

RESALE PRICE MAINTENANCE

Competition Policy Review (Harper Review) Draft Report

Current position

Substantive law

- Minimum resale price maintenance by suppliers prohibited per se (s 48)
- Various forms of prohibited RPM set out in s 96(3)
- Loss leader defence available

Harper Panel draft proposal (rec 29, chapter 17.4)

Substantive law

- Retain per se ban
- No change to substantive provision

Exemption

- Add exemption for RPM conduct between related bodies corporate (consistent with ss 45 and 47)

Notification

- Add option to notify RPM conduct to ACCC

[summary prepared 11 October 2014]