



Murray Hume Business Enterprise Centre

Albury-Wodonga

Presented by

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Australian Competition & Consumer Commission

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Table of Contents

1. Introduction
2. Competition & Consumer Law
3. Role of the ACCC
4. Transport
5. Scams
6. Spam
7. Franchising

1. INTRODUCTION

In my role as ACCC Commissioner responsible for Small Business matters I am delighted to have the opportunity to speak to the Murray Hume Business Enterprise Centre during “Small Business September”.

It’s just over a year since I last spoke with you and it’s always a good sign when you’re invited back!

The basic philosophy of the ACCC is that we would much rather have businesses understand and comply with the Trade Practices Act, than have to take action to try to rectify a breach.

That’s why I’m always happy to accept invitations like this to help inform business, and especially small business, of their rights and responsibilities. This incidentally is the 121st speech given so far this year by ACCC commissioners and senior staff.

Our Chairman Graeme Samuel has now been in the job for 14 months and it’s been fascinating to watch the way perceptions of Graeme have changed.

Initially, there were accusations that Graeme would have a “big business” bias at the expense of consumers. Subsequently, after he demonstrated strong pro consumer credentials, it was suggested that a bias in the consumer direction might be at the expense of small business interests.

With recent support by the ACCC in support of new measures to assist small business to level up the playing field with big business through collective negotiations and authorisation some in big business are suggesting the balance has tipped the other way.

The truth is that the ACCC will always act on our legal obligations to enforce the Act to ensure that there is a dynamic competitive marketplace and fair trading.

So I will be talking about a number of issues that I know are of particular interest to businesses in this region, including:

- The broad role of the ACCC in protecting competition and fair dealing including the interests of competitive small business
- Issues relating to the regulation of transport competition and access – particularly in relation to air and rail networks

- Scams, spam and other ‘new’ challenges faced by businesses of all size in the Digital Age
- The emergence and impact of ‘shopper docket’
- Franchising, as seen from the ACCC’s perspective

2. COMPETITION AND CONSUMER LAW

The broad objective of the Trade Practices Act is to enhance the welfare of all Australians through the promotion of competition and fair trading, as well as to provide for consumer protection.

This is often misunderstood as being about protecting certain businesses or sectors of the economy. Competition policy is about enhancing competition for the benefit of the nation as a whole, not preserving specific competitors or protecting certain sectors from competition for the benefit of that particular business or industry.

A strong Trade Practices Act promotes a well-functioning market. It promotes confidence in consumers that they are dealing with a business or industry that adheres to high standards, and it inhibits unethical practices by competitors – preventing them from gaining an advantage by using unfair tactics.

The difficult task for governments and competition policy regulators is to strike the balance – to distinguish between vigorous but lawful conduct that is likely to lead to significant benefits for consumers, and unlawful anti-competitive behaviour that is likely to disadvantage consumers in the long term.

This is a task that the ACCC undertakes independently, rigorously, transparently to ensure that the primary focus is on the interests of consumers.

3. ROLE OF THE ACCC

What it is

The role of the Australian Competition and Consumer Commission is to apply the Trade Practices Act without fear or favour, for the benefits of consumers of all kinds throughout Australian be they:

- Household consumers;
- Small, medium and big business;
- Farmers; and

- Local, State and Federal Governments.

The Commission, through its Regional Offices in each State and Territory ensures that it is close to where the real trade and commerce is taking place. All business at all levels of the supply chain – whether they be producers, wholesalers, distributors or retailers – have an interest in being supplied competitively and efficiently at reasonable prices; and where business are selling goods, their interest is to sell to buyers who have to compete for their product.

The Small Business, Rural & Regional Programs were specifically introduced to ensure that people and small business in all areas have access to information and education about their rights and obligations under the TPA. The ACCC has Regional Outreach Managers located in every regional office and a large part of their time is spent travelling to regional areas to inform and educate those communities about the ACCC and the Trade Practices Act.

What it covers

The Act and its implementation by the Commission places certain obligations on business, but offers considerable benefits in return.

It offers businesses protection from:

- Restrictive Trade Practices (ie Price fixing, market sharing, boycotts etc)
- Anti Competitive Structures
- Unconscionable Conduct
- Misleading or Deceptive Conduct

The obligation we demand in return is that business not engage in any of those acts.

Any business big or small subject to such behaviour by its competitors, suppliers or business customers can expect the full support of the ACCC. Any business big or small engaging in such behaviour can expect the full force of the ACCC to be brought down upon them.

In addition, the Act also provides a role for the Commission in:

- Authorising arrangements that may have anti-competitive elements, but which are outweighed by public benefit; and

- Regulating competitive pricing and access in public utility sectors such as gas, electricity, airports, rail and telecommunications.

How it works

In the administration of the Act, the Commission has a dual role as:

- A national enforcement agency, and;
- A provider of education and information for business and consumers to promote compliance with the Act.

While it is the former role that gains most publicity, it is the information and support role, especially to small business, that actually takes up the bulk of our work.

In just the last financial year we sent out more than 300,000 publications, and added 95 new publications explaining parts of the Act or work we do.

Over that same period the Commission received 48,724 complaints and inquiries about the Trade Practices Act.

Of those we actually resolved 23,125, or just under 50 percent, during the initial contact, usually involving sending out a brochure or letter or making a quick telephone call.

Just 478, or 1 percent of complaints, were escalated to investigation. Of these, 220 went to serious investigation and only 22 of the complaints received last financial year ended up in court. These figures are not atypical of past years as well.

Some investigations are dropped where the facts do not justify proceeding or where there is a lack of evidence. Some matters result in administrative settlements. These range from court enforceable undertakings being provided by the offending party to some form of mediated arrangement.

Distinguishing between the role of the ACCC and the NCC

As a background to the transport and freight issues I shall be discussing later, I think it useful that I distinguish the role of the ACCC and the National Competition Council. The NCC was established by all Australian Governments in November 1995 to act as a policy advisor to oversee their implementation of National Competition Policy.

The Council does not set the reform agendas or implements the reform. This is the responsibility of each state, territory and the Australian

Government. The NCC's role is to ensure that governments are implementing competitive reform throughout the country.

The ACCC's core function is the enforcement of competition, fair trading and consumer protection laws. Generally, the ACCC pursues allegations where there is a public interest in doing so. The ACCC is also willing to work with your industry to help you understand your rights and obligations under the Act.

However, in order to effectively carry out its role, the ACCC must remain independent and objective. We do not play a role in changing or amending laws, or lobbying government on behalf of industry and business organisations.

4. TRANSPORT

Albury-Wodonga is ideally placed to further enhance its reputation as one of the major transport hubs on the lower eastern seaboard. It's prime position between Melbourne, Sydney and Adelaide - backed by road, rail and air infrastructure - has seen strong business growth in the freight, transport and transit sectors. By facilitating access to infrastructure and protecting small business from anticompetitive conduct, the Commission aims to encourage further growth in these industries.

The Commission's approach to transport has been to treat the entire sector as an integrated chain, and not look at it as discrete elements such as road, rail and air, for example.

In a perfect world each of these sectors would compete for the business of transporting passengers and freight on an entirely equal footing and customers would choose the one which offered them the best price and service.

The problem of course is that the history of the various transport sectors in Australia, much of which has been heavily regulated by state or federal government until recently, has meant they have all developed along vastly differing paths.

Rail

Reforms to make rail more efficient have, for example, had to overcome enormous hurdles – most notoriously in the decision of the three eastern states to choose different rail gauges. This acted as a huge barrier to

interstate travel and competition and, as they developed, gave road and air freight a huge competitive advantage. In short, it was anything but efficient.

Important changes made over the past decade to overcome these hurdles, most notably through the creation of a single gauge railway linking all the mainland capitals (which passes through Albury), and of course, most recently, the completion of the Alice-Darwin railway.

But the key development as far as the Commission is concerned was the establishment by State and Federal Governments of rail access regimes under the National Competition Policy reforms.

The aim of these regimes was to encourage use of rail infrastructure by making it easier for third parties to access the rail network. The right of these third parties to negotiate access to rail infrastructure is a legal right under the provisions of the Trade Practices Act, and it is therefore the role of the ACCC to see that right of access is not abused by either party.

The regime establishes legal rights for third parties to share the use of certain infrastructure services of national significance on reasonable terms and conditions. Technically, the regime provides access not to the infrastructure itself, but to services provided through the infrastructure. If, for example, a business gains a right to access a railway line to run trains, then that right would not allow it to physically operate the railway. Rather, the right of access would be the business's right to run its trains on the railway.

Again, the results to date have been quite pleasing and include such achievements as:

- The establishment of the National Rail Corporation Limited to manage all interstate rail freight,
- The separation of rail ownership from above rail businesses of some government entities; and
- Improved and uniform safety, technical and operating standards.

Evidence suggests that there are now more providers of rail services than prior to the opening up of the rail networks in the mid 1990s and the increasing competition in the sector has produced some significant efficiency improvements.

A number of access regimes currently exist across the interstate and various intrastate networks. These regimes are administered by different

bodies under different principles. Obviously, the establishment of a uniform and national rail access framework would go a long way towards promoting better use of, and competition in, the rail sector.

The Commission's work in rail focuses mainly on access to rail track, and principally the assessment and acceptance of an access undertaking from the Australian Rail Track Corporation (ARTC) in May 2002.

The ARTC undertaking sets out the terms and conditions on which trains can access that part of the interstate mainline standard gauge rail track that links Kalgoorlie, Adelaide, Broken Hill, Melbourne and Wodonga.

The Commission has an arbitration role in the undertaking, so that unresolved disputes involving ARTC and a third party may be arbitrated by the Commission if an appropriate alternative (such as mediation) is not readily available.

The ACCC's Rail and Waterfront section monitors ARTC's obligations, such as certain information disclosure, under the access undertaking to ensure that these are being met. It is expected that an ARTC access undertaking in relation to the NSW track will be received in the coming months.

Aviation

Air transport is an important part of any freight operation, especially in rural and regional areas. Albury boasts the third largest regional airport in New South Wales, making it one of the most important transit hubs in the state.

To promote competition in the air freight and transit industries, the TPA confers a role upon the Commission in regulating access and charges to some air infrastructure and services.

Currently the ACCC has a price monitoring role in relation to the capital city airports (eg Sydney and Melbourne), whereas until 2002 the ACCC actually regulated price caps on the aeronautical charges at those airports.

The ACCC's regulatory role in relation to Albury airport is presently limited to a price surveillance role for the provision of en route navigation, terminal navigation and terminal fire-fighting services provided by Air Services Australia.

Given the natural monopoly characteristics of the services provided by Air Services Australia, it is our strong belief that prices surveillance must be sustained in the medium term to prevent and deter uncompetitive pricing of these services. This regulation of prices prevents any anticompetitive conduct, thereby encouraging competition and growth in the sector – particularly through allowing smaller businesses to compete on an equal footing with the established players.

The ACCC is currently considering Air Services Australia's proposed pricing change for the coming 5 year period, which will affect all airports - including Albury. The Commission has released an issues paper on the matter, inviting public comment on the proposed changes.

Transport Competition Implications

Deregulation and privatisation in the transport system, along with regulation of access and competitive practices, has seen some positive developments in rail and aviation. These are important factors in the costs incurred by small businesses in regions like Albury-Wodonga.

However, a major concern for the Commission is that the transport sector as a whole is becoming increasingly vertically integrated. This of course enables businesses that own bottleneck facilities (such as rail terminals) to restrict access or charge prices that favour their operations to the detriment of competitors that rely on those facilities.

The Trade Practices Act prohibits businesses with a substantial degree of market power from misusing that power to damage or eliminate competitors, prevent or deter competition or to prevent entry to the market. It is an essential pillar of competition law in Australia, aiming to allow all businesses to compete on a more-or-less 'level' footing – with harsh penalties for those businesses trying to prevent this competition.

Along with the access regulation regimes, these measures ensure an open and competitive market in the freight and transport industry, allowing businesses of all size to take advantage of Albury-Wodonga's unique position and infrastructure, bringing benefits all businesses.

5. SCAMS

It is an unfortunate aspect of business that there are those who choose to operate outside the law; attempting to gain an advantage over honest traders through unfair tactics, deception and even fraud. With businesses

increasingly relying on technology, many of the old scams and swindles have been updated, with small business one of the main targets for such operators.

They rely on the assumption that business operators, particularly in small business, are very busy, and will give them the information they ask for without thinking about it.

While there are a vast range of scams targeted at traders, they generally fall into one broad category known as inertia selling, fake billing and fraudulent invoicing

Inertia Selling, Fake Billing and Fraudulent Invoicing

Fake billing generally involves offering advertising, usually in magazines, professional journals or 'business directories', for which the perpetrator of the scam seeks payment for unsolicited goods or services. Unscrupulous operators may try to place businesses in a position where they will inadvertently pay for goods or services which they never requested – and often don't exist.

One of the most widespread methods is to 'sell' a company an entry in a (perhaps non-existent) business directory by:

- getting the 'authorisation' of a junior member of staff; or
- sending an invoice along with a copy of the entry;

The person running this scheme hopes that payment will occur in the normal course of business and the fact that no goods or services are delivered will go unnoticed. Specific provisions are in the Act to stop business directory schemes.

Another common form of this scam occurs where operators send out phoney bills claiming to be from a legitimate organisation - from your bank, credit card company or some other service that you use.

These operators will bill you for things you normally purchase, and for which you receive invoices. The catch is, the scammers did not supply you with the goods and services. They rely on flaws in your accounting, authorisation and payment procedures to lead you into making an unnecessary payment in their favour. Some even pretend to work for charitable organisations.

The operators of the scam are depending on the fact that some of their 'targets' may ultimately find it easier to pay than to assert their legal rights, or may be tricked into believing that they genuinely owe payment for the good.

Domain name scammers have taken this type of billing one step further. Relying on a lack of understanding on how the domain name system works these scammers send out letters giving all the appearance of an invoice with a very prominent "due by" date to add to the sense of urgency with regards to payment. In the letter the business may be offered the opportunity to register a new domain name that is similar to the current one for example mybusiness.com instead of the current mybusiness.com.au. The difference is not noticed or understood and the invoice is paid. Often the business does not realise what has happened until an invoice is received from the original registrar.

Domain Names Australia

In October 2003 the ACCC commenced proceedings against Domain Names Australia Pty Ltd and its director, alleging that the company had breached the Act by sending out misleading or deceptive notices inviting the recipient to register a particular internet domain name.

The Federal Court found that the form of notice conveyed a number of false representations namely that the registration of the recipient's existing domain name had expired or would expire if payment was not made by the 'Return Date', that Domain Names Australia Pty Ltd was offering to re-register or renew the recipient's existing domain name and that the recipient would be required to pay the amount mentioned in the notice to maintain the registration of his existing domain name.

The court stated that "many [persons] who receive the notice will know very little about the Internet and the use and registration of domain names. These recipients will include first time users of the Internet and unsophisticated Registrants of domain names".

It was further observed that in circumstances where the recipient of the notice was a large organisation equipped with an accounts department or the like "there is a greater risk that the reader [the person in the accounts department] will have little or no knowledge about the Internet, the registration of domain names, or the fact that it is possible to obtain registration of very similar domain names".

Avoiding Billing Scams

Businesses should always ask questions and double check their records, especially if you've never heard of the publication, or if they tell you that you've advertised with them before. Keep details of any domain name registrations handy.

6. SPAM

The Internet is an important communications tool for businesses, allowing swift, cost-effective communication locally, nationally and across the globe. However, the increasing reliance of business on email communications presents new challenges, and new risks.

Unsolicited commercial email delivered in bulk is often referred to as spam. The volume resulting from such emails can have serious effects on business owners and operators; leading to increased costs and hampering the ability of the business to communicate with its clients, customers and suppliers.

Currently spam accounts for over 60% of all email. These include ads for get-rich-quick schemes, adult web sites and products, software and miracle cures.

Spam is more than just an annoyance. It is used to advertise scams and opens up computers to viruses, worms, trojans and spyware.

One of the best known email scams doing the inbox rounds recently has been the phishing emails (that's with a ph). These emails give the appearance of being an official notification from a bank or similar financial institution. They appear genuine and have hooked a number of victims. Mostly they ask the recipient to enter banking details thus leaving the victim's bank account vulnerable. However, some of the links download spyware that can log keystrokes and internet use.

A more recent variation on email spam is SMS spam. Text messages selling products, announcing a competition win and advertising events and websites are being sent to random mobile phone numbers. This type of spam is becoming more prolific and given the features of new phones such as being able to send photos and direct linking to the internet there is the growing danger of viruses via SMS spam. Given the smaller capacity of the SMS inbox these intrusions can also become a serious inconvenience for the user.

Text messages can be used to distribute scams. A common one being that a message is received from an admirer, an anonymous friend and so on. The message includes a contact number. This turns out to be a premium number and the result is no catch up call with a prospective date just a hefty phone bill.

How can I avoid being a victim of spam?

Delete all spam including SMS spam. Do not be tempted to follow links, download attachments, call the phone numbers or take a peek at what is on show.

This is equally true for ‘unsubscribe’ links in emails from unknown sources, which usually only serve to verify your address to the spammer, making you an even more attractive target.

Install computer security software including virus protection, firewalls and spam filters and keep it all up to date. Simple virus protection is not enough on its own. You may need to ask a computer professional or discuss filters with your internet service or phone provider.

Remember back up your data that way if something goes wrong you will still have a copy of all your computer files.

Australia’s anti-spam law – the Spam Act 2003

Under the new Australian Spam Act 2003 which came into effect on 10 April 2004. it is illegal to send, or cause to be sent, ‘unsolicited commercial electronic messages’ that have an Australian link. A message has an ‘Australian link’ if it either originates or was commissioned in Australia, or originates overseas but has been sent to an address accessed in Australia.

The Spam Act covers all electronic messages – not just emails, but mobile phone text messages (SMS), multimedia messaging (MMS) and instant messaging (iM) – of a commercial nature. However, the Act does not cover voice or fax telemarketing. The legislation sets out penalties of up to \$1.1 million a day for repeat corporate offenders.

Complaints regarding particular spam can be made to the Australian Communications Authority.

How can I avoid sending spam?

To comply with Australia's spam laws, any commercial electronic message must meet a number of conditions. Any message sent by an Australian business that doesn't meet all three of these conditions is defined as spam:

- Consent – it must be sent with the recipient's consent. They may give express consent, or consent may be inferred from their conduct and 'existing business or other relationships'
- Identity – it must contain accurate information about the person or organisation that authorised the sending of the message
- Unsubscribe – it must contain a functional 'unsubscribe' facility to allow the recipient to opt out from receiving messages from that source in the future

A spam message is not necessarily sent out in 'bulk' to numerous addresses – under Australian law, a single electronic message can also be considered spam.

It's therefore important that if you have existing databases of customers, or are in the habit of simply adding anyone who purchases from you to your database, you now seek their permission to send them emails or text messages, or you run the risk of breaching this legislation.

Don't become an 'accidental spammer'

If your business doesn't have effective security measures in place, spammers can infect your computer with a virus and use it to send spam to other people without your knowledge. To avoid becoming an accidental spammer, learn about and adopt these good security practices:

- Use anti-virus software and firewall software, and ensure it is updated regularly
- Download and install the latest security patches for your computer system
- Attachments to email messages can be dangerous. Only open them if you know what they contain and who has sent them to you. Otherwise, it's safest to delete them immediately. If you do need to open an attachment, run it through up-to-date anti-virus software first; and
- Use long and random passwords

8. SHOPPER DOCKETS

Earlier this year the ACCC made a decision on what is known as “shopper docket discounts” where consumers, principally those who shop at Woolworths and Coles, receive a docket giving them cheaper petrol, provided they buy the fuel at Woolies or Coles branded petrol stations.

The ACCC decided to take no action against the schemes because we found shopper docket discounts offered substantial benefits to consumers and promote competition.

There is, naturally, some concern that shopper dockets will accelerate the decline in independent service stations and further entrench the major oil company sites which may, in the long term, lead to less competition and higher petrol prices.

Ultimately, though, it is not the job of the ACCC to preserve competitors or protect any sectors of the economy from competition. The Commission can not interpret its responsibility to promote competition to mean the protection of individual companies and the outlawing of vigorous, legitimate competition – even where that competition causes difficulties for individual firms.

The ACCC will only intervene in a case like shopper dockets where such arrangements are likely to substantially lessen competition.

Shopper docket promotions similar to both Coles and Woolworths are now being offered by various independent supermarkets and petrol stations. One innovative offer being advertised by IGA stores around the country offers customers a rebate on their purchases in return for dockets from any petrol outlet.

As consumer demands change and businesses become more innovative, those willing to take advantage of the competitive environment through innovation, improved efficiencies, and other forms of vigorous competition will thrive.

Smaller businesses are often more flexible and able to adapt to change and find new ways to get customers through their doors than their bigger competitors.

9. FRANCHISING

Franchising is not a business itself, but a way of doing business. It is essentially a marketing concept. It is also an extremely successful and rapidly growing aspect of Australia's small business sector. Franchising in Australia now accounts for \$80 billion in turnover per year, about 12 per cent of our GDP. There also continues to be an expansion of various franchising systems throughout Australia, especially in regional centres.

"Franchising" is used to describe a number of business models, the most commonly identified of which is "business format franchising" - where the franchisor markets a service or a produce under a common name and standardised system through a network of franchisees. This is the classic business format franchise.

Standardisation, consistency and uniformity across all aspects are hallmarks of the business format franchise. Business format franchising is today the fastest-growing segment of franchising and has spread to virtually every sector of the economy in Australia.

Some examples of franchises in rural and regional Australia include:

- Elders Real Estate
- John Deere
- BP Australia
- Baker's Delight
- Hertz Australia
- Westpac Banking
- Bob Jane T-Marts
- Lenard's Pty Ltd

Business format franchising requires a unique relationship between the franchisor (the owner of the system) and the franchisee (the owner of the individual outlet), which is commonly referred to as a "commercial marriage".

This ongoing business relationship includes:

- the product, service and trademark;
- the entire business concept itself including a marketing strategy and plan, operational standards, systems and formats;
- training;
- quality control;
- ongoing assistance;
- guidance and supervision.

Franchising provides small business (the franchisee) with the tools of big business (provided by the franchisor).

Many franchisee agreements are for a fixed period of time, often five or ten years. There is generally no requirement for a franchisor to automatically renew these agreements once the time period expires. The expiration or renewal of franchise agreements is a contractual term of the franchise agreement.

The ACCC's role in enforcing the Franchising Code of Conduct

The *Trade Practices Act* continues to apply fully to franchisors and franchisees. Full compliance with the Code does not exempt franchising from complying with other provisions of the *Trade Practices Act*.

The Franchising Code of Conduct is declared a mandatory industry Code under the *Trade Practices Act* and a contravention of the Code is a breach of the Act.

The Franchising Code of Conduct was created to assist the ongoing relationship between the franchisee and franchisor. The basic elements of the Code are that it:

- defines what a franchise is, and therefore whom the code will apply to – the four part test (agreement - written, oral or implied; marketing/business plan; intellectual property; payment of fee – separate or above usual wholesale price).
- requires disclosure/cooling off period before entering agreement.
- requires disclosure in certain circumstances/yearly intervals.
- has specific provisions regarding transfer of a franchise.
- has a mechanism for internal dispute resolution (raise with other party in first instance).
- provides for independent mediation if parties cannot resolve disputes between themselves.
- has a requirement that if one party wishes to attend mediation, the other party must attend and attempt to resolve the dispute through mediation.

What are some of the common problems raised with the ACCC concerning franchising?

As the agency with responsibility for administering the Franchising Code, the ACCC is often the first point of call for many franchisees. Franchisees raise many varied concerns with the ACCC.

Many of these concerns relate to contractual issues which are outside of the scope of the Code and the TPA. These concerns do not raise TPA implications and franchisees are advised to attempt to resolve these disputes directly with the franchisor or through mediation or seek independent legal advice.

ACCC investigation of franchising complaints

The ACCC can only investigate allegations of breaches of the Code or the TPA.

If it appears that a franchisor has blatantly disregarded the code, the ACCC may take mean notwithstanding an agreement by both parties to mediate the dispute. Such conduct may include:

- refusal to attend mediation;
- failure to provide disclosure document;
- denial of existence of franchise;
- selling and reselling franchises without sufficient support being provided to existing franchisees (churning); and/or
- terminating a franchise agreement for no good reason.

The ACCC will also be concerned where a large number of franchisees have been affected by franchisor conduct. Franchising complaints are assessed against the enforcement priorities of the ACCC. These priorities are:

- an apparent blatant disregard of the law;
- the party of concern has a history of previous contraventions of the law;
- the significance of public detriment and/or number of complaints;
- the potential for action to have a worthwhile educative or deterrent effect; and
- the matter involves a significant new market issue.

The Competing Fairly Forum

The Competing Fairly Forum (CFF) series is part of the ACCC's commitment to educate small businesses and consumers in rural and regional Australia on their rights and obligations under the *Trade Practices Act* (TPA). At the same time, the feedback received from those

attending the forum provides the ACCC with increased awareness of competition issues in rural and regional Australia.

The CFF has been operating since 2000. Past topics include:

- Trade Practices and Australia's Regions
- Unconscionable Conduct in Business
- Advertising and Selling
- Growing Good Business Relationships

In the past, the CFF has been delivered to regional audiences through satellite broadcast and personal presentations. More recently, there has been a preference for video presentations and video streaming on the ACCC website.

Generally, the CFF has revolved around a panel discussion facilitated by a host. The panel has consisted of Graeme Samuel Chairman of the ACCC, industry representatives, business owners, legal experts, and ACCC staff.

The topic for this year's CFF is "*Franchising, Is It Right For You*"

8. CONCLUSION

We understand the difficulty for small business in dealing with all the issues involved in trade practices law, let alone all the regulatory compliance which has to be dealt with. However, it is part of good business management that small businesses embrace and utilise the protections and obligations of the Trade Practices Act.

Ultimately our main priority will continue to be compliance with the TPA - achieved through strong enforcement, "user friendly" education and encouraging better business practices which avoid competition problems.