
Appendix 2 Public information

This appendix contains lists of:

- speeches by commissioners
- media releases
- some public register material.

Speeches

ACCC chairman, Graeme Samuel

A competitive telecommunications industry—issues in competition and consumer law. The Australian Financial Review Telecom Summit, 27 November 2003.

Industry regulation—can voluntary self-regulation be effective? Centre for Corporate Public Affairs 2003 Oration, 25 November 2003.

Advance Australia competitive and fair: a perspective of the Australian Competition and Consumer ACCC. 2003 Melbourne Economic and Social Outlook Conference, 14 November 2003.

Balancing the competitive pressures Conference: National Press Club, Canberra, 12 November 2003.

ACCC deputy chair, Louise Sylvan

Keynote address. Annual General Meeting 2003 of the National Product Association, 4 December 2003.

Commissoner John Martin

Unconscionable conduct in retail leasing: how to identify and avoid it. State Library Theatre, Melbourne, 5 November 2003.

For copies of speeches please email speeches@acc.gov.au

Media releases

232/03 Federal Court orders will writers guild to compensate franchisee \$137 697. 3.11.03

233/03 Federal Court declares eucalyptus oil claims to be misleading, deceptive. 5.11.03

234/03 No rewards for pyramid selling. 6.11.03

235/03 Federal Court finds 'Green' claims to be misleading. 11.11.03

236/03 ACCC alleges price-fixing petrol Cartel. 11.11.03

237/03 Esanda to pay \$20 000 compensation over re-possession fracas. 12.11.03

238/03 ACCC to publish reasons for its merger decisions. 12.11.03

239/03 Airport quality monitoring report issued. 13.11.03

240/03 ACCC rejects building industry merger. 17.11.03

241/03 Country of origin guidelines for the electrical goods industry. 18.11.03

242/03 ACCC authorises code of conduct governing drug companies' dealings with doctors. 18.11.03

243/03 ACCC discontinues proceedings alleging resale price maintenance. 20.11.03

244/03 Changes to market rules provide greater certainty for electricity retailers. 21.11.03

245/03 Qantas airlines matter discontinued. 21.11.03

246/03 ACCC releases Commonwealth bank from Colonial Ltd undertaking early. 25.11.03

247/03 ACCC health sector report raises concerns. 25.11.03

248/03 ACCC opposes Coca Cola's proposed fruit juice acquisition. 26.11.03

249/03 ACCC proposes to allow self-regulation for mortgage industry association. 26.11.03

250/03 Call for comment on competition in corporate Telco markets. 28.11.03

251/03 ACCC calls for comment on anti-competitive conduct guide in telecommunications markets. 28.11.03

252/03 ACCC 's Competing Fairly Forum—cyberspace launch. 2.12.03

253/03 Advanced Medical Institute and managing director admit misleading patients about impotency treatments. 3.12.03

- 254/03 ACCC not to oppose acquisition in construction industry. 4.12.03
- 255/03 Amendments to the national electricity code provide greater flexibility for market participants. 4.12.03
- 256/03 ACCC Calls for submissions on Telstra's proposed line sharing service access undertaking. 4.12.03
- 257/03 ACCC institutes against Gary Peers and Associates Pty Ltd over alleged real estate underquoting. 5.12.03
- 258/03 Stevedoring productivity gains continue: ACCC. 5.12.03
- 259/03 ACCC Issues Moomba to Sydney gas pipeline final approval. 8.12.03
- 260/03 ACCC decision maintains life insurance bar on genetic testing. 8.12.03
- 261/03 Court orders corrective ads by Commonwealth Bank. 10.12.03
- 262/03 Access reform commitment allows zero EFTPOS wholesale fee proposal to go ahead. 11.12.03
- 263/03 Tribunal review of ACCC decision on Moomba to Adelaide pipeline system. 11.12.03
- 264/03 ACCC and Rural Press: High Court decision. 11.12.03
- 265/03 Misleading air conditioner ducting advertising corrected. 12.12.03
- 266/03 ACCC alleges unconscionable conduct by SA's biggest retailer of electrical goods. 12.12.03
- 267/03 ACCC grants exemption to Foxtel/Telstra for digital Pay TV services. 12.12.03
- 268/03 ACCC calls for submissions on Telstra's revised access undertakings for core telecommunications services. 15.12.03
- 269/03 San Remo reviews couscous GI claims. 16.12.03
- 270/03 ACCC institutes against Japanese company over honey drink with 'Product of Australia' claims. 16.12.03
- 271/03 Full Federal Court upholds decision that MBF Health Insurance advertising was false and misleading. 16.12.03
- 272/03 ACCC warns suppliers of children's make-up. 17.12.03
- 273/03 ACCC not to oppose acquisition of Harris & Company Ltd by Rural Press Ltd. 17.12.03
- 274/03 ACCC decision paves way for increased investment in Tasmania's electricity transmission network. 17.12.03
- 275/03 ACCC not to oppose merger between Tabcorp Holdings Limited and TAB Limited or the proposed merger between UniTab and Tab Limited. 18.12.03
- 276/03 ACCC allows proposal to improve towing services for IAG policy holders. 18.12.03
- 277/03 ACCC allows David Jones to offer broader range of discounts to customers 18.12.03
- 278/03 Federal Court finds elements of property scheme misleading. 18.12.03
- 279/03 ACCC not to oppose proposed joint venture bid by Qantas and Australia Post for Star Track Express. 19.12.03
- 280/03 Manildra divestiture undertaking satisfied. 19.12.03
- 281/03 \$3.5 million penalties for NSW fire protection industry price. 19.12.03
- 282/03 Court declares National Telecoms Group misled customers after ACCC action. 19.12.03
- 283/03 ACCC disappointed by AGL decision. 19.12.03
- 284/03 ACCC issues first Telstra accounting separation reports. 22.12.03
- 285/03 Reader's Digest admits misleading conduct, demanding payment for unsolicited goods. 22.12.03
- 286/03 ACCC addresses competition restrictions of sideshow alley arrangements 22.12.03
- 287/03 ACCC proposes reducing regulation of transmission capacity services. 23.12.03
- 288/03 ACCC accepts NT shipping undertaking. 23.12.03
- 289/03 ACCC takes court action against Paraglider company. 23.12.03
- 290/03 Tribunal review of ACCC decision on GasNet tariffs. 23.12.03

Media releases are available from the Director Public Relations, Ms Lin Enright on (02) 6243 1108, and from the ACCC's website at <<http://www.accc.gov.au>>.

Public registers

The ACCC is required to create and maintain public registers under the legislation it administers: the *Trade Practices Act 1974* and the *Prices Surveillance Act 1983*.

The ACCC also maintains a number of voluntary public registers because it considers the information they contain should be available to the public. One of these registers covers the delegated section of the *Australian Securities and Investments Commission Act 1989*.

Through these registers the ACCC remains transparent and accountable in its decision making.

Currently there are more than 20 statutory and voluntary public registers. The information they contain can vary from a few sentences giving a decision only, through to a comprehensive file of many pages.

Indexes and electronic versions are progressively being made available at the ACCC's website <<http://www.accc.gov.au/pubreg/pubreg.htm>>.

Mergers examined under s. 50

The following is a list of mergers examined by the ACCC during the reporting period. The list of non-confidential mergers examined by the ACCC is periodically updated on a public register held at the ACCC.

Newcastle Civic Credit Union Limited/Hunter United Employees Credit Union Limited—market for the provision of financial services in South Wales.

On 2 December 2003 the ACCC decided that it would not oppose the proposed merger between the Energy Credit Union and the Police & Nurses Credit Society.

On 11 November 2003 the Australian Prudential Regulation Authority informed the ACCC of the transfer of the entire business from Newcastle Civic Credit Union Limited to Hunter United Employees Credit Union Limited.

Credit unions offer a broad range of financial services. In the main, credit unions offer savings products including term deposit accounts and transaction accounts, loan products which include personal loans, car loans, mortgage loans and credit cards, as well as financial planning advice and business

accounts. Credit unions offer a similar range of products to banks and building societies.

The proposed merger will not cross the ACCC's concentration thresholds for either the exercise of unilateral market power or combined market power in providing financial services and therefore a substantial lessening of competition is unlikely.

MiTek Australia Limited and Austrim Nylex's Pryda and Reid Group of businesses—the national market for the development and supply of computer aided design software, connector plates and ancillary design and engineering support services used in the manufacture of pre-fabricated timber frames and trusses.

On 1 July 2003 the ACCC received a complaint that Austrim Nylex Limited was proposing to sell its Pryda and Reid group of businesses. Austrim subsequently confirmed it was undertaking the sale and on 11 August 2003 MiTek Australia Limited advised the ACCC of its interest in acquiring Pryda Reid.

MiTek was advised of the ACCC's concerns about the proposed acquisition on 10 September 2003. It subsequently presented supplementary material and some draft undertakings for the ACCC's consideration.

On 12 November 2003 having considered the additional material supplied by MiTek the ACCC determined it would not accept the proposed undertakings and it would oppose the proposed acquisition.

The ACCC conducted market inquiries with interested parties. These inquiries indicated that the acquisition would remove a vigorous and effective competitor from the market and post-merger the merged entity would virtually dominate the market with 85–90 per cent market share. Barriers to entry were considered high, there was a lack of viable substitutes and the ACCC considered it unlikely that a viable new entrant would emerge able to constrain the merged entity. The ACCC also noted the lack of imports and the absence of countervailing power by the fabricators

The ACCC therefore concluded that an acquisition of Pryda Reid by MiTek was likely to result in a substantial lessening of competition in breach of s. 50.

CDH Staff Credit Union Limited/Resources Credit Union Limited—market for the provision of financial services in NSW.

On 17 November 2003 the Australian Prudential Regulation Authority informed the ACCC of the

transfer of the business of C.D.H. Staff Credit Union Limited to Resources Credit Union Limited.

On 14 November 2003 the ACCC decided that it would not oppose the proposed merger of C.D.H. Staff Credit Union Limited with Resources Credit Union Limited.

Credit unions offer a broad range of financial services similar to that offered by banks and building societies.

The proposed merger will not cross the ACCC's concentration thresholds for either the exercise of unilateral market power or combined market power for the provision of financial services, and therefore a substantial lessening of competition was considered unlikely.

Commonwealth Bank of Australia Ltd (s. 87B undertakings given in respect of acquisition of Colonial Ltd)—market for the provision of retail banking services in Tasmania and regional NSW.

On 19 November 2003 the ACCC agreed to grant the Commonwealth Bank an early release from undertakings regarding the bank's acquisition of Colonial.

The Commonwealth Bank gave court enforceable undertakings to the ACCC at the time of acquiring Colonial in May 2000 to resolve the ACCC's concerns about the competitive overlap between the two banks in the regional New South Wales and Tasmanian retail banking markets. In particular, the ACCC was concerned about the effect of the acquisition on competition in term deposits, transaction accounts and small to medium enterprise banking services.

The undertakings provided for monitoring of the Commonwealth Bank's retail banking charges, service quality and product range in Tasmania and New South Wales by independent regulators. The undertakings provided that the charges, service quality and product range in Tasmania and regional New South Wales would be no less favourable than those offered to its customers in metropolitan New South Wales. The monitors' reports were received by the ACCC on a six-monthly basis.

The undertakings also required the Commonwealth Bank to implement certain structural changes, including providing competitors such as regional banks and credit unions with access to its national EFTPOS and ATM networks, vacating certain of its retail banking sites in regional New South Wales and Tasmania, and providing support to new entrants to the retail banking market in those areas.

While the full term of the undertakings was for five years, the undertakings provided for an early release to be granted to the Commonwealth Bank after three years where the ACCC agreed that the Commonwealth Bank had substantially complied with the terms of the undertakings to that date. On the basis of:

- monitors' reports received by the ACCC
- information provided to the ACCC by the Commonwealth Bank about the structural changes it had implemented (which included making its national ATM and EFTPOS networks available to competitors and taking steps to make vacated sites in Tasmania and regional New South Wales available to competitors).

The ACCC considered that the Commonwealth Bank had substantially complied with the undertakings over the first three years of their term.

Proposed acquisition of Berri Limited by Coca-Cola Amatil Limited—the national market for the manufacture and wholesale supply of carbonated soft drink and the national market for the manufacture and wholesale supply of chilled and ambient fruit juice and fruit drink.

In October 2003 the ACCC advised CCA that the proposed acquisition could substantially lessen competition in the national market for production and wholesale supply of chilled and ambient fruit juice and fruit drink (FB), in breach of s. 50 of the Act.

Following market inquiries, the ACCC found that carbonated soft drinks, FB and other beverages were complementary rather than substitutable at the wholesale level as these products form part of a range of beverages that retailers must carry to meet customers' demands. The ACCC considered that CCA could exert its market power to link sales of the Berri fruit juice products to its dominant Coca-Cola soft drink product. As retailers would also have commercial incentives to bundle Berri's FB products with CCA's leading portfolio of beverages, the ACCC's investigation strongly suggested that the likely effect of the Berri acquisition would be reduced consumer choice and ultimately, higher prices for consumers.

In November 2003 the ACCC determined it would not accept behavioural undertakings from CCA and announced it would oppose the proposed acquisition.

Pacific Brands (acquisition of Kolotex (Australia) Pty Ltd)—national market for hosiery.

On 25 November 2003 the ACCC decided not to take any action regarding the acquisition of Kolotex (Australia) Pty Ltd by Pacific Brands.

Pacific Brands, which manufactures hosiery sold under the Kayser, Schiaparelli, Razzamattaz, Sexy Legs, Cats and Supremes brands, acquired Kolotex, which manufactures hosiery under brands including Voodoo, Kicks, Sheer Relief and Silk Reflections on 6 August 2003 through its wholly owned subsidiary Pacific Brands Clothing Pty Ltd.

The ACCC conducted extensive inquiries of customers and competitors in assessing the acquisition.

The ACCC considered that the acquisition was unlikely to result in a substantial lessening of competition. While the merged entity holds in excess of the 80 per cent of the national hosiery market, crossing the ACCC's merger guidelines thresholds for the exercise of unilateral market power, the ACCC felt that there was a number of significant competitive constraints on the market behaviour of the merged entity.

The ACCC also considered that the level of imports in the market, around 15 per cent, would guard against any price rises by the merged entity. Readily available imports from countries such as China were also considered likely to provide opportunities for new entry into the market or expansion by existing market participants. The ACCC considered the role played by tariff protection, but took the view that rising trend imports indicated that tariffs did not constitute a substantial barrier to entry, particular given the legislated reduction in textile, clothing and footwear tariffs scheduled to take effect in January 2004.

Over 50s Mutual Friendly Society Limited/Ancient Order of Foresters in Victoria Friendly Society Limited—market for savings and investment products.

On 7 November 2003 the ACCC was informed by the Australian Prudential Regulation Authority of the voluntary partial transfer of business of the Over 50s Mutual Friendly Society Ltd to the Ancient Order of Foresters in Victoria Friendly Society. Both of these Friendly Societies are based in Victoria.

On 25 November 2003 the ACCC decided not to oppose this merger because it did not cross any of the ACCC's market concentration thresholds for the exercise of market power and therefore was unlikely to result in a substantial lessening of competition.

Suncorp-Metway Limited/RACT Insurance

Ltd—the Tasmanian market for domestic motor insurance and the Tasmanian market for home and contents insurance (the ACCC considered that these markets could be in transition to a national market).

On 10 October 2003 the ACCC received a submission from Suncorp-Metway Limited about the proposed acquisition of a competitor, RACT Insurance Ltd.

It is proposed that Suncorp-Metway Insurance Limited will acquire RACT Insurance. As soon as practicable after that occurs, GIO Limited Insurance Limited intends not to offer any further personal lines insurance products directly in Tasmania, and its existing customers will be sent renewal notices as and when renewals fall due, by RACT Insurance.

On 16 December 2003 the ACCC decided not to oppose the proposed acquisition. The ACCC considered that the proposed acquisition was unlikely to lead to a substantial lessening of competition in the relevant markets because, following the acquisition, the merged entity would be constrained by large competitors and by the relatively low barriers to entry for expansion. Given these constraints the ACCC concluded that the acquirer would be unable to increase prices or profit margins post-acquisition.

Perkins Shipping Pty Ltd (s. 87B undertaking given in respect of its acquisition of Gulf Freight Services Pty Ltd)—regional market for coastal freight.

On 22 December 2003 the ACCC accepted an undertaking from Perkins Shipping about access to port facilities at Gove and maintaining levels of customer service.

The undertaking follows on from the acquisition by Perkins of Gulf Freight Services, which formerly competed with Perkins in providing coastal shipping services to the remote communities of north-western Australia, the Northern Territory and the Gulf of Carpentaria.

The ACCC's market inquiries gave rise to a concern that because of the acquisition, any new entrants to the market which may potentially compete with Perkins could be foreclosed from access to and use of the present wharf facilities and any new wharf facility in the Port of Gove.

The ACCC considered that the nature of the market is such that new entry may be infrequent due to economies of scale, the duration of major freight contracts as well as the remoteness and size of

many of the communities. However, the ACCC considered it important to ensure that access at Gove, a major port in the region, would be available for new entry.

The undertaking provides that Perkins will not, consistent with its own operations, hinder or prevent any new entrant which: uses or proposes to use the new wharf for land transport, freight forwarding operations or the movement by sea of goods or produce; or provides or proposes to provide services at the Port of Gove, from having access to the new wharf and associated hard stands and access roads.

Market inquiries also revealed some concern on the part of remote communities that services may decline with one operator providing coastal cargo services in the region.

Perkins Shipping will take steps to publicise its service charter (which will reflect industry best practice and cover the nature of its services, delivery times/ scheduling, pricing policies, policies with respect to damage to goods, insurance and complaints handling) and will institute a dispute resolution procedure involving independent referees and experts where necessary. The charter and dispute resolution measures will be made available to Perkins' customers, including remote communities.

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 ACCC following a ACCC investigation. The ACCC keeps a public register of such undertakings.

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

Schwarze Industries Australia Pty Ltd, ss. 52, 53(a), 53(eb) and 55. Misleading or deceptive conduct, false or misleading representations.

6.11.03 undertaking from Schwarze Industries Australia Pty Ltd.

Schwarze sells a range of road sweepers throughout Australia.

The buyers of these road sweepers are predominantly local government authorities and other commercial entities that use the vehicles for cleaning facilities or to contract sweep local government and industrial sites.

The ACCC has expressed concerns about certain documentation distributed by Schwarze over a period of approximately two years in response to tender requests from many local government authorities and appearing on its website. It included some representations as to the Australian content of the sweepers and the country of origin of some of the constituent parts of the sweepers that may contravene ss. 52, 53(a), 53(eb) and 55 of the Act.

Schwarze has agreed to:

- stop making representations of the type referred to above
- circulate a corrective notice to affected consumers
- implement a trade practices compliance program.

Des's Cabs Pty Ltd, s. 45. Agreements lessening competition

11.11.03 undertaking from Des's Cabs Pty Ltd to:

- refrain from agreeing to or operating a roster arrangement or system that specifies when taxis or taxi owners or operators are not permitted to seek work between Des's Cabs Pty Ltd and private taxi owners in Whyalla and Port Augusta
- undertake a trade practices compliance program.

Hoyts Multi-Plex Cinemas Pty Limited, s. 50. Prohibition of acquisition that would result in substantial lessening of competition.

12.11.03 undertaking from Hoyts Multi-Plex Cinemas Pty Limited.

These are variations to the undertakings accepted by the ACCC on 13.12.02. The variation provides for the closure of the Val Morgan slide advertising business. Val Morgan will honour existing contractual obligations to exhibitors and advertisers. Val Morgan will honour their contractual obligations to independent exhibitors and, where required by those obligations, continue to pay agreed minimum guarantee payments where there is no mechanism to adjust the minimum guaranteed payment as a result of ceasing to sell any further slide advertisements for exhibition on the screens of the independent exhibitor.

Val Morgan is to provide reasonable notice (2 months) to exhibitors as soon as possible that it will not continue to sell slide advertising; and that all existing contracts with advertisers (including those entered into during the notice period) will be honoured and allowed to continue after the date on which Val Morgan cease to sell slide advertising until their contractual obligations are satisfied.

Toyota Motor Corporation Australia Limited, ss. 52, 53(a). Misleading or deceptive conduct, false or misleading representations.

20.11.03 undertaking from Toyota Motor Corporation Australia Limited.

Following misrepresentation of the availability of rear power windows on Toyota Corolla Levin wagons from December 2001 to October 2002, the ACCC accepted court enforceable undertakings from Toyota Motor Corporation Australia Limited.

The undertakings include consumer redress measures to be taken and details of a future compliance review program.

Heatshield Ductair Pty Ltd, ss. 52, 53(c) and 55. Misleading or deceptive conduct, false or misleading representations.

10.12.03 undertaking from Heatshield Ductair Pty Ltd.

Heatshield, an Adelaide-based air conditioning ducting manufacturer, has provided section 87B undertakings to the ACCC about false and misleading representations made about the energy efficiency of its flexible ducting products.

Heatshield engaged a research group to test the insulation aspects of its flexible ducting against a selection of its competitors' products. Using the test results to promote its products, the company made misleading comparison claims against its competitors.

Heatshield Ductair has undertaken to:

- stop making the false and misleading representations
- apologise in writing to its customers and competitors
- implement a trade practices compliance program for a period of three years.

San Remo Macaroni Company Proprietary Limited, ss. 52, 53(a). Misleading or deceptive conduct, false or misleading representations.

15.12.03 undertaking from San Remo Macaroni Company Proprietary Limited.

San Remo is a manufacturer and wholesaler of pasta and other foods. Until approximately October 2003, one of its products 'San Remo medium grain couscous' was available in supermarkets in packaging bearing a representation to the effect that this product had a low glycemc index. It is generally accepted that couscous has a medium GI and accordingly San Remo's representation was likely to be in breach of ss. 52 and 53(a) of the Act.

The ACCC has accepted an undertaking from San Remo to:

- refrain from making GI representations unless it has a reasonable basis in scientific knowledge or testing for making those representations
- implement and maintain a trade practices compliance program.

Reader's Digest (Australia) Pty Limited, ss. 52, 53(g) and 64. Misleading or deceptive conduct, false or misleading representations, assertion of right to payment for unsolicited goods or services.

19.12.03 undertaking from Readers Digest (Australia) Pty Ltd to:

- not demand payment, assert a right to payment or threaten to bring legal proceedings to obtain payment for any magazine, book, cassette tape, video tape, compact disc or DVD unless it has received a request for the goods
- not imply a request for goods from the silence or inaction of the recipient
- establish and maintain a trade practices compliance program
- appoint an independent auditor to review the internal operations of its business which lead to the breaches and implement the recommendations of that review
- place an advertisement in its monthly magazine and one major newspaper in each capital city and post a notice on its website informing customers of its breaches of the Act
- send to all persons on its current mailing list a letter informing them of its breaches of the Act
- produce a training video explaining the operation of the relevant provisions of the Act which all staff will be compelled to view and which will be available to members of the public on its website and provide the video to all current members of the Australian Direct Marketing Association
- pay refunds totalling \$1437.83 to two named persons who paid for unsolicited goods in response to demands for payment by Reader's Digest.

Perkins Industries Pty Ltd, s. 50. Prohibition of acquisition that would result in substantial lessening of competition.

24.12.03 undertaking from Perkins Industries Pty Ltd.

The ACCC has accepted an undertaking from Perkins Shipping with regard to access to port facilities at Gove and maintaining levels of customer service. The undertaking follows on from the acquisition by Perkins of Gulf Freight Services, which formerly competed with Perkins in the provision of coastal shipping services to the remote communities of north-western Australia, the Northern Territory and the Gulf of Carpentaria.

The ACCC's market inquiries gave rise to a concern that as a result of the acquisition, any new entrants to the market which may potentially compete with Perkins could be foreclosed from access to and use of the present wharf facilities and any new wharf facility in the Port of Gove. The nature of the market is such that new entry may be infrequent because of economies of scale, the duration of major freight contracts as well as the remoteness and size of many of the communities. However, the ACCC considered it important to ensure that access at Gove, a major port in the region, would be available in the event of new entry.

The undertaking provides that Perkins will not, consistent with its own operations, hinder or prevent any new entrant which:

- uses or proposes to use the new wharf for land transport, freight forwarding operations or the movement by sea of goods or produce
- provides or proposes to provide services at the Port of Gove from having access to the new wharf and associated hard stands and access roads.

Market inquiries also revealed some concern on the part of remote communities that services may decline with one operator providing coastal cargo services in the region.

Perkins Shipping will take steps to publicise its service charter (which will reflect industry best practice and cover the nature of its services, delivery times/scheduling, pricing policies, policies with respect to damage to goods, insurance and complaints handling) and will institute a dispute resolution procedure involving independent referees and experts where necessary. The charter and dispute resolution measures will be made available to Perkins' customers, including remote communities.

Subsection 51(1) exceptions to the Trade Practices Act

Under s. 51(1) of the Trade Practices Act, statutory exception to 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 ACCC is required to provide a cumulative list of such legislation in its annual report.

The ACCC *Journal* progressively updates this list throughout the year. Please note that the list is compiled primarily from information supplied to the ACCC by the Commonwealth, states and territories under the conduct code agreement. It is possible that, from time to time, a government may fail to advise the ACCC of the passing or repeal of legislation made in reliance upon s. 51(1). Therefore this may not be a complete list of all relevant legislation.

Commonwealth

Trade Practices Act 1974—Part X, Division 5 and section 173

Wheat Marketing Act 1989

Australian Postal Corporation Act 1989

Year 2000 Information Disclosure Act 1999

New South Wales

Totalizer Act 1997

Registered Clubs Act 1976

Liquor Act 1982

Marketing of Primary Products Act 1983

Farm Produce (Repeal) Act 1996

Coal Industry Act 2001

Industrial Relations Amendment (Public Vehicles and Carriers) Act 2001

Industrial Relations (Ethical Clothing Trades) Act 2001

Poultry Meat Industry Amendment (Price Determination) Act 2002

Olympics Arrangements Act 2000*
 Olympic Roads and Transport Authority Act 1998*
 Competition Policy Reform (NSW) Regulation 1996*
 Sydney Organising Committee for the Olympic Games Act 1993*

Queensland

Petroleum Act 1923
 Gladstone Power Station Agreement Act 1993
 Forestry Act 1959
 Chicken Meat Industry Committee Act 1976
 Sugar Industry Act 1999
 Year 2000 Information Disclosure Act 1999*
 Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000*
 Competition Policy Reform (Queensland—Dairy Industry Exemptions) Regulation 1998*
 Competition Policy Reform (Queensland—Sugar Industry Exemptions) Regulation 1998*
 Competition Policy Reform (Queensland) Act 1996*

Victoria

Gas Industry Act 2001
 Gas Industry Act 1994
 Gas Industry (Residual Provisions) Act 1994
 Barley Marketing Act 1993*
 Competition Policy Reform (Victoria) Act 1995*
 Electricity Industry (Amendment) Act 1996*
 Electricity Industry (Trade Practices) Regulations 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 Act 1979
 Grain Marketing Act 2002

South Australia

Barley Marketing Act 1993
 Authorised Betting Operations Act 2000

Northern Territory

Electricity Reform Act 2000
 Water Supply and Sewerage Act
 Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations
 Year 2000 Information Disclosure Act 1999*

*Subsection 51(1) exceptions no longer current.