
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 to proceed to hearing.

21.5.96 ACCC granted leave to amend statement of claim and application. Trial date to be set.

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. 18.4.97 Spender J directed that the matter be listed for trial. Trial date not yet set.

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 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. Agreement reached between the parties regarding issue of privilege and third party discovery. Directions made by consent concerning timetable for preparations for trial. At a further directions hearing on 15.8.97, the matter was set down for trial at the earliest opportunity, possibly Nov/Dec 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. The matter has been set down for trial on 2.2.98.

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. Matter assigned to long cause callover on 16.7.97. Hearing date fixed for 2-27.2.98.

Health Partners, ss 47(6), 47(7). Alleged third line forcing conduct by a South Australian

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. 21-23 April 1997. Judgment reserved.

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.

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. At directions hearing on 19.8.97 Lockhart J ordered that notice of motion filed by the ninth, tenth and fifteenth respondents be dismissed and also the notice of motion filed by first, second, third, fourth, sixth, seventh, eleventh, thirteenth and fourteenth respondents be dismissed. Lockhart J granted leave for the Commission to file and serve an amended application and statement of claim. The amended application and statement of claim includes the Golden West Network as a party to the overall anti-competitive conduct along with the Seven and Nine Networks.

Hearing set down for 3.8.98.

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. 14.3.97 Defence filed by Shell. 27.3.97 Amended defence filed by Shell. 23.5.97 ACCC discovery list of documents provided to Shell. 8.6.97 Shell discovery list of documents provided to ACCC. 11.8.97 Supplementary list of documents requested from Shell. 21.8.97 Shell advises unable to provide supplementary list of documents. 2.9.97 Further request to Shell for supplementary list of documents. 15.9.97 Draft supplementary list of documents provided by Shell with no inclusion of Mr Llorca's documents.

Australian Safeway Stores Pty Ltd (trading as Safeway) and George Weston Foods Limited (trading as Tip Top Bakeries), ss 45A, 48. Alleged price fixing 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. Safeway matter continues to trial.

Consumer protection

Venture Industries Pty Limited and Collings Construction Company Pty Limited, ss 51AB, 52. Alleged misleading, deceptive and unconscionable conduct in relation to building homes. Proceedings instituted 3.9.93 against Collings Construction Co Pty Limited, Wayne Collings, Venture Industries Pty Limited, Harry Kioussis, Penny Kioussis and June Collings. Representative action on behalf of seven families.

16.9.94 matter cross-vested to NSW Supreme Court. 28.9.95 Hunter J adopted report from Court-appointed referee. Trial before Hunter J from 9.10.95 to 28.11.95. In December 1995 Venture parties sought to overturn the cross-vesting of the matter from the Federal

Court to the NSW Supreme Court. 23.5.96 application refused.

10.12.96 Hunter J found five of the respondents had breached s. 52. Damages of \$1 081 498.55 awarded to seven families represented by ACCC. No findings as to breaches of s. 51AB. No findings and no damages awarded against June Collings.

7.2.97 Hunter J made orders, including interest, against each of the five defendants found liable (effectively joint and several) of between \$1 412 798.92 and \$1 592 927.54, with a total award of \$1 618 507.24. Venture Industries Pty Ltd, Harry Kioussis and Penny Kioussis are generally restrained from holding a pecuniary interest in an organisation offering services which would require a licence under the *Building Services Corporation Act 1989* (NSW). Venture Industries Pty, Harry Kioussis and Penny Kioussis sought a stay through the Court of Appeal, which was refused 17.3.97. Each of the five defendants found liable have appealed the decision. Next directions 16.10.97.

Proceedings for contempt against sixth respondent, Penny Kioussis, commenced 6.9.96. Proceedings for contempt against fourth respondent, Harry Kioussis, commenced 11.3.97. Proceedings for contempt against Nick Milios commenced 18.3.97. Next directions for the latter three 31.10.97.

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 adjourned. Matter set down for hearing for 10 days on 3.11.97.

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

26.6.96 ACCC commenced proceedings in the Federal Court 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. The advertisements represented that the tuna was sourced from South Australian waters, and the markings on the cans stated that the products were 'Australian made'.

ACCC alleged that at in at least half of John West's tuna products, canned over an 18-month period from January 1995, the majority of tuna was imported into Australia, some being partly processed overseas. It alleged that cans of tuna slices were canned in Thailand from fish sourced in international waters.

Unilever's major argument was that most of the tuna products (with the exception of tuna slices) were canned in South Australia, which justified its claim that the products were 'Australian made'.

Proceedings instituted by Unilever against the ACCC in the Federal Court Sydney on 25.6.96, seeking declarations that Unilever had not acted in contravention of the Trade Practices Act, were withdrawn 25.9.96. Adelaide Federal Court 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 \$10 000 each against 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, and that may be heard in late 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 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. Request for further directions hearing due to failure by respondents to file final statements. Further directions hearing on 26.8.97. Trial date set for 6.4.98.

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 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, 53(eb). Alleged false and misleading representations about the place of origin of air conditioners. Significant component (compressor) sourced outside Australia.

Proceedings instituted 22.8.96 in the Federal Court Sydney. Hearing set down for five days beginning 1.9.97. 28.8.97 Court agreed to conduct a view of premises at Clayton.

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. 7.10.96 ACCC filed amended application. 15.10.96 ACCC filed amended statement of claim. 5.11.96 Vanuatu Supreme Court registered Federal Court order of 1.10.96. 15.1.97 Vanuatu Supreme Court set aside previous order. 7.2.97 Court agreed to allow ACCC to proceed by way of default proceedings against first and second respondents. 15.4.97 Court ordered ACCC to file further amended application and statement of claim. 28.4.97 further amended application and statement of claim filed. Trial date to be set.

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 19.8.97.

Australian Business Reports Pty Limited, ss 52, 64(2A). 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. Final hearing held 18–20.8.97 before Finn J. ABR found to have contravened s. 52 of the Act with respect to each of its promotional letters and forms. ACCC seeking refunds and permanent injunctions preventing operation of directories. 27.8.97 ABR found to be in contempt of court for continued sending of ABR forms in early 1997 after interlocutory orders of 19.12.96. ACCC awaiting court orders for full hearing.

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. Matter set down for a call-over on 31.10.97.

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. 1.5.97 proceedings in relation to Ambershades dismissed. Awaiting date for penalty hearing.

Destiny Telecomm International Inc., ss 57, 61. Alleged promotion of pyramid selling scheme involving phonecards. Proceedings instituted 27.2.97. ACCC gained ex parte injunctions to prevent start up of scheme due to occur 1.3.97. 7.3.97 injunctions continued against respondents restraining them from promoting scheme. 20.6.97 injunctions continued. 11.7.97 injunctions continued. 17.9.97 judgment by Lehane J of contraventions of s. 61. Permanent injunctions handed down with first and fourth respondents to pay ACCC's costs.

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.

Santos Ltd (A90568)

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

8.2.95 Interim authorisation granted.

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.

3.9.97 Draft determination issued. Interim authorisation to continue until final determination.

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.

ASX Settlement and Transfer Corporation Pty Ltd/APCA (A90596) (A30180-2)

Amendments to CHES rules to accommodate international trading.

12.6.96 Interim authorisation granted until 20.7.97.

18.3.97 Application A90596 amended and applications A30180-2 lodged.

25.6.97 Interim authorisation granted to SCH rules changes in parts 9A and 11.

ASX and OCH (A90599)

Proposed rewritten business rules for derivatives.

23.10.96 Interim authorisation granted until end October 1997.

24.9.97 Draft determination issued proposing to grant authorisation, subject to amendments.

APCA (A30176-7)

Consumer electronic clearing system regulation and procedures.

20.8.97 Draft determination proposing to reject application issued.

NECA and NEMMCO (A40074-6)

National Electricity Code.

29.8.97 Draft determination issued proposing to grant conditional authorisation to the NEC and to accept the NEM access code subject to changes. Pre-decision conference to be held 18-19 September 1997.

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'.

NSW Minister for Energy (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 until July 1997.

Vodafone (A90613)

Telecommunication Access Forum constitution and rules.

21.5.97 Interim authorisation granted to end December 1997.

APCA (A90617-19)

High Value Clearing System — regulations and procedures.

18.6.97 Interim authorisation granted until 31.10.97.

Victorian Egg Industry Co-op Ltd (A90621)

Franchise and marketing agreement.

27.8.97 Interim authorisation granted until 31.3.98.

Australian Medical Association Limited (A90622)

Provision of medical services to rural South Australian hospitals.

Steggles Ltd & ors (A30183)

Section 45 agreements affecting competition to enter into contracts, arrangements or understandings between parties as to the rates and conditions by growers.

27.8.97 Interim authorisation granted until 31.3.98.

ASX - SEATS (A90623)

Proposed amendment to section '2' of ASX Business Rules.

Australian Wool Exchange (A30184-5)

Arrangements in relation to promotion and sale of wool.

27.8.97 Interim authorisation granted extending former authorisation until 31.3.98.

Authorisations under review

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

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 (third line forcing).

Toyota Motor Corporation Australia Ltd (N90383)

Exclusive dealing notification for service provided under new vehicle warranty (third line forcing).

**Rhone Merieux Australia Pty Ltd
(N90385)**

Exclusive dealing notification in relation to the veterinary frontline product and terms and conditions of sale.

**BMW Australia Limited
(N90395-6)**

Exclusive dealing notification requiring existing and new dealerships to sell 'Rover' vehicles and enter into agreements with Rover Australia Limited (third line forcing).

Exclusive dealing notification requiring each dealer to purchase certain products in new sales facilities (third line forcing).

**Lexmark International Aust. Pty
Ltd (N90384)**

Exclusive dealing proposing to sell 'Optra' printers and separately licence the recycle toner cartridges suitable only for Optra printers.

Merck Sharp & Dohme (N30745)

Exclusive distribution agreement with Serve-Ag for one year.

**Minister for State Development
and Delfin (N90399)**

Minister for State Development and Delfin Property Group Limited (trading as Golden Grove Joint Venture) proposed s. 47 exclusive dealing in development and marketing of residential land at Golden Grove, South Australia (third line forcing).

**United Milk Tasmania Ltd & ors
(N90400)**

Arrangement for exclusive supply of milk by producers.

**Melbourne Market Authority
(N90401)**

Licence agreement for wholesalers/retailers to acquire the services of Melbourne Markets Credit Services Pty Ltd (MMCS) for arranged fee.

BP Australia Ltd (N90402)

Offering discounts in relation to the supply of petrol on condition the customer acquires goods of not less than a nominated value from participating stores (third line forcing).

**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 and ended on 15 April 1997. The Tribunal is considering its determination.

Certification trade marks

Completed

Danske Mejeriers Faellesorganisation (CTMs 597286, 597566-8)

Relating to 'LUR' brand Danish dairy products. 22.8.97 Final assessment approving the CTMs issued.

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. 23.4.97 Final assessment approving the CTM issued.

Relais et Chateau (CTM 529087)

Relating to services provided in the accreditation of hotels and restaurants. 25.6.97 Final assessment approving the CTM issued.

Skin and Cancer Foundation of Australia (CTM 656130)

Relating to the licensing of clothing and headwear for sale in Australia. 4.6.97 Final assessment approving the CTM issued.

The Harris Tweed Association (CTM 69212, 705888)

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. 30.4.97 Final assessment approving 69212 issued. Clarification of rules required on 705888.

Australian Horticultural Corporation (CTM 659737)

Relating to the certification of agricultural, horticultural and forestry products. 25.6.97 Final assessment approving the CTM issued.

International Zinc Association (CTM 593514)

Relating to zinc and zinc products. 17.7.97 Final assessment approving the CTM issued.

Under consideration

Aktion Zahnfreundlich (CTM 572400-2, 601904)

Relating to Swiss-made food and beverage 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.

The Australian Feldenkrais Guild Inc. (CTM 658374)

Relating to physical education and therapy services.

Queensland Timber Board (CTM 713742)

Relating to timber building materials and products.

State of Florida Department of Citrus (CTM 654647-8)

Relating to oranges, grapefruit, tangerines and other citrus fruit.

Federal Department of Administrative Services (CTM 709097)

Relating to a Painting Contractor's Certification Program.

Qualmark New Zealand Ltd (CTM 648222-6)

Relating to promotional material and travel accommodation and catering services. *Initial assessment issued.*

Elicos Association Ltd (CTM 701445)

Relating to the provision of travel programs and training for overseas students.

Victorian Tourism Operators Association (CTM 700461)

Relating to tourism organisations.

American Petroleum Institute (CTM 621547, 623036)

Relating to engine oils for motor vehicles.

New Zealand Meat Producers Board (CTM 680414)

Relating to New Zealand meat, fish, poultry, eggs, milk and milk products.

Standards Association of Australia (CTM 655515)

Relating to products manufactured to an approved quality assurance program standard.

Australian Wool Research & Promotion Organisation (CTM 632142-44)

Relates to the certification of laundry detergents and other substances, and washing machines.

Law Society of Western Australia (CTM 708877)

Relates to certification of law practices under a Quality Practice Standard.

Department of Primary Industries (Qld) (CTM 513234-5)

Relates to the assignments of the CTMs to Queensland Livestock and Meat Authority.

Australian Horticultural Corporation (CTM 659736)

Relates to the certification of the handling processes of dried and cooked fruits, jellies, jams and sauces.

Benchmark Certification Pty Ltd (CTM 721034-5)

Relates to the certification of quality assurance and environmental systems.

The Irish Linen Guild (CTM 175755-6)

Relating to the assignment of the CTMs for the Irish Linen Trade Mark Association.

Australian Vine Improvement Association (CTM 720347)

Relates to grapevines and cuttings/graftings/cultures of grapevines.

National Association of Testing Authorities Australia (CTM 717300-1)

Relates to compliance of management systems with a code of practice.