
Appendix 2 Public information

This appendix contains

- lists of:
 - current publications;
 - speeches by Commissioners;
 - media releases; and
- some public registers material.

Publications

The following publications are available free from Commission offices unless otherwise indicated. Publications available on the Commission's website (<http://www.accc.gov.au>) are indicated by an asterisk.

The Commission does not invoice but publications can be purchased by sending a cheque or money order made out to the Australian Competition and Consumer Commission with your order; via a telephone order using Mastercard, Visa or Bankcard; or over the counter at Commission offices.

(Some of the publications listed were published by the Trade Practices Commission, or Prices Surveillance Authority, Federal Bureau of Consumer Affairs or AUSTEL.)

Regular publications

ACCC Journal — bi-monthly journal (\$75.00 annual fee, second and following subscriptions to same address \$37.50, \$25.00 student subscription). Six issues per year. Journal back issues \$10.00 each.

ACCC Update — quarterly newsletter.

Annual reports

Past Annual Reports of the Trade Practices Commission and Prices Surveillance Authority are available from Government Info Shops.

Other corporate publications

The ACCC — role and functions — February 1998

Corporate plan 1997-98

Service charter — February 1997

Manuals

Franchising code of conduct training manual — October 1998 (\$30.00)

Franchising code of conduct compliance manual — August 1998 (\$130.00)

Best and fairest — compliance training package — January 1996 (\$390.00)

Guides to the legislation and ACCC procedures

Summaries of the Trade Practices Act and Prices Surveillance Act — November 1995 (\$10.00 or \$7.50 for orders of 10 or more)*

Country of origin claims and the Trade Practices Act — November 1998*

Guide to unconscionable conduct in business transactions — a guide to sections 51AA and 51AC — October 1998 (\$10.00)*

Small business and the Trade Practices Act — a practical guide for small business — August 1998*

The franchisee's guide — A guide to the Franchising Code of Conduct — August 1998*

Guide to the Trade Practices Act for the promotion of private health insurance (joint publication of the ACCC and the Private Health Insurance Commissioner) — April 1998*

Advertisements: minimising the risks for publishers (joint publication by the ACCC and the Australian Publishers' Bureau) — February 1998

Guide to authorisation and notification for third line forcing conduct — February 1998 (\$10.00)*	Section 87B of the Trade Practices Act — a guideline on the Trade Practices Commission's use of enforceable undertakings — August 1995 (\$10.00)*
The ACCC's approach to mergers: A statistical summary — January 1998 (\$15.00)	Section 155 of the Trade Practices Act — a guide to the administration of the Trade Practices Commission's power to require provision of information — November 1994 (\$10.00)*
Rural guideline and the Trade Practices Act — December 1997 (\$10.00)*	When goods are defective — a guide to the product liability provisions of the Trade Practices Act — June 1993 (\$10.00)
Advertising and selling — October 1997 (\$10.00)*	Misuse of market power— Section 46 of the Trade Practices Act — a background paper — February 1990
Exports and the Trade Practices Act — October 1997 (\$10.00)*	
Telecommunications industry — ACCC role — an outline — October 1997 (\$10.00)*	Business and consumer information sheets and leaflets
Benchmarks for dispute avoidance and resolution — a guide — October 1997*	News for business: The motor vehicle industry and false advertising — November 1998
Contracted employment services and the Trade Practices Act — September 1997 (available from website only)	News for business: Advertising agents and false advertising — November 1998
Access pricing principles — telecommunications — guide — July 1997 (\$10.00)*	News for business: Country of origin claims — November 1998
Telecommunications — competition notice guideline — June 1997*	News for business: Household cots — July 1998
Access undertakings — a draft guide to access undertakings under Part IIIA of the Trade Practices Act — December 1996	Certification trade marks — May 1998
Access undertakings — an overview of Part IIIA of the TPA and the draft undertakings guide — December 1996 (\$10.00 for the two-volume set)	News for business: Computer industry advertising — May 1998
Revised merger guidelines — a guide to the Commission's administration of the merger provisions (ss 50, 50A) of the Trade Practices Act — July 1996 (\$15.00)*	Small business guide: Telecommunications — April 1998
Local government and the Trade Practices Act — June 1996*	News for business: Misleading promotional offers — March 1998
Guide to authorisations and notifications — a guide on provisions for exemptions from anti-competitive conduct under the Trade Practices Act — November 1995 (\$10.00)*	Small business report: New deal, fair deal — giving small business a fair go — January 1998
A guide to the Trade Practices Act for the health sector — November 1995 — (\$10.00)*	Rural industry and the Trade Practices Act: summary — December 1997
Access regime — a guide to Part IIIA of the Trade Practices Act — November 1995 (\$10.00)	News for business: Internet service providers — October 1997
	News for business: Disposable cigarette lighters — October 1997
	Exports and the Trade Practices Act — October 1997

Scams — protect your business from them — May 1997

Making markets work — April 1997

Refusal to deal — March 1997*

Warranties and refunds — December 1996*

Authorisations and notifications — July 1996

News for business: Fruit juice labelling — June 1996

Know your credit card — March 1996

Hold the phone — read this before you buy a mobile — January 1995 (Published jointly by TPC, TIO, Austel, Optus, Telecom and Vodafone)*

Product safety guides

Consumer product standards and bans — a compliance guide for suppliers — October 1996

The following product safety guides are free for the first copy, and \$5 for subsequent copies.

Sunglasses and fashion spectacles — October 1998

Exercise cycles — 1996

Children's nightclothes — 1994

Children's toys — 1994

Cyclists' helmets — 1992

Children's flotation toys and swimming aids — 1992

Ingredient labelling of cosmetics — 1992 (photocopy only)

Care labelling — 1991

Vehicle jacks, trolley jacks, ramps and stands — 1991

Reports and discussion papers

Acquisitions

Acquisitions and the failing company argument — discussion paper by the TPC and the NZ Commerce Commission — October 1993 (\$3.00)

Airports

S. 192 of the Airports Act: declaration of Airport services — October 1998

Melbourne Airport access undertaking — Issues paper — April 1998

Regulation of airport pricing — is the New Zealand approach applicable to Australia? — May 1995 (PSA)

Banking and insurance

Electronic funds transfer — report by the Treasury and the ACCC on the operation of the EFT code of conduct — March 1998 (\$20.00)

ACCC second submission to the Financial System Inquiry — September 1996 (\$25.00)

The social responsibilities of banks — March 1995 (PSA)

Taking advantage — sale of life insurance to Aboriginal people in remote communities — March 1994 (\$10.00) (TPC)

Life insurance and superannuation — information paper on an inquiry by the Trade Practices Commission at the direction of the Minister for Justice and Consumer Affairs — June 1992

Bar code scanning (computerised checkouts)

Checkout the price — review of the supermarket scanning code — July 1992 (\$10.00) (TPC)

Building

Home building — consumer problems and solutions — final report of the Trade Practices Commission review — November 1993 (\$15.00)

Cinemas

The cinema industry — developments in the cinema distribution and exhibition industry — March 1998 (\$20.00)

Competition issues

Non-price competition — October 1995 (\$10.00) (PSA)

Market definition and competition issues in commercial broadcast radio — June 1994 (\$10.00) (TPC)

Global commerce

The global enforcement challenge — enforcement of consumer protection laws in a global marketplace — August 1997*

Intellectual property

Application of the Trade Practices Act to intellectual property — July 1991 (\$10.00) (TPC)

Petroleum

Issues paper for the inquiry into the petroleum products declaration — February 1996

Professions

Can the professions survive under a national competition policy? — a joint conference on competition law and the professions — May 1997 (published proceedings \$15.00, audio tapes \$20.00)*

Study of the legal profession — March 1994 (full report \$30.00, summary (photocopy only)) (TPC)

Study of the architectural profession — September 1992 (\$10.00) (TPC)

Telecommunications

Competition in data markets — November 1998 (\$10.00)

Inquiry into domestic intercarrier roaming declaration — March 1998 (\$10.00)

Telstra carrier charges price control compliance 1996 — February 1998

Competitive safeguards and carrier performance 1996–97 — November 1997

Utilities

Infrastructure regulation and market reform: principles and practice (joint publication of the ACCC and the Public Utility Research Centre, University of Florida) — May 1998 (\$50.00)

National Electricity Market — Statement of regulatory intent for the regulation of transmission values: issues paper — May 1998

National electricity market: Network Pricing Forum (proceedings) — July 1996 (\$35.00)

National electricity market code of conduct — comments and issues arising — June 1996 (photocopy only)

National electricity market code of conduct — issues paper — March 1996

Review of the Victorian electricity industry access arrangements — a report to the Assistant Treasurer — May 1995 (TPC)

Safeguarding the consumer interest in reformed public utilities and complying with the Trade Practices Act — March 1995 (TPC)

Passing on the benefits — Consumers and the reform of Australia's utilities — papers from Trade Practices Commission conference — March 1994 (\$50.00)

Former AUSTEL publications

Competitive safeguards and carrier performance. Australian Telecommunications Authority 1996

Review of Telstra's dominance in the international telecommunications services market. Final report. August 1995

Investigation into Telstra's association resale arrangements. Summary and final report. April 1995

Market dominance: mobiles. Report on Austel's investigation whether Telstra is in a position to dominate the market for the public mobile phone telecommunications services. July 1993

AOTC's proposed charges for the connection of eligible services. August 1992

AUSTEL occasional papers

Price control arrangements for the Australian telecommunications industry. Economics 3. June 1994

The importance of telecommunications in Australia's economic development and the likely effects of telecommunications reform. Economics 1. September 1992

AUSTEL report to the Minister for Communications and the Arts

Telecom proposal to increase public payphone call charges from 30 cents to 40 cents. January 1994

AUSTEL reports to the Minister for Transport and Communications

Analysis of comments on Austel's study of arrangements and charges for interconnection and equal access — 9 August 1991

A technical/operational framework for interconnection and equal access — June 1991

Customer access arrangements for interconnection/equal access — 15 March 1991

Austel study of arrangements and charges for interconnection and equal access: economic and commercial considerations. Final report, parts 1 & 2 — 14 June 1991

Resale — December 1990

Pricing inquiry reports

Petroleum products declaration — August 1996 (\$20.00)

Steel mill products declaration — December 1995 (\$10.00)

Harbour towage declaration — December 1995 (\$10.00)

Welded steel pipes declaration — October 1995 (\$10.00)

Concrete roof tile declaration — June 1995 (\$10.00)

Toothpaste declaration — June 1995 (\$10.00)

Glass container declaration — June 1995 (\$10.00)

Fees and charges imposed on retail accounts by banks and other financial institutions and by retailers on EFTPOS transactions — June 1995 (summary only)

Book prices and parallel imports — April 1995 (\$10.00)

Pricing monitoring reports

Glass containers — December 1997 (\$10.00)

Coastal shipping freight rates (no. 3) 1993 and 1994 — December 1995 (\$10.00)

Movements in average air fares 1990-95 — April 1996 (\$10.00)

Movements in average air fares (quarterly reports) — September 1995, December 1995, March 1996

Pay TV subscription prices — August 1995 (\$10.00)

Credit card pricing — May 1995 (\$10.00)

Stevedoring costs and charges on terminal handling charges — May 1995 (\$10.00)

Speeches

Commission Chairman Professor Allan Fels

The Impact of Competition Policy and Law on Higher Education in Australia. Australasian Association for Institutional Research 1998 International Conference — 24 November 1998

Commission Deputy Chairman Allan Asher

Energy Market — Will Consumers Gain? The AFR Queensland Power & Gas Summit — 24 November 1998

Regulatory Risks. CEDA Conference — Infrastructure Deficiencies: The Strategic Imperatives — 3 December 1998

Media releases

- 211/98 Goodman Fielder acquisition of Bunge — 23.11.98
- 212/98 Interim orders against 'Telecommunications auditor' — 23.11.98
- 213/98 ACCC welcomes call drop-out report — 26.11.98
- 214/98 \$1.15 million penalties, costs for Qld foam price fix, market share — 27.11.98
- 215/98 Is it really 'Australian-made' — 27.11.98
- 216/98 ACCC not to intervene in Medical Defence merger — 27.11.98
- 217/98 ACCC issues three 'churn' competition notices — 2.12.98
- 218/98 Misleading Moccona promotion draws undertaking — 3.12.98
- 219/98 ACCC not to intervene in PBL/Foxtel acquisition — 3.12.98
- 220/98 ACCC institutes on collusion allegations — 4.12.98
- 221/98 ACCC response to Caltex/BP refining joint venture proposal — 7.12.98
- 222/98 Consumers and small business: ACCC focus — 8.12.98
- 223/98 Australia aids South African competition/consumer protection developments — 9.12.98
- 224/98 Caustic soda product liability appeal dismissed — 11.12.98
- 225/98 ACCC takes action against Westco 'No refunds' signs — 11.12.98
- 226/98 ACCC gets compensation and warns on consumers' rights — 11.12.98
- 227/98 ACCC recommends stricter forms of prices oversight for aircraft refuelling services — 11.12.98
- 228/98 ACCC to publish Golden Sphere refund notices — 11.12.98
- 229/98 Power surges — ACCC responds to ESAA release — 11.12.98
- 230/98 Long distance mobile call inquiry — 14.12.98
- 231/98 ACCC draft decision to open up Telstra's local network — 14.12.98
- 232/98 Competition policy benefits all: ACCC — 15.12.98
- 233/98 ACCC settles Kmart proceedings — 15.12.98
- 234/98 Warning to consumers about 'digital' televisions — 17.12.98
- 235/98 NSW electricity transmission revenues paper issued — 17.12.98
- 236/98 Telecommunications access disputes — 17.12.98
- 237/98 Anaesthetists price fixing allegations settled — 17.12.98
- 238/98 ACCC approves revised Victorian gas access arrangements — 18.12.98
- 239/98 Draft determination on NSW vesting contracts issued — 18.12.98
- 240/98 Toy abacus withdrawn from sale — 22.12.98
- 241/98 ACCC issues discussion papers on subscription television papers — 23.12.98

Media releases are available from the Director, Public Relations, Ms Lin Enright on ph. (02) 6243 1108, and from the Commission's Internet website at <http://www.accc.gov.au>.

Public registers

The Commission is required to maintain a number of public registers, including documents relating to:

- applications for authorisation of anti-competitive practices;
- notifications of exclusive dealing;
- conferences held on bans or mandatory product recalls;
- Commission responsibilities under Part IIIA of the Trade Practices Act (the access regime); and
- price notifications.

These documents include statutory forms of application, supporting material, submissions by interested parties, related correspondence, the Commission's draft and final determinations and records of predecision and pre-determination conferences.

Such documents are available, or can be made available, for inspection at Commission offices during normal business hours. A fee is charged for photocopies. It is advisable to give prior notice of a request to see documents as not all are kept in all Commission offices.

The Commission voluntarily maintains summary registers listing merger matters it has considered and of enforceable undertakings given under s. 87B. These summaries and a list of sub-section 51(1) exceptions from the Trade Practices Act are published progressively in the Journal.

Mergers examined under s. 50

The following is a list of mergers examined by the Commission during the reporting period. The list of non-confidential mergers examined by the Commission is periodically updated on a public register held at the Commission.

Mergers on the public register for the calendar year 1994 are listed in the former Trade Practices Commission Bulletin 75, April 1994 (which also included matters considered in

1993) and Bulletin 80, February 1995. Mergers examined in the calendar year 1995 are listed in ACCC Journal nos 1–2. Mergers examined in the calendar year 1996 are listed in ACCC Journal 8. Mergers examined in the calendar year 1997 are listed in ACCC Journal 13.

Bonlac Foods Limited/United Milk Tasmania Pty Ltd — national market for bulk milk, national market for manufactured dairy products and market milk.

The Commission received a submission on 29 October 1998 outlining the proposed merger of the entire dairy product manufacturing operations of Bonlac and United Milk Tasmania. It decided on 14 November 1998 not to oppose the merger proposal as it did not cross the Commission's concentration thresholds in the national bulk milk market, nor any of the national sub-markets for the various manufactured dairy product sectors.

Citibank Limited/Diners Club International — State-based market for credit cards. The Commission was notified on 13 October 1998 that Citibank or a related entity proposed to purchase Diners Club Limited.

On 17 November 1998 the Commission was informed that Diners Club International, a Citibank related entity, planned to purchase all shares in Diners Club Limited which it did not already own.

The Commission decided on 18 November 1998 that the acquisition by Citibank or its related entity, Diners Club International, was unlikely to cross the Commission's concentration thresholds and therefore did not oppose the proposed acquisition.

Sigma Company Limited/Allied Master Chemists of Australia Limited (AMCAL) — State markets for the wholesale supply and distribution of ethical pharmaceuticals and over-the-counter (OTC) general health and beauty products to pharmacies and grocery outlets.

The Commission was notified on 29 June 1998 that Sigma proposed to serve formal conditional Part A documents on AMCAL to 'pursue a common view of AMCAL's value and construct

a funding package to underwrite the costs associated with the new AMCAL program'.

On 19 November 1998 the Commission decided that the proposed acquisition was likely to substantially lessen competition if AMCAL members were required to acquire pharmaceutical products and services exclusively from Sigma as this would prevent other pharmaceutical wholesalers from competing in Victoria. To avoid this problem, Sigma provided an undertaking to ensure that AMCAL member pharmacies were not prevented from acquiring pharmaceutical goods or services from either wholesalers or directly from manufacturers for three years.

Allianz AG/MMI Limited — the market for general insurance. The Commission was notified on 17 November 1998 that Allianz would become the sole shareholder and would have an option to purchase additional shares in MMI.

The Commission decided on 19 November 1998 not to oppose the proposed acquisition because it would not cross the Commission's concentration thresholds.

United Medical Protection Limited/UK Medical Defence Union — national market for the provision of discretionary and insurance based professional indemnity cover for medical practitioners. On 21 October 1998 the Commission received a submission outlining that UMP was proposing to merge with UK Medical Defence.

The Commission decided on 25 November 1998 not to oppose the proposed merger on the grounds that it appeared that the medical protection industry was moving from discretionary cover to insurance products for medical professional indemnity. Such a change was likely to lead to greater direct competition between existing MDOs and commercial insurers in the future. The Commission also decided that there were significant benefits arising from the merger in terms of reducing the overall cost of reinsurance, which is a significant factor in determining subscription rates.

The Commission also sought assurances from the merger parties that the accrued benefits of MDU UK members would not be affected by the merger and that there would be no obstacles to members of either organisation switching to competing MDOs or commercial insurers if they chose.

Southcorp Australia Pty Ltd/Amcor Limited — market for Australian rigid plastics manufacturing. On 1 October 1998 the Commission received notification that Southcorp proposed to acquire Amcor's rigid plastics manufacturing assets.

Market inquiries indicated that there was currently a small number of manufacturers producing HDPE plastic bottles, but it appeared that manufacturers of other blow-moulded plastic could begin manufacturing the relevant packaging.

The Commission decided on 2 December 1998 not to oppose the proposed acquisition.

Illawarra Mutual Building Society (IMB)/First Australian Building Society — State-based deposits and national home loans markets. The Commission received notification on 11 November 1998 that IMB and First Australian planned to merge to form a building society with assets totalling \$2.464 billion.

The Commission decided on 2 December 1998 not to oppose the proposed merger as it did not appear to cross the Commission's concentration thresholds.

Deutsche bank AG/Bankers Trust Corporation — wholesale and retail funds management and stockbroking. The Commission received notification on 23 November 1998 that Deutsche Bank was expected to acquire BP worldwide.

On 2 December 1998 the Commission decided not to oppose the proposed acquisition as it would not cross the Commission's concentration thresholds.

Section 87B undertakings

A 1992 amendment to the Trade Practices Act conferred extensive powers on the Federal Court under s. 87B to enforce undertakings concerning future conduct given by a person to the Commission following a Commission investigation. The Commission keeps a public register of such undertakings.

The following continues the list of s. 87B matters placed on the 1998 register during the reporting period. (The register was first listed in the Trade Practices Commission Bulletin 74, February 1994.)

Yakka Pty Ltd, ss 52, 53(a).

Misrepresentation of the value of a promotional offer.

3.9.98 undertaking not to repeat similar conduct in the future; to send a letter of apology to affected consumers; offer additional Yakka clothing worth approximately \$100; implement a trade practices compliance program.

Kmart Australia Limited, ss 52, 53(e).

Misleading representations as to savings to be made on a coffee machine.

8.11.98 undertaking to review its trade practices compliance program.

EnergyAustralia, ss 52, 53(g).

Misrepresentations about consumer rights and remedies in relation to the quality of electricity supply.

10.12.98 undertaking to write to its customers informing them of its Guaranteed Customer Service Standards and of their rights to make claims under the Trade Practices Act in relation to the quality of electricity supply; fund an independent review of claims for compensation which are rejected, or where disputes over the amount of compensation arise; review its complaint handling procedure and its compliance program for compliance with the Australian Standards.

Radio Cabs (Wagga) Co-operative Society Ltd, ss 45, 46. Restrictive trade practices in relation to taxi bookings system.

23.12.98 undertaking to refrain from the conduct; implement a trade practices compliance program.

Sub-section 51(1) exceptions from the Trade Practices Act

Under s. 51(1) of the Trade Practices Act, statutory exception from certain prohibitions is available for conduct that is specifically authorised or approved by a Commonwealth or State Act, or a Territory law, or any regulation under such Act, which expressly refers to the Trade Practices Act. Exceptions made by regulation are limited to two years. As part of the competition policy reform program, the Commission is required to provide a cumulative list of such legislation in its Annual Report.

The *ACCC Journal* will progressively update this list throughout the year.

Commonwealth

Trade Practices Amendment (Country of Origin Representations) Act 1998 Item 1, Schedule 3

Wheat Marketing Legislation Amendment Act 1998

Australian Postal Corporation Act 1989

New South Wales

Sydney Organising Committee for the Olympic Games Amendment Act 1996

Totalizator Legislation Amendment Act 1997 No 151

Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998

Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998

Marketing of Primary Products Amendment (Wine Grapes Marketing Board) Act 1997

Dairy Industry Amendment (Trade Practices Exemption) Act 1998

Farm Produce (Repeal) Act 1996

Competition Policy Reform (NSW) Amendment (Waste) Regulation 1998

Competition Policy Reform (NSW) Amendment
(Grain Marketing) Regulation 1998

Competition Policy Reform (NSW) Amendment
(SOCOG and SPOC) Regulation 1998

Queensland

Competition Policy Reform (Queensland —
Dairy Produce Exemptions) Regulation 1997 (as
amended)

Competition Policy Reform (Queensland —
Dairy Industry Exemptions) Regulation 1998

Competition Policy Reform (Queensland —
Chicken Meat Industry Exemptions) Regulation
1998

Victoria

Electricity Industry (Amendment) Act 1996

Tasmania

Electricity Supply Industry Act 1995

Electricity Supply Industry Restructuring (Savings
and Transitional Provisions) Act 1995

Western Australia

North West Gas Development (Woodside)
Agreement Amendment Act 1996

Australian Capital Territory

Milk Authority (Amendment) Act 1998