
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.

Anti-competitive 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.

Trial against CC(NSW) Pty Ltd was held in Sydney on 6–8.10.98. Lindgren J has reserved his decision.

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 Proceedings withdrawn 17.9.93.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 in this matter began 7.9.98 and was adjourned on 24.9.98. It remains only part heard and trial is scheduled to recommence on 22.2.99.

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. 10.7.98 Kiefel J handed down judgment that Mayo had engaged in resale price maintenance that breached the Trade Practices Act. Further hearing 20.7.98 and a timetable set down for Her Honour to hear submissions on the individual respondents being knowingly concerned, and for penalty.

7.8.98 Kiefel J handed down her judgment concerning the involvement of the individual respondents. Kiefel J found that the Managing Director (second respondent) and a sales representative (fourth respondent) were directly concerned in, and a party to, various contraventions; however, no contraventions were found against the National Sales Manager and Director (third respondent).

21.8.98 Kiefel J provided her judgment for penalty. Mayo International Pty Ltd was fined a total of \$46 500, the Managing Director was fined a total of \$20 000, and the sales representative was fined a total of \$2000. The first and second respondents were ordered to pay 75 per cent of the ACCC's costs, including any reserved costs; however, the ACCC must pay the costs personal to the third respondent. This matter is now concluded.

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. Respondents have appealed the decision. Appeal is part heard and continues on 2.2.99.

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. 27.2.98 Lockhart J ordered Cromford Pty Limited to pay a pecuniary penalty of \$10 000 in respect of each of the four attempts, totalling \$40 000, and Mr Jones to pay a pecuniary penalty of \$2000 in respect of each of the four attempts, totalling \$8000. 20.3.98 ACCC appealed the decision as to the adequacy of the penalty against Cromford Pty Ltd and Mr Jones.

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 45, 45A, 46, 47, 48. Alleged price fixing, misuse of market power 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. Allegations against Australian Safeway are set for trial commencing 8.2.99.

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. 9.7.98 ACCC granted leave to file and serve and amended statement of claim. Respondents to file and serve and amended defence and affidavits, then parties to advise court registry that matter is ready for further directions. 13.10.98 this matter was before the Deputy Registrar of the Federal Court for case review. This matter must undergo a mediation process on or before 14.12.98.

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. Trial date set for 8.3.99.

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. That company continues to cooperate with the ACCC in providing assistance with the inquiry.

Construction Forestry Mining and Energy Union, s. 45D. Alleged secondary boycott against transportable buildings supplier in WA. Proceedings instituted 15.12.97. Next hearing date 1.12.98.

Simsmetal Ltd, Babister & Jaksa, ss 45, 46, 76. Alleged attempted market sharing arrangement and misuse of market power in the South Australian steel scrap and South Australian foundry steel markets. Proceedings instituted in the Federal Court Canberra 5.2.98. Proceedings moved from the Federal Court Canberra to the Federal Court Melbourne. 15.10.98 adjourned the respondent's notice of motion to strike out portions of the statement of claim and the ACCC's application to amend the statement of claim for hearing on 5.11.98.

Boral Limited and Boral Besser Masonry Ltd, s. 46. Alleged predatory pricing and misuse of market power in relation to the supply of concrete masonry products. Proceedings instituted 6.3.98. ACCC seeking penalty, declaration, injunctions requiring the companies to implement a corporate compliance program, and findings of fact. Next directions hearing 18.12.98.

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union, s. 45D. Alleged secondary boycott against fire protection contractor. Proceedings instituted 18.3.98. Statement of claim amended 23.9.98. Proceedings settled 12.10.98. Consent orders included injunctions restraining CEPU from engaging in the conduct, reinstatement of members suspended for subcontracting, and notification of members, fire contractors and builders that the conduct has ceased. CEPU has undertaken to make an agreed contribution to ACCC's costs.

Ice Creameries of Australia Pty Ltd, s. 47, s. 52. Alleged exclusive dealing conduct and misrepresentations about profitability in relation to ice cream franchises. Proceedings instituted 26.3.98.

Real Estate Institute of Western Australia Incorporated, ss 45, 45A. Alleged price fixing agreement in relation to a training course, and alleged anti-competitive rules of practice. Proceedings instituted 17.6.98 against REIWA, its Executive Director, Michael Griffith, and various other parties. ACCC seeking orders and penalties. Matter set down for case management conference on 5.11.98.

David Charles Miller, s. 47(6). Alleged involvement in a real estate auction program promoted by Sure Sale Systems Pty Ltd and Sure Sale Systems (Australasia) Pty Ltd. ACCC seeking orders including declarations, findings of fact, injunctions, costs and orders requiring the publishing of a public notice and the undertaking of a trade practices compliance program by Mr Miller. Directions hearing listed 5.11.98.

Unconscionable conduct

Farrington Fayre Shopping Centre, s. 51AA. Alleged unconscionable conduct in relation to leasing arrangements. Proceedings instituted 6.4.98. Case management conference scheduled for 29.10.98.

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. Venture Industries, Harry Kioussis and Penny Kioussis have sought special leave to appeal the decision to the High Court. Tentative hearing date 20.11.98.

Recovery proceedings are ongoing. Collings Construction Co Pty Ltd (now called ACN 000 443 176 Pty Ltd) has been placed in voluntary administration. Wayne Collings has been placed into bankruptcy (24.3.98) as have Harry Kioussis and Penny Kioussis (both on 10.7.98).

Harry Kioussis and Penny Kioussis are seeking annulment of their bankruptcies, and final determination of this issue has not yet been made.

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 Anstar Holdings Pty Ltd and its director, Patrick O'Keeffe. Hearing for interlocutory injunction 26.9.96. Interlocutory injunction not granted. 7.4.98 Federal Court Brisbane granted consent injunctions against Anstar and O'Keeffe. O'Keeffe also agreed to publish apologies in newspapers and pay \$10 000 of ACCC's costs.

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. Judgment for the plaintiff handed down by O'Loughlin J on 3.6.98. Injunctions granted against Andela and Beckett. Draft orders filed 1.7.98. Awaiting final orders.

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 held 23.3.98.

1.6.98 Federal Court granted injunctions and ordered Golden Sphere, Pamela Reynolds and Victor Cottrill to refund \$550 000 to consumers who suffered financial loss through participating in the scheme.

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, 75AC, 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 to amend its product labelling to include safety precautions and instructions on the product's use.

25.3.98 Federal Court Sydney awarded substantial monetary damages to Mr Barnes after finding Glendale liable for injuries and damages suffered by Mr Barnes. Emmett J held that the defect in the product under s. 75AC of the product liability provisions of the Act was the failure to warn against the use of the product with hot water in a confined space and that the

suggested usage of the product by the supplier cannot be construed as a warning as to the only way in which the product should be used. Included in the orders were amendments to the labelling of the product as to its instructions for use.

Appeal to be heard in November 1998.

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) 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.

22.4.98 Federal Court found that Swisslim and its director, Mr Hassler, had engaged in promotions of slimming services that were misleading and deceptive. ACCC was ordered to write to all affected customers to ascertain how much they had spent on Swisslim services, in order to calculate any refund which may be available.

19.6.98 Court ordered Swisslim and its director, Gerhard Hassler, to pay over \$1 million in compensation to the ACCC. The payment will

be used to make partial refunds to affected consumers.

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.

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. Trial date scheduled for 27.7.98.

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

1.5.98 Court granted ACCC leave to proceed against first respondent in liquidation.

29.7.98 Court found that APTS and its promoters had made false and misleading representations. Lee J made orders against the respondents APTS, its director, Suzanne Johnston, and another individual Clinton

Andela, including declarations, injunctions and payment of the ACCC's costs. ACCC granted leave to seek further orders.

Wavequest Pty Ltd (trading as Alice Computers) and Prebeal Pty Ltd (trading as Mobile Phones Etc), ss 52, 53(e), 53(g), 53C. Alleged misleading promotions of mobile phones. Proceedings instituted 17.4.98. ACCC has also begun proceedings against Mr Kevin Clerke, a director of both Wavequest and Prebeal, for being directly, or indirectly, knowingly concerned in the alleged conduct. Trial date scheduled for 29.9.98.

Internic Technology Pty Ltd, ss 52, 53. Alleged misleading conduct in relation to the use of a website domain name. Proceedings instituted 1.5.98. ACCC seeking orders including declarations, injunctions, refunds to consumers, and publication of electronic information notices. Next directions hearing 13.11.98.

Goldstar Corporation Pty Ltd and Grant Warren Hudson, ss 52, 53(bb), 60, 64. Alleged misleading and deceptive conduct in relation to their National Federal State & Local Government Advertiser publication. Proceedings instituted 30.6.98. 2.7.98 the respondents gave an undertaking to the Federal Court that they would not engage in certain conduct which the ACCC had alleged was in contravention of the Act. 7.10.98 ACCC filed a statement of charge in the Federal Court alleging that the respondents had failed to adhere to their undertaking and that they should show cause why they should not be dealt with for contempt of court. 2-3.11.98 hearing set down in relation to contempt of court issue.

HRJ Financial Services Pty Ltd, ss 52, 53(c), 55A, 51AB. Alleged misrepresentations in relation to the provision of personal loans. Proceedings instituted against HRJ and its directors Rowland William Thomas and Helen Elizabeth Lewis on 6.7.98. 10.7.98 Court issued restraining orders against HRJ and its directors.

Cedric Desmond Collinson (trading as CDRC's Financial Network, and/or The Financial Network, and/or SE Financial Network), ss 52, 53(e), 55A, 58. Alleged misrepresentations in relation to the provision of personal loans. Proceedings instituted 12.8.98.

13.8.98 Court issued interim orders restraining Cedric Desmond Collinson from making further such representations, and effectively precluding him from dealing with any of his assets or monies obtained as a result of the representations. 16.9.98 Mr Collinson consented to permanent restraining orders. Matter adjourned until 30.10.98.

Kmart Australia Ltd, ss 52, 53(e). Alleged misrepresentations in relation to savings on an espresso machine. Proceedings instituted 24.7.98. ACCC seeking findings of fact and orders. Matter adjourned until 3.11.98.

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.

12.12.97 Commission's review completed.

19.12.97 Request to extend interim to 1.2.2001.

18.2.98 Interim extended to 30.9.98.

Santos Ltd (A90568)

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

8.2.95 Interim authorisation granted.

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/ASX 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.

18.6.98 Draft determination issued proposing to grant conditional authorisation.

5.8.98 *Final determination issued granting conditional authorisation.*

APCA (A30176-7) (A90620)

Consumer electronic clearing system regulation and procedures.

20.8.97 *Draft determination issued proposing to deny authorisation. 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.

19.12.97 Amendment to application received.

24.12.97 VIC Pool Rules revoked and regranted to accommodate new entrants to VIC market.

2.2.98 Revision to amendment to application.

25.2.98 Interim authorisation granted to amend NEM1 codes until either of NEM commencement or 1.7.98.

27.3.98 Amendment to application received.

9.4.98 Amendment to application received.

6.5.98 *Interim authorisation granted to amended NEM1 codes until earlier of NEM commencement or 1.7.98.*

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 June 1998.

These arrangements superseded by application A90660-4.

Victorian Egg Industry Co-op Ltd (A90621)

Franchise and marketing agreement.

27.8.97 Interim authorisation granted until 31.3.98.

25.3.98 *Interim extended until final determination issued.*

Australian Medical Association Limited (A90622)

Provision of medical services to rural South Australian hospitals.

3.4.98 Draft determination issued.

19.5.98, 11.6.98 Pre-determination conference held.

31.7.98 *Final determination issued granting conditional authorisation.*

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.

25.3.98 Interim extended until final determination.

13.8.98 *Draft determination issued proposing to grant authorisation for five years.*

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-determination conference held in Perth.

29.7.98 *Final determination issued granting conditional authorisation.*

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.*

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

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

14.1.98 *Interim authorisation granted until final determination.*

Stanwell Corporation (A90634)

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

14.1.98 *Interim authorisation granted until final determination.*

Tarong Energy (A90635)

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

14.1.98 *Interim authorisation granted until final determination.*

CS Energy Ltd (A90636)

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

14.1.98 *Interim authorisation granted until final determination.*

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.

28.5.98 Draft determination issued.

6.7.98 Pre-determination conference held.

19.8.98 *Final determination issued granting conditional authorisation.*

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.

To be assessed as part of the Victorian Gas Access Arrangements.

28.5.98 Draft determination issued.

6.7.98 Pre-determination conference held.

19.8.98 *Final determination issued granting authorisation subject to a number of amendments.*

Ansett Australia Limited, Ansett International Limited, Air New Zealand Limited and Singapore Airlines Limited (A90649, A90655)

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

11.6.98 Draft determination issued proposing to grant conditional authorisation.

2.7.98 Pre-determination conference held.

22.7.98 *Final determination issued proposing to grant authorisation for five years.*

CSR Limited (A90656)

Negotiation for contracts, arrangements or understandings to establish formulae for cartage rates of materials used in the manufacture of pre-mixed concrete.

NECA and NEMMCO (A90652-4)

Revisions of the National Electricity Code.

27.4.98 Application for authorisation amended.

11.8.98 Draft determination issued.

27.8.98 Pre-determination conference.

19.10.98 Final determination issued.

ASX (A90657)

Proposed ASX business rule for capital liquidity requirements.

Avcare Limited (A30194)

Proposed industry waste management scheme for manufacturers of agricultural and veterinary chemicals to charge a common levy to finance the scheme.

22.7.98 Draft determination issued proposing to grant conditional authorisation for five years.

2.9.98 Final determination issued granting authorisation for five years.

Association of Fluorocarbon Consumers and Manufacturers Inc. (A90658)

Proposed limiting of imported hydrofluorocarbon gases and the cessation of imports of disposable containers.

10.6.98 Interim authorisation granted.

8.7.98 Draft determination issued proposing to grant conditional authorisation.

26.8.98 Final determination issued granting conditional authorisation.

Inghams Enterprises Pty Ltd (A90569)

Proposed procedure for negotiation of contracts, terms and conditions and other matters in relation to the Tasmanian chicken meat industry.

Bundaberg Associated Friendly Societies (A50019)

Proposed collective purchasing and negotiating group for private hospitals.

NSW Treasury generators and retailers (A90660)

Proposed third tranche of vesting contracts between NSW generators and retailers

22.7.98 Interim authorisation granted to contracts until 31.10.98.

Chevron Niugini Pty Ltd and others (A90667-9)

Arrangements for marketing of PNG gas, terms of supply to customers.

5.8.98 Interim authorisation granted subject to certain conditions.

NECA and NEMMCO (A90671-3)

Amendments to National Electricity Code.

Australian Society of Anaesthetists (A30195)

Australian Society of Anaesthetists to agree on standard rates and conditions.

Energy Risk Management Pty Ltd (A90674-5)

Risk management product for participants in the National Electricity Market.

Clay Brick and Paver Association of NSW (A90676)

The Association's members are proposing a levy of \$2.00 per thousand bricks. Applied to all Association members.

United Energy Limited (A90665-7)

6.8.98 VCR scheme as amended; previous VCR schemes rules subject to authorisations A90593-4, dated 18.12.96.

30.9.98 Draft determination issued.

Australian Direct Marketing Association Ltd (A40077)

ADMA code of practice.

7.10.98 Draft determination issued.

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 Merier Australia Pty Ltd (N90385)

Exclusive dealing for the veterinary Frontline product and terms and conditions of sale.

25.6.97 Allowed to stand.

Nov. 97 Commission decided to give full consideration to notification.

Amex (N30722)

Provision of health insurance to members of HCF (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.

MBF (N30803)

MBF will only have HPPAs with hospitals that give ACHS accreditation (exclusive dealing and third line forcing).

Australian Wool Exchange Ltd (N90475)

Requirement that wool offered for sale through AWEX be classed by a registered classer; individuals wishing to class wool must be registered under rules (third line forcing).

MDU Australia Insurance Co Pty Ltd (N30808)

MDUAIL offers its professional indemnity policies to doctors who are members of MDU; to dentists in NSW and ACT who are members of Australian Dental Association (NSW) branch and MDU; to dentists anywhere in Australia who are members of MDU (third line forcing).

Australand Holdings Ltd, TM Burke Pty Ltd (N30816-7)

Australand and TM Burke propose to refer potential purchases of real estate to the mortgage company for a Westpac home loan. Westpac proposes to provide home loans at a discount on condition that the customer acquires real estate from Australand or TM Burke (third line forcing).

Paint Right Ltd (N40312)

Paint Right members are required to carry a core range of Premium paints, private label paint and accessories from the nominated supplier (third line forcing).

Provet Queensland Pty Ltd (N50094)

Supply of 'Pharmaceutical; vet only' and 'Open seller' product to veterinary surgeons on certain conditions only.

John Dercy Drake (N90507)

Offer of discount fuel linked to grocery sales (third line forcing).

Zurich Australian Insurance Ltd (N90508)

Supply of home contents insurance at a discount on condition the customer acquires a security system from Signature Security System Group.

Ocean Master Australia Pty Limited (N30819)

The franchisor has entered into a franchise agreement with a number of franchisees. Clauses in the franchise agreement require franchisees to purchase specific types of food, equipment, name tags and uniform etc. from specific suppliers.

AHL Projects Pty Ltd (N90509)

Third line forcing for subdivision and sale of residential land.

ING Mercantile Mutual Bank Ltd (N90610)

Application for exclusive dealing offering discount on fixed and variable interest rates home loans for members of API.

Vodafone Pty Ltd (N90612)

Application for exclusive dealing relating to Vodafone proposal to supply customers with a mobile handset, certain mobile telephony on certain conditions.

Vodafone Pty Ltd (N90611)

Exclusive dealing for the supply of Motorola handsets on certain conditions.

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.

Dec. 97 Regulations gazetted.

Listed for October 1998.

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.

July 1998 Tribunal hearing, decision reserved.

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.

July 1998 Tribunal hearing, decision reserved.

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.

July 1998 Tribunal hearing, decision reserved.

Australasian Performing Right Association

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.

26.10.98 Hearing.

Certification trade marks

Completed

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

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

17.6.98 Final assessment certificate issued approving the CTM.

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

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

17.6.98 Final assessment issued approving the assignment.

The Irish Linen Guild (CTM 175755-6)

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

17.6.98 Final assessment issued approving the assignment.

**National Herd Improvement Association of
Australia (CTM 734659)**

Relates to the certification of dairy cattle herds.

17.6.98 Final assessment issued approving the CTM.

**Perth Hebrew Congregation Inc. (CTM
732712)**

Relating to the provision of 'kosher' products.

22.7.98 Final assessment issued approving the CTM.

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

Relating to engine oils for motor vehicles.

2.9.98 Final assessment issued approving the CTM.

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.

30.3.98 Applicant granted extension to 30.6.98.

Elicos Association Ltd (CTM 701445)

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

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

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

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

Relates to the certification of quality assurance and environmental systems.

**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.

**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.

Department of Agriculture WA (CTM 707596)

Relates to quality system requirements for use by primary producers, food manufacturers or food distributors.

Standards Association of Australia (CTM 667437)

Relates to a Certified Laboratory Practice Program.

Consorzio Per La Tutela Del Formaggio Grana Padano (CTM 732270-1)

Relating to Italian cheeses.

Australian Owned Companies Association Ltd (CTM 652664-6)

Relating to the provision of goods and services provided by a wide range of Australian companies.

Department of Agriculture WA (CTM 744849)

Relating to quality systems for the food industry.

Australian Registered Cattle Breeders Association and Beef Improvement Association of Australia Inc. (CTM 727387)

Relates to the sale of beef cattle seedlot.

Sheepmeat Council of Australia (CTM 703607, 704634, 710728)

Live sheep and lambs, processed sheepmeat and products.

Centre Technique Du Bois et de L'ameublement (CTM 750620)

Certification of wooden casks and barrels.

Australian Wool Research and Promotion Organisation (CTM 666921)

Certification of wool/fibre products with 'Sportwool' mark.

Consorzio del Formaggio Parmigiano Reggiano (CTM 677876-8)

Certification of Italian dairy cheeses.

Victorian Conveyancers' Association (CTM 758563)

Certification of conveyancing services.

National Archives of Australia (CTM 752089)

Certification of archival storage products.

Department of Mines and Energy, Qld and others (CTM 714440)

Certification of household electrical goods — assignment and variation to the rules.

Certfire Pty Ltd (CTM 750533)

Certification of passive fire protection systems.

Craft Australia (CTM 746821)

Certification of Craft products, materials and techniques.

National Safety Council of Australia Ltd (CTM 725527)

Certification of audit services of occupational health and safety activities.

Chrissie Maher (CTM 712256)

Certification of document standards.

Waters and Rivers Commission WA (CTM 716402)

Relating to plumbing and landscaping services.

Cattle Council of Australia (CTM 647073, 669943)

Assignment to Cattlecare Ltd.