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# Appendix 1 Continuing matters

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## Enforcement

*The following is a list of enforcement matters before the Courts — in addition to the new and recently concluded matters reported in the Enforcement section.*

## Restrictive trade practices

**CC (New South Wales) Pty Ltd, Holland Stolte Pty Ltd, Multiplex Constructions Pty Ltd, Leighton Contractors Pty Ltd, Australian Federation of Construction Contractors (AFCC) & ors, ss 45, 52, 53, 55A.** Alleged collusive tendering practices in relation to the building project known as the Commonwealth Offices Haymarket project. Proceedings instituted 30.8.94. Directions hearing 29.9.94 — Mr Russell Richmond, a former National Executive Director of the AFCC, announced that he would not defend the proceedings brought against him and consented to the entry of a judgment against him. On the same day AFCC informed the Court that it did not propose to take further part in the proceedings. 24.11.94 the Court imposed a penalty of \$10 000 on Mr Richmond.

5.5.95 Holland Stolte Pty Limited and Mr Graham Duff, a former Managing Director of Holland Stolte Pty Limited, withdrew their defences and consented to judgment. Penalties totalling \$400 000 were imposed against Holland Stolte, and \$50 000 against Mr Duff.

8.9.95 Lindgren J in the Federal Court imposed on Leighton Contractors Pty Ltd and Multiplex Constructions Pty Ltd the (previous) maximum penalty of \$250 000 for each of two offences and ordered each company to pay \$75 000 costs. Personal penalties were imposed on Mr Leonard Dixon, a chief estimator for Leighton (\$25 000) and Mr Geoffrey Thomas Palmer, a retired director of Multiplex (\$50 000). The penalties followed the withdrawal of defences by Leighton,

Multiplex, Dixon and Palmer. The companies also made full restitution to the Australian Government of the \$750 000 'unsuccessful tenderers fee' which each had received from the successful tenderer, Holland Stolte.

Proceedings are continuing against CC (NSW) Pty Ltd.

**IMB Group Pty Ltd, Logan Lions Ltd, Redbeak Pty Ltd & ors, ss 47(6), 52.**

Alleged third line forcing and misleading or deceptive conduct in relation to financial planning and property development. Interlocutory proceedings commenced 6.9.93. Proceedings withdrawn 17.9.93. Proceedings recommenced 20.9.93.

Federal Court consolidated this and ACCC v National Mutual Life Association of Australasia Ltd (QG No. 77 of 1994) on 12.3.96.

National Mutual admitted that certain conduct alleged in the statement of claim contravened s. 52 of the Act and that it was indirectly involved in the conduct through its agent. National Mutual and the Commission agreed to a settlement. ACCC discontinued proceedings against National Mutual on 3.6.96.

Action against the agents, IMB Group Pty Ltd, and against Logan Lions Ltd and certain individuals continues. Trial date not yet set.

**Mayo International Pty Ltd, s. 48.** Alleged resale price maintenance in relation to supply of hair care products. Proceedings instituted in the Federal Court Brisbane 6.11.95. ACCC seeking permanent and mandatory injunctions as well as pecuniary penalties. Trial date set for 10.2.98.

**J McPhee & Son (Australia) et al., s. 45.** Alleged price fixing, and attempted price fixing, arrangements in relation to transport services. Proceedings instituted in the Federal Court Melbourne 20.12.95. The matter is set down for trial commencing 2.2.98.

**Cromford Pty Limited, Australian Film and Pipe Manufacturers and Anross Investments Pty Limited**, s. 45. Alleged price fixing, market sharing in relation to the supply of polythene building film and acquisition of polythene scrap plastic, and alleged resale price maintenance in relation to the supply of polythene building film. Proceedings instituted in Federal Court 29.12.95. ACCC seeking penalties and injunctions. 13.9.96 fourth respondent (Mr Neville McDonnell) withdrew his defence. Hearing date set for 2-27.2.98.

**Health Partners**, ss 47(6), 47(7). Alleged third line forcing conduct by a South Australian health insurance provider against an Adelaide pharmacy which left the Chem Mart pharmacy chain and, as a result, had its contract to service Health Partners' members cancelled. Proceedings instituted 27.8.96. Trial before Mansfield J 21-23.4.97. Judgment reserved.

**Excel Concrete Pty Ltd**, s. 45. Alleged price fixing and market sharing in the southern Queensland concrete market. Proceedings instituted 27.9.96. ACCC seeking penalties and injunctions.

**Seven Network Limited, Nine Network Australia Pty Limited, Golden West Network Pty Limited and ors**, ss 45, 47. Alleged anti-competitive agreement and exclusive dealing in relation to the provision of television programming in the Darwin and regional WA markets. Proceedings instituted 24.10.96. 25.10.96 Nine Network agreed to terminate its exclusive supply agreement with Seven Network, and ACCC agreed to withdraw its claims for declarations and pecuniary penalties against Nine Network and its employees. ACCC still seeking injunctions and pecuniary penalties against other respondents and declaration as to the program supply agreement between Nine Network and Golden West Network.

Amended statement of claim filed 19.12.96. At directions hearing on 19.8.97 Lockhart J ordered that Notice of Motion filed by the ninth, tenth and fifteenth respondents be dismissed and also the Notice of Motion filed by first, second, third, fourth, sixth, seventh, eleventh, thirteenth and fourteenth respondents be dismissed. Lockhart J granted leave for the

Commission to file and serve an amended application and statement of claim, which included the Golden West Network as a party to the overall anti-competitive conduct along with the Seven and Nine Networks.

Hearing set down for 3.8.98.

**Shell Company of Australia**, ss 51AA, 53. Alleged misrepresentations regarding the nature of tenure under a Shell franchise agreement. Proceedings instituted 11.11.96. ACCC taking representative action, seeking compensation for loss or damages, injunctions and declarations. 18.12.96 Shell applied to strike out proceedings. 7.2.97 Justice Drummond refused the strike-out application but determined that the ACCC's representative action was to be made by Notice of Motion following findings of contraventions of the Act. 6.2.98 next hearing before Cooper J.

**Australian Safeway Stores Pty Ltd (trading as Safeway) and George Weston Foods Limited (trading as Tip Top Bakeries)**, ss 45A, 48. Alleged price fixing and resale price maintenance in relation to the sale of bread in Victoria. Proceedings instituted 23.12.96. ACCC seeking penalties and injunctions.

30.5.97 Federal Court imposed penalty of \$1.25 million on George Weston Foods Limited, which admitted the contraventions. Safeway matter continues to trial.

**Transport Workers Union**, s. 45D. Alleged secondary boycott in relation to transport companies. Proceedings instituted in the Federal Court Brisbane 22.8.97.

**Sundaze Australia**, s. 48. Alleged resale price maintenance in relation to Oakley sunglasses. Proceedings instituted 18.6.97. ACCC seeking penalties and injunctions. Directions hearing 17.10.97. 27.2.98 parties to advise Court registry that matter is ready for hearing.

**Sydney anaesthetists, Society of Anaesthetists**, ss 45, 45A. Alleged price fixing of after-hours anaesthetic services to three Sydney hospitals. Proceedings instituted 13.10.97. Directions hearing 24.11.97.

## Consumer protection

**Venture Industries Pty Limited and Collings Construction Company Pty Limited**, ss 51AB, 52. Alleged misleading, deceptive and unconscionable conduct in relation to building homes. Proceedings instituted 3.9.93 against Collings Construction Co Pty Limited, Wayne Collings, Venture Industries Pty Limited, Harry Kioussis, Penny Kioussis and June Collings. Representative action on behalf of seven families.

16.9.94 matter cross-vested to NSW Supreme Court. 28.9.95 Hunter J adopted report from Court-appointed referee. Trial before Hunter J from 9.10.95 to 28.11.95. In December 1995 Venture parties sought to overturn the cross-vesting of the matter from the Federal Court to the NSW Supreme Court. 23.5.96 application refused.

10.12.96 Hunter J found five of the respondents had breached s. 52. Damages of \$1 081 498.55 awarded to seven families represented by ACCC. No findings as to breaches of s. 51AB. No findings and no damages awarded against June Collings.

7.2.97 Hunter J made orders, including interest, against each of the five defendants found liable (effectively joint and several) of between \$1 412 798.92 and \$1 592 927.54, with a total award of \$1 618 507.24. Venture Industries Pty Ltd, Harry Kioussis and Penny Kioussis are generally restrained from holding a pecuniary interest in an organisation offering services which would require a licence under the *Building Services Corporation Act 1989* (NSW). Venture Industries Pty, Harry Kioussis and Penny Kioussis sought a stay through the Court of Appeal, which was refused 17.3.97. Each of the five defendants found liable appealed the decision. Appeal listed for hearing 23.2.98.

Recovery proceedings are ongoing, however, several recovery actions have been stood down pending appeal decision.

Proceedings for contempt against Penny Kioussis commenced 6.9.96. Proceedings for contempt against Harry Kioussis commenced

11.3.97. Proceedings for contempt against Nick Milios commenced 18.3.97. Application for contempt against June Collings instituted 11.4.97. Application dismissed 2.7.97.

**Unilever Australia Limited**, ss 52, 53(eb). Alleged misleading representations regarding the origin of tuna used in John West canned tuna products.

26.6.96 ACCC commenced proceedings in the Federal Court Adelaide.

Proceedings instituted by Unilever against the ACCC in the Federal Court Sydney on 25.6.96, seeking declarations that Unilever had not acted in contravention of the Trade Practices Act, were withdrawn 25.9.96. Adelaide Federal Court action heard by Mansfield J on 16–27.9.96.

The Court handed down its decision on 22.12.97. It held that:

- Representations by Unilever that the tuna in John West tuna slices is caught from Port Lincoln in South Australia (SA), when it is caught outside Australian waters and processed in Thailand were false and misleading.
- Representations by Unilever that the tuna in John West tuna is caught from SA or sourced from SA, when a significant proportion of it is not caught from SA and is not sourced from SA nor is it caught in Australian fishing waters, were false and misleading.
- A representation by Unilever on cans of John West tuna (other than tuna slices) that the tuna is a 'Product of Port Lincoln Tuna Processors Pty Ltd Sth. Aust.' and the use of the Australian Made logo was not misleading.

As a result of these findings, Unilever is restrained for two years from publishing or causing to be published any statement that tuna in John West tuna is caught in or from South Australia or in Australian fishing waters unless that statement also specifies that tuna in John West tuna is also caught in waters outside Australian fishing waters and is imported. Further, Unilever was given liberty to apply to vary the injunction in the event that the circumstances change and all the tuna used in

John West tuna is caught in or from South Australian or Australian fishing waters.

The Court adjourned the matter until February 1998 pending submissions on costs.

**Vales Wine Company Pty Ltd**, s. 53.

Alleged false representations in relation to vintage and description of quantities of bulk wine. 10.5.96 Vales and two of its former directors, Michael Von Berg and Claude Curtis, convicted of false representations. Penalties of \$165 000 against company and \$10 000 each against two former directors handed down 24.9.96.

Appeal by the directors heard by Full Federal Court on 11.11.96. 19.12.96 appeals dismissed. Directors sought special leave to appeal to the High Court, but on 10.12.97 decided to withdraw their appeal after agreeing to pay the ACCC's costs.

**Anstar Holdings Pty Ltd**, ss 52, 53(bb), 64.

Alleged misleading or deceptive conduct in relation to invoices for unsolicited advertising. 10.7.96 proceedings instituted in the Federal Court Brisbane against Patrick O'Keeffe and Anstar Holdings Pty Ltd. ACCC seeking injunctions and other orders. Hearing for interlocutory injunction 26.9.96. Interlocutory injunction not granted. Trial date set for 6.4.98.

**Stephen Gregory Wyer, Optell Pty Ltd, Geoffrey Allan Beckett, Clinton Wade Andela**, ss 52, 53(aa), (bb), (c), (d), (f), 64.

Alleged misleading and deceptive conduct in relation to business registers and consultancies. 9.8.96 proceedings instituted. 15.8.96 Finn J granted consent orders against Mr Wyer restraining him from carrying on the OSA and SAR schemes, freezing moneys obtained through the schemes and ordering him to forward any moneys obtained through the schemes to the ACCC or to the Court. 26.8.96 Finn J made interlocutory orders against Optell and others preventing them from carrying on the register and consultancy businesses, and ordering them to forward to the ACCC moneys received in relation to the businesses. ACCC seeking permanent injunctions and other orders for corrective action.

6.9.96 proceeding transferred to Brisbane. Hearing for future conduct of proceedings 19.1.98.

**Golden Sphere International Inc**, s. 61.

Alleged promotion of pyramid selling schemes. 5.9.96 proceedings instituted against Golden Sphere International Inc, Pamela Joy Reynolds and Victor Michael Cottrill. 6.9.96 Court granted ex parte interim injunctions against the respondents, freezing their assets. 1.10.96 Court ordered interlocutory injunctions against the respondents restraining them from further promoting the scheme, and allowed ACCC to amend its application to begin a representative proceeding. 5.11.96 Vanuatu Supreme Court registered Federal Court order of 1.10.96. 15.1.97 Vanuatu Supreme Court set aside previous order. 7.2.97 Court agreed to allow ACCC to proceed by way of default proceedings against first and second respondents. 15.4.97 Court required ACCC to amend application and statement of claim. 28.4.97 amended application and statement of claim filed. Trial date to be set.

**Top Snack Foods Pty Limited**, ss 52, 59.

Alleged misleading conduct in relation to selling franchises for the distribution of confectionery. 23.9.96 proceedings instituted in the Federal Court Sydney against Top Snack Foods Pty Limited, one of its directors and two of its employees. 7.11.97 the Court granted leave to the ACCC to join two further parties to the action, Nick Kritharas Holdings Pty Limited and Adway Holdings Pty Limited. It also granted the ACCC a mareva injunction against Gatsios Holdings Pty Ltd and Nick Kritharas Holdings Pty Limited which prevents either party from dealing with or removing certain property from the jurisdiction without first giving the ACCC 14 days notice in writing. ACCC has withdrawn its action against the fourth respondent, Selina Manera. Further directions hearing set for 6.2.98.

**Australian Business Reports Pty Limited**, ss 52, 64(2A).

Alleged misleading representations in relation to the promotion of a business register. 11.12.96 proceedings instituted against Australian Business Reports Pty Limited and its director, Mr Gary Solah. 19.12.96 interlocutory injunction granted in the Federal Court Canberra. Final hearing held

18-20.8.97 before Finn J. ABR found to have contravened s. 52 of the Act with respect to each of its promotional letters and forms. ACCC seeking refunds and permanent injunctions preventing operation of directories. 27.8.97 ABR found to be in contempt of court for continued sending of ABR forms in early 1997 after interlocutory orders of 19.12.96. 29.10.97 Finn J handed down restraining orders against ABR and a director, Gary Solah, and ordered that moneys be returned to consumers.

**Glendale Chemical Products Pty Ltd**, ss 52, 53, 75AD, 75AF. Alleged inadequate labelling on caustic soda making product defective. Proceedings instituted 28.11.96. 3.12.96 Glendale provided undertakings to the court on an interlocutory basis. Hearing set down for 23.2.98.

**MNB Variety Imports Pty Ltd**, s. 65C. Alleged supply of children's swimming aids and 'Sundance' and 'Ambershade' style sunglasses which did not comply with the relevant mandatory consumer product safety standards. Proceedings instituted 12.12.96. 3.4.97 MNB entered a plea of guilty in relation to the supply of swim aids and Sundance sunglasses. 1.5.97 proceedings in relation to Ambershades dismissed. Penalty hearing set down for 4.2.98.

**Destiny Telecomm International Inc.**, ss 57, 61. Alleged promotion of pyramid selling scheme involving phonecards. Proceedings instituted 27.2.97. ACCC gained ex parte injunctions to prevent start up of scheme due to occur 1.3.97. 17.9.97 judgment by Lehane J of contraventions of s. 61. Permanent injunctions handed down with first and fourth respondents to pay ACCC's costs.

**Club 63 Pty Ltd**, ss 52, 53, 59, 61. Alleged promotion of a pyramid selling scheme. Proceedings instituted 20.6.97 against Club 63 and its sole director, Mr David Parkes. Consent orders have been signed and the parties are now awaiting judicial determination.

**Swiss Slimming and Health Institute Pty Ltd (trading as Swisslim) and anor**, s. 53. False or misleading representations in relation to promotion of weight loss and slimming services. ACCC instituted representative

proceedings 26.6.97. ACCC seeking declarations and orders against Swisslim and a director, Gerhard Hassler. Hearing date fixed for 17.11.97. 13.11.97 the respondents sought a vacation of the hearing date because they were not ready to present their case and because Mr Hassler (the second respondent) was unable to return from overseas due to a medical condition. ACCC was ready to present its case at this time. Wilcox J granted an adjournment of the proceedings to a date to be fixed not earlier than 1.4.98. He also ordered that the first respondent (Swisslim) is to refrain from carrying on its existing business, including servicing of existing customers and soliciting new customers; and that Mr Hassler is to refrain from engaging in any business in Australia offering products or services related to any or all of slimming, weight loss or diet. The Swisslim business ceased trading and closed its doors on 18.11.97. Wilcox J further ordered that on or before 8.12.97 the second respondent shall file and serve a further affidavit setting out full details of the property, whether real or personal, owned by Mr Hassler or in which he has an interest and whether held within or outside Australia. This affidavit shall include an account of the disposition of the sum of \$519 010 removed from the account of the first respondent between 30.5.97 and 6.6.97. The matter has been stood over for mention on 5.2.98.

**Black on White Pty Limited (trading as Australian Early Childhood College)**, ss 51AB, 52. Alleged misleading, deceptive and unconscionable conduct in relation to the accreditation of courses and enforcement of enrolment contracts. Proceedings instituted 1.8.97. 15.8.97 Court accepted undertakings from respondents in terms of interlocutory orders sought by the ACCC. Administrator appointed 17.10.97. Validity of appointment being challenged in Supreme Court. At directions hearing 17.10.97 Court ordered joinder of fourth respondent. Directions hearing on 21.11.97 set down new timetable for discovery, filing of defences and affidavits.

**Jayco Pty Ltd**, ss 52, 53(a), (c), (g), 55. Alleged misleading representations in relation to weight loss products. Proceedings instituted 6.10.97. 3.11.97 Mr David Francis, a promoter of the weight loss products,

consented to restraining orders preventing him from making unsubstantiated claims about weight loss products. 1.12.97 Jayco permanently restrained from making unsubstantiated claims about its weight loss products and aids. Proceedings against the remaining individual respondent adjourned to a later date.

**Camile Trading Pty Ltd (t/a Marina Forestville) and Truckstop 31 Pty Ltd**, s. 52. Alleged misleading representations of fuel as diesel or distillate. Proceedings instituted 25.9.97. ACCC seeking interlocutory injunctions and fines. 10.10.97 matter was transferred from the Federal Court Canberra to the Federal Court Sydney. Injunction hearing listed for 19.2.98.

**Mobileworld Communications (Aust) Pty Ltd**, ss 52, 56. Alleged misleading and deceptive conduct and bait advertising in relation to a mobile phone offer. Proceedings instituted 5.9.97. Commission seeking orders, including refunds. Trial set for 3.8.98.

**Australian Purchasing and Tender Service Pty Ltd**, ss 52, 53(a), (g), 55. Alleged misleading representations in relation to a Government Purchasing and Tender Index. ACCC alleges APTS sent forms to small businesses inviting them to join the index, which was purported to be distributed to government departments. Proceedings instituted 2.10.97. 9.10.97 interlocutory hearing at which APTS provided undertakings not to distribute the forms before the next hearing. 23.10.97 Court made further orders and noted further undertakings from APTS.

11.11.97 further orders made by Lee J which prevent the first respondent from making payments without the consent of the ACCC (such order expires 11.12.97), prevents four banks with whom APTS is a client from releasing funds without the written consent of the ACCC (such order expires 11.12.97), requires further information about payments to shareholders to be provided to the ACCC, and requires the second respondent to repay to the first respondent funds paid to her since 9.10.97, by 18.11.97.

Matter set down for hearing on 6.3.98.

**Toys "R" Us**, ss 52, 53(g). Alleged misleading representations of consumers' warranty rights on in-store signs and on stickers attached to video games and computer software packaging. 23.12.97 Foster J in Federal Court Sydney accepted undertakings from Toys "R" Us that it will refrain from displaying misleading 'No refund' signs in its retail outlets and noted that the trader will provide refunds to consumers who can claim to have been misled by the signs. It was further noted by the Court that the trader had entered into s. 87B undertakings to implement a corporate compliance training program. Toys "R" Us was ordered to pay the ACCC's legal expenses of \$16 000 as agreed.

## Adjudication

*The following authorisation applications and notifications are under consideration by the Commission. New authorisation and notification matters are discussed in more detail in the Adjudication chapter.*

## Authorisation applications under consideration

### **Delhi Petroleum (A90547)**

Joint venture operations for SA gas supply.

Existing interim authorisation extended until final determination is made.

*Further consideration deferred pending review of AGL authorisation A90424.*

### **Santos Limited (A90559)**

Agreement relating to the sale and marketing of liquid hydrocarbons from natural gas in south-west Queensland.

*Further consideration deferred pending review of AGL authorisation A90424 and consideration of new application A90568 to address Commission concerns.*

**Santos Limited (A90560)**

SA Cooper Basin — joint venture — natural gas.  
Further consideration deferred pending review of AGL authorisation A90424.

*To be considered with Delhi Petroleum application A90547.*

**Advertiser Newspapers Limited & ors (A60020-1)**

Contracts and rules for the operation of SA newsagency system.

*26.3.97 Interim authorisation extended to three months after the date on which the Commission's review of the NSW/ACT, Queensland and Victoria systems is completed.*

**Santos Ltd (A90568)**

Sale of commingled liquid hydrocarbons from Cooper Basin in SA and Qld.

*8.2.95 Interim authorisation granted.*

**CSR Ltd (A50016)**

Application for authorisation for negotiation and agreements on cartage rates with independent contractor concrete carriers.

*20.3.96 Interim authorisation granted for six months.*

*3.9.97 Draft determination issued. Interim authorisation to continue until final determination.*

*9.10.97 Final determination granting conditional authorisation.*

**Australasian Performing Right Association (APRA) (A30166-73)**

Arrangements for acquiring and granting rights for music.

*16.10.96 Draft determination issued.*

*3.12.96 Pre-decision conference held.*

*15.10.97 Application withdrawn. New application lodged (see A30186-93).*

**Advertiser Newspapers & ors (A60022)**

Agreement regarding newsagency territories and termination of agreement to adopt newsagency administration rules.

**NSW Minister for Energy (A90588-90)**

Wholesale electricity marketing arrangements.

*26.4.96 Interim authorisation granted.*

*17.7.96 Interim authorisation granted for Code as amended.*

*These arrangements have been taken over by application A90614-16.*

**ASX Settlement and Transfer Corporation Pty Ltd/APCA (A90596) (A30180-2)**

Amendments to CHES rules to accommodate international trading.

*12.6.96 Interim authorisation granted until 20.7.97.*

*18.3.97 Application A90596 amended and applications A30180-2 lodged.*

*25.6.97 Interim authorisation granted to SCH rules changes in parts 9A and 11.*

**ASX and OCH (A90599)**

Proposed rewritten business rules for derivatives.

*23.10.96 Interim authorisation granted until end October 1997.*

*24.9.97 Draft determination issued proposing to grant authorisation, subject to amendments.*

*3.11.97 Pre-decision conference held.*

*3.12.97 Final determination granting conditional authorisation.*

**APCA (A30176-7)**

Consumer electronic clearing system regulation and procedures.

*20.8.97 Draft determination proposing to reject application issued.*

**NECA and NEMMCO (A40074-6)**

National Electricity Code.

29.8.97 Draft determination issued proposing to grant conditional authorisation to the NEC and to accept the NEM access code subject to changes.

18-19.9.97 Pre-decision conference held.

10.12.97 *Final determination granting conditional authorisation.*

**TransGrid and other NSW applicants, VPX and other Victorian applicants (A90601-12)**

Proposed National Electricity Market Stage 1 (NEM1) arrangements (comprising the revised NSW code, the revised VICPool rules, co-extensive rules, aligned provisions and enforcement agreement).

5.3.97 *Interim authorisation granted until 'Stage 2'.*

**NSW Minister for Energy (for and on behalf of applicants) (A90614-16)**

Proposed second tranche of vesting contracts to be entered into by participating generators and participating retailers in NSW wholesale electricity market.

30.1.97 *Interim authorisation granted until July 1998.*

**Vodafone (A90613)**

Telecommunication Access Forum constitution and rules.

21.5.97 *Interim authorisation granted to end December 1997.*

**APCA (A90617-19)**

High Value Clearing System — regulations and procedures.

18.6.97 *Interim authorisation granted until 28.2.98.*

**Victorian Egg Industry Co-op Ltd (A90621)**

Franchise and marketing agreement.

27.8.97 *Interim authorisation granted until 31.3.98.*

**Australian Medical Association Limited (A90622)**

Provision of medical services to rural South Australian hospitals.

**Steggles Ltd & ors (A30183)**

Section 45 agreements affecting competition to enter into contracts, arrangements or understandings between parties as to the rates and conditions by growers.

27.8.97 *Interim authorisation granted until 31.3.98.*

**ASX - SEATS (A90623)**

Proposed amendment to section '2' of ASX Business Rules.

**Australian Wool Exchange (A30184-5)**

Arrangements in relation to promotion and sale of wool.

27.8.97 *Interim authorisation granted extending former authorisation until 31.3.98.*

**Woodside Petroleum Development Pty Ltd (A90624)**

Common terms and conditions of sale of gas produced under the North West Shelf Project.

**Jobs Futures Pty Ltd (A90625)**

In relation to the supply of employment services on a not-for-profit basis.

24.9.97 *Interim authorisation granted.*



**Queensland Electricity Transmission Corporation (Powerlink) (A90626-8)**

Proposed Queensland interim electricity arrangements from 1.10.97 until National Electricity Market begins in 1998.

*17.9.97 interim authorisation granted until 31.12.98 or start of NEM, whichever is earlier.*

**Bristile Holdings Pty Limited (A70010)**

Application for authorisation for Bristile to acquire the Western Australian concrete tile assets of Pioneer Building Products Pty Limited.

*3.11.97 Determination issued refusing authorisation.*

**Newfurn Floor Covering Ltd (A90629)**

Agreement with retailer members for use of 'Carpet Choice' trademarks and not to supply to other traders.

**Australasian Performing Rights Association (A30183-93)**

Arrangements for acquisition rights to music and licensing performances.

*3.12.97 Draft determination issued proposing to deny authorisation for input and licensing arrangements.*

**Minister for Mines and Energy (Qld) (A90632-6)**

Queensland electricity vesting contracts between the three major generators and three main retailers.

**Gascor trading as Gas Services Business (A90630-1)**

Gas service contracts between GSB and retailers, distributors and transmission companies in Victoria.

**Notifications under consideration**

**Advertiser Newspapers Ltd (N60023-5)**

Arrangements for supply of newspapers published by Advertiser.

*15.4.96 Consideration in abeyance pending review of authorisation of related conduct.*

**Toyota Motor Corporation Australia Ltd (N90383)**

Exclusive dealing notification for service provided under new vehicle warranty (third line forcing).

*22.10.97 Draft s. 93(3) notice issued proposing to revoke immunity.*

**Rhone Merieux Australia Pty Ltd (N90385)**

Exclusive dealing notification in relation to the veterinary frontline product and terms and conditions of sale.

**BMW Australia Limited (N90395-6)**

Exclusive dealing notification requiring existing and new dealerships to sell 'Rover' vehicles and enter into agreements with Rover Australia Limited (third line forcing).

Exclusive dealing notification requiring each dealer to purchase certain products in new sales facilities (third line forcing).

**Lexmark International Aust. Pty Ltd (N90384)**

Exclusive dealing proposing to sell 'Optra' printers and separately licence the recycle toner cartridges suitable only for Optra printers.

**Minister for State Development and Delfin (N90399)**

Minister for State Development and Delfin Property Group Limited (trading as Golden Grove Joint Venture) proposed s. 47 exclusive dealing in development and marketing of residential land at Golden Grove, South Australia (third line forcing).

**United Milk Tasmania Ltd & ors (N90400)**

Arrangement for exclusive supply of milk by producers.

**Melbourne Market Authority (N90401)**

Licence agreement for wholesalers/retailers to acquire the services of Melbourne Markets Credit Services Pty Ltd (MMCS) for arranged fee.

**Optus Mobile Pty Ltd (N90407)**

The offering of a mobile package to home business link wireline long distance mobile digital networks through Optus Mobile Pty Ltd (third line forcing).

**Optus Networks Pty Ltd (N90408)**

The offering of a mobile package to home business link wireline long distance mobile digital networks through Optus Networks Pty Ltd (third line forcing).

**Golden Circle Limited (N90414)**

Goods are supplied on condition — contractual arrangements made between the company and its members under its articles of association.

**AAP Information Services Pty Limited (N30747)**

Exclusive licence between AAP and ASXO for the supply of 'Signal G'. AAP will assume ASXO's existing relationships with distributors of 'Signal G'.

**ASX Operations Pty Ltd (ASXO) (N30748)**

Exclusive licence between AAP and ASXO for the supply of 'Signal G'. AAP will assume ASXO's existing relationships with distributors of 'Signal G'.

**State Housing Commission (Homewest) and Sanwa Vines Pty Ltd (N70067)**

Sale of land on condition that buyers construct residences using designated builders (third line forcing).

**ASX Operations Pty Ltd (N30749)**

In relation to supply of information by ASXO to a person on condition that the customer will not resupply that information to persons other than particular persons.

**Mutual Community General Insurance Pty Ltd (N90421)**

Discount on premiums charged by HBA general insurance to consumers who also purchase HBA general health insurance which is underwritten by National Mutual Insurance Pty Ltd (third line forcing).

**South Eastern Sydney Area Health Service (N30764)**

SESAHS has agreed to provide certain radiology services, nuclear medicine services and pathology services to inpatients of Mayne Nickless (Health Care of Australia) Private Hospital for five years on an exclusive basis.

**Mayne Nickless Ltd (N30765)**

Mayne Nickless supplies services to visiting practitioners on condition they use the facilities provided in the supply of pathology services from SESAHS; or supplies to patients of visiting practitioners on condition they acquire pathology services from SESAHS (third line forcing).

**GIO Finance Ltd (N30750)**

Applicants for home loans are offered building and contents insurance for \$50 for first year through GIO-RACQ Insurance Ltd.

**Royal Automobile Club of WA (N70068)**

Offering of discount, rebate, credit to its customers on condition that they acquire services from RAQ (third line forcing).

**Royal Automobile Club Insurance Pty Ltd (N70069)**

Offering of discount, rebate, credit to its customers on condition that they acquire services from RAC of WA Inc. (third line forcing).

**Australasian Performing Right Association Limited (N30751)**

Arrangements for acquiring and granting rights for music.

3.12.97 Draft notice issued under s. 93(3).

**John and Mary Lea (N90435)**

**Sactotum Pty Ltd (N90434)**

**Astilbe Pty Ltd (N90433)**

**TJ & K Yeats Pty Ltd (N90432)**

**Hillmark Pty Ltd (N90431)**

**Charzula Pty Ltd (N90430)**

**Westoil Petroleum & ors (N90429)**

**Vuellem Pty Ltd (N90427)**

**W&J Brown (N90426)**

**PA Job Pty Ltd (N90425)**

**Shaskma Pty Ltd (N90424)**

**Mary Jane Investments (N90423)**

Exclusive dealing notification for offer of discounted petrol to customers with supermarket dockets — BP franchisees (third line forcing).

**Newfurn Floor Covering Ltd (N90422)**

Newfurn wishes to oblige its members to purchase an adequate quantity of carpet from preferred carpet suppliers (third line forcing).

**HIH Casualty & General Insurance Ltd (N90419)**

HIH Winterthur propose to supply travel insurance at a discount of particular price on condition that the customer acquires travel through a Qantas office (third line forcing).

**Woolman Petroleum Pty Ltd (N90436)**

Exclusive dealing notification for offering discounted fuel to customers with supermarket dockets (third line forcing).

**Mercantile Mutual Insurance (Aust) Pty Ltd (N30752)**

**Mercantile Mutual Life Insurance Pty Ltd (N30753)**

**ING Mercantile Mutual Bank Ltd (N30754)**

**Mercantile Mutual Investment Management Ltd (N30755)**

**Mercantile Mutual Funds Management Ltd (N30756)**

**Mercantile Mutual Funds Management Aust Ltd (N30757)**

**Mercantile Mutual Insurance (NSW Workers Compensation) Ltd (N30758)**

**Mercantile Mutual Insurance (Workers Compensation) Ltd (N30759)**

**Mercantile Mutual Worksure Ltd (N30760)**

**Mercantile Mutual (SA Workers Compensation) Ltd (N30761)**

**QBE/Mercantile Mutual Underwriting Agency Pty Ltd (N30762)**

**Mercantile Mutual Holdings Ltd (N30763)**

One Mercantile Mutual Group company will offer a discount on premiums, nil or reduced service fees, better policy terms, free products, free periods of cover or other benefits to persons who acquire one or more products from any other member of the Mercantile Mutual Group (third line forcing).

**IMS Australia Pty Ltd (N90428)**

IMS acquires wholesales sales data from Fauldings and API on an exclusive basis.

**Dymocks Franchise Systems (NSW) Pty Ltd (N90437)**

Granting of franchise rights on condition the franchisor only purchase products or services from an approved supplier (third line forcing).

**Emun Nominees Pty Ltd (N90420)**

Supply of shop fitting services at a discount on condition the customer acquires greeting cards or related products from John Sands, or are able to be a John Sands agent.

**Australian Competition Tribunal**

**PMAA and NFAA**

2.7.97 Determination granting authorisation.

24.7.97 Application for review by Bionic Products Pty Ltd.

12.8.97 Directions hearing.

Nov. 97 Matter stood over to April 1998 pending passage of regulation by TGA.

**Victorian newsagency system**

16.6.95 S. 91(4) notice issued.

12.12.97 ACCC decided to revoke authorisation and grant substitute authorisation until 1.2.2001.

21.12.97 Application for review lodged by 7-Eleven Stores.

2.1.98 Application for review lodged by Australian Association of Convenience Stores.

**NSW newsagency system**

16.6.95 S. 91(4) notices issued.

12.12.97 ACCC decided to revoke authorisation and grant substitute authorisation until 1.2.2001.

2.1.98 Application for review lodged by Australian Association of Convenience Stores.

**Queensland newsagency system**

16.6.95 S. 91(4) notices issued.

12.12.97 ACCC decided to revoke authorisation and grant substitute authorisation until 1.2.2001.

2.1.98 Application for review lodged by Australian Association of Convenience Stores.

**Certification trade marks**

**Completed**

**Department of Mines & Energy Qld & ors (CTM 714440)**

Relating to the application of a standard mark on electrical equipment and appliances.

10.9.97 *Final assessment approving CTM issued.*

**Qualmark New Zealand Ltd (CTM 648222-6, CTM 648231)**

Relating to promotional material and travel accommodation and catering services.

24.9.97 *Final assessment approving the CTMs issued.*

**Under consideration**

**Aktion Zahnfreundlich (CTM 572400-2, 601904)**

Relating to Swiss-made food and beverage products.

**The Harris Tweed Association (CTM 69212, 705888)**

Relating to a transmission and variation of the CTM regarding Tweed cloth. 22.1.97 Initial assessment approving the variation to the rules of the CTM issued. 30.4.97 *Final assessment approving 69212 issued. Clarification of rules required on 705888.*

**Institute of Chartered Accountants in Australia (CTM 634857-8)**

Relating to the certification of accounting, auditing and other professional commerce consultancy services.

**The Australian Feldenkrais Guild Inc. (CTM 658374)**

Relating to physical education and therapy services.

**Queensland Timber Board (CTM 713742)**

Relating to timber building materials and products.

**State of Florida Department of Citrus (CTM 654647-8)**

Relating to oranges, grapefruit, tangerines and other citrus fruit.

**Federal Department of Administrative Services (CTM 709097)**

Relating to a Painting Contractor's Certification Program.

**Elicos Association Ltd (CTM 701445)**

Relating to the provision of travel programs and training for overseas students.

**Victorian Tourism Operators Association (CTM 700461)**

Relating to tourism organisations.

**American Petroleum Institute (CTM 621547, 623036)**

Relating to engine oils for motor vehicles.

**New Zealand Meat Producers Board (CTM 680414)**

Relating to New Zealand meat, fish, poultry, eggs, milk and milk products.

**Standards Association of Australia (CTM 655515)**

Relating to products manufactured to an approved quality assurance program standard.

**Australian Wool Research & Promotion Organisation (CTM 632142-4)**

Relates to the certification of laundry detergents and other substances, and washing machines.

**Law Society of Western Australia (CTM 708877)**

Relates to certification of law practices under a Quality Practice Standard.

**Department of Primary Industries (Qld) (CTM 513234-5)**

Relates to the assignments of the CTMs to Queensland Livestock and Meat Authority.

**Australian Horticultural Corporation (CTM 659736)**

Relates to the certification of the handling processes of dried and cooked fruits, jellies, jams and sauces.

**Benchmark Certification Pty Ltd (CTM 721034-5)**

Relates to the certification of quality assurance and environmental systems.

**The Irish Linen Guild (CTM 175755-6)**

Relating to the assignment of the CTMs for the Irish Linen Trade Mark Association.

**Australian Vine Improvement Association (CTM 720347)**

Relates to grapevines and cuttings/graftings/cultures of grapevines.

**National Association of Testing Authorities Australia (CTM 717300-1)**

Relates to compliance of management systems with a code of practice.

**Department of Administrative Services  
(CTM 708908)**

Relates to the certification under an Australian  
Paint Approval Scheme.

**National Meat Association of Australia  
(CTM 731337)**

Relates to the certification of meat, fish,  
poultry, game and meat extract.