
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 web site (<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 or Federal Bureau of Consumer Affairs).

Regular publications

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

Journal back issues — \$5.00 each

Annual Reports

The first ACCC Annual Report (\$19.95), and past Annual Reports of the Trade Practices Commission and Prices Surveillance Authority, are available from Government Info Shops.

Guides to the legislation and ACCC procedures

Service charter — February 1997*

Corporate plan 1997-98 — March 1997

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

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

Revised merger guidelines — a guide to the Commission's administration of the merger provisions of the Trade Practices Act — July 1996 (\$15.00)*

Guide to authorisations and notifications — a guide on provisions for exemptions from anti-competitive conduct under the Trade Practices Act — November 1995 (\$10.00)*

Local government and the Trade Practices Act — June 1996*

Small business and the Trade Practices Act — a practical guide for small business — November 1995*

A guide to the Trade Practices Act for the health sector — November 1995 (\$10.00)*

Access regime — a guide to Part IIIA of the Trade Practices Act — November 1995 (\$10.00)

Access undertakings — a draft guide to access undertakings under Part IIIA of the Trade Practices Act — December 1996*

Access undertakings — an overview — overview of Part IIIA of the Trade Practices Act and the draft access undertakings guide (\$10.00 for the two volume set)

Access pricing principles — telecommunications — a draft guide — February 1997 (\$10.00)*

Section 155 of the Trade Practices Act — a guide to the administration of the ACCC's power to require provision of information — November 1994 (\$10.00)*

Section 87B of the Trade Practices Act — a guideline on the ACCC's use of enforceable undertakings — August 1995 (\$10.00)*

When goods are defective — a guide to the product liability provisions of the Trade Practices Act — June 1993 (\$10.00)

Unconscionable conduct in commercial dealings — a guide to section 51AA of the Trade Practices Act

Unconscionable conduct in consumer dealings — a guide to section 51AB of the Trade Practices Act — October 1993 (\$5.00 each or \$7.50 per set)

Misleading job ads — how to handle them (manual for classified advertising staff by TPC, Media Council of Australia and JobWatch) — June 1994. Available from Media Council.

Misuse of market power — Section 46 of the Trade Practices Act — a background paper — February 1990

Business and consumer information sheets and leaflets

Scams — protect your business from them — May 1997

Refusal to deal — March 1997*

Warranties and refunds — December 1996*

Authorisations and notifications — July 1996

Fruit juice labelling — June 1996

Warranties — retailers have rights too — May 1996

Know your credit card — March 1996

The right to safe goods — June 1993

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

Recycling claims for used consumer plastic packaging — April 1995*

Telefraud — new name for an old scam — don't pay for ads you didn't order — January 1994

Don't let your suppliers tell you what to charge — resale price maintenance — November 1990

Product safety guides

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

Exercise cycles — 1996 (\$10.00)

Children's nightclothes — 1994

Sunglasses and fashion spectacles — 1994

Children's toys — 1994

Cyclists' helmets — 1992

Children's flotation toys and swimming aids — 1992

Ingredient labelling of cosmetics — 1992

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)

Airport pricing

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

Banking and insurance

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

Electronic funds transfer — report by the Treasury and the Trade Practices Commission on the operation of the EFT code of conduct — July 1990 (\$10.00)

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)

Competition issues

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

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

Submission to the National Competition Policy Review (Hilmer) — April 1993 (\$25.00) (TPC)

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) (TPC)

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

Utilities

National Electricity Market network pricing forum (proceedings) — July 1996 (\$35.00)

National Electricity Market Code of Conduct — comments and issues arising — June 1996

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)

Pricing inquiry reports —1995 and 1996

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 (\$10.00)

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

Pricing monitoring reports —1995 and 1996

Coastal shipping freight rates — December 1995 (\$10.00)

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

Movements in average air fares (quarterly) — January 1995, May 1995, September 1995

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 Allan Fels

Recent developments in competition policy, the impact on the water and wastewater industries. Water Services Association: Innovation in regulation — 18 March 1997

The ACCC and the Trade Practices Act. Chartered Institute of Company Secretaries — 21 March 1997

Competition policy reforms. Chief Minister's Department ACT Public Service Seminar — 3 April 1997

The chairman's role and the role associations can play in fostering competition. Monash Mt Eliza Business School — 8 April 1997

Movements in telecommunications. Hewlett-Packard Telecom Industry Event — 8 April 1997

Media ownership — implementing the rules. Communications Law Centre — 10 April 1997

ACCC view. Can the professions survive under a national competition policy? Joint conference on competition law and the professions — 11 April 1997

Competition policy post the Wallis inquiry. JB Were & Son Stockbrokers Conference — 15 April 1997

ACCC's response to the Financial System Inquiry final report. Personal Investment Life Insurance Company of the Year Awards — 17 April 1997

Competition policy. Monash University Faculty of Economics and Business Management Graduation Ceremony — 17 April 1997

Small business and the Trade Practices Act. Italian Chamber of Commerce and Industry — 24 April 1997

Recent developments and directors' duties under the Trade Practices Act. Australian Institute of Company Directors — 1 May 1997

Issues concerning resource industries and banking post-Wallis. CEDA/CPA luncheon — 1 May 1997

Implications of the Wallis report. Freehill, Hollingdale and Page — Wallis Seminar — 6 May 1997

The new telecommunications regime. Australian Telecommunications Users Group Annual Convention — 13 May 1997

Notes on competition policy. Monash Department of Taxation and Business Regulation — 22 May 1997

Surviving the shake-out: future directions in competition in banking and insurance. AIC — The Wallis Report Conference: Outcomes and Implications — 22 May 1997

The Wallis report: the ACCC response. Fourteenth Annual Banking Law and Practice Conference — 22 May 1997

Commission Deputy Chairman Allan Asher

International perspective: access to justice for consumers in the global electronic marketplace. IIR NZ Electronic Consumer Conference — 18 March 1997

Gas industry reform in South-East Australia: progress and next steps. IIR Gas Industry Reform Conference — 24 March 1997

Regulatory perspectives on consumer protection post-Wallis. NRMA Financial Services Forum — 14 April 1997

A more competitive national market? The ACCC view. IBC Conference — Wallis Report — 21 April 1997

A consumer's viewpoint on marks of conformance. Standards Australia International Conference — 22 May 1997

Compliance programs: the carrot or the stick? Society of Compliance Professionals — 30 May 1997

Commissioner Sitesh Bhojani

'Public benefits' under the Trade Practices Act. Can the professions survive under a national competition policy? Joint conference on competition law and the professions — 11 April 1997

Commissioner David Lieberman

Current issues before the ACCC. National Institute of Accountants (South Australian Division) State Congress 1997 — 2 May 1997

Commissioner Rhonda Smith

The economic theory of competition policy. APEC Partners for Progress — 18 March 1997

The ACCC and its effect on agriculture. Farmwriters' Association of NSW Inc. — 4 April 1997

For copies of speeches, please contact
Ms Megan McEwin on ph. (06) 264 2909.

Media releases

- 23/97 ACCC displays business wares and expertise — 20.3.97
- 24/97 Retailers warned on misleading price advertising — 24.3.97
- 25/97 ACCC not to oppose Caroma's Fowler acquisition — 26.3.97
- 26/97 Westpac/Bank of Melbourne proposal to be carefully examined: ACCC — 4.4.97
- 27/97 Retailers warned again on misleading price advertising — 8.4.97
- 28/97 Network Ten settles on misleading land 'advertorials' — 9.4.97
- 29/97 Further penalties concludes models price-fixing case — 9.4.97
- 30/97 Wallis sets future financial system direction — 9.4.97
- 31/97 Can the professions survive National Competition Policy? — 10.4.97
- 32/97 ACCC releases paper on National Electricity Market — 16.4.97
- 33/97 ACCC approves chicken fee arrangement — 17.4.97
- 34/97 Australian/US mutual help on competition law enforcement — 18.4.97
- 35/97 ACCC seeks explanation from tobacco companies on industry 'cooperation' — 18.4.97
- 36/97 Effective implementation the real Wallis challenge: ACCC — 21.4.97

- 37/97 United Energy's surge protection plan sparks hope for consumers — 22.4.97
- 38/97 ACCC takes action against Berrivale for alleged misleading labelling of fruit juice — 28.4.97
- 39/97 Fall in Victorian fuel prices to follow lower wholesale franchise fees — 29.4.97
- 40/97 National Electricity Market access code — 29.4.97
- 41/97 Therapeutic goods advertising code draft issued — 30.4.97
- 42/97 ACCC approves gas transportation agreement — 8.5.97
- 43/97 ACCC not to oppose Australian Posters acquisition — 12.5.97
- 44/97 ACCC acts against Florida Foods for alleged misleading labelling of orange juice — 13.5.97
- 45/97 ACCC stops suspect franchising scheme — 14.5.97
- 46/97 ACCC alleges Darwin Radio Taxis misused market power against competitors — 20.5.97
- 47/97 Draft competition notice guidelines for telecommunications — 21.5.97
- 48/97 Weather court case settled — 22.5.97
- 49/97 Misleading juice labelling case resolved — 26.5.97
- 50/97 ACCC 'declares' the Telecommunication Access Forum — 26.5.97
- 51/97 PVC joint venture adds to Australian plastics production rationalisation — 27.5.97
- 52/97 Pyramid selling scheme action settled — 29.5.97
- 53/97 Petrol price drop due Sunday — 30.5.97
- 54/97 \$1.25 million penalty on Tip Top for price fixing, RPM — 30.5.97
- 55/97 Effects of franchise fee cut — 1.6.97
- 56/97 Smart approach benefits companies in dealing with ACCC — 2.6.97
- 57/97 ACCC not to oppose acquisition in metal industry — 3.6.97
- 58/97 Darwin Radio Taxis' rules declared anti-competitive — 4.6.97
- 59/97 ACCC releases draft statement of deemed telecommunications services — 4.6.97
- 60/97 Consumers to get correct Meadow Lea message — 6.6.97
- 61/97 ACCC releases draft pricing determination for interconnection with Telstra's network — 11.6.97
- 62/97 Animal health business merger not opposed — 13.6.97
- 63/97 Professions and the Trade Practices Act — 17.6.97

Media releases are available from the Media Liaison Officer, Ms Lin Enright on ph. (06) 264 2808, and from the Commission's home page 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 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 subsection 51(1) exemptions from the Trade Practices Act are published progressively in the Journal.

Mergers examined under s. 50

The following continues the list of mergers examined in 1997. Mergers examined earlier in the year are listed in previous 1997 issues. 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.

Caroma Industries/Fowler Bathroom Products division of James Hardie Industries — toilet bowls and basins. The parties first raised this acquisition with the Commission in December 1995.

The two parties were the only suppliers in Australia, and the acquisition would have left the merged entity with some 90 per cent of the market. Imports made up the rest of the market.

There are two levels of the market: commodity vitreous china products, and luxury products with greater design and styling. Commodity products represent 80 per cent of total sales and tend to drive production, however luxury products offer greater profit margins. Toilet

pans and cisterns must comply with a range of Australian standards, most notably the requirement of dual flush cisterns, and factories must obtain accreditation from Standards Australia.

Imports to the market are generally sourced from two regions: commodity products from factories in Asia, and luxury products from European and American manufacturers. Some commodity importers face barriers in selling their products without dual flush cisterns, as they do not manufacture these. Luxury importers do not import commodity products to such a small retail market as Australia.

The lower production costs of Asian manufacturers are likely to bring about increased imports to the Australian market soon. Major plumbing distributors also indicated a willingness and capacity to import products to the market, and claimed that potential imports at the commodity level constrained price increases at present.

The Commission considered that the potential for imports, and the potential for plumbing distributors to exercise countervailing power by importing, may constrain the activities of the company post acquisition. Further, production in this market has seen a steady trend toward globalisation. Caroma also agreed to withdraw representatives from the Standards Committee.

The Commission decided in March 1997 not to oppose the acquisition.

Adelaide Brighton Cement Ltd/Western Australian distribution business of Melcann — production and distribution of bagged cement in Western Australia. This matter was first raised with the Commission in January 1997.

Adelaide Brighton Cement did not mix and distribute dry-mix products in Western Australia before the acquisition. In addition, Melcann appeared to have a negligible market share in the supply of bagged cement in Western Australia. The Commission decided in February 1997 not to oppose the acquisition.

Huhtamaki Oy/Pacific World Group — manufacture and supply of paper and plastic food packaging. This was first raised with the Commission in February 1997.

On balance, the acquisition was unlikely to substantially lessen competition because Pacific World Group was only a small player and its activities were largely complementary to that of Polarcup, owned by Huhtamaki Oy. Moreover, barriers to entry in most segments of the market were low, the level of concentration moderate, and import competition was significant for some sectors of the market.

The Commission decided in March 1997 not to oppose the acquisition.

Mercantile Mutual Insurance Australia Limited/Trade Indemnity Australia — general insurance. This acquisition was first raised with the Commission in March 1997.

The proposal did not trigger the concentration thresholds in the Commission's mergers guidelines. The Commission decided in March 1997 not to oppose the proposed acquisition.

Village Roadshow/Austereo — sale of advertising on commercial broadcast radio. This acquisition was raised with the Commission in March 1997.

Village sought to purchase the 47 per cent of Austereo that it did not already own. As the proposed acquisition would not change control of Austereo, there was no issue for the Commission to examine. The Commission decided in March 1997 not to oppose the acquisition.

ICI Australia Operations Pty Ltd/Auseon Ltd — PVC and plastic resins. This joint venture was first raised with the Commission on a confidential basis in October 1996.

Plastic resins are generally traded as commodities. There are substantial Australian imports of PVC and it is likely imports act as a constraint on domestic pricing. The competitiveness of imports has been further improved since July 1996 when tariffs were reduced to 5 per cent.

The Commission decided in October 1996 that the joint venture was unlikely to substantially lessen competition. The parties proceeded with the joint venture and made the matter public in May 1997.

Australian National Industries Limited/National Castings Pty Ltd — steel and alloy iron cast products. This acquisition was first raised with the Commission in April 1997.

National Castings has foundries in Western Australia and Tasmania. ANI operates a division named ANI Bradken with foundries in Queensland, Victoria, South Australia and Western Australia. Both parties manufacture steel and alloy iron cast products for the mining, rail transport, utilities and other industries.

The Commission concluded that, although ANI Bradken would have a substantial share of the manufacture of steel and alloy iron castings, Australian foundries faced vigorous competition from imports, particularly in terms of prices. This import competition was likely to prevent the merged firm from increasing its prices or margins.

The Commission concluded that the acquisition was unlikely to substantially lessen competition and decided in June 1997 not to oppose the acquisition.

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 public register in 1997. (The register was first listed in the Trade Practices Commission *Bulletin* 74, February 1994.)

Suntrak Enterprises Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

10.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses;

institute a trade practices compliance program and a complaints handling system.

Kresta Blinds Limited, ss 52, 53(a), 53(e). False or misleading representations about price reductions of its vertical blinds.

17.3.97 undertaking to refrain from advertising price reductions on its goods or services where the original price has been increased in the three months before the promotion; write to affected customers advising them that they may be entitled to a refund; continue to develop its corporate compliance program.

Apollo Optical Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

18.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; continue to maintain its trade practices compliance program and a complaints handling system.

Unki Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

18.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; advertise refunds for their sunglasses that do not meet the standard; institute a trade practices compliance program and a complaints handling system.

STA Travel Pty Ltd, s. 47(6). Attempt to induce NUS Services Pty Ltd to engage in third line forcing in respect of travel insurance.

24.3.97 undertaking to refrain from offering travel or other services on condition that a particular travel insurance is also acquired; institute a corporate compliance program.

GWA International Limited, s. 50. Proposed acquisition of the Fowler Bathroom Products Division of James Hardie Industries Ltd likely to substantially lessen competition in the relevant market.

25.3.97 undertaking to withdraw two of its representatives from the technical committees of the Joint Australian New Zealand Building

Standards Policy Board which draft plumbing fixture standards.

Tempel Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

25.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; institute a trade practices compliance program and a complaints handling system.

Gibson Importing Co. (Aust) Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

25.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; advertise refunds for their sunglasses that do not meet the standard; institute a trade practices compliance program and a complaints handling system; appoint a senior executive to take overall responsibility for the company's trade practices compliance.

Penshire Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

25.3.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; advertise refunds for their sunglasses that do not meet the standard; institute a trade practices compliance program and a complaints handling system; appoint a senior executive to take overall responsibility for the company's trade practices compliance.

Roadshow Entertainment Pty Ltd, s. 52. Misleading or deceptive conduct in relation to a cash back offer, promoted before Christmas 1996, on Atmosfear 'The Harbingers' video board game, booster tapes, card game and CD-ROM.

26.3.97 undertaking to remove all cash back offer stickers affixed to the products; honour all claims in relation to the cash back promotion for single purchases; publish corrective advertising in major Australian newspapers; implement a trade practices compliance program.

Discount Sunglasses & Accessories Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

16.4.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; institute a trade practices compliance program and a complaints handling system.

Nobletime Pty Ltd, ss 53(a), 65C. False or misleading representations about sunglasses.

28.4.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; tell retailers to stop selling the sunglasses; place notices in its stores advertising refunds for their sunglasses that do not meet the standard; institute a trade practices compliance program and a complaints handling system.

Cameron's Management Pty Ltd, ss 45A, 45(2)(a)(ii), 45(2)(b)(ii). Price fixing agreement in relation to an agency service fee for the supply of models.

29.4.97 undertaking to implement a trade practices compliance program.

Optus Vision Pty Limited, s. 52. Misleading or deceptive conduct in relation to a local call campaign.

7.5.97 undertaking to disseminate copies of the Fair Call Guidelines to relevant staff; produce a trade practices 'infomercial' and broadcast it on Optus Vision pay TV channels; ensure that its future advertising about local calls does not breach the Trade Practices Act.

Ridgeback Holdings Limited, ss 52, 55. False or misleading representations to advertisers about the circulation, distribution and/or production figures of its publications.

7.5.97 undertaking to cease the conduct; ensure that its information about circulation, distribution and/or production figures is accurate; become a member of the Circulations Audit Board in respect of the relevant publications; implement a trade practices compliance program.

Blaze Sunglasses Pty Ltd, ss 53(a), 65C. False and misleading representations about sunglasses.

10.5.97 undertaking to cease the supply or sale of sunglasses which do not meet the standard; notify retailers to stop selling the sunglasses; advertise refunds for sunglasses that do not meet the standard; institute a trade practices compliance program and a complaints handling system; appoint a senior executive to take overall responsibility for the company's trade practices compliance.

Harvey Norman Holdings Limited, ss 53C, 47(6). False or misleading representations and third line forcing in a promotion of modems.

21.5.97 undertaking to refrain from the conduct; prominently disclose terms and conditions in its advertising of modems, and ensure that all persons associated with the sale of modems on its behalf are aware of these obligations; publish corrective advertising.

Tequila Investments Pty Ltd (trading as Les Lees), ss 52, 53(g). False and misleading representations in relation to customers' rights of return and refunds.

18.5.97 undertaking to not misrepresent consumers' statutory warranty rights; place corrective advertising; provide information about the Trade Practices Act to staff.

Darwin Radio Taxi Co-operative Limited, ss 45, 46, 47. Anti-competitive conduct in the taxi services market.

26.5.97 undertaking to implement a trade practices compliance program, including the appointment of a compliance officer, the distribution of an information manual, and the provision of seminars to directors and members; publish apology notices in *Northern Territory News*.

Media Monitors (WA) Pty Limited, s. 50. Proposed acquisition of the businesses of News Research and Monitoring Perth Media was likely to substantially lessen competition in the relevant markets.

30.5.97 undertaking to provide monitoring services in respect of the WA press and electronic media to other media monitoring businesses in Australia on reasonable commercial terms.

Meadow Lea Foods Limited, ss 52, 53. False or misleading representations about the health benefits of its Gold'n Canola products.

9.6.97 undertaking to cease the representations; not make any representations about the health benefits of its Gold'n Canola products without substantiation and qualification; supply to relevant staff a set of guidelines to follow when answering consumer inquiries; send corrective letters to consumers.

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

Under s. 51(1) of the Trade Practices Act, statutory exceptions 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.

New South Wales

Sydney Organising Committee for the Olympic Games Amendment Act 1996

Dairy Industry Act 1996

Victoria

Electricity Industry (Amendment) Act 1996

Water Industry Regulations 1995

Competition Policy (Gas Supply Contract Exemption) Regulations 1996 — SR No. 135

Queensland

Competition Policy Reform (Queensland — Exemptions) Regulation 1996

Forestry Act 1959 (s. 46 — specific authorisation)

Water Resources Act 1989 (s. 231 — specific authorisation)

South Australia

Cooper Basin (Ratification) Act 1975

Dairy Industry Act 1992

Industries Development Act 1941

Roxby Downs (Indenture Ratification) Act 1982

Stony Point (Liquids Project) Ratification Act 1981

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