

July 2003

From the Small Business Commissioner

The confirmation of Graeme Samuel as ACCC Chairman for a five year period provides greater certainty for the ACCC in dealing with a range of matters affecting small business. The Government at present is finalising arrangements to implement the Dawson Review recommendation relating to a simpler, quicker and less costly notification system for small business groups wishing to negotiate collectively with larger entities.

In addition two other recently announced short term reviews have implications for small business and the Trade Practices Act;

- The Senate inquiry into whether the TPA adequately protects small business from anti-competitive, unconscionable or unfair trade practices conduct in the market place
- The Review of the Retail Grocery Industry Code of Conduct by consultant Neill Buck which will consider some of the grower supply chain difficulties of transparency and uncertainty of terms and conditions in dealing in particular with wholesalers and processors. The review will also examine the case for enhancing the role of the Retail Grocery Industry Ombudsman in mediating disputes.

The ACCC submissions to these reviews will be available on the ACCC website at www.accc.gov.au when finalised.

ACCC CONSULTATIVE COMMITTEE

Committee reconvened

Membership of the ACCC's Consultative Committee is diverse, and comprises a wide range of views on competition policy and consumer protection drawn from consumer, small business, professional and legal representatives.

The next meeting of the committee will be held on 14 August and will be the first meeting under new Chairman Graeme Samuel.

In addition to the general consultative committee the ACCC has two other consultative groups: the Small Business Advisory group which meets on 28 August and the Consumer Consultative Committee which next meets on 16 September.

MR 24/06/03

Contact the ACCC



Infocentre: 1300 302 502



Website: www.accc.gov.au

ACCC 2003 REGULATORY CONFERENCE

The ACCC maintained its tradition as a world class regulator at a Regulatory Conference held at the end of July on the subject of "Regulation Industry Structure & Market Power" with leading international expert presenters Professor David Newbery, Professor Roger Noll, Professor Stephen Littlechild and Dr Richard O'Neill. Material on the proceeding will be made available on the ACCC website.

PRODUCT SAFETY

Sunglasses Recall

Sunglasses makers JM Australia and Creative Brands have given the ACCC court-enforceable undertakings, including voluntary product safety recalls in relation to sunglasses that did not meet the relevant product safety standard.

Under a continuing ACCC sunglasses survey program, products in a variety of retail outlets in Perth, Darwin and Sydney were examined. While compliance was generally high, the ACCC is concerned that several brands or styles failed to comply with some of the requirements of the standard.

The ACCC raised its concerns with the retailers and suppliers of the non-complying brands and continues to follow up action with a number of companies.

MR 16/06/03

ACCC Hotspot – Alternative dispute resolution

The Office of Small Business produces a publication outlining steps to the ADR process '*Resolving Small Business Disputes – six steps to successful dispute resolution*'. It is available on their web site at www.industry.gov.au or click [here](#).

Some industries have Codes of Conduct which have specific ADR requirements and may even designate the organisation for you to contact.

Check the details of your code of conduct for more information. For example, the franchising industry should contact the Office of Mediation Adviser at www.mediationadviser.com.au; or for the Retail Grocery Industry Code – go to www.mediate.com.au.

Dispute Resolution Conference

The National Alternative Dispute Resolution Advisory Council will host a conference in Sydney 4-5 September 2003 which should interest small business associations.

The conference '*ADR - A better way to do business - successfully managing and resolving disputes*' will showcase successful strategies used in the business community to prevent, manage and resolve business disputes.

For more information visit the NADRAC website or contact Tracey Cain on tracey@strategic.net.au.

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@accc.gov.au. For TPA information - ACCC Infocentre 1300 302 502.

Rental items

The ACCC has instituted proceedings in the Federal Court against Thorn Australia trading as Radio Rentals alleging that representations made in its 'Rent Two, Get One Rent Free' advertising campaign in October and November 2002 and its 'Rent, Try, Buy' campaign in 2003 were misleading.

The ACCC alleges that in these campaigns, Radio Rentals advertised the supply of goods at a weekly rental price but did not specify the cash price for the goods, and that in the 'Rent Two, Get One Rent Free' television advertising, Radio Rentals did not disclose, or sufficiently disclose, that the advertised offer was subject to terms and conditions.

MR 29/05/03

Juice Labelling

The Outback Juice Company (OJC) has provided the ACCC with a court-enforceable undertaking concerning misleading labels on its orange juice products. OJC made claims on its labels that its products were '100% Fresh Orange Juice Squeezed Daily'. The labels either did not mention sugar in the ingredients or stated that 'sugar may be added when new season oranges have a hint of bitterness about them'. 'Preservative 202' was also listed as an ingredient.

OJC admitted that its products did not contain 100% orange juice as represented on its labels but contained added cane sugar and preservatives. The ACCC acknowledges OJC's cooperation and assistance in resolving this matter promptly.

MR 06/06/03

OECD Consumer Fraud Guidelines

Consumers across the world will reap better protection due to the adoption of the *Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders* by the OECD Council.

Implementation of the OECD guidelines by member countries will mean that investigators and prosecutors can achieve closer, faster, and more efficient cooperation, allowing investigations to progress where they may previously have been ground to a halt. The guidelines will better protect their consumers and small businesses from cross border fraud and deception.

MR 18/06/03

Transparency in drug marketing

Consumers should have greater awareness of drug companies dealings with doctors under a proposed ACCC authorisation decision on an industry Code of Conduct.

Developed by Medicine Australia, the national association representing the industry, the Code would govern the marketing activities of companies promoting prescription medicines to doctors. The Code regulates matters such as drug company sponsorship of medical conferences; the payment of travel and accommodation expenses of doctors attending such conferences; and the provision of other forms of hospitality and entertainment.

The ACCC proposes to authorise the Code for three years and will now consult interested parties about its draft decision.

MR 27/06/03

Contact the ACCC



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Alleged stockfeed misrepresentations

The ACCC has instituted proceedings in the Federal Court against Econovite alleging that as a manufacturer and retailer of livestock feed supplements, the company engaged in false and misleading conduct in relation to some of its feed supplement products used by farmers.

The ACCC alleges that during the period March 2002 to March 2003, Econovite manufactured and distributed the following products: *Econovite Mineral Block*; *Econovite Dry Feed Block*; and *Econovite Cattle Block*, making alleged misleading representations on the package labelling in relation to the product quality, composition, nature and characteristics.

MR 30/06/03

Lawyers' fees

The ACCC has instituted proceedings against Morgan Buckley and Mr Anthony Whitelum in relation to fees charged for the provision of legal services. The ACCC alleges that Morgan Buckley has breached the TPA by issuing tax invoices for legal fees to a client that impliedly represented that the invoices had been calculated in accordance with a retainer agreement between Morgan Buckley and the client. The ACCC further alleges that the fee invoices had not been calculated in accordance with the retainer agreement with the result that the client had been overcharged.

The ACCC has included Mr Whitelum, allegedly a director of Morgan Buckley and a solicitor, in the proceedings as it is alleged that he was knowingly concerned in the alleged contraventions.

MR 01/07/03

Microwave ovens

Earlier this year, the ACCC raised concerns with Sharp about the advertised oven capacity of one model of its microwave oven range. As a result, Sharp re-measured its entire range and discovered that the claims about oven capacity of many models were wrong. For example, Sharp claimed its Sensor Cook R480F model had an oven capacity of 40 litres, whereas the true capacity was nearer 36 litres.

Sharp has agreed to a number of remedial actions including stopping the claims, relabelling microwave ovens, and offering misled customers who bought ovens a solution to any problems the capacity claims may have caused. Consumers wanting more information should contact Sharp on 1800 80 55 99 or visit www.sharp.net.au.

MR 03/07/03

RESTRICTIVE TRADE PRACTICES

Leniency Policy to expose hard core cartels

The ACCC has issued a leniency policy aimed at exposing and stopping secret corporate cartels operating in Australia.

The policy encourages corporations and their executives to reveal the most serious and collusive contraventions of competition law such as price-fixing, bid-rigging and market sharing. It makes corporate lawbreakers and their executives an offer they should not refuse – *cease the illegal conduct and report it to the ACCC in return for a clear, transparent and certain offer of leniency.*

There is a catch. The policy applies only to the first cooperative company or executive to come forward. Others will be exposed, investigated and where the evidence permits, brought before the courts. Corporate lawbreakers must now ask themselves – *'Can I really trust my competitors?'*

MR 27/06/03

Price-fixing – bricks

The ACCC instituted proceedings alleging price fixing by brick manufacturers, Bristle Operations, trading as Metro Brick, and Midland Brick Company (trading as Midland Brick) in the Federal Court.

The ACCC alleges that between September and November 2001, company representatives had a number of meetings and telephone conversations during which they reached price fixing arrangements or understandings concerning bricks supplied to builders in Western Australia. It is alleged the arrangement contained provisions to both increase prices for clay brick products, and an agreement for tender prices.

MR 30/06/03

Supermarket price-fixing, misuse of market power

The Full Federal Court has partially upheld the ACCC's appeal against an earlier decision in the Federal Court which dismissed proceedings brought by the ACCC against Australian Safeway Stores (Safeway), alleging price-fixing and misuse of market power in the Victorian bread market.

The allegations concerned the supply of bread by Tip Top, Buttercup and Sunicrust bakeries to retailers who discounted the price of bread. It is alleged that Safeway refused to accept further supplies while the baker was supplying retailers who were discounting the price of bread.

The Full Court held that the ACCC had established that Safeway engaged in price-fixing in relation to the price of bread to be sold at a Tip Top Bakeries store located in Preston Markets, and had misused its market power in four of the nine matters raised by the ACCC.

MR 30/06/03

Liquor deals

The ACCC has instituted legal proceedings against Woolworths and Liquorland (Australia), a subsidiary of Coles Myer, two major operators of bottleshops in Australia.

The ACCC alleges that Woolworths and Liquorland engaged in anti-competitive conduct by entering into alleged restrictive agreements with a number of operators of licensed premises in New South Wales for the purpose of restricting or preventing the supply of packaged takeaway liquor by those operators to retail consumers.

MR 30/06/03

Health case lost

Last year, the Australian Medical Association (WA) admitted to the court that it had entered into an understanding with Mayne to set doctors' fees for public patient medical services provided by doctors visiting the hospital.

Following a contested trial against Mayne, the Federal Court has now decided that the evidence presented about Mayne's involvement in an understanding was not sufficient to prove the company or its officers were party to an alleged understanding.

While disappointed with the court's decision, the ACCC accepts that in our legal system where some parties to joint conduct alleged to be in breach of the law can elect to admit the breach [as the AMA(WA) did] and other parties to that conduct can elect to contest the alleged breach [as Mayne did], it is not extraordinary for an outcome like this to occur. The ACCC is considering its response to the Mayne decision.

MR 09/07/03

Grainco and GrainCorp merger not opposed

The ACCC did not believe that the proposed acquisition between Grainco and GrainCorp would substantially lessen competition in the market for bulk grain storage and handling in eastern Australia and/or grain trading.

GrainCorp is predominately involved in the provision of bulk grain storage and handling services in NSW and Victoria, whereas Grainco's operations are predominately in Queensland. Both have grain trading operations that operate more broadly.

The decision was based on the parties' submission that Grainco will sell its interest in Australian Bulk Alliance (ABA). ABA has interests in bulk grain storage and handling facilities, and an interest in the bulk export terminal at the Port of Melbourne. The ACCC has accepted undertakings from GrainCorp that it will dispose of Grainco's interest in these assets in a specified time period following the completion of the merger.

MR 23/05/03 & 15/07/03

LPG acquisition approval

The ACCC has not opposed the proposed acquisition of Stevenson Transport by Cootes Holdings, a wholly owned subsidiary of ION. The acquisition leads to Cootes having high market shares in the markets for the transportation of liquid petroleum gas (LPG) and bitumen.

Barriers to entry in these markets were found to be relatively low and this is likely to operate as an effective competitive constraint on the ability of the merged entity to raise prices.

MR 04/06/03

Proposed alliance between Coles Myer, Shell not opposed

In May this year, Coles Myer and Shell announced their proposed alliance whereby Coles Myer would takeover the management of Shell's core retail service station network encompassing 584 sites across Australia. After undertaking extensive market inquiries, the ACCC will not oppose the proposed alliance.

Although the ACCC notes a high level of concern expressed regarding the proposed alliance, the proposal will not cross any of the ACCC's concentration thresholds for the exercise of market power. Shell will not increase its overall market share in fuel wholesaling simply through its participation in the proposed alliance whereas Coles Myer represents an entirely new entrant into fuel retailing.

MR 02/07/03

Electricity acquisition opposed

To protect Victorian electricity consumers and business customers, the ACCC has opposed a proposed acquisition of Loy Yang Power, the largest generator in Victoria by a consortium including major retailer AGL. The ACCC believes that while the Victorian energy sector is becoming more competitive, allowing the AGL acquisition to proceed would severely limit the further development of a competitive market and would likely inhibit, rather than encourage, retail competition.

MR 13/06/03

Bottled Water acquisition not opposed

The ACCC will not oppose the proposed acquisition of Parit, trading as *Peats Ridge*, by Coca-Cola Amatil.

The lack of significant sales by Peats Ridge to the highly concentrated route distribution channels was the primary reason for the ACCC's conclusion that the proposed acquisition would not substantially lessen competition.

Route distribution includes convenience stores, milk bars, petrol stations, vending machines, and on-premise distribution such as restaurants, cafes, pubs, arenas and cinemas.

MR 26/06/03

Optical acquisition not opposed

The ACCC will not oppose the proposed acquisition of the OPSM Group by Luxottica Group SpA. OPSM is a publicly listed company and operates the Budget Eyewear, OPSM, Laubman & Pank, Kay's Optical and Precision Eyewear retail outlets in Australia. Luxottica operates the Sunglass Hut and Face-It retail outlets in Australia, and is a wholesale distributor of prescription frames and sunglasses including Ray Ban, Arnette, Killer Loop and Revo brands.

The proposed acquisition involves both a horizontal merger arising from the parties' interests in sunglass retailing, and a vertical merger arising from their interests in the wholesale and retail supply of prescription frames and sunglasses. Following market inquiries, the ACCC has decided that the proposal is unlikely to substantially lessen competition and will not intervene in the proposed acquisition.

MR 07/07/03

Acquisition of Springwater not opposed

The ACCC has not opposed the proposed acquisition of Neverfail Springwater by Coca-Cola Amatil. Neverfail is Australia's largest direct deliverer of bulk bottled water. Coca-Cola bottles and wholesales packaged water under the brands *Mount Franklin*, *Kirks*, *Pump* and *Deep Spring*. It does not operate a direct delivery, bulk bottled water business.

The absence of any market overlap between the firms in relation to direct delivered, bulk bottled water was one of the primary reasons for the ACCC's conclusion that the proposed acquisition would not substantially lessen competition.

MR 11/06/03

AUTHORISATIONS AND NOTIFICATIONS
Discount programs for air travellers

The ACCC has issued a draft decision proposing to authorise the implementation in Australia of two programs offered by the Star Alliance, including Air New Zealand, to its corporate customers and conventions clientele.

The programs are known as the Star Joint Corporate Agreement and the Star Alliance Conventions Plus Program. Under the programs Star Alliance airlines will offer agreed discounted airfares to business travellers and convention delegates. Participation in the programs by airlines is voluntary. While the airlines will agree on the level of discounts to be applied to airfares, the fares themselves will not be agreed. The ACCC considers that the two programs are likely to result in a net public benefit.

MR 04/06/03

Concession businesses to participate in discount promotions

The ACCC has granted authorisation for Myer to invite concession businesses operating within Myer and Grace Bros department stores and Megamart (Myer) stores to take part in storewide and category wide discount promotions or bonus Fly Buys points offers run by Myer.

This authorisation allows consumers to take advantage of discounted prices offered by concession businesses who elect to participate in Myer Stores discount promotions and for Myer to include concession business in its promotional discounts.

However, it does not allow any agreement between Myer and the concession businesses to raise prices.

MR 06/06/03

Repco licensed repairers

The ACCC has granted immunity to Repco from legal action under the Act by allowing it and its licensed repairers to offer

servicing and repair services to operators or owners of fleet vehicles on common terms and through a common billing arrangement.

The Repco Auto Repair Fleet Solutions Program will allow individual Repco repairers, including those located in different areas, to get together and offer fleet servicing and repair services to customers with fleet vehicles located throughout Australia. This arrangement will enable more small businesses to enter and compete in the fleet servicing and repair market.

MR 11/06/03

Short-term authorisation – airways joint services agreement

In 2000, the ACCC agreed to allow Qantas and British Airways to cooperate under a Joint Services Agreement. The expiry date of that authorisation was 21 July 2003. Qantas and British Airways lodged a new application with the ACCC for approval for the agreement to continue to operate.

The agreement provides for Qantas and British Airways to coordinate freight scheduling, marketing, sales, pricing and customer service activities on both of the airlines' networks.

The ACCC has granted interim authorisation for the airlines to continue their current Joint Services Agreement pending a decision later this year on whether the agreement remains in the public interest. The interim decision avoids any significant disruption at short notice to both the applicants and consumers.

MR 11/06/03

In-patients win under NSW health authorisation

No private in-patient should now be out of pocket as a result of a new pathology policy in NSW public hospitals.

The NSW Department of Health will charge no more than the relevant Medicare benefit for pathology services to private in-patients in NSW public hospitals under an ACCC authorisation. The authorisation only extends to NSW Health's pathology policy, not to arrangements relating to other medical specialities.

MR 27/06/03

NSW hotels allowed to collectively bargain

The AHA NSW sought to negotiate collectively on behalf of member hotels with TAB and Sky Channel over the supply of betting and racing broadcasting services. The AHA NSW also originally sought authorisation to allow its members to agree to refuse to deal with TAB and Sky if negotiations broke down. However, after a draft decision in April proposing to deny authorisation, the AHA NSW informed the Commission that it would no longer seek authorisation for collective boycott activity.

The ACCC believes the removal of collective boycott activity has substantially reduced any detriment associated with the proposed arrangements, and has authorised the AHA NSW proposed collective bargaining arrangements.

MR 27/06/03

Concrete carriers to negotiate collectively

The ACCC has issued a final decision authorising CSR's independent concrete carriers in Queensland to negotiate their contracts with CSR collectively. The ACCC accepts that there are public benefits arising from the arrangements that are sufficient to outweigh any anti-competitive detriment. The arrangements are likely to improve the general efficiency of operations and lower costs.

This decision is in line with a similar draft decision released in November 2002 that was broadly supported by those who will be involved in the negotiations.

MR 13/06/03

AUTHORISATIONS & NOTIFICATIONS

Boycotts and collective bargaining – newsagents

The ACCC has issued a draft decision proposing not to authorise widespread collective negotiation arrangements, including the collective boycott of publishers, proposed by the Australian Newsagents' Federation (ANF).

The ANF sought authorisation to negotiate collectively on behalf of member newsagents with magazine and newspaper publishers and with the suppliers of soft gambling products (such as lottery tickets). The ANF also sought authorisation to allow its members to agree to refuse to deal with publishers should negotiations break down.

The ACCC is concerned the proposed arrangements are likely to cause some detriment to competition and that particular aspects of the proposed arrangements could cause significant detriment. The ANF did not satisfy the ACCC that a benefit to the public sufficient to outweigh this detriment would arise from the proposed arrangements.

MR 13/06/03

The ACCC understands that the ANF will make a formal amendment to this application.

Electronic Trading System Rules

The ACCC has granted interim authorisation to the Australian Stock Exchange Business Rules governing the operation of the Stock Exchange Automated Trading System (SEATS). The SEATS rules establish the trading platform and system to promote market transparency and discourage market manipulation.

The rules have been authorised since 1998, however, this authorisation has recently expired. The decision will allow the ASX to review its SEATS rules under the protection of interim authorisation. The ACCC will defer its consideration of the authorisation application until the ASX review and the ASIC approval process are finalised and the ASX is able to provide the ACCC with the final version of the rules.

MR 19/06/03

Reforms of surgeons' training program

Major reforms to the program that trains and selects surgeons in Australia have been required by the ACCC's authorisation decision in relation to the training program of the Royal Australian College of Surgeons (RACS). The 'closed-shop' arrangements and culture, represented by the RACS, which unduly influence the selection, training and assessment of Australian surgeons and the accreditation of hospitals - must be overcome. The ACCC found the supply of such an important professional service as surgery is too important a community issue for the selection, training and assessment of surgeons to be left solely in the hands of the profession through the College and its Fellows. There is a serious risk of conflict of interest. Details of key reforms are available on the ACCC website.

MR 30/06/03

REGULATED SERVICES

Premium Rate Number Portability (PRNP)

The ACCC has announced its decision to allow full portability of premium rate numbers in Australia. Premium rate services are currently provided on the 19xx number range. Services include competition lines, warranty, adult, financial, psychic and meteorology information services. The decision to allow PRNP means customers can change from one carriage service provider to another without changing their phone number. The ACCC believes this will ultimately result in improved competition and lower prices.

MR 08/07/03

REGULATED SERVICES

Final report – expiry dates for declarations

The ACCC has issued a Final Report which sets expiry dates for existing declarations. Identifying the services which are currently declared, the final report identifies the services which are currently declared and sets out a number of principles which the ACCC has taken into account when developing the declaration expiry timetable. The report then presents a timetable for the expiry date of each declared service.

Under transitional provisions associated with the new Section 152ALA of the Act, the ACCC is required to specify an expiry date for each existing declaration. The ACCC is then required to undertake a public inquiry into whether a particular declaration should expire in the six month period prior to when the declaration is due to expire.

MR 19/06/03

Revisions to telecommunications dispute resolution guidelines

In October 2002, the ACCC published the original guide on resolution of telecommunications access disputes which was intended as a handbook for both practitioners, and the industry on how the ACCC uses its powers to resolve such disputes. Revisions to the guide have been drafted and circulated for industry comment.

MR 04/06/03

Telecommunication access charges

Draft determinations concerning model price and non-price terms and conditions for access to core telecommunications services have been issued by the ACCC. The model terms and conditions are not binding, but provide guidance to the ACCC's views on fair terms and conditions of access to core telecommunications.

These services are the main fixed network access services for which competitors must pay Telstra so they can compete with it for a variety of retail services. The proposed model prices mostly involve reductions to access prices.

MR 18/06/03

New accounting separation rules for Telstra

The ACCC has issued three record keeping rules for Telstra as the initial phase of developing an improved competitive environment under the Federal Government's new accounting separation regime. The ACCC has also issued a discussion paper on new record keeping rules to implement a longer term accounting separation regime for Telstra.

The rules seek to encourage a more transparent, accountable and informed regulatory market by improving the provision and disclosure of information on Telstra's operations to the ACCC, industry, the public and the Government.

MR 27/06/03 & 04/07/03

Broadband growth

Over the last 12 months, broadband connections in Australia have more than doubled, according to the ACCC *Snapshot of Broadband Deployment*. The report shows that as at the end of March 2003, there were 423,600 broadband services connected across Australia, up from 199,800 at the same time last year.

In terms of technologies, digital subscriber line (DSL) now has the edge over cable for the first time. There are 218,800 DSL services connected compared to 194,900 cable services. The ACCC continues to promote competition in broadband markets. It will be expanding its monitoring of broadband take-up in the near future.

MR 19/06/03

Price increases for Air Navigation Services blocked

The ACCC has issued a final decision opposing a proposal by Airservices Australia to increase prices for terminal navigation and aviation fire-fighting and rescue services. The decision confirms an earlier draft ruling.

As the ACCC indicated 12 months ago, it expects Airservices to provide a pricing proposal that takes into account likely developments over the medium term. Airservices' proposal is based on a short term approach, whereas, the ACCC believes a longer-term approach to pricing would provide better incentives for Airservices to minimise cost while continuing to innovate and maintain its obligations of safety and efficiency.

MR 26/06/03

Changes to enhance gas security

The ACCC has approved changes to the Victorian gas market rules that will enhance the security of the Victorian gas transmission system. The changes will mean that the Victorian Energy Networks Corporation (VENCorp) can call on all available sources of gas in an emergency situation.

These changes have the support of the Victorian gas industry, and should provide greater security to the transmission system, and hence greater certainty to the Victorian gas market.

MR 16/06/03

Reliability of electricity transmission networks

The ACCC has issued draft guidelines for service standards for the regulated electricity transmission networks operating in Australia's electricity market. The proposed guidelines will help to improve the reliability of electricity supply to customers by providing incentives for network owners to improve service standards.

The ACCC proposes to introduce a performance-based incentive scheme for transmission networks where service providers will be rewarded for improving service standards and penalised for deteriorating service levels.

MR 03/06/03

Ombudsman Access to Metering Data

The ACCC has issued a draft determination proposing to grant authorisation to a number of amendments relating to Ombudsman access to State metering data contained in the National Electricity Code.

The ACCC considers that the proposed amendments would provide customers with better service and quicker resolution of complaints. Allowing energy ombudsmen direct access to the information necessary for resolving such complaints would result in efficiency benefits and would minimise the time and cost associated with accessing this data. The ACCC also considers that the amendments appropriately include energy ombudsmen in the list of bodies authorised to receive this information. Further, the amendments provide adequate safeguards against the dissemination of confidential information.

MR 10/07/03

ACCC briefing *for details visit ACCC website www.accc.gov.au see Media Releases

VIC

The Victorian small business and rural & regional program continues its regular visits to regional communities. Seminars are scheduled for Shepparton (30 July) and Ararat (25 August). ACCC small business assistance will also be available at *Sheepvention* in Horsham (4-5 August).

QLD

Game fishing stand by rates in Cairns will remain competitive after discussions with operators in June. The ACCC Small Business Manager advised during his regular seminar program for north Queensland, that any attempt by competitors to force up standby rates or to agree on prices would amount to a serious breach of the Trade Practices Act and would initiate an ACCC investigation.

NSW

The ACCC has been working closely with local Business Enterprise Centres (BEC's) to educate local retail communities about their rights and obligations under the Trade Practices Act. In a number of presentations around Sydney, small business owners were very interested in obtaining relevant and practical information about proper advertising and selling practices, retail tenancy issues, and customers' rights in relation to warranties and refunds.

SA

Consumers are taking heed of the ACCC's warnings on it's web site about the failure of gambling software packages when applied to the horse racing industry. At the recent Money and Franchising Expo in Adelaide, a promoter of a "get rich quick scheme" approached staff with the view that the warnings should be removed as they were having an impact on the sale of his product, "that worked".

Publications were distributed to those attending the Expo and a presentation was given on each day of the Expo on the theme "Franchising, is it right for you". A hand out of the presentation was given to approximately 90 people that attended the two sessions.

WA

The North West Shelf Gas Plant expansion site, Dampier and Port Hedland Ports were part of the calls made during a June visit to the Pilbara by Perth staff. Sam Di Scerni gave presentations about the TPA and ACCC to the Chambers of Commerce and Industry at Karratha and Port Hedland and Vern Gardam spoke to the Tom Price Paraburdo Business Association. Issues raised during the visit included air fares, the level of air services and the availability of seats, the withdrawal of FERS from local regional airports, fuel prices and telecommunication services.

Contact the ACCC



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