
Guidance and information

Collective bargaining training workshops for dairy farmers

A team comprising ACCC regional outreach and small business managers, state and national dairy industry representatives, a consultant specialising in dairy pricing and marketing, and a representative from the Federal Department of Agriculture, Fisheries and Forestry (AFFA) recently presented workshops to dairy farmers on collective bargaining.

The workshops were designed to help dairy farmers understand and apply the Australian Competition Tribunal decision to allow collective bargaining. It will be a significant force when negotiating conditions that entail more than just the price of milk paid by processors. Many current supply agreements will expire in June 2003. Before starting negotiations on new contracts and supply agreements, farmers will now have the expertise to form collective bargaining groups.

The workshops were organised by AFFA and focused on the rules and processes involved in the formation of groups and the potential benefits of collective bargaining as a risk-management tool.

The workshops were held from 22 April to 7 May 2003 in regional locations in Queensland (Warwick, Gympie, Malanda), NSW (Casino, Nowra, Singleton, Taree), Victoria (Camperdown, Shepparton, Traralgon), South Australia (Murray Bridge, Mt Gambier), and Tasmania (Devonport).

Consumers have refund rights for recalled pharmaceuticals

The Commission is concerned that consumers may be unaware of their refund rights in relation to products produced by Pan Pharmaceuticals Limited.

ACCC Chairman, Professor Allan Fels, said that the ACCC is particularly concerned with public statements to the effect that such rights may not exist.

Consumers who have bought Pan Pharmaceutical products are protected under the Trade Practices Act by certain statutory rights. That is, consumers are entitled to products that are:

- fit for their intended purpose
- of merchantable quality by providing a basic, reasonable level of quality and performance.

If the products don't meet these requirements, under the Trade Practices Act consumers have a right to receive a refund when returning the products to the place of purchase.

For further information on:

- the products subject to the TGA's recall—phone the TGA's toll-free Consumer Helpline, 1800 220 007
- consumer rights under the Trade Practices Act—phone the ACCC's toll-free Infocentre number, 1300 302 502.

Country of origin guidelines for the furnishing industry

The Commission has issued guidelines on the country of origin claims made by the furnishing industry.

Country of origin claims were identified as a priority under the Furnishing Industry Action Agenda which is being overseen by the Parliamentary Secretary to the Minister for Industry, Tourism and Resources, Mr Warren Entsch.

Mr Entsch launched the guidelines at the Furnishing Industry Summit in Sydney on Friday, 28 March 2003.

The guidelines will assist furnishing manufacturers, wholesalers and retailers who want to make country of origin claims under the provisions of the Trade Practices Act.

The publication of the guide is an important part of the ACCC's broad industry compliance and education program relating to country of origin representations.

A working party, led by the ACCC and including representatives from the Furnishing Industry Association of Australia (FIAA) and the Department of Industry, Tourism and Resources, produced the guidelines. The working party undertook extensive research and worked with several furniture and furnishing companies to ensure that the guide addressed processes and issues specific to the industry.

The guide is the fourth in a series of six ACCC publications for industry. These guides have been successful in raising awareness about the country of origin provisions of the Act and are designed to ensure that consumers and industry have a similar understanding of what is meant by 'Made in ...' and 'Product of ...' claims. More specifically, the guides will help industries to comply with the Act's country of origin rules and provide guidance to the ACCC's interpretation of defences set out in Part V, Division 1AA of the Act.

Division 1AA sets out what characteristics the goods must have to ensure that a claim about the country of origin does not amount to misleading and deceptive conduct under the Act.

The 'Made in ...' defence in Division 1AA has two components:

- the goods must have been substantially transformed in the country claimed to be the origin
- 50 per cent or more of the cost of production must have been carried out in that country.

The 'Product of ...' defence has two rigorous criteria which must be met:

- the country of the claim must be the country of origin of each significant component of the goods
- all, or virtually all, processes involved in the production or manufacture must have happened in that country.

The furnishing industry—country of origin guidelines to the Trade Practices Act is available on the ACCC website, or by contacting the ACCC Publishing Unit on (02) 6243 1143. Copies of the guide will also be distributed by FIAA and ACCI to industry members. There is no charge for the guide.

Franchising Council of Australia breakfast seminars

The Franchising Council of Australia (FCA) organised a rolling series of breakfast seminars in March 2003 in Melbourne, Adelaide, Perth, Brisbane and Sydney. Richard Evans, the CEO of the Franchise Council, requested the ACCC regional and rural section to participate at these seminars. The main theme was unconscionable conduct, but other topics covered were issues relating to franchising such as product safety, allegations of unconscionable conduct in retail tenancy, misrepresentations and third line forcing.

The presentations also included information on the newly established ACCC Franchising Consultative Panel. This is a small focus group brought together by the ACCC that involves key players from the industry examining franchising issues. It will meet twice a year and will provide feedback on franchising activities.

The presentations were very well received in all locations, with a total of about 270 people attending the breakfasts.

Product safety bans and standards

Bunk beds

Following the introduction of the mandatory safety standard for bunk beds in November 2002, concern was raised by several stakeholders that portable bunks and built-in bunks for caravans and other forms of conveyance would be covered by the standard. This was not the intention of the standard. Consequently, in March 2003, the mandatory standard was re-gazetted to exclude bunk beds designed for camping or bunk beds that are built-in fitments in caravans, camper trailers, tent trailers, camper vans, motor homes, trains, ships, aircraft and other types of conveyances.

Portable fire extinguishers

This standard was recently re-gazetted to ensure continuance of the mandatory product safety standard. The mandatory standard will remain in effect until 31 March 2008.

Candles and candle wicks with lead

These products have been the subject of two temporary bans over the past three years. Consumer Protection Notice No 7 of 2002, gazetted on 30 October 2002, has permanently banned candles with wicks and candle wicks where the wicks contain more than 0.06 per cent lead by weight.

The ban was declared because studies showed that burning candles that contained lead in confined areas could have a harmful effect. Initially all lead was banned, but that was later amended to allow for the small amount of lead that can occur naturally.

Children's dart gun sets

An 18-month temporary ban on this product came into effect on 26 March 2003. The goods banned are dart gun sets that are designed for children consisting of:

- firing gun
- suction tipped darts of a size that allows them to fit into the small parts test cylinder referred to in the standard.

The ban references clause 5.2 of the Australian and New Zealand Standard AS/NZS ISO 8124.1:2002.

While a specific product called 'Pull-Back Action Target Game' was involved in the death of a child in NSW, the ban is not limited to that brand. This toy has also been implicated in the deaths of two children overseas.

ACCC small business program links education and business

The ACCC small business program has a long-term vision to create a better informed business community. On 24 March the Victorian ACCC small business manager (SBM) gave a presentation to students completing a business course at the Victorian University of Technology (VUT). The presentation created awareness of consumer protection laws and in particular the Trade Practices Act.

The university has approximately 50 000 students in its higher education and TAFE divisions and has a network of 14 campuses in Melbourne's western region and central business district. The VUT is linked to the business enterprise centres of Australia and this has enabled the ACCC to reach a wider business network encompassing two groups of people—business students and those who are in business.

The ACCC has forged closer links to Victorian business enterprise centres and is continuing to provide trade practices information and education to the small business sector. The business enterprise centres are located in city and country areas throughout Australia and are currently part of the ACCC's regional supporters' network.

