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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 chapter.*

## Anti-competitive practices

**IMB Group Pty Ltd, Logan Lions 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 Proceedings withdrawn 17.9.93.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.

The 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. The Commission 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. Trial recommenced on 22.2.99 and was further adjourned on 24.3.99 to resume on 13.9.99. Directions hearing held on 16.6.99 to hear argument on the number and relevance of witnesses called by the respondents, and on the application of s. 51A.

On 17.6.99 Drummond J declared that in this particular case the Commission (applicant) had the persuasive burden of proof in regard to representations made by the respondents about future events. On 24.6.99 the Commission filed and served a notice of motion to appeal this decision. A date for a directions hearing on the notice of motion is pending.

The trial resumed on 13.9.99. The Commission provided its closing submissions on 18.10.99.

On 14.1.00 the respondents filed their written submissions, and on 24.1.00 the Commission filed applicants' submissions in reply. Judgment is pending.

**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 on 23.12.96. The Commission sought penalties and injunctions. On 30.5.97 the Federal Court imposed a penalty of \$1.25m on George Weston Foods Limited, which admitted the contraventions. The trial against Safeway began in February 1999 and finished on 20.10.99. Judgment is pending.

**Boral Ltd and Boral Masonry Ltd (formerly 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 on 6.3.98. The Commission sought a penalty, declarations, injunctions and findings of fact. Trial commenced on 6.7.99. First instance judgment handed down on 22.9.99 holding that Boral Ltd and Boral Masonry Ltd had not contravened s. 46. The Commission appealed to the Full Court of the Federal Court. Appeal heard from 7–10.2.00. Appeal judgment handed down on 27.2.01 unanimously holding that Boral Masonry Ltd's pricing below manufacturing costs contravened s. 46 but dismissing the appeal against Boral Ltd. Boral Masonry Ltd has applied for special leave to appeal to the High Court of Australia and a hearing date is yet to be set.

**Visy Paper Pty Ltd** s. 45. Alleged attempt by Visy Paper to induce another business (Northern Pacific Paper) to enter into a market sharing agreement in relation to the collection of recyclable waste paper.

Proceedings instituted 18.11.98. The Commission sought orders against Visy Paper including declarations, injunctions, orders requiring the institution of a trade practices

compliance program and costs. It also sought penalties against Visy Paper and two senior employees. Matter was heard 16–18.8.00 and 10–12.10.00 before Sackville J. 20.11.00 Sackville J dismissed the Commission's application with costs. 29.11.00 the Commission appealed. Appeal heard 17–18.5.01 before Hill, North, Conti JJ. On 10.8.01 the Full Federal Court upheld the Commission's appeal. The court found by a 2:1 majority (Hill & North JJ, Conti J dissenting) Visy had breached s. 45, and remitted the matter to the trial Judge (Sackville J) to consider what, if any, pecuniary penalty should be imposed (*ACCC v Visy Paper Pty Ltd [2001] FCA 1075*). Visy has indicated that it will seek special leave to appeal to the High Court.

**SIP Australia Pty Limited and Baker Bros (Aust) Pty Ltd**, ss. 45(2), 45A, 48. Alleged primary boycott, price fixing and resale price maintenance in relation to the supply of ABAC compressors.

Proceedings instituted on 23.4.99 against Baker Bros and two directors, Andrew Baker and Guy Baker. At 5.5.99 directions hearing Baker Bros admitted to the conduct. At 7.5.99 penalty hearing Baker Bros and Commission presented joint submission seeking injunctions, penalties and a compliance program. On 29.6.99 the court accepted a joint submission and imposed penalties totalling \$60 000 on Baker Bros and two directors. Baker Bros also provided an s. 87B undertaking to implement a trade practices compliance program and pay part of the Commission's costs.

SIP Australia filed its defence on 30.6.99. Trial held on 16–18.10.00 and recommenced on 13.11.00 with final submissions being heard on 14.11.00. Judgment is pending.

**Ithaca Ice Works Pty Limited, Queensland Ice Supplies Pty Limited, Ansonguard Pty Limited**, ss. 45, 45A. Alleged price fixing and market sharing in Queensland ice market.

On 12.8.99 the Commission filed proceedings in the Federal Court, Brisbane, against Ithaca Ice Works Pty Limited, Queensland Ice Supplies Pty Limited, Ansonguard Pty Limited, Kenneth John Smith, Anthony John Mee, Gregory Paul Mee, Brian Bradley, Leo Grevis, Gary John Grevis, Roderick Ian Matheson and Jack Numan Berry.

The Commission alleged that the respondents promoted price fixing and market sharing arrangements in the ice industry in south-east

Queensland between August 1993 and September 1996. Directions hearings were held on 3.9.99 and 5.11.99. A penalty hearing in relation to some respondents was held on 31.3.00. Judgment was handed down on 26.7.00, imposing pecuniary penalties and costs on Queensland Ice Supplies (\$25 000 penalty, no costs), Kenneth John Smith (\$15 000 penalty and \$12 500 costs) and Roderick Ian Matheson (\$7500 penalty and \$2500 costs). In addition, injunctions were ordered against those respondents, restraining them from engaging in similar conduct for five years. Queensland Ice Supplies, Brian Bradley and Roderick Ian Matheson, who are still in the industry, also agreed to implement or upgrade trade practices compliance programs.

The penalty hearing and trial concerning the remaining respondents was heard in December 2000. Judgment was handed down on 2.5.01, imposing pecuniary penalties on Ithaca Ice Works (\$100 000), Anthony Mee (\$7500) and Gregory Mee (\$7500) and those respondents were ordered to pay the Commission's costs. The Commission's application against Ansonguard Pty Limited, Leo Grevis and Gary Grevis was dismissed, and the Commission ordered to pay those respondents' costs. On 13.6.01 the court ordered, by consent, injunctions restraining Ithaca Ice Works, Anthony Mee and Gregory Mee. The Commission is appealing the penalties imposed on Ithaca Ice Works and Anthony Mee.

**PolyGram (now Universal Music), and Warner Music**, ss. 45, 46, 47. Alleged anti-competitive arrangements, misuse of market power and exclusive dealing.

Proceedings instituted 30.8.99. The Commission alleges that the respondent record companies, as well as some senior personnel of PolyGram and Warner, breached certain restrictive trade practices provisions of the Act in attempting to prevent the importation of recorded music after the Copyright Act was changed to allow for parallel imports. Proceedings were discontinued against Music Industry Piracy Investigation Pty Ltd, Michael Speck and Adrian Fitz-Alan in March 2001.

Trial commenced on 2.4.01 and is part heard. Proceedings were discontinued against Sony on 2.4.01. Sony provided undertakings to the court without admitting liability.

The trial will resume in September 2001.

**ABB Power Transmission, Alstom Australia Limited, Wilson Transformer Company & Ors (power transformer proceedings)**, ss. 45, 45A, 4D. Alleged agreements lessening competition, price fixing agreements, primary boycotts.

Proceedings instituted on 1.10.99. The Commission is seeking various relief including pecuniary penalties and injunctions. Judgment on Alstom Australia Limited and some associated individual respondents was handed down on 6.4.01.

Submissions on pecuniary penalty and other relief were heard for Wilson Transformer Company and some individual respondents 30.7.01–1.8.01. Decision reserved.

The matter continues against ABB Power Transmission and some individual respondents.

**ABB Transmission and Distribution Limited, ABB Power Transmission, Alstom Australia Limited, Wilson Transformer Company, Schneider Electric (Australia), AW Tyree Transformers & Ors (distribution transformer proceedings)**, ss. 45, 45A, 4D. Alleged agreements lessening competition, price fixing agreements, primary boycotts.

Proceedings instituted on 6.11.00. The Commission is seeking various relief including pecuniary penalties and injunctions. Judgment on Alstom Australia Limited and some associated individual respondents was handed down on 6.4.01.

Submissions on pecuniary penalty and other relief were heard for Wilson Transformer Company, Schneider Electric (Australia), AW Tyree Transformers and some individual respondents 30.7.01–1.8.01. Decision reserved.

The matter continues against ABB Transmission and Distribution Limited, ABB Power Transmission and some individual respondents.

**Maritime Union of Australia**, ss. 45DB(1), 60. Alleged secondary boycotts, undue harassment and coercion.

Proceedings instituted 14.4.00. The Commission alleges that the union and some officials unlawfully hindered and prevented vessels sailing from various Australian ports unless the shipowner agreed to use MUA labour to clean the holds. Trial set down for 15.10.01 for three weeks.

**AMA (WA) and Mayne Nickless Ltd**, ss. 45, 45A. Alleged agreements lessening competition and price fixing.

On 21.7.00 the Commission instituted proceedings in the Federal Court, Perth, against the West Australian branch of the Australian Medical Association (AMA) and Mayne Nickless when it became aware that the AMA (WA) had, on behalf of visiting medical practitioners at Joondalup Health Campus, entered into negotiations with Mayne Nickless to determine terms and conditions under which the medical practitioners would provide their services for the care of public patients at the Joondalup Health Campus. Directions hearings were held on 23.3.01, 24.5.01 and 6.7.01. A penalty hearing for the AMA (WA), Mr Paul Boyatzis and Dr David Roberts was heard on the 7.8.01. The decision was reserved. Proceedings against the other respondents are continuing.

Next directions hearing is set for 19.10.01.

**Colgate–Palmolive Pty Ltd**, s. 48. Alleged resale price maintenance between 1994 and 1998 to stop Tasmanian retailer Chickenfeed from advertising Colgate lines at cheap prices after complaints from Woolworths supermarkets.

Proceedings instituted on 15.11.00 with Commission seeking penalty and injunctions. Directions hearings were held on 13.12.00 and 24.7.01. Interlocutory processes continue.

**Pilbara Panel Beaters**, s. 45. Alleged price fixing.

On 9.7.01 the Commission instituted proceedings in the Federal Court, Perth, against four panel beating and spray painting businesses (two companies and two sole traders) in the Port Hedland region alleging the businesses were involved in price fixing.

The Commission is seeking declarations, injunctions and orders requiring the implementation of trade practices compliance programs.

## Unconscionable conduct

**Farrington Fayre Shopping Centre**, s. 51AA. Alleged unconscionable conduct in relation to leasing arrangements.

Proceedings instituted 6.4.98 and the trial was held on 31.1.00 to 3.2.00. French J handed down his decision on 26.9.00 that the conduct of the owners and their representatives, in one of the pleaded cases, was unconscionable.

The owners subsequently appealed and the Commission cross-appealed. A hearing was held on 31.5.01 and judgment handed down on 27.6.01 upholding the appeal and dismissing the Commission's cross-appeal.

The Commission filed an appeal with the High Court on 29.8.01.

**Samton Holdings Pty Limited**, s. 51AA. Alleged unconscionable conduct by a company towards one of its tenants.

Proceedings instituted on 26.2.99. On 29.11.00 Carr J dismissed the Commission's application against Samton Holdings and the six individual landlords. A notice of appeal was filed on 20.12.00 and a hearing held on 28.5.01. The decision was reserved.

**Lux Pty Ltd**, ss. 51AB, 60. Alleged unconscionable conduct with accompanying harassment and coercion by a company towards an intellectually impaired couple to secure the sale of a Lux vacuum cleaner.

Proceedings instituted on 27.7.00. On 29.8.00 Lux instituted proceedings to transfer the matter interstate. The application was denied. After compliance with some programming orders, a mediation conference was held on 16.7.01.

A date will also be set for a hearing of objections to witness statements. Should the matter remain unresolved a date for trial will then be set.

**Commodore Homes (WA) Pty Ltd**, ss. 51AB, 52. Alleged unconscionable conduct, misleading or deceptive conduct.

Proceedings instituted on 5.4.01. The Commission alleges that in the lead-up to the introduction of the GST, Commodore Homes represented to potential homebuyers that, if they signed up with them, their homes would be built by 1 July 2000 and they would avoid having to pay GST. The Commission is seeking declarations

that Commodore Homes' conduct breached the Trade Practices Act, orders restraining Commodore Homes from engaging in such conduct in the future, for Commodore Homes to publish a corrective public notice and implement a trade practices compliance program, refunds of the GST money paid to Commodore Homes by those affected homebuyers, and costs.

Matter continuing with the next directions hearing expected to be held in October.

**inthebigcity.com Pty Ltd and APN Newspapers Pty Ltd**, ss. 51AB, 52, 53(c), 53(d). Alleged unconscionable conduct in taking unfair advantage of consumers, misleading or deceptive conduct, misrepresentations about the uses and benefits of goods and about approval or affiliation, misleading conduct regarding the availability, nature, terms or conditions of employment.

A case management conference was held on 24.7.01 and a directions hearing on 3.8.01. The court has accepted an enforceable undertaking from inthebigcity.com Pty Ltd and its directors Craig Leggo and John Barton. APN Newspapers Pty Ltd and its group development manager, David Cowan, have also offered the Commission consent orders.

The Commission is seeking court orders, refunds for all consumers, corrective advertisements and a trade practices compliance program.

**Esanda Finance Corporation Ltd and ors**, ss. 51AB, 60. Alleged unconscionable conduct with accompanying harassment and coercion.

On 12.4.01 the Commission instituted proceedings in the Federal Court against Esanda Finance Corporation Ltd, Capalaba Pty Ltd trading as Nationwide Mercantile Services, and a number of individuals alleging the use of physical force, undue harassment and coercion, and unconscionable conduct in connection with the supply and payment for services by a consumer. The Commission has also alleged some individuals breached s. 23 of the *WA Fair Trading Act 1987* (which mirrors s. 60 of the Trade Practices Act).

Programming orders were made at directions hearings held on 4.5.01 and 8.6.01.

**Axxess Australia Pty Ltd**, ss. 51AB, 52, 53(c), 53(d), 53(f). Alleged unconscionable conduct, misleading or deceptive conduct, misrepresentation of sponsorship, approval or benefits of the service, misrepresentation of corporation's sponsorship, approval or affiliation, false or misleading representations concerning the need for the service.

Proceedings instituted 25.5.01 in the Federal Court, Melbourne. The Commission has alleged that the respondent engaged in misleading and deceptive conduct and unconscionable conduct when door-knocking and making unsolicited telephone calls to consumers while selling and marketing residential telephone services.

On 10.8.01 the Commission amended its statement of claim when new allegations of misleading and deceptive conduct came to its attention. These additional allegations are that Axxess and its door-to-door and tele-marketing agents illegally obtained signatures from consumers.

The Commission is seeking injunctions restraining Axxess and its door-to-door and tele-marketing selling agents from engaging in or being otherwise involved in similar conduct; orders to implement a trade practices compliance program, orders requiring the publication of information, and costs. The next directions hearing has been set for 2.11.01 in the Federal Court, Melbourne.

**Avanti Investments Pty Ltd and Dr Giuseppe Barbaro** (ss. 51AA, 51AC, 52, 53A). Alleged unconscionable conduct, undue harassment or coercion in connection with land, misleading or deceptive conduct, false or misleading representations about land.

Proceedings instituted on 27.4.01. The Commission is also taking action against Dr Giuseppe Barbaro, a former director and representative of Avanti Investments, for allegedly aiding or abetting or being knowingly concerned in the breaches.

The Commission is seeking injunctions, declarations, findings of fact, and orders to vary the market gardeners' agreements so they are no longer responsible for the cost of excess water and so that the rent returns to \$600 per acre per year. It is also seeking refunds of the excess rent paid by the farmers since the 1994 lease was terminated. A trial is set for five days from 22.10.01.

## Consumer protection

### **Top Snack Foods Pty Limited,**

ss. 52, 59. Alleged misleading conduct in relation to selling franchises for the distribution of confectionery.

On 23.9.96 proceedings were instituted in the Federal Court, Sydney, against Top Snack Foods Pty Limited, one of its directors and two of its employees. The court granted leave to the ACCC on 7.11.97 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 Limited, which held all the company assets as trustee of a family trust, and which prevented either party from dealing with or removing certain property from the jurisdiction without first giving the ACCC 14 days notice in writing. A hearing was held on 15–26.3.99.

On 4.6.99 Tamberlin J found that Top Snack Foods had engaged in misleading and deceptive conduct and that George Manera, a director and manager of Top Snack Foods, and Nick Kritharas, general manager, were knowingly concerned. Damages of over \$400 000 were awarded to the ACCC for franchisees of Top Snack Foods. On 29.2.00 and 9.3.00 a liquidator was appointed to Adway Holdings Pty Limited, Top Snack Foods Pty Limited and Nick Kritharas Holdings Pty Limited. George Manera was declared bankrupt on 4.1.00 and on 31.10.00 Nick Kritharas was declared bankrupt. In July 2000 an application was made to the Equity division of the NSW Supreme Court by the liquidator of Nick Kritharas Holdings Pty Limited (funded by the ACCC as creditor) for a declaration that Nick Kritharas Holdings Pty Limited was entitled to be indemnified out of the assets of the family trust in respect of the ACCC's judgment debt, over and above the beneficiaries of the trust. Hamilton J made the above declaration on 25.5.01 and granted a stay of execution until 22.6.01. Assets of the trust will therefore pass to the liquidator of Nick Kritharas Holdings Pty Limited for the benefit of the ACCC as creditor in respect of the more than \$400 000 debt. The ACCC has been notified an appeal is being lodged.

**Commercial and General Publications Pty Ltd**, ss. 58, 64(2A). Alleged asserting of a right to payment for unsolicited services with no reasonable cause to believe that there is a right to accepting payment without intending or being able to supply.

Proceedings commenced 17.1.01 against Commercial and General Publications and its director, Anthony Robert Hassett, in the Federal Court, Hobart. Directions hearings were held on 8.6.01 and 21.8.01, and a further hearing proposed for 8.10.01.

**Mr Stephen Henry Wayt**, ss. 52, 53. Alleged misleading or deceptive conduct, false or misleading representations.

Proceedings instituted on 5.4.01. The Commission is alleging that a fax sent by Mr Wayt was likely to mislead or deceive recipients into believing that COM.AU.REGISTER was responsible for registering Internet domain address registration and that it had dealt with those businesses and organisations previously.

The Commission is seeking court orders including declarations that Mr Wayt breached the Act, injunctions to prevent Mr Wayt from making similar representations in the future and to implement a trade practices compliance program in any future business of which he has managerial control. The Commission is also seeking an order for costs. COM.AU.REGISTER has closed down its website and advised the Commission that all money paid to COM.AU.REGISTER has been refunded to customers.

Directions hearings were held on 12.4.01 and 17.8.01. A further directions hearing is listed for 12.10.01.

**Guardian Finance**, ss. 57, 61. Alleged referral selling scheme and pyramid selling scheme.

Proceedings instituted on 5.4.01. The Commission is alleging that Guardian Finance and Insurance Consultants Pty Ltd promoted a scheme that amounted to an illegal pyramid selling scheme or referral selling scheme. The Commission is also alleging that its sole director, Mr Peter Martin James (also known as Peter St James) was knowingly concerned in the alleged conduct.

At an interlocutory hearing on 12.4.01 in the Federal Court, Brisbane, the Commission sought interlocutory injunctions to prevent Guardian

Finance and Insurance Consultants from contravening the pyramid selling provisions of the Act by promoting the scheme in its current form.

At the final hearing the Commission is seeking declarations that Guardian Finance and Insurance Consultants and Mr James breached the Act, injunctions to prevent a repeat of this conduct in future, refunds for affected consumers, the implementation of a trade practices compliance program and costs.

A directions hearing was held on 30.7.01 in the Federal Court, Brisbane, and a further directions hearing before a Registrar will be held at a date to be fixed after 9.9.01.

**Listen Systems Pty Ltd, Mr Stephen John Alexander**, ss. 52 and 53(c). Misleading or deceptive conduct, false representations with respect to alternative health therapy device.

On 7.4.00 the Federal Court, by consent, made numerous declarations and orders relating to misleading and false representations made by Listen Systems Pty Ltd with respect to alternative health therapy devices known as the EQ4 system. The court also found that Mr Stephen Alexander, a director of Listen Systems Pty Ltd, had aided or abetted the breaches of the Trade Practices Act by Listen Systems Pty Ltd.

On 8.1.01 the Commission instituted contempt of court proceedings against Listen Systems Pty Ltd and Mr Alexander. The Commission alleges that Listen Systems Pty Ltd failed to comply with orders made on 7.4.00 and that Mr Alexander failed to take reasonable steps to ensure that the company complied with the orders.

The Commission's contempt application was listed for hearing before the Federal Court on 4.4.01. After Mr Alexander acted to comply with the original orders of 7.4.00, including offering a refund to all affected consumers, the Commission entered into consent orders with him on 20.4.01 whereby he personally undertook to reimburse the one consumer who sought a refund.

**HRJ Financial Services Pty Ltd**, ss. 51AB, 52, 53(c), 55A. Alleged misrepresentations in relation to the provision of personal loans to callers using premium 1900 telephone services.

Proceedings were instituted on 6.7.98. On 18.2.00 consent injunctions were obtained against HRJ Financial Services Pty Ltd (now in liquidation) and its two directors Rowland William Thomas

and Helen Elizabeth Lewis (both of whom are now bankrupt). Consumers wanting to make a claim against HRJ were invited to submit their details to the liquidator.

**Billbusters Pty Limited**, s. 53. Alleged misrepresentations in relation to the supply of telephone bill-paying services.

Proceedings instituted on 13.11.98. Commission obtained interim restraining orders against Billbusters Pty Limited and its director Miles Kendrick-Smith on 23.11.98, restraining them from making certain representations and dealing with their assets. Those orders were discharged 8.11.99. A directions hearing was held on 11.4.01 and the date for a further hearing is to be advised by the court.

**Giraffe World Australia**, ss. 52, 57, 61. Referral selling and pyramid selling.

Proceedings instituted on 6.5.98. Undertakings given by Giraffe World on 23.4.99 not to represent that the 'negative ion' mat it marketed produced negative ions, relieved health ailments or promoted health. On 29.6.99 the court found that Giraffe World had breached that undertaking. 26.8.99 Lindgren J found in the Federal Court that Giraffe World Australia Pty Ltd (in liquidation) had engaged in misleading or deceptive conduct, promoted a pyramid selling scheme and engaged in referral selling. Lindgren J also found that Mr Akihiko Misuma, founder and director of Giraffe World and Mr Robin Han, its president and chief executive officer until November 1998, were knowingly concerned in, and a party to, the contraventions by Giraffe World.

In November 1999 the Commission commenced a representative action under the Act on behalf of those persons who suffered a loss as a result of the contravening conduct of Giraffe World and its representatives. The representative action was adjourned in February 2000 pending the outcome of the liquidator's recovery action against the directors.

**Medibank Private Limited**, ss. 12BB, 12DA, 12DB, 12DF of the ASIC Act (equivalent to ss. 51A, 52, 53 and 55A of the TPA). Alleged false, misleading or deceptive advertising of the price and benefits of health insurance products.

Proceedings instituted on 26.10.00. Directions hearing on 4.12.00. Strike out application heard on 13.3.01. Judgment reserved.

Health insurance, as it falls within the definition of financial product, is regulated through the ASIC Act. However, ASIC has formally delegated the regulation of all consumer protection aspects of health insurance to the Commission.

**The Australasian Institute**, ss. 52, 53(c), 55A. Alleged misleading representations in relation to the promotion and teaching of Internet-delivered degrees. Proceedings instituted on 21.5.99. On 27.5.99 the Australasian Institute undertook, for the present, to stop promoting the Global Master of Business Administration degree, and to provide the Commission with the names and addresses of students currently enrolled in the course. On 18.6.99 court ordered that mediation take place between the parties. Mediation took place on 19.10.99 and short minutes were agreed to settle the matter. They provided for declarations that the Australasian Institute had engaged in conduct in breach of ss. 52, 53(c) and 55A of the Act and orders that the institute display a corrective notice on its website for six months, provide refunds to certain students and contribute \$24 000 to the Commission's costs. On 15.3.01 a liquidator of the company was appointed.

**Back to Basics Worldwide Education Aids Systems Pty Ltd**, s. 59(2). Alleged misrepresentation in relation to profitability of a business.

On 17.5.00 the Commission filed criminal proceedings in the Federal Court in Adelaide against Queensland based Back to Basics Worldwide Education Aids Systems Pty Ltd, Hartwich Pty Ltd, and company directors John Moon (aka John Croke) and Wayne Baker.

A trial was set down for 30.3.01 to 5.4.01. On 30.3.01 the defendants pleaded guilty and penalty submissions were made. Spender J reserved judgment.

**Rod Turner Consulting Pty Ltd**, ss. 52, 53(e), 53(d). Alleged misleading or deceptive conduct, misrepresenting prices in relation to the New Tax System and misrepresenting a corporation as having approval or affiliation.

Proceedings instituted on 3.7.00 in the Federal Court, Melbourne, against an accountancy firm and its principal, Mr Rod Turner, over representations about how the New Tax System will affect residential rents and water rates.

The Commission is seeking declarations that the conduct is unlawful, injunctions restraining the

respondents from making similar statements and orders that the respondents take corrective action and apologise to the affected tenant.

**Greenstar Cooperative Ltd**, ss. 52, 53, 57, 58, 59 and 61. Alleged pyramid and referral selling in the promotion of an organic fertiliser product and transaction card, and alleged misleading and deceptive conduct and false representations regarding the transaction card.

The Commission instituted proceedings in the Federal Court on 5.6.01. On 14.6.01 it sought and obtained interim injunctions preventing the promotion of the Greenstar scheme until the matter is determined at trial or earlier order. On 31.7.01 the Commission obtained a *mareva* injunction freezing the assets of Greenstar and Mr Smith.

A directions hearing was held on 4.9.01 at which general programming orders were settled for the matter to progress towards trial.

**Australian Industries Group Pty Ltd t/a Half Price Shutters**, ss. 51AC, 51AD, 52, 59(2). Alleged misleading or deceptive conduct, unconscionable conduct and contravention of the mandatory industry codes by Australian Industries Group t/a Half Price Shutters, Tony Gullotti (national manager) and Robert Keirle (a former director).

Proceedings were instituted on 4.8.00 and a case management conference was held on 19.7.01 and a further conference date set for 10.9.01.

**Emerald Ocean Distributors Pty Ltd, Slendertone Health and Beauty Pty Ltd**, ss. 51A, 52, 53(c). Alleged false and misleading representations by a firm about the benefits of electronic muscle stimulation products.

Proceedings instituted on 19.7.00. A directions hearing was held on 2.11.00. Discovery of products, specifications or instructions were ordered. Leave was granted to respondents to seek to join the parent company, Bio Medical Research Ltd located in Ireland, as a cross respondent to the action. The Commission opposed the application in part as it did not believe the cross respondents fell within the jurisdiction of the Federal Court. Nicholson J ruled in favour of the Commission's submissions on the matter. On the 25.7.01 the respondents were granted leave to appeal this decision.

A directions hearing was held on 4.9.01. Awaiting a date to be set for the appeal hearing.

**Will Writers Guild Pty Ltd**, ss. 51AD, 52, 53(g). Alleged failure to comply with mandatory Franchising Code of Conduct, false or misleading representations.

Proceedings instituted on 27.3.01 in the Federal Court, Hobart, against WWG and its director, Sidney Murray. Directions hearings were held on 5.6.01 and 21.8.01 with a further hearing scheduled for 10.10.01.

**Michigan Group Pty Ltd, Immobiliare (trading as the Queensland Juice Company), Yepoon Pty Ltd and ors**, ss. 52, 53(a), 53(bb), 53(c), 53(d), 58 and 59. Alleged misleading or deceptive conduct and misrepresentations in relation to the promotion, sale and distribution of commercial orange juice machines.

On 6.10.00 the Commission instituted proceedings in the Federal Court, Brisbane.

The Commission is seeking court orders, including declarations and injunctions. Proceedings are set for trial on 3–14.12.01 in the Federal Court, Brisbane.

**Pacific Dunlop Limited (PDL)**, ss. 52, 75AD. Alleged misleading or deceptive conduct, liability for defective goods causing injuries — loss by injured individual.

Proceedings instituted on 21.1.00. The proceedings were brought under the representative action and product liability provisions of the Act. The Commission is seeking compensation for a consumer who has allegedly developed a serious form of latex (rubber) allergy through the frequent and consistent use of PDL's Ansell brand of household rubber gloves. On 10.10.00 court-ordered mediation was held, but a settlement was not reached. On 18.6.01 the Federal Court granted leave for the Commission to amend its current application and amended statement of claim to include an action under the misleading and deceptive provisions of the Act (s. 52). On 31.8.01 orders were made by consent for the parties to undertake a further mediation which is to be concluded by 30.11.01.

**Info4pc.com Pty Ltd**, ss. 52, 56, 58. Alleged misleading or deceptive conduct, bait advertising and accepting payment not intending to supply.

Proceedings instituted on 23.1.01 when the Commission asked for an interim injunction in the Federal Court, Adelaide. A hearing on 24.1.01 removed the matter to the WA Federal Court. An *ex parte* interim injunction restrains the company from, among other things, advertising and



accepting orders for computers and/or upgrades, and freezes the company's business bank account.

One motion for contempt of court, dated 31.1.01, for alleged breaches of the injunctions was heard on 15.6.01. The hearing for the other motion for contempt of court, dated 7.5.01, will be heard on 7.9.01. Judgment for these motions will be handed down together.

**Signature Security Group Pty Limited**, ss. 52, 53(c), 53(e), 53(d), 53(g)

Alleged misleading or deceptive conduct, cash prices to be stated in certain circumstances, false or misleading representations, alleged breach of s. 87B undertakings.

Proceedings instituted on 19.3.01. The Commission is seeking court orders including injunctions restraining Signature from making similar misrepresentations in the future; declarations that Signature has contravened the relevant provisions of the Act; orders that Signature publish and broadcast corrective advertisements in newspapers and on the same radio stations as the original advertisements appeared; compensation for affected consumers, one requiring Signature to comply with its undertaking given pursuant to s. 87B of the Act, and one requiring Signature to implement a compliance program at its own expense.

Directions hearings were held on 11.4.01, 15.6.01 and 3.8.01. A further directions hearing was listed for 2.10.01.

**Medical Benefits Fund of Australia Ltd (MBF) and John Bevins Pty Ltd**, ss. 52, 51A, 53(c), 53(g), 55A. Alleged misleading or deceptive conduct, representations as to future matters, misrepresentation of performance characteristics, accessories, uses or benefits, misrepresentation of warranties, conditions, guarantee, right or representation of warranties, conditions, guarantee, right or remedy, certain misleading conditions in relation to an MBF print and television advertising campaign, conducted by John Bevins Pty Ltd.

Specifically, the Commission has alleged that MBF engaged in misleading or deceptive conduct and made false representations by advertising financial services in breach of ss. 12DA, 12DB & 12DF of the *Australian Securities and Investment Commission Act 1989*. It is alleged that John Bevins Pty Ltd, an advertising agency, was knowingly concerned in the alleged breaches.

Proceedings were instituted on 5.2.01 and discovery orders were made on 12.6.01. Substantive hearing date yet to be set.

## Adjudication

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

### Authorisation applications under consideration

**Advertiser Newspapers Limited and others** (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 date consistent with Tribunal's decision for arrangements in NSW/ACT, Queensland and Victoria.

Tribunal's authorisation for NSW/ACT, Queensland and Victoria expired 1.2.01.

**Advertiser Newspapers Limited and others** (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 VicPool Rules revoked — new interim authorisation granted for amended pool rules which incorporate the Victorian capacity support program.

19.12.97 Amendment to application received.

24.12.97 VicPool Rules revoked and regranted to accommodate new entrants to the Victorian 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.
- 9.12.98 Interim authorisation granted to amend NEM1 codes until 180 days after NEM commences.

Interim authorisation has since lapsed.

**Queensland vesting contracts** (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.

**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.

3.12.99 Interim authorisation revoked and new interim authorisation substituted — primarily to clarify reporting requirements.

**Tarong Energy Corporation** (A90677)  
Coordination of generator output at times of involuntary load shedding in the Queensland electricity market.

2.12.99 Interim authorisation granted.

**Agsafe** (A90680–1) Accreditation scheme code of conduct and sanctions process.

30.3.99 Interim authorisation granted until final determination issued.

30.8.01 Draft determination issued.

**Allgas Energy Ltd** (A90691, A50024–5)  
Exclusive dealing for aggregation of gas supply from PNG.

The Commission granted interim authorisation to Allgas on 9.6.99 to negotiate contracts to supply PNG gas to Queensland customers. Allgas was not authorised to enter into or give effect to such contracts.

The Commission understands that it is Allgas's intention to bring any such proposed gas sales contracts to the Commission for authorisation and that any proposed gas sales contract would be conditional upon authorisation.

**National Electricity Code Administrator** (A90704–6) Code changes to allow for market network services.

28.12.00 Draft determination issued.

15.3.01 Pre-determination conference.

**The Showmen's Guild of Australia** (A90729)  
Application for authorisation of the guild's proposed code of conduct for sideshow entertainment at agricultural shows.

**CSR Ltd** (A90734, A90769) Negotiation of cartage contracts for pre-mixed concrete carriers in the West Australian market.

23.11.00 Additional application for authorisation (A90769) lodged (rostering provisions which establish the system for the distribution of CSR's cartage work among its carriers).

20.6.00 Interim authorisation granted.

26.7.00 Draft determination issued.

**Real Estate Institute of Western Australia** (A70011) Application to authorise member's code of practice, multiple listing service by-laws and standard exclusive agency agreements.

20.7.01 Draft determination issued proposing to deny authorisation.

**Premium Milk Supply Pty Ltd** (A90745)  
Collective negotiations of farm milk prices and milk standards through a representative body (Premium) for supply to Pauls Ltd.

14.2.01 Draft determination proposed.

14.2.01 Interim authorisation granted.

**Chevron Overseas Petroleum Inc.** (A40081)  
Proposal to commercialise, discuss and establish terms and conditions for offering gas for sale in Australia.

13.10.00 Interim authorisation granted.

**Basslink code changes** (A90747–9) To facilitate consideration by the Inter-regional Planning Committee of the technical network issues associated with Basslink and to empower NEMMCO to impose any necessary technical requirements on its connection to the mainland grid.

6.12.00 Draft determination issued.

**Queensland derogations** (A90751–3) NEC Queensland derogations — Qld/NSW interconnector. Application to extend the end dates of eight derogations from the date of the commissioning of the QNI to 31.12.02 as an interim measure pending further applications; and to make minor clarifications to definitions contained in the Qld derogations.

**NSW Department of Health** (A90754–5) Authorisation for supply of pathology services to private inpatients in public hospitals.

**Sydney Futures Exchange Ltd** (A90756–7) Requirement of participants of the Sydney Futures Exchange to acquire clearing services from the Sydney Futures Exchange Clearing House (SFECH) and membership requirements for the SFECH.

15.11.00 Interim authorisation granted.

3.8.01 Draft determination issued.

**Australian Stock Exchange Ltd** (A90758) ASX third line forcing of cleaning services with Options Clearing House (OCH) and tied membership of ASX/OCH.

15.11.00 Interim authorisation granted.

3.8.01 Draft determination issued.

**Tasmanian derogations and vesting contracts** (A80010–11, 90759–61) Filed by NECA and the Crown in Right of Tasmania.

18.7.01 Draft determination issued.

**National Electricity Code Administrator** (A90762–4) Extension of Schedule 9G and Clause 9.35.7 of the code jurisdictional derogations.

28.11.00 Interim authorisation granted.

8.8.01 Interim authorisation revoked and re-granted.

**Royal Australian College of Surgeons** (A90765) RACS processes for selecting trainees for all specialities in which it conducts training, and for its application processes and assessment guidelines for assessing overseas-trained doctors.

**National Electricity Code Administrator** (N90766–8) Treatment of losses: interim issues and inter regional transfer of TUOS — code changes.

20.12.00 Interim authorisation granted to two components.

1.2.01 Interim authorisation granted to another component.

1.6.01 Draft determination issued.

**Mater Misericordiae Hospital, St Vincent's Hospital and others** (A90770–2) Proposal to operate as a single economic entity following the acquisition of the Mater Hospital by St Vincent's.

20.12.00 Interim authorisation granted.

**Western Australian Funeral Directors Association (WAFDA)** (A70012) Agreement to provide concessional rates for funeral services.

5.9.01 Draft determination issued.

**Southern Sydney Waste Board (SSWB) and Inner Sydney Waste Board (ISWB)**

(A30204–5) Eleven councils joint venture.

Contract with recycling contractor for provision of dry recyclable materials (DRM). Contracts to be managed by SSWB. Seven councils in the ISWB region, together with ISWB, make single contract with provider of DRM services. Contracts to be managed by ISWB.

**Australian Dairy Farmers Federation Ltd**

(A90782) Proposing to negotiate pricing and supply terms and conditions for agreements between dairy farmers and the dairy company to which they supply milk.

2.10.01 Draft determination issued.

**Distribution losses** (A90783–5) Application for authorisation to the National Electricity Code, relating to distribution losses.

6.6.01 Draft determination issued.

**Victorian Derogations — FRC** (A90786–8)

Application for authorisation for change to Victorian derogation relating to FRC.

4.7.01 Draft determination issued.

**Western Sydney Waste Board** (A90789)

Proposing to enter into a contract with an operator in respect of the pre-treatment facility, to be known as the build own operate (BOO) contract.

3.9.01 Application withdrawn.

**Franklins Limited** (A30206–8) Proposing a joint marketing arrangement with Pick n' Pay and Foodland for promotion of food and grocery products under their Franklin's banner.

4.7.01 Interim authorisation granted.

29.8.01 Draft determination issued.

**National Electricity Market** (A90792-4)  
Alternative dispute resolution arrangements in the NEM — code changes.

**The Royal Australian College of General Practitioners** (A90795) Application for authorisation of a framework agreement to provide broad coverage for general practitioners and other medical practitioners.

**Adelaide Airport** (A90796) Application for authorisation of a Passenger Facilitation Charge (PFC) between Adelaide Airport Ltd, Qantas Airways Ltd, Ansett Airways Ltd and Virgin Blue.

## Notifications under consideration

**Advertiser Newspapers Ltd** (N60023-5)  
Arrangements for supply of newspapers published by Advertiser (exclusive dealing).

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

**The Herald and Weekly Times, Advertiser Newspapers, Nationwide News, Queensland Newspapers Pty Ltd, Advert** (N40373-82)  
Transitional arrangements for distribution of newspapers and magazines.

**National Australia Bank Ltd** (N40420) Supply of discounted Corporate Express Services on condition that the customer uses a National card product to make the purchase (third line forcing).

**The Herald and Weekly Times Ltd** (N40421-3) Territorial distribution agreement — retail agency agreements — setting of maximum price for home delivery (third line forcing).

**Queensland Newspapers Pty Ltd** (N40424-6)  
Territorial distribution agreement — retail agency agreements — setting of maximum price for home delivery (third line forcing).

**Adelaide Newspapers Ltd** (N40427-9)  
Territorial distribution agreement — retail agency agreements (third line forcing).

**Gold Coast Publications Pty Ltd** (N40430-2)  
Territorial distribution agreement — retail agency agreements — setting of maximum price for home delivery (third line forcing).

**Nationwide News Pty Limited** (N40433-5)  
Territorial distribution agreement — setting of maximum price for home delivery — retail agency agreements (third line forcing).

**ASX Operations Pty Ltd** (N31088) ASX World Link Service package involving Bloomberg software and ASX Settlement and Transfer Corporation Pty Ltd (third line forcing).

**Bloomberg Tradebook** (N31093) Terminal discount services on condition that users acquire brokerage services from B or G Trade Services and clearing services from BNY and others.

**AGL Electricity Ltd, AGL SA Ltd, AGL Retail Energy Ltd & Actew AGL** (N90843-6)  
Offer of interest-free repayment options to customers who acquire appliances from nominated parties (third line forcing).

**Western Australian Land Authority t/a LandCorp** (N70169) House and land packages (1000 lots) in Atwell Perth — nominated builders.

**The Australian Baseball Federation** (N90853)  
Proposing to implement a preferred buyer program for items used in the sport of baseball.

**Optus Mobile** (N90865) Proposing to offer customers the Optus wireless IP service which will only be accessible via Optus Multinet, Optus Private IP or by Optus Internet.

**Primary Industry Bank of Australia Ltd** (N31136-8) Proposing to lend money to farmers on condition they enter into a contract with Rabo Finance and Securities and Rabobank Australia Branch.

**Network Payment Solutions Pty Ltd** (N70202) Propose to operate Electronic Credit Card & Batch Processing.

**Optus Networks Pty Ltd and Optus Internet Pty Ltd** (N90867-8) Proposing to offer long distance services to a customer at a discount on condition that the customer also acquires Internet services from Optus Internet Pty Ltd. (third line forcing).

**Lower Empire Vale Harvesting Co-op Ltd** (N31130) Proposing membership provisions that require a member to make available to Lower Empire Vale Co-op all sugar cane grown by the member.

**Western Australian Tourism Commission network** (N70203) Proposing to supply network entitlements to tourism operators on condition they become members of their local visitors centre and the relevant regional tourism association.

**Australian Sugar Milling Council Pty Ltd**

(N50126) Requiring contractors to obtain specified generic induction training from licensed training providers before performing duties for sugar mill operators.

**Australian Stock Exchange Ltd** (N90875)

Proposed Options Clearing House Futures Clearing Rules and ASX Futures Exchange Pty Ltd business rules.

**HBF Health Funds Inc. and HBF Insurance Pty Ltd** (N70204–5)

Proposing to offer discounts to members obtaining products from HBF Insurance Pty Ltd and discounts to insureds who also acquire health insurance from HBF Insurance Pty Ltd.

**AGL Retail Energy, ACTEW Retail, AGL ACT Retail Investments, AGL Electricity, AGL Energy Sales and Marketing, AGL South Australia, Dingo Blue** (N30878–83)

Offering discounted gas, electricity, ancillary or telecommunications services on condition that customers also acquire one or more additional services.

**National Australia Bank Limited** (N40454)

Proposing to supply a National product on condition the customer acquires financial planning products from one or more advisers.

**GBST Holdings Pty Ltd** (N90884) Software developed by GBST requires installation of software products produced by Progress Software Corporation (third line forcing).

**Queensland Rugby Union Limited** (N50129)

Proposing to offer the supply of a license for the provision of catering services on certain conditions.

**Caltex Australia Petroleum Pty Ltd** (N31120)

Shall provide certain rebates to Holden National Leasing provided that Holden National Leasing request its customers to use the Caltex Fuel Card.

## Certification trade marks

### Completed

**Victorian Tourism Operators Association**

(CTM 700461) Assignment to Tourism Council of Australia.

### Under consideration

**Consorzio Per La Tutela Del Formaggio**

**Grana Padano** (CTM 732270–1) Italian cheeses.

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

Sale of beef cattle seedlot.

**Centre Technique du Bois et de**

**l'Ameublement** (CTM 750620) Certification of wooden casks and barrels.

**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.

**Australian Vine Improvement Association**

(CTM 720347) Grapevines and cuttings/graftings/cultures of grapevines.

**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.

**The Bio-Dynamic Research Institute**

(CTM 704565, 709823) Clothing and other apparel made from horticultural crops.

**Recording Industry Association of America**

(CTM 704384) Certification of enhanced CDs, musical sound recordings with accompanying text, graphics and audio-visual images with interactive capabilities.

**Benchmark Certification Pty Ltd**

(CTM 764299) Laboratory standards auditing services.

**Harris Tweed Authority** (CTM 705888)  
Amendment to the rules for Harris Tweed cloth.

**Standards Association of Australia**  
(CTM 743379) Certification of quality management systems under the 'StandardsMark'.

**Cotton Australia Ltd** (CTM 763065)  
Certification of cotton textiles and other cotton goods.

**The Institute of Chartered Financial Analysts** (CTM 680354) Financial advising services.

**The Pharmacy Guild of Australia**  
(CTM 761785) Quality of business management systems and customer service in pharmacies.

**Commonwealth of Australia c/- Department of Industry, Science and Resources**  
(CTM 786060) Paints, varnishes, lacquers and other coatings relating to the Australian Paint Approval Scheme.

**State of Victoria c/- Department of Infrastructure** (CTM 769535) Accreditation of road transport passenger services.

**Australian Wood Panels Association Inc.**  
(CTM 785600) Wood panels of particleboard and medium density fibreboard.

**Meat Research Corporation** (CTM 762759)  
Classification of beef meat and meat products.

**Tasmanian Quality Assured Inc.**  
(CTM 795314) Quality assurance of Tasmanian agricultural, horticultural and other primary products.

**Migration Institute of Australia Ltd**  
(CTM 786309) Certification of migration advisory services.

**National Indigenous Arts Advocacy Association** (CTM 772566) Collaboration mark — certification of products carrying indigenous artwork licensed for amendments to the rules of authenticity label for indigenous art and cultural works.

**Deer Industry Projects and Development Pty Ltd** (CTM 796848) Certification of deer farms and transportation systems.

**The Bio-Dynamic Research Institute**  
(CTM 776347) Certification of persons using the application of bio-dynamic methods of agriculture and horticulture.

**The Bio-Dynamic Research Institute**  
(CTM 774682) Certification of clothing, headgear and footwear produced using methods approved under Bio-Dynamic guidelines.

**Healthy Waterways** (CTM 763115)  
Certification of a wide range of goods and services relating to the use of the Brisbane River and Moreton Bay waterways.

**Deer Industry Projects and Development Pty Ltd** (CTM 825966, 827816 and 828929)  
Certification of deer antler, deer meat and deer transportation systems.

**Standards Australia**  
(CTM 743608, 741723, 741725–6) The Australian Design Award and Australian Design Mark Scheme — variation to the rules.

**Consorzio Del Prosciutto Di Parma**  
(CTM 815585) Certification of 'Parma' ham products.

**Cornelis Johaanes & Marcella Maria De Groot** (CTM 798087) Certification of installers of a patented locking function for hinged doors or windows.

**Prufgemeinschaft Mauerbohrer**  
(CTM 795774) Certification of drills, bits and boring tools for use with machine tools.

**Department of Agriculture, Western Australia** (CTM 774429–30) Certification of food and beverage businesses involved in the production, processing, transport, storage, distribution and sale of agricultural, horticultural and forestry products.

**Australian Pork Corporation** (CTM 492376)  
Amendment to the rules and licence agreement.

**Australian Lowline Cattle Association Inc.**  
(CTM 813064) Certification of lowline cattle producers.

**Wireless Ethernet Compatibility Alliance Inc.** (CTM 492376) Certification of Wireless Local Area Networking (WLAN) equipment as interoperable with each other.

**Community Child Care** (CTM 836887)  
Certification of child care centres as being community owned.

**International Standards Certification Pty Ltd** (CTM 816463–4, 816838) Certification of quality management system.

**National Office for the Information**

**Economy** (CTM 841106) Certification to provide users with the comfort that their digital signatures have been issued meeting stringent standards.

**The Institute of Inspection, Cleaning and**

**Restoration** (CTM 789517) Certification of technicians and firms within the carpet and upholstery cleaning industry.

**Deer Industry Projects and Development Pty**

**Ltd** (CTM 836187) Certification that processed deer antler is Australian in origin and has been farmed and removed in accordance with certain standards.

**US Environmental Protection Agency**

(CTM 787534) Certification of Energy Star Program to promote the manufacturing and marketing of energy-efficient computer equipment.

**Certified Financial Planning Board of**

**Standards** (CTM TM0097) Certification of financial planners as being trained, tested and disciplined to certain standards.

**National Archives of Australia Standards**

(CTM 752089) Variation to rules governing CTM which certifies that paper and similar products are of archival quality.

**Free Range Egg and Poultry Association of**

**Victoria** (CTM TM 0098) Approval of rules governing CTM application no. TM0098).

**The Earthmark Institute** (CTM 868315-7)

Certification of marks designed to promote the marketing, sale and use of 'environmentally beneficial goods'.