as any profits would have been obtained illegally, any thing over this would also punish the stock holders of the company as well.

Up to \$10 million
If you hit them hard enough it might make other companies think twice before doing the same thing
The fine should be on a scale as to how much money they made out of the sales.
The harsher the penalty if enforced that is the best deterrent
the higher the fine the bigger the deterrent
The seriousness is commensurate with the value of the product as a vital ingredient to the community's health, e.g. milk.
This is difficult. What would the market have been without the collusion of the producers?
Why 10 million why not more or again let the judge decide
with a minimum of \$5,000,000
Up to \$1 million
But then wouldn't we end up being the payers anyway?
depends on size of company bigger fine for bigger company
Hit them in the back pocket a calculation of profit percentage should be made to deter such practices.
It's pure greed and deception and not what business is all about.... Business should be about taking care of customers which are the lifeblood of the business. If the customers refused to buy in protest, there'd be no need to produce any product!
The fine should be very large and the companies made to stop trading for 3-6 months or donate all profits in that period to charity.
Don't know
High enough to make the risk not worth it.
I think a percentage of the annual turnover would be fine but then it depends how long the practice had been going during the financial year.

it should be an amount that deters the company but would not put them in financial hardship
Other
they still manipulated the market for gain

Individual – fine – price fixing (Question D1Da, n=144)

Up to \$10,000
a percentage of some sort
bas eit on turnover
but would depend on how much they gained from the practice personally
Dependant on circumstances & degree !
dependant on the profit made by this price fixing
Dependent upoon the size of the company
depending on how much colusion ocured and the value of the product
Depending on the size of the company
depends on the agreement that was done
difficult because this depends if it is a large or small company. A large company should pay more.
Fine should be persuant to the profit made. a percentage ie 10>20%
fixed penalty of \$10,000
However this would depend on the size of the company making the agreement. Larger chains should pay more as they have more stores
I believe the individuals involved should be punished, however they should be punished non-monetarily, rather punitively, and the company should be made to bear the cost.

I have nominated this amount, but basically feel that it should be on a pro rata basis such as three times or ten times the amount that they have defrauded the public.
I indicated no fine in previous question. Therefore it is redundant
I think as an individual it should be low (no more than \$10000) for the first offence. If it continues, then fine gets higher.
I think it would depend on the size and turnover of the business involved.
I think this is a bit high but some sort of fine should exist to make them think twice about doing it again
it all depends on the complexity & scope of the individuals wrong doing. it should be calculated to make them hurt but not put them on the streets.
It depends on the profits made/lost by the participants/competitors
Or depending on the persons wage. Higher if a high wage ie percentage
penalty should be set on a individual case
relationship to the profit made This question does not have a sensible response available
The amount should really act as a deterrent and remind the individual/s won't forget, and be appropriate for the period of the price fixing.
The amount should reflect the level of \$s collusion involved
the fine should be calculated in accordance with the scale of the "crime"
the fine should be made on profit u wanna hit there back pocket, like i said early cole and woolies should pay more due to profit and pay an amount tht hurt, because it would end small business
This would apply to a small company i.e. the butcher example. However, if it was a much larger firm than a bigger fine should be imposed.
This would depend on the profit made from this agreement, if it was small make it up to \$10,000 if it was large, then the fine would be greater
this would depend on the size and wealth of the company

Up to \$50,000
Although I have named a price the actual fine should be calculated according to the wealth of the individual because small fines can mean nothing to a very wealthy person
Although I put \$50,000 I do think this may vary depending upon the actual amount of profit and also whether it is a first or subsequent event.
Depends on their position and how involved they are in the decision making process
Fine should be calculated based on annual income, and should represent a significant financial burden to the individual
FINE SHOULD DEPEND ON SIZE OF COMPANY
it would depend on the turn overs of the companies
It would depend on the money made as a result of this deceit
Really depends on income and if bonuses were paid for these actions
really depends on the circumstances - how much money involved etc
Should be proportional to the magnitude of the collusion
The fine could depend on the size of the company and / or the extent the collusion affected the public.
the fine should depend on the size of the companies
The penalty needs to be appropriate to the level of wrongdoing by the individual.
This should be dependant on the length of time the practice has taken place and the gain made from the practice
This should depend on the size of the businesses involved.
Would depend on the size of the business eg local butchers or directors of BHP Billiton
Up to \$100,000
100,000 would be an average yearly income for a manager in large company so it will hurt them greatly

by having to hand over a years salary.
Although, it would depend on the size of the business, and the profit made.
Dependant on how much money was involved.
depends on amount of money made
depends on nature of offence
Depends on the amount involved in the offence.
depends on the scale of price fixing
It really depends on the amount OF PROFIT MADE.
Should be based on a % of their wage
SShould be based on the illegal benefit derived from the agreement, multiplied by 3
The amount payable should be determined on the individual's yearly income and should be no less than 20% of that income
the fine would have to be based on the profit the individual made for himself
This entirely depends on the size of the company concerned - It should be a sliding scale related to profit or turnover
This should be measured as to the scope of the actions.
this should depend on the extra profit made by the person/company increased by a percentage
This should depend on the size of the business. A small independant business could not afford to even remotly meet a \$50,000 fine, but larger businesses such as supermarkets should pay more than that.
This should probably be in proportion with either the profits made or the individual's remuneration package.
This would depend on how profitable their business was
This would depend on the nature and magnitude of the offence, and the individual's capacity to pay.

would depend on extent of price fixing/size of companies
Up to \$250,000
Dependent on the annual income
Depends on the size of the business and profit and on how calculated and planned by the individual the deception was
Depends on the value of the price fixing. If set way up above average cost should be high if a little bit, should be lower - for first offences. 2nd or more offences - set it high.
dont know-depends on the severity of the issue
Fine rate should depend on circumstances
Hit them in the back pocket, its the only way they'll take notice
It should depend on who the person is. If the person is the business owner or operator then the fine should be significant based on the size of the business and its turnover.
The fine should depend on the amount of profit and scale of such agreements. A couple of butchers price fixing should not be fined the same amount as oil company executives who engage in price fixing.
Up to \$500,000
10% of wage and stripped of any share entitlements
3 x profit earned by activities
A "minimum" amount is more appropriate than an "up to" figure, thereby allowing someone who may earn millions as a CEO to be fined enough to actually feel it! This would be more of a deterrent than knowing they can only be fined "up to" a certain figure and then deciding on whether it is worth the risk... I have known people do this before!
Again diecretion of the court. In the case of the butchers in a previous example say \$10000. Professionals may be \$500000. It should take into account value of the gain,net assets and net income.
All depends on product and profits
Amounts Depends on the consequences they caused.

And forfeiture of assets if necessary to cover costs
As a percentage of the company fine
comesurate with their earnings/ wealth
Company directors and board members usually have a company set up so that they as individuals protect their own assets, or they have them registered in family members names. As an individual they hold very few assets in their own names. If there was a change in the law that allowed assets held in family members names to be included in the paying of or assessing the financial states of an individual then there may be more attention to not breaching fair trading laws
dependent on what they stood to gain and if the company had any knowledge of it or encouraged it.
depending on the magnitude of the specific case
Depending on the severity of the situation
DEPENDING ON THE SIZE OF THE COMPANY AND THE LENGTH OF TIME THEY HAVE BEEN CARRYING OUT THAT PRACTICE
Depending on the size of the company, and the scope of the offence.
depends on severity of price fixing
depends on size of company and extent of the crime
Depends on size of company and money involved
Depends on the profits involved and the income of the individual
Depends on the size of the business. BP Oil should pay such a fine as nearly puts them out of business because of what they have done in the Gulf of Mexico. The butchers in your example in a small town may find a fine of up to \$10k unpayable.
Depends on the size of the companies and a whole lot of other things, eg the butchers previously mentioned would be punished by a far smaller fine than oil companies indulging in cartel behaviour.
Depends on what the outcome of the agreement is and who ultimately pays the fine.
even more depending on the amount

fine should be 30% of the individuals net worth
FINE SHOULD BE CALCULATED DEPENDING ON HOW THE PRICE WAS FIXED
Fine should be dependant on profits from the collusion, advantage received - pro rata to income received from scam
First offenders should be treated with maxinum fine with everyone else.
For a first offence, perhaps 10% of their salary, increasing for subsequent offences.
Hit them hard and that will make them think again!!!
I actually do not know.
I believe the amount should be two or three times the amount by which the individual personally profited.
I have stated previously that there has to be a huge deterrent and enforced to the extreme otherwise why bother.
i think it would be totally relevent to the size of the company and the circumstances of the agreement. I don't think there could be a one size fits all. You may be talking about two quite small businesses or two multi million dollar companies.
I would suggest all fees paid be doubled then they should have to pay that amount. Show that the system is serious.
It all depends on the size of the company and the wealth of the individual.
It depends upon the severity of the situation. If 2 butchers in a small town did this, it is unrealistic to fine them \$500,000, but a big company such as a Coles, McDonalds, Ford etc should be made to pay big time.
It needs to hurt them financially
It really should be weighted to a proportion of their wage/bonuses/fees.
It should be a percentage of their income
It should be based on the impact of the breach of law, cost to consumers and the community, how

much it benefited the individuals responsible
It should be greater than any personal advantage gained from their actions. i.e bonuses received
it would have to be a percentage based on the profit made by this agreement
Just the same as the corporation and be stripped of any benefits they gained
make the maximum high and let the courts decide
Needs to be relative to the individuals income, e.g., 25% of annual income
No limit, it should be based on the individual benefit made by the perpetrator.
not upto, no less than is more appropriate let them know what its like to be touched up
Or higher depending on the amount of gross turn over not just the profit they made, all fines should be a minimum of \$10,000 & then 10% of the gross turn over.
or higher if they have made more. should be a percentage added on to whatever they made dishonestly.
Pretty small fines. Up to \$500,000? Companies that do this would consider that not worth picking up if they dropped it in the street.
Proportional to the ammount of money involved
Quite possibly even a higher amount.
Relate this to say 2 x salary.
Relative to the size of the decite , ie a multiple of the decite enought to make companies think twice about doing this
Same as for companies; 3 times profits made on products and/or services.
see previous comment. when greed is involved mere monetry penalties are insufficient
Should be decided by the court
should be proportional to the size of the company and the amount of profit made

<p>The fine has to be harsh enough to penalise law breakers....Provided it doesn't allow them to cry bankrupt and escape penalty all together</p>
<p>The fine should depend on the value of the crime.</p>
<p>the fines should be propotional to their gain of wealth for that period.</p>
<p>the higher the fine the less likely to offend</p>
<p>there should also be a minimum amount ie \$250,000 as the minimum and \$500,00 as the maximum</p>
<p>There should be no limit. The fine depends upon the severity of the crime. Many individuals are the dictators of their companies.</p>
<p>This should depend on the scale of the deception. A couple of butchers colluding should pay less than the management of a giant packaging company who's price fixing results in price distortion across the economy</p>
<p>This would depend on the length of time this agreement between competitors existed and to what extent it was harming the market and the consumer.</p>
<p>worked out on the profit they made</p>
<p>Yet again the punishment should fit the crime, it needs to be enough to punish the individual for their participation.</p>
<p>You give no basis for what the dollar amounts equate to in terms of monies illegally made so how can anyone make an informed reply? Any response is irrelevant due to the poorly-worded question. Pity you did not use the Clear Speaking Department vet your survey.</p>

Individual – fine – market allocation, D2Da (n=82):

Up to \$10,000
Variable dependant on circumstances.
but will depend on the extent of the crime
based on turnover ?
dont know
again it depends on the size of those companies involved.You want the fine to hurt but you don't want to close the business and cause people to lose their jobs.
and they should sign an agreement when they are employed or with some appropriate agency
I really have no idea of worth
up to \$10000 for first offense, then higher for more offenses.
I prefer to be a penalty of three times (or whatever) of the amount they defrauded their customers.
Not too high a fine as it may send the person bankrupt.
fixed penalty of \$10,000
depends how serious it is
it would depend on the scope of the company - bigger company = bigger fine
As before a fine to make them think twice about doing it again
depends on the earnings of the individual
Again the fine should be an appropriate deterrent.
it depends on the income they have made
Depends on the size and turnover of the companies involved.

I believe the act should be changed to take into account the income of the offender and a percentage of income e.g.10% be the fine option applied.
Up to \$50,000
Again this needs to be dependant on the company's turnover.
I am unsure?
enough to make a real impact and to deter it from happening again
should be case by case
this should be dependant on the extent of the activity, how long and the amount of extra gain
the fine should be based on much the individual got from the co.
It would depend on the type of business and the turnover, but individuals make the decisions, so it is their responsibility, a heavy penalty may make others think twice before profiteering.
depends on its turnover
Depends on the size of the company. Sliding scale for smaller businesses. No. of employees etc
I'm not sure on this answer.
would need to depend on how big the company is
This too should take the wealth of the individual into consideration. To a rich man some fines would be considered "peanuts" and have little or no effect
Depends on income and if bonuses were paid they should be stripped from the individual
Depends on many factors
Up to \$100,000
depends on size of market
Though it should depend on the profits of the business

This seems to be a good amount for the individual.
Once again this would depend on how profitable that company was
Commensurate with their turnover, based on last tax return.
Depends on the circumstances.
For a first offence. But consideration against the impact of the illegal agreement on customers
Up to \$250,000
I think the fine should be set at a level appropriate to the crime so it depends on how much money was involved and should vary from person to person.
Tiered fines depending on severity of crime. Similar to OHS and environmental breaches.
should be variable according to size of business
the above is a guess- my response would be dependent on how many \$\$ were involved in the agreement
high enough to deter further agreements
depend on annual income
It has to hurt them so that they do not do it again
Up to \$500,000
3 times the profits made from the goods and/or services provided.
same as previous scenario, it is dependant on the amount of damage done and being realistic about the size of the company
It should be at least equivalent to their personal gain. ie. bonuses received
It would depend on the situation
Depends on size and turnover.

Proportional to the wealth gained during the period.
The amount should be calculated according to the benefit derived.
Maximum should be applied.
Harsher the fine ,then less likely this type of behaviour will take place.
this should be proportional to the size of the corporation and profits made
the maximum to deter any one from trying to do the offence
Needs to be relative to income, e.g., 25% of annual income
The fine should be related to the size of the crime.
30% of net worth
Penalty should be 3x the profit collected
more, take everything they have, then see how much "misconduct" goes on
punishment to suit the crime
Minimum of \$10,000 then 10% of gross annual turn over.
higher the fine the more likely people won't be prepared to take the risk in an established business
Depends on size of company \$500000 may not be enough in some cases. Visy Amcor???
depending on size of company
I'm not sure how to calculate
I am uncertain of the amount and obviously it would have to be high to act as enough of a preventative to this happening. No fine would be no incentive so I suppose the higher the fine the better although there would also need to be some action taken as to auditing companies regularly to know whether it is actually happening or not. Sometimes penalties are not enough of a deterrent because the chance of getting caught is just so small.

based on income assessment
dependant upon profit made from agreement
This depends on the amount the individual profited from the agreement.
3 times the amount of profit should be taken from the surviving business (if it survives in any form) and after compensating stake holders, the remaining funds dispensed to charities who deal with the disadvantaged
Depending on severity
Again, as a multiple, up to say 2 x annual salary.
with a minimum of \$250,000
No limit...depends upon the circumstances
Allocated on how much money has been made and how many people had been deceived.
Depends on the profits made and the income of the individual
Same as previous
Or more...

Individual – fine – output restriction (Question D3Da, n=56):

Up to \$10,000
No fixed amount but dependant on circumstances.
penalties should apply depending on the companies ability to pay. by putting them both out of business consumers would suffer.this comes to the penalties above all else first time ?
It would really depend on how much extra profit they had made.
more if the loss experienced by the consumer is greater than this amount it should all be relevant
See previous about pro rata amount.
as long as they do realise that as a first offence this is all they will get, but if they do it again the largest amount possible..
Start with \$10,000 & then 10% of the gross annual turn over figures.
fixed penalty of \$10,000
Depends how serious it is
again depends on the size of the individuals capacity to pay, take their cars, houses, stocks etc off them
DEPENDS ON HOW MUCH THE INDIVIDUAL DID IT FOR PERSONALLY AND HOW LONG
As before to deter them from doing it again
Depending on the income of the individual
Depends on the size of the company and the companies turnover.
Up to \$50,000
Once again this would again depend on the size of the company.
should also depend on the size of the company/how much was made off the misconduct
fine dependant on whether large scale deceit or a one off transaction
Up to \$100,000
Dependent on their individual income.
Depending on the profits though.
This proceder is called cheating so it should be hard hit
The individuals need to realise that they are there for consumers and a hefty fine might help them to do so.
Depends on the circumstances.
pro rata depending on the size of the business
Up to \$250,000
The amount should be fixed in proportion to the wealth of the person as small fines are meaningless to rich people and they laugh at them.

Tieres depending on severity of offence.
as before, my response really depends on the \$\$ value involved in the agreement & the profit to the companies
same as businesses, just take what profit they earned from the exercise, maybe an additional 10%, but for all questions, if malicious intent can be proven, then maybe the penalty should be worse, but if it was done because the business would otherwise crumble, especially small business, maybe some help and re-education is better than punishment
depend on annual income
Whatever they profitted by this action
Up to \$500,000
The fine should be severe enough to discourage other individuals in other companies considering making such decisions in the future.
3 times the profits made from the dishonest conduct
preferably more
saqme
If the company is a large company the ammount of \$500000 is not enough
the higher the greater deterrent
proportial to the wealth gained during that period.
Dependent on the gain derived.
Maximum applied
or more for the huge companies (such as oil industry)
The harsher the penalty the less likely for this behaviour to take place.
again a fatuous question
The maxium the deterrent to stop the offence
The fine should reflect the value of the crime.
3x profit made by actions
A minimum figure that is set and then a loading figure dependant on the extent of the profit of the individuals side and also the other side of anyone elses loss/detriment.
depends on size of company
No idea.
high enough to act as a definite preventative
dependant upon profit made from agreement
pay fine to there wages say 4 insince 60% of yr wages scare the hell out of them not to do it
Multiple of annual salary, say up to 2 times.

with a minimum of \$250,000
monetary values will differ depending on type of company involved and damage caused
again this needs to reflect the amount of money made due to the collusion.
could be higher
And possibly more...

Individual – jail – price fixing (Question D1Db, n=22)

Up to 1 year
Any sort of jail term should be enough to make people think twice but in this day and age that doesn't seem to be the case. Therefore if the jail term was a substantial one ie up to a year, without any parole, then maybe that would make them think twice
Up to 5 years
Jail is a deterrent not method of getting even. At the Judge's discretion up to 5 years should make anyone contemplating this crime think twice. If imposed it should be an example to others. However if the responsible individuals were to make reparation in other ways (massive financial distribution, or placing their experience in training and employing people in need - opening training places, opening businesses where the employees are drawn from disadvantaged areas and the profit going entirely to benefit such employees and their families, this could be traded for jail time.
No point for up to a year. Court time, custody, appeals, a year would be gone.
Sentence should be determined by how serious it was. The hypothetical butchers shouldn't be Jailed. The late Pratt should have been
Individuals must take responsibility for their actions.
with no parole, truth in sentencing should be applied
Incremental should they not learn - next penalty should be up to 7 years, then up to 10 years after that. If the individual is charged and gaoled (I'm an Aussie) and their replacement continues the practice of collusion, then that person should face the next higher penalty from the start!
Up to 7 years
Depends on the severity of the offence.

<p>it would depend upon the magnitude of the deception and its community impact. Certainly "fat cats" are seen as untouchable and above the law personally. If the decision can be "pinned on them" it should mean goal of 1 year for each million with a minimum of 1 year and max of 15 without parole. They destroy lives and hurt the innocent and glib with impunity. They need to feel the full weight of disapproval of the community.</p>
<p>Up to 10 years</p>
<p>1 year for 1st offence; up to 2-5 for 2nd offence; up to 10 years for 3rd offence.</p>
<p>Again depends on the consequences that have been caused.</p>
<p>The bigger the companies involved and the higher the profit the longer the jail time should be</p>
<p>Again depends on the size of the business. Your butchers should have a suspended sentence and a warning. The big end of town should get the maximum levied against them and prohibition from EVER holding Board appointments again. Otherwise they will change their business name and play the same game again.</p>
<p>Maximum jail term be given to everyone. Problem is people are let out on parole so lesser sentences has no impact. No parole should be given to all criminal offences.</p>
<p>Again the penalty depends on the amount that they profited from their dishonesty.</p>
<p>see previous comments</p>
<p>DEPENDING ON THE TRAUMA IT HAS CAUSED</p>
<p>I don't see why there should be a maximum term, there should be a minimum non parole period of 5 years then go up from there.</p>
<p>anything less they will play the odds</p>
<p>again depends on seriousness. 10 yrs is maximum</p>
<p>Depends upon the length of time the crime encompassed and the cost to the public.</p>
<p>Again let a judge decide based upon the case</p>

Individual – jail – market allocation (Question D3Da, n=10):

Up to 1 year
Again dependant upon circumstances.
Up to 5 years
No
And more for further breaches.
Up to 7 years
1st offence up to 1 yr; 2nd offence, 2-5 years, 3 rd offence up to 10 years
No parole
what a fatuous question! Length of sentence compared with what other type of offence?
the maximum is the best deterrent
No maximum, start with 5 years non parole & go up from there.
No limit....depends upon circumstances
Same as previous

Individual – jail – output restriction (Question D3Db, n=10):

Up to 1 year
In this real world & with smart well paid layers it will not happen.
They probably will have families that rely on their support so by incarcerating them for up to a year is not too long but long enough to deter them from doing it again.
I think a minimum of 3 months if the crime was ongoing for a while, or as I said before a stoppage of the companies trading for 3-6 months.
no
Up to 5 years
And possible more...
Up to 10 years
1st offence, up to 1 year; 2nd offence, 2-5 years; 3rd offence, up to 10 years
depending on company size and profit, the more made the higher the punishment should be
No Parole
as for the previous question
No maximum term. Start with 5 years non parole period & go up from there.

Factors bearing on seriousness – price fixing (Question D1E, n=66):

<p>The size of the company does not affect the severity of an offence, but can affect the size of any monetary penalties.</p>
<p>I fail to see how putting prices UP could possibly prevent factories from closing and save jobs; more likely the opposite would occur. Using the environment as an "excuse" is not an option.</p>
<p>Regardless of the size of the business or what they use the profits for, it should not happen. Even if the prices don't go up as a result of the conduct immediately, they will creep up over time and there will be nothing the consumer can do about it.</p>
<p>Premeditation is no excuse and should not elicit leniency.</p>
<p>Once you set the precedent (within a company) of this sort of behavior, then I think you open the door to that being abused. I think therefore as a safeguard of future - maybe unseen - behavior, it should be illegal, regardless of the possibly best intentions in the first place; but in saying that, maybe there could be some other structure in place to allow some sort of collusion between businesses if it meant saving jobs and keeping prices down.</p>
<p>If factories were involved then the price increase would be universal</p>
<p>If there is any out on such a law, companies would collude on price and set it up to fall under the loop hole left</p>
<p>While I am sympathetic in the cases of factories in danger, jobs at risk and environment friendly products, it does not excuse the action. A crime committed for a good cause is still a crime and there should be other ways to solve the problem.</p>
<p>If prices do not go up who proves a cartel? A fair price for a product is a fair price whether it saves jobs or not. Are prices 'fixed' or are they not? If they are then it is a cartel and it is or should be illegal and heavy penalties applied.</p>
<p>I don't believe the end justifies the means. The people from Greenpeace say it's for the environment when in fact they engage in terrorist behaviour</p>
<p>Anything that unjustifiably increases costs for the purchaser is a crime. But then in the Real World that is a simplistic viewpoint. It is all about what the market will bear.</p>
<p>any price fixing should be against the law. it does not matter the outcome</p>
<p>A law cannot be this flexible otherwise it would be the chance for people to come up with excuses for their dishonest actions.</p>

<p>It would also depend on who was benefiting from the conduct.</p>
<p>if something is wrong it is wrong no matter how you dress it up</p>
<p>workplaces closing are a result of capitalist. money has two sides.</p>
<p>Collusion of any form should be banned. Any attempt to conceal collusion should be punished further.</p>
<p>When factories close down and jobs lost Governments should be held accountable. For Example RBA does not speak out against Governments when their policies drive up interest rates. So Governments are doing the same causing pain and misery with no accountability whatsoever. It is the children who are suffering when their parents lose their homes because of soaring Taxes, Bills, Interest rates ETC CETERA.</p>
<p>the points were i have answered less serious i would like to add that i believe that to be the case only if there was full public disclosure of the agreement.</p>
<p>To me you either have a law that is enforced or it will be exploited by those who use creative accounting practices and manipulate by coercion with other like businesses.</p>
<p>primarily price fixing is only done by large corporations, these have a far more significant impact to everyone and should be considered more serious</p>
<p>The last 'additional fact' is a red-herring - obviously designed by defence counsel!</p>
<p>they should all be punished, it does not matter how you profit it is still illegal</p>
<p>a crime is a crime regardless of why...there are always reasons</p>
<p>Shouldn't profits from companies go towards making profits that are environmentally friendly at all times.</p>
<p>there can be no excuse for price collusion whatsoever</p>
<p>If it meant that it would prevent factories closing, then other strategies need to be implemented to assist the failing company, so the agreement would only be enforced for a period of time. When the failing company is financially stable, then the agreement would be cancelled.</p>
<p>Although you state that it could save jobs or benefit the environment, perhaps if the prices had not been manipulated the consequences for the consumer might have enabled him to manage his finances better. You cannot justify wrong doing in the manner stated above. Wrong is wrong.</p>

<p>There should not be any agreements made; there should always be healthy competition.</p>
<p>If all of the above facts are to be combined it becomes confusing as there is no reason to not make the actions public, except for the bullying and the cover up. If prices are to be fixed at the current rate by all competitors they should be able to make an agreement public without breaching the law.</p>
<p>I would only agree with small businesses doing it if they need to do it to stay afloat.</p>
<p>I cannot see anything wrong with an agreement if prices did NOT go up as the consumer is not being cheated. It is a different story though if prices are inflated as a result of an agreement between competitors.</p>
<p>where the conduct was to prevent loss jobs, and the activity was transparent, that is the consumer was given information enough to make a decision, then i would rate as less serious</p>
<p>I think there should be something so that this does not happen at all regardless of the situations</p>
<p>If the conduct was to prevent factories from closing, then there needs to be an independent investigative body that validates the action and publicises the decision, and it should be for a stated period of time.</p>
<p>The last point is just another excuse for ingorning the law and is just as anti competitive as price fixing</p>
<p>If there are conditions that appear to make it less of a crime then someone will work a way around the law.</p>
<p>Price fixing is a serious offence against fair trade. Unfortunately the Australian Government is Participating in price fixing schemes, therefor cannot take a firm stance against the practice. (ex. Medicare rebates)</p>
<p>each case would need to be assessed on merit and if the conduct prevented job losses to employees then the actions to be taken should have been canvassed with the authorities instead of breaking the law.</p>
<p>Large or small the matter is still serious. There is no excuse!</p>
<p>None of these excusses makes it less reprehensible</p>
<p>Many small businesses grow into larger entitries. If this behaviour is allowed it would encourgae it in larger businesses affecting more people</p>
<p>Line three would have to be proven in tribunal or court case and if proven not to be the case this would</p>

be Just as serious.
The "crime" is still the same - we seem to have lost the art of being fair to everyone.
I have chosen "just as serious" for the jobs scenario and the environmental scenario as I cannot conceive of a situation where a large business would act in this way for these reasons.
If the intention is not to increase prices, then the conduct is not as serious.
tommyrot! environementally friendly is a term coined to sugar goverment and business plans not to provide for the vulnerable person or locale be that locale a cuddly koala or a small homeless child. physically/mentally/aged handicapped people & animals are ignored at the nations cost and are a community shame
No excuses
ALL COMPANIES WILL HAVE THEIR OWN PRINCIPALES. MOST OF THE PRINCIPALES WILL NOT MATCH WITH EACH OTHER. IN SUCH CASES ONLY ALL THIS NEGATIVE UNDERSTANDINGS WILL TAKE PLACE.
there should be no excuse for this practice
I can see how saving jobs would be an honorable way to deal and also, if the prices were not over calculated market value then it is perhaps ok to use such an agreement
collusion is collusion. if prices did not go up why were they doing it?
Sometimes the means do not justify the end result
I do not feel that any of the above would actually change my mind
The law must be followed regardless of the circumstances
one rule for all, no matter the reason, price fixing is price fixing
no
Small businesses do not have the capacity to control markets to the extent of large business.Using your example, in most cases if a town has 2 butchers it will not be too difficult to get to the supermarket which also sells meat
The individual business can make a decision to invest a percentage of their profits to make products that are environmentally friendly without having to fix prices.They can let their competitors know what they are doing and encourage them to do invest a percentage of their profits as well without having to

price fix.
This is saying the ends justify the means I do not agree wholeheartedly with that premise
The law is the law...I observe it ...I expect everyone else should.
Prices did not go up as a result of the conduct does not mean that prices WON'T go up as a result of the conduct. I had imagined that statement from the beginning of this part of the survey as a group of businessmen fixing prices in order to keep them low, but then I imagined 10+ years down the track with new leaders in the driving seat saying, "Hey! We could really maximise profits if we all just hicked the prices up!" - Just as serious, we are still at someone's mercy.
cheating is cheating

Factors bearing on seriousness – market allocation (Question F2E, n=38):

The practice is dishonest, no matter what the reason, and should not be permitted to happen.
environment is no excuse.
It was wrong & business is survival of the fittest who act lawfully !
a way of organising a better service system can be good and more efficient
I see this in the same light as price fixing and my comments are the same.
reasons can allways be found for breaking law in the name of the enviroment. reasons are frogs nuuee
A crime is a crime - they are stealing from people who are uninformed about their collusion
It is about choice. Why should a customer only have the choice of the supplier in their area. If the customer wants to pay more (if that may happen) to get someone from another area to do the job, then so be it. What happens if the supplier has a bad reputation or so, just because a consumer lives in a certain area, should they not have the option of choosing someone else to do the job for a cheaper or higher price, if that is what they agree on?
There are other scenarios here which describe to me a less intimidating picture then the potential hell I was envisaging in previous scenarios. I'm also thinking of the small business scenario and imagining two massage companies getting together and price fixing at a reasonable amount and seeing no problem, unless they become the only companies and increase prices to an inflated level. I'm realising that things aren't always black and white.

the possible lowering of standards due to decreased competition makes this so serious.
Same Comment. Governments should be held accountable
It is tempting to "forgive" behavior that has a positive outcome, but the principle behind the conduct must be considered and censored if morally wrong.
as for your previous 'grrenie' red-herring
It is still breaking the law no matter how they try to hide what they were doing
wrong is wrong even if done for the right reasons
the company that is in financial hardship needs assistance during the period of the agreement, then when the company is stable, then the agreement is cancelled.
customers still have the right to choose
I see this as the first step towards manipulating prices. It creates an unnatural competitive environment.
Whatever the reason for the agreement it is still a serious matter and must be dealt with by authorities.
People should always be able to choose which contractors they pay to do a particular service.
I don't know that making environmentally friendly products is justification for unethical behaviour.
If the conduct wereto prevent factories from closing, then there should be an independent authority which validates these facts and makes it public. The conduct should be for a stated period of time which is also made public.
They should use environmentally friendly products anyway
Only okay if the companies made this clear from the start
The potential for exploiting the consumer exists whenever there is a secret agreement
One cannot choose who should make an illegal profit, the law should equally apply, it is the consumer we are concerned about.
In the 3rd & 5th line my response being Less Serious,....ONLY IF IT CAN BE PROVEN.

<p>this has taken away the consumers right of choice of supplier for goods/services</p>
<p>It would be better if the money from the fines went towards making products environmentally friendlier, rather than the underhanded conduct itself.</p>
<p>I did not understand the last statement</p>
<p>Trying to save the environment is not an excuse for price fixing.</p>
<p>Saving jobs and keeping prices reasonable are valid reasons for the agreement</p>
<p>There can be no excuse for this type of behaviour. We know it goes on in many industries but steps should be taken to eradicate it. We step on bugs so why should human ones be any different.</p>
<p>no</p>
<p>Individual companies can make decisions to invest a percentage of their profits in environmentally friendly products and can legally let their competitors know what they are doing. We certainly don't want laws which hinder communication.</p>
<p>Same as previous</p>
<p>Wrong is wrong...</p>
<p>dictating who consumers can purchase goods or services from is unfair and we should have the right to purchase these from whoever we choose regardless of what suburb or town we live in</p>

Factors bearing on seriousness – output restriction (Question F3E, n=27):

Public disclosure of the company problems and their intent to reduce production to save jobs would allow the public to make an informed decision whether to continue to buy the cheese if the prices became inflated rather than it appear as if the company was price gouging.
same comment as before; 3 and 6 are unacceptable excuses
It's an unethical practice and there is no excuse for it at all.
No excuse !
On saving jobs, this is a matter for governments not companies or individuals.
I do not see how option 3 could apply in this case. I would sympathise with a company in this stituation but I think there have to be other ways of dealing with it.
enviromental issues should not enter the equation
I think bullying another company or being deliberately devious knowing it was wrong should be dealt with mmore seriously.
only less serious if the details of the agreement were with full public disclosure.
THEy are still guilty of an offence.
those greenies again!
The profits are only an excuse
You cannot justify wrong doing.
No excuse for that type of trading as it is dishonest.
If the conduct was to prevent factories from closing, then an independent authority should assess the situation and validate the conduct for a specified period of time. All of these decisions should be made public.
Cheese is environmentally safe Bullying is never warrented
My reason is as before.
Prices did not go up as a result of the conduct is "just as serious" because maybe if they don't collude prices MAY infact go down! (apply to the other scenarios)
the only reason production was reduced was to make money not save jobs.The fact that it did not happen is no excuse
It is a hard decision to judge when it is actually preventing people from losing their jobs but obviously, still not ethical.
I do not understand the context of the last question
only if you prove by merging was the only way to stop from closing
two points: what i would deem fogivable (saving jobs and keeping prices as low) would be irrelevant because neither could possibly occur as a result of this action
no

You are creating catch 22 situations lol

Individuals can make an independent decision to invest in environmentally friendly products.

Environment friendly is just talk best described as crap To save jobs is some thing else but are they really saving jobs what happens next year

C2. BUSINESS GROUP – SECTION F

Do you think that Lee has broken the law by agreeing on prices with competitors? (Question F1A, n=34)

COMMENTS OF THOSE WHO ANSWERED 'YES'
Reference to own knowledge of law
I believe it's called 'price fixing' and companies have been prosecuted for it in Australia
I think there are such laws or regulations, but they are difficult to police.
Price fixing is already illegal as far as I know, though almost impossible to prosecute because it is all done under the table
I would believe this would break current laws in Australia. However the brick company is not the only one to benefit...govt extra GST
Pricing fixing is currently not legal
Yes, it think collusion with competitors to set prices is against the law currently.
This is collusion and is outlawed under the Trade Practices Act.
I'm pretty sure this type of behaviour is illegal
I understand that colluding on prices is illegal, for petrol stations anyway
I would assume this is covered under the laws on price-fixing
Reference to moral character of the conduct
It's dishonest.
Yes absolutely Lee's decision was based on a personal gain and manipulation and not in the interest of fair competition.
Price fixing
It is just another way of being dishonest for profit
We the public pay more, not really fair!
Yes because it defeats the purpose of having private industry if there is no competition and if collaborating to fix prices means that prices across the board go up and consumers have no option but to pay higher prices
Identifying conduct as "price-fixing"
I believe this is called 'price fixing'
There should be NO price fixing
Price fixing to prevent competitive market place
Collusion on price fixing
Price fixing?
I think that is 'price fixing'
Is that price fixing?

Other
price collusion
Is this "collusive behaviour"?
Unsure
Conspirously
COMMENTS OF THOSE WHO ANSWERED 'NO'
This sounds like what happens already
I suppose it will stop people from trying to run around to get the cheapest price. As long as the prices were still overseen by someone else to make sure it doesn't get out of hand
But isn't all this sort of thing a good reason for someone to start a rival company and just undercut them. That is what I have done in my business and now have almost more business than I can handle. Granted I may end up working more but I also make more so I think the greedier my competition is the better!
COMMENTS OF THOSE WHO ANSWERED 'I'M NOT SURE'
I'm pretty sure that price fixing is against the law. Even if not, this is an example of business manipulating the market and screwing the consumer
That could go in the favor of smaller business if they go higher, if they go lower that will kill the small business's and lose jobs
I am not aware what the law is in regards to this matter.
It depends if there is currently a law to prevent this 'monopoly'

Do you think that Lee has committed a criminal offence by agreeing on prices with competitors? (Question F1B, n=17)

COMMENTS OF THOSE WHO ANSWERED 'YES'
Reference to moral character of the conduct
Yes in this case as he would have been aware he was breaking the law for his and companies gain ,not to mention all the other company cohorts as well.
He is still deceiving other people and government for profit
If he is caught.
It's price fixing.
Trade practices act
I think that the company may be fined and Lee may be fined.
COMMENTS OF THOSE WHO ANSWERED 'NO'
I don't think their is a law in place for this, but there should be.
If I was his competitor I would use this to my advantage, I would agree with him then drop my prices and he would then loose all his customers to me and I would be better off then him. Price fixing is self regulating when competition steps in.
It's probably a civil offence rather than criminal
Unsure
COMMENTS OF THOSE WHO ANSWERED 'I'M NOT SURE'
He is being greedy !
He has broken the law
I'm not sure of the current laws but i thought price fixing was illegal
I know that this has something to do with price fixing laws, but I don't know if they are an actual criminal offence or not
Criminal offence or breaking the law?
Should have but am not sure how far the current law goes.
I believe there are laws against price-fixing, but do not know if the individual or company is "at fault"

All things considered, how likely do you think it is that Ashley will decide to make an agreement with competitors not to try to win over each other's customers? (Questions F2-F7)

Response	Comments
<i>F2C – SCENARIO WITH CIVIL SANCTIONS/NO PRESSURE (n=15)</i>	
Very unlikely	Surely someone in Ashley's position should be trying to win over the competitors customers through better service/better deals for the customer than trying to come to some sort of agreement with the 'opposition'. Penalties aside, I do not think he would make an agreement.
Unlikely	A hard one to comment on, it is not actually price fixing but I guess it is a form, sorry but a hard one
Unlikely	He would not want to risk his job
Unlikely	Most people are honest. If Ashley is one that is borderline, it will depend on the difference between the reward and penalty. If the reward was \$100,000 to him personally, then I think a borderline person would be very likely to take the risk.
Likely	The fine is anywhere near the maximum, so it's not really deterring them.
Likely	Fine not enough deterrent
Likely	It appears to me that there are always individuals in the community who believe that they will never get caught for breaking the law.
Likely	It all depends on how much they expect to make. If they don't expect they'll get caught, or they don't perceive fines to be high, they'll probably be happy to risk it in order to make heaps of profit
Likely	It all depends on the profits, most fines for companies are so small as to be meaningless to large corporations where 500K is petty cash
Likely	The difference lies in the law and its enforcement. A few show trials as happens now convinces smaller fish they can take the risk of getting away with it
Likely	It's the Australian way, and hardly anyone seems to be caught or punished - particularly from a big business.
Likely	I think a lot of people in business are willing to run the risk just to make a profit and get ahead. they don't really believe they will get caught. I think they feel like they can get away with anything.
Likely	Most people believe they will get away with such action, and only "careless others" get caught
Likely	I'm sure this sort of thing goes on all the time regardless of penalties involved.
Likely	I'm sure Ashley is not that much of a gambler!!!
<i>F3C – SCENARIO WITH CIVIL SANCTIONS AND ECONOMIC PRESSURE (n=12)</i>	
Very unlikely	Not much to lose, but an awful lot to gain.
Unlikely	I certainly wasn't aware that such penalties existed! You would have to be desperate to try and get away with such a thing when the punishment would

	make you extremely worse off.
Unlikely	Too much at risk for him
Unlikely	Depends on what is driving him, if losing his job means losing his home, etc and not being able to support his family. He might be pushed in to a position where he sees it as his only out!!!
Unlikely	Unsure
Likely	It is worth it if the penalty is so low
Likely	The average fine is a lot less than Ashley's potential gain.
Likely	Money speaks louder than following the law.
Likely	This is difficult to prove. The risk of Ashley being caught is outweighed by potential benefits.
Likely	He can make more money than the fine will cost and he's not a director anyway...he's a manager...so the other penalty won't affect him at all
Likely	If someone really needs to do this to save their job, the chances are they will take the risk.
Likely	It is silly that the law would impose convictions on a base where a struggling company is able to save jobs and the industry.
F4C – SCENARIO WITH CIVIL SANCTIONS AND SOCIAL PRESSURE (n=14)	
Very unlikely	If ashley is fined 40,000 and earns 300,000 a yr tht pocket change go against there tax and hit them hard with hold there homes and cars and credit card make them really hurt while law suit it going through and fine to tax income, and put money in the small business to bust them up make it fair
Very unlikely	Depends on who asked him to do it . if his directors suggest this then they are at fault. he does it to save his job principle against feeding your family are all very good but?
Unlikely	Ashley would have to have deep pockets to flout the law knowing if caught what penalty he faces.
Unlikely	I hope he would be honest
Very likely	Penalties for such conduct is not harsh enough hence no real deterrent to doing so
Very likely	Because what are the chances she will get caught?
Very likely	Given the chances of being caught, vs the reward of bonuses and pay increases, 40k is a small deterrent.
Likely	Let's be realistic - isn't this why you are running this survey. As well, businesses have been doing "shonky" things for years and getting away with it. It is about time there was transparency, and apprehension so that ordinary people can feel protected by the law. Wistful thinking...

Likely	\$40,000 is likely to be small compared to possible salary rewards /bonuses available from his company over several years.
Likely	Depends how moral or ambitious Ashley is. average fine doesn't seem that large considering profits to be made. Again, comes down to morality of individual
Likely	Greed is a powerful motivator, what's \$40000 if you've just got a massive pay increase and who knows what other kick backs?
Likely	It would seem very difficult to prove
Likely	Low risk of getting caught outweighs high penalties.
Likely	THERE ARE OTHER LOOPHOLES IN THE LAW
F5E – SCENARIO WITH CRIMINAL SANCTIONS AND NO PRESSURE (n=15)	
Very unlikely	The amount of punishment would be a deterrent for Ashly
Very unlikely	Jail time is a good deterrent
Unlikely	Wow, 10 years for being a practical business man and 5 years for killing someone! Wow what a country
Unlikely	He would have to be naive, therefore the full force of the law should be imposed
Unlikely	Most people are honest. If dishonest, a person will minimise evidence making it difficult for authorities to prosecute beyond reasonable doubt.
Unlikely	Its a lot to risk, and after all, it's just a job.
Unlikely	I think although he still thinks he'll get away with it he may start to think twice.
Likely	As long as the penalty is actually being imposed if this crime is committed, then it should be a good deterrent.
Likely	Depending on the stakes as to weather that ashley is willing to take that risk.
Likely	Lees likely than no jail -but the fear of jail is a significant deterrent factor but Ashley may still weigh this up against the improbable possibility of being discovered - or informed on
Likely	He'll run the risk if the profit is high enough
Likely	I have never heard of a jail term being imposed on a business leader for such behaviour at most they get a simple fine and are told naughty boy don't do it again
Likely	It sounds like Ashley has tendencies to be deceitful so i would think he will do this regardless of the consequences
Likely	Depends on how corrupt he is
Likely	See earlier
F6D – SCENARIO WITH CRIMINAL SANCTIONS AND ECONOMIC PRESSURE (n=8)	
Very unlikely	I don't think he would get a jail sentence but I think the chance of it would be a good deterrent
Unlikely	Not worth it if could go to jail, he would lose everything

Unlikely	He'd be silly to try it but if he thought he would get away with it then he probably would try. People never seem to get very severe sentences even for serious crimes so he might think it's worth the risk.
Unlikely	Lots of business people find ways to avoid scrutiny
Unlikely	As I mentioned before, and I don't think we should be jamming up our jails with this type (or any type of corporate law) surely there are cheaper ways to deal with this type of crime, and saving tax payers money.
Unlikely	Unsure
Likely	Unlikely to be penalised that harshly for being a first time conviction
Very likely	Balance of probability to commit the offence - profit versus getting caught - profit versus penalty - very unlikely to get caught without public complaint - very unlikely to get a gaol sentence owing to overcrowded gaols - cost of imprisonment - likelihood of rehabilitation minimal
F7D - SCENARIO WITH CRIMINAL SANCTIONS AND SOCIAL PRESSURE (n=7)	
Very unlikely	Why would you risk it?
Unlikely	A jail sentence will deter most misconduct from "honest" business people.
Unlikely	Risk of jail is and criminal conviction is more life changing than fine
Unlikely	Freeze account hit them where it hurts hard
Unlikely	Please remember against the law is a funny thing. its against the law to speed, have you ever?
Likely	I think what also needs to be considered is whether Ashley has been "told" to do this by his management, and that he was acting on orders. Right through history, subordinates have used this defence.
Very likely	Sadly greed overrules people's better judgement far too often

If you found yourself in the same circumstances as Ashley, how likely is it that you would make an agreement with your competitors not to try to win over each other's customers? (Questions F2-F7)

F2D – SCENARIO WITH CIVIL SANCTIONS/NO PRESSURE (n=14)	
Very unlikely	Its unethical
Very unlikely	I think that I am more honest than most and would not even consider doing this.
Very unlikely	To get to that position to make such an agreement in the first place requires attributes that I probably don't have. I have a cynical regard for the system of ethics which seem to operate behind many a business (or religious) facade
Very unlikely	I don't think that any one is above the law and we should all be punished for doing the wrong thing.
Very unlikely	I am in a very competitive business now, it's how we treat our customers that make or break us. They are the base of any business and therefore should be the first things considered not the bottom line in any business decision like this.
Very unlikely	High fines would be a deterrent
Very unlikely	It is not worth the risk!
Very unlikely	Chicken!!!
Very unlikely	I may look for options where we can work together to improve efficiencies eg bulk purchasing
Very unlikely	Just the opposite, I would be trying to figure out the best way to lure their customers to my business with better offers, just as they should be doing ; that is what healthy competition is all about...and the winner out of all this is.....the customer.
Unlikely	better service wins customers, not always prices
Unlikely	I believe there should be more ethics than profits in business.
Very likely	I think that this is the Australian way. In other words ' a gentlemens agreement'
Very likely	It is against the law.
F3D – SCENARIO WITH CIVIL SANCTIONS AND ECONOMIC PRESSURE (n=10)	
Very unlikely	I don't like to tarnish my reputation
Very unlikely	Business ethics is an important part of my job, and my self-perceptions
Very unlikely	I've had the experience of being an honest employee surrounded by other people's misconduct a number of times, plus I also care a lot about my rights as a consumer. It the principle that would deter me, and not the amount of the fine, or any other legal consequences.
Very unlikely	I'm not in business ... more honest!
Very unlikely	Far better to try and improve the quality of service and offer incentives to retain and increase your customer base.
Unlikely	Not worth the risk
Unlikely	It's not worth taking the risk to end up in jail, having to pay huge fines and it's unethical

Unlikely	I would like to think I wouldn't, but jobs are not easy to find, especially as I am getting older, and pressures may sway me.
Unlikely	The honesty in me says that I would try and win over the customers because when the deterrent is so small, it's well worth the risk.
Likely	Unsure
F4D – SCENARIO WITH CIVIL SANCTIONS AND SOCIAL PRESSURE (n=10)	
Very unlikely	Why put yourself and company at risk of harsh penalty and lose face publicly by breaking the law all for profit
Very unlikely	As a small business owner having to deal with shonky people I go out of my way to be as honest as i can
Very unlikely	I consider myself to have strong business ethics.
Very unlikely	If I found myself in such a position I would resign rather than do wrong
Very unlikely	I'm a little confused here. Most of the previous scenarios were about price fixing and winning over customers and how it should be at the very least, illegal. And now you are telling us that it is illegal to get together with competitors and not price fix and not win over each others customers. What just happened here?
Very unlikely	Customer are your bread & butter. You need to go above & beyond to satisfy them. Whether it's better deals or just better customer service.
Unlikely	In business you have to be competitive pricewise and quality wise therefore you have to win more work to stay in front
Unlikely	But it is hard to say, as I have never been in the situation. If the situation were to occur, who knows what I would do
Likely	Well if the company was in on it I'm sure I agreed to a pay out if I got caught so it wouldn't bother me if I got a nice pay out from them
Very likely	I actually had to when I worked in transport, it was not a choice, it was a requirement - I would suggest Ashley did not really have a choice
F5F – SCENARIO WITH CRIMINAL SANCTIONS AND NO PRESSURE (n=12)	
Very unlikely	Not only the wrong thing ethically, but the extra threat of jail seems far too great a risk
Very unlikely	It's unethical. I don't do it now, and I would never consider it.
Very unlikely	Never
Very unlikely	I would not do it as stated before on ethical grounds - the existence of a jail penalty would not influence me - although it may deter others. There are many industries where severe penalties exist but only few examples exist of those who break the rules are fully prosecuted and punished. (Example effect)
Very unlikely	I wouldn't break the law
Very unlikely	Still chicken!!!
Very unlikely	Jail is more of a fear to me

Very unlikely	I would rather go the other way and do my best at enticing their customers to my business through better deals and better customer service
Unlikely	I am not a risk taker
Unlikely	It not fair on the consumer but if I was desperate for money I might consider it
Likely	As I said earlier it happens all the time and has been going on for years usually 'over a beer' at the local. Fortunately people in the country are very different to city people and help each other, if they did not our towns would not survive
Likely	Against the law.
F6F – SCENARIO WITH CRIMINAL SANCTIONS AND ECONOMIC PRESSURE (n=8)	
Very unlikely	Same as previously
Very unlikely	I'm not one to take risks, the thought of a fine would be enough of a deterrent, let alone a jail sentence.
Very unlikely	Not worth going to jail for and it would be against my ethics and the way I was brought up by my parents.
Very unlikely	No way !! Not the dishonest type
Very unlikely	Matter of scruples
Likely	More likely as a criminal offence would not bode well on my resume.
Very likely	Wouldn't happen
Very likely	Unsure
F7F - SCENARIO WITH CRIMINAL SANCTIONS AND SOCIAL PRESSURE (n=4)	
Very unlikely	I do not fancy losing my house etc just to make a boss happy. I can always find another job
Very unlikely	I would resign and probably "whistle blow" rather than be involved
Very unlikely	Even without the penalties I wouldn't be willing to agree
Unlikely	Again, hard to say without prior experience

APPENDIX C3. OPEN-ENDED RESPONSES AT END OF THE SURVEY

Finally, is there anything else you would like to tell us about the scenarios or issues in this survey? (Question G2, n=187)

<p>Only that it is about time all businesses (and their shareholders) became less greedy, more transparent and honest in all their dealings. Businesses, especially big businesses, are ruining this country. They should also butt out of politics.</p>
<p>I believe there is quite a bit of this type of conduct in medium to large companys that we dont hear about</p>
<p>very interesting survey, I like to know these sort of things, thanks</p>
<p>Human life and associated misery should be avoided</p>
<p>Very interesting</p>
<p>this issue affects small towns - woolworths fuel in particular - fuel here is normally 10c a litre more than 120km away even though the other town draws fuel from here. Woolworths prices are apparently based on checking the other fuel retailers (who are small businesses) and taking 2c off to set their price.</p>
<p>A little more flexibility with answers.</p>
<p>There are many laws in Australia that are never enforced. The ACCC is likely to tell an individual to go to their State's small claims court, this is wrong, it is as bad as a policeman who looks the other way.</p>
<p>I have no faith at all in our justice system, the ACCC is a 'toothless tiger' in my opinion</p>
<p>It was very mind-skilling.</p>
<p>Fairer Pricing for all</p>
<p>This is almost impossible to to police . Widespread publicity leading to consumer action would work well in most cases. Legal action only benefits already rich lawyers</p>
<p>It is difficult to compare the seriousness of a commercial crime against a crime such as murder or sexual abuse. I believe that any crime against another person to be very serious especially when the crime inflicts harm on people either physically or financially.</p>
<p>You will have already said 'This respondent is naive.' Probably true because what should happen will never happen because everything, including forgiveness, can be bought at somebody else's expense.</p>
<p>Colusion is against the law and criminal charges may be brought against the directors of the companies. The company that informs on the colusion is granted immunity against prosecution.</p>
<p>hopefully the government will implement similar measures to tackle the issues of price fixing and the possibility of a jail sentence could be enough deterrent those involved</p>
<p>surely the events of the last few years show that white collar crime has more serious ramafercations than taking a gun and holding up a service station with a gun</p>
<p>people get greedy, and new parties enter the market if prices get too high...let the market decide.</p>

<p>It all gets back to Policing and application of the Law and Penalties involved. It is like driving faster than the speed limit. If you think there is a good chance you will be detected you slow down and vice versa. I think this used to be called Situation Ethics and is Subjective. Not an uncommon situation. There was no king in Israel and every man did that which was right in his own eyes. If you know the verse.</p>
<p>HAPPY TO DO MORE SURVEYS</p>
<p>I feel strongly on all of the issues that were mentioned.</p>
<p>good scenarios</p>
<p>Perhaps there should be rewards for whistle blowers</p>
<p>These scenarios are happening everyday and because big business has the money nothing is done about it.</p>
<p>Why not say exactly who it is aimed at ie oil companies.</p>
<p>All scenarios should be made an offence regardless of the initial reasons given by the companies/individuals as get away with one, will try again</p>
<p>Some of my responses may not be what I was really meaning to say. They may have come out wrong or so. I was not sure at times of how to put what I was thinking into words.</p>
<p>Make sure the directors and associates pay the penalty within the the law as we are to weak in Australia.</p>
<p>Business needs to be able to survive as Govt charge what they can getaway with.</p>
<p>I think it is bad to let a few big companies control things like food and other necessities (oil)as it squeezes out the small operators</p>
<p>please more open questions</p>
<p>unsure</p>
<p>The big supermarket chains should be investigated much more thoroughly and the ACCC should have the 'guts' to stop them in the way they conduct their business and make the manufacturers pay such high percentages of overall sales and advertising</p>
<p>business appear to be above the law. Just because they make money/profits.</p>
<p>it does happen a lot.its always reported on the news</p>
<p>Any collusion between competitors which increase consumer prices should be dealt with severely by law.</p>
<p>I do not see a problem with price fixing, it is none of the Govts. business what people do with their Companies, price fixing helps keep prices even and it is up to the business owner to give good service and let the public choose who they go to</p>
<p>great to see a survey on this significant issue</p>
<p>Have heard of price fixing and cartels being fined in European Union involving suppliers to my company.</p>
<p>I feel competition in business is a good thing but not if people suffer</p>
<p>I was not aware of these laws, I dont think they need to change but awareness needs to be raised.</p>

I think fines are more appropriate especially if they gain nothing. Putting people in Jail for economic crimes seems unwarranted where violent thugs get away with community work.
It is just as serious when big businesses undercut small to force them out
All conduct affecting other people should be treated as criminal. For Example many have been affected by Con Artists. There are thousands of them with their offending being regarded as being less serious than other types of Fraud. Knowing the amount of money being collected as fines people can be allocated to hunt them out so these offenders with no conscience can be put in jail.
Maybe I am not a good candidate for questioning, I try to see both sides of an argument. I believe conduct which would prejudice jobs or is morally wrong must be censured but I am unsure whether that can actually be legislated against.
Unless Judges give the max they can it will keep happening
I believe there has to be harsher penalties than at present otherwise you find people flouting the law beyond imagination, because it's all about making profit above good business practices in some cases amongst our big and small business. I am all for stricter laws. Thank You
I do not smoke but think the government steals from smokers and drinkers
The behaviours of not only the late Mr Pratt but also Visy and Amcor were reprehensible in the extreme and the 'sanctification' of Richard Pratt was sickening.
If the companies are doing it but it makes sense to do so, ie north of the city and south of a city and it saves the consumers money as there is less transport costs involved etc then that would be OK.
In regional Australia the behaviours mentioned are standard
if this is what is making cheese so expensive it should be illegal.
I believe that price fixing infiltrates all major industries in Australia, and that it is the norm, rather than the exception, despite the legal and/or criminal implications of these actions
If one type of business is allowed to fix its prices (I can only think of the petrol prices at the moment) then how can we judge other businesses. I do try and save on expenditure, just like everyone else, but cannot understand how one business is allowed to charge as much as they like and another has limits or caps.
Steps urgently need to be taken to protect consumers who are the ones that suffer especially those on a low income.
Unfortunately the authorities only seem to take action against small business and neglect to take action against large corporations for obvious breaches.
I have friends in their own businesses. They find ways to avoid paying tax, they receive assistance from the government and are the ones who have money that needs to be disposed of by taking overseas trips, buying new cars and putting in swimming pools. Fed up.
It was a very different kind of a survey and I enjoyed it.. Thanks,
I believe that Coles and Woolworths are the number 1 guilty parties with regard to the scenarios listed.
The survey highlights several cases where fraud has been committed any offenders should be jailed or fined or both
Although this is a criminal offence and against the law, I still believe business's do price fix.

I just think fines should be appropriate for the size of the company as well.
I find any price fixing and collusion of any manner abhorrent and should be policed to the full extent of the law with no wishy washy slap on the wrist action as happens from time to time
price fixing takes choice away from customers, so quality will decrease.
interesting survey, made me think.
It is actually a very interesting survey and makes one think
Good luck.
I found it a little difficult to compare the seriousness of different scenarios.
Hard to choose as there possibly could be more issues involved. Overall it should not happen
There is not enough accountability for financial misconduct. Make some harsh terms, and impose them, and see if people's behaviour changes
companies and individuals should trade fairly and live up to Australian principles of a fair go for all
It's a tough survey as we do want fair trade and competition but we also want people to prosper as well.
It seems to me that it's the consumer that always seems to be out of pocket in the end.
Thank you for an interesting survey!
These are important issues, that always have wider implications. Therefore judgement should not be made by one person but by a panel of experienced individuals.
competition is healthy and one would pay more for quality
The deterrent for crime in this country is all but non-existent.
Nothing is ever as "black & white" as such scenarios portray
I do not like the way big businesses can lower their prices with a result of forcing smaller businesses out of the market
I believe fines should be set as a MINIMUM figure and then determined on a case by case scenario to be more of a deterrent. These people make bad decisions to gain money so hit them where it hurts... money!
giving names and occupations made it easier to understand
I think anything to do with price fixing in any shape or form is another way of theft and is not ethical. If the penalties are high it may seem harsh in the beginning but may also have a deterrent value in the long run. If those people could not sit on company boards etc it could make it difficult for some of them. We can only hope.
The scenarios seem very real and if applied to oil companies would lead to many law suits !
the best example of price fixing is the Oil; Companies. It can't be coincidence that ALL petrol stations have the SAME prices regardless of oil prices. Are immune from prosecution ??
only that I wouldn't be surprised by it as I am certain it is happening with grocery shopping etc now....thankyou

I think there are too many laws governing business today. I did not like the collaboration between the businesses - this should be handled in another way otherthan making it a law.
VERY INTERESTING AND APPEALING
The survey itself was very professionally prepared. Thank you!
Whilst state and federal Governments are the biggest Prixe fixers, I have not heard that anyone has been taken to court over it. Fed Gov Medicare Rebate structure is Price fixing, State Gove Taxi Tarifs are price fixing. Who is taking action?
theft is theft no matter how you dress it up. In the world of consumers lots of people, people with families get hurt big time.
It appears that there is quite a lot going on in business that we aren't aware off
Far to many so called directors walk away scott free with large payouts, whilst others suffer.
Smart lawyers can usually find ways out of these scenarios for those with enough power or money. Smaller fish are going to be exemplified from time to time however
Thanks for the opportunity to express my opinion on a very important topic that I feel needs much more attention and justice brought to it :) All the best with your research
This is a serious crime and the penalties should be very strong to deter this policy
We need to forever protect consumers from rip off merchants,especially in these hard times.
In the scenarios just listed BOTH visy AND amcor should have been punished
Something should be done to STOP the big companies from outpricing the "corner shop" and also stop trying to sell inferior products at a max price. Thank you
The scenarios used are happening in the real world from large corporations eg: petrol companies to retail giants and probably a lot in between and yet the government through its corporate watchdogs seem to be ignoring the problem
Would still like to believe that there are honest businesses out there and that competition is good for the economy and customers.
I think there needs to be more of an effort made to make the public aware of the laws and penalties for these things, and that when people/companies are found guilty that it should be publicised to a greater extent.
i think the way you want to go imto business and deal with your business should be up to u if it sinks or swims its totally up to yourself. If u want to go to the same company and make a deal i reckon it should be ok if u both agree and stick too
I feel that price fixing is harmful to the Australian economy and therfore the public.
It is a very interesting survy
Trust is a very important issue for every individual or business.I am very trustworthy and expect the same from others.I also don't like being manipulated by others. Freedom of choice is important in a democracy, without it it is no longer a democracy.
There is so much to be told about these scenarios that there should be a live talk to be able to express ourselves
Good survey

<p>I consider that where a customer/client has lost monies through a fraudulent act (deception, price fixing or selective processes) then that customer should be recompensed and the perpetrator fined and/or jailed dependent upon the criminal law. Expressly planned acts of deception/fraud should be publicly reported and executive/board members jailed and banned from further board involvement.</p>
<p>I believe that our civilization is based on the principles for good living found in the bible, I trust that people will consider honesty and fairness to further their business opportunities.</p>
<p>The Visy Pratt court case was in my opinion a witch hunt by Samuals against Richard Pratt,</p>
<p>too many times the companies go down owing employees super, holiday money etc & the high flyers/ directors walk away with their pockets (or their families pockets) full & ready to start another business. Maybe bankruptcy is too easy to fall back on if you are declared bankrupt you shouldn't be able to just walk away if you start another business (regardless of whose name is on the paperwork) you should have to pay the money back to the people who were owed from the previous business .</p>
<p>each company is trying to survive, they are just doing it the wrong way</p>
<p>just watched the film "The Informant!" very topical</p>
<p>They were realistic and happen commonly but nothing is done about it. This is raising awareness on the matter</p>
<p>IT, or similar, probably happens all the time and will continue to happen</p>
<p>Should be an open market where these agreements can not exist. ACCC is benign and needs an overall, more powers to administer fines etc</p>
<p>The same scenario seems to be repeated several times, just using different trades</p>
<p>You never hear about price fixing or competitor agreements, but everyday you hear of bankrupts still owning and managing businesses and running companies. The govt has no control over these people how will they ever control something involving mainly verbal agreements.</p>
<p>when there are only two companies involved in the scenarios some of the statements become redundant ie competition</p>
<p>I hope none of the scenarios described happen!</p>
<p>all scenarios in this survey have extrem penalties attached to short term financial gain</p>
<p>The overwhelming issue about all of these issues, is the one of being fair to all concerned.</p>
<p>There are some similarities in the scenarios to exactly what happened in some parts of Europe prior to WW2 when for instance 2 or 3 Bakers in a small town would agree on prices for their wares and then keep on increasing their prices so that the towns folk could no longer afford to purchase bread etc at all.</p>
<p>Our "Justice" system in Australia is a joke.</p>
<p>very intersting. learnt lots</p>
<p>It disgusts me when a supermarket sends an employee to check on the prices of bananas etc at a small business that has set up nearby as competition and then sets their prices down a few cents until they have put that small business out of business</p>
<p>Strong efficient federal government business laws would alleviate illegal practices.</p>
<p>i think the scenarios could be quite real</p>

<p>It always surprises me that people can lay down straight when they behave so cooked and plead innocent when caught red handed with their complicit hands in the till. they defraud themselves, their companies, their customers, the public image, their failies and communities with impunity. I remember the chap anset - and bond - they went to jail but this is not common. Money pays high priced clever lawyers to aid their slippery way out of thier true deserts.</p>
<p>I found this survey very interesting.</p>
<p>In reality I would imagine this to be very hard to identify and prosecute & can only be made worth policing if the fines are very very high</p>
<p>All parties involved should share culpability for partaking, in the first place.</p>
<p>SINCE I WAS RETD MANAGER FOR PERONNEL AND ADMINISTRATION COMPANIES. I KNOW ABOUT THIS TOPIC. GOOD AND SENSIBLE SURVEY.</p>
<p>I diagree with any price fising because it seems the consumer always ends up losing out</p>
<p>i think these issue should be told and not covered up it seems they get covered up alot u see big companies evryday bullyinh smaller business IT ABOUT TIME small business get protected and get justice and recieve payment from the bullys</p>
<p>people will one day figure out whats going on and then they will stop doing buisness with these people and the country could grind to a hult</p>
<p>I would like it if companies would try and serve their customers instead of trying to get every last cent out of them.</p>
<p>crime is crime no matter what shape or form it comes in.</p>
<p>They were a very good and easy survey to follow thank you</p>
<p>I dont think that jail sentences are appropriate in most of these scenarios...impose heavy fines I say</p>
<p>I would really like to think that their is no dishonesty in business but there is and I think everything should be done to deter this</p>
<p>I think there is a perception that the authorities will not find out about price fixing</p>
<p>EACH TYPE OF BUSINESS NEEDS TO BE LOOKED AT INDIVIDUALLY AS ONE LAW/SYSTEM DOES NOT FIT ALL</p>
<p>i feel the only way evidence to provide a guilty verdict would be, if an alternat company had inside information. All tenders & contracts are open usually for an alternative agreement. Big business can change its mind in any case at any time when it see fit. Provided the pay the residual of the contract, it is not an issue usually. The door can be opened for a mis interpretation of current circumstances however. I have seen this & viewed the flow on effects & this is a current trait within the Oil & Gas industry.</p>
<p>WE NEED WATCHDOG BODIES.</p>
<p>The main problems re this issue is identifying collusion in the first place and then proving it has happened. Petrol prices are an example. The companies can always dream up good reasons for the price rising over weekends!!</p>
<p>if this is happening and price fixing is know about the something should be done NOW not in six months time</p>
<p>I think there should always be a healthy competition between businesses. By the end it's up to the</p>

customers to stay with the business that they usually shop at or go elsewhere. Sometimes businesses think they might be doing the right thing until they start losing customers
It is the collusion I find reprehensible not the reducing production or confining activities to and area.
corrupt business dealings should be shown and explained to the public.
Competition in business makes for better business practice and offers the best quality of service and product to the consumer. Any "fixing" has the potential to lower the standards whilst increasing pricing and a general lack of good service.
very interesting survey
The elimination of competition by the two large Australian retail chains has already gone so far, that most smaller operators have been eliminated
The scenarios could represent either big or small business-but both types of business are collaborating without public knowledge. If it was direct competition things would be different. Take the effect That Aldi has caused to to the two majors- their game has had to have lifted considerably. Richard Pratt and his mates could do it because they were also politically attached-that always makes a difference.
Agreements entered into by companies to fix prices create situations which should be considered no better than theft.
the law is the law and it shouldn't depend if the offender is a small business or big or an individual
I strongly feel that price fixing should be a criminal offence. You can already see it in the oil industry
It's about finding what is as fair as possible to a consumer and to a business,so both can survive.
I would like to think we have free competition.
only the varied price fixing of petrol
In reality, most directors don't think that they'd be caught and even if they are they'll only get a slap on the wrist.
We have oil cartels and nothing is done.
The ACCC is a toothless Tiger and needs more power to prevent these activities proliferating in Australia.
These deceptions are wrong & illegal not afair the book should be throw at the company fat cat liars for this. not on
what if the competitors are the only companies in that industry (monopoly) and rule that tehn the consumers are ripped off..consuemrs need to have choice which in turn will increase competitiona dn effect the prices
I believe it is more important to educate those not partake in illgal dealings rather than make money out of their crimes or punish ourselves by inprisoning them and bearing the cost of their incarceration
its good to get people response, we need to know whats going on with companies
you went to long and were way to repetative
no
ACCC is a toothless tiger - considering the number of prosecutions vs the size of Aust. businesss

the 1-7 scale was confusing.
very difficult to be objective given the different scenarios. When Big money is involved it should mean big fines or jail
Ethics in business are sadly lacking. Profit is the point of business but profit at any cost is in my opinion unethical. It is almost expected that companies will be unethical and many people don't know or care what ethics are. All they care about is the cheapest price. IT'S AN ATTITUDE THAT'S RAMPANT IN OUR SOCIETY. I'd like to see the issue talked about more. We need a Mythbuster style program to raise the profile of this issue--or more films like Save the Tiger.
Very repetitive
spreading the work or product between suppliers should be allowed much like tow trucks or taxis
The scenarios put forward are not unusual in this day and age. The other side of the coin is that of LARGER companies playing off against each other thereby placing smaller business in jeopardy. I find it hard to believe the scenarios put forward would eventuate whilst the big boys are around fighting it out between each other.
If any agreement should be made, they should be made public to authorities which should judge if the agreement would benefit the society overall. Otherwise, they should be banned.
I do agree that more control has to be introduced on any business to make sure it is fair and square
Whilst what is portrayed here is not good, there's far worse things going on in society requiring a higher priority I think
Your questions were unrealistic. A crime is a crime a judge decides the penalties that are prescribed by law. Corporations are run by individuals at the top they are the ones responsible for criminal activity
Yes, I once attended a work sponsored seminar about trade practices
no
Good, interesting questions
this needs to end
the last scenarios with Ashley was difficult to decide as Ashley is not a real person and each of us react differently in certain situations I would only be able to be sure of my responses if I knew the actual person
Maybe crimes against individuals in some ways are more serious than crimes against the state. A community/society have more means to voice their opinion and be heard, than individuals with limited resources.
Anti-competitive behaviour should be discouraged in all circumstances and fines should be issued to companies and individuals involved in price-fixing or the like.

APPENDIX D: DEMOGRAPHIC PROFILE OF RANDOM SAMPLE REPRESENTATIVE OF AUSTRALIAN PUBLIC

Background		n	%
			<i>*(sub-group %, where applicable)</i>
Age	18-24	143	11.0
	25-34	192	14.8
	35-44	240	18.5
	45-54	249	19.2
	55-64	234	18.1
	65+	238	18.4
Gender	Female	647	49.9
	Male	649	50.1
Household income	Less than \$50,000	487	31.9
	Between \$50,000 & \$149,999	627	48.4
	Between \$150,000 & \$249,999	77	5.9
	Between \$250,000 & over	9	0.7
	Don't know	96	7.4
Education level	Year 8 or below	15	1.2
	Year 9 or 10	198	15.3
	Year 11 or 12	248	19.1
	Certificate, Diploma or Trade	451	34.8

	Bachelor degree	251	19.4
	Postgraduate degree	133	10.3
Formal education in law	Qualification	19	1.5 (4.9)
	No qualification	365	28.2 (95.1)
Formal education in economics, commerce or business	Qualification	94	7.3 (24.5)
	No qualification	290	22.4 (75.5)
Paid work status	Work previous week	755	58.3
	Not work previous week	541	41.7
Non-work status	Voluntary work	39	3.0 (7.2)
	Unemployed & looking for work	34	2.6 (6.3)
	Home duties	186	14.4 (34.4)
	Studying	38	2.9 (7.0)
	Retired	205	15.8 (37.9)
	Other	27	2.1 (5.0)
	Other (not working)	12	0.9 (2.2)
Main position	Employee	452	34.9 (59.9)
	Middle manager	156	12 (20.7)
	Senior manager	47	3.6 (6.2)
	Member Board of Directors	4	0.3 (0.5)
	Owner	96	7.4 (12.7)

Workplace size (employees)	0-19 (micro)	317	24.5 (42.0)
	20-199 (SME)	227	17.5 (30.1)
	200 or more (large)	211	16.3 (27.9)
State/Territory	ACT	26	2.0
	NSW	377	29.1
	Vic	336	25.9
	Qld	255	19.7
	SA	131	10.1
	WA	131	10.1
	NT	22	1.7
	Tas	18	1.4
Voting preference	Liberal	414	31.9
	Labor	523	40.4
	National	33	2.5
	Australia Democrats	20	1.5
	Green	105	8.1
	One Nation	13	1.0
	Family First	30	2.3
	No party	104	8.0
	Other	2	0.2
	Independent candidates/other	42	3.2

minority parties

Refused 2 0.2

Don't know 8 0.6

APPENDIX E: INVITATION TO PARTICIPATE AND PLAIN LANGUAGE STATEMENT

E.1 INVITATION TO PARTICIPATE

The screenshot shows an email invitation to participate in a survey, displayed in a Windows Internet Explorer browser window. The browser title is "Reward offered for new survey - 619906115 - Windows Internet Explorer provided by Research Now". The address bar shows the URL: <http://intranet/ProjectSubEmailPreview.aspx?SubProjectID=429050>. The email content is as follows:

Valued Opinions



Hi Tomoyo,

We have a new survey available for you to take. If you qualify and complete the survey you will receive 3.00.

Please click here to start the survey

If you have problems accessing our survey please copy and paste the link at the bottom of this email into your browser.

HOTMAIL USERS: Please copy and paste the URL into a new browser window.

PLEASE NOTE, if you need to copy and paste the link please do not forget to copy the entire link including the `z=XXX`. If the link is on more than one line, please make sure you reform it into one complete line when you paste it into your browser.

Thanks for your help.

Kind regards

Alex
The Valued Opinions Team

Survey topic:
Social Research

Reward for qualification and completion:
\$3.00

Survey length:
16 - 20 minutes

Available until:
Friday 9th July or until we reach our target number of completed interviews.

Useful tips:
Found this survey in your junk folder? Don't miss out on receiving your surveys. Add the Valued Opinions ADDRESS to your address book.

PLEASE DO NOT REPLY TO THIS EMAIL ADDRESS AS THIS IS AN AUTOMATED EMAIL. You have received this email as you are a member of Valued Opinions, where we reward you for taking part in research. Recommend our service to a friend by clicking [here](#). If you have a query or require immediate help, please see our detailed FAQ section [here](#). If you require assistance from our Panel Support team, please click [here](#). If you wish to unsubscribe from receiving emails from Valued Opinions please click [here](#).

SURVEY LINK:
<http://www.valuedopinions.com.au/survey/VOP28061007254381A5/enter.asp?z=AG2E4CAF561AEF3586CF9B919518BE77635D2A838654C547906944C87D395FAB1>

E2. OPENING SURVEY PAGE



istart



Business Conduct: Public Opinion Survey

This survey is designed to find out what the Australian public thinks about competition and business behaviour. We want to know your opinion about whether certain behaviour should be treated as criminal and what penalties should apply. This survey is being conducted by researchers at the Melbourne Law School, University of Melbourne and is funded by an Australian Research Council Discovery Project research grant.

The researchers will receive only an anonymous version of your survey, without your name or any other identifying information. If you would like to read more details about what you will be asked to do in this survey, how your confidentiality will be protected or how you can contact the researchers involved in this Project please [click here](#).

You have been invited to participate in this survey because the researchers believe it is important to find out the views and opinions of ordinary Australians on these issues. Participating in this survey is entirely up to you. You may change your mind about participating up until the point that you submit your response.

We appreciate your time and effort in completing the survey and value your opinions. Participating in this survey will involve you answering some background questions about you (e.g. your age group, your education, your occupation and your income), reading some short stories about business conduct and then indicating your views about that conduct. Some of the questions may take time to read and consider before you answer and we appreciate your time and care in answering them. We expect that it will take approximately 15-20 minutes to complete the survey. Some people may take longer however, especially if they want to take the opportunity to explain their views or add extra comments.

I HAVE READ AND UNDERSTAND THIS INFORMATION

istart2

If you have any questions or concerns about this research, you can contact the research team by email by [clicking here](#). The lead researcher is Associate Professor Caron Beaton-Wells. The research has been approved by the University under HEAG Application no. 1033170.1. If you still have concerns about the Project you may contact the Executive Officer, Human Research Ethics, The University of Melbourne ph: 03 8344 2073, fax: 03 9347 6739.

We recommend you review and print our contact information. Please [click here](#) to print.



Who is conducting this Project?

This Project is being conducted by Associate Professors Caron Beaton-Wells and Christine Parker of Melbourne Law School, the University of Melbourne; Associate Professor Fiona Haines of the School of Social and Political Sciences, Faculty of Arts, the University of Melbourne; and Professor David Round, Centre for Regulation and Market Analysis, School of Commerce, the University of South Australia. The research assistant is Janette Nankivell. The Project is funded by the Australian Research Council.

What is involved in agreeing to participate?

Participating in this survey will involve you answering some background questions about you (e.g. your age group, your education, your occupation and your income), reading some short stories about business conduct and then indicating your views about that conduct. In some questions we will give you some alternatives to choose from. In some questions we will also give you the opportunity to explain your views to us and say anything else you think we should know about.

Some of the questions may take time to read and consider before you answer and we appreciate your time and care in answering them. We expect that it will take approximately 15-20 minutes to complete the survey. Some people may take longer however, especially if they want to take the opportunity to explain their views or add extra comments.

Your anonymity

We will not be told your name or other details. The survey company will keep your name and other details separate from your response to the survey. The survey company will keep your name and other details confidential as set out in the agreement between you and the survey company, in accordance with privacy laws.

If you agree, can you change your mind later?

Participating in this survey is entirely up to you. You do not have to complete the survey if you start it. You may change your mind about completing the survey any time up until you click the button to submit your response at the end of the survey. Your survey will not have your name or other details to identify it and so it will not be able to withdraw your survey after you submit it.

What will happen to the answers you give in the survey?

We will receive and keep the data set from the survey. This consists of the number and pattern of answers that all of the people who participated in the survey gave to each question. This will allow us to analyse what the views across the general public are on each question.

How will information from the survey be made available to the public? Over the course of the Project, the results will be disseminated through articles, books and online publications.

Contacting the Project team?

If you have any questions, you are welcome to contact any of the research team to talk about the Project and ask any questions. You can contact us as set out below.

What if you have concerns about the Project?

We are happy to talk about any queries or concerns that you may have. You may contact the researchers as below.

You may also contact the Executive Officer, Human Research Ethics, The University of Melbourne ph: 03 8344 2073, fax: 03 9347 6739.

What if you would like more information about the Project?

There will be a link to take you to further information about this research project provided at the end of this survey.

The researchers involved in this Project are:

- Associate Professor Caron Beaton-Wells, Melbourne Law School, The University of Melbourne 03 8344 1004 c.beaton-wells@unimelb.edu.au
- Associate Professor Fiona Haines, School of Social and Political Sciences, Faculty of Arts, The University of Melbourne 03 8344 9448 f.haines@unimelb.edu.au
- Associate Professor Christine Parker, Melbourne Law School, The University of Melbourne 03 8344 1093, c.parker@unimelb.edu.au
- Professor David Round, Centre for Regulation and Market Analysis, School of Commerce, The University of South Australia 08 8302 0760 David.Round@unisa.edu.au
- Janette Nankivell, Melbourne Law School, The University of Melbourne 03 8344 1023 janetten@unimelb.edu.au

We recommend you print this page in case you need to contact us later.

Yours sincerely

Associate Professor Caron Beaton-Wells
Associate Professor Christine Parker



i984

Thank you for completing this survey. We value your opinions.

This project is about new laws in Australia that have made cartel conduct (price fixing, market sharing, bid rigging and output restriction) a criminal offence. The responses in this survey will be used to determine what the Australian public thinks about the seriousness of cartel conduct, what the appropriate penalties are and what effect the new laws are likely to have on deterrence of such conduct. The responses will also help the researchers formulate recommendations about the implementation of the new laws and related policies. The research outcomes will be published in journals and other related sources and may be used in submissions to government about cartel conduct.

Your survey will have all of your identifying information removed by Valued Opinions who will then provide the researchers with only the answers you gave to the survey questions and not with your personal details.

If you are interested in finding out more about this research project you can visit the website at <http://www.cartel.law.unimelb.edu.au/>. A report of the results of this survey will be published on this website later in 2010.

What if you have concerns about the Project?

We are happy to talk about any queries or concerns that you may have. You may contact the researchers as below.

You may also contact the Executive Officer, Human Research Ethics, The University of Melbourne ph: 03 8344 2073, fax: 03 9347 6739 with any concerns.

The researchers involved in this Project are:

- Associate Professor Caron Beaton-Wells, Melbourne Law School, The University of Melbourne 03 8344 1004 c.beaton-wells@unimelb.edu.au
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- Professor David Round, Centre for Regulation and Market Analysis, School of Commerce, The University of South Australia 08 8302 0760 David.Round@unisa.edu.au
- Janette Nankivell, Melbourne Law School, The University of Melbourne 03 8344 1023 janetten@unimelb.edu.au

We recommend you print this page in case you need to contact us later. Please [click here](#)

When you wish to submit your survey click here.

