

January 2003

### From the Small Business Commissioner

Welcome to a new year which promises continued efforts by the ACCC in its role with small business.

The Dawson Committee reviewing competition elements of the Trade Practices Act and ACCC implementation of them is expected to report to the Government at the end of January. The Government will then consider its response to the Dawson Committee recommendations which are likely to cover:

- ✍ Criminal penalties against major cartels.
- ✍ Strengthening the TPA provision dealing with abuse of market power.
- ✍ Whether ACCC should be given "cease or desist" powers.
- ✍ Simplifying the authorisation process for collective negotiation.
- ✍ Whether there should be a change to the mergers test.
- ✍ ACCC investigation and enforcement processes particularly the use of publicity.

Many of these issues have important implications for small business.

The ACCC continues to acknowledge the importance of its Small Business Consultative Group which meets 3 to 4 times each year to enable the Commission to brief small business representatives on developments and to get feed back on ACCC actions. A new development in 2003 will be a separate Franchising Consultative panel which has its first meeting in March.

The key element of effective response to complaints and enquiries to the ACCC has been our Infocentre – the details for which are listed on the foot of this first page of Briefing. The Infocentre has enabled greater capture of data and ensured that comprehensive information is available to callers, many of whom are small businesses and that complaints are dealt with more rapidly and consistently throughout our regional office network.

**John Martin**  
Small Business Commissioner

### Indigenous Small Business

The ACCC is working to identify ways and means by which the Commission can effectively communicate its roles and functions to the vast array of indigenous businesses. The Commission has identified that indigenous small businesses are diverse in their products and services, from indigenous artworks to freight companies and geographically diverse from Tasmania to the Top End. For further information contact the ACCC Indigenous Infoline on 1300 303 143

### Legal Professional Privilege Decisions by High Court

The High Court of Australia has unanimously allowed an appeal by the Daniels Corporation International. The court held the corporation was not required to give the ACCC documents that were properly the subject of legal professional privilege. This decision overturns a unanimous decision of the Full Federal Court of Australia to the contrary last year which would have allowed the ACCC access to these documents

The ACCC notes that the High Court has directed that the Federal Court should now determine what, if any, of the documents sought by the ACCC are in fact subject to legal professional privilege. Professor Fels said that he did not expect the decision to have a major impact on the ACCC's enforcement activities.

**MR 07/11/02**

### Industry Codes and the Trade Practices Act

The ACCC has a role in consulting with industry developing Codes for the purpose of ensuring that there are no anti-competitive elements in the Code. If there are anti-competitive provisions in a proposed Code the ACCC is empowered under the Act to authorise these provisions provided if there is a public benefit that arises from the Code that would outweigh any possible anti competitive conduct. The Trade Practices Act 1974("the Act")also gives legislative backing to prescribed industry codes of conduct and provides for the ACCC to take action against breaches of prescribed Codes.

Part IVB of the Act also provides for industry codes of conduct to be prescribed in regulations proposed by the responsible minister. This regulatory option of prescribed Codes was only intended to underpin industry self-regulatory schemes that are not operating effectively and efficiently. Currently the Franchising Code of Conduct is the only prescribed mandatory Code under that is enforced by the ACCC.

Further information on the authorisation process can be obtained from the ACCC website [www.accc.gov.au](http://www.accc.gov.au)

### Unconscionable Conduct

#### Unconscionable Conduct - Machinery

Following action by the ACCC, the Federal Court has declared that Daewoo Australia engaged in unconscionable and misleading conduct in connection with the 1998 appointment of Porter Crane Imports (in liquidation), then trading as Betta Machinery Sales, as its Queensland dealer of excavators and wheel loaders. Former Manager, Mr Eui Hwan Kang, was found to have been involved in some of the conduct.

**MR 06/12/02**

Some items in *ACCC Briefing* refer to Media Releases and their dates eg MR 12/8/02. These can be found on the ACCC website [www.accc.gov.au](http://www.accc.gov.au). For e-mail copies of *Briefing* please send details to your local ACCC contact.

**For TPA information - ACCC Infocentre 1300 302 502**

### Doctors in Rural and Regional Australia

The ACCC has welcomed the affirmation by an independent review committee that the TPA does not fetter doctors in rural practice. The review has recognised that the TPA's object is to enhance the welfare of all Australians by promoting competition; fair trading and consumer protection and that doctors should not be above the law. The medical profession should comply with these public interest requirements, as must every other sector of the economy.  
**MR 10/11/02 MR 06/12/02**

### Container Stevedoring Costs Reach Historic Low

The latest ACCC *Container Stevedoring Monitoring Report* shows that average prices for container movements across wharves by stevedoring services have decreased to their lowest level since monitoring data has been available. Increased productivity and lower average costs can be expected to provide further benefits in terms of quality, which is good news for Australian importers and exporters.  
**MR 16/12/02**

## E-Commerce

### Airline E-Commerce Joint Venture

The ACCC has announced that it has no objection at this stage to the development of an online travel agency Zuji, which is owned by a consortium of airlines. Zuji provides a new, online travel agency service for consumers in the Asia/Pacific region. Zuji has stated that it will allow other travel agents access to its technology and applications to support their own branded websites. Online travel services are still in the early stages of development and Zuji is a new competitor in this area.  
**MR 22/11/02**

### Mirror Opera House Website

The ACCC has filed proceedings in the Federal Court against the operator of a website that allegedly fraudulently mirrored the Sydney Opera House (SOH) official website. The website [www.sydneypopera.org](http://www.sydneypopera.org) allegedly purported to be the official booking site of the SOH. The ACCC alleges that several consumers from the UK and Europe have attempted to purchase tickets through the imitation sites. People who wish to purchase tickets online for events at the SOH should visit the official website at [www.sydneypoperahouse.com.au](http://www.sydneypoperahouse.com.au).  
**MR 11/11/02**

### Internet Trading Over Christmas/New Year

The ACCC closely monitored complaints about e-commerce during December and January, and issued tips for online shoppers including:

- ? look for the trader's full contact details including a street address;
- ? use sites that have secure online payment (usually shown by an unbroken lock or key at the bottom of the screen or as 'https/' in the webpage address);
- ? check that the product is legal in Australia.

More information is available on the ACCC website.  
**MR 16/12/02**

### Misleading Internet Renewal Notices

Internet Registrations Australia (IRA) will provide refunds to recipients of its misleading 'renewal notices' who respond to its apology, following settlement of an ACCC Federal Court action. The ACCC instituted proceedings following complaints and inquiries about unsolicited domain name 'renewal advice' notices which looked like invoices for payment. IRA had made an informal undertaking to the ACCC that it would rectify its marketing practices at the time initial concerns were raised.  
**MR 05/12/02**

### Orders Against internet Provider

The Federal Court has found that Internet TV Australia (receiver and manager appointed), formerly trading as Free2aiR, and its director engaged in misleading and deceptive conduct, unconscionable conduct and harassment and coercion. The consent orders declare that Free2aiR failed to disclose important terms and conditions, and threatened to disconnect consumers if they queried an administration fee. The administration fee was deducted from customers' credit cards without express authority.  
**MR 29/11/02**

## Consumer and Small Business Protection

### Unsolicited Advertising

ACCC action has resulted in the Federal Court imposing a fine of \$5,000 on the director of Commercial and General Publications (CGP) for contraventions of the TPA. The court found that in late 1999, CGP and the director accepted payment from 5 small businesses in Tasmania for advertising in a proposed Returned Services League publication where there were reasonable grounds for believing that his company would not be able to supply the advertising.  
**MR 05/11/02**

### Bait Advertising

The ACCC has instituted proceedings against 3 companies in the Harvey Norman group; 2 Harvey Norman corporate group individuals and 15 Harvey Norman franchisees. It is alleged that before the introduction of the GST, national advertising was conducted for Harvey Norman Computers and Communications stores which featured a promotion for GST related software with a bonus software bundle. The ACCC alleges the promotion was advertised when the parties were aware that quantities of the bonus software were insufficient to meet consumer demand.  
**MR 12/11/02**

### Pest Control Device

The ACCC has instituted proceedings in the Federal Court against Pest Free Australia (PFA), a company that supplies a device claimed to rid premises of rats cockroaches and other pests. The ACCC alleges that PFA made false and misleading representations concerning the performance characteristics of its 'Plug In Pest Free' electronic device in various advertisements. The ACCC alleges that the device does not work as claimed and PFA have no reasonable basis for making the claims.  
**MR 12/11/02**

**Delivery Charges - Computers**

The Full Federal Court has declared that advertisements published by computer giant Dell Computer contained false or misleading representations about the price of goods or services. The advertisements did not disclose Dell's compulsory delivery charges of up to \$99. The decision expands on the earlier finding of the trial court that the advertisements were misleading and deceptive.

**MR 20/12/02**

**Mobile Phones - Misrepresentations**

The Federal Court has found that Virgin Mobile made false and misleading representations and also failed to state the full cash price of mobile phones in national advertisements for its 'Dial High Club' mobile phone packages. Virgin was ordered to:

- ✍ write to affected consumers explaining the relevant costs of their packages,
- ✍ publish corrective notices,
- ✍ state the full cash price of phone packages in the future, create a website to inform consumers about the TPA,
- ✍ to implement a trade practices compliance program, and;
- ✍ to pay the ACCC's costs.

**MR 12/12/02**

**Catalogue "Was/Now" Price Advertising**

Allans Music Group Pty Ltd has been fined \$80 000 in the Federal Court, Adelaide. Allans pleaded guilty to nine counts of making false or misleading representations about price Allans made the false 'was/now' price claims in its Christmas 2000 catalogue. The ACCC regarded the conduct as particularly blatant and reckless and therefore pursued it as a criminal prosecution. It is the first time a retailer has been convicted by the Federal Court for the use of false 'was/now' advertising.

**MR 12/12/02**

**Internet Advertising in the Classifieds**

Queensland Newspapers (QN) has provided court-enforceable undertakings to the ACCC to allow advertising that gives Internet details in the classified sections of its newspapers. The ACCC expressed concern that because of its degree of market power, QN may have breached the TPA by refusing to take advertising from Internet businesses. The undertakings provide a greater choice for Internet businesses wishing to place classified advertisements with Queensland Newspapers, including placement of classified advertisements in *The Courier Mail's* motoring, careers and real estate lift outs.

**MR 05/12/02**

**ACCC Hot Spot – Online Guidance for Small Business**

*Best & Fairest Online* is an interactive web-based training program designed to assist businesses train their staff on trade practices issues. It is available free from the ACCC website, in hardcopy (\$100) or CD-ROM (\$20). See the ACCC website for more information at [www.accc.gov.au](http://www.accc.gov.au).

**Swimming Pool Toys Warning**

Businesses were warned to carefully check any pool toys (known as 'noodles') offered for sale to ensure they have indelible safety warnings. Toy manufacturer Thermotec Australia Pty Ltd, Toys 'R' Us and other retailers agreed to withdraw from sale products with inadequate safety warnings after the ACCC raised concerns with the company over the permanency of the labelling on the product. Thermotec and Toys 'R' Us will place advertisements in newspapers offering refunds to consumers

**MR 19/12/02**

**Dangerous Confectionary**

The ACCC has instituted proceedings in the Federal Court, Perth against Trans Oriental Import and Export Pty Ltd and one of its Directors, Mr Thai Tran, alleging the company sold to consumers banned mini-cup jelly confectionaries containing the ingredient konjac. The ingredient konjac, also known as glucomannan, konjac, konnyaku, konjonac, taro powder or yam flour, poses a severe choking hazard when used in the mouth-sized jellies.

**MR 12/12/02**

**Restrictive Trade Practices**

**Attempted Price Fix - Flour**

The ACCC has instituted proceedings in the Federal Court, against George Weston Foods and Mr Paul Benedict Loneragan, a former Director of George Weston, alleging an attempt by George Weston and Mr Loneragan to induce a competitor to agree to increase the wholesale price of wheaten flour in contravention of the TPA.

**MR 09/12/02**

**Attempted Boycott – Medical Services**

The ACCC has instituted proceedings in the Federal Court in Melbourne against AK Freund Pty Ltd and Dr Abraham Freund, for allegedly attempting to restrict the ability of their competitors to offer bulk billing, and after-hours medical services. The ACCC seeks court orders including declarations, injunctions, the implementation of a trade practices compliance program, findings of fact and costs. A directions hearing is set for 7 February 2003.

**MR 03/12/02**

**Misuse of Market Power – Healthcare Industry**

The ACCC has filed proceedings against Baxter Healthcare alleging misuse of market power and exclusive dealing in the supply of medical products to certain health purchasing authorities. The ACCC alleged that Baxter has taken advantage of its market power by structuring the terms on which it offers to enter into contracts for the supply of these products so that the purchasing authorities are required to acquire the products as a tied bundle of products to benefit from significantly lower prices.

**MR 01/11/02**

**ACCC Loses Case Against Milk Companies**

The Federal Court, Darwin has ruled in favour of major milk companies in a case where the ACCC had alleged that Pauls Limited, Malanda Dairy Foods and Australian Co-operative Foods Ltd had been engaged in price fixing conduct in the Northern Territory milk market. The ACCC is considering its options in relation to an appeal.

**MR 19/12/02**



**Caltex Claims Rejected**

The ACCC believes it has at all times acted lawfully and properly in investigating allegations of unlawful petrol price-fixing by oil companies. For its part, the ACCC considers it is well within its rights in seeking particular information and has independent advice from senior counsel that this is so. It will be up to the court to determine if the objections have any basis. The case is expected to take several months.

**MR 15/11/02**

**Beauty Products**

The ACCC has issued legal proceedings against national supplier of beauty products Dermalogica (D) for alleged resale price maintenance between July and September 2002. It is alleged D attempted to induce two retailers to stop discounting D products below D's suggested retail prices. The ACCC is seeking declarations, pecuniary penalties and injunctions restraining D from certain conduct including attempting to induce any person not to sell D products below a price specified by it.

**MR 25/11/02**

**Fire Protection Companies**

The ACCC has instituted proceedings in the Federal Court against a number of participants in the S.A. fire protection industry, alleging they made, or attempted to make, illegal anti-competitive and price fixing agreements. The ACCC alleges a number of companies have breached the TPA and that 9 individuals involved in the industry were knowingly concerned in or aided and abetted the conduct.

**MR 27/11/02**

**Mergers & Acquisitions****Airline Proposal Requires 'Close Scrutiny'**

The proposed link between Qantas and Air New Zealand will come under close scrutiny from the ACCC. The ACCC has previously indicated that it had concerns about proposed mergers between the two airlines, particularly on the Trans-Tasman and Pacific routes. The current proposal appears to include strong elements of anti-competitive arrangements including price-fixing and route sharing. For the proposal to proceed, the companies had to apply for authorisation under the TPA which only allows such arrangements if the benefit to the public can be shown to outweigh the anti-competitive effect.

**MR 25/11/05**

**Insurance Acquisition Not Opposed**

The ACCC has not opposed the proposed acquisition of Aviva plc's CGU Insurance by Insurance Australia Group (IAG). IAG and CGU are the largest and fifth largest general insurers in Australia respectively. The ACCC had conducted extensive market inquiries into this proposed acquisition, consulting with competitors and other interested parties. On most product lines there is little overlap between IAG, which has been more consumer focussed, and CGU which is commercially focussed.

**MR 28/11/02**

**Cinema Joint Venture Advertising**

The ACCC has accepted court-enforceable undertakings from Hoyts, Greater Union, Village and Val Morgan and its associated entities, in relation to cinema advertising. The undertakings address the ACCC's competition concerns regarding the proposed acquisition of Val Morgan by a joint venture owned and operated by the major exhibitors, requiring that two of the parties sell out to the third within a period of 18 months.

**MR 16/12/02**

**Basic Bank Account Proposal Rejected**

The ACCC has proposed to deny authorisation to a proposed arrangement by 10 member banks of the Australian Bankers Association to collectively agree to offer a basic bank account. The ACCC was concerned that the current proposed structure has the potential to dampen competition between the major banks and result in the proposed minimum features becoming the industry standard. The ACCC noted that many other banking products available features in advance of the basic bank account initiative.

**MR 16/12/02**

**Life Insurance – Genetic Testing**

The ACCC has granted interim authorisation to allow an agreement between life insurers which provides that they will not require applicants for life insurance to undergo genetic testing. The Interim authorisation will allow life insurers to comply with the Investment and Financial Services Association's Genetic Testing Policy while the ACCC considers IFSA's application for re-authorisation of part of its Genetic Testing Policy.

**MR 12/12/02**

**Fee-Setting - Doctors**

Following an application by the Royal Australian College of Practitioners, the ACCC has moved to give certainty to general practitioners who wish to agree on patient fees, by authorising agreements on fees between members of an associateship where certain criteria are met. The decision also discusses ways the application of the Act to corporate groups and partnerships could be clarified.

**MR 19/12/02**

**Collective Negotiations – Chicken Growers**

The ACCC proposes to authorise Ingham to continue collective contract negotiations with its chicken growers in South Australia. In issuing the draft determination, the ACCC noted that the South Australian Government has recently drafted new legislation to regulate the industry and allow for collective bargaining between chicken growers and processors in that State. The ACCC considered that the collective bargaining arrangements would provide certainty and continuity as well as some cost savings, with limited anti-competitive effect.

**MR 09/12/02**

**Nursing Services Joint Venture**

The ACCC has granted conditional authorisation to a proposal for public and one private health service in Melbourne and Geelong to jointly tender for agency nursing services. The ACCC considered that the proposed arrangements will generate administrative cost savings allowing more funds to be devoted to improving patient care.

**MR 05/12/02**

**Greenhouse Gas, Ozone Recovery Program**

A refrigerant gas recovery program will be extended to cover synthetic greenhouse gases (HFC & PFC refrigerants) following an interim authorisation granted by the ACCC. An authorisation for a scheme administered by Refrigerant Reclaim Australia (RRA) to recover and destroy used ozone-depleting gases is currently in place. This interim authorisation extends immunity to allow RRA to broaden the scheme to include synthetic greenhouse gases in time for summer. The scheme will ensure that certain environmentally harmful gases are not released into the atmosphere.

**MR 08/11/02**

## Authorisations & Notifications

### Concrete Cartage

The ACCC has issued draft determinations proposing to grant authorisation to CSR and its independent concrete carriers in Qld and WA over concrete cartage protocols. The Qld authorisation proposes to allow CSR and its contractors to collectively negotiate their contractual terms and conditions. The WA authorisation proposes to allow CSR and its independent carriers to use a concrete cartage job allocation system.

**MR 08/11/02**

### International Airlines

The ACCC has issued a decision authorising the travel agency program of the International Airport Transport Association (IATA), the industry association for the world's international airlines. The ACCC's authorisation of the travel agency program is conditional on IATA taking action in a number of areas including reviewing the conditions of accreditation for travel agents. The conditions of the authorisation will ensure that the benefits arising from the agent program in its current form are realised and outweigh any anti-competitive detriment.

**MR 14/11/02**

### Public Liability Insurance

The ACCC has granted conditional interim authorisation to enable Allianz Australia, QBE Insurance (Australia) and NRMA Insurance to collectively offer public liability insurance to not-for-profit organisations while the ACCC considers the merits of the substantive product. This interim authorisation will provide not-for-profit organisations with an additional source of public liability insurance. The result will allow NECA more scope to investigate and prosecute instances of rebidding not in the spirit of the code which can cause harmful price spikes. The ACCC intends to revisit the terms under which authorisation has been granted at the time of making its draft decision in relation to the substantive application for authorisation.

**MR 28/11/02**

## Regulated Services

### Rules to Benefit Victorian Energy Industry

The ACCC has granted final authorisation for 10 years to the Victorian Energy Networks Corporation, Victoria's independent gas and electricity systems operator, for the Market and System Operations Rules. The MSOR govern the operation of Victoria's gas transmission system, and provide for a spot market to trade gas. The ACCC considers that the MSOR will lead to increased transparency in the gas market, improve access to parties wishing to buy or sell gas, and improve competition among retailers.

**MR 20/12/02**

### Revenue Cap Decision for Victorian Electricity Network

The ACCC has issued its final decision on the revenue cap for Victoria's electricity transmission services provided by SPI PowerNet and the Victorian Energy Networks Corporation (VENCorp). SPI PowerNet's earnings for the first full year have been capped at \$271.23million, increasing to \$303.05 million in 2008, based on a post-tax nominal return on equity of 11.09 per cent and an opening asset balance of \$1,835.60 million. The ACCC's decision is expected to save Victorian consumers \$146.66 million over five and a quarter years, and maintain the current level of transmission prices over the regulatory period.

**MR 16/12/02**

## Regulated Services

### National Electricity Market – Rebidding Code Changes

The ACCC has issued its final determination relating to changes to the rebidding rules contained in the National Electricity Code. Among the changes is the introduction of a requirement that generators' offers be made in good faith. The ACCC also authorised changes which will allow the system security and reliability requirements to be met in a more cost effective way.

**MR 09/12/02**

### Electricity Transmission Charges in South Australia

The ACCC has issued its final decision on a revenue cap for South Australia's electricity transmission services, owned and operated by ElectraNet SA. The decision caps ElectraNet's earnings for 2002/03 at \$148 million, increasing to \$181 million in 2007/08, based on a post-tax nominal return on equity of 11 per cent and an opening asset base of \$823 million. The decision will save South Australian consumers \$278 million over five years, and is expected to result in a four per cent decrease in real terms in transmission prices over the regulatory period compared to 2001-02.

**MR 13/12/02**

### Smooth Introduction of Full Retail Competition – Electricity

The ACCC has allowed South Australia to delay the introduction of competition in some types of metering services to enable a smooth transition to full retail competition in the electricity market. Full retail competition begins in S.A. on 1 January 2003, and will allow consumers to choose their electricity retailer. Introducing competition in metering services is not necessary at this stage for the benefits of full retail competition to be realised.

**MR 27/11/02**

### New Technical Standards – National Electricity Code

The ACCC proposes to authorise changes intended to increase the flexibility of the technical standards contained in the National Electricity Code. The technical standards are designed to maintain the security and integrity of the power system by ensuring industry bodies comply with certain standards of technical expertise. The revised standards are designed to foster business efficiency by eliminating unnecessary requirements and are more closely aligned with international standards. The proposed standards are also more flexible and allow for consideration of emerging technologies. It is also hoped the standards will reduce barriers to entry and promote investment.

**MR 09/12/02**

### Contracting Provisions to Cover Power Shortfalls

The ACCC has issued an authorisation allowing an expansion of the reserve contracting provisions of the National Electricity Code to enable more extensive generation and demand side involvement in reserve contracting. The reserve contracting provisions allow the National Electricity Market Management Company to contract with generation capacity and customer demand that is not available in the market to ensure adequate levels of supply are attained.

**MR 27/11/02**

## Regulated Services

### Natural Gas to Regional Communities

The ACCC and the National Competition Council have issued a joint publication that assists in addressing issues relevant to proposed gas transmission pipelines to regional communities. The *Regional development of natural gas transmission pipelines* guide is designed to assist local government authorities considering the regulated versus unregulated options available to them. The guide is available from the ACCC website

[www.accc.gov.au](http://www.accc.gov.au).

MR 01/11/02

### Amadeus Basin to Darwin Pipeline

The ACCC has approved a 10 year access arrangement period for the Amadeus Basin to Darwin natural gas transmission pipeline. Although the ACCC has decided to moderate NT Gas' proposed revenues, it will accept a range of changes that lead to benefits for both NT Gas and users of the pipeline. The final decision is available on the ACCC's website.

MR 11/12/02

### Pay TV Decision

The ACCC announced its decision not to oppose arrangements, which allow Optus and Foxtel to share pay TV Programming. The ACCC decision provides for:

- ✍ Court-enforceable undertakings proposed by Foxtel, Optus, Telstra and Austar address in the ACCC's concern about the potential anti-competitive effects of the planned arrangements. The undertakings provide access to programs for pay TV operators and broader choice for consumers.
- ✍ ACCC not intervening at this stage to block a proposal by Telstra to 'bundle' pay TV and telecommunications services under certain conditions. Telstra already offers discounts to customers who bundle fixed line telephony services with additional services, including mobile and internet, under its Rewards Options program. The Foxtel pay TV services will be added to this program.

ACCC issued a discussion paper on Telstra and Foxtel's analogue access undertakings relating to access to the cable Pay TV network operated by Telstra and Foxtel. The undertakings specify the terms on which Telstra and Foxtel propose to supply access to the Analogue Subscription Television Broadcast Service, a declared service under the TPA. These undertakings only deal with the provision of analogue services, but provide a transition path to digital services.

Copies of the undertakings, discussion paper and submissions from Telstra and Foxtel will be available on the ACCC web site.

MR 13/11/02 & 19/12/02

### Latest Broadband Service Figures

The ACCC issued a further update to its *Snapshot of Broadband Deployment*, a report providing statistics on broadband take-up across Australia. The report shows steady growth in the take-up of broadband services over the past 15 months.

MR 02/12/02

## Contact the ACCC

✍ Infocentre : 1300 302 502

✍ Website : [www.accc.gov.au](http://www.accc.gov.au)

## A National Overview

ACCC staff will be out in regional and metropolitan centres over the next few months for the latest Competing Fairly Forum. The latest forum, *Future Directions*, features ACCC Chairman, Professor Fels and other industry leaders talking about the current review of the Trade Practices Act, being chaired by former High Court Judge, Daryl Dawson.

ACCC staff will be holding regional forums throughout Australia involving a viewing of the latest forum discussion, a short presentation by the outreach officer and answering questions from small businesses and consumers in a face to face environment. For more information please contact your local small business manager, regional outreach officer or the ACCC Infocentre.

## VIC

The ACCC's Victorian office is presently updating contact details for organisations that wish to receive regular trade practices information. If your organisation would like to update its contact details or receive this information please contact the Victorian office. As part of its education campaign the ACCC also has available a wide range of publications and information on its web site.

## QLD

The ACCC is entering into arrangements with the Queensland Office of Rural Communities to provide information & publications to local communities about the role & functions of the ACCC. This information will be available by end of January 2003 in the 67 QGAP offices throughout Queensland

## NSW

The ACCC will be working with other State and Commonwealth government agencies to provide information to small businesses and consumers at the Sydney Chinese New Year festival, a major event held by the Asian community every year. The festival provides an ideal opportunity for the ACCC to disseminate information on the rights and responsibilities of small business under the Trade Practices Act.

## SA

The ACCC's SA office has been building a new communication strategy to coordinate the ACCC's educational activities. This strategy features a regular talk back session on regional radio giving callers the chance to discuss their consumer and business concerns. It is anticipated that this initiative will better connect consumers and the business community with the ACCC.

## WA

The ACCC was invited to make a submission to the W.A government's review of the Commercial Tenancy (Retail Shops) Agreements Act. In its response the ACCC recommended that any review of the WA legislation should consider the drawing down of the unconscionable conduct provisions contained in section 51AC of the Trade Practices Act. It is perceived that the drawing down of the unconscionable conduct provisions into State retail tenancy legislation will provide tenants with an accessible forum in which to resolve disputes quickly and at low cost.