
Guidance and information

Forum rates 10 out of 10

Competing Fairly is a program of local forums held in rural and regional towns throughout Australia. It is based around a video presentation and discussion via satellite. The forums provide information to business in rural and regional Australia.

The 1 May Competing Fairly Forum reached participants at more than 60 venues across the nation. The audiences, ranging from 10 to 100, took advantage of the satellite hook-up to learn the meaning of unconscionable conduct and how to combat it.

While the Commission initiated the forum it was enthusiastically supported by local government, the Australian Retailers Association, the NSW Farmers Federation and community groups.

The economic development manager for the Burnie Council, Lionel Young, rated the forum 10 out of 10. Mr Young, the Burnie forum convenor, said the introductory video was brilliant and set the scene for an excellent program that delivered a clear message. It was a pity, he said, that it was not telecast nationally by the ABC. Burnie Council was keen to support the next forum.

Media personality, George Negus, introduced an expert panel, headed by Commission Chairman, Professor Allan Fels. The panel answered questions on topics including retail leases, the demands of franchisors, bank risk margins on loans and the commissions charged by agents. In addition almost 30 questions were taken live in an offstage call centre from all over Australia.

The aim of the 1 May forum was to let small business operators know what constitutes unconscionable conduct and that they are not alone if confronted by it. As it explained, unconscionable conduct goes beyond a hard bargain in a business relationship. It involves an imbalance of bargaining power between the parties and a resulting harsh deal for the weaker party. It is measured using the circumstances before, during and after a business transaction.

The panel stressed the importance of keeping records of contract details, of conversations with the stronger partner, of payments and any new demands. This is vital if small businesses are to protect themselves and for their professional organisations and the Commission to be of help.

The Federal Minister for Small Business, Ian Macfarlane, told the audience that the Trade Practices Act and the Commission (which administers it) is sending a clear message to big and small business about their rights and responsibilities. The Shadow Minister for Small Business, Joel Fitzgibbon, also emphasised the importance of the role being played by the Trade Practices Act and the Commission for regional Australia.

Professor Fels said the Commission's education program, which includes visits to many parts of regional Australia to talk to business and discuss the Act, was changing attitudes with big business becoming more careful in their dealings with smaller partners.

The Competing Fairly Forums are a key element of the Commission's information and education program and its Small Business Unit plans to hold two a year to explain various parts of the Act to small businesses around the country.

Global consumer protection website launched

A new website launched by the International Marketing Supervisory Network (IMSN) at the recent IMSN meeting in New York enables consumers to report scams from around the globe.

The website, [econsumer.gov](http://www.econsumer.gov), is an IMSN initiative encompassing consumer protection agencies of 29 countries. The website provides an on-line complaint form and consumer information such as tips for safe shopping online and contacts for participating agencies. Because complaints will be coming directly from consumers, [econsumer.gov](http://www.econsumer.gov) will increase efforts to share consumer complaints across international borders. Consumers do not have the same restrictions on their information as do government agencies. The information will be available in English, French, German and Spanish.

Commission Chairman, Professor Allan Fels:

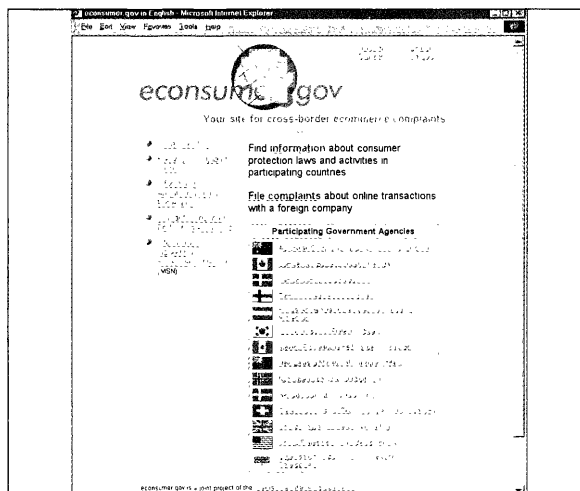
The ACCC has been an active participant in the IMSN for several years and is keen to obtain the best result for consumers. This development signals a new level of accountability on e-tailers. They will have to consider their actions more carefully when dealing with overseas consumers. In addition, the ACCC will have direct access to complaints from overseas consumers about Australian on-line businesses.

Commissioner, Mr Sitesh Bhojani:

Legitimate businesses trading fairly over the Internet had nothing to fear from regulators using 'econsumer' information. However, businesses attempting to deny consumers their rights under legislation will face better equipped enforcement agencies to ensure they trade fairly.

Participating government agencies are:

Australian Competition and Consumer Commission
Competition Bureau, Industry Canada
Danish Consumer Ombudsman
Finnish Consumer Ombudsman
Hungarian General Inspectorate for Consumer Protection
Korea Consumer Protection Board
Mexico Procuraduria Federal del Consumidor



New Zealand Ministry for Consumer Affairs

Norwegian Consumer Ombudsman

Swedish Consumer Ombudsman

State Secretariat for Economic Affairs of Switzerland

United Kingdom Office of Fair Trading

United States Federal Trade Commission

Organisation for Economic Cooperation and Development

The e.consumer website is at
<<http://www.econsumer.gov/english>>.

Sweep Day discussions at OECD and IMSN

The success of the international Internet sweep day in February 2001 was covered in *ACCC Journal* no. 32. The participation rate by member countries of the IMSN was high, and the results were a valuable snapshot of the Internet space.

The Commission took reports on the sweep to the OECD meeting in Berlin in March 2001 and the IMSN meeting in New York in April 2001. These reports were extremely well received. Many positive comments were made at these meetings by representatives from other countries about the Commission and its staff, and the organisation and sweep management of the.

The OECD was able to use the sweep results in its workshop to discuss the worldwide implementation of the *Guidelines for consumer protection in the context of electronic commerce*. Aspects of these guidelines were used as benchmarks to examine sites for best practice in the sweep.

The Commission was represented at the IMSN meeting by Commissioner Sitesh Bhojani, CEO Brian Cassidy and Carl Buik, Director of Consumer Protection. The IMSN used the success of this sweep as impetus to discuss further sweeps, and to re-examine their methodology and context. As well as a possible sweep on health issues, the IMSN also discussed other approaches to improve results and to ensure effective actions follow.

The Commission will continue to take this kind of leadership role in international activities and forums to protect consumers and promote confidence in e-commerce.

Agreement between Commission and WA Office of Health Review

A cooperation agreement signed in Perth on 5 April 2001 by Commission Chairman, Professor Allan Fels, and the Director of the Office of Health Review, Mr David Kerslake, should lead to stronger consumer protection in the Western Australian health industry.

The agencies have agreed to provide each other with mutual assistance by exchanging information, appropriately referring matters and cooperating in compliance education and enforcement activities.

Professor Fels commented:

The cooperation agreement will allow complaints from consumers as well as from individual practitioners and others assisting in the provision of medical and health services in Western Australia to be dealt with more effectively.

Complaints about medical and health professionals can be made to health complaints offices in each State or Territory. These bodies investigate and conciliate complaints about the medical and health sector. The mission of the Office of Health Review is to improve the health system in Western Australia through impartial resolution of complaints and by recommending improvements in health providers practices and policies. The complementary role of the Commission under the Trade Practices Act is to enhance the welfare of Australians by promoting competition and fair trading and providing for consumer protection.

Flowing from a recommendation of the NSW Government inquiry into cosmetic surgery, the Commission and NSW Health Care Complaints

Commission (acting in consultation with its sister organisations) produced a guide, *Fair Treatment?* in July 2000 to help the health and medical sector develop strategies to improve compliance with the Trade Practices Act.

New Commission information centre

A new information centre recently developed for the Commission is already handling almost 90 per cent of entry-level calls and all email inquiries. The new centre has drawn on the GST PriceLine, which finished operating on 30 April 2001, for core facilities and staff.

Calls are automatically received from Canberra and Sydney and manually switched from regional switchboards. Email inquiries addressed to the old complaint addresses are transferred to the information centre. Calls may be dealt with directly or escalated to investigation staff. Regions and Canberra will have duty officers on standby for these escalated calls.

A new 1300 number for the centre will be added to new phone books and publications and rural and regional officers will be promoting it.

After the centre becomes fully operational on 1 July 2001 its operations will expand in various ways.

Daily bulletin/noticeboard

This will be used to ensure information centre staff can refer to up-to-date information. Staff throughout the Commission will provide information for the daily update which should become a valuable resource for the whole Commission.

Review and analysis

Periodical reviews are planned to identify trends, such as multiple calls on a trader or type of matter, or an increase in calls from a geographic region. The reviews should draw attention to issues worth investigating as well as the efficacy of, for example, education campaigns. Reviews should also help identify problems that need to be discussed with other agencies such as callers contacting the inappropriate agency.