
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, Federal Bureau of Consumer Affairs or AUSTEL.)

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

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

Manuals

Franchising code of conduct compliance manual — August 1998 (\$130.00)

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

Guides to the legislation and ACCC procedures

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 unconscionable conduct in business transactions — a guide to sections 51AA and 51AC — October 1998 (\$10.00)*

Small business and the Trade Practices Act — a practical guide for small business — August 1998*

The franchisee's guide — A guide to the Franchising Code of Conduct — August 1998*

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*

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

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

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

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

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

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

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

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

Contracted employment services and the Trade Practices Act — September 1997 (available from website only)

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

Telecommunications — competition notice guideline — June 1997*

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)

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)*

Local government and the Trade Practices Act — June 1996*

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

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)

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)

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

Business and consumer information sheets and leaflets

News for business: Household cots — July 1998

Certification trade marks — May 1998

News for business: Computer industry advertising — May 1998

Small business guide: Telecommunications — April 1998

News for business: Misleading promotional offers — March 1998

Small business report: New deal, fair deal — giving small business a fair go — 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

News for business: Fruit juice labelling — June 1996

Know your credit card — March 1996

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

Product safety guides

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

The following product safety guides are free for the first copy, and \$5 for subsequent copies.

Sunglasses and fashion spectacles — October 1998

Exercise cycles — 1996

Children's nightclothes — 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

S. 192 of the Airports Act: declaration of Airport services — October 1998

Melbourne Airport access undertaking — Issues paper — April 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

Bar code scanning (computerised checkouts)

Checkout the price — review of the supermarket scanning code — July 1992 (\$10.00) (TPC)

Building

Home building — consumer problems and solutions — final report of the Trade Practices Commission review — November 1993 (\$15.00)

Cinemas

The cinema industry — developments in the cinema distribution and exhibition industry — March 1998 (\$20.00)

Competition issues

Non-price competition — October 1995 (\$10.00) (PSA)

Market definition and competition issues in commercial broadcast radio — June 1994 (\$10.00) (TPC)

Global commerce

The global enforcement challenge — enforcement of consumer protection laws in a global marketplace — August 1997*

Intellectual property

Application of the Trade Practices Act to intellectual property — July 1991 (\$10.00) (TPC)

Petroleum

Issues paper for the inquiry into the petroleum products declaration — February 1996

Professions

Can the professions survive under a national competition policy? — a joint conference on competition law and the professions — May 1997 (published proceedings \$15.00, audio tapes \$20.00)*

Study of the legal profession — March 1994 (full report \$30.00, summary (photocopy only)) (TPC)

Study of the architectural profession — September 1992 (\$10.00) (TPC)

Telecommunications

Inquiry into domestic intercarrier roaming declaration — March 1998 (\$10.00)

Telstra carrier charges price control compliance 1996 — February 1998

Competitive safeguards and carrier performance 1996–97 — November 1997

Former AUSTEL publications

Competitive safeguards and carrier performance. Australian Telecommunications Authority 1996

Review of Telstra's dominance in the international telecommunications services market. Final report. August 1995

Investigation into Telstra's association resale arrangements. Summary and final report. April 1995

Market dominance: mobiles. Report on Austel's investigation whether Telstra is in a position to dominate the market for the public mobile phone telecommunications services. July 1993

AOTC's proposed charges for the connection of eligible services. August 1992

AUSTEL occasional papers

Price control arrangements for the Australian telecommunications industry. Economics 3. June 1994

The importance of telecommunications in Australia's economic development and the likely effects of telecommunications reform. Economics 1. September 1992

AUSTEL report to the Minister for Communications and the Arts

Telecom proposal to increase public payphone call charges from 30 cents to 40 cents. January 1994

AUSTEL reports to the Minister for Transport and Communications

Analysis of comments on Austel's study of arrangements and charges for interconnection and equal access — 9 August 1991

A technical/operational framework for interconnection and equal access — June 1991

Customer access arrangements for interconnection/equal access — 15 March 1991

Austel study of arrangements and charges for interconnection and equal access: economic and commercial considerations. Final report, parts 1 & 2 — 14 June 1991

Resale — December 1990

Utilities

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)

National Electricity Market — Statement of regulatory intent for the regulation of transmission values: issues paper — May 1998

National electricity market: Network Pricing Forum (proceedings) — July 1996 (\$35.00)

National electricity market code of conduct — comments and issues arising — June 1996 (photocopy only)

National electricity market code of conduct — issues paper — March 1996

Review of the Victorian electricity industry access arrangements — a report to the Assistant Treasurer — May 1995 (TPC)

Safeguarding the consumer interest in reformed public utilities and complying with the Trade Practices Act — March 1995 (TPC)

Passing on the benefits — Consumers and the reform of Australia's utilities — papers from Trade Practices Commission conference — March 1994 (\$50.00)

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) — September 1995, December 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

The Role and Approach of the ACCC in Franchising. The Future Face of Franchising — 1 September 1998

Occupational Regulation. APEC Regulatory Reform Symposium — 5-6 September 1998

Regulation of rates of return on network assets such as pipelines. Macquarie Bank Infrastructure Forum — 11 September 1998

The Australian Competition Policy Reforms. Second Oslo Competition Conference — Norwegian Competition Authority — 21-22 September 1998

National Competition Policy. CEDA — 24 September 1998

Mergers & Acquisitions in the Banking Industry: the ACCC Perspective. Credit Suisse First Boston Australasian Banking Conference — 25 September 1998

The ACCC and Small Business in the Changing Australian Economy. Curtin Business School Small Business Unit — 2 October 1998

Competition: A healthy focus on consumers. Australian Customer Service Association Australian Customer Service Awards National Presentation Dinner — 5 October 1998

Small Business and the Changing Global Environment. National Institute of Accountants Small Business in the Global Village — 19 October 1998

**Commission Deputy Chairman
Allan Asher**

How the ACCC will ensure fair competition in the electricity and gas markets. The Australian Cogeneration & IPP Summit — 24 September 1998

The Role of the ACCC. The Australian Collectors Association — 24 September 1998

The ACCC and the Economic Regulation of Gas Infrastructure. Committee for Economic Development of Australia — 8 October 1998

Win/Win with the ACCC. Allen Allen & Hemsley Twilight Seminar Series — 13 October 1998

Upstream Gas Regulation & Competition Reform. Centre for Mining & Energy — 15 October 1998

Information gathering: challenges facing the regulator. National Investigation Symposium — 22 October 1998

The Decision to Privatise. International Air Transport Association Conference: The critical path to airline privatisation — 22-24 October 1998

Gas Reform and Regulation Issues. Australian Pipeline Industry Association Transporting Energy for the Future Conference — 2 November 1998

Competition Issues and the Regions. Sustainable Economic Growth for Regional Development Conference — 3 November 1998

Commissioner Sitesh Bhojani

Alarming Trends in Product Liability? Class Actions. International Bar Association Conference: Section on Business Law — 15 September 1998

The ACCC and Competition Policy. ASCPA ACT Congress 1998 — 19 November 1998

Commissioner David Lieberman

Regulation in Pathology. Australian Institute of Medical Scientists — 24 September 1998

Competition Policy: delivering consumer benefits? Council of Social Services of New South Wales Shifting Ground Conference — 9 October 1998

Aspects of a National Competition Policy. Real Estate Institute of Australia Annual Policy Conference — 15 October 1998

Commissioner Rhonda Smith

The Financial Sector Post Wallis. Melbourne Chapter of Credit Unions — 9 November 1998

Media releases

192/98 Revised electricity code cleared by ACCC — 19.10.98

193/98 ACCC warns franchisors to disclose — 19.10.98

194/98 PSTN undertaking draft decision delayed — 26.10.98

195/98 Kenman Kandy recalls 'Australian owned' sweets — 26.10.98

196/98 Global commerce action needed now — 27.10.98

197/98 'Custom care' for home builders launched — 29.10.98

198/98 Bringing home the benefits of competition to consumers — 29.10.98

199/98 ACCC takes action against fitness equipment price fixing — 30.10.98

200/98 Unconscionable conduct in commercial transactions — 5.11.98

201/98 ACCC small business officers appointed — 5.11.98

- 202/98 Business offer undertakings after breaches — 6.11.98
- 203/98 Competition in data markets inquiry implemented — 6.11.98
- 204/98 Bogus businessman blasted by Federal Court — 6.11.98
- 205/98 ADMA code 'positive step for industry' — 9.11.98
- 206/98 Memorandum of understanding — ACCC and Standards Australia — 9.11.98
- 207/98 ACCC alleges radiator franchisees misled — 9.11.98
- 208/98 Telecommunications access dispute — 15.11.98
- 209/98 Newsagents' decision — 18.11.98
- 210/98 Golden Circle to correct juice/drink labels — 19.11.98

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 and pre-determination 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 sub-section 51(1) exceptions 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 during the reporting period. 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.

RGC Limited/Westralian Sands Limited — mineral sands mining

On 8 September 1998 the Commission announced that it would not oppose the merger of mineral sands miners RGC Limited and Westralian Sands Limited.

The companies both mine titanium-rich minerals (ilmenite, rutile and leucosene) and process them into feedstocks used in the manufacture of titanium dioxide pigment. This pigment is used to colour numerous products, predominantly paint, plastics and paper.

The feedstocks are sold to large local and overseas pigment manufacturers including Millennium, Tioxide, DuPont and Kerr-McGee.

The parties also mine zircon which is used primarily in the ceramics industry and for refractories in the steel industry.

Australia is the world's largest producer and exporter of titanium feedstocks and zircon.

While the merger will reduce from two to one the number of non-integrated suppliers of titanium dioxide feedstocks to domestic pigment manufacturers, the Commission took into account that the merged firm will compete in a world market against strong overseas competitors. Potential import competition in both titanium dioxide feedstocks and zircon is likely to provide an effective constraint on the merged firm.

AMP/GIO — life insurance

On 14 September 1998 the Commission announced it would not oppose the proposed acquisition of GIO by AMP.

The acquisition consolidates AMP's number one position in life insurance and elevates it to second in retail investment products and third in general (non-life) insurance. In all of these areas, however, there remains a substantial number of strong competitors and no problems appear in relation to concentration.

In one line of general insurance, namely workers compensation, the acquisition crosses the Commission's merger concentration thresholds in New South Wales. However, premiums in this State are regulated by the State WorkCover Authority in accordance with the Workers Compensation Act 1987.

Portfolio Partners/Norwich Union Financial Services — funds management

On 18 September 1998 the Commission announced it would not intervene in the acquisition of Portfolio Partners by Norwich Union Financial Services.

While the acquisition places Norwich Union near the top 10 Australian funds managers a substantial number of strong competitors remain and there appears to be no problems with concentration.

Australian National Lines/CGM Pty Limited, AUSCAN Self Unloaders Pty Ltd

— national market for bulk cargo import and export.

The Commission received notification on 27 July 1998 outlining the proposed sale of the Liner division of Australian National Lines to CGM Pty Ltd and the Bulk division of Australian National Lines to AUSCAN Self Loaders Pty Ltd. AUSCAN is a joint venture between Intercontinental Ship Management and the CSL Group.

ANL and CGM did not participate as direct shippers on the same routes. Whilst there is some overlap between ANL's and AUSCAN's bulk operations, the post-acquisition market share was unlikely to exceed the ACCC's merger thresholds. It decided on 8 September 1998 not to oppose the proposed acquisition.

Debden Associates Australia Pty Ltd, APP Ltd/Spicers Paper Ltd

— distribution of paper diaries, planners and paper organisers Australia-wide.

The Commission received a submission on 25 August 1998 outlining a proposal by Debden Associates Australia Pty Ltd to purchase the distribution assets relating to the distribution of Spicers' 'Collins' brand of diaries, planners, paper organisers, notebooks, and account books. APP Ltd is proposing to purchase the intangible assets relating to Collins, and intends to enter into a licensing arrangement with Debden to allow it to distribute the Collins range of stationery.

On 10 September 1998 the Commission decided not to oppose the proposed acquisitions on the basis that independent import competition is strong within this industry and the concentration of the market post acquisition will not be sufficient to breach the merger concentration thresholds.

PPG Industries Inc./Orica Australia Pty Limited

— national markets for the manufacture and supply of heavy duty and industrial coatings.

The Commission received a submission on 9 September 1998 in relation to the proposed acquisition by PPG Industries Inc. of the Technical Division of Orica Australia Pty Ltd.

The Commission decided on 22 September 1998 not to oppose this proposed acquisition as it effectively represents new entry by PPG into the Australian markets.

Compagnie de Saint Gobain/Flexovit International NV — national markets for the manufacture and supply of coated abrasives, cut off or thin wheels and bonded abrasives.

The Commission received a submission on 9 September 1998 outlining the proposed acquisition by Saint Gobain of Flexovit International NV.

The Commission concluded on 17 September 1998 that competitors to the merged firm would appear able to increase their level of imports if the merged firm were to attempt to increase prices and therefore would not oppose the proposed acquisition.

Canberra Imaging Group/Brindabella Radiology — the market for the supply of diagnostic radiology services to outpatients in a geographic area no greater than the Canberra area.

The Commission received a submission on 22 July 1998 outlining the proposal by Canberra Imaging Group and Brindabella Radiology to merge their operations.

The Commission decided on 3 September 1998 that the remaining private radiology practices and the Canberra Hospital would continue to be significant competitors of the merged firm and therefore it would not oppose the merger.

Orica Australia Pty Limited, Auseon Ltd/Improdex Pty Ltd — market for the compounding of PVC resin.

The Commission received a submission on 9 April 1998 in relation to the proposal by Orica Australia Pty Limited and Auseon Ltd to acquire Improdex Pty Ltd.

The Commission concluded on 12 October 1998 that the market concentration, post acquisition, would be significantly below the merger guideline thresholds and therefore it would not oppose the proposed acquisition.

Namoi Cotton Co-operative Limited Cotton Trading Corporation Pty Ltd — the national market for cotton marketing.

The Commission received a submission on 21 September 1998 regarding the proposed merger of Namoi Cotton Co-operative Limited and Cotton Trading Corporation Pty Ltd.

The Commission decided on 16 October 1998 not to oppose the proposed merger because there is alternative domestic cotton marketing organisations within the market for the provision of cotton marketing services and lint cotton is an internationally traded commodity.

Wesfarmers Limited/SGIO Insurance Limited — the national general insurance market.

Wesfarmers Limited announced its takeover bid for SGIO Insurance Limited on 10 September 1998. The Commission decided on 24 September 1998 that the acquisition does not cross the merger thresholds in the national market and therefore that it would not oppose the proposed acquisition.

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 during the reporting period. (The register was first listed in the Trade Practices Commission Bulletin 74, February 1994.)

Darling Downs Bacon Co-operative Association Limited, ss 52, 53(eb), 55. Misrepresentations that products contained 100 per cent Australian pork.

5 October 1998 undertaking not to represent that products are made from 100 per cent Australian pork unless the representations are clearly confined to products which are made from 100 per cent Australian pork or the

representations reflect which products are made from 100 per cent Australian pork; establish a 1800 freecall or similar service for facilitating refunds and returning purchases; publish corrective advertising in major daily newspapers and provide copies to the Commission; provide to the Commission the names and contact details of consumers who sought refunds; create and maintain a trade practices compliance program compliant with Australian Standard AS-3806.

Harris De Pty Limited, ss 52, 53(g). Misleading promotion in relation to Moccona coffee offering prizes of a trip to the set of Friends and 1000 mobile phones.

21 October 1998 undertaking to disclose the existence and effect of all material conditions of any gifts, prizes or other offers; ensure any pictorial presentation or written description of gifts or prizes accurately depicts the standard quality, value, style and/or model of the actual gift or prize; write to all prize winners of mobile phones to offer them a choice of three options including a \$100 credit against a mobile phone handset and/or service plan of their choice; revise its trade practices compliance program and have that program independently audited.

Kenman Kandy Australia Pty Ltd, ss 52, 53(eb). 'Australian owned' labelling in relation to confectionery packaging — products continued to be sold after the Australian company was acquired by an American company.

16 October 1998 undertaking to stop distributing additional stock which bear the representations and making 'Australian owned' representations while it is not ultimately Australian owned; publish corrective advertising and provide copies to the Commission; establish and maintain an 1800 freecall service to notify consumers of the change in ownership of Kenman Kandy and to assist consumers in bringing any claims they may have to Kenman Kandy's attention; recall affected stock; provide the Commission with the names and contact details of consumers who make claims; and ensure future trade practices compliance in relation to packaging and labelling, advertising and other consumer communications.

Youngdown Pty Ltd trading as Go-Lo, s. 65C. Failure to meet mandatory cosmetic standard.

30 October 1998 undertaking to ensure products sold will be labelled in accordance with the regulations; and to develop and implement a trade practices compliance program.

Quinsite Nominees Pty Ltd (corporate trustees for Moduplay which formerly operated under the name All Parks Equipment), s. 45(2). Anti-competitive market sharing in relation to playground equipment in New South Wales.

30 October 1998 undertaking not to enter into any agreement, arrangement or understanding (containing an exclusionary provision) with any other supplier of playground equipment; to develop and implement a trade practices compliance program; and to donate equipment to the value of \$12 000 to Blacktown Council and to the value of \$2000 to Hurstville Council.

Megatory Play Systems Pty Limited, s. 45(2). Anti-competitive market sharing in relation to playground equipment in New South Wales.

30 October 1998 undertaking not to enter into any agreement, arrangement or understanding (containing an exclusionary provision) with any other supplier of playground equipment; to develop and implement a trade practices compliance program; and to donate \$18 000 to a council of the Commission's choice.

Sigma and Allied Master Chemists of Australia Limited (AMCAL), s. 50. Proposed merger likely to substantially lessen competition.

28 October 1998 undertaking by Sigma that it would not, for three years, impose any restriction on the ability of AMCAL members to acquire pharmaceutical goods or pharmaceutical services from their preferred wholesaler.

Golden Circle Limited, ss 52, 53(eb). Country of origin of orange juice.

16 November 1998 undertaking — for three years from the date of signing — not to package its goods with false or misleading representations as to country of origin and/or seasonal availability; not to use representations that would mislead or deceive consumers as to

the product's relative percentages of imported and local ingredients; immediately review all product lines' representations and make necessary changes within four months; place corrective advertising in certain major metropolitan newspapers; and create and maintain a trade practices compliance program.

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.

Commonwealth

Trade Practices Amendment (Country of Origin Representations) Act 1998 Item 1, Schedule 3

Wheat Marketing Legislation Amendment Act 1998

Australian Postal Corporation Act 1989

New South Wales

Sydney Organising Committee for the Olympic Games Amendment Act 1996

Totalizator Legislation Amendment Act 1997 No 151

Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998

Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998

Marketing of Primary Products Amendment (Wine Grapes Marketing Board) Act 1997

Dairy Industry Amendment (Trade Practices Exemption) Act 1998

Farm Produce (Repeal) Act 1996

Competition Policy Reform (NSW) Amendment (Waste) Regulation 1998

Competition Policy Reform (NSW) Amendment (Grain Marketing) Regulation 1998

Competition Policy Reform (NSW) Amendment (SOCOG and SPOC) Regulation 1998

Queensland

Competition Policy Reform (Queensland - Dairy Produce Exemptions) Regulation 1997 (as amended)

Competition Policy Reform (Queensland - Dairy Industry Exemptions) Regulation 1998

Competition Policy Reform (Queensland - Chicken Meat Industry Exemptions) Regulation 1998

Victoria

Electricity Industry (Amendment) Act 1996

Tasmania

Electricity Supply Industry Act 1995

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

Western Australia

North West Gas Development (Woodside) Agreement Amendment Act 1996

Australian Capital Territory

Milk Authority (Amendment) Act 1998