

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 & 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 Proceedings withdrawn 17.9.93.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 and the respondents were to provide their written submissions by 19.11.99 and any oral submissions on 10.12.99.

On 14.1.00 the respondents filed their written submissions, and on 24.1.00 the Commission filed applicants' submissions in reply. Judgment is now 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 is seeking penalties and injunctions. On 30.5.97 the Federal Court imposed a penalty of \$1.25 million on George Weston Foods Limited, which admitted the contraventions. Trial of allegations against Safeway began in February 1999 and finished on 20.10.99. The decision has been reserved.

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 on 6.3.98. The Commission is seeking penalty, declaration, injunctions requiring the companies to implement a corporate compliance program, and findings of fact. Trial commenced 6.7.99. Justice Heerey found that Boral Besser Masonry Ltd did engage in below-cost pricing for the purpose of deterring new entrants and driving competitors out of the market. However, the Commission did not satisfy the court that Boral Besser Masonry Ltd had a substantial degree of power in the Melbourne concrete masonry market which is an essential element for establishing a contravention of s. 46. The court found that the relevant market was the Melbourne metropolitan market for wall and paving material. The Commission appealed these findings and the Full Federal Court heard the appeal on 7–10.2.00. The parties are currently awaiting the decision of the Full Federal Court.

Visy Paper Pty Ltd s. 45. Secondary boycott. 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 Commission decides to appeal and issues media release.

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. Decision reserved.

Rural Press Limited and ors, ss. 45, 46. Alleged misuse of market power and anti-competitive agreement in relation to the withdrawal of The River News regional newspaper from the Mannum area in South Australia. Proceedings instituted 14.7.99 against Rural Press Limited and its subsidiary, Bridge Printing Office Pty Ltd, in respect of ss. 45 and 46, and its employees Ian Law and Trevor McAuliffe for being knowingly concerned. Also instituted against Waikerie Printing House Pty Ltd in respect of s. 45 and its directors, Paul and Darnley Taylor, for being knowingly concerned. Trial held from 8.12.99 to 17.12.99 before Mansfield J, closing submissions heard on 10–11.2000. Decision reserved.

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 alleges 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 July 2000, 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 trial concerning the remaining respondents has been set down for 4.12.00.

Polygram (now Universal Music), Sony Music, Warner Music and Music Industry Piracy Investigation Pty Ltd, ss. 45, 46, 47. Alleged exclusive dealing and misuse of market power. Proceedings instituted 30.8.99. The Commission alleges that the respondent record companies, as well as certain senior personnel of those record companies, breached a number of the restrictive trade practices provisions of the Act in attempting to prevent the importation of recorded music following the changes to the Copyright Act which allowed for parallel imports. The matter has been set down for trial on 2.4.01. Directions hearing 20.11.00.

Maritime Union of Australia, ss. 45DB(1), 60. Alleged primary boycotts, undue harassment and coercion. Proceedings instituted 14.4.00. The Commission alleges that the union and

certain officials unlawfully hindered and prevented vessels sailing from various Australian ports unless the shipowner agreed to use MUA labour to clean the holds of the vessel. Directions hearing 24.11.00.

Unconscionable conduct

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

Trial commenced 18.10.99, but was adjourned with French J raising concerns as to the constitutional validity of s. 51AA. Commission directed to issue notices under s. 78B of the Judiciary Act to the Attorneys-General for their consideration. This was completed on 25.10.99. Matter set down for 22.11.99 for argument on constitutional issue.

On 14.1.00 French J handed down his decision that s. 51AA was constitutional. Trial held on 31.1.00 to 3.2.00 and French J handed down his decision on 26.9.00 that the conduct of the owners and their representative, in one of the three pleaded cases, was unconscionable. The owners have subsequently filed an application for extension of time to appeal, which is listed to be heard on 8.12.00.

Samton Holdings Pty Limited, s. 51AA. Alleged unconscionable conduct by a company towards one of its tenants. Proceedings instituted on 26.2.99. Commission seeking orders against the company, each of the landlords and their legal adviser, including declarations, injunctions, the publishing of public notices, the institution of corporate compliance programs, damages and costs. The matter was listed for hearing for five days commencing 13.11.00.

Trevor Davis Investments Pty Ltd, Mans Davis Holdings Pty Ltd, Trevor Davis and Daniel Mans, ss. 45, 45A. Alleged attempted price fixing and attempted inducement to enter a price fixing arrangement for supplying casual Internet access. Proceedings instituted on 2.11.00.

It is alleged that Mr Davis on behalf of Idle Gossip Internet Services, by letter dated 22 October 2000, wrote to a nearby rival Internet cafe requesting it to agree upon a minimum hourly rate of \$5 for Internet access. The Commission alleges that the letter indicated that Idle Gossip would begin to compete more aggressively if its rival did not agree to set its public price at \$5 per hour.

The Commission is seeking:

- declarations;
- penalties;
- injunctions; and
- findings of fact.

A directions hearing was held on 8.12.00 at the Federal Court in Melbourne.

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 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. On 13.10.00 a directions hearing was held. Lux discovery due on 21.12.00.

Consumer protection

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 on 1.8.97. On 15.8.97 court accepted undertakings from respondents in terms of interlocutory orders sought by the Commission. Administrator appointed 17.10.97. Validity of appointment being challenged in Supreme Court. At directions hearing on 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. On 15.1.98 creditors resolved to wind up company. Proceedings to continue against individual respondents. On 26.10.98 notice of motion by fourth respondent to have their

conduct tried as a preliminary issue. Motion unsuccessful. On 30.11.98 directions hearing amending timetable for second and third respondents. On 12.3.99 directions hearing. Trial set down for 3.4.00 for seven days. Trial completed. Submissions to court by respondent and applicant. 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. On 10.7.98 court issued restraining orders against HRJ and its directors and ordered a freeze on funds.

World Netsafe Pty Ltd & Terence Butler, ss. 52, 57, 61. Alleged misleading and deceptive conduct, referral selling and pyramid selling scheme in connection with the marketing and promotion of an 'ATTM card'.

It was alleged that misrepresentations made included that the card was being printed and would be made available by certain times, and that the card would function as a telephone, ATM and POS card and possess Visa or Maestro Cirrus debit card facilities. It was also alleged that it was misrepresented that the card allowed members of the scheme to generate lifelong income without leaving home.

Proceedings were instituted on 21.12.99 against World Netsafe Pty Ltd and Mr Terence Butler, the sole director of the company. On 21.12.99 Mareva order was made freezing certain funds under the control of World Netsafe or Mr Butler. On 23.12.99 undertakings were given by the respondents to cease making representations about the ATTM card, including affiliations the company may have and the attributes of the card. Mareva order lifted on 27.1.00. Various interim injunctions made against the respondents regarding the promotion of the card. On 25.2.00 a directions hearing was held. On 12.4.00 orders were made including a demonstration of the card to the Commission. Respondents requested adjournment on 4.5.00. On 15.6.00 a directions hearing was held. Trial date was set down for 4.12.00 and court review on 2.10.00. Injunctive orders against the respondents continue.

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. Mediation to take place before 2.3.01. Next directions hearing on 7.3.01.

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.

Golden Sphere International Incorporated, s. 61. In 1996 the Commission instituted proceedings against Golden Sphere International Incorporated, Victor Michael Cottrill and Pamela Reynolds to obtain injunctive and other relief for an alleged breach of s. 61 of the Trade Practices Act. The Commission also commenced proceedings to obtain monetary relief on behalf of participants in the Golden Sphere scheme. On 1.6.98 O'Loughlin J held that the three respondents had breached s. 61(2A) of the Act which prohibits pyramid selling schemes. The company, Mr Cottrill and Ms Reynolds were ordered to pay \$550 000 into a fund to provide refunds to consumers who

invested in its pyramid selling scheme. The fund was administered by the Official Trustee and the staff of the Insolvency and Trustee Service of Australia (ITSA). Over \$250 000 was recovered and paid into the trust fund. This money was obtained as a result of the Commission's Mareva injunction orders (an injunction which enables the court to freeze the assets of a defendant). The Commission and ITSA notified scheme participants of the Federal Court orders in major national newspapers and invited them to submit claims for refunds from the fund.

The respondents have not paid the full balance of the \$550 000 in accordance with the June 1998 judgment, and the Commission obtained evidence that monies due to the company had been transferred to Vanuatu. On 14.9.99 the Commission obtained judgment and other orders against the three respondents in the Supreme Court of Vanuatu before Saksak J.

ITSA has advised that claimants have been paid the money they were entitled to from the fund in accordance with the 1.6.98 orders. The surplus monies in the fund are to be distributed in accordance with the Federal Court orders of June 1998. That matter is currently progressing.

MHG Plastic Industries Pty Ltd, s. 65C. Alleged non-compliance with mandatory consumer product safety standard relating to protective helmets for vehicle users. Proceedings instituted on 13.5.99. On 15.6.99 the Federal Court found that MHG Plastic Industries had manufactured and offered for sale motor cycle helmets that failed to comply with the relevant mandatory safety standard. On 28.6.99 the court ordered MHG Plastic Industries to conduct a recall of all helmets manufactured by it since 1.7.96. These orders were stayed to argue the mechanics of the recall. On 13.7.99 the court ordered the recall and that consumers be given a full cash refund. MHG has appealed. No appeal date has been set.

Australian Taxation Services, s. 52. Alleged distribution of forms appearing to be issued by the Australian Taxation Office. Proceedings instituted on 5.7.99. On 7.7.99 court made interlocutory orders restraining ATS and its director, Michael Ivanoff, from distributing forms seeking businesses to register for the GST and to pay a fee. On 9.7.99 Kiefel J continued the injunction and ordered a freeze on the company's bank account. On 16.7.99 court handed down permanent orders restraining the

company and its director from continuing the conduct, freezing ATS' bank account, and ordering refunds.

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 to the Commission the names and addresses of the 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.

McDonald's Australia Limited, ss. 51AB, 52, 53(g). Alleged unconscionable conduct in consumer transactions, misleading or deceptive conduct, false representations as to the existence of a right in relation to the 1999 McMatch & Win Monopoly competition.

On 24.9.99 the Commission instituted proceedings in the Federal Court, Sydney. The matter was transferred to the Federal Court, Brisbane, in October 1999. On 14.10.99 the Commission applied to have the matter heard concurrently with private representative proceedings before the Court (*Hurley v McDonald's Australia Limited*) but this was not accepted. The Commission has reserved the right to apply to have its case re-listed pending the outcome of the representative proceedings.

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.

It is alleged that the companies and their directors placed advertisements in newspapers in several States inviting investments of up to \$65 000 in a business opportunity selling a range of educational aids to schoolchildren and their parents. At least seven distributors were recruited. The Commission alleges that representations about the profitability and risk of the business were false or misleading, in particular that:

- high sales returns had been achieved;
- distributors would earn up to \$150 000 per year; and
- other distributors were doing well.

At a hearing before Justice O'Loughlin on 26.4.00 the defendants did not enter a plea. Orders were given to serve witness proofs and the matter was heard on 3.8.00 and a move to Brisbane agreed. Directions hearing held on 17.11.00. Adjournment granted until 15.12.00 for pre-trial mention.

Video Ezy and ors, ss. 52, 75AU. Alleged price exploitation. On 25.5.00 proceedings were instituted in the Federal Court in Sydney alleging that Video Ezy Australasia Pty Ltd engaged in price exploitation and misleading and deceptive conduct.

The Commission has joined Video Ezy senior management in these proceedings including general manager, Mr Peter Scicluna, a company director, Mr Daryl McCormack and a senior manager, Mr Jaims Hill. Directions hearings were held on 5.7.00, 9.8.00 and 18.8.00 in the Federal Court, Sydney. A further directions hearing has been set down for 13.12.00 in Sydney.

Skybiz Pty Ltd (Skybiz 2000), ss. 57, 61. Alleged referral selling and pyramid selling. Proceedings were instituted on 4.8.00 in the Federal Court, Perth, against Kevin Ryan of Perth, a participant in a scheme called Skybiz 2000 Home Based Business. The Commission alleged that Mr Ryan attempted to induce others to become participants in the trading scheme, promoted by Skybiz.Com.Inc, and to pay Skybiz.Com.Inc US\$100 per website to obtain the prospect of participating in the scheme. The Commission is seeking declarations that Mr Ryan was involved in a pyramid selling scheme, injunctions restraining him from further

involvement, and orders requiring him to attend a trade practices compliance seminar and to inform others that the scheme is a pyramid selling scheme.

A directions hearing was heard on 8.9.00 in the Federal Court establishing some programming orders. A further directions meeting will be held at the next available date in March 2001.

Purple Harmony Plates Pty Ltd, s. 52. Alleged misleading or deceptive Internet advertising. Proceedings were instituted on 6.11.00. The Commission is seeking court orders that Purple Harmony Plates Pty Ltd will not continue to advertise that its products are capable of protecting against electro-magnetic radiation, reduce pain, increase health, rejuvenate sick plants, increase fuel efficiency, reduce refrigerator running costs and change the taste, properties and composition of various food and drinks. The Commission is also seeking corrective advertising and refunds for consumers who consider they have been misled. A directions hearing is listed for 6.12.00.

Australian Industries Group Pty Ltd t/a Half Price Shutters, ss. 51AD, 52, 59(2), 51AC, 51AD. Alleged misleading and 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 instituted on 4.8.00.

First directions hearing was held on 14.9.00. Subsequent directions hearing held on 7.12.00. On 15.12.00 the EC decided that Commissioner John Martin would represent the ACCC at court ordered mediation conference to be held in February 2001.

Paul Storer, ss. 52, 53(c), 53(d), 53(f). Alleged misleading or deceptive representations about the benefits of using a certain probiotic as a cure for chronic fatigue syndrome.

Proceedings instituted on 4.8.00. A directions hearing was held on 8.8.00. On 13.10.00 a directions hearing for discovery was held. Undertakings were granted on 24.11.00. On 24.12.00 discovery of documents by Storer due.

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. The Commission alleged that the firm represented that the Slendertone product could have beneficial weight loss and cosmetic benefits to users without any effort.

A directions hearing was held on 2.11.00. Discovery of products, specifications or instructions ordered. Leave granted to respondents to join the parent company, Slendertone Marketing Ltd located in France, to the action. A date for a further directions hearing to be set.

A Whistle and Co (1979) Pty Ltd, trading as Electrodry Carpet Cleaning, ss. 52, 53(e). Alleged misleading and deceptive conduct in relation to the total price payable for Electrodry Carpet Dry Cleaning services, and misrepresenting prices in relation to the New Tax System.

Proceedings instituted on 18.8.00. On 22.8.00 a directions hearing was held. A subsequent directions hearing was held on 16.8.00. On 20.11.00 the matter was settled by consent.

Goldy Motors Pty Ltd, ss. 52, 53(e), 53(g). Alleged false and misleading conduct by Goldy Motors in its advertising about the effects of the GST on new motor vehicles and the approval of finance for new and used motor vehicles.

Proceedings instituted on 26.7.00. Directions hearing was held on 9.8.00 and the first hearing before Carr J was on 13.9.00. Next hearing in the Federal Court before Carr J was held on 14.12.00. Decision was reserved.

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.

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.

2.12.98 Conditional interim authorisation granted.

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

30.3.99 Interim authorisation granted until final 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.

NECA (A90704–6) Code changes to allow for market network services.

Investment and Financial Services

Association (A30200–1) IFSA draft policy on genetic testing.

14.6.00 Draft determination issued proposing to deny authorisation.

17.7.00 Pre-decision conference held.

National Electricity Code changes

(A90711–3) Amendments to the NEC dealing with capacity mechanisms, VoLL and the price floor.

2.12.99 Interim authorisation granted.

21.6.00 Draft determination issued.

18.7.00 Pre-decision conference held.

The Uniting Church in Australia Property Trust (Q) and others (A90714–7) Application for exclusionary provisions arrangements which may substantially lessen competition.

Independent Private Hospitals Association

(A30203) Proposal to form a network for mutual cooperation through the inter-hospitals agreement.

The Showmen's Guild of Australia

(A90729) Application for authorisation of the Guild's proposed code of conduct.

Rebidding code changes (A90730–2)

Changes to the rebidding rules, VoLL scaling and revision to the settlements statements.

CSR Ltd (A90733) Agreement for supplying sugar cane to Invicta Sugar Mill.

6.9.00 Interim authorisation granted with conditions.

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

20.6.00 Interim authorisation granted.

26.6.00 Draft determination issued.

NECA (A90735-7) GST code changes.

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.

The Clay Brick and Paver Association of Australia (A90738) Proposing to add a levy of \$2 per \$1000 on bricks for association members and others who commit to financially supporting training of bricklayers.

Full retail competition (A90739-41) Authorisation of national electricity code changes (minimalist changes introduced to facilitate the introduction of full retail competition).

20.9.00 Interim authorisation granted.

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.

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

Basslink code changes (N90747-9) 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.

Marven Poultry Pty Ltd (N90750) Authorisation for collective negotiations of chicken growers in Victoria with their processor(s).

Queensland derogations (N90751-3) 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 December 2002 as an interim measure pending further applications; and to make minor clarifications to definitions contained in the Qld derogations.

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.

Provet Queensland Pty Ltd (N50094) Supply of 'Pharmaceutical; vet only' and 'Open seller' product to veterinary surgeons on certain conditions only (exclusive dealing).

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).

Henley Arch, Henley Properties (QLD), Henley Properties (NSW), Northridge Homes (N50102-5) Engagement of contractors to paint houses on condition they use only Taubmans paints (third line forcing).

NRMA Insurance Ltd (N90740) Supplying motor vehicle insurance at a discount on condition customers acquire hire car services from a nominated supplier and smash repair services from repairer in NRMA's competitive partnering scheme (third line forcing).

Cheque Exchange (Australia) Pty Ltd (N70137) Supply of a franchise on condition the franchisee acquire stationery and other goods from suppliers approved by the franchisor and a computer system from CX (third line forcing).

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

Law Council of Australia (N90770) Proposal to require persons who wish to join or remain members of its sections must also be members of one of its constituents (third line forcing).

Harrier National Pty Ltd (N31020) Offer of mechanical protection plan to provide for mechanical service on condition the service is carried out by the selling Ford dealer or participating Ford dealers (third line forcing).

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) Territorial distribution agreement — retail agency agreements (third line forcing).

The Herald and Weekly Times Ltd (N40422–3) Territorial distribution agreement — setting of maximum price for home delivery (third line forcing).

Queensland Newspapers Pty Ltd (N40424) Territorial distribution agreement — retail agency agreements (third line forcing).

Queensland Newspaper Pty Ltd (N40425–6) Territorial distribution agreement — retail agency agreements/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 and N40432) Territorial distribution agreement — retail agency agreements (third line forcing).

Gold Coast Publications Pty Ltd (N40431) Territorial distribution agreement — setting of maximum price for home delivery (third line forcing).

Nationwide News Pty Limited (N40433–4) Territorial distribution agreement — setting of maximum price for home delivery (third line forcing).

Nationwide News Pty Limited (N40435) Territorial distribution agreement — retail agency agreements (third line forcing).

Australian Health Management Group Ltd (N31042) Dental Provider Network to classify GP dentists into average annual charge rankings for calculating benefits AHMG will provide to the GP dentist (third line forcing).

Certification trade marks

Completed

Sheepmeat Council of Australia (CTM 703607, 704634, 710728) Live sheep and lambs, processed sheep meat and products.

Cattle Council of Australia (CTM 647073, 669943) Assignment to Cattlecare Ltd.

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

Under consideration

Elicos Association Ltd (CTM 701445) Provision of travel programs and training for overseas students.

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

Consorzio Per La Tutela Del Formaggio Grana Padano (CTM 732270–1) Italian cheeses.

Australian Owned Companies Association Ltd (CTM 652664–6) Provision of goods and services provided by a wide range of Australian companies.

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.

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-dynamics Research Institute (CTM 704565, 709823) Clothing and other apparel made from horticultural crops.

Australian Fertiliser Services Association (CTM 738374) 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.

Australian New Zealand Food Authority (CTM 770228) Health claims on foods and beverage products.

Harris Tweed Authority (CTM 705888) Amendment to the rules re 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.

Commonwealth of Australia c/- National Archives of Australia (CTM 752089) Variation to the rules.

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 772565) Amendments to the rules of authenticity label for indigenous art and cultural works.

Standards Australia International Limited (CTM 740328) Certification of quality management systems for advertising, business management, insurance, financial, real estate, building construction, repair and maintenance and telecommunication 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.

Computing Technology Industry

Association Inc (CTM 712106) Certification of computer service providers.

Leeton Development Corporation

(CTM 770200) Certification of products and services produced in the Leeton, NSW region.

Deer Industry Projects and Development

Pty Ltd (CTM 796848) Certification of deer farms and transportation systems.

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.

Meatlink Network Pty Ltd

(CTM 789679) Certification of retail butchereries. Assignment to Tradev Pty Ltd.

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.

Victorian Tourism Operators Association

(CTM 700461) Assignment to Tourism Council of Australia.

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.