
Policy developments

National competition policy under way

On 6 November 1995 the Australian Competition and Consumer Commission (ACCC) and the National Competition Council (NCC) came into being.

The creation of these two bodies represents another significant step in the implementation of the reform process which began in 1991 when the Commonwealth, State and Territory Governments agreed to examine a national approach to competition policy. This was followed by the National Competition Policy Review, chaired by Professor Fred Hilmer, which produced the 'Hilmer Report' in August 1993. The vision of this report was the creation of a national competition policy in which the Australian Commonwealth, State and Territory Governments cooperated to ensure that universal and uniformly applied rules of market conduct applied to all market participants, regardless of their ownership. That vision is reflected in the reform process now being phased in.

- On 11 April 1995 the Council of Australian Governments (COAG) supported the national competition policy reform package and signed agreements to implement the reforms.
- On 30 June 1995 the *Competition Policy Reform Act 1995* was passed by the Parliament. It was given Royal Assent on 20 July 1995.
- On 17 August 1995 the new legislation together with the amendments to Part IV of the Trade Practices Act came into force.

- On 6 November 1995 the ACCC, the result of a merger between the TPC and the PSA, and the NCC commenced operations.

The new ACCC is charged with fostering competition not just in sectors previously under the scrutiny of the TPC but across the whole economy.

The NCC is an advisory and research body and makes recommendations in relation to policy, access to essential facilities and pricing.

On 6 November 1995 the Assistant Treasurer the Hon. George Gear, MP launched the two new organisations at Parliament House, Canberra. His speech is reproduced in full below, followed by a message from the Chairperson of the ACCC, Professor Allan Fels. The roles and functions of the two organisations are then outlined in detail, together with background information on the persons appointed to them.

The Hon. George Gear — Assistant Treasurer

The Prime Minister is not able to be here today. As you are probably all aware, he is on his way to Israel to represent Australia at the funeral of Yitzhak Rabin.

He was very keen to be involved in this launch of our National Competition Policy, having played a critical role in securing agreement between governments to these reforms.

He had the foresight to set up the inquiry in 1992, chaired by Fred Hilmer who unfortunately could not be here today.

At the COAG meeting in Hobart we nearly lost the States — the PM rescued the show by drafting broad proposals over lunch that all parties could agree to.

The next meeting in Darwin was underwhelming to say the least, but success was assured when all the objections were practical rather than philosophical, and a way forward was provided by asking the Industry Commission to report on the potential benefits of these reforms.

Agreement on the final package was possible because the evidence that this was unequivocally good policy was overwhelming, and there was active support from many of the people here today in lobbying the more reluctant State Governments.

By the time Heads of Government met here in Canberra in April this year, the only issue that remained to be settled was the terms and conditions of the agreement.

So, I know that having been closely involved in these reforms the Prime Minister regrets missing today's launch.

A national competition policy

We are launching today a policy for Australia which is leading international thinking. You might have noted that our competition policy is judged by the World Competitiveness report to be the best in the world. This owes a lot to the process we have followed in developing this policy, and the quality of the people who have been involved in this work — notably Fred Hilmer himself, Roger Beale, and Brian Cassidy from the Commonwealth, and Roger Wilkins and Ken Baxter from the States.

One of the main reasons we established the Hilmer Inquiry was that, while there was general interest in moving in this area, it wasn't clear how best to proceed. International experience provided no clear guidance, other than the desirability of minimising the role of the courts in making economic policy.

So we pretty much started from scratch. The Hilmer Inquiry took an innovative approach, and one which has not been seriously questioned despite the fairly intense scrutiny it has received. It sought submissions from interested parties, and then comments from governments on a draft report.

Governments then consulted widely on the report, and began to turn Fred's recommendations into practical law and agreements between governments. In turn, we sought and received public comment on drafts.

The resulting legislation and agreements therefore reflect the contributions of a very broad spectrum of views and interests — the consumer, business and union movements have all made a substantial contribution to the development of this quality policy.

This policy is a victory for economic and social progress — we need to set the conditions which maximise our sustainable rate of economic and employment growth. We need to have innovative, high growth policies.

I don't particularly endorse the precise numbers, but the Industry Commission has given us an indication of the extent of the possible benefits of wide-ranging competition reform. It estimated an increase in annual GDP of 5.5 per cent. This is \$23 billion annually in increased national wealth. Even if overstated, these are economic gains Australia must have.

The National Competition Policy is a genuine Labor initiative. It is the product of a grand vision of the future of Australia and a lot of very hard work. A lot of barriers had to be overcome to make it a reality.

The Trade Practices Act is the creation of a Labor Government. As many of you will recall, it led to dramatic changes in the way business was conducted in this country. Although anti-competitive conduct still occurs in this country, I think it is fair to say that it is increasingly exceptional, and when it does occur it is done in the knowledge that it is illegal. As I understand it, until the mid 1970s this conduct was accepted as normal.

Australian businesses and consumers have been major beneficiaries of this cultural change in the way commerce is conducted — we need now to spread this cultural change through the rest of the economy.

It is also a victory for national rather than parochial thinking — Australia needs strong national institutions and laws, especially those that affect commerce. Australian history shows only a Federal Labor Government can deliver such institutions and policies. A party based on the States, as the Liberal Party is, can never provide the leadership necessary to implement national reforms of this significance.

The access regime

We are launching today, not just new institutions, but a new access to essential facilities regime. This regime in the Trade Practices Act brings into play a new basis for parties to negotiate access to essential infrastructure facilities, such as gas pipelines, rail track and transmission lines. Access to these facilities is essential if competition is to occur in other markets.

I don't want to say a lot more about the regime. But I do want to note that the approach we are taking is considered to be one of the most innovative in the world.

The new institutions

As I said before, implementing reform depends on strong national institutions.

The National Competition Council (NCC) will be a truly unique body. It will have a formal role under the Trade Practices Act to make recommendations to governments about whether infrastructure facilities should be declared — that is, whether a legally enforceable right to negotiate access should be created. This will require fine judgments. I'm confident that the team we have pulled together for the Council have the skills to make these judgments.

The Council will also have a less formal, but no less important, advisory role. It will be asked to

guide governments on their reform agendas. It is envisaged that governments will turn to the Council when they create new markets to replace public monopolies, when they review their regulation for its anti-competitive effects, when they seek to place their public businesses on the same footing as private business where the two compete in the marketplace. In particular, the Council will be responsible for judging whether the access regimes and prices oversight arrangements are effective in the terms agreed by governments at the April COAG meeting.

Finally, the Commonwealth will rely on the Council to assess the progress of reform by State and Territory Governments. The special competition payments to these governments will depend on their progress in pursuing reform.

The Australian Competition and Consumer Commission (ACCC) is, of course, something old and something new. And I don't mean Allan Fels when I say something old! The ACCC brings together the Trade Practices Commission and the Prices Surveillance Authority. In doing so, I believe it will provide a more effective administration of the Trade Practices Act and the Prices Surveillance Act.

In respect of trade practices matters, it will continue to have a major role in educating business about their obligations for fair trading. I believe it will have a higher profile in ensuring the protection of consumers' rights in the economy.

The ACCC will also have a significant new role in respect of the access provisions of the Trade Practices Act. This will see it registering access undertakings offered by the owners of essential facilities. It will also arbitrate in access disputes between infrastructure owners and those seeking access. As with the NCC, these roles will require fine judgments. The former Trade Practices Commission was, of course, no stranger to fine judgments. Again, I have confidence in the Commission we are appointing to make these judgments soundly.

As for prices oversight, the Government has been moving to sharpen the focus of this tool in the last couple of years. The ACCC will have

new powers and greater flexibility to monitor prices. For example, the new formal monitoring power will be used for sound recordings and retail bank accounts. Prices surveillance always remains an option for the Government in those markets where price movements have a major impact on household budgets.

We all have high hopes for the roles the ACCC and NCC will play in continuing economic reform. Coupled with the commitment of all governments, I am sure that they will make a significant contribution to the reform that Australia requires to sustain its economic growth.

Evidence of the need for reform

Competition has often been compared to a race. Even a race with no finish line.

I think the analogy can be taken further to compare competition to a relay race. Just this morning, the *Financial Review* provided an anecdote which illustrates this.

Pacific Dunlop wanted to export ice cream to Asian markets. It was manufacturing this ice cream in Melbourne and trucking it north to the Port of Brisbane to ship out from there. It chose not to use Melbourne's ports because the Brisbane port was more competitive. This would have been a perfectly rational commercial decision on the part of Pacific Dunlop, except that it couldn't manufacture ice cream in Brisbane because the cost of milk was higher. So it continued to manufacture in Melbourne but export through Brisbane.

This story summarises the endless linkages in production. It emphasises the need to ensure that all stages of production are operating competitively and efficiently.

This is what I mean by the relay race. The race is to get products and services to markets which are competitive on price and quality. In Pacific Dunlop's case, the final product was ice cream sold into Asian markets. But for it to be competitive, the transport and milk industries

had to be competitive. Not to mention the sugar industry, the electricity industry, the gas industry and the countless other sectors which provided goods and services to make the ice cream.

And this is what the National Competition Policy is all about. It is about ensuring that all stages of the race are run efficiently, and using competition to achieve this.

The appointments

To conclude, I would like to introduce and congratulate the appointees to the new bodies. We have, with the assistance of the State and Territory Governments, assembled a talented group of people to fill these important positions.

The NCC is a new body, which will become an important player in promoting Australia's economic development. It will be led by Tony Daniels, who has a formidable reputation as a businessman, and I know he will bring a broad range of skills and judgment to the position.

He will be assisted by Michael Easson, Stuart Hohnen, Elizabeth Nosworthy and Graeme Samuel. Each have outstanding reputations in their fields, and together will be an invaluable source of advice for all levels of government and the business community. This package provides many opportunities for reform, and the NCC will help all parties take full advantage of those opportunities.

The ACCC is formed from the TPC and the PSA, with additional responsibilities under the new access regime. It will continue the good work of these bodies.

The Chairperson will be Allan Fels, and his deputy will be Allan Asher. They have established a sound record in the TPC over the last few years, and were prominent in their own fields before appointment to the TPC.

The new members will be Sitesh Bhojani, David Lieberman and Rhonda Smith. Each brings substantial expertise to these positions, and I am sure they will make a major contribution to the Commission's work over the coming years.

Conclusion

I wish the new appointees well in their important tasks.

Expectations are high, as they should be, and the hard work is only just beginning. So far we have only established the legal and institutional framework within which these reforms can occur. The Commonwealth has provided a lot of additional resources to ensure that those institutions are up to the task.

But making a national competition policy work and realising the undoubted benefits that these reforms can bring to the national economy now depends on many small decisions by the Commonwealth, State and Territory Governments, business community and our new competition institutions.

Governments need to maintain a commitment to change, and use competition to improve our efficiency on an industry-by-industry basis. The business community will be provided with many new commercial opportunities by these reforms — as a nation we need our business men and women to live up to expectations and turn those opportunities into commercial and economic successes.

We have made a good start, on the back of a decade of irreversible economic reform, and I look forward to governments, business and the new institutions working together for the benefit of all Australians. Economic reform can sometimes be a disheartening process — but the only option is to press on, seizing every opportunity that presents itself.

Competition is a powerful tool if used in the right way — I believe that we have included the checks and balances, public interest tests and so on which will ensure that we realise its benefits in a socially responsible way.

Finally, as the Minister responsible for these reforms, I would like to offer personal thanks to all who have made their achievement possible. Australia will be a better place for your contribution.

Professor Allan Fels — ACCC Chairperson

The establishment of the Australian Competition and Consumer Commission is one of the chief achievements of the historic and far-reaching agreement between the Commonwealth, the States and the Territories to establish a National Competition Policy. At the outset of the process, many doubted whether in the light of previous federal experiences such an agreement would be possible. But the COAG agreement reflects a strong commitment by all governments to a competition policy. Since the agreement, the Commonwealth has enacted the *Competition Policy Reform Act 1995* and State and Territory Governments are all in the process of enacting the complementary legislation necessary to give full effect to the agreement, in particular to enable the Trade Practices Act (TPA) to have universal coverage of product markets. Some States have already enacted the laws and all will have done so in good time for the legislation to take full effect by July 1996.

The establishment of the ACCC is only one part of a wider policy. Of particular importance is the establishment of the National Competition Council which will play a broad advisory role in national competition policy and also have a special role along with the ACCC in the administration of the access laws now embodied in Part IIIA of the TPA. The States which in recent years have displayed a very strong commitment to competition policy, far stronger than in the 1980s, are committed to comprehensive reviews of all forms of anti-competitive regulation over the next five years and have strong financial incentives from the Commonwealth to undertake these reviews properly. As well, I detect a strong commitment on the part of State Governments to the conduct of these reviews.

The ACCC has the following functions:

- the administration and enforcement of Part IV (the competition parts) of the TPA;

- the administration and enforcement of Part V (the fair trading and consumer protection parts) of the TPA;
- the administration and conduct of the authorisation regime of the TPA, under which applications can be made to the Commission for the authorisation of anti-competitive conduct on the grounds that there is an outweighing public benefit;
- the administration of the Prices Surveillance Act;
- the administration and enforcement of substantial parts of the new access regime embodied in Part IIIA of the TPA; and
- the conduct of some research tasks, especially those entrusted to it by governments under the Trade Practices Act and/or the Prices Surveillance Act.

Each of these tasks represents a challenge at all times, and in most cases there are new challenges as a result of the legislation.

- Part IV will apply to a much wider area than in the past including public utilities, the professions, agricultural marketing boards, the health sector and so on.
- It is particularly important that the ACCC — and it is important that the term consumer has been included in the title of the new Commission — administers and enforces Part V even more vigorously than in the past and extend into new areas, for example deregulating areas, where new consumer protection challenges arise.
- Authorisation applications will undoubtedly be made in a wider range of areas than in the past and quite possibly pose new types of intellectual challenge to the Commission and the Australian Competition Tribunal appeal body on authorisations.
- There is always the need to review and update prices surveillance policy and, in the present situation, to take the opportunity and advantages of linking its operation with the wider operation of competition policy.

- The administration and enforcement of the new access regime poses numerous intellectual and administrative challenges for the new Commission partly because of the new character of the policy questions involved and partly because industries not previously covered by either the TPC or the PSA will be the key focus.

How will the Commission deal with the complexities of the new challenge? Two points are especially important. First, the Commission is concerned with competition. Competition is the underlying concept which brings together all of our work whether it concerns Part IV, Part V, authorisations, prices surveillance or access. Second, the Commission is essentially an enforcement and operational body. It is concerned especially with the enforcement of the law. It is not, in general, a policy advocate and, in general, it is only when governments refer questions to it that it is called upon to express strong policy views. This is not to say that occasionally the ACCC, like its predecessors, will not make policy comments but this is not its general role. That role is entrusted to the NCC; State regulation reviews; Federal, State and Territory Governments; and others; and it would be a distraction from our work to be unduly involved in the policy making area.

The main changes which affect the ACCC's work are:

- the extension of the TPA from July 1996 to achieve universal coverage of the product market;
- the merger of the TPC's and PSA's functions into the new body, hopefully enabling a more effective application of those pieces of legislation and enabling a better coordination of them; and
- the operation and administration of certain key aspects of the new access to essential facilities regime.

The Commission is very conscious that it is a national Commission, an Australian Commission as its new title says. It is the creation of Commonwealth, State and Territory Governments rather than just being a

Commonwealth creature. This means it must pay special attention to questions of particular concern within particular States. It is already liaising well with State Governments including regulators in States, for example with the NSW Pricing Tribunal and with the Regulator-General in Victoria.

We'd like to thank the many groups which have supported the establishment of the ACCC and the development of national competition policy. The Commonwealth, of course, has played a lead role and has granted an additional \$6.6 million for the first year of operations of the ACCC over and above the combined resources of the TPC and the PSA.

The States have supported us with complementary legislation and their willingness to sign the COAG agreement.

Business has strongly supported the reforms and in general has been a supporter of the Trade Practices Act, even if on occasions individual businesses feel uncomfortable when we come knocking on their door. And it is worth noting that business is a major user of the TPA — over 50 per cent of litigation is conducted by business rather than by the TPC. In addition, business buys many inputs — it is a consumer in its own right. Many of our most important decisions have brought substantial benefits to business as well as to the wider economy.

The consumer movement and the union movement have both supported the establishment of the ACCC. The consumer movement these days is showing a much keener recognition of the importance of the competition provisions of the TPA as well as continuing its support for Part V, the consumer and fair trading part of the Act.

In the light of this support, the ACCC looks forward to the challenges of implementing the National Competition Policy in coming years.

Australian Competition and Consumer Commission

The *Competition Policy Reform Act 1995* has as its object the enhancement of the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.

The Australian Competition and Consumer Commission is the major enforcement and consumer protection body created under the legislation. It is an independent statutory authority and will be responsible for the enforcement of the *Trade Practices Act 1974* and the *Prices Surveillance Act 1983*. It has offices across Australia in all capital cities, plus Townsville, and will soon have an office in regional NSW.

Under the national competition policy reform, the Trade Practices Act has been amended so that, with State and Territory application legislation, the prohibitions of anti-competitive conduct will be applied to virtually all businesses in Australia.

In broad terms, the Act covers mergers or acquisitions of companies, seeks to protect consumers and business from unlawful anti-competitive and unfair market practices, and enforces product safety/liability laws. The ACCC's role in these areas has been extended significantly through the increased coverage of the TPA to include the unincorporated sector (small business and parts of the professions not now covered by the corporations power) and State and local government business enterprises. The ACCC adjudicates on business practices and provides guidance to both business and consumers on their rights and obligations under the Trade Practices Act and the Prices Surveillance Act. It also seeks to promote competition and business efficiency.

The ACCC will also be responsible for prices oversight including surveillance for companies

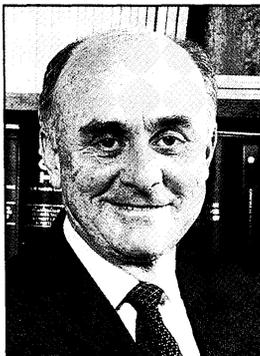
declared under the Prices Surveillance Act (for example, beer, petroleum), formal price monitoring of products (for example, compact discs), informal monitoring of prices in sectors (such as Pay TV, domestic air fares) and additional prices oversight functions for Commonwealth government business enterprises (such as the Federal Airports Corporation and Australia Post).

The ACCC also has responsibilities arising from provisions of the Trade Practices Act which establish the legal regime to facilitate third party access to certain essential infrastructure. Access regimes will apply only to significant infrastructure facilities with national monopoly characteristics and with wide economic influence.

The ACCC will seek to maximise compliance with the Trade Practices Act by educating business and consumers, through its approval processes for business conduct and mergers and by enforcing the provisions of the Act through legal and other action.

The ACCC is chaired by Professor Allan Fels, former Chairman of the Trade Practices Commission, and has four other full-time Commissioners: Mr Allan Asher, Deputy Chairperson; Ms Rhonda Smith; Mr Sitesh Bhojani; and Mr David Lieberman. There are 14 Associate Commissioners, including four 'ex officio' appointments. Details of the appointees are listed below.

Chairperson



Professor Allan Herbert Miller Fels

Professor Allan Fels was Chairman of the Trade Practices Commission from 1991 until November 1995, and Chairman of the Prices Surveillance Authority from 1989 until 1992. He is Deputy Chairman

of the OECD Committee on Competition Law and Policy, an Associate Member of Austel, and Professor of Administration on leave from Monash University.

He has degrees in law and economics from the University of Western Australia and a PhD in economics from Duke University, USA.

Professor Fels has been appointed Chairperson of the ACCC for five years.

Deputy Chairperson



Mr Allan James Asher

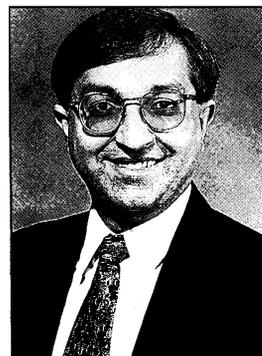
Mr Allan Asher was first appointed to the Trade Practices Commission in 1988, and on 4 January 1992 was appointed full-time Commissioner for a second four-year term. He is a barrister and solicitor who has

been active in consumer protection since the early 1970s.

He has been a Council member and Public Affairs Manager for the Australian Consumers' Association and a Council member of the International Organisation of Consumer Unions. He has extensive experience in the promotion of consumers' economic interests in developing countries. Since 1993 he has chaired the OECD Committee on Consumer Policy.

Mr Asher has been appointed Deputy Chairperson of the ACCC for five years.

Commissioners



Mr Sitesh Bhojani

Mr Bhojani is a barrister with a general commercial and civil litigation practice in Western Australia. In 1994 he was appointed an Associate Commissioner of the Trade Practices

Commission. He is Deputy Chairman of the

Law Council of Australia, Business Law Section's trade practices committee.

From 1986 to 1992 he was a barrister and solicitor with the Commonwealth Attorney-General's Department, Perth office and also the Trade Practices unit of the Australian Government Solicitor/ Federal Court and Tribunals Registry.

He holds a Bachelor of Science (Monash) and Bachelor of Laws (Monash). In 1986 he was admitted as barrister and solicitor in Victoria and Western Australia. He has tutored in trade practices law at the University of Western Australia.

Mr Bhojani has been appointed for three years.



Mr David Lieberman

Mr David Lieberman is a director and consultant. He was appointed an Associate Trade Practices Commissioner in 1995. He was also a consultant in information technology and trade practices to

Deacons Graham & Jones, Solicitors in 1995, and was Deputy Chairman, ACTEW Corporation Ltd.

He has been a member of the Business Law Reference Group, Business Council of Australia and member, Trade Practices Committee, Business Law Section of the Law Council of Australia. From 1969 to 1994 he was employed by IBM Australia as counsel and as a senior executive. During that period he worked for a number of years in the United Kingdom, the USA and Japan.

Mr Lieberman was awarded his Bachelor of Arts (Sydney) and Bachelor of Laws (Sydney) in 1966. He was admitted as solicitor in New South Wales.

Mr Lieberman has been appointed for three years.



Ms Rhonda Lynette Smith

Ms Smith, an economist, was Senior Lecturer in Economics, University of Melbourne from 1981. From 1988 she was a consultant economist, and in 1995 was appointed a member of

the Copyright Law Review Committee.

She received her Bachelor of Commerce (Hons 1) (Melbourne) in 1966 and Master of Arts (Hons 2A) (Melbourne) in 1970. She has been an expert witness and adviser in major trade practices litigation and acted as a consultant for the Trade Practices Commission, Prices Surveillance Authority and the private sector.

Ms Smith has been appointed for three years.

Associate Commissioners

Ms Liza Carver

Ms Carver is a Senior Solicitor at the Public Interest Advocacy Centre, a position she has held since 1993. She was appointed an Associate Commissioner of the Trade Practices Commission in 1994.

In 1995 she was appointed to the NSW Premier's Council for Women. Her appointments include Honorary Consultant, Australian Law Reform Commission, 1993-94; and Trade Practices Act Reference, 1990-91.

Ms Carver received her Bachelor of Economics (Sydney) in 1984 and Bachelor of Laws (Sydney) in 1986. She was admitted as solicitor in New South Wales in 1986 and gained her Master of Laws (Sydney) in 1993.

She has been appointed for three years.

Mr John Victor Eddey

Mr Eddey became a part-time member of the Prices Surveillance Authority in 1991.

He was an Executive Director of ICI Australia Ltd; Chairman of ICI New Zealand Ltd; and a Director of Incitec Ltd, Australian Computing and Communications Institute and the Australian Tax Research Foundation. He was also an Assistant Treasurer of the ICI UK worldwide group.

He is a Fellow of the Australian Society of Certified Practising Accountants and of the Australian Institute of Company Directors; Chairman of Megatec Pty Ltd; and a member of the Finance Committee of the University of Melbourne.

Mr Eddey has been appointed until 31 December 1995.

Ms Teresa Handicott

Teresa Ms Handicott is a partner with Corrs Chambers Westgarth. She was appointed an Associate Commissioner, Trade Practices Commission in 1994. She is a member of the Queensland Cultural Centre Trust and member of the Company Committee, Queensland Law Society.

She was awarded Bachelor of Laws (Hons) (QIT) in 1986 and admitted as solicitor in Queensland in 1987. She practices exclusively in areas of commercial and corporate law, particularly mergers and acquisitions, capital raisings and securities industry law.

She has been appointed for three years. Handicott

Associate Professor Elizabeth Jane Harman

Since 1990, Associate Professor Harman has been Associate Professor in Public Policy, Murdoch University and from 1993 a part-time member of the Prices Surveillance Authority.

Previous appointments include Dean of Social Sciences, Murdoch (1992-94), member and

Deputy Chair of the Royal Perth Hospital Board (1985-93), member of the WA Water Authority Board (1990-93), member of the Trade Development Committee, WA Chamber of Commerce and Industry (1989-90) and part-time Commissioner, State Planning Commission (1986-88).

She received her Master of Arts (Auckland) in 1970 and Doctor of Philosophy (McMaster, Canada) in 1975.

She has been appointed until 31 December 1995.

Mr Jeffrey Steven Hilton

Mr Hilton has been an Associate Commissioner, Trade Practices Commission since 1992 and Senior Counsel (formerly 'Queen's Counsel' in NSW) since 1993.

During 1976-78 he was a legal officer, Attorney-General's Department and from 1979 worked as a barrister, doing appearance and advising work involving trade practices, commercial, administrative, equity and constitutional cases.

He was awarded a Bachelor of Arts (Sydney) in 1974 and Bachelor of Laws (Hons I) (Sydney) in 1976.

Mr Hilton is a member of the Sydney Legal Panel of the Royal Australian Navy Reserve. He is also on the Editorial Board of the *Australian Business Law Review*.

He has been appointed for three years.

Emeritus Professor Brian Leslie Johns

Professor Johns is a Professor Emeritus at the University of Newcastle.

He was Deputy Chairman, Trade Practices Commission from 1989 to 1992, and an Associate Commissioner, Trade Practices Commission from 1992 to 1995. He was a member of the Trade Practices Tribunal during 1975-77.

He was (Foundation) Director, Bureau of Industry Economics from 1977 to 1989 and

Professor of Economics, University of Newcastle from 1968 to 1981. During 1967-75 he was an economic consultant to the Office of the Commissioner of Trade Practices and the Trade Practices Commission.

He was awarded a Bachelor of Arts in 1952 and Master of Arts (Cambridge) in 1957.

Professor Johns has been appointed for three years.

Mr Rodney Noel Overall

Mr Overall has been a consultant and part-time member of the Prices Surveillance Authority since 1990.

During 1986-89 he was Director, Research & Advocacy Services Pty Ltd and during 1985-86 Principal Project Officer, Victorian Department of Labour. During 1980-85 he was a member of the Bureau of Labour Market Research Advisory Council and during 1979-85 member of the Australian Statistics Advisory Council. From 1978 to 1985 he was a Research Officer, Australian Council of Trade Unions.

He was awarded a Bachelor of Arts (Melbourne) in 1975 and Graduate Diploma in Business Studies (Victoria UT) in 1989.

He has been appointed until 31 December 1995.

Associate Professor David Keith Round

Associate Professor David Round is Associate Professor at the University of Adelaide. He was appointed Associate Commissioner, Trade Practices Commission in 1986 and Associate Member, Austel in 1989.

During 1965-66 he was an economist at the Reserve Bank of Australia and from 1969 held various positions teaching economics at universities in Australia and USA and consultancies.

He gained a Bachelor of Economics (Adelaide) in 1966 and Bachelor of Economics (Hons 1) (Adelaide) in 1968.

He has been appointed for three years.

Mr Don Watt

Mr Watt is a lawyer and company director. He is currently a Director of Wiluna Mines Ltd & Atkins Carlyle Ltd and Burswood Resort (Management) Ltd and various non-listed companies. He is also Chairman of the Legal Practice Board of Western Australia and of the WA Land Valuers Licensing Board.

In 1974 he established and taught the first trade practices course at University of WA. From 1974 to 1987 he was a commercial partner, Mallesons Stephen Jacques, solicitors in Perth and London. In recent years his major area of legal practice has been advising the State of Western Australia in relation to various commercial matters.

He was awarded a Bachelor of Laws (WA) in 1962 and admitted as barrister and solicitor in 1964.

Mr Watt has been appointed for three years.

Mr Warwick James Wilkinson

Mr Wilkinson is a retired pharmaceutical company director.

He was Chairman (part-time) of the Ambulance Service Board of NSW, 1990-95. In 1988 he was appointed Deputy Chairman, Membership and Development Committee of the Committee for Economic Development of Australia. During 1992-93 he was a member of the Economic Planning and Advisory Council.

From 1974 to 1993 he was senior executive and Director, Merck Sharp & Dohme Pty Ltd. He was President of the Australian Council of Professions, 1991-93 and Chairman, Pharmacy Board of NSW, 1975-80.

In 1952 he qualified at the Pharmacy School (University of Sydney) and was awarded a Master Pharmacy (*Honoris Causa*) in 1991.

He is a member of the National Small Business Forum. Since 1989 he has been a lay member of the Disciplinary Committee of the Australian Society of Certified Practising Accountants.

He has been appointed for three years.

Ex officio associates

Mr Robin Campbell Davey

Mr Davey is the Victorian Regulator-General, a position he has held since July 1994.

From 1989 to 1994 he was Chairman of Austel, the Australian Telecommunications Authority and an Associate Commissioner of the Trade Practices Commission. Prior to that he held senior positions in the Commonwealth Attorney-General's Department and in the Trade Practices Commission, including the divisional head positions of what were the TPC's consumer protection division and restrictive trade practices division.

Professor Thomas Gregory Parry

Professor Parry is part-time Chairman of the Government Pricing Tribunal of NSW and Chairman of the Gas Council of NSW.

He has previously been Dean, Faculty of Economics, University of Wollongong and Principal Economic Adviser, Economic Studies Group, Price Waterhouse. He is also Adjunct Professor of Economics at the University of NSW.

Mr Neil Tuckwell

Mr Tuckwell is the Chairman of the Australian Telecommunications Authority. He has been an Associate Commissioner, Trade Practices Commission since 1994.

Mr Peter John Webb

Mr Webb is the Chairperson of the Australian Broadcasting Authority. He was also an Associate Commissioner, Trade Practices Commission.

National Competition Council

The National Competition Council is a review and advisory body which will have an annual work program agreed to by the Commonwealth, State and Territory Governments. It is based in Melbourne.

It will review areas covered by inter-governmental agreements, including anti-competitive regulation, structural reform of government monopolies and competitive neutrality. It will advise Ministers on the application of the third party access regime and prices surveillance arrangements. It will also assess the progress of State and Territory Governments in implementing the national competition policy reforms and related reforms in electricity, gas, water and road transport.

The NCC will provide policy advice to the Commonwealth, State and Territory Governments and assist them in meeting their obligations under the Competition Principles Agreement, which the Heads of Government signed at the Council of Australian Governments meeting in April 1995. Australian Governments may refer specific industries and topics to the NCC as part of its work program.

It is entrusted with important tasks in the promotion of micro-economic reform. It will help bring about major change in such areas as the reform of public utility structures, the removal of anti-competitive legislation, the promotion of greater competition through interstate trade, and the achievement of competitive neutrality between government and private businesses.

Under the access to essential facilities provisions of the Trade Practices Act the NCC will make recommendations to the relevant State, Territory or Commonwealth Minister on whether major infrastructure facilities should be 'declared'. The legislation sets out conditions under which the NCC can recommend

declaration. Companies wanting access to declared facilities can apply to the ACCC to establish terms and conditions of access under binding arbitration.

The NCC will also make judgments about whether State and Territory access and prices oversight arrangements are effective. It will do this against criteria which are set down in the Competition Principles Agreement.

The other major role for the NCC will be to assess the progress of the States and Territories in implementing the national competition policy reforms and related reforms in electricity, gas, water and road transport. Provided adequate progress is made, the Commonwealth will maintain current guarantees in relation to financial assistance grants and will also make special competition payments to the States and Territories.

Appointments to the NCC are made by the Commonwealth after consultation with the States and Territories. It has five part-time Councillors.

Its President is a prominent businessman, Mr Anthony Daniels, the Managing Director of Tubemakers Australia Ltd, and members are Mr Michael Easson, Mr Stuart Hohnen, Ms Elizabeth Nosworthy and Mr Graeme Samuel. Their details are provided below.

President

Mr Anthony Bowen Daniels

Mr Daniels is the Managing Director, Tubemakers of Australia Ltd; and a Director of ICI Australia Ltd and several other companies. He has been a member of the Business Council of Australia since 1987 and Chairman of its Benchmarking Advisory Group since 1991. He has been Chairman of Council, Joint Accreditation System of Australia and New Zealand for the past four years and is a member of the Trade Policy Advisory Council.

Mr Daniels has been appointed for three years.

Members

Mr Michael Bernard Easson

Mr Easson is Adjunct Professor at the Australian Graduate School of Management, University of NSW, and an adviser to Corrs Chambers Westgarth, Solicitors. His current directorships include NRMA Insurance Group, Industrial Property Trust (Macquarie Bank), UNICEF Australia and ACT Electricity & Water.

During 1989-93 he was a Director, NSW State Rail Authority. From 1989 to 1994 he was Secretary of the Labor Council of NSW and during 1993-94 he was Vice-President, Australian Council of Trade Unions. During 1991-92 and 1994-95 he was Associate Commissioner, Industry Commission.

He was awarded a Bachelor of Political Science (Hons 1) (NSW) in 1976 and completed a Trade Union Program, Harvard Business School in 1981.

Mr Easson has been appointed for three years.

Mr Stuart Alexander Hohnen

Mr Hohnen is a resource sector management consultant. He is a member of the Institution of Engineers and a Fellow of the Australian Institute of Company Directors.

From 1982 to 1987 he was Chief Executive, WA Department of Resources Development. During 1992-93 he was a member of the WA Energy Board of Review, and during 1993-94 was a member of the WA Energy Implementation Committee. He is Deputy Chairman of the Gas Corporation of Western Australia (Alinta Gas).

In 1966 he was awarded a Bachelor of Engineering (Hons) and in 1970 a Master of Business Administration (Stanford, USA).

Mr Hohnen has been appointed for three years.

Ms Elizabeth Ann Nosworthy

Ms Nosworthy is a consultant to the legal firm of Freehill Hollingdale & Page, a Director of Telstra Corporation Ltd and David Jones Limited, and a board member of Queensland Treasury Corporation.

She was a Director of the Federal Airports Corporation, 1991–94. During 1986–87 she was President of the Queensland Law Society and during 1988–89 was a member of the Companies and Securities Consultative Group appointed by the Commonwealth Attorney-General.

She was awarded a Bachelor of Arts (Qld) in 1966, a Bachelor of Law (Qld) and Master of Law (Qld) in 1970, and a Master of Law (London School of Economics) in 1971. She was admitted as solicitor in 1970.

Ms Nosworthy has been appointed for three years.

Mr Graeme Julian Samuel

Mr Samuel is a company director and corporate strategist consultant at Grant Samuel & Associates. He is Chairman of The Australian Opera, Vice President of the Australian Chamber of Commerce and Industry, and a Commissioner of the Australian Football League. He held the position of Executive Director, Macquarie Bank Ltd from 1981 to 1986 and was a partner, Phillips Fox & Masel, Solicitors from 1972 to 1980.

He was awarded a Bachelor of Laws (Melbourne) in 1968 and admitted as solicitor in Victoria in that year. In 1971 he gained a Master of Laws (Monash) and won the Law Institute of Victoria Solicitor's Prize.

Mr Samuel has been appointed for three years.