



Statutory Rules

1974 No. 170

TRADE PRACTICES REGULATIONS

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SCHEDULE

Forms



Statutory Rules

1974 No. 170

REGULATIONS UNDER THE TRADE PRACTICES ACT 1974.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Trade Practices Act 1974*.

Dated this twenty-fourth day of September, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

LIONEL MURPHY
Attorney-General.

TRADE PRACTICES REGULATIONS

1. These Regulations may be cited as the Trade Practices Regulations. Citation.
2. (1) In these Regulations— Interpretation.
 - "Clerk" has the same meaning as in Part X of the Act;
 - "Minister" means the Minister administering Part X of the Act;
 - "the Act" means the *Trade Practices Act 1974*.
- (2) In these Regulations, a reference to a Form by number shall be read as a reference to the Form so numbered in the Schedule.
3. (1) Where a period of time dating from a given day, act or event is prescribed by or allowed under these Regulations for doing an act or taking a proceeding, the time shall be reckoned exclusive of the day, or of the day of the act or event, from which the time dates. Computation of time.
- (2) Where the time prescribed by or allowed under these Regulations for doing an act or taking a proceeding expires on a Saturday or Sunday or on a day on which the office of the Registrar is closed, the act may be done or the proceeding may be taken on the first day following that is not a Saturday, Sunday or day on which that office is closed.
4. A person completing any document that is required to be in accordance with a Form in the Schedule shall complete that document in accordance with any directions contained in the Form, including any directions with regard to the furnishing of other documents. Directions in Forms.

* Notified in the *Australian Government Gazette* on 25 September 1974.

Seal of the Commission.

5. (1) The seal of the Commission shall be of a design approved by the Chairman and shall include—

- (a) the Coat of Arms of Australia, that is to say, the armorial ensigns and supporters granted to Australia by Royal Warrant dated 19 September 1912; and
- (b) the words "Trade Practices Commission".

(2) The person performing the duties of Secretary to the Commission shall keep at his office a device for affixing the seal of the Commission to a document.

(3) The seal of the Commission shall be affixed by or with the authority of the person performing the duties of Secretary to the Commission to such documents as are required by these Regulations or by a direction of a member of the Commission to be sealed with the seal of the Commission.

Offices of Commission.

6. (1) The Commission shall maintain an office at each of the following places, namely, Canberra, Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin, and shall maintain offices at such other places as it determines.

(2) The Commission shall notify in the *Gazette* the address of each of its offices and any change in such an address.

Application for authorization—Division 1 of Part VII.

7. An application for an authorization under Division 1 of Part VII of the Act shall be in accordance with whichever of Form 1, 2 or 3 is applicable.

Notice seeking clearance of contracts, &c.

8. A notice under sub-section 92 (1) of the Act shall be in accordance with Form 4.

Notice seeking clearance of exclusive dealing.

9. A notice under sub-section 93 (1) of the Act shall be in accordance with Form 5.

Notice seeking clearance of merger.

10. A notice under sub-section 94 (1) of the Act shall be in accordance with Form 6.

Service of documents on the Commission.

11. (1) A document to which this regulation applies may be made or given to, lodged with, or served on, the Commission by delivering it, or causing it to be delivered (whether by post or otherwise), at any office of the Commission.

(2) A reference in this regulation to a document to which this regulation applies shall be read as a reference to—

- (a) an application under the Act or these Regulations to be made to the Commission;
- (b) a notice under the Act or these Regulations to be given to, or lodged with, the Commission; or
- (c) any other document to be given to, lodged with or served on, the Commission.

Service of documents in proceedings before the Commission.

12. (1) A person who has in a document lodged with the Commission stated an address for service may, at any time, lodge with the Commission a notice in writing stating a new address for service.

(2) A reference in these Regulations to an address for service shall, in relation to a person who has notified two or more addresses for service, be read as a reference to the later or latest of those addresses.

(3) Subject to these Regulations, a document that is required or permitted by or under the Act or these Regulations to be served on, or given to, a person in connexion with any proceeding or matter before the Commission may be served on, or given to, that person—

- (a) where the person has, in a document or notice lodged with the Commission, stated an address for service—by delivering the document to the person personally or by delivering the document at, or by sending the document by registered post addressed to the person at, that address; or
- (b) in any other case—
 - (i) where the person is a body corporate—by delivering the document personally to the manager or secretary of the body corporate or, if the body corporate has a registered office in Australia, by leaving it at that office or by sending it by registered post addressed to the body corporate at that office, or if the body corporate does not have a registered office in Australia, by sending it by registered post addressed to the body corporate at its principal place of business in Australia; or
 - (ii) where the person is not a body corporate—by delivering the document to the person or by sending the document by registered post addressed to the person at the last known address of the person.

13. The Commission shall cause the date on which an application under Division 1 of Part VII of the Act or a notice under sub-section 92 (1), 93 (1) or 94 (1) of the Act is received in one of its offices to be recorded on the application or notice, as the case may be.

Recording of date of receipt of applications or notices.

14. (1) In any proceedings under the Act, a certificate under the seal of the Commission certifying that any specified fact in relation to the lodgment or receipt or non-lodgment or non-receipt of a document, or of a document of a kind, described in the certificate appears from the records kept by the Commission is *prima facie* evidence of that fact.

Evidence in respect of receipt, &c., of documents.

(2) In any proceedings under the Act, a certificate under the seal of the Commission certifying that it appears from the records kept by the Commission that a document, or a document of a kind, described in the certificate has not been received at any of the offices of the Commission is *prima facie* evidence of that fact.

15. (1) The seal of the Tribunal shall be of a design approved by the President and shall include—

Seal of the Tribunal.

- (a) the Coat of Arms of Australia, that is to say, the armorial ensigns and supporters granted to Australia by Royal Warrant dated 19 September 1912; and
- (b) the words "Trade Practices Tribunal".

(2) The Registrar shall keep at his office a device for affixing the seal of the Tribunal to a document.

(3) The seal of the Tribunal shall be affixed by or with the authority of the Registrar to such documents as are required by these Regulations or by a direction of a presidential member to be sealed with the seal of the Tribunal.

Hours of Registrar's office.

16. The office of the Registrar shall be open for business on every day, other than a Saturday, a Sunday or a day that is observed as a holiday in the Australian Public Service by virtue of section 76 of the *Public Service Act* 1922-1973 in the place where the office is situated, from 10 o'clock in the morning until 1 o'clock in the afternoon and from 2 o'clock to 4 o'clock in the afternoon.

Title of proceedings before the Tribunal.

17. (1) An application under sub-section 101 (1) of the Act and any other document filed with the Registrar, or issued out of the office of the Registrar, in relation to proceedings before the Tribunal shall be intituled in accordance with Form 7.

(2) The Registrar may, at the request of a person proposing to institute proceedings or of his own motion after any proceedings before the Tribunal are instituted, determine the description of the matter that is to form part of the title of the proceedings and, unless the Tribunal otherwise orders, the description so determined shall form part of the title of the proceedings for the purposes of all documents in the proceedings after that determination.

Filing or lodging of documents with the Registrar.

18. (1) The making of an application under sub-section 101 (1) of the Act and the filing of any other document with the Registrar shall be effected by lodging it at the office of the Registrar at a time when that office is open for business.

(2) The Registrar shall cause the date on which a document was lodged at his office to be recorded on the document.

(3) Sub-regulation (2) applies in relation to a document that is lodged with the Registrar or at his office whether or not it is, or is required to be, filed.

File number of proceedings.

19. (1) The Registrar shall cause a file number to be allotted to each proceeding before the Tribunal.

(2) The one file number may be allotted to all proceedings that, in the opinion of the Registrar, are related to each other.

Applications for review.

20. (1) An application under sub-section 101 (1) of the Act for a review of a determination by the Commission—

(a) shall be in accordance with Form 8; and

(b) shall be made within a period of 21 days after the date of the determination.

(2) The person making an application referred to in sub-regulation (1) shall cause a copy of the application to be served on the Commission and, if that person was not the person who made the application to the Commission for the authorization, on the person who made the application to the Commission for the authorization.

Address for service in proceedings before Tribunal.

21. (1) Subject to any direction of the Tribunal, a person is not entitled to take any step in, or be heard at the hearing of, proceedings before the Tribunal unless he has filed with the Registrar a notice stating an address in Australia at which documents may be served on him for the purposes of those proceedings and has served a copy of that notice on any person appearing in the proceedings.

(2) A person who has filed a notice of an address for service under this regulation may, at any time, file a notice stating a new address for service.

(3) Where a person files a notice stating a new address for service under sub-regulation (2), he shall forthwith serve a copy of the notice on any person appearing in the proceedings.

(4) A reference in these Regulations to an address for service shall, in relation to a person who has stated two or more addresses for service, be read as a reference to the later or latest of those addresses.

22. (1) Without limiting the generality of the powers of the Tribunal under the Act or these Regulations, the Tribunal may, in any proceedings before the Tribunal, give directions—

Directions by the Tribunal as to certain matters.

- (a) for securing, by means of preliminary statements of facts and contentions, and by the production of documents, that all material facts and considerations are brought before the Tribunal by all persons participating in any proceedings before the Tribunal; and
- (b) with respect to the representation in any such proceedings of persons having a common interest in the proceedings.

(2) The powers of the Tribunal to give directions under sub-regulation (1) may be exercised by the Tribunal constituted by a presidential member.

23. (1) Each order and determination of the Tribunal and the date on which it was made shall be recorded by the Registrar in a document signed by him.

Orders and determinations of Tribunal.

(2) The original of each document referred to in sub-regulation (1) shall be filed by the Registrar in the records of the Tribunal.

24. (1) A person may apply for a direction by the Commission under sub-section 89 (5) or 95 (2) of the Act that, by reason of the confidential nature of any document or for any other reason, the document be not included in the register kept under sub-section 89 (3) or 95 (1), as the case requires, of the Act by writing in red near the top of each page of the document the words "Restriction of Publication Claimed".

Confidentiality.

(2) Where a person proposes to apply, at a hearing by the Commission, for a direction by the Commission under paragraph 22 (1) (b) of the Act prohibiting or restricting, by reason of the confidential nature of any evidence or matter or for any other reason, the publication of matters contained in a document lodged with the Commission, the person may write in red near the top of each page of the document the words "Restriction of Publication Claimed".

(3) Where a person proposes to apply, at the hearing of proceedings before the Tribunal, for a direction by the Tribunal under paragraph 106(2)(b) of the Act prohibiting or restricting, by reason of the confidential nature of any evidence or matter or for any other reason, the publication of matters contained in a document filed or lodged with the Registrar, received in evidence by the Tribunal or placed in the records of the Tribunal, the person may write in red near the top of each page of the document the words "Restriction of Publication Claimed".

(4) For the purposes of sub-section 165 (3) of the Act, a person may claim that a document furnished to the Tribunal contains matter of a confidential nature by writing in red near the top of each page of the document the words "Restriction of Publication Claimed".

(5) Where the Commission has given a direction under paragraph 22 (1) (b) or under sub-section 89 (5) or 95 (2) of the Act in respect of a document and that document is subsequently filed or lodged with the Registrar, received in evidence by the Tribunal, placed in the records of the Tribunal or otherwise furnished to the Tribunal, that direction shall be deemed to be—

- (a) a request by the person on whose application the Commission's direction was given for a direction by the Tribunal under paragraph 106 (2) (b) of the Act prohibiting or restricting the publication of matters contained in the document; or
- (b) a claim by the person on whose application the Commission's direction was given for a direction by the Tribunal under sub-section 165 (3) of the Act that the document contains matter of a confidential nature.

Summons to witness.

25. (1) A summons under sub-section 20 (2) of the Act shall be in accordance with Form 9.

(2) A summons under sub-section 105 (2) of the Act shall be in accordance with Form 10.

(3) A summons under sub-section 20 (2) or 105 (2) of the Act shall be served on a person by—

- (a) delivering a copy of the summons to the person personally; and
- (b) showing the original of the summons to the person at the time at which the copy is delivered to him.

Continuance of proceedings notwithstanding non-compliance with Regulations or direction.

26. (1) Subject to these Regulations, the failure by a person in or in relation to proceedings or matters before the Commission or the Tribunal to comply with a provision of these Regulations, or a direction of the Commission or Tribunal, as the case may be, under these Regulations, does not, unless the Commission or Tribunal, as the case may be, otherwise directs, prevent the proceedings or matters being heard and determined as if the person had complied with the provision or direction.

(2) Sub-regulation (1) does not apply in relation to—

- (a) the requirement in regulation 20 that an application under sub-section 101 (1) of the Act for a review of a determination be made within a period of 21 days after the date of the determination; and
- (b) the requirement in any of Forms 1 to 6 (inclusive) that the applicant or person giving the notice shall state, in the appropriate place on that Form, an address in Australia at which documents under the Act or these Regulations may be served.

Inspection of, and furnishing of copies of, documents.

27. (1) Subject to this Regulation, an application by a person to inspect a document referred to in paragraph 165 (1) (a) or 165 (2) (a) of the Act shall be made personally—

- (a) in the case of a document referred to in paragraph 165 (1) (a) of the Act—at the office of the Commission where the relevant register is kept; and
- (b) in the case of a document referred to in paragraph 165 (2) (a) of the Act—at the office of the Registrar.

(2) Subject to sub-regulation (3), an application by a person to obtain a copy referred to in paragraph 165 (1) (b) or 165 (2) (b) of the Act shall be made—

- (a) in the case of a copy referred to in paragraph 165 (1) (b) of the Act—personally at any office of the Commission or by post addressed to the Commission at any of its offices; or
- (b) in the case of a copy referred to in paragraph 165 (2) (b) of the Act—personally at the office of the Registrar or by post addressed to the Registrar.

(3) An application under sub-section 165 (2) of the Act in relation to a document on which the words “Restriction of Publication Claimed” have been written in accordance with regulation 24 shall be made to the Tribunal constituted by a presidential member.

28. (1) Subject to sub-regulation (3), the fee payable for obtaining a copy referred to in paragraph 165 (1) (b) or 165 (2) (b) of the Act is 40 cents per page for each page if the number of pages does not exceed 5 or, if the number of pages exceeds 5, 2 dollars plus 10 cents for each page after the first 5 pages. **Fees.**

(2) Subject to sub-regulation (3), the fee payable for obtaining a certified copy referred to in paragraph 165 (1) (b) or 165 (2) (b) of the Act is the fee ascertained in accordance with sub-regulation (1) plus 5 dollars.

(3) A person appearing in a proceeding or matter before the Commission or the Tribunal may receive, without charge, one certified copy of any document relating to the proceeding or matter.

29. The Minister shall notify in the *Gazette* the address of the office of the Clerk, and any change in that address. **Office of the Clerk.**

30. In any proceedings under the Act, a certificate under the hand of the Clerk certifying that any specified fact in relation to the lodgment or receipt or non-lodgment or non-receipt of a document, or of a document of a specified description, appears from the records kept in the office of the Clerk is *prima facie* evidence of that fact. **Evidence in respect of lodgment or receipt or non-lodgment or non-receipt of documents with Clerk.**

31. A notice referred to in section 114 of the Act shall be served by delivering the notice personally to the shipowner or, if the shipowner is a body corporate— **Service under section 114.**

- (a) by delivering the notice personally to the manager or secretary of the body corporate; or
- (b) by leaving it at or by posting it by registered post addressed to the shipowner at—
 - (i) if the shipowner has a registered office in Australia under a law of a State or Territory—that office; or
 - (ii) if the shipowner does not have such an office—the office (whether in Australia or elsewhere) that, in the opinion of the Minister, is the principal office of the shipowner.

32. (1) Lodgment of a document or documents in accordance with sub-section 117 (6) of the Act shall be effected— **Furnishing of particulars of conference agreements.**

- (a) by leaving the document or documents, together with the statutory declaration required by that section, with a person in attendance at the office of the Clerk; or

(b) by sending the document or documents, together with that statutory declaration, from a place in Australia by registered post addressed to the Clerk at the office of the Clerk.

(2) A document that has been sent in accordance with paragraph (1) (b) shall be deemed to have been lodged with the Clerk at the time at which it was posted.

(3) A person furnishing particulars of an agreement, or of a variation or determination of an agreement, in accordance with sub-regulation (1) shall lodge with the document or documents containing the particulars a memorandum setting out—

- (a) the name and address of the person by whom the particulars are furnished;
- (b) a brief description of the document or documents containing the particulars;
- (c) a statement that the document containing the particulars is, or the documents containing the particulars are, accompanied by a statutory declaration verifying the document or documents; and
- (d) the name and address of the person making the statutory declaration.

(4) Where the statutory declaration verifying the document or documents containing the particulars is made by a person authorized by the person furnishing the particulars, the declaration shall include—

- (a) a statement that the person making the statutory declaration is authorized by the person furnishing the particulars to make that declaration; and
- (b) a statement of the facts and circumstances by reason of which the person making the statutory declaration is competent to make that declaration.

Certain
particulars
not to be
furnished.

33. The particulars that are required to be furnished under Division 2 of Part X of the Act do not include particulars of a variation of an agreement effected after the agreement has become subject to filing under that Part in a case where the agreement is varied in relation only to freight rates.

Notice of
inquiry by
Tribunal under
Part X.

34. Where the Minister refers a matter to the Tribunal under Part X of the Act, the Registrar shall cause to be given such public notice of the fact that the inquiry is to be conducted and of the time and place for the commencement of the inquiry as the President directs.

SCHEDULE

FORM 1
{Front of Form}

Regulation 7

AUSTRALIA

Trade Practices Act 1974—Sub-section 88 (1)—Restraint of Trade

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission

Application is hereby made under sub-section 88 (1) of the Trade Practices Act 1974 for an authorization under that sub-section

- * to make a contract or arrangement, or enter into an understanding, that would be or might be in restraint of trade or commerce.
- * to continue to be a party to a contract, arrangement or understanding that is or may be in restraint of trade or commerce.
- * (Strike out whichever is not applicable)

1. (a) NAME OF APPLICANT
(b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY APPLICANT
(c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THE APPLICANT
2. (a) BRIEF DESCRIPTION OF CONTRACT, ARRANGEMENT OR UNDERSTANDING AND, WHERE ALREADY MADE, ITS DATE
(b) NAMES AND ADDRESSES OF OTHER PARTIES TO CONTRACT, ARRANGEMENT OR UNDERSTANDING
3. NAMES AND ADDRESSES OF PARTIES ON WHOSE BEHALF APPLICATION IS MADE
4. (a) GROUNDS FOR GRANT OF AUTHORIZATION
(b) FACTS AND CONTENTIONS RELIED UPON IN SUPPORT OF THOSE GROUNDS
5. NAME AND ADDRESS OF PERSON AUTHORIZED BY THE APPLICANT TO PROVIDE ADDITIONAL INFORMATION IN RELATION TO THIS APPLICATION

Dated , 19 .

Signed by/on behalf of the applicant

.....
(Signature)

.....
(Description)

[Back of Form]

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
2. Where the applicant is a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the applicant's business relating to the subject matter of the contract, arrangement or understanding in respect of which the application is made.

*Trade Practices Regulations*SCHEDULE—*continued*FORM 1—*continued*

4. Furnish with the application particulars of the contract, arrangement or understanding in respect of which the authorization is sought. Those particulars shall be furnished—
- (a) in so far as the particulars or any of them have been reduced to writing—by lodging a true copy of the writing; and
 - (b) in so far as the particulars or any of them have not been reduced to writing—by lodging a memorandum containing a full and correct statement of the particulars that have not been reduced to writing.

FORM 2

Regulation 7

{Front of Form}

Trade Practices Act 1974—Sub-section 88 (6)—Exclusive Dealing

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission

Application is hereby made under sub-section 88 (6) of the *Trade Practices Act 1974* for an authorization under that sub-section to engage in conduct that would or may constitute engaging in the practice of exclusive dealing.

-
1. (a) NAME OF APPLICANT
 - (b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY APPLICANT
 - (c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THE APPLICANT
 2. (a) DESCRIPTION OF THE GOODS OR SERVICES IN RELATION TO THE SUPPLY OF WHICH THIS APPLICATION RELATES
 - (b) DESCRIPTION OF THE CONDUCT THAT WOULD OR MAY CONSTITUTE ENGAGING IN THE PRACTICE OF EXCLUSIVE DEALING IN RELATION TO THOSE GOODS OR SERVICES
 3. (a) CLASS OR CLASSES OF PERSONS TO WHOM THE GOODS OR SERVICES ARE TO BE SUPPLIED
 - (b) NUMBER OF THOSE PERSONS—
 - (i) AT PRESENT TIME
 - (ii) ESTIMATED WITHIN THE NEXT YEAR
 - (c) WHERE NUMBER OF PERSONS STATED IN ITEM 3 (b) (i) IS LESS THAN 50, THEIR NAMES AND ADDRESSES
 4. (a) GROUNDS FOR GRANT OF AUTHORIZATION
 - (b) FACTS AND CONTENTIONS RELIED UPON IN SUPPORT OF THOSE GROUNDS
 5. NAME AND ADDRESS OF PERSON AUTHORIZED BY THE APPLICANT TO PROVIDE ADDITIONAL INFORMATION IN RELATION TO THIS APPLICATION

Dated , 19 .

Signed by/on behalf of the applicant

.....
(Signature).....
(Description)

Trade Practices Regulations

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SCHEDULE—*continued*

FORM 2—*continued*

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DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
2. Where the applicant is a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the applicant's business in the course of which the conduct is engaged in.
4. Where the condition on which, or the contract, arrangement or understanding in accordance with which, or subject to which, the goods or services are to be supplied by the applicant has been reduced in whole or in part to writing a copy of the writing is to be furnished with the application.
5. In item 3 (a), describe the nature of the business carried on by the persons to whom the goods or services are to be supplied.
6. In item 3 (b) (ii), state an estimate of the highest number of persons likely to be supplied with the goods or services by the applicant in the course of engaging in the conduct at any time during the next year.

FORM 3

Regulation 7

[Front of Form]

AUSTRALIA

Trade Practices Act 1974—Sub-section 88(7)—Mergers

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission

Application is hereby made under sub-section 88(7) of the *Trade Practices Act 1974* for an authorization under that sub-section to acquire shares in the capital, or to acquire assets, of the body corporate named in item 2.

1. (a) NAME OF APPLICANT CORPORATION
- (b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY APPLICANT
- (c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THE APPLICANT
- (d) NAME AND ADDRESS OF ANY CORPORATION FOR WHOSE BENEFIT THE SHARES OR ASSETS WILL BE HELD
2. (a) NAME OF BODY CORPORATE WHOSE SHARES OR ASSETS ARE TO BE ACQUIRED
- (b) PLACE OF INCORPORATION OF THE BODY CORPORATE
- (c) REGISTERED OFFICE OF THE BODY CORPORATE
- (d) SHORT DESCRIPTION OF THE BUSINESS CARRIED ON BY THE BODY CORPORATE
- (e) NUMBER OF SHARES OR DESCRIPTION OF ASSETS TO BE ACQUIRED
3. WHERE A CONTRACT, ARRANGEMENT, UNDERSTANDING OR PROPOSAL FOR THE ACQUISITION HAS BEEN MADE, A BRIEF DESCRIPTION OF THE CONTRACT, ARRANGEMENT, UNDERSTANDING OR PROPOSAL AND ITS DATE
4. (a) GROUNDS FOR GRANT OF AUTHORIZATION
- (b) FACTS AND CONTENTIONS RELIED UPON IN SUPPORT OF THOSE GROUNDS

Trade Practices Regulations

SCHEDULE—continued

FORM 3—continued

5. IS THE BODY CORPORATE NAMED IN ITEM 2(a) A COMPANY TO WHICH THE COMPANIES (FOREIGN TAKE-OVERS) ACT 1972-1973 APPLIES?
6. NAME AND ADDRESS OF PERSON AUTHORIZED BY THE APPLICANT CORPORATION TO PROVIDE ADDITIONAL INFORMATION IN RELATION TO THIS APPLICATION

Dated , 19 .

Signed on behalf of the applicant corporation

.....
(Signature).....
(Description)

[Back of Form]

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed on behalf of the applicant corporation.
2. The application is to be signed by a person authorized by the corporation to do so.
3. Furnish with the application particulars of the contract, arrangement, understanding or proposal (if any) in respect of which the authorization is sought. Those particulars shall be furnished—
 - (a) in so far as the particulars or any of them have been reduced to writing—by lodging a true copy of the writing; and
 - (b) in so far as the particulars or any of them have not been reduced to writing—by lodging a memorandum containing a full and correct statement of the particulars that have not been reduced to writing.

FORM 4

Regulation 8

[Front of Form]

Trade Practices Act 1974—Sub-section 92 (1)—Restraint of Trade

NOTICE SEEKING CLEARANCE

To the Trade Practices Commission

Notice is hereby given in accordance with sub-section 92 (1) of the *Trade Practices Act 1974* of

- * a contract, arrangement or understanding, that may be in restraint of trade or commerce, and to which the person giving notice is a party.
- * a contract, arrangement or understanding, that may be in restraint of trade or commerce, and which the person giving notice proposes to make or enter into.
- * (Strike out whichever is not applicable)

-
1. (a) NAME OF PERSON GIVING NOTICE
(b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY THAT PERSON
(c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THAT PERSON
 2. (a) BRIEF DESCRIPTION OF CONTRACT, ARRANGEMENT OR UNDERSTANDING AND, WHERE ALREADY MADE, ITS DATE
(b) NAMES AND ADDRESSES OF OTHER PARTIES TO CONTRACT, ARRANGEMENT OR UNDERSTANDING
 3. NAME AND ADDRESS OF PERSON AUTHORIZED BY THE PERSON GIVING THIS NOTICE TO PROVIDE ADDITIONAL INFORMATION IN RELATION TO THIS NOTICE

SCHEDULE—continued

FORM 4—continued

Dated

, 19 .

Signed by/on behalf of the person giving
notice.....
(Signature).....
(Description)

[Back of Form]

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. Where the person giving the notice is a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice and the notice is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the business of the person giving the notice relating to the subject matter of the contract, arrangement or understanding in respect of which the notice is given.
4. Furnish with the notice particulars of the contract, arrangement or understanding in respect of which the notice is given. Those particulars shall be furnished—
 - (a) in so far as the particulars or any of them have been reduced to writing—by lodging a true copy of the writing; and
 - (b) in so far as the particulars or any of them have not been reduced to writing—by lodging a memorandum containing a full and correct statement of the particulars that have not been reduced to writing.

FORM 5

Regulation 9

[Front of Form]

AUSTRALIA

Trade Practices Act 1974—Sub-section 93 (1)—Exclusive Dealing

NOTICE SEEKING CLEARANCE

To the Trade Practices Commission

Notice is hereby given in accordance with sub-section 93 (1) of the *Trade Practices Act 1974*, of conduct of a kind referred to in section 47 (2) of the *Trade Practices Act 1974* in which the person giving notice proposes to engage.

1. (a) NAME OF PERSON GIVING NOTICE
- (b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY THAT PERSON
- (c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THAT PERSON
2. (a) DESCRIPTION OF THE GOODS OR SERVICES IN RELATION TO THE SUPPLY OF WHICH THIS NOTICE RELATES
- (b) DESCRIPTION OF THE CONDUCT THAT WOULD OR MAY CONSTITUTE ENGAGING IN THE PRACTICE OF EXCLUSIVE DEALING IN RELATION TO THOSE GOODS OR SERVICES
3. (a) CLASS OR CLASSES OF PERSONS TO WHOM THE GOODS OR SERVICES ARE TO BE SUPPLIED
- (b) NUMBER OF THOSE PERSONS—
 - (i) AT PRESENT TIME
 - (ii) ESTIMATED WITHIN THE NEXT YEAR
- (c) WHERE NUMBER OF PERSONS STATED IN ITEM 3 (b) (i) IS LESS THAN 50, THEIR NAMES AND ADDRESSES

Trade Practices Regulations

SCHEDULE—continued

FORM 5—continued

4. NAME AND ADDRESS OF PERSON
AUTHORIZED BY THE PERSON
GIVING THIS NOTICE TO PROVIDE
ADDITIONAL INFORMATION IN
RELATION TO THIS NOTICE

Dated , 19 .

Signed by/on behalf of the person giving notice

.....
(Signature).....
(Description)

[Back of Form]

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. Where the person giving the notice is a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice and the notice is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. Where the condition on which, or the contract, arrangement or understanding in accordance with which, or subject to which, the goods or services are to be supplied by the person giving the notice has been reduced in whole or in part to writing a copy of the writing is to be furnished with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons to whom the goods or services are to be supplied.
6. In item 3 (b) (ii), state an estimate of the highest number of persons likely to be supplied with the goods or services by the person giving the notice in the course of engaging in the conduct at any time during the next year.

FORM 6

Regulation 10

[Front of Form]

Trade Practices Act 1974—Sub-section 94 (1)—Merger

NOTICE SEEKING CLEARANCE

To the Trade Practices Commission

Notice is hereby given in accordance with sub-section 94 (1) of the *Trade Practices Act 1974* of the proposed acquisition, by the corporation giving notice, of shares in the capital, or assets, of the body corporate named in item 2 the acquisition of which may be in contravention of section 50 of the *Trade Practices Act 1974*.

1. (a) NAME OF CORPORATION GIVING NOTICE
- (b) SHORT DESCRIPTION OF BUSINESS CARRIED ON BY CORPORATION
- (c) ADDRESS IN AUSTRALIA FOR SERVICE OF DOCUMENTS ON THE CORPORATION
- (d) NAME AND ADDRESS OF ANY OTHER CORPORATION FOR WHOSE BENEFIT THE SHARES OR ASSETS WILL BE HELD
2. (a) NAME OF BODY CORPORATE WHOSE SHARES OR ASSETS ARE TO BE ACQUIRED
- (b) PLACE OF INCORPORATION OF THE BODY CORPORATE
- (c) REGISTERED OFFICE OF THE BODY CORPORATE
- (d) SHORT DESCRIPTION OF THE BUSINESS CARRIED ON BY THE BODY CORPORATE
- (e) NUMBER OF SHARES OR DESCRIPTION OF ASSETS TO BE ACQUIRED

SCHEDULE—continued
FORM 6—continued

3. WHERE A CONTRACT, ARRANGEMENT, UNDERSTANDING OR PROPOSAL FOR THE ACQUISITION HAS BEEN MADE, A BRIEF DESCRIPTION OF THE CONTRACT, ARRANGEMENT, UNDERSTANDING OR PROPOSAL AND ITS DATE
4. NAME AND ADDRESS OF PERSON AUTHORIZED BY THE CORPORATION TO PROVIDE ADDITIONAL INFORMATION IN RELATION TO THIS NOTICE
- Dated _____, 19 ____ .

Signed on behalf of the corporation giving notice

.....
(Signature)

.....
(Description)

[Back of Form]

DIRECTIONS

- Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed on behalf of the corporation giving the notice.
- The notice is to be signed by a person authorized by the corporation to do so.
- Furnish with the notice, particulars of the contract, arrangement understanding or proposal (if any) in respect of which the notice is given. Those particulars shall be furnished—
 - in so far as the particulars or any of them have been reduced to writing—by lodging a true copy of the writing; and
 - in so far as the particulars or any of them have not been reduced to writing—by lodging a memorandum containing a full and correct statement of the particulars that have not been reduced to writing.

FORM 7

Regulation 17

AUSTRALIA

Trade Practices Act 1974

TITLE OF PROCEEDINGS BEFORE TRIBUNAL

In the Trade Practices Tribunal

File No.

Re

(Insert description of proceedings)

FORM 8

Regulation 20

APPLICATION TO TRIBUNAL FOR REVIEW

(Title)

- I (here insert name and address of applicant—where the applicant is a corporation, the corporation's name should be inserted here, not the name of an officer of the corporation) hereby apply to the Trade Practices Tribunal pursuant to section 101 of the *Trade Practices Act* 1974 for a review of the determination of the Trade Practices Commission dated the _____ day of _____ 19 ____ (Commission file no. _____).
- (a) I was/was not (here delete whichever not applicable) the applicant for the authorization to which the determination relates.
(b) (To be completed if applicant for review was not applicant for authorization). My interest in the determination is as follows:—
(Here set out particulars of the matters by reason of which the applicant will seek to satisfy the Tribunal that, for the purposes of sub-section 101 (1) of the Act, he has a sufficient interest in the determination.)
- I am dissatisfied with the determination of the Commission in the following respects:—
- The determination that I am seeking from the Tribunal is as follows:—
- Particulars of the facts and contentions upon which I intend to rely in support of the application for review are attached.

