

June 2003

From the Small Business Commissioner

From 1 July Graeme Samuel will be the new ACCC chairman and will act in the role for 12 months.

For the past seven years Mr Samuel has been the President of the National Competition Council (NCC) which has driven reform in state and Commonwealth regulatory functions.

There has always been a significant overlap and cooperation between the NCC and the ACCC.

Those of us at the ACCC who know Graeme Samuel, including our departing chairman Allan Fels, regard Mr Samuel highly and consider he will be a high profile force in competition and consumer protection and in promoting a fair competitive environment for small business.

Important recent developments involving the ACCC's role with small business and regional Australia have included the following.

- The development of a draft mango industry code of conduct involving all in the supply chain from growers through to retailers. The mango code is an offshoot of the Retail Grocery Industry Code of Conduct and was initiated at a forum in Darwin at which I had the opportunity to speak.
- Dairy industry collective bargaining workshops were conducted in several states with the support of the Commonwealth Agriculture Department. A report on outcomes points to reasonable success in getting information out to dairy farming interests.
- More talks with representatives of smash repairers, insurance industry and consumers—leading to an ACCC report in response to allegations of anti competitive and misleading practices and proposals for a national code of conduct.
- I have established ongoing links with the new Victorian Small Business Commissioner Mark Brennan who has responsibility for upgraded retail tenancy laws (which came into force on 1 May) and other competition-type issues that affect small business.

ACCC Hotspot—Did you know?

You can receive ACCC information via email. As a subscriber you will receive a range of information including *Consumer Express* and the *ACCC Briefing*. Simply email small.business@acc.gov.au with your details.

INTERNATIONAL COOPERATION

Cooperation with Japan in competition issues

The ACCC and Japan Fair Trade Commission (JFTC) are discussing the possibility of a formal cooperation agreement on competition issues between Australia and Japan.

Recent discussions between the chairmen, Professor Allan Fels and Mr Kazuhiko Takeshima, focused on the benefits of enhanced cooperation and coordination in the application of competition laws in a global context. The ACCC has cooperation agreements with a range of counterpart organisations in other countries including the USA and Canada.

MR 14/05/03

UNCONSCIONABLE CONDUCT

High Court dismisses ACCC appeal

The High Court of Australia has dismissed an ACCC appeal which sought to restore a trial judge's finding that shopping centre landlords had acted unconscionably by requiring particular lessees to abandon legal claims against the landlords as a condition for lease renewals.

It was the first time the High Court was asked to interpret the unconscionability provisions for the purpose of s. 51AA of the Trade Practices Act.

Although the High Court appears to adopt a restrictive interpretation, the decision has helped to clarify the application of s. 51AA, one of three provisions dealing with unconscionable conduct. In taking the court action the ACCC sought to explore the effectiveness of this section in protecting tenants and small business.

MR 10/04/03

PRODUCT SAFETY

Vehicle jacks

An ACCC product safety survey found that vehicle jacks supplied with a range of new Proton and Audi motor vehicles failed to comply with the jack warning labelling and safe usage instructions.

The safety standard fixes mandatory performance criteria and requires specified warnings and safe usage instructions to be provided with vehicle jacks. Proton Cars Australia, Audi Australia and Daewoo Automotive Australia all gave court enforceable undertakings to the ACCC setting out the remedies they are implementing.

The ACCC regularly reviews goods subject to mandatory product safety standards and is currently engaged in court action against BMW on a jack related matter.

MR 15/04/03

Some items in *ACCC Briefing* refer to media releases and their dates e.g. MR 12/02/03. These can be found on the ACCC website <www.accc.gov.au>. Other reports and documentation are also generally available on the website. Subscribe to *ACCC Briefing* by emailing small.business@acc.gov.au. For TPA information - ACCC Infocentre 1300 302 502.

Full price advertising

The need for business to fully inform consumers about the price of goods or services on offer including the GST has been reinforced in a recent Federal Court case.

Federal Court Judge Stone found that Signature Security Group had breached the TPA by advertising and promoting its security system exclusive of GST and on a 'price plus GST' basis.

The court ruled that ads which specified prices without stating that an additional GST component was payable were false, misleading and deceptive. Advertisements which specified prices as 'from just \$295*' and in fine print elsewhere in the ad stated '*plus GST where applicable' were ruled to be false, misleading and deceptive. Price advertising is a drawcard for consumers and advertisers must be upfront about any additional costs.

The ACCC is concerned about trends for vendors not to fully disclose known components of a price in advertisements. For instance, in air travel the industry leaders Qantas and Virgin Blue gave undertakings to include all taxes and charges in headline ads for airfares and this has become the general practice in the industry.

MR 06/05/03

Hardware advertising

Mitre 10 Australia has admitted that aspects of its June 2001 annual clearance sale advertising on television and radio were misleading and deceptive.

The advertising stated that it was a '15% Off Everything' sale. The ACCC alleged that the campaign failed to disclose or to disclose adequately that not everything was reduced by 15 per cent. Mitre 10 and its directors cooperated in settling this matter, avoiding the need for trial.

Companies must ensure that prominent claims are either self-explanatory or are appropriately and prominently clarified if there are important exceptions.

MR 08/05/03

Tour promotions

The Federal Court has declared that Voyages Hotels and Resorts misled consumers by promoting tours to Yulara Pulka Aboriginal land near Uluru when they did not have permission to enter the land or conduct the tours.

Voyages has given a court enforceable undertaking not to promote tours to Yulara Pulka if it does not have the required permit or agreement with Aboriginal parties.

The ACCC took court action to ensure that representations made in the tourist industry about access to Aboriginal land do not mislead consumers. Tourism operators should not be in a position to achieve an unfair advantage over their competitors.

MR 07/05/03

ACCC Hotspot—Motor vehicle advertising guideline

Motor vehicle manufacturers, dealers, advertisers, media and consumers representatives met in early June to discuss possibly misleading elements of print and electronic price advertising.

They considered a draft safe harbour guideline prepared by the ACCC. The guideline is now being reviewed on the basis of comments made at the meeting.

For further information, contact Sherif Seid by phone (02) 6243 1351.

Consumer refunds—recalled pharmaceuticals

The ACCC is concerned that consumers may be unaware of their refund rights in relation to products produced by Pan Pharmaceuticals (PP).

Consumers have statutory rights under the Trade Practices Act and are entitled to products that are, among other things:

- fit for their intended purpose and
- of merchantable quality.

If products do not meet these requirements, consumers have a right to a refund when returning them to the place of purchase. In some cases, if it is unclear where the goods were purchased, proof of purchase may be required.

For more information call the ACCC Infocentre on 1300 302 502.

MR 30/04/03

Fitness product refunds

Following action by the ACCC a fund of \$1.2 million will be made available in refunds to consumers who were misled or deceived by the promoters of a health and fitness product.

Among other representations the Buyers Group represented on television and on the company website that its product, the 'Feminique Slimming System', an electronic muscle stimulation machine, can:

- burst fat and
- flatten the user's stomach without any effort by the user.

By consent of both parties, Justice Cooper of the Federal Court declared that the representations were misleading and deceptive.

Consumers who believe they have been misled have 28 days from the conclusion of the company's corrective advertisements to apply for a refund.

Information is available from the ACCC Infocentre on 1300 302 502.

MR 29/04/03

Washing machine refunds over energy claims

Consumers may be eligible for refunds following ACCC and Australian Greenhouse Office action over allegedly misleading claims of energy ratings on Haier brand washing machines.

The ACCC accepted court enforceable undertakings from Retravisson and Haier Australia. The undertakings provide for a full refund to consumers who bought the machines.

Retravisson will send letters to all consumers offering the refund. Haier will provide the refunds. Both companies cooperated with the ACCC.

MR 28/04/03

International consumer protection and enforcement

The International Consumer Protection and Enforcement Network (ICPEN) offers the following tips to consumers:

- if the deal sounds too good to be true, it probably is
- satisfy yourself that you are getting a good deal
- know the trader's policies on refunds.

MR 30/03/03

CONSUMER AND SMALL BUSINESS PROTECTION

Misrepresentations—consumer rights to refund

In April 2003 the ACCC filed proceedings in the Federal Court alleging that Karmy P/L, trading as Schots Restoration, had engaged in misleading and deceptive conduct by making a range of misrepresentations in various media about consumer rights to refunds and falsely stating in an advertisement that consumers are not entitled to refunds on sale items.

The court has declared that by telling consumers that they were not entitled to refunds on new, sale or seconds items, Schots had misrepresented consumers' rights.

Schots will publish corrective advertisements.

MR 22/04/03 & 22/05/03

Pre-paid telephone cards—Franchise

The ACCC has commenced legal proceedings in the Federal Court against Global Pre Paid Communications (GPP), In-Touch Networks and several of its directors and employees.

The ACCC is concerned about the alleged misrepresentations made by GPP on the level of projected profitability, location support and maintenance of vending machines that sell pre-paid telephone cards. It is also concerned about alleged misrepresentations by GPP and In-Touch Networks regarding the sale of Swisscom easyRoam SIM card distributorships.

MR 15/04/03

Consumers benefit—cosmetic surgery

Consumers of some cosmetic surgery products should have a better idea of what they are buying following declarations by the Federal Court that Collagen Aesthetics Australia engaged in misleading and deceptive conduct when advertising its Collagen Instant Therapy and Hylagenesis products.

The advertisements appeared in a number of magazines including *Vogue*, *Marie Claire* and *Cosmetic Surgery Magazine* between January 2001 and March 2002 making claims including the following:

- treatment with the collagen product is painless
- collagen products are natural.

The cosmetic surgery industry is heavily reliant on advertising to bring in clients.

MR 14/04/03

'Aboriginal' art

The ACCC has obtained orders restraining Australian Icon Products (AIP) until trial from describing or referring to its range of hand painted or hand carved Indigenous oriented souvenirs as 'Aboriginal art' or 'authentic' unless it reasonably believes that the artwork or souvenir was painted or carved by a person of Aboriginal descent.

The ACCC alleges that AIP's representations that some of its hand painted Aboriginal-style souvenirs were 'authentic', or 'certified authentic' and/or 'Australian Aboriginal art', were likely to mislead because the majority of Australian Icon's artists who produced the souvenirs were not Aboriginal or of Aboriginal descent.

MR 04/04/03

RESTRICTIVE TRADE PRACTICES

Secondary boycott—unions

The ACCC has instituted legal proceedings in the Federal Court against the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (AMWU), the Australian Workers' Union (AMU), and the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) alleging that they breached the secondary boycott provisions of the TPA.

The ACCC alleges that in October 2002 the three unions maintained a picket at the entrance to the construction site of the Patricia Baleen gas plant in Victoria, preventing construction workers and vehicles from entering the site.

Press reports indicating this matter has been finalised are incorrect. The matter can only be finalised by the Federal Court after it considers the ACCC's application.

MR 16/05/03

Atlantic salmon farming

The ACCC has instituted proceedings in the Federal Court against Atlantic salmon farming business Tassal and the Tasmanian Salmonid Growers Association for alleged contraventions of the TPA.

The ACCC alleges that in 2002 Atlantic salmon farmers, including Tassal, entered into an arrangement under the auspices of their trade association to restrict production of salmon to avoid oversupply and a consequent price drop.

MR14/05/03

Price fixing and market sharing—compressors

The Federal Court has penalised SIP Australia and its director Filippo Ippaso a total of \$700 000.

The court found that in 1994 SIP made and gave effect to a contract that fixed the price for compressors supplied by SIP and Baker Bros (Aust); that SIP had given effect to a market sharing agreement at that time; and that Mr Ippaso was knowingly concerned in both contraventions.

The court also found that between 1997 and 1998 SIP attempted to make contact with the same competitor with the purpose of re-entering into similar conduct in breach of the Trade Practices Act.

MR 16/04/03

MERGERS AND ACQUISITIONS

Brick merger

The proposed acquisition of Bristle by Brickworks—manufacturers and suppliers of clay bricks and pavers— was not opposed by the ACCC.

The ACCC conducted market inquiries among the companies' competitors and customers.

The absence of any significant market overlap between them was a primary reason for the ACCC's conclusion that the proposed acquisition would not substantially lessen competition.

MR 02/04/03

ACCC Hotspot—New ACCC chairman

After 14 years with the ACCC, Professor Allan Fels is leaving. We thank Professor Fels for his tireless efforts as chairman and wish him all the best for the future.

Mr Graeme Samuel will be appointed as Acting Chairman of the ACCC for 12 months from 1 July 2003.

Liquor acquisition

The ACCC did not intervene in the proposed acquisition of Theo's Liquor in NSW by Liquorland, a subsidiary of Coles Myer.

The ACCC conducted a thorough investigation into the likely effects on competition. Information obtained from the market indicated that the removal of Theo's Liquor outlets as an independent force was not likely to lead to a substantial lessening of competition in either wholesale or retail markets.

MR 02/04/03

Cattle reproduction

The ACCC has accepted a court enforceable undertaking from Pfizer and Pfizer Overseas to address anti-competitive concerns in relation to Pfizer's acquisition of Pharmacia Corporation.

The undertaking requires Pfizer to divest its CueMate product and addresses ACCC's concerns that the worldwide merger may result in a substantial lessening of competition in Australia in relation to products used by cattle breeders, veterinarians and farmers for the management of cattle reproduction.

The undertaking aims to preserve competition between two key products used for the treatment of non-cycling cows and synchronisation of the mating of multiple cows.

Without the divestiture Pfizer would have enjoyed a monopoly in relation to cattle progesterone delivery devices.

On the basis of the undertaking provided, the ACCC did not oppose the merger.

MR 16/05/03

MIM acquisition

The ACCC will not oppose the proposed acquisition of MIM Holdings by Xstrata Plc.

After market inquiries the ACCC believes the acquisition is unlikely to substantially lessen competition in the national markets for thermal coal and coking coal.

There are a significant number of competing mining companies that will constrain prices. Xstrata's competitors supply both the domestic and international markets and could redirect supply in response to any price increase by Xstrata.

MR 09/05/03

Geelong newspaper acquisition not opposed

The ACCC did not oppose the proposed acquisition of the *Geelong Independent* masthead by the *Geelong Advertiser*.

Geelong Advertiser will now have high market shares in the Geelong region markets for the provision of newspaper advertising services and for the supply of regional newspapers.

However, barriers to entry in these markets were found to be relatively low and this is likely to be an effective competitive constraint on the merged entity, thwarting any attempt to raise prices to consumers.

MR 08/05/03

Egg acquisition not opposed

The proposed acquisition of the egg business of Farm Pride Foods by Sunny Queen has not been opposed by the ACCC.

The acquisition leads to Sunny Queen having market shares of 28 per cent in shell eggs and 18 per cent in egg products in eastern Australia.

However, the presence of other strong competitors is likely to be an effective competitive constraint on the merged entity, thwarting any attempt to raise prices to consumers.

MR 02/04/03

Ozone recovery program

The ACCC has made a final decision allowing the extension of a refrigerant gas recovery program to cover synthetic greenhouse gasses (HFC and PFC refrigerants).

The ACCC had already granted immunity from legal action to a scheme administered by Refrigerant Reclaim Australia to recover and destroy used ozone-depleting gases.

The scheme will help ensure that certain environmentally harmful gases are not released into the atmosphere. The ACCC believes that a scheme which improves the environment benefits the public.

MR 09/05/03

University enrolment policy allowed

James Cook University notified the ACCC of its current enrolment policy in relation to student fees which requires students to pay a membership fee to the student association.

JCU advised that without its current enrolment policy it would still impose a fee on students. It pointed out that students could opt out of association membership if they so wish and instead pay a building fund fee.

The ACCC decided to allow the university's current enrolment policy to continue.

MR 30/04/03

Public liability insurance scheme for Not-for-Profit

The ACCC has issued a draft decision proposing to conditionally authorise an arrangement between Allianz Australia, QBE Insurance (Australia) and NRMA Insurance to jointly offer public liability insurance to eligible not-for-profit organisations. ACCC authorisation is required because the companies are competitors.

The ACCC understands that since interim authorisation was granted, public liability insurance policies have been provided to 230 not-for-profit organisations which otherwise may not have been able to obtain insurance.

The ACCC proposed to grant conditional authorisation until 31 December 2006.

MR 30/04/03

Collective bargaining—lottery agents

The ACCC has issued a draft decision intending not to authorise collective bargaining agreements proposed by the Queensland Golden Casket Agents' Association.

The ACCC said that on the information provided it would not authorise the arrangements because it was not satisfied the benefits outweighed the anti-competitive effect.

Under Qld lottery regulations, any increase in commission rates paid to Casket agents as a result of the arrangements may well result in an equivalent increase in the price of certain lottery products for consumers.

MR 30/04/03

Qantas/Air New Zealand

The ACCC issued a draft decision intending to deny approval to a proposed alliance between Qantas Airways and Air New Zealand.

The two airlines sought authorisation for an alliance under which both would agree on matters such as flight schedules and fares on routes where both operate, including the trans-Tasman. Qantas would also take up to 22.5 per cent equity in Air New Zealand.

The trans-Tasman route is Australia's largest passenger market and Qantas and Air NZ are the only effective competitors.

In the ACCC's view, the proposed alliance would be highly anti-competitive and offer little benefit.

MR 10/04/03

AUTHORISATIONS AND NOTIFICATIONS

Showmen's Guild

The ACCC has issued a draft decision requiring significant changes to anti-competitive arrangements between showmen that attend agricultural shows in Australia before it will consider authorisation.

The draft decision deals with an application for authorisation made by the Showmen's Guild of Australasia for arrangements within its code of practice and rules.

The guild also sought authorisation to negotiate with show societies on behalf of its members in relation to the organisation of sideshow areas including rents charged to showmen.

MR 11/04/03

REGULATED SERVICES

Regulation of internet interconnection

The ACCC has issued a discussion paper seeking comment on whether internet interconnection arrangements (which allow customers that are connected to one internet network to send and receive emails and access websites connected to other internet networks) should be regulated under the TPA.

If the ACCC decides to regulate internet interconnection, ISPs would have to provide access to the relevant parts of their networks to rival ISPs and the ACCC would have power to arbitrate the terms and conditions for access in the event of a dispute.

MR 29/04/03

Regulation of mobile phone services

The ACCC has begun a wide-ranging review of the regulation of Australian mobile telephone services by issuing a discussion paper on the industry.

The review will focus on wholesale mobile termination, wholesale mobile origination, domestic and international roaming, and emerging third-generation (3G) services.

The ACCC sees this as an opportunity to examine the extent and need for regulation in the mobile services industry to ensure consumers enjoy the full benefit of the growing array of existing and new mobile services that will be available over the next few years.

The ACCC will investigate the wholesale origination and wholesale terminating services concurrently as it expects many of the issues will be identical.

MR 29/04/03

Petrol pricing arrangements report

The ACCC is concerned that some petrol wholesale pricing arrangements in Australia may lead to higher average retail prices.

The ACCC report, *Terminal gate pricing arrangements in Australia and other fuel pricing arrangements in Western Australia*, was provided to the federal government after its request that the ACCC monitor the arrangements.

The report noted that since the introduction of terminal gate arrangements in Victoria, average retail prices in both Melbourne and country Victoria had increased by 1.0 and 0.5 cents per litre (cpl) respectively against a benchmark indicator.

The introduction of the terminal gate pricing arrangements may have contributed to this increase, although it is not possible to conclude with certainty that this is the case.

MR 23/04/03

REGULATED SERVICES

Telstra meets obligations to low income customers

The latest package of price changes by Telstra contains a number of price rises including for line rental and call connection, as well as price reductions for local and fixed-to-mobile calls.

The ACCC's role in monitoring Telstra's price changes is to ensure that Telstra complies with a government determination aimed at protecting the interests of low income customers in relation to line rental charges.

If Telstra complies, the ACCC must accept an application for price increases. As the latest changes met those requirements the ACCC consented to them.

MR 04/04/03

Telstra's service performance

A discussion paper canvassing issues and proposals for the determination of key performance indicators (KPIs) to measure the supply of certain services by Telstra to itself and its wholesale customers has been issued by the ACCC for public consultation.

The KPIs will compare Telstra's performance in supplying services to itself against its wholesale customers in relation to certain non-price terms and conditions of supply.

The intent is to provide an additional level of transparency and accountability on Telstra to ensure it is competing fairly.

MR 17/04/03

New accounting arrangements—telecommunications

The ACCC has issued a discussion paper setting out proposed changes to the existing record keeping rules (RKR) with the objective of increasing transparency and accountability in the telecommunications industry.

The existing record keeping rules are set out in the ACCC's regulatory accounting framework (RAF) which came into effect in May 2001. When the RAF was introduced it was intended that a process would be established to implement continual improvements.

The discussion paper contains the first proposed changes. They include new notification and public disclosure requirements for all carriers under the RAF and additional requirements concerning the auditing of the RAF reports.

MR 17/04/03

Price terms and conditions—core telecommunications services

The ACCC has issued a discussion paper which marks a further step in its process of determining non-binding model price terms and conditions (or indicative prices) of access to the PSTN originating and terminating services, unconditioned local loop services (ULLS) and local carriage services (LCS)—core telecommunications services.

The paper consolidates and builds upon the ACCC's work to date in relation to indicative prices for core services.

MR 11/04/03

Reply paid mail

The ACCC will not object to Australia Post's proposal to restructure prices for reply paid mail. The charges will take effect from 1 July 2003, dependent on the deployment of a new reply paid computer management system.

The ACCC's decision will lead to a reduction in the price of small bar-coded reply paid letters. The price of large and small non bar-coded reply paid letters will rise. The final decision is available on the ACCC website.

MR 03/04/03

Access arrangement approved—NT gas pipeline

The ACCC has issued its final approval of the terms and conditions for transportation services proposed by NT Gas for the Amadeus Basin to Darwin Pipeline (ABDP).

A 10-year access arrangement period which demonstrates the flexibility of the gas code in meeting the circumstances of pipeline owners has been approved by the ACCC. The 10 year access arrangement expires on 1 July 2001

MR 31/03/03

Air navigation services price increase opposed

After a review, the ACCC has issued a preliminary decision to oppose Airservices Australia's proposal for a temporary increase in prices for termination navigation and aviation rescue and fire fighting services.

The proposal entails a 6.95 per cent increase to apply from 1 July 2003 across a number of major airports. No increases are proposed to charges for en route air navigation services. The proposed charges vary from airport to airport.

The ACCC consulted with interested parties in making its decision and was seeking further submissions on it preliminary view by 6 June 2003.

MR 11/04/03 & 23/05/03

ACCC Hotspot:

Network steps up protection of 'at risk consumers'

On 2 June ACCC Chairman Allan Fels launched a campaign to protect vulnerable and disadvantaged consumers. The campaign is a joint initiative between the ACCC and its consumer consultative committee.

Professor Fels said that consumers who experience some form of vulnerability or disadvantage, such as low income, disability, illiteracy, or remoteness are 'at risk' because they either have fewer means with which to beat unfair behaviour or fewer resources to cushion its impact.

The campaign will build on previous enforcement work relating to 'at risk' consumers and is important in extending the ACCC's capacity to identify unlawful conduct. The ACCC has created a special taskforce that will assess and fast-track complaints referred by CCC members and other organisations.

To complement this work the ACCC will also provide guidance to businesses in how to identify 'at risk' consumers and ensure that they do not break the law inadvertently, or deliberately. [more information](#)

Contact the ACCC



Infocentre: 1300 302 502



Website: www.accc.gov.au

ACCC State Briefing

A national overview

Our rural & regional program will be busy in the next few months following up on presentations in April and May to dairy farmers on the trade practices aspects of collective bargaining and authorisations.

Held in conjunction with the Department of Agriculture, Fisheries and Forestry (Australia) and the Australian Dairy Farmers Federation, the presentations were held in Qld, NSW, Victoria, Tasmania and SA.

► The fifth Competing Fairly Forum (CFF), a hypothetical led by Geoffrey Robertson, was shown via the Sky Television network on 27 and 28 May and was well received by all viewers. Regional outreach managers and small business managers will now be presenting the hypothetical in person throughout Australia and will be happy to answer any questions which may arise.

For details of locations in your state, please contact the ACCC Infocentre on 1300 302 502.

VIC

Warracknabeal, Shepparton, Nhill, Mildura, Warrnambool and Port Fairy are some of the locations the ACCC will visit in June and July to deliver the ACCC's CFF hypothetical. The forum will be screened at various centres throughout Victoria. Please call the ACCC Infocentre for details. 1300 302 502.

QLD

The ACCC regional network of supporters got behind the CFF with 7 locations receiving the Sky broadcast in Southern Qld & Northern NSW. A further 6 locations in Southern Qld held meetings to show the hypothetical video to a live audience.

NSW

The CFF broadcast in NSW went off without a hitch and for those who missed it, the NSW small business manager is available to present a video of it on request. The May ACCC InfoLink explaining this latest CFF was emailed to interested parties around NSW.

SA

Industry networks are one way the ACCC aims to increase the awareness of small business rights under the TPA. It works!

One network member, a commercial tenant in a suburban shopping centre, recognised that GST had been charged twice in relation to the supply of electricity. The complaint was verified and the centre's manager established that as a result of a computing error 130 tenants in 18 different locations were overcharged a total of \$117 830.17. A refund of monies was negotiated and paid.

WA

Fuel prices, air fares and telecommunication services were the most frequent matters raised during recent regional visits to Kalgoorlie, Esperance and the Kimberley.

While dealing with these important issues did not disclose any likely TPA breaches, it did give us the opportunity to clarify the purpose of the TPA and the role of the ACCC, and included useful discussions about the problems of supplying and servicing smaller markets and communities.