
Appendix 1 Continuing matters

Enforcement

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

Anti-competitive practices

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 Proceedings withdrawn 17.9.93.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. Trial recommenced on 22.2.99 and was further adjourned on 24.3.99 to resume on 13.9.99. Directions hearing 9.6.99.

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 heard in February 1999 and decision reserved.

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. Trial of allegations against Safeway began on 8.2.99 and are currently adjourned until 17.5.99.

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 and the matter is to undergo a mediation process on or before 14.12.98. 10.12.98 parties attended mediation and negotiations are continuing.

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. 15.3.99 by consent ACCC ordered to return documents produced by Sims under a s. 155 notice or produce certified copies of the documents by 22.3.99. Respondents ordered to file and serve its list of discovery documents by 17.5.99. ACCC also ordered to file its non-expert witnesses by 17.5.99 and the matter adjourned to 28.6.99.

Construction Forestry Mining and Energy Union, s. 45D. Alleged secondary boycott against transportable buildings supplier in WA. Proceedings instituted 15.12.97. Awaiting mediation/trial dates.

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. Trial to commence 6.7.99.

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.

18.1.99 French J gave reasons for judgment on proposed undertakings and consent orders for third, fourth and fifth respondents.

15.2.99 Registrar Jan set down directions up to trial. Next hearing to be set for a date after 10.6.99.

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.

The matter has been settled by way of consent orders and Mr Miller was ordered to pay the ACCC's costs.

Visy Paper Pty Ltd and the Amcor Printing Papers Group Ltd, s. 45. Alleged market sharing agreement and attempt to induce others to enter into a market sharing agreement in relation to the collection of recyclable waste paper.

Proceedings instituted 4.12.98. ACCC seeking orders, including declarations, injunctions, costs and orders requiring the institution of trade practices compliance programs. It is also seeking penalties against the companies and four senior employees. Next directions hearing 13.5.99.

George Weston Foods Limited and ors, ss 45, 48. Alleged attempted price fixing arrangement and resale price maintenance in relation to biscuits. Proceedings instituted 28.10.98. ACCC seeking orders including pecuniary penalty, injunctions, declarations and findings of fact. Next directions hearing 23.6.99.

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.

Trial set for 18.10.99.

Leelee Pty Ltd, s. 51AC. Alleged unconscionable conduct by a landlord towards one of its tenants. Proceedings instituted 4.2.99 against Leelee Pty Ltd and Pua Hor Ong, Managing Director, for aiding and abetting or being knowingly concerned. ACCC seeking injunctions, declarations that the tenant has suffered loss or damage, findings of fact, and orders for payment of damages. Next directions hearing 20.5.99 at which a trial date is expected to be provided.

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 CAN 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 held 15–26.3.99. Tamblyn J reserved his decision.

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 to have their 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. 12.3.99 directions hearing. Matter proceeding to trial on a date to be notified by Registrar.

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 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. Trial held on 4.3.99. Awaiting judgment.

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. An administrator was appointed to Austcomm Tele Services Pty Ltd on 25.11.98. Next directions 21.6.99.

A1 Mobile Radiator Repairs Pty Ltd (in liquidation) and Norman Sidney Trayling, ss 51A, 52, 59(2). Alleged misrepresentations in relation to the sale of mobile radiator repair franchises in SA, WA and Vic.

6.11.98 proceedings instituted in Federal Court Adelaide against A1 Mobile Radiator Repairs Pty Ltd (in voluntary liquidation from 21.12.98) and its director, Norman Sidney Trayling. Interim orders granted restraining both respondents from making certain representations. ACCC seeking findings of fact, orders as to permanent injunctions regarding representations, and as to assessment and payment of damages. Next directions hearing set for 8.7.99.

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

Proceedings instituted 13.11.98. ACCC 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. Next directions hearing 3.2.99.

Westco Jeans (Aust) Pty Ltd, ss 52, 53(g). Alleged misleading representations about consumer rights to refunds.

Proceedings first instituted 19.12.97. 13.2.98 Westco consented to orders restraining it from misrepresenting consumers' refund rights, and requiring it to place signs in its stores advising consumers of the circumstances in which refunds would be provided, to print a pamphlet advising consumers of its refund policy, and to implement a trade practices compliance program.

11.12.98 ACCC instituted further action in the Federal Court Melbourne alleging Westco had breached the court orders made on 13.2.98 by misrepresenting consumers' refund rights. 18.12.98 Westco gave undertakings to the Court to place corrective advertisements in local newspapers and to place corrective signs in all Westco factory or clearance outlets. The matter was mediated on 29.1.99 and consent orders were made on 15.2.99.

Shercind Pty Ltd (trading as Eyetastique) (in liquidation), s. 65C. Alleged non-

compliance with mandatory consumer product safety standard for sunglasses and fashion spectacles. Proceedings instituted 15.10.98. Matter listed for mention on 26.3.99. Set down for trial on 18–19.10.99.

Anti-competitive conduct — telecommunications (Part XIB)

Telstra. Alleged anti-competitive conduct in relation to its local call transfer process. Proceedings instituted 24.12.98, following the issuing of three competition notices. Two notices the subject of the present proceedings came into force on 9.12.98; the third came into force on 25.1.99.

On 9.4.99 the Commission issued a fourth notice alleging Telstra's package of conduct in relation to churn amounts to a breach of the competition rule. The Commission will shortly institute proceedings against Telstra in relation to the third and fourth notices.

The legislation provides that Telstra may be liable for significant penalties, if it is found to have breached the competition rule, of up to \$10 million for each offence and \$1 million per offence per day for each day that the conduct continues.

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 dates consistent with Tribunals decision for arrangements in NSW/ACT, Queensland and Victoria.

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.

9.12.98 *Interim authorisation granted to amend NEM1 codes until 180 days after NEM commences.*

APCA (A30176–7, A90620)
Consumer Electronic Clearing System regulation and procedures

20.8.97 Draft determination issued proposing to deny authorisation.

23.2.99 *Interested parties' comments sought re APCA amended arrangements.*

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.

6.1.99 Draft determination issued.

25.1.99 *Pre-decision conference held.*

ASX (A90657)

Proposed ASX business rule for capital liquidity requirements.

30.3.99 *Draft determination issued.*

Inghams Enterprises Pty Ltd (A90569)

Proposed procedure for negotiation of

Appendix 1

contracts, terms and conditions and other matters in relation to the Tasmanian chicken meat industry.

10.2.99 Draft determination issued.

17.3.99 Final determination issued.

Bundaberg Associated Friendly Societies (A50019)

Proposed collective purchasing and negotiating group for private hospitals.

16.12.98 Draft determination issued.

16.2.99 Pre-determination conference held.

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.

9.12.98 Draft determination issued. Interim authorisation extended until 30.6.99.

16.2.99 Pre-decision conference adjourned until April.

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.

16.9.98 – 20.11.98 Various amendments to applications.

7.10.98 Interim authorisation granted (conditional).

25.11.98 Interim authorisation granted (conditional).

6.1.99 Interim authorisation granted to remove condition C3.2.

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.

Draft determination issued 7.4.99.

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.

9.12.98 Interim authorisation refused.

Queensland Dairy Authority (A50020)

Arrangements covering the issue of milk entitlements and administration of dairy supply management scheme in Queensland.

Master Miseri Cordiae Hospital & ors (A90679)

Proposed collective negotiating group of private hospitals.

Australian Direct Marketing Association Ltd (A40077)

ADMA Code of practice.

7.10.98 Draft determination issued.

26.11.98 Pre-decision conference held.

Agsafe (A90680-81)

Accreditation scheme code of conduct and sanctions process.

Golden Circle Ltd (A50022)

Seeking authorisation of Constitutional arrangement that deals with acquisition of shares and conditions of a shareholding in the company.

24.2.99 Interim authorisation granted.

Adelaide Brighton Ltd (A90682-3)

Proposed acquisition of all the issued capital of Cockburn Cement Ltd.

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).

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 uniforms etc. from specific suppliers (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).

Australian Postal Corporation (N90637)
Australia Post offer discounts to bulk mail customers on condition that those customers purchase Post approved bulk mail software or develop their own Post approved software (third line forcing).

Tamawood Pty Ltd (N90642)
Offer of certain building work for the construction of dwellings to various independent builders on condition they acquire certain goods or services from certain suppliers (third line forcing).

Mobil Oil Australia Ltd (N40327)
Proposes to offer a discount from the Mobilcard price in relation to purchases by Toll Transport Pty Ltd of petroleum products from participating stores (third line forcing).

Optus Mobile Pty Ltd
Optus Networks Pty Ltd (N90650-51)
Offer of discount to persons by Optus Mobile and Optus Networks on condition they subscribe to telephony services or products from Optus Networks, or mobile products or services from Optus Mobile (third line forcing).

Police and Nurses Credit Society Ltd (N70076)
Appointment by PNCS of 10 franchisees who are required to purchase insurance and consumables from suppliers nominated by PNCS (third line forcing).

Caltex Aust Petroleum Pty Ltd (N70076)
Supply of petrol at a discount on condition that customers have purchased from participating stores (third line forcing).

Home Building Society Ltd (N70077)
Supply of home loan at a discount on condition customers acquire Home and Contents Insurance (third line forcing).

Optus Internet Pty Ltd
Citibank Ltd
Supply of Internet product at a discount to Citibank customers, and supply of banking product at a discount to Optus Internet customers (third line forcing).

Australian Competition Tribunal

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.*

Victorian Energy Networks Corporation (Vencorp)
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, at which the Tribunal will consider whether it has jurisdiction to hear the review given the existence of the Victorian legislation.*

Certification trade marks

Considered

The Stilton Cheese Makers Association (CTM 721900)
Relates to cheese dairy products and products containing cheese.

Australian Wool Research and Promotion Organisation (CTM 666921)
Certification of wool/fibre products with 'Sportwool' mark.

21.12.98 *Initial assessment issued.*

Under consideration

Elicos Association Ltd (CTM 701445)
Relating to the provision of travel programs and training for overseas students.

The Law Society of Western Australia (CTM 708877)
Relates to certification of law practices under a Quality Practice Standard.

Australian Vine Improvement Association (CTM 720347)
Relates to grapevines and cuttings/graftings/cultures of grapevines.

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.

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 Development (CTM 730216)

Relating to IT software high speed printing.

Australian Fertiliser Services Association (CTM 738374)

Relating to fertiliser spreading equipment.

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.

Consorzio per la Tutela del Formaggio Grana Padano (CTMS 731270, 732271)

Italian cheeses.

Australian New Zealand Food Authority (CTM 770228)

Relating to health claims on foods and beverage products.

Seed Industry Association of Australia (CTM 768023)

Sowing seed quality.

Standards Association of Australia (CTM 743608)

Design award program and consultancy services.

Harris Tweed Authority (CTM705888)

Amendment to the rules re Harris Tweed cloth.