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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.*

### Anti-competitive practices

**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 Proceedings withdrawn 17.9.93.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.

**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.

**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.

**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.

21.8.98 consent order by Cooper J that the parties participate in a mediation conference. 13.11.98 mediation conference. Negotiations to settle proceedings continuing.

**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 amended statement of claim. Respondents to file and serve 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. Matter must undergo a mediation process on 10.12.98.

**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. 17.12.98 Hill J in the Federal Court accepted undertakings from the anaesthetists and the Society and made consent orders. Respondents to pay \$60 000 towards the ACCC's costs.

**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. 5.11.98 the respondents' notice of motion to strike out portions of the Statement of Claim was dismissed and the ACCC was given leave to amend. The Court ordered the parties to meet by 19.11.98 for a without prejudice conference to agree on facts arising out of the Statement of Claim. The respondents were ordered to file their amended defences by 17.12.98 and the matter was adjourned to 1.2.99.

**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.

**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.

**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. 10.11.98 Case management conference set timetable for discovery and filing of evidence.

22.12.98 directions hearing before French J set down timetable for possible cross claim against fifth respondent and another. Further timetable set down for the filing of documents to be used at trial. French J also raised concerns over width of compliance program contained within consent orders of the third, fourth and fifth respondents. Decision to be handed down 15.1.99.

**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. Proceedings instituted 3.7.98. 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. Applicant to apply on or before 10.2.99 to fix a hearing date.

**The Fitness Generation Pty Ltd**, s. 48. Alleged resale price maintenance, price fixing in relation to the supply of fitness equipment.

Proceedings instituted after letter sent by the Fitness Generation to its retail distributors/competitors offering supply of Monark fitness equipment and including a list of retail prices at which the products were to be sold. 30.10.98 court orders restraining company from engaging in resale price maintenance for three years and from entering into price fixing arrangement, and ordering the company to implement a trade practices compliance program.

**George Weston Foods Limited and ors**, ss 45, 48. Alleged attempt to induce the making and the putting into effect of a price fixing arrangement and/or alleged resale price maintenance. Proceedings for pecuniary penalty instituted 28.10.98 in the Federal Court Melbourne.

## Unconscionable conduct

**Farrington Fayre Shopping Centre**, s. 51AA. Alleged unconscionable conduct in relation to leasing arrangements. Proceedings instituted 6.4.98 with ACCC seeking orders including declarations, injunctions, public apology, institution of a corporate compliance program, and findings of fact.

Case management conference held on 29.10.98, with orders given as to timetable for discovery. 16.12.98 directions hearing at which French J set a revised timetable for discovery and process for filing unavailable dates of the parties for trial.

## 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.

The High Court refused special leave to appeal the decision of the Court of Appeal on 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).

Venture Industries was placed into liquidation 20.7.98.

**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. 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.

**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. Hearing set for 1–12 February 1999.

**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. 26.10.98 notice of motion by fourth respondent's conduct tried as a preliminary issue. Motion unsuccessful. 30.11.98 directions hearing regarding timetable for second and third respondents. 30.11.98 directions hearing amending timetable for second and third respondents. Next directions hearing March 1999 (to be notified by Registrar).

**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.

30.9.98 O'Loughlin J found advertisements breached the Trade Practices Act and that Mr Clerke was directly or indirectly knowingly concerned in, or party to, the contraventions.

**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.

**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.

On 2.11.98 the matter was heard and on 6.11.98 the Federal Court found both Goldstar and Hudson were guilty of contempt. Hudson was sentenced to two month's imprisonment, suspended for two years on condition that he did not engage in conduct in breach of Part V of the Act. Injunctions were also issued against Hudson and Goldstar and both parties were ordered to pay the Commission's costs forthwith.

11.12.98 ACCC filed a notice of motion alleging a further contempt by Goldstar and Hudson. Trial set down for 19.1.99.

**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.

**Austcomm Tele Services Pty Ltd and ors**, ss 51AB, 52, 53(c), 53(d), 64(2A). Alleged misleading and deceptive conduct, unconscionable conduct and assertion of a right to payment without a reasonable belief of a right to payment in relation to the sale and provision of telephony services. Proceedings instituted in Perth on 11.9.98 against Austcomm Tele

Services Pty Ltd, Vision Direct (WA) Pty Ltd, Kobra Pty Ltd, Cheville Corporation Pty Ltd, ADS Marketing Pty Ltd, Aristoteles Aris and Gregory Erskine.

24.9.98 the Court, by consent, issued orders and interlocutory injunctions and set down a timetable. Directions are currently adjourned to a date to be fixed after 25.1.99. An administrator was appointed to Austcomm Tele Services Pty Ltd on 25.11.98.

## 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.

*Interim authorisation to 31.12.98.*

### **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.

### **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.

1.12.98 Amendment to application received.

**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.

**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.

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

Gas supplies agreement between Mereenie Producers and Gasco Pty Ltd.

12.11.98 Issues paper released.

**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.

**ASX (A90657)**

Proposed ASX business rule for capital liquidity requirements.

**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.

16.12.98 Draft determination issued.

**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.

25.11.98 Interim authorisation granted.

**Australian Society of Anaesthetists (A030195)**

Australian Society of Anaesthetists agree to undertake anaesthesia service upon such standard and agreed rates and conditions.

**Energy Risk Management Pty Ltd (A90674-5)**

Risk management product for participants in the National Electricity Market.

25.11.98 *Interim authorisation granted.*

**Clay Brick and Paver Association of NSW (A90676)**

The Association's members are proposing a levy of \$1.00 per thousand. Applied to all Association members.

**Tarong Energy Corporation (A90677)**

Coordination of generator output at times of involuntary load shedding in the Queensland electricity market.

2.12.98 *Conditional authorisation granted.*

**Estate Agents Co-operative Ltd (A90678)**

Amendment to EAC by-laws to require residential properties listed for sale to be listed into EAC multilist.

## 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.

November 1997 *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.

**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).

**Provet Queensland Pty Ltd (N50094)**

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

**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.



**Optus Network Pty Ltd, Optus Mobile Pty Ltd, Optus Vision Pty Ltd (N30821, N90627-8)**

Offer of discount by Optus to persons who subscribe to telephony services on condition they acquire Internet services from Microplex (third line forcing).

**Microplex Pty Ltd (N30822)**

Third line forcing in relation to discount on internet services.

**Interactive Television Pty Ltd (N40313)**

Supply of interactive television system on condition customers acquire telephony services from Optus (third line forcing).

**Hospital Benefit Fund of WA Inc (N80074)**

Participants in HBF MemberSaver scheme agree not to enter into an agreement with other health or general insurer to provide the same or similar discounts to the insured of another insurer (third line forcing).

**Boehringer Ingelhiem Pty Ltd (N30823)**

Offer to veterinarians of free or discount packages to attend a veterinary conference on condition they acquire certain quantities of eligible Boehringer products from a wholesaler (third line forcing).

**Bank of Queensland Ltd (N90617)**

Third line forcing in relation to provision of financial services.

**Manchester Unit Friendly Society NSW Ltd (N30824)**

Payment of higher benefits to customers who purchase dental and/or optical services from clients formally owned and conducted by the Society (third line forcing).

**Suncorp General Insurance Ltd (N50095)**

Provision of a Master Policy Professional Indemnity insurance scheme to barristers who are members of a State, Territory or national bar association in Australia (third line forcing).

**Taubmans Pty Ltd, Bristol Banner Group Pty Ltd (N90623-4)**

Offer of a distribution agreement relating to Bristol paint and supply of Bristol paint to

persons on condition they acquire management and other services from BBG (third line forcing).

**SOCOG (N90625)**

Supply of tickets to customers from a box office on condition that the customers acquire the credit services of Visa (third line forcing).

**NODRUB (N90626)**

Offer of discount fuel linked to grocery sales (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.

Dec. 97 Regulations gazetted.

Listed for October.

28.10.98 Tribunal allowed PMMA and NFAA to withdraw authorisation application.

**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.

13.11.98 Hearing — decision reserved.

**Market and System Operations Rules (MSOR)**

19.8.98 Determination issued granting authorisation subject to a number of amendments.

9.9.98 Application for review lodged by BHP Petroleum Pty Ltd and BHP Petroleum (Bass Strait) Pty Ltd.

23.11.98 Matter stood over to 22.12.98 pending passage of legislation introduced by the Victorian Government to exempt the MSOR from the Trade Practices Act.

1.12.98 Victorian legislation came into force.

22.12.98 Directions hearing adjourned to a date to be set (probably March 1999), at which the Tribunal will consider whether it has jurisdiction to hear the review given the existence of the Victorian legislation.

## Certification trade marks

### Completed

**National Archives of Australia (CTM 752089)**

Certification of archival storage products.

18.11.98 Final assessment issued approving CTM.

### Under consideration

**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.

**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.

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

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

**Certifire 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.

**The Bio-dynamics Research Institute (CTM 704565, 709823)**

Relating to clothing and other apparel made from horticultural crops.

**Printsoft Developing (CTM 730216)**

Relating to IT software high speed printing.

**Australian Fertiliser Services Association (CTM 738374)**

Relating to fertiliser spreading equipment.