
Appendix 1 Continuing matters

Enforcement

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

Restrictive trade practices

CC (New South Wales) Pty Ltd, Holland Stolte Pty Ltd, Multiplex Constructions Pty Ltd, Leighton Contractors Pty Ltd, Australian Federation of Construction Contractors (AFCC) & ors, ss 45, 52, 53, 55A. Alleged collusive tendering practices, misleading or deceptive conduct, false or misleading representations, conduct that is liable to mislead the public as to the nature, characteristics, suitability or quantity of any services. 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.

2.8.95 Lindgren J in the Federal Court ordered CC (NSW) Pty Ltd, Multiplex Constructions Pty Ltd and Leighton Contractors Pty Ltd to give the Commission discovery of documents relating to alleged collusive tendering practices in respect of the building project known as the Commonwealth Offices Haymarket project.

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

Proceedings are continuing against CC (NSW) Pty Ltd.

Garden City Cabs Co-operative Ltd, ss 45, 46. Alleged anti-competitive agreement. Proceedings instituted 22.7.94. Interlocutory decision handed down 15.3.95. TPC unsuccessful in obtaining an interlocutory injunction to restrain conduct as Cooper J said there was no serious question to be tried and the balance of convenience was against granting the orders sought. TPC filed Notice of Motion 22.3.95 seeking leave to appeal. TPC withdrew notice of appeal and matter is to proceed to hearing — date not fixed.

21.5.96 ACCC granted leave to amend statement of claim and application. Matter has been placed on call-over list.

Mobil Oil Australia Limited, BP Australia Limited, The Shell Company of Australia Limited & anor, ss 45, 45A. Alleged anti-competitive agreements concerning the retail prices of petrol. Proceedings instituted 23.11.94. Strike-out applications filed by the respondents were heard before Ryan J on 20.3.95. With the consent of all parties the ACCC filed a further amended statement of claim on 3.4.95. Respondents filed written submissions in response for the Court's

consideration. On 9.9.96 Ryan J handed down his decision striking out the statement of claim and directing any further statement be filed within 30 days. New statement of claim filed by ACCC on 7.10.96. Further strike-out applications filed by the respondents. Hearing set down for 21-22.4.97.

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. 20.9.94 judgment handed down ordering all respondents to file a list of discoverable documents. Hearing to consolidate this and related National Mutual proceedings 29.2.96.

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. Next directions hearing 18.4.97.

Commonwealth Bureau of Meteorology,

s. 46. Alleged misuse of market power in relation to refusal to supply meteorological information. Proceedings instituted in the Federal Court Melbourne 13.12.95. ACCC seeking a mandatory injunction that the Bureau provide information to MetService and an injunction restraining the Bureau from supplying specialised services other than on commercial terms. Directions hearing 14.11.96. Parties jointly consented to take part in Court-authorized mediation prior to trial. Parties have undertaken mediation and discussions are continuing.

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

27.9.96 directions hearing before judge relating to non-compliance by respondents to an order to file and serve witness statements. Timetable made for completion of respondents' affidavits in defence at this hearing. Spender J directed that the matter be set down for trial despite outstanding issues concerning third party discovery. Third party discovery hearing 11.11.96. Notice of motion application to protect ACCC claim for privilege over third party discovery documents to be heard April 1997.

J McPhee & Son (Australia) et al., s. 45.

Alleged price fixing, and attempted price fixing, arrangements. Proceedings instituted in the Federal Court Melbourne 20.12.95.

Respondents filed a strike-out application for mention on 2.5.96. Strike-out application set for hearing on 29.5.96. ACCC amended its statement of claim. Respondents filed a Notice of Motion to strike it out. Matter heard and a further amended statement of claim has been filed. Further and better particulars have also been served on the ACCC. Respondents have applied to have the Judge hearing the strike-out application discontinue hearing the matter. The respondents have also sought to cross claim against a number of ACCC witnesses.

Model Agents and Managers Association Inc, s. 45.

Alleged price fixing agreement in relation to enforcing payment of an agency service fee. Proceedings instituted in Federal Court Sydney 16.11.95. Joint submissions on liability and penalty for nine respondents received the consent of the Court on 28.11.96. The Court ordered injunctions and pecuniary penalties against each of the submitting respondents. The pecuniary penalties and costs were: Chadwicks Model Agency \$20 000 (\$12 500 costs), Peter Chadwick \$10 000, Vivien's \$20 000 (\$12 500 costs), Kevin Smith \$5000, Priscilla's Model Management \$10 000 (\$10 000 costs), Priscilla Leighton-Clark \$4000, Gary Saunders \$1000, Gordon Charles Management \$10 000 (\$15 000 costs),

Gordon Charles Donald \$5000. Each of the submitting corporate respondents gave s. 87B undertakings to implement compliance programs.

6.2.97 ACCC filed amended statement of claim against the two remaining respondents, Cameron's Management Pty Ltd and Jane Christine Cameron.

9.4.97 penalties totalling \$15 000 imposed against Cameron's Management Pty Ltd and Jane Cameron.

Cromford Pty Limited, Australian Film and Pipe Manufacturers and Anross Investments Pty Limited, s. 45. Alleged price fixing, market sharing in relation to the supply of polythene building film and acquisition of polythene scrap plastic, and alleged resale price maintenance in relation to the supply of polythene building film. Proceedings instituted in Federal Court 29.12.95. ACCC is seeking penalties and injunctions.

Directions hearing 13.9.96 at which first (Cromford P/L) and fifth (Mr Kim Jones) respondents were ordered to file and serve all affidavits and verified list of documents by 4.10.96. ACCC ordered to file and serve affidavits in reply to sixth, seventh, and eighth respondents by 18.10.96. Fourth respondent (Mr Neville McDonnell) has withdrawn his defence.

Directions hearing 15.11.96 at which first (Cromford P/L), second (Columbus Merchants P/L trading as Australian Film and Pipe Manufacturers) and third (Anross Building Materials P/L) respondents were ordered to file and serve a verified supplementary list of documents by way of further and better discovery by 6.12.96. ACCC ordered to file and serve any affidavits in reply to the affidavit of the fifth (Mr Kim Jones) respondent by 11.12.96.

Directions hearing 27.3.97 at which the parties were granted leave to approach the Registrar for a trial date.

NW Frozen Foods and ors, s. 45. Alleged price fixing agreements in frozen food wholesaling in Tasmania. 7.8.96 judgment

imposed injunctions and penalties totalling \$1 545 000 on respondents. NW Frozen Foods appealed decision in respect of the Court's departure from the terms of a penalty submission agreed with the ACCC. Appeal heard 20.11.96. 20.12.96 Full Federal Court upheld the appeal (reducing NW Frozen Foods' corporate penalty from \$1.2m to \$900 000) and endorsed the agreed penalty process.

Health Partners, ss 47(6), 47(7). Alleged third line forcing conduct by a health insurance provider against an Adelaide pharmacy which left the Chem mart pharmacy chain and, as a result, had its contract to service Health Partners' members cancelled. Proceedings instituted 27.8.96. Trial before Mansfield J, week beginning 21.4.97.

Excel Concrete Pty Ltd, s. 45. Alleged price fixing and market sharing in the southern Queensland concrete market. Proceedings instituted 27.9.96. ACCC seeking penalties and injunctions. Directions hearing scheduled for 7.3.97.

N.T. Outback Adventure Rentals Pty Ltd (trading as Hertz Northern Territory), Alice Car & Truck Rentals Pty Limited (trading as Territory Rent-A-Car), NorthAust Auto Hire Pty Ltd (trading as Avis Northern Territory), Stafftoy Pty Limited (trading as Thrifty Car Rental), s. 45. Alleged price fixing conduct in relation to car rental in the Northern Territory. Proceedings instituted 2.10.96. Next directions 18.4.97.

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

agreement between Nine Network and Golden West Network.

Amended statement of claim filed 19.12.96.
Next directions hearing 18.4.97.

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 is to be made by Notice of Motion following findings of contraventions of the Act.

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

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. Proceedings for contempt against fifth respondent, June Collings, commenced 12.4.96. Proceedings for contempt against sixth respondent, Penny Kioussis, commenced 6.9.96.

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). Collings Construction Co Pty Ltd and Wayne Collings were granted a conditional stay requiring payment of approx. \$113 000. 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 have appealed the decision. Collings Construction and Wayne Collings have sought a further stay of the conditional stay granted by Hunter J, before the Court of Appeal 14.4.97.

Gold Coast Land Sales Pty Limited & Channel 10 (Network Ten), s. 53A. Alleged misleading advertising and false representations in regard to land sales in Maryvale. Proceedings instituted 17.3.94, interlocutory injunctions granted by consent against Gold Coast Property Sales, its directors and agents. 6.6.95 Court found Gold Coast Sales had contravened the Act and ordered that it be restrained from making further representations regarding Maryvale land. Also ordered to pay ACCC's costs. 15.3.96 directions hearing where matter was held over for trial date. 14.2.97 consent orders filed with Federal Court Registry.

Following the settlement of the related Network Ten matter on 18.2.97, this matter was settled on 7.4.97 by consent orders filed in the Federal Court, which included a declaration that Network Ten had engaged in misleading and deceptive conduct by continuing to broadcast the representations and an order that Network Ten pay \$75 000 towards the ACCC's costs.

Europark International Pty Limited & anor, ss 52, 53(c), 53(d). Alleged misleading or deceptive conduct and false representations concerning sponsorship, approval. Proceedings instituted 19.7.94. Trial held 26.4.96. Short reasons for judgment were handed down on 26.2.97 — ACCC awarded costs, injunctions preventing the respondents from making the representations, and declarations that the representations were misleading or deceptive.

Reef Distributing Company Pty Ltd, ss 52, 53(bb), 53(e), 64. Alleged false and misleading representations in relation to the supply of agricultural products. Proceedings instituted in Federal Court Melbourne 8.9.95. Matter transferred to the Sydney Federal Court. Interlocutory injunction restraining Reef from proceeding with prosecution of any proceedings currently pending, and from instituting any new proceedings to recover moneys for the price of agricultural goods. Court mediation expected early May 1997. Directions 8.4.97.

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

Proceedings instituted by Unilever against the ACCC in the Federal Court in Sydney on 25.6.96 seeking declarations that Unilever had not acted in contravention of the Act. 26.6.96 ACCC commenced proceedings in the Federal Court in Adelaide seeking declarations that statements by Unilever made in consumer newsletters, in TV advertisements, and in statements on the actual cans of tuna, regarding the origin of the tuna, were false and misleading.

ACCC alleged that at least half of the John West tuna products, canned over an 18-month period from January 1995, consisted entirely of tuna imported into Australia, some being partly processed overseas.

Unilever's major argument was that it was sufficient to claim Australian origin if the manufacturing process had itself occurred in Australia.

Sydney action withdrawn 25.9.96. Adelaide action heard by Mansfield J on 16–27.9.96. Judgment reserved.

Vales Wine Company Pty Ltd, s. 53. Alleged false representations in relation to vintage and description of quantities of bulk wine. 10.5.96 Vales and two of its former directors, Michael Von Berg and Claude Curtis, convicted of false representations. Matter adjourned until 3.6.96 for submissions on penalty. Penalties of \$165 000 against company and two former directors handed down 24.9.96.

Appeal by the directors heard by Full Federal Court on 11.11.96. 19.12.96 appeals dismissed. Directors seeking special leave to appeal to the High Court.

Tasmania Distillery Pty Ltd, ss 53(eb). Alleged false or misleading representations about the place of origin and method of manufacture and exclusivity of bottled spirit products. Proceedings instituted 31.7.96 in the Federal Court Hobart. Mediation held 10.3.97. Further directions hearing expected May 1997.

Anstar Holdings Pty Ltd, ss 52, 53(bb), 64. Alleged misleading or deceptive conduct in relation to invoices for unsolicited advertising. 10.7.96 proceedings instituted in the Federal Court Brisbane against Patrick O'Keeffe and Anstar Holdings Pty Ltd. ACCC is seeking injunctions and other orders. Hearing for interlocutory injunction 26.9.96. Interlocutory injunction not granted. 15.11.96 further directions hearing. Matter progressing to trial. Last date for interlocutory steps 9.5.97.

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 gave 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 Finn J ordered Optell and others to file and serve a defence by 27.9.96. Proceeding transferred to Brisbane. Next direction 9.5.97.

Email Ltd, Lovelock Luke Pty Ltd, ss 52 and 53(eb). Alleged false and misleading representations about the place of origin of air conditioners. Significant component sourced outside Australia.

Proceedings instituted 22.8.96 in the Federal Court Sydney. Court timetable set. Awaiting hearing date to be allocated by the Court.

Golden Sphere International Inc, s. 61. Alleged promotion of pyramid selling schemes. 5.9.96 proceedings instituted against Golden Sphere International Inc, Pamela Joy Reynolds and Victor Michael Cottrill. 6.9.96 Court granted ex parte interim injunctions against the respondents, freezing their assets. 1.10.96 Court ordered interlocutory injunctions against the respondents restraining them from further promoting the scheme, and allowed ACCC to amend its application to begin a representative proceeding. Next directions hearing set down for 15.4.97. Trial date to be set.

Network Ten Limited, s. 53A. Alleged false representations in relation to land sales at Maryvale, Queensland. 23.8.96 ACCC began representative action. 24.1.97 Network Ten entered into s. 87B undertaking to review all 'advertorials' and to continue with a new complaints handling system to ensure any complaints are promptly referred to Network Ten's legal department. 18.2.97 consent orders filed with the Federal Court in settlement of this action. Consent orders provide for payment of compensation of \$17 000 to each of the parties on whose behalf the ACCC took action, and \$2000 towards the ACCC's costs in the representative action.

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. ACCC seeking compensation

under s. 87 on behalf of five franchisees who allegedly lost financially and personally as a result of TSF's conduct. Matter listed for directions on 30.4.97.

Bryan Hedges, ss 52, 57, 61. Alleged promotion of a pyramid selling and referral selling scheme in relation to subscriptions to a monthly newsletter. 19.8.96 proceedings instituted against Mr Bryan Hedges. 17.9.96 Court granted interlocutory injunction to restrain Mr Hedges from promoting the scheme, and from making alleged misrepresentations about the legality and profitability of the scheme. Trial date set for 29.4.97.

Australian Business Reports Pty Limited, s. 53. Alleged misleading representations in relation to the promotion of a business register. 11.12.96 proceedings instituted against Australian Business Reports Pty Limited and its director, Mr Gary Solah. 19.12.96 interlocutory injunction granted in the Federal Court Canberra. Full hearing expected in June 1997. ACCC seeking refunds, corrective advertising and corrective letters to clients.

Glendale Chemical Products Pty Ltd, ss 52, 53, 75AD, 75AF. Alleged inadequate labelling on caustic soda making product defective. Proceedings instituted 28.11.96. 3.12.96 Glendale provided undertakings to the court on an interlocutory basis. 24.2.97 ACCC filed statement of claim and amended application. Next directions hearing 24.4.97.

MNB Variety Imports Pty Ltd, s. 65C. Alleged supply of children's swimming aids and 'Sundance' and 'Ambershade' style sunglasses which do not comply with the relevant mandatory consumer product safety standards. Proceedings instituted 12.12.96. 3.4.97 MNB entered a plea of guilty in relation to the supply of swim aids and Sundance sunglasses. Next directions hearing 1.5.97.

Atmospherics Corporation Pty Ltd, Candy Point Pty Ltd (trading as Bocam Sales) and Nuline Distributors Pty Ltd, s. 65C. Alleged supply of fire extinguisher which does not comply with the relevant mandatory consumer product safety standard. 18.12.96 proceedings instituted in the Federal Court

Melbourne. 10.1.97 interim orders granted restraining the companies from supplying a fire extinguisher branded 'Fireout'.

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 (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.

Interim authorisation granted until 31.3.97.

Santos Ltd (A90568)

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

8.2.95 Interim authorisation granted.

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.

CSR Ltd (A50016)

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

20.3.96 Interim authorisation granted for six months.

11.9.96 Interim authorisation extended to 28.2.97.

Australian Performing Rights Association (APRA) (A30166-73)

Arrangements for acquiring and granting rights for music.

16.10.96 Draft determination issued.

3.12.96 Pre-decision conference held.

Advertiser Newspapers & ors (A60022)

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

NSW Minister for Energy (A90588-90)

Wholesale electricity marketing arrangements.

26.4.96 Interim authorisation granted.

17.7.96 Interim authorisation granted for Code as amended.

Inghams Enterprises Pty Ltd (A90595)

Joint negotiations with contracted chicken growers for common terms and conditions in growing agreements.

26.6.96 Interim authorisation granted.

20.11.96 Draft determination issued.

10.2.97 *Pre-decision conference held.*

ASX Settlement and Transfer Corporation Pty Ltd (A90596)

Amendments to CHESSE rules to accommodate international trading.

12.6.96 *Interim authorisation granted until 20.7.97.*

ASX and OCH (A90599)

Proposed rewritten business rules for derivatives.

23.10.96 *Interim authorisation granted until 30.6.97.*

APCA (A30176-7)

Consumer electronic clearing system regulation and procedures.

AW Tyree Transformers Pty Ltd and Wilson Transformers Pty Ltd (A30178-9)

Distribution transformers — joint tendering arrangements.

11.2.97 Draft determination issued proposing to grant authorisation.

20.3.97 *Pre-determination conference.*

NECA and NEMMCO (A40074-6)

National Electricity Code.

PMAA and NFAA (A90600)

Therapeutic goods advertising code.

18.12.96 *Interim authorisation granted.*

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.*

NSW Treasurer (for and on behalf of applicants) (A90614-16)

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

30.1.97 *Interim authorisation granted.*

ASX and ASX Settlement and Transfer Corp P/L (A30180-2)

Re-authorisation of the CHESSE system and related arrangements.

Vodafone (A90613)

Telecommunication Access Forum constitution and rules.

Authorisations under review

Newspaper and magazine distribution in NSW/ACT, Victoria and Queensland

Advertising standards

Notifications under consideration

Advertiser Newspapers Ltd (N60023-5)

Arrangements for supply of newspapers published by Advertiser.

ASX (N30723)

Requiring registered independent options traders to acquire services from clearing members.

TNT Australia Pty Limited (N90356)

Entering into contracts for the carriage of motor vehicles on condition the cartage contractor purchase Ford Louisville prime movers from Austrans.

Australian National Railways Commission (N60026)

Supply of rail haulage services to Australian Wheat Board, Australian Barley Board and South Australian Co-operative Bulk Handling Ltd on condition that 90 per cent of export grain stored by them at certain rail-served sites be reserved for rail.

Commercial Union Assurance Company (N90366)

Reduction in home and contents insurance premiums if a home alarm is installed by a member of a specified security institute or association.

Dick Smith Electronics Franchising Pty Ltd (N30738)

Proposed inclusion of terms in a franchising agreement for the offer of franchises of Dick Smith Electronic stores, requiring franchisees to purchase all products from Dick Smith Electronics Pty Ltd.

Australian Competition Tribunal

Review of the Commission's determination to revoke authorisation of the gas agreements between AGL and the Cooper Basin Producers

On 27 March 1996 the Commission issued a determination revoking the existing authorisation and granting a substitute authorisation narrower in scope than the

revoked authorisation. On 17 April 1996 the Producers filed an application with the Australian Competition Tribunal for a review of the Commission's decision. (See *ACCC Journal* 3, pp. 55–8, and *ACCC Journal* 5, p. 48).

The hearing began on 17 March 1997.

Certification trade marks

International Standards Certifications Pty Ltd (CTM 702128, 703098)

Relating to the certification of Australian organisations to ISO 9000 (quality) and ISO 14000 (environmental) standards.

26.2.97 Final assessment approving CTMs issued.

Consorzio Tutela Provolone (CTM 658374)

Relating to an Italian brand of cheese.

23.10.96 Initial assessment proposing to approve the CTM issued.

Relais et Chateau (CTM 529087)

Relating to services provided in the accreditation of hotels and restaurants.

Skin and Cancer Foundation of Australia (CTM 656130)

Relating to the licensing of clothing and headwear for sale in Australia.

26.2.97 Initial assessment proposing to approve the CTM issued.

Aktion Zahnfreundlich (CTM 572400-2, 601904)

Relating to Swiss-made food and beverage products.

**International Zinc Association
(CTM 593514)**

Relating to zinc and zinc products.

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

Relating to a transmission and variation of the CTM regarding Tweed cloth.

22.1.97 Initial assessment approving the variation to the rules of the CTM issued.

**Australian Horticultural Corporation
(CTM 659737)**

Relating to the certification of agricultural, horticultural and forestry products.

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

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

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

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