

**December 2005**

**FROM THE SMALL BUSINESS COMMISSIONER**

The ACCC has announced some important initiatives to help small business better access ACCC advice. This will be achieved by:

- \* a dedicated small business Helpline on 1300 302 021, enabling small business operators to speak to staff trained in small business and franchising issues
- \* a small business Easy Access Point on the homepage of the ACCC website [www.accc.gov.au](http://www.accc.gov.au)
- \* assistance in lodging complaints with the ACCC using an online Small Business Complaints Form.

This edition of Briefing outlines a range of ACCC initiatives to enforce the TPA and assist businesses in their compliance efforts. Some of the items reported on include issuing guidance on debt collection (joint publication with ASIC) and misleading job and business opportunity advertising as well as the ACCC's latest monitoring reports on stevedoring at Australia's major ports and the quality of service standards at Australia's major airports.

On behalf of the ACCC I wish all small businesses the best for the festive season and a prosperous 2006.

**John Martin**  
Small Business Commissioner

The ACCC has been concerned for some time that responses to s. 155 (evidence gathering) notices have been less than thorough. The ACCC will not shy away from pursuing a matter where there is evidence that a person has not complied with their obligations or has lied to, or misled ACCC investigators.

The ACCC will take appropriate counter measures when tactics such as manoeuvres to delay litigation, witnesses lying to investigators and the destruction of documents are identified to ensure such measures do not succeed.

MR 270/05

**Stevedoring report issued**

The ACCC has released its seventh annual stevedoring report covering prices, costs and profitability of container operations in Australia's major ports. The report shows a change in trend patterns with unit revenues and costs now increasing and productivity growth flattening out.

Information provided by the stevedores indicates that the industry in 2004-05 invested in new assets and that profitability remained at historically high levels.

The report poses several questions regarding the competitive environment at Australia's major container ports, noting that a number of parties had expressed interest in establishing a third stevedoring operation but that entry into the industry remains difficult.

MR 281/05

**NEW DEVELOPMENTS**

**ACCC and ASIC promote fair debt collection practices**

Debt collection activity is a source of many complaints to the ACCC and ASIC so the regulators have jointly issued two publications aimed at improving standards in the debt collection industry and assisting consumers dealing with debt.

The new guideline, *Debt Collection guideline: for collectors and creditor*, has been developed in consultation with industry and consumer representatives to provide guidance on appropriate conduct to help the industry operate within the law.

The second publication, *Dealing with debt: Your rights and responsibilities*, is a consumer brochure aimed at helping people who are currently dealing with debt problems or being contacted by debt collectors. It contains practical advice and tips about what to do in potentially stressful situations that can occur when handling debt.

MR 244/05

**'Frustrating' tactics will not thwart ACCC**

The ACCC has warned trade practices advisors that tactics to frustrate the ACCC in its enforcement of the competition law will draw an aggressive response.

**Motor vehicle industry advertising**

The ACCC has warned the motor vehicle industry that its advertising practices were not up to scratch and risked contravening the Trade Practices Act. Despite the release of *Guidelines for Pricing in the Motor Vehicle Industry*, a recent ACCC assessment of motor vehicle advertising revealed a high level of non-compliance with trade practices obligations and exposed numerous potential breaches of the TPA.

The ACCC is monitoring the industry and companies risk formal legal action if there is no immediate improvement in the level of compliance.

MR 283/05

**Guide to stop misleading job ads**

The ACCC, in consultation with the Australian Publishers' Bureau and Job Watch, has produced a guide aimed at educating staff responsible for placing employment advertisements in newspapers and online publications.

*Misleading Job and Business Opportunity Ads: How to handle them*, is designed to prevent misleading job and business opportunity advertisements. It details those provisions of the

Some items in *ACCC briefing* refer to media releases and their dates e.g. MR 12.2.04. These can be found on the ACCC website <[www.accc.gov.au](http://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](mailto:small.business@accc.gov.au). For TPA information - ACCC infocentre 1300 302 502.

TPA most relevant to advertisements for job or business opportunities and specifically addresses common industry practices which may raise concern, including those which are unique to 'online' job advertisements.

MR 287/05

### **ACCC Keeping Baby Safe**

The ACCC has issued a revised edition of *Keeping Baby Safe*, a publication that helps families choose safe nursery furniture and equipment for small children. Accidents with nursery furniture and equipment cause one in five of the injuries suffered by babies in their first year of life.

The booklet identifies some of the high risk products for babies and offers tips on what to look for before buying products, detailing individual types of nursery equipment and furniture, with comments specific to their selection, use and safety.

MR 245/05

## **CONSUMER AND SMALL BUSINESS PROTECTION**

### **Comparative prices corrected**

National bedding and furniture retailer Forty Winks has corrected its use of comparative pricing following an ACCC investigation.

Advertisements appearing in a recent Forty Winks catalogue quoted a number of '\$ savings' by comparing the store's 'normal ticketed price' with the discounted price. The claimed savings may have been overstated because Forty Winks usually sells its products at less than the ticketed prices. While the catalogue contained a very fine print disclaimer stating this, it was not prominent enough to qualify the overall impression of the catalogue.

Forty Winks offered undertakings in response to the ACCC's concerns that consumers were being misled about claimed savings from the comparative advertising.

MR 250/05

### **Course provider corrects misrepresentations**

The ACCC has accepted court enforceable undertakings from Janue Pty Ltd, trading as All Modes Dangerous Goods Training (AMDGT), to resolve concerns the company misrepresented its accreditation with the International Air Transport Association (IATA).

AMDGT runs courses on dangerous goods handling. Their website stated they had accreditation as an 'approved school' with IATA when no such accreditation has been granted. In the ACCC's view, the misrepresentation may have contravened consumer protection provisions of the TPA.

AMDGT cooperated with the ACCC after the matter was brought to their attention and immediately removed the statement from the website. AMDGT has also provided undertakings to ensure that similar issues will not arise in the future.

MR 251/05

### **Misleading down content claims**

The ACCC has accepted court-enforceable undertakings from seven outdoor adventure equipment suppliers to correct claims made on labels and in their promotions about the content of their down-filled sleeping bags and clothing. The undertakings address concerns that the suppliers may have breached ss. 52, 53(a) and 55 of the TPA by misrepresenting the percentage content of their down-filled products.

Sample tests of the suppliers' down-filled sleeping bags indicated all of the tested sleeping bags contained significantly less than the percentage of down claimed. The suppliers informed the ACCC that the down content claims had been made in reliance on their interpretation of the labelling tolerances specified in the voluntary Australian Standard for down and feather-filled products.

The ACCC considered the need to advertise and label products accurately overrides any tolerances that may be allowed in a voluntary industry standard.

MR 253/05

### **Souvenir t-shirt industry origin labelling**

The ACCC has warned the souvenir industry to comply with country of origin labelling rules after investigating a number of t-shirt importers.

The ACCC was particularly concerned by the practice of attaching a 'Made in Australia' label to an overseas garment. Similarly, the ACCC considers that if embroidery or screen printing is added to a t-shirt in Australia, but the garment itself was not made in Australia, it is misleading to attach a 'Made in Australia' label to the product.

Following the investigations, AAA Embroidery & Screen Printing Pty Ltd admitted it added embroidery and screen printing to imported t-shirts and labelled the garment as made in Australia and has given court enforceable undertakings to cease this conduct.

MR 254/05

### **'Schoolies' trade mark alleged misrepresentations**

The ACCC has accepted court enforceable undertakings from Break Free Holidays that it will not threaten legal proceedings against third parties who make use of the word 'Schoolies' in circumstances where it has no right to do so.

Break Free Holidays currently holds trademarks comprising of the word 'Schoolies' in six different classes. An ACCC investigation found that a number of organisations referred to 'Schoolies' in their advertising and promotional material as a general word. In some cases, Break Free threatened legal proceedings for this use, while at other times Break Free asserted that some form of approval from them was required to use the word.

The ACCC considers that Break Free may have breached s. 52 of the TPA by making these representations. Break Free has acknowledged the ACCC's concerns about its conduct and has offered undertakings including an agreement to obtain proper legal advice prior to communication with third parties in relation to their use of the word 'Schoolies'.

MR 275/05

## Pyramid scheme declared illegal

The Federal Court has declared 1Cellnet LLC participated in a pyramid selling scheme involving discounted telephone calls in contravention of s. 65AAC of the TPA. The court also declared that Bruce Pallister and Shaun Mellet were knowingly concerned in the contravention.

The scheme involved participants making a payment to 1Cellnet with a promise they would be able to earn income from the 1Cellnet Global Bonus Points scheme. The court declared that the payment was induced by the prospect held out to new participants that they would be entitled to payments in relation to the introduction to the 1Cellnet scheme of further members.

In addition to the court's declarations and injunctions, Mr Pallister and Mr Mellet are required to publish notices in various newspapers across Australia, attend a trade practices law seminar and pay the ACCC's costs.

*MR 278/05*

## PRODUCT SAFETY

### Supplier bicycle safety response

The ACCC has ordered the recall of potentially unsafe 'retro' style bicycles after a market survey found bicycles sold under a variety of names breached the mandatory safety standard.

The ACCC raised concerns with one company, Classic Bicycles Pty Ltd, the importer of 3G branded bicycles, and the company responded by withdrawing from sale those bicycles which did not meet the standard. Classic will also supply owners of 3G bicycles, free of charge, with handlebars that meet the requirements of the safety standard.

*MR 252/05*

### Suppliers act to ensure hot water bottles are safe

Two importers of hot water bottles, Livingstone International Pty Ltd and Mayvic Pty Ltd, have taken steps to ensure their products are safe after the ACCC raised some concerns about the products.

The ACCC received reports that some hot water bottles, which were claimed to comply with the British Standard, had failed when tested. In both cases, certificates of compliance were provided to the importers by overseas manufacturers but the certificates were either false or were generic and did not necessarily apply to the hot water bottles being imported.

The importers have offered court enforceable undertakings agreeing to stop supplying the hot water bottles.

*MR 284/05*

### Major retailer toughens safety standards compliance

Harris Scarfe Australia Pty Ltd will upgrade its compliance with safety standards after selling terry towelling children's dressing gowns labelled as 'Low Fire Risk' which did not meet the mandatory consumer product safety standard.

The garment was identified by ACCC staff during a routine safety survey and tested by an independent testing authority.

The results indicated that the garment failed to comply with the Australian Standard *AS/NZS1249:1999*.

Harris Scarfe immediately conducted a public recall after being notified and its supplier, RJN Australia Pty Ltd, has more recently conducted a second recall as part of undertakings given to the ACCC.

*MR 285/05*

### Children's cosmetics supplier on notice

The ACCC has accepted court enforceable undertakings from Austwide Wholesalers Pty Ltd after children's cosmetics products which breached the cosmetics information standard were found on the market in Darwin.

The standard requires all cosmetic products and toiletries to be labelled with a full list of ingredients, either on product itself, or alternatively, a list of ingredients is available to consumers at the point of sale.

Austwide voluntarily removed the products at the wholesale level after being contacted by the ACCC and has supplied the retailers with printed labels listing the products' ingredients.

*MR 291/05*

## RESTRICTIVE TRADE PRACTICES

### Penalties recovered from 'insolvent' company

The Federal Court has ordered the termination of a deed of company arrangement limiting an amount payable to the Commonwealth on the basis the arrangement unfairly prejudiced the Commonwealth.

In March, Leahy Petroleum was ordered to pay a penalty of \$2.5 million for engaging in price fixing. Shortly after the company was declared insolvent and placed in administration. The company entered a deed of arrangement distributing between the Commonwealth and the company's sole shareholder the nearly \$1million surplus that had been left after all creditors except the Commonwealth were paid in full.

The Commonwealth filed an application with the Federal Court to have the deed terminated and as a result of the judgement the company will be wound up and the Commonwealth will receive the full amount of any surplus to the extent required to satisfy the pecuniary penalty.

*MR 243/05*

### Visy's \$500 000 penalty to stay

Visy Paper Ltd has failed in its bid to reduce the size of penalties imposed on it by the Federal Court after the High Court found that Visy had attempted to contravene s. 45 of the TPA in trying to stop a rival waste paper collection company from taking its customers.

The Full Court unanimously agreed with the trial court that the penalty was fitting and dismissed the appeal with costs, confirming penalties of \$500 000 against Visy and penalties totalling \$25 000 against two senior executives.

*MR 280/05*

### **Ice cream companies offer undertakings**

The ACCC has accepted court enforceable undertakings from International Catering Pty Ltd, trading as Mr Yummy and Mr Yummy Australia Pty Ltd, over alleged price fixing attempts.

The ACCC alleged representatives of the companies made approaches to competing vendors of ice cream products attempting to obtain agreement to match prices in contravention of s. 45 of the TPA. It was not alleged that any arrangement had actually been reached. The companies acknowledged the concerns raised by the ACCC and offered undertakings to address these.

*MR 273/05*

### **Proceedings against alleged secondary boycott**

The ACCC has instituted proceedings in the Federal Court alleging contraventions of the secondary boycott provisions of the TPA by the Construction Forestry Mining and Energy Union (CFMEU), the Construction Forestry Mining and Energy Union of Workers (CFMEUW), and three union members.

The ACCC alleged that the CFMEU, CFMEUW and a number of union members engaged in conduct that hindered or prevented the supply of goods by third parties to Doric Constructions Pty Ltd at the then Holiday Inn construction site in Burwood, WA.

*MR 288/05*

## **MERGERS AND ACQUISITIONS**

### **Woolworths' acquisition to proceed**

The ACCC did not oppose Woolworths' proposed acquisition of nineteen Action supermarkets and three development sites.

The ACCC decided that the proposed acquisition of six of the eight local markets originally identified as raising competition concern is unlikely to substantially lessen competition. Woolworths will now not proceed with the acquisition of one of the stores which will instead be acquired by Metcash, as will the wholesale operation of Action's parent company, Foodland Associated Limited.

*MR 249/05*

### **Capral's acquisition of Crane not opposed**

The ACCC did not oppose Capral's proposed acquisition of Crane Group Ltd's aluminium business. The acquisition will result in a significant increase in Capral's share of the market for extruded aluminium products, but Capral will continue to face strong and vigorous competition from imports.

Inquiries revealed that the market for aluminium products is very competitive and market participants are likely to respond to alleviate any perceived or real barriers to importing. The ACCC also noted that barriers to entry are not so high as to prevent new entrants.

*MR 256/05*

### **Arrow-Sigma merger not opposed**

The ACCC did not oppose the proposed merger between Arrow Pharmaceuticals and Sigma Group.

A significant concern was whether the merged company would have an incentive to discriminate against competing generic pharmaceutical manufacturers in its wholesale distribution and pharmacy banner group operations.

The ACCC decided this was unlikely as there was no evidence Sigma had previously been able to discriminate. The ACCC was also satisfied that the merger would not raise competition concerns at the wholesale distribution level, given Arrow's limited wholesaling operations.

*MR 257/05*

### **Statement of Issues on Toll bid for Patrick**

The ACCC released a Statement of Issues on the proposed acquisition of Patrick Corporation by Toll Holdings. The ACCC initiated a second phase of market enquiries and upon conclusion, indicated it would make a final assessment of the matter and anticipates a final decision prior to Christmas.

*MR 269/05*

### **Brewery acquisition allowed**

The ACCC did not oppose Lion Nathan Limited's proposed acquisition of Coopers Brewery Limited.

The ACCC's investigation into the proposed acquisition included consultation with the beer industry, including competitors, customers, suppliers and distributors of the breweries.

The ACCC considered the relevant market was broader than South Australia (the only state in which Coopers has substantial market share) and that as such the proposed acquisition was unlikely to result in a substantial lessening of competition.

*MR 296/05*

### **NAB equity purchase allowed**

The ACCC did not oppose the NAB's proposed acquisition of 25 percent equity in Cash Services Australia following the offer of court-enforceable undertakings by CSA, a joint venture between ANZ, CBA and Westpac for the purposes of acquiring and re-supplying armoured carrier services and the operation of a cash exchange. Market participants raised competition concerns in the armoured carrier services market and CSA's enhanced ability to control a wholesale cash pool.

CSA advised that it has no plans to trade wholesale cash and NAB advised it is not currently intending to acquire armoured carrier services from CSA, committing to six weeks notice of any change in this intention. The ACCC considered that concerns have been addressed by the undertakings offered by CSA.

*MR 286/05*



## **Explosives transactions not opposed**

The ACCC did not oppose the global acquisition of Dyno by a Macquarie Bank-led consortium and the subsequent on-sale of Dyno Nobel's European, Middle Eastern, African, Asian and Latin American businesses to Orica.

The decision not to oppose the acquisition was made on the basis of a number of assurances from the parties, including that Orica will not acquire any interest in or participate in any way in the operation or management of Dyno's Australian business.

*MR 292/05*

## **AUTHORISATIONS AND NOTIFICATIONS**

### **ACCC to authorise direct marketing code**

The ACCC has issued a draft decision proposing to authorise the 2005 Direct Marketing Code of Practice, a code developed by the Australian Direct Marketing Association to provide protection for consumers from undesirable marketing methods.

The code provides consumers with recourse to a resolution mechanism where they have complaints regarding the conduct of an ADMA member. The ACCC considers that on balance an industry code of practice providing additional avenues through which consumers may seek redress is likely to be of net benefit to the public.

*MR 247/05*

### **Sydney councils' collective tender arrangements**

The ACCC has granted interim authorisation to a group of Sydney Councils to collectively tender for the provision of waste management services for was collected during 'Council Clean Ups'.

Interim authorisation extends to seeking and receiving expressions of interest, calling for tenders and making recommendations to councils and was requested so that, if final authorisation is granted, contracts can be entered into in a timely manner to maximise the contract term for the service.

*MR 246/05*

### **Dairy collective bargaining arrangements to continue**

The ACCC has extended for a further five years an authorisation allowing dairy farmers in south-east Queensland, through Premium Milk, to collectively bargain with Parmalat Australia Ltd.

The dairy farmers have collectively negotiated with Parmalat since 2001 and Premium argued that the arrangements, which are fully supported by Parmalat, have resulted in cost savings and given dairy farmers certainty to invest in and improve their businesses.

*MR 241/05, 267/05*

### **WA milk negotiating agency proposal denied**

Dairy WA has sought to establish a milk negotiating agency to collectively bargain on behalf of dairy farmers with milk processors, retailers and service providers. It also sought

authorisation to allow dairy farmers to engage in a collective boycott of milk processors.

The ACCC issued a draft determination proposing to deny authorisation to these arrangements due to concerns that the proposal sits at the extreme end of collective bargaining arrangements and would be a step backward from gains made since dairy deregulation.

Although the assessment has been hampered by the limited nature of the information provided by Dairy WA, it seems likely the arrangements would have a significant negative impact on competition in the Western Australian dairy industry.

*MR 248/05*

### **Architects' authorisation**

The ACCC has issued its final decision granting authorisation to the Royal Australian Institute of Architects in respect of some of its arrangements and activities has been issued. A draft determination had proposed to deny authorisation on the basis of concerns some aspects of RAlA's new code of conduct provisions were likely to be anti-competitive.

In response to the draft determination, RAlA submitted an amended application removing the fee guidance material and modifying the code to address concerns that it may have restricted architects from competing against one another.

*MR 260/05*

### **Homeworkers' code re-authorised**

The ACCC has issued a draft determination proposing to re-authorise the arrangements that comprise the Homeworkers Code of Practice.

The code is a voluntary self-regulatory scheme providing for accreditation of parties in the garment industry to assist in ensuring homeworkers are employed according to relevant award conditions. The ACCC will make a final decision after a further round of public consultation.

*MR 262/05*

### **Forest contractors' collective bargaining denied**

The ACCC issued a draft determination proposing to deny an application from the Tasmanian Forest Contractors Association seeking authorisation to collectively negotiate with various wood companies on behalf of its member forest contractors and allowing collective boycott under certain circumstances.

In assessing the application, the ACCC learned that contractors carry out specialised tasks that may be unique to certain wood companies or coupes. The diversity means individual contracting businesses compete to differentiate themselves to win contracts based upon individual skills, experience and equipment. A need for varied and flexible contractual arrangements is a natural consequence of this diversity.

The proposed collective bargaining arrangements have the potential to result in increased standardisation of contracts, reducing innovation and leading to less effective work practices which may result in some detriment to the public.

*MR 266/05*

### **Draft authorisation for port queue management system**

A draft determination proposing to authorise a queue management system designed to address the imbalance between demand for coal loading services at the Dalrymple Bay Coal Terminal and the capacity of the infrastructure of the Goonyella coal chain has been issued by the ACCC.

The ACCC previously granted interim authorisation to allow the operator of the terminal to commence the implementation of the system. The draft determination was delayed to allow review of the system and over this period, several operational refinements were made.

The system essentially reduces the amount of coal each producer can export through the terminal on a pro rata basis and the ACCC is satisfied that incentives exist under the system for all industry participants to maximise coal exports.

*MR 271/05*

## **REGULATED SERVICES**

### **Telstra accounting separation report issued**

The ACCC has issued its imputation testing and non-price terms and conditions report under the enhanced accounting separation regime for Telstra. The report presents key performance indicators comparing aspects of Telstra's customer support services when supplied to wholesale and retail customers.

The report also presents imputation analysis designed to reveal whether there are sufficient margins between Telstra's retail prices and the prices it charges other service providers to use core services to allow competition at the retail level.

The results showed sufficient margins for domestic and international long-distance calls and fixed-to-mobile calls, but not for local calls services.

*MR 242/05*

### **Telecommunications access dispute**

Optus Networks Pty Limited has notified the ACCC, under Part XIC of the TPA, of an access dispute with Telstra Corporation Limited relating to the connection, monthly rental and other charges for the supply of the unconditional local loop service from Telstra to Optus. The ACCC has begun the arbitration process for this dispute.

*MR 240/05*

### **Interim determinations in five telco arbitrations**

The ACCC has published interim determinations in five telecommunications mobile terminating access service (MTAS) arbitrations.

The arbitrations involve Vodafone Network as the access provider and the following parties as access seekers: AAPT, Hutchison Telecommunications, Hutchison 3G, PowerTel and Primus Telecommunications.

The determinations set out the charges to be paid by the access seekers to Vodafone for the supply of the MTAS, except where otherwise agreed by the parties. The interim determinations are

in effect for 12 months unless revoked or a final determination comes into effect.

*MR 261/05*

### **Optus prices for MTAS 'unreasonable'**

The ACCC has issued a draft decision to reject Optus' access undertaking to supply its Domestic GSM Terminating Access at a price tending towards 17 cents per minute in 2007.

The undertaking was rejected because the ACCC considers the estimated target price is substantially above the cost of supplying the service. The ACCC has argued that this would have negative impacts in downstream markets and high termination prices would end up being passed on to consumers.

The high termination costs also make it difficult for providers of fixed-line services that do not own mobile networks to compete with those providers that do, e.g. Optus.

*MR 265/05*

### **Paper on Hutchison access undertakings**

The ACCC has issued a discussion paper on the six ordinary access undertakings lodged by Hutchison Telecommunications (Australia) Limited and Hutchison 3G Australia Pty Ltd in relation to the mobile terminating service. The undertakings specify some of the price and non-price terms and conditions on which it proposes to supply the MTAS.

The TPA requires the ACCC to accept or reject the undertakings based on whether it considers their terms and conditions to be reasonable.

*MR 282/05*

### **Interim determination in access arbitration**

The ACCC's interim determination in the AAPT Ltd–Optus Networks Pty Ltd and Optus Mobile Pty Ltd mobile terminating access service arbitration has been published.

The interim determination sets out the charges to be paid by AAPT to Optus for the supply of the MTAS, except where otherwise agreed by the parties and is in effect for 12 months unless revoked or a final determination comes into effect.

*MR 290/05*

### **Foxtel pay TV digital set top unit services**

The ACCC has released a discussion paper on Foxtel's special access undertaking relating to access to its pay TV digital set top unit service.

If accepted by the ACCC, the undertakings will determine the terms and conditions on which other service providers can obtain access to Foxtel's digital STUs and related services in the absence of commercial agreement between the parties. This will enable service providers to provide their own digital pay TV services in competition with Foxtel's current services.

*MR 268/05*

### **Airports quality monitoring report issued**

The ACCC has released *Quality of service report for price-monitored airports*, its report on the availability and standard of airport facilities at Australia's major airports.

The ACCC's role of monitoring quality of service is complementary to its price monitoring role for aeronautical and aeronautical-related services. The report shows that over the past three years, Brisbane has been the top-ranked airport, achieving an overall rating of good. Melbourne, Perth and Sydney airports have generally been rated as between satisfactory and good, while Adelaide, Canberra and Darwin airports have generally been rated as satisfactory.

MR 272/05

### **Price changes for aviation rescue services**

The ACCC has formed the preliminary view to not object to a proposal from Airservices Australia to change the prices of its aviation rescue and fire fighting services and is now seeking views from interested parties.

Airservices Australia is the monopoly provider of fire fighting and rescue services at Australian airports and is required under the TPA to notify the ACCC of proposed price increases. Airservices' proposal changes the structure of charging for ARFF services, after the ACCC expressed concerns regarding efficiency of the existing structure of charges.

MR 277/05

### **Shipping investigation into alleged breach of Part X**

The ACCC will hold an investigation into an alleged breach by the Australia to Europe Liner Association of Part X of the TPA, which regulates negotiations between international cargo shipping lines and exporter groups.

The Australian Peak Shippers Association lodged a complaint with the ACCC alleging that AELA refused to provide information upon request, in contravention of Part X, section 10.41(b).

In accordance with Part X, the ACCC has informed the minister for Transport and Regional Services of its decision to investigate and will report to the minister on its findings. The minister may cancel AELA's registration as a liner conference if satisfied that AELA has contravened Part X of the TPA.

MR 263/05

### **Draft decision on central ranges gas pipeline**

The ACCC and the Independent Pricing and Regulatory Tribunal have issued draft decisions on Central Ranges Pipeline's proposed access arrangement for its planned transmission pipeline in the Central Ranges of NSW and the network to take gas from the pipeline to end customers.

The ACCC and IPART had earlier approved a competitive tender process for the pipelines which established key provisions, and in general the proposed arrangements incorporate the outcomes of the tender. CRP has indicated its agreement to some amendments required by ACCC and IPART.

MR 259/05

### **Comment on disclosure of Australia Post information**

A discussion paper was issued on the public disclosure of information collected under the record keeping rules issued to Australia Post. These provisions require AP to provide annual financial reports to the ACCC and provide information necessary to determine whether Australia Post is cross-subsidising its non-reserved services with revenue from reserved services, assessing proposed price increases for reserved services and inquiring into disputes about the terms and conditions of bulk mail services.

ACCC considers that disclosure of the information will have several benefits but these must be weighed against possible detriment to Australia Post. The paper indicates the preliminary view that regular reports should be issued analysing the information.

MR 258/05