
Appendix 2 Public information

This appendix contains:

- lists of:
 - current publications;
 - speeches by Commissioners;
 - media releases; and
- some public registers material.

Publications

The following publications are available free from Commission offices unless otherwise indicated. Publications available on the Commission's website (<http://www.accc.gov.au>) are indicated by an asterisk.

The Commission does not invoice but publications can be purchased by sending a cheque or money order made out to the Australian Competition and Consumer Commission with your order; via a telephone order using Mastercard, Visa or Bankcard; or over the counter at Commission offices.

(Some of the publications listed were published by the Trade Practices Commission, or Prices Surveillance Authority or Federal Bureau of Consumer Affairs.)

Regular publications

ACCC Journal — bi-monthly journal (\$75.00 annual fee, second and following subscriptions to same address \$37.50, \$25.00 student subscription). Six issues per year. Journal back issues \$10.00 each.

ACCC Update — quarterly newsletter.

Annual Reports

The first ACCC Annual Report (\$19.95) as well as past Annual Reports of the Trade Practices

Commission and Prices Surveillance Authority are available from Government Info Shops.

Other corporate publications

The ACCC — role and functions — February 1998

Corporate plan 1997-98

Service charter — February 1997

Guides to the legislation and ACCC procedures

Best and fairest — compliance training package — January 1996 (\$390.00)

Summaries of the Trade Practices Act and Prices Surveillance Act — November 1995 (\$10.00 or \$7.50 for orders of 10 or more)*

Guide to the Trade Practices Act for the promotion of private health insurance (joint publication of the ACCC and the Private Health Insurance Commissioner) — April 1998*

The ACCC's approach to mergers: a statistical summary — January 1998 (\$15.00)

Revised merger guidelines — a guide to the Commission's administration of the merger provisions (ss 50, 50A) of the Trade Practices Act — July 1996 (\$15.00)*

Guide to authorisation and notification for third line forcing conduct — February 1998 (\$10.00)*

Guide to authorisations and notifications — a guide on provisions for exemptions from anti-competitive conduct under the Trade Practices Act — November 1995 (\$10.00)*

Advertisements: minimising the risks for publishers (joint publication by the Australian Publishers' Bureau and the ACCC) — February 1998

Rural guideline and the Trade Practices Act — December 1997 (\$10.00)*

Telecommunications industry — ACCC role — an outline — October 1997 (\$10.00)

Telecommunications — competition notice guideline — June 1997*

Advertising and selling — October 1997 (\$10.00)*

Exports and the Trade Practices Act — October 1997 (\$10.00)*

Benchmarks for dispute avoidance and resolution — a guide — October 1997*

Contracted employment services and the Trade Practices Act — September 1997*

Local government and the Trade Practices Act — June 1996*

A guide to the Trade Practices Act for the health sector — November 1995 — (\$10.00)*

Access regime — a guide to Part IIIA of the Trade Practices Act — November 1995 (\$10.00)

Access undertakings — a draft guide to access undertakings under Part IIIA of the Trade Practices Act — December 1996

Access undertakings — an overview of Part IIIA of the TPA and the draft undertakings guide — December 1996 (\$10.00 for the two-volume set)

Access pricing principles — telecommunications — guide — July 1997 (\$10.00)*

Section 87B of the Trade Practices Act — a guideline on the Trade Practices Commission's use of enforceable undertakings — August 1995 (\$10.00)*

Section 155 of the Trade Practices Act — a guide to the administration of the Trade Practices Commission's power to require provision of information — November 1994 (\$10.00)*

When goods are defective — a guide to the product liability provisions of the Trade Practices Act — June 1993 (\$10.00)

Unconscionable conduct in commercial dealings — a guide to section 51AA of the Trade Practices Act (\$5.00 each or \$7.50 per set)
Unconscionable conduct in consumer transactions — a guide to section 51AB of the Trade Practices Act — October 1993 (\$5.00 each or \$7.50 per set)

Misleading job ads — how to handle them (manual for classified advertising staff by TPC, Media Council of Australia and JobWatch) — June 1994. Available from Media Council.

Misuse of market power — Section 46 of the Trade Practices Act — a background paper — February 1990

Business and consumer information sheets and leaflets

Small business guide — telecommunications — April 1998

News for business: misleading promotional offers — March 1998

The Australian Competition and Consumer Commission — role and functions — February 1998

Small business report — New deal — fair deal — January 1998

Rural industry and the Trade Practices Act — summary — December 1997

News for business — Internet service providers — October 1997

News for business — Disposable cigarette lighters — October 1997

Exports and the Trade Practices Act — October 1997

Scams — Protect your business from them — May 1997

Making markets work — April 1997

Refusal to deal — March 1997*

Warranties and refunds — December 1996*

Authorisations and notifications — July 1996

Fruit juice labelling — June 1996

Warranties — retailers have rights too — May 1996

Know your credit card — March 1996

Product liability — a guide for business — June 1993

The right to safe goods — June 1993

Hold the phone — read this before you buy a mobile — January 1995 (Published jointly by TPC, TIO, Austel, Optus, Telecom and Vodafone)*

Recycling claims for used consumer plastic packaging — April 1995*

Telefraud — new name for an old scam — don't pay for ads you didn't order — January 1994

Don't let your suppliers tell you what to charge — resale price maintenance — November 1990

Product safety guides

Consumer product standards and bans — a compliance guide for suppliers — October 1996

Exercise cycles — 1996 (\$10.00)

Children's nightclothes — 1994

Sunglasses and fashion spectacles — 1994

Children's toys — 1994

Cyclists' helmets — 1992

Children's flotation toys and swimming aids — 1992

Ingredient labelling of cosmetics — 1992 (photocopy only)

Care labelling — 1991

Vehicle jacks, trolley jacks, ramps and stands — 1991

Reports and discussion papers

Acquisitions

Acquisitions and the failing company argument — discussion paper by the TPC and the NZ Commerce Commission — October 1993 (\$3.00)

Airports

Access undertaking — Melbourne Airport: issues paper — March 1998

Regulation of airport pricing — is the New Zealand approach applicable to Australia? — May 1995 (PSA)

Banking and insurance

Electronic funds transfer — report by the Treasury and the ACCC on the operation of the EFT code of conduct — March 1998 (\$20.00)

ACCC second submission to the Financial System Inquiry — September 1996 (\$25.00)

The social responsibilities of banks — March 1995 (PSA)

Taking advantage — sale of life insurance to Aboriginal people in remote communities — March 1994 (\$10.00) (TPC)

Life insurance and superannuation — information paper on an inquiry by the Trade Practices Commission at the direction of the Minister for Justice and Consumer Affairs — June 1992

Electronic funds transfer — report by the Treasury and the Trade Practices Commission on the operation of the EFT code of conduct — July 1990 (\$10.00)

<i>Bar code scanning (computerised checkouts)</i>	1997 (published proceedings \$15.00, audio tapes \$20.00)*
Checkout the price — review of the supermarket scanning code — July 1992 (\$10.00) (TPC)	Study of the legal profession — March 1994 (full report \$30.00, summary (photocopy only)) (TPC)
<i>Building</i>	Study of the architectural profession — September 1992 (\$10.00) (TPC)
Home building — consumer problems and solutions — final report of the Trade Practices Commission review — November 1993 (\$15.00)	<i>Telecommunications</i>
<i>Cinemas</i>	Inquiry into domestic intercarrier roaming declaration — March 1998 (\$10.00)
The cinema industry — developments in the cinema distribution and exhibition industry — March 1998 (\$20.00)	Telstra carrier charges price control compliance 1996 — February 1998
<i>Competition issues</i>	Competitive safeguards and carrier performance 1996–97 — November 1997
Non-price competition — October 1995 (\$10.00) (PSA)	<i>Utilities</i>
Market definition and competition issues in commercial broadcast radio — June 1994 (\$10.00) (TPC)	Infrastructure regulation and market reform: principles and practice (joint publication of the ACCC and the Public Utility Research Centre, University of Florida) — May 1998 (\$50.00)
Submission to the National Competition Policy Review (Hilmer) — April 1993 (TPC) (photocopy only)	National Electricity Market — Statement of regulatory intent for the regulation of transmission values: issues paper — May 1998
<i>Global commerce</i>	National electricity market: Network Pricing Forum (proceedings) — July 1996 (\$35.00)
The global enforcement challenge — enforcement of consumer protection laws in a global marketplace — August 1997*	National electricity market code of conduct — comments and issues arising — June 1996 (photocopy only)
<i>Intellectual property</i>	National electricity market code of conduct — issues paper — March 1996
Application of the Trade Practices Act to intellectual property — July 1991 (\$10.00) (TPC)	Review of the Victorian electricity industry access arrangements — a report to the Assistant Treasurer — May 1995 (TPC)
<i>Petroleum</i>	Safeguarding the consumer interest in reformed public utilities and complying with the Trade Practices Act — March 1995 (TPC)
Issues paper for the inquiry into the petroleum products declaration — February 1996	Passing on the benefits — Consumers and the reform of Australia's utilities — papers from Trade Practices Commission conference — March 1994 (\$50.00)
<i>Professions</i>	
Can the professions survive under a national competition policy? — a joint conference on competition law and the professions — May	

Pricing inquiry reports

Petroleum products declaration — August 1996 (\$20.00)

Steel mill products declaration — December 1995 (\$10.00)

Harbour towage declaration — December 1995 (\$10.00)

Welded steel pipes declaration — October 1995 (\$10.00)

Concrete roof tile declaration — June 1995 (\$10.00)

Toothpaste declaration — June 1995 (\$10.00)

Glass container declaration — June 1995 (\$10.00)

Fees and charges imposed on retail accounts by banks and other financial institutions and by retailers on EFTPOS transactions — June 1995 (summary only)

Book prices and parallel imports — April 1995 (\$10.00)

Pricing monitoring reports

Glass containers — December 1997 (\$10.00)

Coastal shipping freight rates (no. 3) 1993 and 1994 — December 1995 (\$10.00)

Movements in average air fares 1990–95 — April 1996 (\$10.00)

Movements in average air fares (quarterly reports) — January 1995, May 1995, September 1995, March 1996

Pay TV subscription prices — August 1995 (\$10.00)

Credit card pricing — May 1995 (\$10.00)

Stevedoring costs and charges on terminal handling charges — May 1995 (\$10.00)

Speeches

Commission Chairman Professor Allan Fels

Financial services mergers and acquisitions: the ACCC's policy framework. Burdett, Buckeridge and Young financial services conference — 9 March 1998.

The ACCC newsagent authorisation 1997 decision. Australian Newsagents Federation Ltd, Newsagents Association of SA Ltd — 30 March 1998.

National competition policy and the Trade Practices Act: implications for the rural sector. Grains Council of Australia — 31 March 1998.

Commissioner Deputy Chairman Allan Asher

Network industry regulation and convergence in service delivery: challenges for suppliers, users and regulators. APPEA conference — 10 March 1998.

Going global: a new paradigm for consumer protection. American Council on consumer interests — 26 March 1998.

Rule making for the global marketplace. Alternative rule making workshop — 26 March 1998.

Commissioner Sitesh Bhojani

The Trade Practices Act and the health sector. Phillips Fox health sector in-house seminar — 24 March 1998.

Commissioner Rhonda Smith

Recent developments in competition policy and their implications for agricultural industries in the 21st century. NSW farmers — 5 March 1998.

For copies of speeches, please contact Leigh Spencer on ph. (02) 6243 1133.

Media releases

- 40/98 ACCC not to intervene in UCB acquisition — 2.3.98
- 41/98 Digital mobile roaming should be on commercial basis: ACCC — 3.3.98
- 42/98 ACCC files against Boral, Boral Besser Masonry for predatory pricing, misuse of market power — 6.3.98
- 43/98 Proposed Ansett Australia, Ansett International, Air New Zealand and Singapore Airlines alliance agreement — 9.3.98
- 44/98 Vic gas timetable extended — 9.3.98
- 45/98 Facilities access code to promote Telecoms competition — 12.3.98
- 46/98 Coopers & Lybrand/Price Waterhouse merger not opposed — 13.3.98
- 47/98 Directors, solicitors fined for contempt of court — 18.3.98
- 48/98 Local telephone call services public inquiry — 19.3.98
- 49/98 ACCC acts against CEPU for alleged secondary boycott — 20.3.98
- 50/98 Music industry would 'flourish' in free environment — 20.3.98
- 51/98 Industry assists ACCC review of Telstra access undertakings — 24.3.98
- 52/98 Japan/Australia bilateral discussions on competition — 25.3.98
- 53/98 ACCC wins 'substantial' damages in product liability case — 26.3.98
- 54/98 ACCC institutes proceedings on behalf of franchisees — 26.3.98
- 55/98 Short-term approval for coal loader capacity allocation system — 27.3.98
- 56/98 Federal court imposes penalties for collusion in freight industry — 27.3.98
- 57/98 Melbourne airport access undertaking — issues paper — 30.3.98
- 58/98 Diesel prosecution — 31.3.98
- 59/98 GIO refunds \$1.2 million for out-of-date brochures, website — 2.4.98
- 60/98 ACCC urges cinema industry self regulation — 3.4.98
- 61/98 Draft guide to 'declaration' of telecommunications services — 6.4.98
- 62/98 ACCC acts on WA unconscionable conduct claims — 6.4.98
- 63/98 Unsolicited advertising scam settled — 7.4.98
- 64/98 Better outcomes for small business in telecoms — 7.4.98
- 65/98 Bilateral discussions on competition — 8.4.98
- 66/98 ACCC watching waterfront — 8.4.98
- 67/98 Local number portability 'carriers' responsibility — 15.4.98
- 68/98 Australia Post 'win the thrill' campaign misled consumers: ACCC — 16./4.98
- 69/98 AAPT 'Smartchat' advertising misled: ACCC — 20.4.98
- 70/98 ACCC extends response time/investigates competition issues — 20.4.98
- 71/98 Perth Airport access undertaking: issues paper — 21.4.98
- 72/98 Reject Shop recalls vehicle trolley jacks — 21.4.98
- 73/98 Refunds for swindled Swisslim slimmers — 22.4.98
- 74/98 'Free' mobile phone promos draw ACCC NT court action — 22.4.98
- 75/98 Guide to stem complaints about health insurance advertising — 23.4.98
- 76/98 ACCC issues discussion paper on local call inquiry — 24.4.98

- 77/98 National Foods/Pauls merger — 22.4.98
- 78/98 Better disclosure for potential ice-cream franchisees — 30.4.98

Media releases are available from the Director, Public Relations, Ms Lin Enright on ph. (02) 6243 1108, and from the Commission's Internet website at <http://www.accc.gov.au>.

Public registers

The Commission is required to maintain a number of public registers, including documents relating to:

- applications for authorisation of anti-competitive practices;
- notifications of exclusive dealing;
- conferences held on bans or mandatory product recalls;
- Commission responsibilities under Part IIIA of the Trade Practices Act (the access regime); and
- price notifications.

These documents include statutory forms of application, supporting material, submissions by interested parties, related correspondence, the Commission's draft and final determinations and records of predecision conferences.

Such documents are available, or can be made available, for inspection at Commission offices during normal business hours. A fee is charged for photocopies. It is advisable to give prior notice of a request to see documents as not all are kept in all Commission offices.

The Commission voluntarily maintains summary registers listing merger matters it has considered and of enforceable undertakings given under s. 87B. These summaries and a list of subsection 51(1) exemptions from the Trade Practices Act are published progressively in the Journal.

Mergers examined under s. 50

The following is a list of mergers examined by the Commission so far in 1998. The list of non-confidential mergers examined by the Commission is periodically updated on a public register held at the Commission.

Mergers on the public register for the calendar year 1994 are listed in the former Trade Practices Commission *Bulletin* 75, April 1994 (which also included matters considered in 1993) and *Bulletin* 80, February 1995. Mergers examined in the calendar year 1995 are listed in *ACCC Journal* nos 1–2. Mergers examined in the calendar year 1996 are listed in *ACCC Journal* 8. Mergers examined in the calendar year 1997 are listed in *ACCC Journal* 13.

Maxi-Cube Limited/Freighter Australia — fabricated metal product manufacturing. This acquisition was first raised with the Commission on 2 December 1997.

Maxi-Cube and Freighter Australia manufacture semi-trailers. Maxi-Cube specialises in solid-walled trailers, particularly refrigerated products. Freighter specialises in curtain-sided trailers.

Barriers to entry to the manufacture of relatively simple products are quite low. Entry to the more complex products sector appears to be more difficult.

The Commission decided that the merger would not raise competition concerns because there were other manufacturers of semi-trailers in the market.

On 7 January 1998 it decided not to oppose the acquisition.

Southern Cross Broadcasting (Australia) Limited/Radio Station Triple M (Perth) — radio services. This acquisition was first raised with the Commission on 9 January 1998.

Southern Cross acquired Perth FM radio station, currently known as Triple M, from Austereo. Austereo was required to divest the

station under the terms of an undertaking given to the Commission when it acquired PMFM and 94.5 FM in 1997.

Southern Cross already owned 6PR and 6IX in Perth. Under the Broadcasting Services Act rules, Southern Cross has to divest one of its stations, which will bring a new entrant into the market.

The Commission concluded that the acquisition would not change concentration in the market and therefore was unlikely to substantially lessen competition. It advised the parties on 21 January 1998 that it would take no action in relation to the acquisition.

Carter Holt Harvey Ltd/International Paper Company — paper product manufacturing. This acquisition was first raised with the Commission on 12 February 1998.

Carter Holt Harvey and International Paper Company proposed to jointly acquire Continental Cup. The market share of the merged entity was unlikely to meet the Commission's market concentration thresholds. Further, import competition was considered sufficiently strong to restrain pricing decisions of manufacturers.

The Commission decided on 18 February 1998 not to take any action in relation to the proposed acquisition.

P&O Nedlloyd — international sea transport. This acquisition was first raised with the Commission on 15 February 1998.

P&O Nedlloyd proposed to acquire the container business of Blue Star Line. The overlap between these two operations was limited to the North Asian route and the Middle East Route. In relation to the North Asian route the proposed acquisition did not cross the Commission's thresholds.

It was unlikely that the proposed acquisition would substantially lessen competition in the Middle East route due to a lack of price and non-price competition between conference members and the external competition facing the conference from transhippers.

The Commission decided on 27 March 1998 not to take any action in relation to the proposed acquisition.

UCB Australia Pty Ltd/Orica Australia Pty Ltd — manufacture of oriented polypropylene film. This acquisition was first raised with the Commission on 14 January 1998.

UCB Australia Pty Ltd proposed to acquire Orica Australia Pty Ltd's oriented polypropylene (OPP) film business. OPP film is used extensively for packaging in the food and tobacco industries and is the plastic used to make Australia's bank notes.

The Commission noted the number of importers capable of selling into the Australian market and the additional domestic capacity being installed by Shorko as well as UCB as it establishes a local manufacturing presence.

It also noted that many OPP film users already imported a wide range of OPP film grades. It considered that the additional capacity coming on-line together with the scope for additional imports should constrain domestic pricing.

The Commission concluded that the acquisition was unlikely to substantially lessen competition. On 2 March 1998 it announced it would not intervene in the acquisition.

National Foods Limited/Pauls Limited — manufacture and distribution of fresh milk and yogurts and dairy desserts. This acquisition was first raised with the Commission on 16 March 1998.

National Foods Limited proposed to acquire Pauls Limited. NFL and Pauls are Australian-owned food processing companies which specialise in manufacturing and distributing fresh milk and a range of other dairy products.

The Commission was concerned that the proposed acquisition would be likely to lead to a substantial lessening of competition in the market for fresh milk in Victoria and the national market for yogurts and dairy desserts.

On 24 April 1998 the Commission accepted court enforceable undertakings from NFL to:

- divest to a Commission-approved purchaser certain Victorian milk processing assets in the merged entity; and
- relinquish or assign the Danone Licence to produce yogurts and dairy desserts.

The Commission decided not to take any action in relation to the proposed acquisition, on the condition that the undertakings are fulfilled.

Section 87B undertakings

A 1992 amendment to the Trade Practices Act conferred extensive powers on the Federal Court under s. 87B to enforce undertakings concerning future conduct given by a person to the Commission following a Commission investigation. The Commission keeps a public register of such undertakings.

The following continues the list of s. 87B matters placed on the 1998 register. (The register was first listed in the Trade Practices Commission *Bulletin* 74, February 1994.)

GIO General Limited and GIO Australia Limited, ss 52, 53(c), 55A.

Misrepresentations about availability of benefits, in GIO documents and on the GIO website.

1.4.98 undertaking to refund excess payments and premiums to consumers who may have been misled by representations about benefits attached to various GIO policies; revise its consumer brochures, policy documents and Internet site; review its complaints handling mechanisms and compliance system; and publish a consumer information brochure with advice on purchasing motor vehicle insurance.

Australia Post, s. 52. Misleading promotion of bill-paying competition.

8.4.98 undertaking to ensure that all bill-paying customers are eligible for the prizes; provide extra cash prizes; publish corrective advertising; send written apologies to complainants; review its compliance program; introduce a trade

practices clearance procedure of all advertising and promotional material.

Emmanuel John Tischler, ss 52, 61. Promotion of pyramid selling schemes and misrepresentations of earnings via the Internet.

15.4.98 undertaking to refrain from promoting pyramid selling schemes via the Internet; provide the Commission with contact details of those in his 'upline' and 'downline'; repay fees to those he had induced to join the schemes; send a bulletin to newsgroups to whom he had promoted the schemes.

Korab & Co Pty Ltd, ss 52, 53(c). Misrepresentations that certain fire door components and other fire safety related products were approved.

19.4.98 undertaking to send a questionnaire to customers it supplied with the fire safety related products; institute a trade practices compliance program.

Garry Wilson, ss 52, 61. Promotion of pyramid selling schemes and misrepresentations of earnings via the Internet.

22.4.98 undertaking to refrain from promoting pyramid selling schemes via the Internet; provide the Commission with contact details of those in his 'upline' and 'downline'; repay fees to those he had induced to join the schemes; send a bulletin to newsgroups to whom he had promoted the schemes; establish and maintain for six months a webpage on his website containing a warning from the ACCC about pyramid selling schemes.

National Foods Limited, s. 50. Proposed acquisition in the markets for the supply of fresh milk and for the supply of yogurts and dairy desserts.

24.4.98 undertaking to divest to a Commission-approved purchaser certain Victorian milk processing assets in the merged entity; relinquish or assign the Danone Licence to produce yogurts and dairy desserts.

Sub-section 51(1) exceptions from the Trade Practices Act

Under s. 51(1) of the Trade Practices Act, statutory exception from certain prohibitions is available for conduct that is specifically authorised or approved by a Commonwealth or State Act, or a Territory law, or any regulation under such Act, which expressly refers to the Trade Practices Act. Exceptions made by regulation are limited to two years. As part of the competition policy reform program, the Commission is required to provide a cumulative list of such legislation in its Annual Report.

The *ACCC Journal* will progressively update this list throughout the year.

New South Wales

Sydney Organising Committee for the Olympic Games Amendment Act 1996

Competition Policy Reform (New South Wales) Regulation 1996

Dairy Industry Act 1979 — specific authorisation

Totalizator Legislation Amendment Act 1997 No. 151

Queensland

Competition Policy Reform (Queensland — Exemptions) Regulation 1996

Forestry Act 1959 (s. 46 — specific authorisation)

Water Resources Act 1989 (s. 231 — specific authorisation)

Competition Policy Reform (Queensland — Dairy Produce Exemptions) Regulations 1997 (as amended)

Tasmania

Electricity Supply Industry Act 1995

Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995

Victoria

Electricity Industry (Amendment) Act 1996

Water Industry Regulations 1995

Competition Policy (Gas Supply Contract Exemption) Regulations 1996

Western Australia

North West Gas Development (Woodside) Agreement Amendment Act 1996