

TRADE PRACTICES REGULATIONS

In force under the Trade Practices Act 1974

Reprinted as at 30 November 1994

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FORMS

**PART I
PRELIMINARY**

Citation

1. These Regulations may be cited as the Trade Practices Regulations.¹

Interpretation

2. (1) In these Regulations:

“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.

Computation of time

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.

(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.

Directions in Forms

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.

PART 2 GENERAL

Registrar of the Tribunal

4A. In this Part, unless the contrary intention appears:

“Registrar” means the Registrar of the Tribunal and, except in [subregulation 15 \(3\)](#), includes a Deputy Registrar.

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 Commonwealth Arms, that is to say, the Armorial Ensigns and Supporters granted and assigned for the Commonwealth of 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 authorisation—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 A, B, C, D, E or F is applicable.

Prescribed association or body for purposes of paragraph 51 (2) (c) of the Act

8. For the purposes of **paragraph 51 (2) (c)** of the Act, the Australian Gas Association, a company limited by guarantee within the meaning of the *Companies Act 1961* of the State of Victoria, as in force at the date of commencement of this regulation, is a prescribed association or body.

Notification of exclusive dealing

9. A notice under **subsection 93 (1)** of the Act shall be in accordance with Form G.

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 on persons other than 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 or notice 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.

(4) Notice by the Commission under **subsection 90A (2) or 93A (2)** of the Act shall be sent to a person by sending the notice by pre-paid post to that person at:

- (a) where the person has, in a document or notice lodged with the Commission, stated an address for service—that address; and
- (b) in any other case:
 - (i) where the person is a body corporate which has a registered office in Australia—that registered office;
 - (ii) where the person is a body corporate which does not have a registered office in Australia but which has a place of business in Australia—its principal, or only, place of business in Australia;
 - (iii) where the person is a body corporate which does not have a registered office or a place of business in Australia—the registered office of that body corporate; or
 - (iv) where the person is not a body corporate—the last known address of the person.

Recording of date of receipt of applications or notices

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

Evidence in respect of receipt etc. of documents

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.

(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.

Seal of the Tribunal

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

- (a) the Commonwealth Arms, that is to say, the Armorial Ensigns and Supporters granted and assigned for the Commonwealth of 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 [subsection 101 \(1\)](#) or [section 101A](#) 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 intitled in accordance with Form H.

(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 [subsection 101 \(1\)](#) or [section 101A](#) 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) [Subregulation \(2\)](#) 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 proceedings 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 [subsection 101 \(1\)](#) of the Act for a review of a determination by the Commission:

- (a) shall be in accordance with Form I; and
- (b) shall be made within a period of 21 days after the date of the determination.

(2) An application under [section 101A](#) of the Act for a review of the giving of a notice by the Commission under [subsection 93 \(3\)](#) of the Act shall be made:

- (a) in accordance with Form J; and
- (b) within a period of 21 days after the date of the notice.

(3) The person making an application referred to in [subregulation \(1\)](#) or [\(2\)](#) shall cause a copy of the application to be served on the Commission and, if that person is not the person who made the application to the Commission for the authorization or the corporation to which notice was given under [subsection 93 \(3\)](#) of the Act, on the person who made the application to the Commission for the authorization or on the corporation to which notice was given under [subsection 93 \(3\)](#) of the Act, as the case requires.

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 [subregulation \(2\)](#), 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.

Directions by the Tribunal as to certain matters

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:

- (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 [subregulation \(1\)](#) may be exercised by the Tribunal constituted by a presidential member.

Orders and determinations of Tribunal

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.

(2) The original of each document referred to in [subregulation \(1\)](#) shall be filed by the Registrar in the records of the Tribunal.

Confidentiality

24. (1) A request to the Commission under [subsection 89 \(5\) or 95 \(2\)](#) of the Act that a document, or a part of a document, be excluded from the register kept under [subsection 89 \(3\) or 95 \(1\)](#), as the case requires, of the Act shall be made:

- (a) where the request is that a document be excluded—by writing in red near the top of each page of the document the words “Restriction of Publication Claimed”; and
- (b) where the request is that part of a document be excluded—by writing in red near the top of the first page of the document the words “Restriction of Publication of Part Claimed” (and, where the document consists of more than 5 pages, a description of where in the document that part of the document is to be found) and by clearly marking in red that part of the document.

(2) 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 mark in red:

- (a) near the top of the first page of the document, the words “Restriction of Publication Claimed” (and, where the document consists of more than 5 pages, a description of where in the document those matters are contained); and
- (b) those matters.

(4) For the purposes of [subsection 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 [subsection 89 \(5\) or 95 \(2\)](#) of the Act as in force immediately before 1 July 1977 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; and
- (b) a claim by the person on whose application the Commission’s direction was given for a direction by the Tribunal under [subsection 165 \(3\)](#) of the Act that the document contains matter of a confidential nature.

(6) Where the Commission has, under [subsection 89 \(5A\), 89 \(5D\), 95 \(3\) or 95 \(7\)](#) of the Act, excluded a document, or part of a document, from the register kept under [subsection 89 \(3\) or 95 \(1\)](#), as the case requires, of the Act, that exclusion shall be deemed to be:

- (a) a request by the person by whom the document was furnished for a direction by the Tribunal under [paragraph 106 \(2\) \(b\)](#) of the Act prohibiting or restricting the publication of matters contained in that document; and
- (b) a claim by that person under [subsection 165 \(3\)](#) of the Act that the document contains matter of a confidential nature.

Summons to witness

25.

- (2) A summons under **subsection 105 (2)** of the Act shall be in accordance with Form K.
- (3) A summons under **subsection 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 and matters notwithstanding non-compliance with Regulations or direction

26. (1) Subject to **subsection 172 (3)** of the Act and to these Regulations, the failure by a person in or in relation to a proceeding or matter before the Commission to comply with a provision of these Regulations does not, unless the Commission otherwise directs, prevent the proceeding or matter being dealt with as if the person had complied with the provision.

(1A) Subject to **subsection 172 (3)** of the Act and to these Regulations, the failure by a person in or in relation to a proceeding or matter before the Tribunal to comply with a provision of these Regulations or with a direction of the Tribunal under these Regulations does not, unless the Tribunal otherwise directs, prevent the proceeding or matter being dealt with as if the person has complied with the provision or direction.

- (2) **Subregulation (1)** does not apply in relation to:
 - (a) the requirement in regulation 20 that an application under **subsection 101 (1)**, or under **section 101A**, 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 A to G (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 **subregulation (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 **subsection 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.

Fees

28. (1) For the purposes of [subsections 157 \(1\) and 165 \(1\) and \(2\)](#) of the Act, the prescribed fee for obtaining a copy of a document is \$1.00 for each page of the copy.

(2) For the purposes of [subsections 165 \(1\) and \(2\)](#) of the Act, the prescribed fee for obtaining a certified copy of a document is the fee calculated under [subregulation \(1\)](#) plus \$10.00.

(3) In spite of [subregulations \(1\) and \(2\)](#), a person appearing in a proceeding or matter before the Commission or Tribunal is entitled, without payment of a fee, to receive one certified copy of a document relating to the proceeding or matter.

(4) For the purposes of [paragraph 172 \(1\) \(d\)](#) of the Act, the fee payable to the Commission for a matter stated in [Column 2](#) of an item in [Schedule 1A](#) is the fee stated in [Column 3](#) of the item, unless a concessional fee is payable in respect of the matter.

(5) Subject to [subregulation \(6\)](#), a concessional fee is payable to the Commission for:

- (a) an application made after the first application under [subsections 88 \(1\), 88 \(5\), 88 \(7\), 88 \(7A\), or 88 \(8\)](#) of the Act (an “additional application”); or
- (b) a notice given after the first notice under [subsection 93 \(1\)](#) of the Act (an “additional notice”).

(6) A concessional fee is payable for a matter only if:

- (a) there are reasonable grounds for the Commission to believe that the first application or notice and the additional application or additional notice relate to conduct in the same market (or closely related markets); and
- (b) each additional application or additional notice is:
 - (i) lodged with the Commission within 14 days of the date of lodgment of the first application or notice; and
 - (ii) endorsed by the Commission with reference to the original application or notice.

(7) For the purposes of [paragraph 172 \(1\) \(d\)](#) of the Act, the concessional fee payable to the Commission for a matter stated in [Column 2](#) of an item in [Schedule 1B](#) is the fee stated in [Column 3](#) of the item.

Services and activities for which the Commission may charge

28A. (1) For the purposes of [paragraph 171A \(1\) \(b\)](#) of the Act, the following activities are prescribed:

- (a) conducting workshops and seminars;
- (b) conducting training.

(2) For the purposes of [subsection 171A \(3\)](#) of the Act, the following acts done by the Commission are prescribed:

- (a) providing a speaker or information for:
 - (i) a workshop, seminar, training session or other activity not arranged by or on behalf of the Commission; or
 - (ii) use in training materials, including videotapes, not produced by or on behalf of the Commission;

- (b) providing information relating to trade practices for use in material published by a person other than the Commission;
- (c) developing industry codes of conduct to encourage compliance with the Act.

PART 3 INTERNATIONAL LINER CARGO SHIPPING

Interpretation

29. (1) In this Part, unless the contrary intention appears: “**Registrar**” means the Registrar of Liner Shipping;

“**trade area**”, in relation to a conference agreement, means the geographical area to which the agreement relates.

(2) An expression used in this Part has the same meaning as in **Part X** of the Act.

Office of the Registrar

30. The Minister must notify in the *Gazette* the address of the office of the Registrar and any change in that address.

Fees

31. The fee specified in [column 2](#) of an item in [Schedule 2](#) is prescribed in respect of the matter specified in [column 1](#) of that item.

Register of conference agreements: prescribed particulars

32. The following particulars are prescribed in relation to an entry in the register of conference agreements, as well as any particulars required by the Act to be entered in the register:

- (a) the name of the agreement;
- (b) the parties to the agreement;
- (c) the trade area covered by the agreement;
- (d) the identification number of the conference agreement file kept by the Registrar under **section 10.12** of the Act;
- (e) the date of the agreement;
- (f) whether the agreement is for a fixed period and, if so, the period;
- (g) details of any provisions for renewal or termination of the agreement;
- (h) the date on which the agreement was provisionally registered;
- (i) the date on which the agreement was finally registered;
- (j) a summary of the agreement;
- (k) the names of the designated shipper bodies with which the parties to the agreement are required to negotiate under **section 10.29** and **10.41** of the Act;

- (l) where the parties to the agreement have notified the Registrar under **subsection 10.29 (2)**, that fact;
- (m) whether agreement has been reached in the negotiations under **section 10.29** of the Act;
- (n) whether the Registrar has directed that any part of the agreement is not to be open to public inspection and, if so, which part;
- (o) whether another conference agreement that varies the agreement has been made or arrived at and, if so, the name of that other agreement;
- (p) the date of any notifications given to the Registrar under **subsection 10.40** and **10.43** of the Act in connection with the operation of the agreement.

Register of designated shipping bodies: prescribed particulars

33. The following particulars are prescribed in relation to an entry in the register of designated shipper bodies, as well as any particulars required by the Act to be entered in the Register:

- (a) the name of the designated shipper body;
- (b) the date on which the shipper body was designated by the Minister under **section 10.03** of the Act;
- (c) in the case of a designated secondary shipper body:
 - (i) the date on which the Registrar nominated the shipper body;
 - (ii) the name of the conference agreement to which the nomination relates;
 - (iii) the provision of the Act under which the nomination was made;
- (d) the address of each member of the shipper body;
- (e) the telephone, telex and facsimile numbers and postal address of the shipper body;
- (f) the name of a contact person for the shipper body.

Register of non-conference ocean carriers with substantial market power: prescribed particulars

34. The following particulars are prescribed in relation to an entry in the register of non-conference ocean carriers with substantial market power, as well as any particulars required by the Act to be entered in the register:

- (a) the name of the ocean carrier;
- (b) the date on which the ocean carrier was registered under **section 10.51** of the Act as a non-conference ocean carrier with substantial market power;
- (c) whether the market power of the ocean carrier was determined by the Tribunal under **section 10.50** or by the Minister by agreement with the ocean carrier;
- (d) if the market power of the ocean carrier was determined by the Tribunal, the date and title of the Tribunal's report;
- (e) the name of each designated shipper body with which the ocean carrier is to negotiate under **subsection 10.52 (1)**;

- (f) the trade route on which the ocean carrier has been determined to have substantial market power.

Register of obligations concerning unfair pricing practices: prescribed particulars

35. The following particulars are prescribed in relation to an entry in the register of obligations concerning unfair pricing practices, as well as any particulars required by the act to be entered in the register:

- (a) the name of the ocean carrier to whom the obligation relates;
- (b) whether the obligation was incurred as the result of an order under [subsection 10.61 \(1\)](#) of the Act or an undertaking under [subsection 10.64 \(1\)](#) of the Act;
- (c) the trade route to which the obligation relates;
- (d) the date on which the order or undertaking took effect;
- (e) a summary of the order or undertaking;
- (f) if the obligation was incurred as the result of an order under [subsection 10.61 \(1\)](#) of the Act, the title and date of the report of the Tribunal under [section 10.63](#) of the Act.

Register of ocean carrier agents: prescribed particulars

36. The following particulars are prescribed in relation to an entry in the register of ocean carrier agents, as well as any particulars required by the Act to be entered in the register:

- (a) the telephone, telex and facsimile numbers of the agent;
- (b) the date of the agent's appointment.

Loyalty agreements: notification relating to exemption: prescribed particulars

37. (1) A notification under [section 10.21](#) of the Act must include:

- (a) the name and address of the shipper giving the notification;
- (b) the name and address of each other party to the loyalty agreement;
- (c) where a copy of the loyalty agreement is not included with the notification—a summary of the agreement;
- (d) the date from which the agreement took effect;
- (e) the date on which the agreement would, but for the notice, come to an end;
- (f) the date, being a date not earlier than 30 days after the date of the notice, from which the shipper no longer wishes the exemptions referred to in [section 10.20](#) of the Act to apply;
- (g) in the case of a notification to an ocean carrier—a copy of the notification the Commission under [section 10.21](#) of the Act;
- (h) in the case of a notification to the Commission—a copy of the notification to the ocean carrier.

Application for provisional registration of conference agreement

38. (1) An application under [section 10.25](#) of the Act for the provisional registration of a conference agreement must:

- (a) be in accordance with [Form In Schedule 3](#); and
- (b) be accompanied by a copy of the agreement; and
- (c) be accompanied by the prescribed fee.

(2) Where the agreement is partly or wholly oral, the application shall be accompanied by a written memorandum setting out all the provisions of the agreement that are oral.

(3) The following particulars are specified for the purposes of [Form 1](#):

- (a) the names of the parties to the agreement;
- (b) a summary of the agreement, not longer than 100 words;
- (c) the date of the agreement;
- (d) the period of the agreement;
- (e) the trade area covered by the agreement;
- (f) if the agreement includes a provision of the kind described in [paragraph 10.08 \(1\) \(a\)](#) or [\(b\)](#) of the Act that does not deal only with the matters specified in [paragraph 10.08 \(1\) \(c\)](#) of the Act—the reasons why the provision is necessary for the effective operation of the agreement and is of overall benefit to Australian exporters;
- (g) whether there have been:
 - (i) any variations to the agreement that have not been registered or are not being registered; or
 - (ii) any happening of affecting events (as described in [section 10.40](#) of the Act) that have not been notified to the Registrar; and, if so, details of the variations or happenings;
- (h) a statement that the agreement provides for the application of Australian law, as specified in [subsection 10.06 \(1\)](#) or, where this not the case, a copy of the Minister's agreement referred to in that subsection.

Notice of unwillingness to negotiate

39. A notice under [subsection 10.29 \(2\)](#) must be in writing and include:

- (a) the title of the conference agreement; and
- (b) the date on which the shipper bodies notified, or propose to notify, the parties to the agreement that they do not wish to negotiate; and
- (c) the reasons why the shipper bodies do not wish to negotiate.

Application for final registration of a conference agreement

40. (1) An application under [section 10.30](#) of the Act for the final registration of a conference agreement must:

- (a) be in accordance with [Form 2n Schedule 3](#); and
- (b) be accompanied by a copy of the agreement; and

(c) be accompanied by the prescribed fee.

(2) Where the agreement is partly or wholly oral, the application shall be accompanied by a written memorandum setting out all the provisions of the agreement that are oral.

(3) The following particulars are specified for the purposes of [Form 2](#):

- (a) the names of the parties to the agreement;
- (b) a summary of the agreement, not longer than 100 words;
- (c) the date of the agreement;
- (d) the period of the agreement;
- (e) the trade area covered by the agreement;
- (f) the names of the designated shipper bodies with which the parties to the agreement are required to negotiate under [section 10.29](#) of the Act;
- (g) whether agreement was reached as a result of the negotiations under [section 10.29](#) of the Act and details of minimum service levels to be provided under the agreement;
- (h) if the agreement includes a provision of the kind described in [paragraph 10.08 \(1\) \(a\) or \(b\)](#) of the Act that does not deal only with the matters specified in [paragraph 10.08 \(1\) \(c\)](#) of the Act—the reasons why the provision is necessary for the effective operation of the agreement and is of overall benefit to Australian exporters;
- (i) whether there have been:
 - (i) any variations to the agreement that have not been registered or are not being registered; or
 - (ii) any happening of affecting events (as described in [section 10.40](#) of the Act) that have not been notified to the Registrar; and, if so, details of the variations or happenings;
- (j) a statement that the agreement provides for the application of Australian law, as specified in [subsection 10.06 \(1\)](#) of the Act or, where this not the case, a copy of the Minister's agreement referred to in that subsection.

Form of abstract

41. For the purposes of [subsection 10.35 \(2\)](#) of the Act, an abstract must be in accordance with [Form 3 in Schedule 3](#).

Notice of the happening of an affecting event

42. (1) A notice under [section 10.40](#) or [10.43](#) of the Act of the happening of an affecting event must:

- (a) be in accordance with [Form 4n Schedule 3](#); and
- (b) in the case of a notice under [section 10.40](#) of the Act—be given to the Registrar as soon as practicable after a party to the conference becomes aware of the event; and
- (c) in the case of a notice under [section 10.43](#) of the Act—be given to the Registrar within 30 days after a party to the conference agreement becomes aware of the event.

(2) The following particulars are specified for the purposes of Form 4:

- (a) the date of the happening of the event;
- (b) whether [subparagraph 10.40 \(1\) \(b\) \(i\) or \(ii\)](#) applies to the event;
- (c) details of the happening of the event;
- (d) the effect of the event on the operation of the agreement; and
- (e) the effect of the event on the provision of outwards liner cargo shipping services.

Undertakings

43. (1) An offer to give an undertaking under [section 10.49](#), [10.59](#) or [10.64](#) of the Act must be in accordance with [Form 5n Schedule 3](#).

(2) The following particulars are specified for the purposes of [Form 5](#):

- (a) a brief description of the terms of the undertaking;
- (b) the trade area or trade route to which the undertaking will relate;
- (c) the date from which it is proposed the undertaking will operate;
- (d) the names of the parties to whom the undertaking will apply;
- (e) in the case of an offer under [section 10.49](#):
 - (i) the name of the registered conference agreement;
 - (ii) the date of final registration of the agreement;
- (f) in the case of an offer under [section 10.49](#) or [10.59](#) of the Act:
 - (i) the date and title of the Commission's report under [section 10.46](#), [10.47](#), [10.48](#), [10.56](#), [10.57](#) or [10.58](#) of the Act that led to the offer to give the undertaking; or
 - (ii) the date of the reference to the Commission under [section 10.46](#), [10.47](#) or [10.56](#) of the Act or the application to the Commission under [section 10.48](#) or [10.58](#) of the Act;
- (g) in the case of an offer under [section 10.64](#) of the Act:
 - (i) the date of the reference to the Tribunal, and the report, under [section 10.63](#) of the Act; and
 - (ii) a statement that if the offer is accepted the ocean carrier will, if asked by the Registrar, give such information as is necessary to show that the ocean carrier is complying with the terms of the offer.

Application by ocean carrier for registration of agent

44. (1) An application under [section 10.70](#) of the Act for the registration of an agent must be in accordance with [Form 6n Schedule 3](#) and be accompanied by:

- (a) a copy of the instrument appointing the agent; and
 - (b) the prescribed fee.
- (2)** The following particulars are specified for the purposes of [Form 6](#):
- (a) the name of the ocean carrier;
 - (b) the address of the head office of the ocean carrier;

- (c) the date from which the appointment is to take effect;
- (d) the name of the proposed agent;
- (e) the residential address of the proposed agent;
- (f) a business address of the proposed agent that may be used as an address for service of the ocean carrier.

Notice of change of agent etc.

45. (1) A notice under [subsection 10.72 \(1\)](#) of the Act must be in accordance with [Form 7 of Schedule 3](#) and be accompanied by:

- (a) a copy of the instrument appointing the agent; and
 - (b) the prescribed fee.
- (2) The following particulars are prescribed for the purposes of [Form 7](#):
- (a) the address of the head office of the ocean carrier;
 - (b) in the case of notice of the revocation of appointment of an agent:
 - (i) the date from which the revocation is to take effect;
 - (ii) the address of the agent;
 - (c) in the case of the appointment of a new agent:
 - (i) the date from which the appointment is to take effect;
 - (ii) the name of the new agent;
 - (iii) the residential address of the new agent;
 - (iv) a business address of the new agent that may be used as an address for service of the ocean carrier;
 - (d) in the case of a notice under [paragraph 10.72 \(1\) \(c\)](#) requesting a variation of particulars relating to the ocean carrier—details of the particulars to be varied.

Manner of making applications and giving notices

46. An application may be made, or a notice given, to the Registrar:

- (a) by leaving the application or notice with a person in attendance of the Registrar's office; or
- (b) by sending the application or notice by registered post to the Registrar.

Verification of documents

47. (1) An application required to be made, or a notice to be given, to the Registrar, other than an application under [section 10.70](#) of the Act or a notice under [subregulation 45 \(1\)](#), must be verified by statutory declaration.

- (2) The statutory declaration must be made by:
- (a) the person furnishing the particulars in the application or notice; or
 - (b) a person authorised in writing by that person.



(3) In the case of a varying conference agreement lodged for registration in consolidated form, the person lodging it must declare that the parties to the agreement have agreed to the terms of the varying conference agreement in consolidated form.

SCHEDULE

FORM A

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

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

EXCLUSIONARY PROVISIONS:

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 arrive at an understanding, where a provision of the proposed contract, arrangement or understanding would be, or might be, an exclusionary provision within the meaning of [section 45](#) of that Act.
- * to give effect to a provision of a contract, arrangement or understanding where the provision is, or may be, an exclusionary provision within the meaning of [section 45](#) of that Act.
- * (Strike out whichever is not applicable)

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of applicant.....

(See Direction 2 on the back of this Form)

(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) Brief description of those provisions of the contract, arrangement or understanding that are, or would or might be, exclusionary provisions

(See Direction 4 on the back of this Form)

(c) Names and addresses of other parties or proposed parties to contract, arrangement or understanding

3. Names and addresses (where known) of parties and other persons on whose behalf application is made

4. (a) Grounds for grant of authorization

(b) Facts and contentions relied upon in support of those grounds.....

(See Notice 1 on the back of this Form)

5. This application for authorization may be expressed to be made also in relation to other contracts, arrangements or understandings or proposed contracts, arrangements or understandings, that are or will be in similar terms to the above-mentioned contract, arrangement or understanding.

(a) Is this application to be so expressed?

(b) If so, the following information is to be furnished:

(i) the names of the parties to each other contract, arrangement or understanding.....

(ii) the names of the parties to each other proposed contract, arrangement or understanding which names are known at the date of this application.....

(See Direction 5 and Notice 2 on the back of this Form)

6. (a) Does this application deal with a matter relating to a joint venture (See **section 4J** of the *Trade Practices Act 1974*)?

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?

(c) If so, by whom or on whose behalf are those other applications being made?



7. Name and address of person authorized by the applicant to provide additional information in relation to this application.....

.....
.....

Date19 Signed by/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

.....
(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 application is made by or on behalf of 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.
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.
5. Where the application is made also in respect of other contracts, arrangements or understandings which are or will be in similar terms to the contract, arrangement or understanding referred to in **item 2**, furnish with the application details of the manner in which those contracts, arrangements or understandings vary in their terms from the contract, arrangement or understanding referred to in **item 2**.

NOTICES

1. In relation to **item 4**, your attention is drawn to **sub-section 90 (8)** of the *Trade Practices Act 1974* which provides as follows:
“(8) The Commission shall not—

- (a) make a determination granting—
 - (i) an authorization under **sub-section 88 (1)** in respect of a provision of a proposed contract, arrangement or understanding that is or may be an exclusionary provision; or
 - (ii) an authorization under **sub-section 88 (7)** in respect of proposed conduct.

unless it is satisfied in all the circumstances that the proposed provision or the proposed conduct would result, or be likely to result, in such a benefit to the public that the proposed contract or arrangement should be allowed to be made, the proposed understanding should be allowed to be arrived at, or the proposed conduct should be allowed to take place, as the case may be; or

- (b) make a determination granting an authorization under **sub-section 88 (1)** in respect of a provision of a contract, arrangement or understanding that is or may be an exclusionary provision unless it is satisfied in all the circumstances that the provision has resulted, or is likely to result, in such a benefit to the public that the contract, arrangement or understanding should be allowed to be given effect to.”.
2. If an authorization is granted in respect of a proposed contract, arrangement or understanding the names of the parties to which are not known at the date of application, the authorization shall, by **sub-section 88 (14)** of the *Trade Practices Act 1974*, be deemed to be expressed to be subject to a condition that any party to the contract, arrangement or understanding will, when so required by the Commission, furnish to the Commission the names of all the parties to the contract, arrangement or understanding.

FORM B

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

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

AGREEMENTS AFFECTING COMPETITION:

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 arrive at an understanding, a provision of which would have the purpose, or would have or might have the effect, of substantially lessening competition within the meaning of [section 45](#) of that Act.

* to give effect to a provision of a contract, arrangement or understanding which provision has the purpose, or has or may have the effect, of substantially lessening competition within the meaning of [section 45](#) of that Act.



* (Strike out whichever is not applicable)
(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of applicant

.....

(See Direction 2 on the back of this Form)

(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 or proposed parties to contract, arrangement or understanding

.....

.....

(See Direction 4 on the back of this Form)

3. Names and addresses (where known) of parties and other persons on whose behalf application is made

.....

4. (a) Grounds for grant of authorization

.....

.....

(b) Facts and contentions relied upon in support of those grounds

.....

.....

(See Notice 1 on the back of this Form)

5. This application for authorization may be expressed to be made also in relation to other contracts, arrangements or understandings or proposed contracts, arrangements or understandings, that are or will be in similar terms to the above-mentioned contract, arrangement or understanding.

(a) Is this application to be so expressed?



(b) If so, the following information is to be furnished:

(i) the names of the parties to each other contract, arrangement or understanding

.....
.....

(ii) the names of the parties to each other proposed contract, arrangement or understanding which names are known at the date of this application

.....

(See Direction 5 and Notice 2 on the back of this Form)

6. (a) Does this application deal with a matter relating to a joint venture (See section 4J of the *Trade Practices Act 1974*)?

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?

(c) If so, by whom or on whose behalf are those other applications being made?

.....
.....
.....

7. 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)

.....

(Full Name)

.....

(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 application is made by or on behalf of 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.
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.
5. Where the application is made also in respect of other contracts, arrangements or understandings which are or will be in similar terms to the contract, arrangement or understanding referred to in [item 2](#), furnish with the application details of the manner in which those contracts, arrangements or understandings vary in their terms from the contract, arrangement or understanding referred to in [item 2](#).

NOTICES

1. In relation to [item 4](#), your attention is drawn to **sub-sections 90 (6) and (7)** of the *Trade Practices Act 1974* which provide as follows:

“(6) The Commission shall not make a determination granting an authorization under **sub-section 88 (1), (5) or (8)** in respect of a provision (not being a provision that is or may be an exclusionary provision) of a proposed contract, arrangement or understanding, in respect of a proposed covenant, or in respect of proposed conduct, unless it is satisfied in all the circumstances that the provision of the proposed contract, arrangement or understanding, the proposed covenant, or the proposed conduct, as the case may be, would result, or be likely to result, in a benefit to the public and that that benefit would outweigh the detriment to the public constituted by any lessening of competition that would result, or be likely to result, if—

- (a) the proposed contract or arrangement were made, or the proposed understanding were arrived at, and the provision concerned were given effect to;
 - (b) the proposed covenant were given, and were complied with; or
 - (c) the proposed conduct were engaged in,
- as the case may be.

“(7) The Commission shall not make a determination granting an authorization under **sub-section 88 (1) or (5)** in respect of a provision (not being a provision that is or may be an exclusionary provision) of a contract, arrangement or understanding or, in respect of a covenant, unless it is satisfied in all the circumstances that the provision of the contract, arrangement or understanding, or the covenant, as the case may be, has resulted, or is likely to result, in a benefit to the public and that that benefit outweighs or would outweigh the detriment to the public constituted by any lessening of competition that has resulted, or is likely to result, from giving effect to the provision or complying with the covenant”.



2. If an authorization is granted in respect of a proposed contract, arrangement or understanding the names of the parties to which are not known at the date of this application, the authorization shall, by **sub-section 88 (14)** of the *Trade Practices Act 1974*, be deemed to be expressed to be subject to a condition that any party to the contract, arrangement or understanding will, when so required by the Commission, furnish to the Commission the names of all the parties to the contract, arrangement or understanding.

FORM C

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—**Sub-section 88 (5)**

COVENANTS AFFECTING COMPETITION:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under **sub-section 88 (5)** of the *Trade Practices Act 1974* for an authorization under that sub-section

- * to require the giving of, or to give, a covenant (other than a proposed covenant of a kind mentioned in **sub-section 45C (2)** of that Act that relates to the supply or acquisition of goods) where the proposed covenant would have the purpose, or would have or might have the effect, of substantially lessening competition.
- * to enforce the terms of a covenant (other than a covenant of a kind mentioned in **sub-section 45C (1)** of that Act that relates to the supply or acquisition of goods).
- * (Strike out whichever is not applicable)

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of applicant.....
.....

(See Direction 2 on the back of this Form)

(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 covent and where already given, its date.....



.....
.....
.....

(b) Names and addresses of persons who are, or are to be, entitled to the benefit of the covenant..

.....
.....

(See Direction 4 on the back of this Form)

(c) Names and addresses of persons who are, or are to be, bound by the covenant

.....
.....
.....

(See Direction 4 on the back of this Form)

3. Names and addresses (where known) of persons on whose behalf application is made

.....
.....

4. (a) Grounds for grant of authorization

.....
.....

(b) Facts and contentions relied upon in support of those grounds

.....
.....

(See Notice 1 on the back of this Form)

5. This application for authorization may be expressed to be made also in relation to other covenants proposed covenants that are or will be in similar terms to the above-mentioned covenant.

(a) Is this application to be so expressed?

(b) If so, the following information is to be furnished:

(i) where the applicant is entitled to the benefit of the other covenants, the names of the persons who are bound by each of the other covenants

.....
.....

(ii) where the applicant is to be entitled to the benefit of the other proposed covenants, the names of the persons who are to be bound by each of the other proposed covenants which names are known at the date of this application.....

.....



(iii) where the applicant is bound by the other covenants, the names of the persons who are entitled to the benefit of each of the other covenants.....

(iv) where the applicant is to be bound by the other proposed covenants, the names of the persons who are to be entitled to the benefit of each of the other proposed covenants which names are known at the date of the application.....

(See Direction 5 and Notice 2 on the back of this Form)

- 6. (a) Does this application deal with a matter relating to a joint venture (See section 4J of the Trade Practices Act 1974)?
- (b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?
- (c) If so, by whom or on whose behalf are those other applications being made?

7. 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)

(Full Name)

(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 application is made by or on behalf of 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 covenant in respect of which the application is made.
4. Furnish with the application particulars of the covenant 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.
5. Where the application is made also in respect of other covenants which are or will be in similar terms to the covenant referred to in [item 2](#), furnish with the application details of the manner in which those covenants vary in their terms from the covenant referred to in [item 2](#).

NOTICES

1. In relation to [item 4](#), your attention is drawn to [sub-sections 90 \(6\) and \(7\)](#) of the *Trade Practices Act 1974* which provide as follows:

“(6) The Commission shall not make a determination granting an authorization under [subsection 88 \(1\), \(5\) or \(8\)](#) in respect of a provision (not being a provision that is or may be an exclusionary provision) of a proposed contract, arrangement or understanding, in respect of a proposed covenant, or in respect of proposed conduct, unless it is satisfied in all the circumstances that the provision of the proposed contract, arrangement or understanding, the proposed covenant, or the proposed conduct, as the case may be, would result, or be likely to result, in a benefit to the public and that that benefit would outweigh the detriment to the public constituted by any lessening of competition that would result, or be likely to result, if—

- (a) the proposed contract or arrangement were made, or the proposed understanding were arrived at, and the provision concerned were given effect to;
 - (b) the proposed covenant were given, and were complied with; or
 - (c) the proposed conduct were engaged in,
- as the case may be.

“(7) The Commission shall not make a determination granting an authorization under [subsection 88 \(1\) or \(5\)](#) in respect of a provision (not being a provision that is or may be an exclusionary provision) of a contract, arrangement or understanding or, in respect of a covenant, unless it is satisfied in all the circumstances that the provision of the contract, arrangement or understanding, or the covenant, as the case may be, has resulted, or is likely to result, in a benefit to the public and that that benefit outweighs or would outweigh the detriment to the public constituted by any lessening of competition that has resulted, or is likely to result, from giving effect to the provision or complying with the covenant”.



- 2. If an authorization is granted in respect of a proposed covenant and the names of the other persons to be bound by, or entitled to the benefit of, the covenant are not known at the date of this application, the authorization shall, by **sub-section 88 (14)** of the *Trade Practices Act 1974*, be deemed to be expressed to be subject to a condition that any of the persons bound by, or entitled to the benefit of, the covenant will, when so required by the Commission, furnish to the Commission the names of all the persons entitled to the benefit of, or bound by, the covenant.

FORM D

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

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

SECONDARY BOYCOTTS:

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 engage, in concert with other persons, in conduct that hinders or prevents, or may hinder or prevent, the supply of goods or services by a third person to a corporation (or a person).
- * to engage, in concert with other persons, in conduct that hinders or prevents, or may hinder or prevent, the acquisition of goods or services by a third person from a corporation (or a person).
- * (Strike out whichever is not applicable)

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1. (a) Name of applicant

(See Direction 2 on the back of this Form)

(b) Short description of business carried on by applicant

(c) Address in Australia for service of documents on the applicant

2. (a) Description of conduct proposed to be engaged in



.....
.....
(b) Number of persons proposing to engage, in concert, in that conduct

.....
.....

Where number of persons stated in **item 2 (b)** is less than 50, their names and addresses

.....
.....

(See Direction 4 on the back of this Form)

3. Name and address of third party whose supply or acquisition of goods or services is to be, or may be, hindered or prevented by the conduct

.....
.....

4. Name and address of corporation (or person) to or from which (or whom) supply or acquisition of goods or services is to be, or may be, hindered or prevented by the conduct.....

.....
.....

5. Names and addresses of persons on whose behalf application is made.....

.....
.....

6. (a) Grounds for grant of authorization

.....
.....

(b) Facts and contentions relied upon in support of those grounds

.....
.....

(See Notice on the back of this Form)

7. (a) Does this application deal with a matter relating to a joint venture (See **section 4J** of the *Trade Practices Act 1974*)?

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?.....

(c) If so, by whom or on whose behalf are those other applications being made?

.....
.....

8. 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)

.....
(Full Name)

.....
(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 application is made by or on behalf of 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)**, if applicable, describe that part of the applicant's business relating to the subject matter of the proposed conduct in respect of which the application is made.
4. Furnish with the application particulars of the conduct 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.

NOTICE

In relation to **item 6**, your attention is drawn to **paragraph 90 (8) (a)** of the *Trade Practices Act 1974* which provides that the Commission shall not—

“(a) make a determination granting—

- (i) an authorization under **sub-section 88 (1)** in respect of a provision of a proposed contract, arrangement or understanding that is or may be an exclusionary provision; or
- (ii) an authorization under **sub-section 88 (7)** in respect of proposed conduct.

unless it is satisfied in all the circumstances that the proposed provision or the proposed conduct would result, or be likely to result, in such a benefit to the public that the proposed contract or arrangement should be allowed to be made, the proposed



understanding should be allowed to be arrived at, or the proposed conduct should be allowed to take place, as the case may be;”.

FORM E

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Sub-section 88 (B)

EXCLUSIVE DEALING:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under sub-section 88 (8) of the *Trade Practices Act 1974* for an authorization under that sub-section to engage in conduct that constitutes or may constitute the practice of exclusive dealing.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1. (a) Name of applicant.....
.....

(See Direction 2 on the back of this Form)

(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 or acquisition of which this application relates
.....
.....

(b) Description of the conduct that would or may constitute the practice of exclusive dealing.....
.....
.....

(See Direction 4 on the back of this Form)

3. (a) Class or classes of persons to which the conduct relates.....
.....



- (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.....

(See Notice on the back of this Form)

5. (a) Does this application deal with a matter relating to a joint venture (See **section 4J** of the *Trade Practices Act 1974*)?

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?.....

(c) If so, by whom or on whose behalf are those other applications being made?

6. 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)

.....
(Full Name)

.....
(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 application is made by or on behalf of 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 particulars of a condition or of a reason of the type referred to in **sub-sections 47 (2) to (9)** (inclusive) of the *Trade Practices Act 1974* have 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 referred to therein.
6. In **item 3 (b) (ii)**, state and estimate of the highest number of persons with whom the applicant is likely to deal in the course of engaging in the conduct at any time during the during the next year.

NOTICE

In relation to [item 4](#), your attention is drawn to **sub-section 90 (6)** of the *Trade Practices Act 1974* which provides as follows:

“(6) The Commission shall not make a determination granting an authorization under **sub-section 88 (1), (5) or (8)** in respect of a provision (not being a provision that is or may be an exclusionary provision) of a proposed contract, arrangement or understanding, in respect of a proposed covenant, or in respect of proposed conduct, unless it is satisfied in all the circumstances that the provision of the proposed contract, arrangement or understanding, the proposed covenant, or the proposed conduct, as the case may be, would result, or be likely to result, in a benefit to the public and that that benefit would outweigh the detriment to the public constituted by any lessening of competition that would result, or be likely to result, if—

- (a) the proposed contract or arrangement were made, or the proposed understanding were arrived at, and the provision concerned were given effect to;
- (b) the proposed covenant were given, and were complied with; or
- (c) the proposed conduct were engaged in, as the case may be.”.

FORM F

[Regulation 7](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Sub-section 88 (9)

MERGERS:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under **sub-section 88 (9)** 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**.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)



- 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, brief description of the contract, arrangement, understanding or proposal and its date.....

(See Direction 3 on the back of this Form)

- 4. (a) Grounds for grant of authorization
- (b) Facts and contentions relied upon in support of those grounds.....
-

(See Notice on the back of this Form)

5. (a) Does this application deal with a matter relating to a joint venture (See **section 4J** of the *Trade Practices Act 1974*)?

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?.....

(c) If so, by whom or on whose behalf are those other applications being made?

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)

.....

(Full Name)

.....

(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.

NOTICE

In relation to **item 4**, your attention is drawn to **sub-section 90 (9)** of the *Trade Practices Act 1974* which provides as follows:

“(9) The Commission shall not make a determination granting an authorization under **sub-section 88 (9)** in respect of a proposed acquisition of shares in the capital, or of assets, of a body corporate unless it is satisfied in all the circumstances that the proposed acquisition would result, or be likely to result, in such a benefit to the public that the acquisition should be allowed to take place.”.

FORM G

[Regulation 9](#)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

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

EXCLUSIVE DEALING:

NOTIFICATION



To the Trade Practices Commission:

Notice is hereby given, in accordance with **sub-section 93 (1)** of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in **sub-section 47 (2), (3), (4) or (5) or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c)** of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1. (a) Name of person giving notice.....

(See Direction 2 on the back of this Form)

(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 or acquisition of which this notice relates.....

(b) Description of the conduct or proposed conduct.....

(See Direction 4 on the back of this Form)

3. (a) Class or classes of persons to which the conduct relates.....

(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. 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 this notice

.....
(Signature)

.....
(Full Name)

.....
(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 notice is given by or on behalf of 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 particulars of a condition or of a reason of the type referred to in **sub-section 47 (2), (3), (4) or (5) or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c)** of the *Trade Practices Act 1974* have 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 referred to therein.
6. In **item 3 (b) (ii)**, state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

Notification is not available in respect of conduct of a kind referred to in **sub-section 47 (6) or (7) or paragraph 47 (8) (c) or (9) (d)** of the *Trade Practices Act 1974*. With respect to such conduct, Form E (Exclusive Dealing: Application for Authorization) should be used.

FORM H

[Regulation 17](#)

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

TITLE OF PROCEEDINGS BEFORE TRIBUNAL

In the Trade Practices Tribunal

File No.

Re

(Insert description of proceedings)

FORM I

[Sub-regulation 20 \(1\)](#)

APPLICATION TO TRIBUNAL FOR REVIEW

(Title)

1. 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.).

- 2. (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.)
- 3. I am dissatisfied with the determination of the Commission in the following respects:
- 4. The determination that I am seeking from the Tribunal is as follows:
- 5. Particulars of the facts and contentions upon which I intend to rely in support of the application for review are attached.
- 6. My address for service for the purpose of [regulation 21](#) of the Trade Practices Regulations is (here insert address in Australia at which documents may be served for the purpose of proceedings).

Dated this day of 19

Signed by/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

(Where applicant is a corporation, state position occupied in corporation by person signing). (If signed by solicitor for applicant this fact should be stated).

FORM J

[Sub-regulation 20 \(2\)](#)

APPLICATION TO TRIBUNAL FOR REVIEW

(Title)

- 1. 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 101A** of the *Trade Practices Act 1974* for a review of the giving of notice under **sub-section 93 (3)** of that Act to (here state name of corporation to which, or person to whom, notice was given) by the Trade Practices Commission on the..... day of 19 (Commission file no.).



2. (a) That notice was/was not (here delete whichever not applicable) given to the person making this application.
- (b) (To be completed if applicant for review was not corporation to which, or person to whom, that notice was given). 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 **section 101A** of the Act, he has a sufficient interest).
3. I am dissatisfied with the giving of the notice by the Commission because—
4. Particulars of the facts and contentions upon which I intend to rely in support of the application for review are attached.
5. My address for service for the purpose of [regulation 21](#) of the Trade Practices Regulations is (here insert address in Australia at which documents may be served for the purpose of proceedings).

Dated this day of 19

Signed by/on behalf of the applicant

.....

(Signature)

.....

(Full Name)

.....

(Where applicant is a corporation, state position occupied in corporation by person signing).(If signed by solicitor for applicant this fact should be stated).

FORM K

[Regulation 25](#)

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

SUMMONS TO WITNESS: TRADE PRACTICES TRIBUNAL

(Title)

To (full name and address of witness)

You are hereby summoned to attend before the Trade Practices Tribunal at on 19, at o'clock in the noon, and thereafter from day to day until the hearing of proceedings in relation to the above-mentioned matter is completed or until you are released from further attendance.

2. You are required to attend before the Tribunal for the purpose of giving evidence in the proceedings.



*3. You are required to bring with you and produce the following documents:
(Here set out the documents required).

Dated this day of 19

President (or Deputy President or
Member) of the Trade Practices Tribunal.

SCHEDULE 1A

[Subregulation 28 \(4\)](#)

FEES PAYABLE TO COMMISSION FOR A SINGLE APPLICATION OR NOTICE, OR A
FIRST APPLICATION OR NOTICE

Column 1 Item	Column 2 Application or notice	Column 3 Fee \$
1.	Application for an authorisation under subsection 88 (1) of the Act	7,500
2.	Application for an authorisation under subsection 88 (5) of the Act	7,500
3.	Application for an authorisation under subsection 88 (7) of the Act	7,500
4.	Application for an authorisation under subsection 88 (7A) of the Act	7,500
5.	Application for an authorisation under subsection 88 (8) of the Act	7,500
6.	Application for an authorisation under subsection 88 (9) of the Act	15,000
7.	Notice under subsection 93 (1) of the Act	2,500

SCHEDULE 1B

[Subregulation 28 \(7\)](#)

FEES PAYABLE TO COMMISSION FOR AN ADDITIONAL APPLICATION OR
ADDITIONAL NOTICE

Column 1 Item	Column 2 Application or notice	Column 3 Fee for each \$
1.	Application for an authorisation under subsection 88 (1) of the Act	1,500
2.	Application for an authorisation under subsection 88 (5) of the Act	1,500
3.	Application for an authorisation under subsection 88 (7) of the Act	1,500
4.	Application for an authorisation under subsection 88 (7A) of the Act	1,500
5.	Application for an authorisation under subsection 88 (8) of the Act	1,500
6.	Notice under subsection 93 (1) of the Act	500

SCHEDULE 2

[Regulation 31](#)

Column 1 Matter	Column 2 Fee
--------------------	-----------------

* Insert if applicable.



1.	Application for a copy of a part of an entry in a register or a part of a conference agreement file	\$ 30
2.	Application for a copy of the whole of an entry in a register or the whole of a conference agreement file	60
3.	Application for provisional registration of a conference agreement	360
4.	Application for final registration of a conference agreement	210
5.	Application for registration of ocean carrier's agent, or a change of agent, or a change of agent's details	50

SCHEDULE 3

[Regulation 38](#)

Form 1

TRADE PRACTICES ACT 1974

APPLICATION FOR PROVISIONAL REGISTRATION OF A CONFERENCE AGREEMENT

Name of applicant(s):

Address of applicant(s):

[Here insert particulars specified in regulation 38]

Signature of applicant(s):

Date:

Form 2

[Regulation 40](#)

TRADE PRACTICES ACT 1974

APPLICATION FOR FINAL REGISTRATION OF A CONFERENCE AGREEMENT

Name of applicant(s):

Address of applicant(s):

[Here insert particulars specified in [regulation 40](#)]

Signature of applicant(s):

Date:

Form 3

[Regulation 41](#)

TRADE PRACTICES ACT 1974

ABSTRACT OF CONFIDENTIAL PARTS OF AGREEMENT

Name of party making request:

Title of conference:

[Here describe material covered by confidential parts of agreement]



Signature of applicant:
Date:

Form 4

[Regulation 42](#)

TRADE PRACTICES ACT 1974

NOTICE OF THE HAPPENING OF AN AFFECTING EVENT

Name of party giving notice:
Title of conference agreement:

[Here insert particulars specified in [regulation 42](#)]

Signature of party giving notice:
Date:

Form 5

[Regulation 43](#)

TRADE PRACTICES ACT 1974

OFFER TO GIVE UNDERTAKING

Provision of the Act under which offer made:
Names of * parties to agreement:
* ocean carrier:

[Here insert particulars specified in [regulation 43](#)]

Signatures of parties:
Date:

Form 6

[Regulation 44](#)

TRADE PRACTICES ACT 1974

SECTION 10.70

APPLICATION BY OCEAN CARRIER FOR REGISTRATION OF AGENT

Names of Applicant:

[Here insert particulars specified in [regulation 44](#)]

Signatures of applicant:
Date:

Form 7

[Regulation 45](#)

TRADE PRACTICES ACT 1974

SECTION 10.72

NOTICE TO CHANGE OF AGENT, CHANGE OF ADDRESS OR CHANGE OF
PARTICULARS

Name of ocean carrier:

[Here insert particulars specified in [regulation 4](#)]

Signature of ocean carrier:

Date:

NOTE

1. The Trade Practices Regulations (in force under the *Trade Practices Act 1974*) as shown in this reprint comprise Statutory Rules 1974 No. 170 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1974 No. 170	25 Sept 1974	25 Sept 1974	—
175	1 Oct 1974	1 Oct 1974	—
247	23 Dec 1974	23 Dec 1974	—
1975 No. 13	11 Feb 1975	11 Feb 1975	—
1978 No. 212	7 Nov 1978	7 Nov 1978	—
1979 No. 1	17 Jan 1979	17 Jan 1979	—
87	14 June 1979	14 June 1979	—
1980 No. 39	11 Mar 1980	11 Mar 1980	—
1982 No. 68	19 Mar 1982	19 Mar 1982	—
1989 No. 199	31 July 1989	1 Aug 1989	—
1992 No. 71	19 Mar 1992	1 Apr 1992	—
92	14 Apr 1992	14 Apr 1992	—
1993 No. 21	11 Feb 1993	11 Feb 1993	—

Table of Amendments

ad.=added or inserted am.=amended rep.=repealed rs.=repealed and substituted

Provision affected	How affected
Heading to Part 1	ad. 1989 No. 199
R. 2	am. 1979 No. 1; 1989 No. 199
Heading to Part 2	ad. 1989 No. 199
R. 4A	ad. 1989 No. 199
R. 5	am. 1979 No. 1
R. 7	am. 1979 No. 1
rs. 1980 No. 39	
R. 8	ad. 1978 No. 212
rep. 1979 No. 1	
ad. 1980 No. 39	
R. 9	am. 1979 No. 1
rs. 1980 No. 39	
R. 10	rep. 1979 No. 1



Rr. 12, 13	am. 1979 No. 1
R. 15	am. 1979 No. 1
Rr. 17, 18	am. 1979 No. 1
R. 20	am. 1979 No. 1
Rr. 24-26	am. 1979 No. 1
R. 28	am. 1979 No. 1
rs. 1992 No. 92	
am. 1993 No. 21	
R. 28A	ad. 1974 No. 175
am. 1974 No. 247; 1975 No. 13	
rep. 1979 No. 87	
ad. 1992 No. 92	
Heading to Part 3	ad. 1989 No. 199
Rr. 29-34	rs. 1989 No. 199
Rr. 35-37	ad. 1989 No. 199
R. 38	ad. 1989 No. 199
am. 1992 No. 71	
R. 39	ad. 1989 No. 199
R. 40	ad. 1989 No. 199
am. 1992 No. 71	
R. 41	ad. 1989 No. 199
R. 42	ad. 1989 No. 199
am. 1992 No. 71	
R. 43	ad. 1989 No. 199
Rr. 44, 45	ad. 1989 No. 199
am. 1992 No. 71	
R. 46	ad. 1989 No. 199
R. 47	ad. 1989 No. 199
am. 1992 No. 71	
Schedule	rs. 1979 No. 1
am. 1982 No. 68	
Forms 1-10	1974 No. 170
rep. 1979 No. 1	
Forms A-F	ad. 1979 No. 1
Form G	ad. 1979 No. 1
am. 1982 No. 68	
Forms H-K	ad. 1979 No. 1
Schedules 1A, 1B	ad. 1993 No. 21
Schedule 2	ad. 1989 No. 199
rs. 1992 No. 71	
Schedule 3	ad. 1989 No. 199
Forms 1-7	ad. 1989 No. 199