

EXECUTIVE OFFICE



Australian
Competition &
Consumer
Commission

Contact Officer: Sonja Tasovac
Contact Phone: (02) 6243 4909

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

18 May 2011

Natalya Wells
Committee Secretary
House of Representatives Standing Committee on
Social Policy and Legal Affairs
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Ms Wells

Re: Regulation of Billboard and Outdoor Advertising – Questions on Notice

I refer to the telephone conversation on 6 May 2011 with Ms Donna Quintus-Bosz from your office, in which she reminded the Australian Competition and Consumer Commission (ACCC) of requests for additional information from the House of Representatives Committee on Social Policy and Legal Affairs in relation to billboard and outdoor advertising. The following information should assist the Committee in relation to the matters raised.

- *Australian Consumer Law (ACL) information:* the ACL is a single, national law which aims to protect consumers and ensure fair trading in Australia. Under the ACL, consumers have the same protections and businesses have the same responsibilities across Australia. The ACL is found in Schedule 2 to the *Competition and Consumer Act 2010 (CCA)*, which is the new name of the *Trade Practices Act 1974*.

ACL ready reckoner table:

<http://www.accc.gov.au/content/index.phtml/itemId/964441>

- *ACL substantiation and infringement notices:* in April 2010, a range of consumer protection and fair trading reforms came into effect. These reforms form part of the move towards a single national law, the ACL. This publication sets out the ACCC's powers to issue infringement, substantiation and public warning notices.

ACCC News for Business:

<http://www.accc.gov.au/content/index.phtml/itemId/935285>

- *ACCC's Compliance and Enforcement Policy*: this sets out the principles adopted by the ACCC to achieve compliance with the law and to outline the ACCC's enforcement powers, functions, priorities, strategies and regime.

ACCC's Compliance and Enforcement Policy:

<http://www.accc.gov.au/content/index.phtml/itemId/867964>

- Corrective advertising may be sought under section 247 of the ACL, which picks up the principles in the *Competition and Consumer Act* providing for the ACCC to seek and the court to order traders to publish corrective advertising. Where it considers appropriate, the ACCC seeks corrective notices.
- *Tobacco media release*: ACCC resolves 'light' and 'mild' cigarette investigation with Imperial Tobacco – This information supplements the previous comments the ACCC has provided to the Committee clarifying aspects of the transcript of appearance. In particular, the ACCC clarified that reference to billboard advertisements in the tobacco settlement referred to the in the context of the consumer education campaign funded through the agreed settlement.

ACCC media release:

<http://intranet.accc.gov.au/content/index.phtml/itemId/723876>

- *Liability of broadcasters for misleading representations*: in the 2005 'Wildly Wealthy Women' matter the ACCC commenced proceedings alleged that both the principals of a property wealth creation mentoring program and Seven Network Limited (or wholly owned subsidiaries thereof) who broadcast the program on Today Tonight, alleging that they both made misleading representations as to the results that could be expected by participants in the mentoring program.

ACCC media release:

<http://www.accc.gov.au/content/index.phtml/itemId/709246/fromItemId/620299>

The matter was appealed and in 2009 the scope of the defence available to publishers was clarified by the High Court of Australia.

ACCC media release

<http://www.accc.gov.au/content/index.phtml/itemId/870726>

Judgment:

<http://www.austlii.edu.au/au/cases/cth/HCA/2009/19.html>

If you require further information, please do not hesitate to contact Sonja Tasovac on (02) 6243 4909.

Yours sincerely



Mark Pearson
Acting CEO