



Australian
Competition &
Consumer
Commission

Public Warning Notices

Issued under section 86DA of the *Trade Practices Act 1974*
and section 223 of the Australian Consumer Law

The Australian Competition and Consumer Commission is issuing these public warning notices to warn small businesses about the alleged conduct of Safety Compliance Pty Ltd (ACN 144 638 826).

Safety Compliance sells workplace safety materials through telemarketing phone calls which consist of a flip chart labelled 'Workplace Safety & Emergency Procedures Wall Chart' and two A4 size posters labelled 'Workplace Fire Escape Plan' and 'CPR Chart'.

The ACCC has received complaints from small businesses in all states and the Northern Territory that allege that Safety Compliance misrepresented workplace health and safety laws, namely that:

- a. state or territory workplace health and safety laws required businesses to maintain information and materials of the same nature offered for supply by Safety Compliance
- b. Safety Compliance was affiliated with the relevant state and territory workplace safety agency; and
- c. the relevant workplace safety agency conducted inspections of workplaces to ensure that businesses maintained information and materials that were at were of the same nature as offered for supply by Safety Compliance.

State and territory workplace agencies are not affiliated with Safety Compliance and the agencies do not conduct workplace inspections of the nature represented. Businesses are not legally required to maintain the workplace safety materials offered for supply by Safety Compliance.

The ACCC is warning the public about the alleged conduct as it:

- a. has reasonable grounds to suspect that the conduct may constitute:
 - (i) misleading or deceptive conduct in contravention of sections 52 of the *Trade Practices Act 1974 (TPA)* and 18 of the Australian Consumer Law (**ACL**), consisting of Schedule 2 to the *Competition and Consumer Act 2010 (CCA)*;
 - (ii) false or misleading representations concerning the need for the workplace safety materials in contravention of sections 53(f) of the TPA and 29(1)(l) of the ACL; and/or
 - (iii) harassment or coercion in contravention of sections 60 of the TPA and 50 of the ACL;
- b. is satisfied that one or more persons has suffered, or is likely to suffer detriment as a result of the alleged conduct; and
- c. is satisfied that it is in the public interest to issue these public warning notices.

7 November

2011

Date

Rodney Graham Sims
Chairman