
Appendix 2 Public information

This appendix contains:

- speeches by Commissioners;
- media releases; and
- some public register material.

Speeches

Commission Chairman Professor Allan Fels

The international dimension to competition policy. 6th Asian and Oceanic Conference. 4 November 1999

Opening address: regulation in Australia. Incentive Regulation and Overseas Development Conference. 18 November 1999

Commission Deputy Chairman Allan Asher

E-commerce and seals of assurance — potential anti-competitive conduct and ACCC enforcement action. The Treasury/NOIE 'Seals of Assurance' Meeting. 24 November 1999

Commissioner Sitesh Bhojani

Consumer protection and promotion of complementary health care. Complementary Healthcare Consultative Forum. 26 November 1999

For copies of speeches please contact John Rothwell on ph. (02) 6243 1133

Media releases

210/99 ACCC not to oppose agricultural equipment merger. 1.11.99

211/99 ACCC proposes authorisation of SA vesting contracts. 1.11.99

212/99 ACCC travel and tourism industry publication. 5.11.99

213/99 No objection to indigenous certification trade mark. 5.11.99

214/99 Ray White Real Estate to fix GST representations. 5.11.99

215/99 Promoters of alternative therapy devices give undertakings. 5.11.99

216/99 ACCC alleges furniture repair franchisees misled. 10.11.99

217/99 Winner of ACCC Economics/Law Prize. 10.11.99

218/99 ACCC and Boral. 12.11.99

219/99 Operator of GST scam gaoled after ACCC action. 12.11.99

220/99 Price exploitation and regulated industries. 12.11.99

221/99 ACCC not to intervene in proposed juice merger. 12.11.99

222/99 International competition policy and law conference opens. 15.11.99

223/99 Price-fix, market sharing costs \$3 million. 15.11.99

224/99 ACCC jumps on dangerous bean bags. 15.11.99

225/99 Coles corrects dollar dazzlers competition. 16.11.99

226/99 Oakley sunglasses distributor penalised \$500 000 for resale price maintenance. 18.11.99

- 227/99 Options for regulation an international challenge. 18.11.99
- 228/99 Stevedoring under ACCC focus. 23.11.99
- 229/99 Price hike claims of small business 'unfounded'. 23.11.99
- 230/99 Used car dealer to fix GST advertising. 25.11.99
- 231/99 Industry, consumer GST guidelines input 'positive'. 25.11.99
- 232/99 Regulatory issues papers. 26.11.99
- 233/99 REIA's code of ethics revoked, code of conduct conditionally authorised. 29.11.99
- 234/99 Telecommunications access dispute. 29.11.99
- 235/99 Telecommunications access disputes. 29.11.99
- 236/99 ACCC/APRA sign memorandum of understanding. 2.12.99
- 237/99 New guide to access undertakings. 2.12.99
- 238/99 ACCC alleges code breach — franchisee gets money back. 2.12.99
- 239/99 ACCC proposes to reject Sydney hospitals joint fee negotiations. 6.12.99
- 240/99 Telecommunications access dispute. 7.12.99
- 241/99 Guidelines for country of origin claims in complementary health. 9.12.99
- 242/99 Consumers to be better protected in the use of premium call information services. 10.12.99
- 243/99 ACCC — New powers to stop anticipation of the GST. 13.12.99
- 244/99 Hospitals, theatres among those to be compensated for missed fire protection services. 14.12.99
- 245/99 \$5.17 million penalties for fire protection industry price fixes. 14.12.99
- 246/99 ACCC highlights the need for GST compliance programs. 16.12.99
- 247/99 ACCC welcomes passage of OECD e-commerce guidelines. 16.12.99
- 248/99 ACCC links with consumer representatives on GST. 20.12.99
- 249/99 Copperart apologises for no cash refund policy. 20.12.99
- 250/99 ACCC decides — electricity investments must deliver net public benefits. 22.12.99
- 251/99 Court finds The Australasian Institute misled students. 22.12.99
- 252/99 Country cinemas gain in cinema code actions. 23.12.99
- 253/99 ACCC releases discussion papers on access pricing principles for mobile networks and non-dominant telephony networks. 23.12.99
- 254/99 Bank interest rate 'telegraphing' risks breaching Trade Practices Act. 23.12.99
- 255/99 ACCC issues final determination on national electricity market settlements process. 23.12.99
- 256/99 Quality of service: Sydney, Melbourne. 23.12.99
- 257/99 ACCC releases final determination on amended national electricity code. 24.12.99
- 258/99 ACCC moves to protect ATM card consumers. 24.12.99
- 259/99 ACCC sets conditions on South Australian electricity vesting contracts. 24.12.99
- 260/99 Children's swim vest withdrawn after ACCC pre-Christmas survey. 24.12.99
- 261/99 Court stops franchisor from continuing legal action against ex-franchisees. 24.12.99
- 262/99 ACCC not to intervene in proposed pasta merger. 24.12.99
- 263/99 'Lifeskills' training course provider misleading on GST. 28.12.99

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 pre-decision 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 *ACCC Journal*.

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 Journal lists s. 87B matters placed on the public register in the reporting period.

Gasgo Pty Ltd, s. 45(2)(b)(ii). Giving or threatening to give effect to a pre-emptive right clause that may result in a substantial lessening of competition.

14.10.99 undertaking not to exercise its pre-emptive right, contained in a gas purchase agreement between Gasgo and the Mereenie Producers, in respect of third party gas sales (in specified circumstances).

Brumar Services Pty. Ltd., s. 75AU. Price exploitation in relation to New Tax System changes.

28.10.99 undertaking to place point-of-sale corrective advertising, offer refunds to customers, and institute a relevant compliance program.

Ray White (Real Estate) Pty Ltd trading as Ray White Investor services, s. 52. Misleading advertising about effects of the GST and New Tax System.

3.11.99 undertaking not to make further misleading representations, publish corrective advertising and to institute a trade practices compliance program.

Tropical Homes (Townsville) Pty Ltd, ss 52, 53(e). Misrepresenting likely changes to house and land prices after introduction of the GST.

7.9.99 undertakings to cease making such representations, to publish a corrective advertisement and to institute a trade practices compliance program.

Mavjon Investments P/L, ss 52, 53(a).

Making misleading representations about the ingredients of food products.

23.11.99 undertaking to develop and implement a trade practices compliance program, to provide a copy of the program to the Commission and place all of its recipes on a register. This will be monitored by an independent third party for two years.

Sherpa Outdoor Equipment Pty Ltd,

ss 52, 53(a). Misleading information on thermal underwear labels.

24.11.99 undertaking to relabel so composition is stated correctly; to remove garments from current packaging or alternatively use corrective overstickings; place a corrective advertisement; refund consumers; and institute a compliance program.

Relyt P/L and S&S Thomson Investments P/L (advertising under the trademark Q.P.R. Auto Group), ss 52, 53(e).

Misleading television advertising on effects of GST.

24.11.99 undertakings to not place advertising that states or implies that the price of used cars in general will increase as a result of the introduction of the GST; to publish corrective advertisements; and to institute trade practices compliance programs.

Mobile Computer Cleaning Pty Ltd,

s. 51AD. May have contravened the Franchise Code of Conduct, (Clause 10) in failing to provide a disclosure document.

30.11.99 undertaking to refund the complainant the sum of money paid for the MCC franchise less expenses, and adopt a trade practices compliance program.

Copperart Pty Ltd and Aart Gerard Van Roest, ss 52, 53(g).

Misleading consumers about their rights to exchanges and refunds.

29.11.99 undertaking to publish an apology to consumers who may have been misled by the exchange or refund policies on display, offering exchanges, and in some cases, refunds; and to create and maintain a trade practices compliance program consistent with the relevant Australian standard.

Sarai Holdings Pty Ltd trading as Zoeros Lifeskills, ss 52, 53(e).

Misleading representations about price changes for a training course because of the impending GST.

10.12.99 undertaking to cease use of similar representations in all future publications, letters and advertising, to write to any person or entity to which similar representations have been made and to implement a trade practices compliance training course.

Australasian Institute Pty Ltd, ss 52, 53(c), 55A. Alleged misleading or deceptive conduct in advertising the nature or benefits of educational courses.

14.12.99 undertakings to attend a seminar, as agreed between the parties, conducted by a person suitably qualified, on trade practices law to ensure future compliance with Part V of the Act within six months of the date of the undertaking.

Maurice Kain Textiles Limited, s. 48.

Alleged engagement in retail price maintenance in refusing supply to Bargain Upholstery Fabrics (BUF).

12.12.99 undertakings assuring supply to BUF, not to repeat conduct, and to implement trade practices compliance program and audit and reporting arrangements.

Tyco Australia Pty Ltd, ss 52, 53(aa).

Misleading representations in failing to perform approximately half of its contracts to inspect, test and maintain fire protection systems.

3.12.99 undertaking to compensate affected customers, conduct an internal review and upgrade its compliance program.

Metricon Homes Pty Ltd, ss 52, 53(e).

Misleading representations about changes to building prices because of the impending GST.

22.12.99 undertaking to cease making misleading representations about the effect of the GST on building prices. Implement a trade practices compliance program subject to an annual review by an independent auditor for three years after instigation.

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

Year 2000 Information Disclosure Act 1999

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 — Chicken Meat Industry Exemptions) Regulation 1998

Victoria

Electricity Industry Act 1993

Gas Industry Act 1994

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

South Australia

Dairy Industry Act 1992

Australian Capital Territory

Milk Authority (Amendment) Act 1999 (No. 2 of 1999)