

## January/February 2009

### From the Small Business Deputy Chair

As I take over the reins of *ACCC briefing* from ACCC Small Business Commissioner John Martin, I am pleased to introduce an Appendix to this publication that we have called the *Small Business Update*. It brings together recent policy developments and research into small business issues compiled by the ACCC library.

In this edition of *ACCC briefing* there is reference to new ACCC merger guidelines and important legal action in franchising and unconscionable conduct matters.

If small business readers have any queries I suggest you initially contact our Infocentre on 1300 302 502 or connect to the ACCC Website [www.accc.gov.au](http://www.accc.gov.au)

**Michael Schaper**

**Small Business Deputy Chair**

### NEW DEVELOPMENTS

#### Guidance for water operators and customers

The ACCC issued three major publications designed to assist irrigators, water brokers and water exchanges to understand their rights and responsibilities under the TPA.

In recent years there has been a significant increase in the volume of water trading with many irrigators relying on brokers or exchanges to help them find a buyer or seller and to organise the necessary paperwork.

The TPA establishes fair trading obligations for water brokers and exchanges and the ACCC's publications help all parties to understand their rights. The publications include tips for looking for brokers and exchanges, examples of conduct likely to breach the TPA, and the steps to take to resolve disputes with a broker or exchange.

The publications are available on the ACCC website or by calling the ACCC Infocentre on 1300 302 502.

MR 322/08

#### ACCC issues revised Merger Guidelines

The ACCC has issued its revised Merger Guidelines 2008, outlining the general principles used for merger analysis, under section 50 of the TPA.

The revised merger guidelines were developed with a greater emphasis on competitive theories of harm and the effect of constraints, enabling a more integrated analysis and provide a better reflection of the approach that has developed in recent years, in line with international best practice, contemporary views on anti-trust analysis and the ACCC's experience.

The revised guidelines and the growing body of public competition assessments posted on the ACCC website, provide for greater predictability, transparency and certainty to merger parties, the business community, their advisers and the public.

The valuable input from businesses and the trade practices advisory community on a draft released last year resulted in a number of changes – the most notable of which was to simplify the notification threshold the ACCC introduced to filter and limit the merger reviews conducted, to those that may potentially raise competition concerns.

The ACCC will apply the revised guidelines flexibly and will continue to assess each merger according to its specific nature, the industry and the particular competitive impact likely to result.

MR 326/08

### CODES OF CONDUCT

#### Court reinforces horticulture code

In the first case decided under the Horticulture Code of Conduct, the Federal Court, Darwin, declared that a horticulture merchant, Grove and Edgar, failed to comply with the code's pricing requirements in its dealings with two mango growers.

Although the code has only been in effect for 18 months, Justice Reeves reminded agents and growers of the need to familiarise themselves with its terms and to ensure they comply with it.

The case highlights the need for agents and growers to agree on a price in writing prior to, or immediately upon, delivery of any produce.

MR 371/08

#### Horticulture code breaches in Queensland

Atkinson Produce, trading as Murray Brothers, acknowledged it contravened the Horticulture Code of Conduct by trading under produce agreements and terms of trade that did not fully comply with the code. Atkinson also admitted that on some occasions it failed to agree to prices in writing with growers, and may have inadvertently misled some growers about the compliance of documents.

Atkinson undertook to redraft its current agreements and terms of trade so that they comply with the code and notify affected growers. Atkinson will also arrange, at its expense, a trade practices law seminar on the code for its management, employees and growers.

MR 344/08

### Interim injunctions over stock allocation to franchisees

The Federal Court of Australia ordered interim injunctions restraining Allphones from giving and representing that it will give preferential treatment to franchisees who have signed new agreements and/or a deed of release in favour of Allphones, until the final hearing of the ACCC's allegations.

The ACCC sought the injunctions restraining Allphones from giving effect to a stock allocation policy as set out in an email sent by its CFO, Mr Tony Baker, to franchisees. The email stated that Allphones would preferentially assign stock to franchisees who had signed a deed of release and Allphones owned stores, setting out various reasons why this new policy was necessary. The ACCC alleged that those reasons were ridiculous and that the threatened stock allocation policy was to force franchisees to sign a new agreement or a deed releasing Allphones from damages claims.

The ACCC alleged Allphones' proposed new stock allocation policy was, in the circumstances, unconscionable and/or misleading and deceptive in contravention of the TPA.

NR 005/09

### Undertakings to Federal Court in unconscionable conduct case

Potential customers for some online business directories will be made aware that they are being solicited for advertising following undertakings to the Federal Court by Gold Coast company Australialink Pty Ltd.

In proceedings instituted on 3 December, the ACCC alleged that the ways in which Australialink solicits listings for its directories are misleading or deceptive as to whether the recipient has had prior dealings with the company. The ACCC further alleges that Australink engaged in misleading or deceptive conduct by sending out notices purporting to be official court forms, in pursuit of payment for its directory listing services.

The ACCC also alleges that the overall business practice of Australialink in soliciting listings is in all circumstances unconscionable and in breach of section 51AC.

The undertakings will limit any further alleged consumer harm and will continue until final determination of the matter or further order of the court.

MR 357/08

### Jeweller fined for false "was/now" price advertising

Ascot Four Pty Ltd, the former owner of the jewellery retailer Zamel's, was fined \$380 000 after it was found guilty of making false and misleading representations about the price of jewellery.

Ascot Four was found to have falsely represented that during the sale period the purchase of each of 11 items in their 2005 Christmas catalogue would have resulted in a saving of the difference between a sale price and a strike through price.

In addition to the fine Ascot Four has been ordered to pay the ACCC's costs.

NR 012/09

### Wine retailer corrects misleading promotions

A South Australian wine retailer, Moving Juice, acknowledged it is likely to have misled and deceived consumers during its sales promotions when it represented that consumers would receive a 'free' and 'absolutely free' slab of Coopers Beer with the purchase of a dozen bottles of Dog Leg wine. An ACCC investigation found that the price of a dozen bottles of wine had been increased to incorporate most of the cost of the beer.

During April 2008, Moving Juice also advertised wine on its website using 'Was \$X Now \$Y' price comparisons, despite never having sold or offered the wine for sale at the higher 'was' prices since October 2007.

Moving Juice gave court-enforceable undertakings that it will not use misleading or deceptive representations about price in their advertising, will print corrective notices and donate \$2 000 to a charity of their choice.

NR 001/09

### Outdoor store misled customers

The Federal Court found that Harbin, trading as Ray's Outdoors, engaged in misleading and deceptive conduct over its Elizabeth store opening sale when it advertised a Rio Grand BBQ for \$99, with a strike-through price of \$299.99.

The court found the advertisement misrepresented what customers would have paid for the barbeque immediately before the sale and what they would have saved.

Harbin was been ordered to put a corrective notice in *The Advertiser* as well as pay the ACCC's costs.

MR 337/08

### Court finds employment services operator in breach of undertakings

The Federal Court made declarations that Mr Richard Alexander Roberson breached the terms of a court-enforceable undertaking he had previously provided to the ACCC under s.87B.

The undertaking resolved an investigation into Mr Roberson's business, Backpacker Employment Services, for alleged breaches of the Act that related to the availability, terms and conditions of employment opportunities.

Mr Roberson had represented that he could supply fruit picking jobs to unemployed persons who purchased a subscription from him, for the duration of that subscription period. He also stated that accommodation was readily available. An investigation by the ACCC revealed that Mr Roberson had no reasonable grounds on which to base these representations.

MR 340/08

### Nappy biodegradability claims declared false

The Federal Court declared that claims by Perth-based company SeNevens International about the biodegradability of its *Safeties Nature Nappy* were false and misleading.

SeNevens claimed that the whole of the nappy, including nappy disposal bags, were 100% biodegradable when in fact the nappy contained plastic components that are not capable of being broken down by the biological activity of living organisms.

The court imposed injunctions preventing SeNevens from engaging in similar conduct in the future and ordered that SeNevens publish a corrective advertisement on its website.

*MR 342/08*

### **Designer Brand Outlet website misled consumers**

Consumers buying from the Designer Brand Outlet website had been misled, the Federal Court declared. The ACCC had alleged that Bindert (Ben) Kloosterman and Xin Fan (Lucy), operators of the website, engaged in misleading and deceptive conduct. It alleged this included making representations that genuine designer label women's clothing was available to buy when in some cases no items were supplied and in others the clothing was counterfeit.

The court has granted injunctions restraining Mr Kloosterman and Ms Shi from engaging in similar conduct for 5 years and they have been ordered to pay the ACCC's costs.

*MR 355/08*

### **Telemarketing scam hitting consumers hard**

Telemarketing conmen, believed to be based in Hong Kong, are targeting Australian consumers, particularly those with Chinese surnames.

Consumers are tricked by the scammers into paying upfront fees for club memberships, taxes and other charges by the promise of a large win.

The ACCC has advised consumers to beware of such calls and to advise friends and family of the scam.

*MR 367/08*

### **Autobarn receives a "sobering" warning**

Autobarn provided a court-enforceable undertaking to the ACCC after concerns about representations made on the packaging of a personal breathalyser.

The AL6000 Lite personal digital breathalyser packaging claimed to meet with an Australian Standard for personal alcohol testing devices when it did not.

Autobarn provided an undertaking that it would cease to engage in the potentially contravening conduct, ensure that any products that feature an Australian Standard comply with that standard and publish corrective notices in national newspapers and in-store.

*MR 315/08*

### **Australian Made logo misused**

Jeune International, a cosmetics and therapeutic goods supplier, admitted using the *Australian Made* logo without the permission of the Australian Made Campaign Limited (AMCL).

The company admitted engaging in misleading and deceptive conduct and contravened s53(c) which relates to the making of false representations regarding, among other things, that goods have a certain sponsorship or approval.

Jeune has since obtained approval from AMCL to use the logo on its products and has given court-enforceable undertakings

that it will not use the logo without certification from AMCL in future.

*MR 330/08*

### **False 'Australian Made' claims by blanket supplier**

In another origin claim matter Creswick Woollen Mills admitted making false Australian Made claims for its premium merino wool blankets for the past three years, following an ACCC investigation. The blanket material was spun and woven in China, with only the cutting and sewing done in Australia.

Creswick Woollen Mills acknowledged the ACCC's view that substantial transformation of its merino wool blankets did not take place in Australia. Under the Act, goods can only be represented as being of Australian origin if they have been substantially transformed in Australia, and at least 50 per cent of the costs of manufacturing the goods have been incurred in Australia.

Creswick gave the ACCC court enforceable undertakings that it will publish a corrective notice in major daily newspapers and on its website acknowledging the falsity of its Australian Made claims and that it may be liable under the Act to compensate consumers who purchased the blankets. Creswick will also notify its retailers to remove all Australian Made claims from the packaging of the blankets that they currently have in stock.

*MR 365/08*

### **Telecommunications provider misled consumers**

The ACCC obtained orders by consent after Clarus Telecom engaged in false and misleading conduct in relation to claims made through its telemarketers that the company and its services were affiliated with or provided on behalf of Telstra.

The court declared that Clarus made false and misleading representations as at no time did it have Telstra affiliation or approval. The court also accepted an undertaking from Clarus that it would cease making the representation and implement a number of corrective measures.

*MR 331/08*

## **PRODUCT SAFETY**

### **Children's toy and cosmetic product fail to meet standards**

The ACCC accepted court enforceable undertakings from the Reject Shop after it supplied a children's toy that exceeded permissible lead levels and a cosmetic product which did not comply with mandatory product information standards.

The Reject Shop acknowledged the ACCC's concerns and immediately removed the toy from sale and issued a voluntary product recall.

They also distributed to their outlets, stickers listing ingredients, for placement on Universal Wipes packaging after Universal Wipes failed to meet the consumer product information standard.

The company will also implement a number of corrective measures to prevent such conduct in the future.

*NR 003/09*

## **Undertakings for incorrect labelling of cosmetics**

The ACCC accepted a court-enforceable undertaking from Mildon Pty Ltd, trading as Challenge International (Aust), after it acknowledged that a number of cosmetics products it supplied did not comply with the mandatory product information standard. Challenge has agreed that it will cease to supply cosmetic products that do not comply with the standard, and to implement procedures to ensure compliance with this standard in the future.

Challenge International also acknowledged that in supplying non-compliant cosmetic products it may have misled or deceived consumers and be in breach of the consumer protection provisions.

Importers, suppliers and retailers of cosmetics must ensure that the products they sell comply with the cosmetics standard as it is important to have correct labelling so consumers can identify ingredients which may cause allergic reactions.

*MR 372/08*

## **Recall of unsafe infant's flotation devices**

Playcorp Pty undertook an urgent voluntary recall of their Deep Blue and Aqua Spirit flotation devices for infants. A defective valve was discovered in the products, which may cause the devices to rapidly deflate during use, exposing an infant to the risk of drowning.

The ACCC commended Playcorp for taking preventative action even though no injuries or accidents had been reported.

*MR 341/08*

## **Unsafe toys recalled after ACCC internet survey**

An ACCC Christmas toy internet survey revealed three dangerous babies' toys sold by a number of online traders.

The products: a Rosali pacifier chain, a Gepetto wooden bead rattle and a Gepetto wooden bell rattle toy were withdrawn from sale following testing.

Suppliers are reminded that products sold over the internet are also subject to the mandatory product safety standards and bans.

*MR 356/08*

## **Treadmill safety alert**

The ACCC issued a new Safety Alert on treadmills following a recent report by the New South Wales Product Safety Committee that found there was an urgent need to alert and educate users of treadmills about the hazards treadmills present to children.

The Safety Alert notes that over the past three years, more than 100 serious accidents associated with treadmills have occurred in Australian homes.

The Safety Alert, which will be available in hard copy or from the ACCC's website, warns treadmill users to always keep young children away from fitness machines. It supplements other safety alert brochures published by the ACCC on goods which have proven dangerous to vulnerable members of the community, such as children and the elderly.

*MR 310/08*

## **RESTRICTIVE TRADE PRACTICES**

### **Airlines price fixing cartel in air cargo**

The Federal Court ordered Qantas Airways Limited to pay \$20 million and British Airways to pay \$5 million in pecuniary penalties for breaching the price fixing provisions of the TPA. In separate proceedings the ACCC had alleged Qantas and British Airways had both reached an understanding with other international airlines about the imposition of fuel surcharges on air cargo across its global networks between 2002 and early 2006.

Qantas admitted to making and giving effect to the understanding, repeatedly exchanging assurances amongst airlines in the implementation of fuel surcharge increases and reaching local agreements in certain Asian countries.

The penalty reflects the serious nature of the cartel contraventions and Qantas' large share of the Australian segment of the market. However, they also take into account the high cooperation Qantas gave in the course of the ACCC's investigation. Qantas made extensive admissions and, once aware of the conduct, Qantas undertook a comprehensive investigation. In addition, it provided the ACCC with relevant documents and ensured that staff were available for interview.

British Airways admitted it arrived at an illegal understanding with Lufthansa and cooperated fully during the investigations and continues to assist the ACCC's ongoing investigations into the conduct of other airlines.

*MR 351/08 and MR 352/08*

### **Proceedings continue against other airlines**

As a result of its ongoing investigation into price fixing cartels in the air cargo industry, the ACCC also instituted proceedings against Singapore Airlines Corho Pte Ltd.

The ACCC alleges that Singapore Airlines Cargo entered into fuel surcharge and security surcharge price fixing arrangements with other international air cargo carriers.

A date for the court hearing was set for February 2009 and the ACCC continues to investigate other airlines who may be involved in similar arrangements.

*MR 370/08*

### **Proceedings against boating manufacturer for retail price maintenance**

The ACCC instituted legal proceedings against Telwater Pty Ltd, the largest manufacturer of aluminium boats in Australia.

The ACCC alleges that Telwater engaged in resale price maintenance when it advised dealers they could not advertise certain products below a specified price, referred to as the 'brochure price'.

*NR 007/09*

### **\$120 000 penalty against sports gear maker**

A supplier of sports compression garments found to have engaged in resale price maintenance was penalised \$120 000. Skins Compression Garments was also found to have engaged in misleading and deceptive conduct in advertising and promoting its products.



The court declared that Skins engaged in resale price maintenance when it induced an Adelaide retailer not to advertise Skins products at a discount and ordered that they pay a penalty of \$120 000. It also ordered that a representative of its South Australian agent representative involved in the conduct pay a penalty of \$14 000.

The ACCC alleged that Skins paid sports stars such as cricketer Brett Lee to endorse their products, despite claiming in advertisements that it does not pay sports stars to wear or endorse its products. It also provided substantial quantities of Skins products to these sports stars, but claimed it did not provide products to sports stars without payment.

*MR 343/08*

## **AUTHORISATIONS AND NOTIFICATIONS**

### **Airline Cooperation Agreement denied authorisation**

The ACCC denied authorisation to Air New Zealand and Air Canada to give effect to a Cooperation Agreement.

The proposed agreement would involve the two airlines jointly promoting and selling direct flights between Sydney and Vancouver, with the two airlines pooling and sharing revenue.

The ACCC is concerned that the proposed agreement is likely to reduce competition for flights between Australia and Canada as Air New Zealand and Air Canada are two of the four main carriers on the route.

*NR 011/09*

### **Recruitment association allowed to implement code**

The ACCC granted the Recruitment & Consulting Services Association Limited (RCSA) authorisation for five years to make arrangements involving the latest versions of its Code for Professional Conduct and related documents.

The code for RCSA members sets out guidelines for professional and ethical best practice in the recruitment services industry. The authorised arrangements are expected to provide ongoing effective industry regulation and promote equitable dealings and enhanced business efficiency in the recruitment services industry.

*NR 009/09*

### **David Jones proposal given draft approval**

The ACCC issued a draft determination proposing to grant authorisation to David Jones to continue to invite retail brand management businesses operating within its stores to participate in certain storewide promotions and discounts.

A number of merchandise suppliers operate separate businesses within David Jones stores. These 'stores within stores' are run independently of David Jones and, without authorisation, agreements between these businesses and David Jones regarding promotional offers could potentially raise concerns under the TPA. The ACCC believes that the participation of these businesses in David Jones promotions continue to benefit consumers by reducing prices and simplifying promotions.

The arrangement does not allow for any broader arrangement between David Jones and concession businesses regarding the price of goods and services sold in David Jones stores.

*NR 006/09*

### **Independent record labels given right to collectively licence**

The ACCC did not object to the collective bargaining notifications lodged by Australian Independent Record Labels Association (AIR) for some of its members to offer joint licences to some users for the right to broadcast music videos.

The users with which AIR members propose to collectively negotiate are Telstra, Optus, BigPond, Austar, Foxtel, MTV Networks, XYZ Networks and Fuel TV.

AIR members propose to offer non-exclusive licenses covering the right to broadcast all music videos over which they hold copyright. The ACCC believes joint licensing will lead to more efficient management of these rights, generating cost savings for both AIR members and users and assist in maintaining the viability of the Australian independent music sector.

*MR 002/09*

### **AMA given approval to collectively negotiate**

The ACCC authorised the Australian Medical Association (AMA) to collectively negotiate with relevant state/territory health departments the terms of contracts, including fees, for rural GPs providing services as Visiting Medical Officers in public hospitals and health facilities in rural areas of Australia (except NSW).

The ACCC considers that an agreement would only be entered into if it were mutually beneficial to do so. The ACCC notes that participation in the collective negotiations is voluntary for both AMA members and state/territory health departments.

The authorisation does not extend to collective boycott activity. If such conduct did occur the ACCC would investigate.

*MR 349/08*

### **Dentists granted authorisation for fee-setting in shared practices**

The ACCC granted authorisation to enable dentists and dental specialists in shared practices to agree on the fees they charge patients. Authorisation was sought by the Australian Dental Association Inc as dentists and specialists operating as separate legal entities may be at risk of engaging in price fixing and exclusionary conduct if they agree on the fees they will charge for treatments within the shared practice.

The ACCC considers that allowing a common fee is likely to result in a public benefit where dentists and specialists operate under a common trading name from shared premises and facilities, and where patient records are shared and patients are treated by other members of the practice.

*MR 350/08*

### **ClubsNSW to collectively bargain with Tabcorp and Sky Channel**

The ACCC did not object to collective bargaining notifications lodged by ClubsNSW for collective negotiations with Tabcorp and Sky Channel. ClubsNSW proposes to collectively bargain on behalf of its 332 members to determine the terms and conditions for the supply of wagering and racing broadcast services.

The notifications were lodged under the collective bargaining process, which offers a more affordable and streamlined way

for small businesses to gain approval to collectively bargain with a larger supplier or acquirer of goods and services.

*MR 345/08*

#### **AHA's collective bargaining authorisation varied**

The ACCC issued a determination varying authorisations granted to the Australian Hotels Association which covers various state and territory AHA Divisions collectively bargaining with service providers of wagering and broadcasting services.

The AHA sought to extend the authorisation to include collective bargaining by the New South Wales Division with Tabcorp and Sky Channel as an existing authorisation for NSW arrangements expired.

The authorisation granted to the AHA Divisions was subject to conditions imposed by the ACCC restricting the size of bargaining groups to no larger than state-wide and restricting information sharing between bargaining groups.

*MR 318/08*

#### **Queensland lottery agents to continue collective bargaining**

The ACCC issued a determination authorising the continued collective negotiation by Lottery Agents Queensland Ltd (previously known as Golden Casket Agents Association Ltd) of terms and conditions of agency agreements between Queensland lottery agents and the Golden Casket Lottery Corporation.

The arrangements provide lottery agents with the opportunity to have greater input into the negotiation of their contracts with Golden Casket.

The collective bargaining arrangements are voluntary and individual lottery agents and Golden Casket are free to negotiate individual contracts if they prefer.

*MR 327/08*

#### **Collective bargaining proposed by Catholic health service**

The ACCC proposes to authorise the Sisters of Charity Health Services Limited to collectively bargain with health funds, the Repatriation Commission and other suppliers. The ACCC also proposes to allow the facilities to share certain information, such as data concerning a hospital's activities, efficiency and costs, for the purpose of benchmarking.

The ACCC believes that the proposed collective bargaining arrangements may result in cost savings and more efficient negotiation outcomes, whilst the information sharing can help efficiency improvements in a health facility.

However, the ACCC does not propose to allow the network to collectively decide not to deal with health funds and the Repatriation Commission if collective negotiations fail. Collective boycotts significantly increase the anti-competitive effects of collective bargaining.

*MR 335/08*

## **MERGERS AND ACQUISITIONS**

### **ACCC not to oppose CBA and BankWest merger**

The ACCC will not oppose the proposed acquisition of BankWest and St Andrew's by the Commonwealth Bank. Bankwest, a subsidiary of UK bank HBOS, was previously a keen competitor in the marketplace and had planned to expand its presence into the eastern states. However, the ACCC received evidence that these expansion plans were to be significantly scaled back as a result of funding difficulties experienced by HBOS, following the global financial crisis.

Following inquiries with financial regulators, BankWest's parent company, Australian and overseas banks and other consortia which may have had an interest in acquiring BankWest, the ACCC concluded that an alternative buyer was unlikely in the current funding environment. The ACCC also concluded that, even if another buyer were in a position to acquire the business, it was highly unlikely they would choose to invest the capital required to proceed with the expansion plans.

With BankWest no longer capable of the effective competition it has provided, the ACCC considered that the acquisition was unlikely to substantially lessen competition compared to the likely future state of competition if the acquisition did not proceed.

This decision is specific to the circumstances of this acquisition and any further proposed acquisitions of regional banks by the four major banks will be carefully monitored.

*MR 347/08*

### **Proposed acquisition of Bartter Enterprises rejected**

The ACCC announced it intends to oppose the proposed acquisition of Bartter Enterprises by Baiada Poultry Pty Ltd concluding that the acquisition would be likely to substantially lessen competition in the markets for supply of processed chicken meat.

After conducting extensive inquiries the ACCC found that the three national chicken processors – Baiada, Bartter and Ingham – currently supply the vast majority of processed chicken to large volume buyers and are the closest competitors of each other.

As fast food restaurants comprise a large group of customers that are heavily reliant upon supply of high volumes of processed chicken, the ACCC concluded that the smaller processors face high barriers to expansion, and are unlikely to be capable of imposing an effective competitive constraint upon the merged entity. The merger would be likely to result in a substantial lessening of competition, with effects on prices for the fast food restaurants and their consumers.

*NR 026/09*

## **REGULATED SERVICES**

### **Joint report on communications, infrastructure and services**

The Australian Communications and Media Authority (ACMA) and the ACCC have released a joint report titled *Communications Infrastructure and Services Availability in*

*Australia 2008*, which discusses the availability of broadband, fixed voice, mobile voice and mobile data in the community.

The report identified an increase in broadband connection speeds, the number of broadband subscribers, and the number of 3G users. The report also found that the number of fixed voice services remained stable.

The report is intended to provide an overview of communications infrastructure and service availability across Australia in residential and small business retail markets and can be located on the ACCC's website at [www.accc.gov.au](http://www.accc.gov.au).

*MR 353/08*

#### **ACCC publishes data on take-up of broadband access services**

The ACCC published information concerning the distribution of services supplied over Telstra's customer access network, which is released in conjunction with the joint Australian Communications and Media Authority (ACMA) and ACCC report titled *Communications Infrastructure and Services Availability in Australia 2008*.

The data is fundamental to a range of decisions that are before the ACCC, and the publication is aimed at ensuring the data is available for interested parties' information and comment.

*MR 354/08*