Index

A Whistle and Co (1979) Pty Ltd. see Electrodry Carpet Dry Cleaning ABB Power Transmission Pty Ltd, 46 Academy International Plc, 24 ACCC compliance policy, 10 guidance, research and information, 72 guidelines, 68 reporting requirements, 69 tripartite cooperation agreement, 42 ACCC v Alice Car & Truck Rentals Pty Ltd, 7 ACCC v National Mutual Life Association of Australasia Ltd, 44 ACCC v Nissan Motor Company (Australia) Pty Ltd, 7 acceptable use policy, 61 accepting payment without intending or being able to supply as ordered, 30 access regime, 64 access undertakings, 18 Adelaide Newspapers Ltd, 53 Advertiser Newspapers Limited, 50, 53 aeronautical components, 60 AeroSpace Technologies of Australia, 60 Agsafe, 51 airlines, 29, 61 airports Sydney, 29 Alfa Scientific Designs, Inc. 27 Allgas Energy Ltd, 51 Alstom Australia Limited, 46 Amrad Pharmaceuticals, 59 Ansett Airlines Limited, 29, 61 Ansett Transport Industries (Operations) Pty Ltd, 11

Ansonguard Pty Limited, 45

anti-competitive practices, 11, 44, 65

```
Asher, Allan, speeches by, 1, 56
ASIC Act
    12DA, 48
    12DB, 48
    12DF, 48
    s. 12BB, 48
Association of Compliance Professionals
Australia Inc. 12
    membership countries, 4
ATTM card scheme, 30
Australia New Zealand Food Authority
(ANZFA), 1
Australia New Zealand Food Standards Council
(ANZFSC), 1
Australia Post, 53
Australian Early Childhood College, 47
Australian Fertiliser Services Association, 54
Australian Gas Association 2000
Conference, 13
Australian Guarantee Corp Ltd, 41
Australian Health Management Group Ltd, 41
Australian Hospital Care, 60
Australian Industries Group Pty Ltd. see Half
Price Shutters
Australian Institute of Food Science
Technology, 1
Australian Institute of Permanent Makeup, 33
Australian Law Reform Commission, 39
Australian New Zealand Food Authority, 54
Australian Owned Companies Association
Ltd, 54
Australian Paint Approval Scheme, 54
Australian Pipeline Trust Petroleum Pipelines
Ltd, 22
Australian Pork Corporation, 55
Australian Registered Cattle Breeders Assoc and
Beef Improvement Assoc of Australia Inc., 54
Australian Safeway Stores Pty Ltd. see Safeway
Australian Standard AS 3806-1998, 7
```

Australian Stock Exchange Ltd, 52 Australian Vine Improvement Association, 54 authorisation and notification. see also notifications

ACCC's implementation of, 70 authorisation fees, 71

Back to Basics Worldwide Education Aids Systems Pty Ltd, 49

Baker, Wayne, 49

Baronsmede Finance, 24

Basslink, 52

Benchmark Certification Pty Ltd, 54

Best and fairest, 4

Bhojani Sitesh, speeches by, 1, 56

BHP, 21, 60

Billbusters Pty Limited, 47

Bio-Dynamics Research Institute, 54, 55

Biotechnology Australia, 1

Black on White Pty Limited. see Australian Early Childhood College

BM & BF Hays Pty Ltd, 41

Bob Jane T-Marts Pty Ltd, 33

Boeing Australia, 60

Boral Besser Masonry Ltd, 44

Boral Limited, 44

bread, sale of, 44

building industry, 53

Butler, Terence, 30

C.S.R.H. Heritage Group Inc, 27

Cable & Wireless Optus Limited, 61.

see also Optus

Cambrex Corporation, 25

Cameron, Charles, 35

Canadian Competition Bureau

cooperation arrangement, 42

Carlton and United Breweries (CUB), 36

Carlton and United Breweries v Castlemaine Tooheys Ltd, 72

Carpentaria Gas Pipeline Joint Venture, 22 cattle, 54, 55

CDs, sound recordings, 54

Centre Technique du Bois et de l'Ameublement, 54

Cheap as Chips Franchising Pty Ltd, 46

Chembio Diagnostic Systems, Inc., 27

Cheque Exchange (Australia) Pty Ltd, 53

Chevron Niugini Pty Ltd, 51

Chevron Overseas Petroleum Inc, 52

chicken growers, 52

Chickenfeed Bargain Stores, 35

children's nightwear, 36

Clay Brick and Paver Association of Victoria, 40

clothing, 54, 55

coal, 60

Colgate-Palmolive Pty Ltd, 35

Communications Research Forum 2000, 15

competition

gas industry, 13

Competition Act (Canada), 27

competition between firms, 9

competition law, 12

Compliance News, 8

compliance program, 6. see trade practices compliance programs

compliance system, 12

Compliance Systems Legal Group, 4

Computing Technology Industry Association Inc, 55

conferences

Australian Gas Association 2000, 13

Communications Research Forum

2000, 15

Financial Planning Association of Australia National Convention, 9

GM foods — trends, labelling and detection, 1

international cartel busters, 24

SPAN-ATUG Industry forum, 17

Page 84 ACCC Journal No. 31

Consorzio Del Prosciutto Di Parma, 55 educational aids, 49 Consorzio Per La Tutela Del Formaggio Grana electricity Padano, 54 Basslink, 52 Consumer Credit Act 1974 (UK), 24 National Electricity Code, 51, 52 consumer protection, 47, 66 NEC Queensland derogations, 52 NECA, 52 Consumer Protection Act 1987 (UK), 25 rebidding, VoLL scaling and settlements consumer protection law, 12 statements, 38 Cornelis Johaanes & Marcella Maria De Electrodry Carpet Dry Cleaning, 32 Groot, 55 Elicos Association Ltd. 54 corporate governance, 9 Emerald Ocean Distributors Pty Ltd, 50 Corporate trade practices compliance programs, 4 enforcement, 11 Corporate Trade Practices Compliance Esso, 21 Programs, 12 Excite@Home Australia Pty Ltd, 31, 61 Cosmopolitan Agencies Limited, 28 exclusive dealing, 11. see Notifications under Cotton Australia Ltd, 54 consideration Cottrill, Victor Michael, 48 explosives, 59 Craft Australia, 54 express freight market, 11 Croke, John. see Moon, John Crowded Planet, 31 Crown Castle Australia Holdings Pty Ltd, 60 Fair Trade Commission of Japan, 24 CSR Ltd, 11, 51, 52 fair trading, 30 pre-mixed concrete, 51 Fair Trading Act (NZ), 27 false and misleading claims. see Trade Practices Act. s. 53 false or misleading representations, 27, 32, David Zero Population Growth Hughes, see 33, 35 Crowded Planet about the price of goods and services, 35 Davis, Trevor, 46 false representations, 30 Deer Industry Projects and Development Pty Ltd, 55 false, misleading and deceptive conduct, 2 Department of Agriculture (WA), 55 Farrington Fayre Shopping Centre, 46 Department of Infrastructure (Vic), 54 Federal Court of Australia, 4 Department of Mines and Energy (Qld), 54 Federal Trade Commission, US, 25 Designer Closeout Limited, 28 Fels, Professor Allan, speeches by, 9, 13, 56 Dimmeys Stores Pty Ltd. 36 Ferry Property Management Pty Ltd, 61 Doherty, Daryl, 35 Ferry Real Estate (QLD) Pty Ltd, 61 DP Marketing, 26 Financial Planning Association of Australia National Convention, 9 fixing of penalties, 11 F Focus International Credit Card Plan, 28 East Australian Pipeline Limited, 22 Food Act 1989 (NSW), 1 E-commerce Food and Drug Administration (US), 27 fraud prevention, 42

food products, 54, 55. see also genetically modified foods	Victorian Principal Transmission System, 21
cheeses, 54	Victorian SW pipeline, 21
food products, labelling	Western Underground Gas Storage
sugar, 2	Pty Ltd, 21
Ford	Gateway New Zealand Limited, 28
dealers, 53	GeneScan Australia. see
Franzese, Prospero, 35	genetic testing, 39
Freedom Air International, 28	genetically modified foods
Freedom Communications Limited, 27	ACCC guide, 3
Freedom Furniture Limited, 28	certification schemes, 3
French J, 6	fine print, disclaimers and qualifications, 3
	joint mandatory labelling regime, 4
G	labelling, 1
	second grade claims, 3
gas, 13	voluntary claims, 2
access arrangements, 21 Australian Pipeline Trust Petroleum	George Weston Foods Limited. see Tip Top Bakeries
Pipelines Ltd, 22	Gilles Haumont, 62
Carpentaria Gas Pipeline Joint Venture, 22	Giraffe World Australia, 47
Carpentaria pipeline, 21	Glatt Holdings Limited trading as Casa, 28
Central West Pipeline, 14	Glaxo Wellcome, 25
Chevron Overseas Petroleum Inc, 52	Global Master of Business Administration
competition, 13, 14	degree, 48
East Australian Pipeline Limited, 22	Gold Coast Publications Pty Ltd, 53
Esso/BHP's Bass Strait, 21	Golden Sphere International Incorporated, 48
full-scale contestability, 15	Goldy Motors, 35
greenfields investment, 14	GPU GasNet Pty Ltd, 21
Hilmer Report, 15	grapevines, 54
Interstate Pipelines Pty Ltd, 22	Gratis.com.au, 41
marketing and transportation, 13	GSM mobile termination services, 42
Moomba to Adelaide pipeline, 21	GST, 32, 36, 37
Papua New Guinea, 13	Gullotti, Tony, 49
price reductions, 13	Gyma Laboratories of America, Inc, 25
Queensland Gas Pipelines Access Law, 22	
rates of return, 14	H
regulation, 13	Half Price Shutters, 49
retail market, 15	Harrier National Pty Ltd, 53
Roma to Brisbane pipeline, 21	Harris Tweed Authority, 54
Roverton Pty Ltd, 22	Hartwich Pty Ltd, 49
Timor Sea, 13	Hawker de Havilland, 60
	Hazelton Airlines, 29, 61

Page 86 ACCC Journal No. 31

health	shipment claims, 26
pathology services, 52	Interstate Pipelines Pty Ltd, 22
products, 50	Investment and Financial Services Association,
health insurance, 48	39
health products	Invicta Sugar Mill, 51
misleading and deceptive claims, 32	Ithaca Ice Works Pty Limited, 45
Healthy Waterways, 55	T
Henley Arch, 53	J
Henley Properties (NSW), 53	JB Were Group, 53
Henley Properties (QLD), 53	Joe Murphy, 4
Herald and Weekly Times Ltd, 53	Joint Australia New Zealand Food Standards
Hill, Jaims, 49	Code, 1
Hilmer Report, 15	Joker 88, 28
Hospital Purchaser Provider Agreements, 61	Jones speeches, 56
hospital services, 59	Judiciary Act — s. 78B, 46
household goods	Judson, Coralee Ngaio, 28
electrical, 54	Jurisdiction of Courts (Cross-Vesting) Act
Howell, Ronald, 27	1987, 71
HRJ Financial Services Pty Ltd, 47	Jurisdiction of Courts (Miscellaneous
Hudsousek, Peter, 46	Amendments) Act 1987, 72
Hurley v McDonald's Australia Limited, 48	Justice Alan H Goldberg, 4
T	Jutco Pty Ltd, 61
	T 7
Idle Gossip Internet Services, 46	K
IMB Group Pty Ltd, 44	Keirle, Robert, 49
Imobiliare. see Queensland Juice Company	Kendrick-Smith, Miles, 47
Income Tax Assessment Act, 8	_
Independent Private Hospitals Association, 51	
indigenous art, 55	labelling — product
industry codes of conduct, 66	defective goods, 2
inquiries, 73	Laski, Rodney, 35
Insolvency and Trustee Service of Australia, 48	Law, Ian, 45
Institute of Chartered Financial Analysts, 54	Leeton Development Corporation, 55
international cartel busters, 24	Lewis, Helen Elizabeth, 47
Internet	Lewis, Michael, 29
acceptable user policy, 32	Liberty Group Bonds, 28
cafes, 46	litigation
consumer protection, 31	minimising the risk, 10
fake IDs, 26	LMC Pacific Pty Ltd, 62
pyramid selling schemes, 26	Logan Lions Ltd, 44
retail sites, 25	Lux Pty Ltd, 47

misrepresentation about the performance characteristics of goods and about sponsorship, 31 mail, unsolicited faxes and email spam, 27 agreement of particular person to acquire Mans Davis Holdings Pty Ltd, 46 goods, 34 Mans, Daniel, 46 misrepresentations as to the nature of any mareva injunction, 48 goods. see Trade Practices Act, s. 55 Maritime Union of Australia, 46 misuse of market power, 11 Maritime Union of Australia., 20 Mitsubishi, 60 Martin, John, speech, 56 mobile phone market, 60 Marven Poultry Pty Ltd, 52 draft report, 42 Mater Misericordiae Private Hospital, 59 monitoring prices, 69 Maximus Intermediaries Limited, 28 Moomba to Adelaide pipeline, 21 Mayne Nickless Limited, 60 forum, 21 Mayne Nickless Ltd, 11 Moon, John, 49 McAuliff, Trevore, 45 Moretto, Linda, 35 McCormack, Daryl, 49 Morton, Lisa Sharon, 28 McDonald's Australia Limited, 48 Music Industry Piracy Investigation Pty Ltd, 45 McMatch & Win Monopoly competition, 48 Mylan Laboratories, Inc., 25 Meat Research Corporation, 54 Meatlink Network Pty Ltd, 55 media releases, 56 National Archives of Australia, 54 Medibank Private Limited, 48 National Australia Bank Ltd, 47 Medicine Quantale Ltd, 53 Corporate Express Services, 53 merchandise supplier, 36 National Electricity Code, 38, 51 Merck Sharp & Dohme (Australia), 59 National Electricity Code Administrator, 38, 51, mergers, 29, 59 US, 25 National Electricity Market, 38, 50 MetCoal Holdings (Qld) Pty Ltd, 60 National Electricity Market Management Michigan Group Pty Ltd, 34 Company, 38 Migration Institute of Australia Ltd, 55 National Finance Limited, 41 milk, 52 National Gas Code, 13, 21 National Health and Medical Research Minister for Communications, Information Council, 39 Technology and the Arts, Senator Richard Alston, 42 National Indigenous Arts Advocacy Association, 55 misleading and deceptive claims. see Trade Practices Act, s. 52 National Mutual, 44 silent labelling of GM foods, 2 National Safety Council of Australia Ltd, 54 voluntary claims for GM foods, 2 Nationwide News, 53 misleading or deceptive conduct, 30, 31, 32, Nationwide News Pty Limited, 53 33, 34, 35, 44 NECA, 51, 52 misleading representations about certain New Zealand Commerce Commission

business activities, 30

cooperation arrangement, 42 Polygram, 45 newsagency operation, 50 Premium Milk Supply Pty Ltd, 52 newspapers and newspaper supply, 45, 50, 53 pre-paid cards for phones, 27 price exploitation in relation to the New Tax Northern Pacific Paper, 45 System, 37, 68 Northridge Homes, 53 price fixing, 5, 11 notifications, 41, 70 US, 25 NRMA Insurance Ltd, 41 price fixing and market sharing, 29. see also NSW Department of Health, 52 Trade Practices Act, s. 45 NW Frozen Foods Pty Ltd v ACCC (1996), 8 price fixing penalties cf domestic violence, 5 cf drink-driving, 5 occupational health and safety, 54 prices monitoring, 73 Office of Fair Trading, UK, 24 Prices Surveillance Act, 72 Official Trustee, 48 primary products, 55 One.Tel, 34 Primus, 34 One. Tel Dealers, 41 private actions, 71 OneSteel, 60 product liability, 2, 67. see Trade Practices Act, Options Clearing House, 52 part VA Optus Internet Pty Limited, 31, 41, 61 product safety, 36, 61, 67 Optus Mobile, 41 candles, 28 Optus Networks Pty Limited, 61 protective helmets, 48 oral contraceptives, 31 toys, electrical and fancy goods, 24 product safety standards and unsafe goods, 36 orange juicing machines, 35 Orica, 59 Profarmaco SRL, 25 Project Mailbox IV (US), 27 overseas students travel and training, 54 property management fees, 37 Provet Queensland Pty Ltd, 53 publications (ACCC), 12 Purple Harmony Plates Pty Ltd, 32 P&O Ports, 20 pyramid selling schemes, 28, 30 parallel imports, 45 Patrick, 20 Paul, Kerry Lindsay, 28 penalties, 69 Qantas Airways Limited, 29, 61 pharmaceutical industry, 25 QCT Resources Ltd, 60 HIV tests, 27 Quantum, 59 Pharmacy Guild of Australia, 54 Queensland plasterboard, 11 electricity, 51, 52 PlesTel Limited, 41 Queensland fire protection cartel, 29 Queensland Gas Pipelines Access Law, 22 **PNG** gas, 51 Queensland Ice Supplies Pty Limited, 45

Page 89

Queensland Juice Company, 34	Sisters of Charity, 59
Queensland Newspaper Pty Ltd, 53	Skybiz 2000. see Skybiz Pty Ltd
Queensland Newspapers Pty Ltd, 53	Skybiz Pty Ltd, 49
Queensland Newspapers, Advert, 53	Skybiz.Com.Inc. see Skybiz Pty Ltd
Queensland vesting contracts, 51	Slendertone Health and Beauty Pty Ltd, 50
	SmithKline Beecham, 25
R	SmithKline Beecham Australia Pty Ltd, 61
RAC Reward Program, 41	Sony Music, 45
Real Estate Institute of Western Australia, 52	SPAN-ATUG Industry Forum, 17
Recording Industry Association of America, 54	speeches, 1, 56
referral selling, 30	compliance programs, 9
regulated supply, 68	gas reform, 13
resale price maintenance, 35	GM foods, 1
retail agency agreements, 53	telecommunications regulation, 15, 17
Reynolds, Pamela, 48	Spotlight Promotions Pty Limited, 36
River News, The, 45	Spotlight Stores (NZ) Limited, 28
Rod Turner Consulting Pty Ltd 49–50	Standard Australia's AS 3806-1998 Compliance programs, 4
Roverton Pty Ltd, 22	Standards Association, 54
Royal Australian College of Surgeons, 52	Standards Australia, 12
Rural Press Limited, 45	Standards Australia International Limited, 55
Russell Miller, 8	stationery, 53
Ryan, Kevin, 49	statutory powers, 68
	Stevedoring industry
5	monitoring program, 20
s. 76 of the Trade Practices Act, 6	report, 20
SA newsagency system, 50	Stevedoring report, 20
Sachdeva, Surjit and Harjit, 24	stockbroking services, 53
Safeway, 44	Storer, Paul, 49
Samton Holdings Pty Limited, 46	sunglasses, 36
Scicluna, Peter, 49	Sydney Futures Exchange Ltd, 52
secondary boycott. see Trade Practices Act, s. 45	\mathbf{T}
section 75AW Notice, 68	
section 75AX Notice, 69	Tamawood Pty Ltd, 53
section 75AY Notice, 69	Tankersley, William, 26 Tarong Energy Corporation, 51
Semos, George, 35	Tasmania
Semos, Peter, 35	electricity, 52
Shogren, Rod, speech, 15, 56	Taubmans, 53
Showmen's Guild of Australia, 51	Taylor, Paul and Darnley, 45
SIP Australia Pty Limited, 45	telecommunications, 17, 71

ACCC Journal No. 31

access, 17	s. 45A, 44, 45, 46
arbitrations, 18	s. 45DB(1), 46
declared services, 17	s. 46, 44, 45
dispute resolution, 18, 19	s. 47, 44, 45
GSM, 18, 42	s. 48, 35, 44, 45, 62
information paper, 19	s. 50, 29, 61
local call resale, 19	s. 51A, 50
local carriage service, 18	s. 51AA, 46, 47
pricing principles, 18	s. 51AB, 34, 47, 48
Productivity Commission review, 18	s. 51AC, 49
PSTN, 18, 19	s. 51AD, 49
the future of regulation, 17 ULLS, 18, 19	s. 52, 2, 30, 31, 32, 33, 34, 35, 44, 47, 48, 49, 50, 61
	s. 53, 2, 47
Telecommunications Industry Ombudsman, 34	s. 53 (aa), 30
telemarketing and direct mail, 27	s. 53(aa), 33
telephone services, selling of, 34 Telstra, 18	s. 53(bb), 34
	s. 53(c), 31, 33, 47, 48, 49, 50
price control arrangements report, 42 PSTN, 42	s. 53(c)), 30
·	s. 53(d), 31, 49
The Association for Compliance Professionals of Australia Incorporated (ACPA), 4	s. 53(e), 32, 35
The Australasian Institute, 48	s. 53(f), 49
third line forcing. see Notifications under consideration. see Trade Practices Act, s. 47	s. 53(g), 35, 48
Thomas, Rowland William, 47	s. 55, 2
Tip Top Bakeries, 44	s. 55A, 47, 48
TIR Securities (Australia Ltd), 41	s. 57, 30, 47, 49
TNT Australia Pty Ltd, 11	s. 58, 30
tools, 55	s. 59, 30
toothpaste, 35	s. 59(2), 49
TPC v CSR Ltd, 11	s. 60, 46, 47
TPC v TNT Australia Pty Ltd & Ors, 11	s. 61, 30, 47, 48, 49
•	s. 65C, 36, 48, 61
Trade Descriptions Act 1968 (UK), 25	s. 75AU, 37, 49
Trade Practices Act, 6, 8	s. 87B undertakings, 61
GM foods, 1	S. 47(6), 44
Part IV, 29 part V, 30, 36	Trade Practices Commission v CSR Ltd (1991), 6
part VA, 2	Trade Practices Commission v TNT Australia
remedies for contravention, 10	Pty Limited (1995), 6
s. 45, 29, 44, 45, 46	trade practices compliance programs, 9, 10, 11
s. 45(2), 45	Australian Standard AS3806, 12
	TransGrid, 50

Trevor Davis Investments Pty Ltd, 46 Trident Fire Protection Pty Ltd, 29

U

unconscionable conduct, 46, 66
unconscionable conduct in taking unfair
advantage of consumers, 34
Unisearch, 36
Uniting Church in Australia Property Trust, 51
Universal Music, 45
US Department of Justice, 24
US Postal Service
employment scam, 26

V

vacuum cleaners, 47
Vickers, John, Director General of Fair Trading, UK, 24
VicPool Rules, 50
Victorian Conveyancers' Association, 54
Victorian Principal Transmission System, 21
Victorian SW pipeline, 21
Victorian Tourism Operators Association, 55
Video Ezy, 49
Visy Paper Pty Ltd, 45
Vodafone Networks Pty Ltd, 60
VPX, 50

W

Waikerie Printing House Pty Ltd, 45
Wall, Terrence Samuel, 28
Warner Music, 45
Waterline, 20
Western Underground Gas Storage Pty Ltd, 21
Westpac Banking Corporation, 41
Westpac General Insurance Ltd, 41
Westpac Life Insurance Services Ltd, 41
wheel alignment services, 33
Wilson Transformer Company Pty Ltd, 46
Wireless Ethernet Compatibility Alliance Inc, 55

Woolworths, 35
World Net International Inc, 28
World Netsafe Pty Ltd, 30
Worldwide E-Commerce Fraud Prevention Network, 42



Yeppoon Pty Ltd, 34

Page 92 ACCC Journal No. 31