
Appendix 1 Continuing matters

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 Proceedings withdrawn 17.9.93.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 set for 7.9.98.

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 held 10–26.2.98. Awaiting judgment.

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. 2.2.98 Federal Court found that J McPhee & Son (Australia) Pty Ltd

and three of its employees had attempted to have a competitor enter into a collusive agreement in tendering express freight services to a McPhee client. It also found that the company had entered into a price fixing arrangement with a competitor in relation to prices quoted to another McPhee customer. 27.3.98 Heerey J imposed penalties of \$4 million on J McPhee & Son and four executives for price fixing.

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. Proceedings instituted in Federal Court 29.12.95. 13.9.96 fourth respondent (Mr Neville McDonnell) withdrew his defence. 2.2.98 the second, sixth and seventh respondents, Australian Film and Pipe Manufacturers and Messrs Wilkie and Lewis, consented to declarations and injunctions. The third and eighth respondents, Anross Investments Pty Limited and Mr Murray, consented to declarations and injunctions. 4.2.98 the first and fifth respondents, Cromford Pty Limited and Mr Jones, consented to declarations as to the attempt to enter into a price fixing agreement with the new market entrant Gem Plastics International Pty Ltd and also injunctions. Penalty hearing date for Cromford Pty Limited, Mr Jones and Mr McDonnell set for 12.2.98. ACCC also seeking declarations and injunctions against Mr McDonnell.

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. 6.4.98 conference with District Registrar about trial date.

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. Next directions hearing 29.5.98.

12.12.97 proceedings instituted in the Federal Court Brisbane alleging further secondary boycott contraventions. Next directions hearing 3.4.98.

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 13.3.98.

Pacific Dunlop Ltd, s. 45. Alleged price fixing and market sharing arrangement in the industrial flexible polyurethane market. 12.12.97 Two of PDL's subsidiaries — Foamlite (Australia) Pty Ltd (trading as Dunlop Flexible Foams (Foamlite)) and Vita Pacific Limited — and a former Queensland State Manager of Foamlite, were ordered to pay \$2 million in penalties and costs. Foamlite, Vita Pacific, Mr Dell (Queensland State Manager of Foamlite), Mr Lait (Queensland Sales Manager of Foamlite) and Mr Walsh (former Queensland State Manager of Vita Pacific) restrained for three years from repeating the offending conduct.

ACCC's investigation into the alleged conduct of PDL's competitor continues.

Construction Forestry Mining and Energy Union, s. 45D. Alleged secondary boycott against transportable buildings supplier in WA. Proceedings instituted 15.12.97. Next directions hearing 1.5.98.

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 to Court of Appeal. Appeal dismissed 3.3.98.

Recovery proceedings are ongoing, however, a stay application is on foot for Venture Industries Pty Ltd, Harry Kioussis and Penny Kioussis pending the outcome of their application for special leave to appeal the decision of the Court of Appeal to the High Court. Collings Construction Co Pty Ltd (now called ACN 000 443 176 Pty Ltd) has been placed in voluntary administration.

18.3.98 Supreme Court imposed fines totalling \$30 000 on Harry Kioussis, Penny Kioussis and Nick Milios (their solicitor) for contempt of court in relation to undertakings given during the proceedings. The undertakings related to the disposal or encumbrance of property by Harry Kioussis or Penny Kioussis without first giving notice to the ACCC. Costs were also awarded.

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. Final hearing 26-27.3.98

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 set for 23.3.98.

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 23.4.98.

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. 4.2.98 Court ordered MNB to pay penalties of \$25 000 and costs of \$1500.

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. 15.1.98 creditors resolved to wind up company. Proceedings to continue against individual respondents.

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 18.2.98.

31.3.98 the ACCC ended the action by consent following the ACCC and Commonwealth Director of Public Prosecutions finding that there were difficulties in proving to the criminal standard that fuel had been misrepresented to consumers as diesel or distillate.

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. Mediation scheduled for 2.3.98. 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.

Nissan Motor Co. (Australia) Pty Ltd, s. 53. Alleged false or misleading representations in relation to the promotion of a Nissan model. Proceedings instituted 8.12.97 in the Federal Court Adelaide. ACCC seeking penalties and other orders for civil relief. Trial set for 27.7.98.

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.

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. Interim to be re-assessed in draft determination of CHES arrangements.

APCA (A30176-7)

Consumer electronic clearing system regulation and procedures.

20.8.97 Draft determination proposing to deny authorisation issued. APCA to amend rules as required by the ACCC.

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'.

10.11.97 VIC Pool Rules revoked — new interim granted for amended pool rules which incorporate the Victorian capacity support program.

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.

11.3.98 Draft determination issued.

APCA (A90617–19)

High Value Clearing System — regulations and procedures.

18.6.97 Interim authorisation granted until 28.2.98.

4.3.98 Draft determination issued.

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.

5.3.98 Draft determination issued.

ASX – SEATS (A90623)

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

15.10.97 Interim authorisation granted until final determination.

25.2.98 Draft determination issued.

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.

19.12.97 Draft determination issued proposing to grant conditional authorisation.

26.2.98 Pre-decision conference held in Perth.

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.

24.2.98 Draft determination issued.

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.

Newfurn Floor Covering Ltd (A90629)

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

4.3.98 Draft determination issued.

Australasian Performing Right 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.

14.1.98 Determination issued denying authorisation of input, output and distribution arrangements; granting conditional authorisation for overseas arrangements; and revoking the notification relating to input arrangements.

4.2.98 APRA filed appeal to Australian Competition Tribunal.

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

Queensland electricity vesting contracts between the three major generators and three main retailers from 1998-2001.

Stanwell Corporation (A90634)

Queensland electricity vesting contracts, proposed hedging contracts between three major generators and three main retailers from 1998-2001.

Tarong Energy (A90635)

Queensland electricity vesting contracts between three major generators and three main retailers from 1998-2001.

CS Energy Ltd (A90636)

Queensland electricity vesting contracts between three major generators and three main retailers from 1998-2001.

Gascor trading as Gas Services Business (A90630-1)

Generic gas service performance contract between GSB and the retailers, distributors and transmission and associated gas companies to be formed in the gas reform process under way in Victoria.

Moonie Oil Pty Ltd (and seven others) (A90637-45)

Gas supplies agreement between Mereenie Producers and Gasco Pty Ltd.

Victorian Energy Networks Corporation (Vencorp) (A90646-8)

Market System and Operations rules.

Ansett Holdings Limited (A90649)

Proposed alliance agreement between Ansett Australia, Ansett International, Air New Zealand and Singapore Airlines.

Port Waratah Coal Services Limited (A90650-1)

Arrangements for implementing a capacity allocation system for the coal loaders at Newcastle. It involves exclusionary provisions and boycotts.

Interim authorisation also requested so that the system can be put in place by 1 February 1998.

25.2.98 Draft determination issued.

13.3.98 Pre-decision conference held in Newcastle.

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.

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).

12.11.97 Draft notice issued.

18.12.97 Pre-decision conference held.

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.

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.

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).

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).

IMS Australia Pty Ltd (N90428)

IMS acquires wholesale 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 purchases 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 is able to be a John Sands agent.

Mayne Nickless Ltd (N30765)

Mayne Nickless supplies services to visiting practitioners on condition they utilise the facilities provided in the supply of pathology services from SESAHS; supplies to patients of visiting practitioners on condition they acquire pathology services from SESAHS (third line forcing). Application is conditional on South Eastern Sydney Area Health Service notification being allowed to stand.

St George Bank Ltd (N90444)

Third party retailers and service providers will provide discounts or free products/services in respect of products or services provided by those third parties (third line forcing).

Eastern Energy Limited (N90442)

Eastern Energy will provide a discount on electricity accounts for the period 8.12.97 to 30.3.98 to customers that purchase split system reverse cycle air conditioners (third line forcing).

JB Were Capital Markets Limited (N90443)

WCM requires investors wishing to acquire JB Were deposit notes to appoint JB Were and Son as their agent to receive and hold on their behalf each deposit note issued to them by WCM (third line forcing).

Western Power Corporation (N70070)

Proposed discount from Smart Power electricity connection charge, and discount from an off-peak electric hot water system, when both products are purchased together.

International Exchange Programs Pty Ltd (N90456)

Proposed provision of services by IEP (including the coordination of travel arrangements, assistance with respect to locating employment, orientations, visa applications) on condition participants acquire both an airline ticket and insurance policy from entities nominated by IEP (third line forcing).

Amex (N90722)

Provision of health insurance to members of HCF (third line forcing).

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.

Australasian Performing Right Association

14.1.98 Determination issued refusing authorisation.

4.2.98 Appeal to Tribunal filed.

Certification trade marks

Completed

Aktion Zahnfreundlich (CTM 572400-2, 601904)

Relating to Swiss-made food and beverage products.

19.11.97 Final assessment approving CTMs issued.

The Australian Feldenkrais Guild Inc. (CTM 658374)

Relating to physical education and therapy services.

19.11.97 Final assessment approving CTMs issued.

Australian Horticultural Corporation (CTM 659736)

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

19.11.97 Final assessment approving CTMs issued.

Under consideration

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.

31.10.97 Initial assessment proposing to approve the CTMs issued.

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.

31.10.97 Initial assessment proposing to approve CTM issued.

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.

14.10.97 Initial assessment proposing to approve CTM issued.

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.

5.11.97 Initial assessment proposing to approve CTM issued.

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 assignment of the CTMs to Queensland Livestock and Meat Authority.

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.

National Herd Improvement Association of Australia (CTM 734659)

Relates to the certification of dairy cattle herds.

**The Stilton Cheese Makers Association
(CTM 721900)**

Relates to cheese dairy products and products containing cheese.

**Department of Agriculture WA (CTM
707595)**

Relates to quality systems requirements for the food industry.

**Standards Association of Australia (CTM
667437)**

Relates to a Certified Laboratory Practice Program.