
Guidance and information

New publications

Summary of Trade Practices Act 1974

The Commission's completely revised *Summary of the Trade Practices Act* is now available from all offices for \$10. It is also available from the website.

Corporate trade practices compliance programs

Australian courts have consistently stated that they will take into account the effectiveness of trade practices compliance programs in assessing penalty when companies have breached the Trade Practices Act.

Court action is one means used by the Commission to ensure business complies with the Act, but its preferred option is to show industry how to take preventative steps to ensure contraventions do not occur. An effective corporate trade practices compliance program can be an important factor in avoiding breaches of the Act.

The Commission has produced a new publication on corporate trade practices compliance programs to help business achieve effective compliance. It urges senior executives to take steps to actively manage their trade practices risk.

The publication covers the reasons for having a trade practices compliance program, how to achieve effective compliance within an organisation, factors the Commission takes into consideration when leniency is sought following a contravention, and the help available for organisations seeking effective trade practices compliance.

Corporate trade practices compliance programs is available free from Commission offices.

Misleading job ads

The Commission, the Australian Publishers' Bureau and Job Watch have produced a new booklet as part of their campaign to protect job seekers from misleading job ads.

Misleading job and business opportunity ads — how to handle them

is designed to assist media outlets, particularly classified advertising staff, to identify potentially misleading job and business opportunity advertising and gives guidance on what action needs to be taken to ensure the ads do not mislead readers.

Advertisers must ensure that job advertisements in their newspapers indicate the true nature of the positions and are placed in the appropriate employment categories so that, for example, commission-based positions are not advertised in the Positions Vacant column.

The Australian Publishers' Bureau will distribute the booklet to its member publications. It will also be conducting a series of in-house training programs for members' constituent publications and classified advertising staff and will exhort all publishers to maintain constant vigilance and to submit any 'doubtful' or suspect advertisements to the Bureau for opinion.

Section 53B of the Trade Practices Act prohibits a company offering employment from engaging in conduct likely to mislead persons seeking employment about the availability, nature, terms or conditions of the employment.

The booklet is available free from Commission offices.

ACCC reports to government

In March 1999 the Commission made two reports to the Federal Government, both requested by the Minister for Financial Services and Regulation, the Hon. Joe Hockey MP.

One was in relation to the potential consumer benefits that would result from repealing the

importation provisions of the *Copyright Act 1968* as they apply to books and computer software.

The other was in relation to the future of the newspaper distribution system in Queensland, New South Wales and the Australian Capital Territory.

Books and computer software

To provide a balanced assessment the Commission compared prices in Australia and overseas as well as considering the likely impact of an open market on producers, distributors and retailers.

In relation to books the Commission found significant price differentials between Australian and US mass market best selling paperbacks (the US being cheaper). The comparisons in relation to hardbacks were complicated by the fact that most books previously released in Australia as hardbacks are now released in a large format paperback format. Hardbacks are still the main format in the US, therefore it is difficult to compare like with like. There was also some evidence of substantial price differences in technical and professional books.

In relation to software the Commission found that only some top selling products are currently priced competitively with overseas. However, over the past 10 years there have been sustained price differences, and the current comparisons are likely to be influenced by the current low value of the \$A relative to the \$US.

On the question of availability, it appears not to be a significant issue in relation to computer software. For books, the 1991 amendments have generally improved the situation in relation to new releases, but the impact on back titles is less clear.

The Commission conclusions were that there are substantial consumer benefits to be realised in an open market for both books and computer software. It recommended that the importation provisions be repealed. The recommendation in relation to computer software extended to console games that may be classified as 'cinematographic' works.

Newsagencies



Following the Australian Competition Tribunal's decision in November last year to revoke authorisations in relation to the newsagency arrangements in Victoria, Queensland, New South Wales and the Australian Capital Territory, the Government asked for the Commission's assistance to consult with stakeholders in the industry for newspaper and magazine distribution and sales and to inform it of the relevant issues.

The Commission was asked to take into account the Government's commitment to maintaining a newspaper home delivery system and achieving an equitable and commercially viable outcome for the industry.

After extensive consultations and on the basis of the issues discussed and comments received the Commission reported that there is a sound basis for expecting that the industry will be able to move forward in a way that accommodates the Government's concerns and without the need for special regulatory Government intervention in the industry.

Both reports have been handed to the Minister.

New website information

GST

The Commission is gearing up for its anticipated price monitoring role in the GST. It has instituted a GST page on its website that outlines the Commission's role and contains its draft preliminary pricing guidelines on which it is seeking comments from interested parties.

Product safety

The Commission now has a page on product safety on its website. It brings together various information on the mandatory product safety and information standards and bans subject to the Trade Practices Act.

The product safety page outlines the Commission's role in this area and includes a list of goods subject to mandatory standards under the Act. Updates on the mandatory product safety standards are also available.

Links are provided to other relevant sites such as Consumer Affairs Division of Treasury, Standards Australia, State and Territory Fair Trading and Consumer Affairs offices, and a site covering product safety recalls.

Contacts page

The Commission has completely revised its contacts page. It now contains a comprehensive list of addresses, telephone and fax numbers as well as email addresses for all offices and groups within the Commission.

Careers opportunities

For anyone wishing information about jobs within the Commission they can now visit its Careers Opportunities page, which will contain a current list of positions vacant and advice on how to apply for them.